

The Corporation of the Municipality of Brockton



By-Law 2021-087

Being a By-Law to Adopt the Revised Terms of Reference for the
Brockton Heritage Committee

Whereas the *Municipal Act, 2001, S.O. 2001, c. 25*, Section 5(3), as amended, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9; shall be exercised by By-Law;

And Whereas under Section 28 of the *Ontario Heritage Act, R.S.O. 1990, c. O.18*, a Council of a Municipality is authorized to establish a Municipal Heritage Committee by By-Law;

And Whereas the Council of the Corporation of the Municipality of Brockton has established a Brockton Heritage Committee to advise council on heritage issues as defined by the statutory requirements of the *Ontario Heritage Act*, and the requirements set out in the Heritage Section of the Official Plan as well as other assigned duties as defined by Council. The Brockton Heritage Committee further ensure that plans for change and progress are developed in a manner that recognizes the historical continuity of the community, and advises and consults with Brockton Council on heritage related matters and designations;

And Whereas the Council of the Corporation of the Municipality of Brockton is desirous in adopting a revised Terms of Reference for the Brockton Heritage Committee;

Now Therefore the Council of the Corporation of the Municipality of Brockton **Enacts as Follows:**

- 1.0 That the revised Terms of Reference for the Brockton Heritage Committee as attached as Schedule "A" and forming part of this By-Law be hereby adopted.
- 2.0 That this By-Law shall come into effect upon final passage.
- 3.0 This By-Law may be cited as the "Brockton Heritage Committee Terms of Reference By-Law".

Read, Enacted, Signed and Sealed this 22nd day of June, 2021.

Original Signed By
Mayor – Chris Peabody

Original Signed By
Clerk – Fiona Hamilton



Brockton Heritage Committee –Terms of Reference

Statement of Recognition

Our inheritance of architecture, cultural and natural landscape is an important and irreplaceable asset and resource. The conservation of these resources is fundamental to creating community pride and identity, attracting new residents and tourism, all of which have important economic impacts on our community. As well, conservation of our heritage architecture and cultural/natural landscapes benefit not only the present generation but also future generations. The immediacy of such conservation and heritage planning comes from the fact that, unfortunately, what is not saved and preserved today cannot be saved and preserved tomorrow.

Overview

In Ontario, the task of conserving this inheritance of historically and architecturally significant properties is primarily a municipal responsibility. The *Ontario Heritage Act* provides a framework within which municipalities can act to ensure the conservation of properties of historical, cultural and/or architectural significance.

Under Section 28 of the *Ontario Heritage Act*, a council of a municipality is authorized to establish, through by-law, one Municipal Heritage Committee (MHC) that is made up of five or more people.

Under the Act, Council is also empowered to:

- designate individual property
- designate districts or areas
- issue or refuse permits to alter or demolish a designated property
- repeal designation by-laws
- purchase or lease individually designated property
- expropriate designated property
- provide grants and loans to designated property owners
- enter into easements and covenants with property owners
- institute a prosecution for failure to comply with a designation by-law

The Municipal Heritage Committee, as an advisory committee of council, is representative of the community and, as such, is recognized as the legitimate vehicle for coordinating and conveying

community concerns. It, therefore, plays an important role by enabling the community to participate more directly in the decision-making process. In general, the role of an MHC is a dual responsibility:

- To the Municipality - to advise council on heritage issues as defined by the statutory requirements of the Ontario Heritage Act as noted above and the requirements set out in the Heritage Section of the Official Plan as well as other assigned duties as defined by Council through this Mandate statement and Terms of Reference.
- To the citizens of Brockton-to help ensure that plans for change and progress are developed in a manner that recognizes the historical continuity of the community.

1. Mandate of the Brockton Heritage Committee (BHC)

1.1 Statutory Role of BHC:

Brockton Council is required, under the *Ontario Heritage Act*, to consult with the BHC during the designation/repeal-of-designation process for individual properties or districts and on applications to demolish/remove structures from, or otherwise alter designated properties. Council must also consult the BHC prior to entering into any easements or covenants pertaining to designated properties.

As such, the statutory role of the BHC is defined as:

- 1.1.1 **Designation:** The BHC will advise Council prior to the designation of a property (s.29 (2), OHA).
- 1.1.2 **Repeal of Designation:** The BHC will advise Council prior to the repeal of a by-law or part thereof designating property (s.31 (2), OHA).
- 1.1.3 **Amendment of Designation:** The BHC will advise Council prior to the amendment of a by-law or part thereof designating a property.
- 1.1.4 **Alteration of Designated Property:** The BHC will advise council on applications to alter a designated property where such proposed alteration may affect the reasons for designation as set out in the by-law designating the property (s.33 (1), OHA).
- 1.1.5 **Demolition:** The BHC will advise Council on applications to demolish or remove any building or structure on designated property (s.34 (1), OHA).
- 1.1.6 **Easements/Covenants:** The BHC will advise Council before passing by-laws entering into easements or covenants with the owners of real property, or interests therein, for the conservation of buildings of historical or architectural value or interest (s.37 (1), OHA).

- 1.1.7 **Districts:** The BHC will advise Council before passing a by-law to define one or more areas to be examined for designation as a heritage conservation district (s.40 (2), OHA).

1.2 Non-Statutory Role

- 1.2.1 **Resource Base:** In order to effectively serve both Council and the community, the BHC will develop a resource base of heritage properties. This process will involve:
- conducting a survey of the heritage resources within the Municipality.
 - researching properties for both architectural and associative (people or events) significance.
 - developing an evaluation process in order to distinguish properties of heritage significance.
 - using this evaluation process to develop a ranking of properties of historical significance
 - acquisition of artefacts of significance to Brockton;
 - housing and display of artefacts;
- 1.2.2 **Education and Promotion:** The BHC will work to educate individual home owners and the community as a whole on the heritage resources within the community and on the importance and methods of proper conservation/preservation. This important role has several components:
- Specific presentations to individual property owners/groups on the role of the BHC, the implications and importance of designation and proper architectural preservation techniques.
 - Operating an architectural heritage preservation resource center that would include artefacts, reference material, specialist contact names etc. in conjunction with the local public library and Bruce County Museum
 - Public Programming that could take the form of lecture series, bus/walking tours of heritage buildings, publications and pamphlets, development of school kits and curriculum-based programming (in conjunction with local museums) etc.
 - Development of community recognition for architectural preservation through sponsorship of plaquing initiatives, awards for restoration and best practices renovations etc.
- 1.2.3 **Development of the Official Plan:** BHC input will be incorporated into the development of land use plans and covenants.
- 1.2.4 **Advise/Inform Council with Regard to Municipally-owned Heritage Properties:** BHC input will be incorporated into proposed renovations/alterations of municipally-owned heritage properties. This input will be in the form of:

- determining if proposed alteration affect the reasons for designation and, if they do, then
- make recommendations on the appropriate course of action.
- The Committee may recommend to Brockton Council when/if a consultant should be retained.

1.2.5 Advise/Inform Council with Regard to Provincially-owned Heritage Properties:

The BHC will advise and inform Council on proposed alterations to, or sale of, heritage properties owned or leased by the Province of Ontario and the County of Bruce which are located in Brockton. The Committee may recommend to Brockton Council when/if a consultant should be retained.

1.2.6 Advise/Inform Council with Regard to National Historic Sites:

The BHC will advise and inform Council on the heritage properties proposed for designation by the Historic Sites and Monuments Board of Canada, on cost-sharing agreements between Parks Canada and National Historic Sites and on issues relating to railway stations designated under the *Heritage Railway Stations Protection Act*. The Committee may recommend to Brockton Council when/if a consultant should be retained.

1.2.7 Advise/Inform Council of New Heritage Legislation and Funding Initiatives:

The BHC will inform and advise Council on new heritage legislation and funding initiatives either directly through minutes or indirectly through noted input in reports developed by Brockton staff and administration.

1.2.8 Budget:

The BHC will develop an annual budget for submission to Council along with well-defined goals and objectives for the upcoming year. Ultimate BHC budget approval rests with Council.

2. Organization of Committee

The BHC should be composed of people who represent the Municipality of Brockton and who demonstrate a strong commitment to the terms of reference. A cross-section of people should attempt to be chosen in order to bring to the committee relevant technical and professional expertise as well as strong advocacy, communication and organizational skills.

- 2.1 The committee must have a minimum number of five members as stipulated by the *Ontario Heritage Act*.
- 2.2 A minimum of five committee members will be appointed by Brockton Council. The maximum number of committee members is nine. New members may be recruited by the BHC or Council and the new members must be appointed by Council By-Law to the BHC. Their term will run until the end of the present Council's term.
- 2.3 The term of a committee member is four years coinciding with the term of the Council that has made the appointment.

- 2.4 A committee member may apply for re-appointment for any number of consecutive or non-consecutive terms.
- 2.5 The BHC may appoint-sub-committees as required.
- 2.6 A chair shall be chosen by a vote of the committee at the first meeting of each new year. A vice-chair shall also be chosen at that time.
- 2.7 A Municipal staff person will hold the position of recording secretary to the Committee. Members of municipal staff do not have a vote on the committee.

3. Meetings

- 3.1 The Committee will meet five (5) times a year (usually in February, April, June, October, and November) with the exception of the summer and the Christmas season. Additional meetings may be held as required at the call of the Chair.
- 3.2 The date and time of the regular meetings will be established for the following year-at the first meeting of the new year. For ease of planning, every attempt will be made to hold meetings on a consistent day and location throughout the year (i.e. 1st Monday of that month in Municipal Office).
- 3.3 Meetings will have a formal agenda, however, the Chair is encouraged to create an informal atmosphere to encourage the exchange of ideas from appointed members and affiliates.
- 3.4 Agenda and information packages, that will include the minutes from the previous meeting, will be sent (via email) to committee members and affiliates one (1) week prior to the meeting.
- 3.5 A majority of Council-appointed Committee members will constitute quorum for the transaction of business.

4. Role of the Chair

The Chair is responsible for ensuring the smooth and effective operation of the Committee and its roles. This will include responsibility for:

- 4.1 Calling the meetings.
- 4.2 Creating an agenda in consultation with the municipal staff designate(s).
- 4.3 Chairing the meetings.
- 4.4 Reviewing reports from other committee members and affiliates in consultation with the municipal staff designate(s)for inclusion on the agenda.
- 4.5 Acting as official committee spokesperson or appointing a designate for this purpose.
- 4.6 Representing the BHC on other committees when necessary or ensuring an appropriate designate.
- 4.7 The Chair does not have a vote unless there is a tie.

- 4.8 In the absence of the Chair and Vice Chair, the Chair may designate another committee member to Chair that meeting to resume their responsibilities.

5. Role of Members

Membership on the BHC is a position of responsibility and requires a strong commitment to the Mandate and Terms of Reference. BHC members are required to:

- 5.1 Attend all scheduled meetings. Members who miss four or more meetings in a year without cause will be removed from the committee. Members are required to notify the Chair and the designated municipal staff liaison if they are unable to attend a meeting.
- 5.2 Read and understand all information supplied to them.
- 5.3 Prepare information for use in the development of designation related by-laws.
- 5.4 Make site visits to properties proposed for designation and to designated properties applying for building/renovation/ demolition permits when required.
- 5.5 Promote the heritage resources, architectural preservation and the role of the BHC within the Municipality of Brockton.
- 5.6 Recruit new Committee members and affiliates.
- 5.7 Contribute input into committee requests for Council's consideration.
- 5.8 Undertake research of inventoried properties within the Municipality of Brockton.
- 5.9 Undertake training as required to effectively perform their role as a committee member (expenses to be covered through the BHC budget).
- 5.10 Be familiar with municipal, provincial and federal legislation that applies to architectural preservation.
- 5.11 Publicly support the recommendations of the BHC.
- 5.12 The Committee may recommend to Brockton Council when/if a consultant should be retained.

6. Role of Municipal Staff

- 6.1 Assisting the Chair in the creation of an agenda.
- 6.2 Taking minutes at BHC meetings.
- 6.3 Maintaining an up-to-date record of previous BHC meetings, attachments and reports.
- 6.4 Distributing minutes of previous meetings and the agenda for the upcoming meeting one (1) week prior to the next scheduled meeting.

- 6.5 Acting as a resource for the Committee during meetings that may include presenting background reports, distribution of government information pertaining to the mandate of BHC etc.
- 6.6 Undertaking an orientation with BHC members at the first meeting after Council's selection of the Committee.
- 6.7 Facilitate the recommendations of the BHC to council through the creation of reports or other means (See Sec. 7.0).
- 6.8 Maintain a record of all designated properties with the Municipality that will include copies of the relevant by-laws, reasons for designation etc.
- 6.9 Ensure that other divisions of the municipality, whose responsibilities and actions may impact on designated properties, are aware of designated properties, the implications of designation and of the role of the BHC.
- 6.10 Submit an annual budget proposal on behalf of the BHC. Ultimate budget approval will rest with Brockton Council.
- 6.11 Administer the BHC budget.
- 6.12 Members of municipal staff do not have a vote on the Committee.

7. Reports to Council

As a Committee of Council, the Brockton Heritage Committee is responsible for making recommendations to Council based on its mandate. These recommendations are conveyed to Council via four processes.

- 7.1 The Council representative can represent the BHC's issues and recommendations to Council.
- 7.2 Minutes from the BHC meetings are included in Council packages.
- 7.3 Draft reports to Council dealing with issues of concern to the BHC will be forwarded to the Brockton Heritage Committee (BHC) for comment. BHC comments on the reports' recommendations will be noted in the minutes and can either be incorporated into the body of the report or noted in the Minutes to be considered by Council.
- 7.4 Reports from the Brockton Heritage Committee to Council concerning the *Planning Act*, the Official Plan and other planning matters will be prepared and submitted, with Committee input, through the Municipal Planning department. Administrative input on BHC recommendations will be sought from all relevant divisions and their input will either be incorporated in the recommendations or noted in the Minutes to be considered by Council.