

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

OFFICE CONSOLIDATION OF BY-LAW 2007-219

Consolidated on March 26, 2008

Passed by Council on October 9, 2008

Amendments:

1) By-law 2008-004 January 29, 2008 Section 2.03

Note: This consolidation is prepared for convenience only. For accurate reference the original by-laws should be reviewed.

THE CORPORATION OF THE CITY OF KAWARTHA LAKES

BY-LAW 2007 - 219

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| <p>A BY-LAW TO ESTABLISH A LOCAL ARCHITECTURAL ADVISORY COMMITTEE FOR KAWARTHA LAKES</p> |
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Recitals

1. Section 28 of the *Ontario Heritage Act*, R.S.O. 1990, c.O.18 provides that the council of a municipality may establish a local advisory committee to be known as the Local Architectural Conservation Advisory Committee ("LACAC") to advise and assist the council on all matters relating to Parts IV and V of the *Ontario Heritage Act*.
2. The Council considers it advisable to establish a LACAC committee for Kawartha Lakes.
3. Council wish to update the Terms of Reference at this time.

Accordingly, the Council of The Corporation of the City of Kawartha Lakes enacts this By-law 2007-219.

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| <p>Article 1.00: Definitions and Interpretation</p> |
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1.01 **Definitions:** In this by-law:

- (a) "**Act**" means the Ontario Heritage Act, R. S. O. 1990, c.O.18.
- (b) "**City**", "**Corporation of the City of Kawartha Lakes**" or "**Kawartha Lakes**" means The Corporation of the City of Kawartha Lakes.
- (c) "**Council**" means the municipal council for the City.
- (d) "**Director**" means the person appointed by Council to carry out the duties of the Director of Development Services of the City and his or her delegate(s) or, in the event of organizational changes, another person designated by Council.
- (e) "**Heritage Victoria Committee**" or "**Heritage Victoria**" means the local architectural conservation advisory committee established by this By-law pursuant to the *Ontario Heritage Act*.

1.02 **Interpretation Rules:**

- (a) The regulations established by this by-law apply to the entire municipality.
- (b) Wherever this by-law refers to a person or thing with reference to gender or the gender neutral, the intention is to read the by-law with the gender applicable to the circumstances.
- (c) References to items in the plural include the singular, as applicable.
- (d) The word "include" is not to be read as limiting the phrases or descriptions that precede it.

(e) The Schedule attached to this by-law form part of the by-law and are enforceable as such.

1.03 **Statutes:** References to laws in this by-law are meant to refer to the statutes, as amended from time to time, that are applicable within the Province of Ontario.

1.04 **Severability:** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law will be considered to be severed from the balance of the by-law, which will continue to operate in full force and effect.

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| Article 2.00: Establishment & Members |
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2.01 **Establishment:** A local architectural conservation advisory committee as contemplated by the Ontario Heritage Act is established for the City, to be known as "Heritage Victoria".

2.02 **Mission and Objectives:** Heritage Victoria, is a volunteer Municipal Heritage Committee (MHC) appointed by Council to assist and provide guidance on community heritage matters. In particular, Heritage Victoria will review and establish criteria, and recommend candidate sites of historic value and interest for designation under the Ontario Heritage Act.

Historic Designation is a method of recognizing, preserving and celebrating the heritage of our community through the protection of culturally significant sites, buildings and structures.

Heritage Victoria will advise Council on matters relating to Part IV and V of the Act.

The Committee will abide by any terms and conditions which may be set out by the City's Council, CAO, Clerk, Solicitor, Auditor and/or Insurer for any activities relating to Committee business.

2.03 **Members:** The Heritage Victoria Committee shall consist of a maximum of ten (10) members consisting of seven to nine (7 – 9) members of the public and one (1) Council representative, to be appointed by the Council for the term of Council. Committee members will be appointed by Council in accordance with established policy. The Committee shall appoint such executive positions as it deems necessary to ensure its operations but shall include as a minimum, a Chair, Vice-Chair and Secretary. It is acknowledge that there are no per diems for any Committee positions and it is acknowledge that none of the above positions shall be paid for their services.

(2008-004, effective January 29, 2008)

2.04 **Exclusions:** The following persons do not qualify for membership:

- (a) Non-residents of Kawartha Lakes;
- (b) Persons under the age of eighteen (18) years; and
- (c) Persons who do not meet the general requirements for membership on City boards and committees as established by Council through by-law or policy.

2.05 **Staff Support:** The Director may appoint a City employee as a staff liaison person to Heritage Victoria. That person may provide administrative support and assistance to Heritage Victoria, but will not constitute a voting member and will not be included in the seven (7) to nine (9) persons described in Section 2.03 of this by-law, and shall not be counted when quorum is considered.

2.06 **Resources:** The Development Services, Planning Division and/or the Clerk's Office will provide support in the form of advice, day-to-day liaison with the City, updates on program and promotional ideas and initial assistance in their implementation to the degree resources are available. The Departments will also

assist in the preparation and submission of budget requests/grant submissions if needed.

- 2.07 **Staff Assigned:** Staff from Development Services, Planning Division and/or the Clerk's office will be available to assist Heritage Victoria as outlined under "Resources" and to attend meetings of Heritage Victoria upon request, but will not constitute a voting member.
- 2.08 **Terms of Office:** Unless exempted by legislation, members will be appointed to varying terms to a maximum of a three year term. An equal number of appointees will be for a one year term and two year term with the balance appointed to a three year term for the first appointees. Successive appointments will be for a three year term to ensure knowledge succession and that there be no complete turnover of membership in any given year. Members shall continue to serve beyond the termination of their appointments until the appointments of their successors are confirmed by Council.
- 2.09 **Reappointment:** All members of Heritage Victoria are eligible for reappointment, subject to any approved City by-laws or policies governing City boards and committees in general.
- 2.10 **Officers:** The Heritage Victoria Committee shall, at its first meeting in each year, elect from its membership a chairperson and a vice-chairperson. In the event that there is a staff liaison appointed pursuant to Section 2.05 and Section 2.06, that person shall serve as the Heritage Victoria's Secretary-Treasurer. In the event that there is no staff liaison, the Heritage Victoria Committee shall, at its first meeting in each year, elect from its membership a Secretary-Treasurer.
- 2.11 **Dissolution:** At the discretion of Council or upon the mandate of the Heritage Victoria Committee being fulfilled, the Committee may be dissolved by resolution of Council.
- 2.12 **Expulsion of Member:** The Heritage Victoria Committee may recommend to Council the expulsion of a member for reasons as listed, but not limited to, the member being in contravention of the *Municipal Act, 2001*, the *Municipal Freedom of Information and Protection of Privacy Act*, the *Provincial Offences Act*, the *Municipal Conflict of Interest Act*, disrupting the work of the Heritage Victoria Committee or other legal issues.

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| Article 3.00: Meetings; Procedures |
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- 3.01 **Meetings:** The Heritage Victoria Committee shall hold a minimum of four (4) meetings in each calendar year. The Chair shall cause notice of the meetings, including the agenda for the meetings, to be provided to members of the Heritage Victoria Committee a minimum of three (3) business days' prior to the date of each meeting. Quorum for meetings shall consist of a majority of the members of the Heritage Victoria Committee, with the Council Appointees representing one vote. More specifically being the Mayor or his/her Council designate. A copy of the Agenda shall be provided to the Clerk's Office.
- 3.02 **Procedures:** Meetings of Heritage Victoria shall be governed by Robert's Rules of Order, Procedural By-law and Legislation
- 3.03 **Closed Meetings:** Heritage Victoria may, upon affirmative vote of majority of its members present at a meeting, determine to hold any meeting or part of a meeting as a closed session in order to discuss sensitive personal issues or legal matters. If Heritage Victoria elects to hold a closed session, all persons not entitled to vote (with the exception of the staff liaison and secretary, if any, and all persons excepted by the members) shall vacate the premises where the meeting is taking place. Closed meetings can only be held in accordance with Section 239 of the Municipal Act.
- 3.04 **Conflicts of Interest:** Members shall abide by the rules outlined within the Municipal Conflict of Interest Act and shall disclose the pecuniary interest to the Secretary and absent himself or herself from meetings for the duration of the discussion and voting (if any) with respect that matter

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- 3.05 **Errors/Omissions:** The accidental omission to give notice of any meeting of the Heritage Victoria Committee to its members, or the non-receipt of any notice by any member, or any error in any notice that does not affect its substance, does not invalidate any resolution passed or any proceedings taken at the meeting. Any member of the Heritage Victoria Committee may at any time waive notice of any meeting.
- 3.06 **Meeting Attendance:** Any member appointed to the Heritage Victoria Committee who misses three consecutive meetings, without being excused by the Heritage Victoria Committee, may be removed from the Heritage Victoria Committee. The Heritage Victoria Committee must make recommendations, by a report to Council for the removal of any member.
- 3.07 **Location of Meetings:** The location of the meetings will be set by the Heritage Victoria Committee.

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| Article 4.00: Terms of Reference |
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- 4.01 **Evaluation:** Heritage Victoria shall establish criteria for the evaluation of properties of architectural and/or historical value or interest.
- 4.02 **List:** Heritage Victoria shall prepare and maintain a list of properties and areas worthy of conservation.
- 4.03 **Advice:** Heritage Victoria shall provide advice to Council on the means of conserving heritage properties and areas. Heritage Victoria shall advise Council with respect to current heritage conservation legislation and programs. The Heritage Victoria Committee shall advise Council with respect to all matters covered by Parts IV and V of the *Ontario Heritage Act*.
- 4.04 **Programs:** Heritage Victoria shall recommend to Council and implement decisions on programs and activities to increase public awareness and knowledge of heritage conservation issues. The following are the activities and responsibilities of the Heritage Victoria Committee:
- (a) To make recommendations to Council on various issues related to the Heritage Victoria Committee mandate.
 - (b) To advise Council on strategy, policies and procedures to achieve Council's goals.
 - (c) To recommend to Council and develop and promote public education programs on local related issues.
 - (d) To review other governmental reports and programs, and advise Council of any impacts of those reports for the City.
- 4.05 **Budget and Work Program:** To prepare, by October 15th of each year a projected budget and work program for the succeeding year, for presentation to, and adoption by, Council during the budget presentation process. The Development Services Department will be responsible for this budget.
- 4.06 **Assistance:** The Heritage Victoria Committee shall assist the City with the administration of properties acquired by the City under Section 36 of the *Ontario Heritage Act*.
- 4.07 **Report:** The Heritage Victoria Committee shall prepare, before the end of the first quarter of each calendar year, a report of the previous year's activities, a report of the previous year's expenditures, for presentation to, and adoption by, Council.
- 4.08 **Purchasing Policy:** All Committees that have purchasing responsibilities shall follow the Procurement Policy of the city unless another purchasing policy has been endorsed by Council.

- 4.09 **Volunteer Positions:** Unless approved by Council, as part of the Terms of Reference or establishing by-law, all committee members are considered volunteer positions. Mileage costs and other minor expenses related to committee activities may be eligible for reimbursement subject to budget approvals by Council.
- 4.10 **Reports:** Minutes of all meetings of Heritage Victoria shall be forwarded to the Development Services, Planning Division and in turn will be forwarded to the appropriate Council Standing Committee for information purposes in accordance with established policy.
- 4.11 **Other:** Any responsibilities not clearly identified within these Terms of Reference shall be the responsibility of the City of Kawartha Lakes. Council may, at its discretion, change the Terms of Reference for this Heritage Victoria Committee at any time. Any changes proposed to these Terms of Reference by the Heritage Victoria Committee shall be recommended to Council via the Director through a report to the appropriate Committee of Council.

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| Article 5.00: Administration and Effective Date |
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- 5.01 **Administration:** This by-law shall be administered by the Director of Development Services.
- 5.02 **Effective Date:** This By-law shall come into force on the date it is finally passed.

By-law read a first, second and third time, and finally passed, this 9th day of October, 2007.

Mayor

Clerk