



## Terms of Reference

### Grimsby Heritage Advisory Committee

#### 1. Name

The name shall be the Grimsby Heritage Advisory Committee ("Committee").

#### 2. Definitions

In these Terms of Reference, unless the context requires otherwise:

**"Act"** means the Ontario Heritage Act, RSO 1990, CHAPTER O.18 (OHA), as amended or superseded.

**"Chair"** means the Member appointed as Chair of the Committee by Members and approved by Council.

**"Committee"** means the persons appointed by the Council of the Town of Grimsby to the Grimsby Heritage Advisory Committee pursuant to the provisions of the Act.

**"Council"** means the Council of the Town of Grimsby.

**"Meeting"** means any Meeting of the Committee held in accordance with the provisions of this Procedural By-law.

**"Member"** means a Member of the Committee as appointed by Council.

**"Motion"** means a question or proposal to be considered by the Committee and which is moved and seconded and is subject to debate. When a Motion is adopted, it becomes a Resolution.

**"Resolution"** means a motion, moved by a Member and seconded by another Member, and is the formal expression of opinion, decision or intention by the Committee. Any resolution of Committee is not final or binding until approved by Council.

**"Vice-Chair"** means the Member appointed as Vice-Chair of the Committee by Members and approved by Council.

### **3. Purpose**

The purpose of the Committee is to provide advice and assistance to Grimsby Council on matters relating to Parts IV (conservation of property of Cultural Heritage Value or Interest) and V (heritage conservation districts) of the OHA to help inform their decision. Council may also direct other heritage matters to the Committee for their advice as it deems fit from time-to-time. Statutory Obligations

Under subsection 28(1) of the OHA, the Committee is empowered to advise and assist the council on matters relating to Part IV and V of the OHA and such other heritage matters as the council may specify by by-law. This includes assistance and advice related to the following:

- a) adding a property to the Register (S. 27(4))
- b) considering an application to demolish or remove any structure on the Register (S. 27(9))
- c) giving notice of an intention to designate a property (S. 29(1.1))
- d) giving notice of an amendment of a designation by-law (S. 30.1(1))
- e) repealing a designation by-law (S. 31(1))
- f) considering a council initiated repeal or any objections served (S. 31(5))
- g) considering an owner intention to repeal or any objections served (s.32(5))
- h) alteration of designated property where the heritage attributes are likely to be affected (S. 33(1))
- i) demolish or remove heritage attributes (S.34(1))
- j) entering into easements for the conservation of property of cultural heritage value or interest (S. 37(1))
- k) consultation on a study for a heritage conservation district (S. 40(1))
- l) consultation on a proposed heritage conservation district plan (S. 41)
- m) considering a permit application to demolish or remove any structure in a heritage conservation district (S. 42(1))

The advice sought by Council may change with changes to the OHA. In accordance with the OHA, the advice provided may also be provided to staff should Council decide by by-law to delegate their decision making authority to staff.

### **4. Non Statutory Obligations**

The following is a list of other activities that the Committee may be involved in to provide advice and assistance to staff and Council in support of heritage within the Town:

- a) Education
- b) Promotion
- c) Heritage related community celebrations
- d) Other heritage-related policies or studies
- e) Other heritage-related projects

At the beginning of the term of the Committee, a workplan of specific activities and goals for the term of the Committee should be developed. The workplan should be reviewed from time to time throughout the term to ensure it is up to date. Council shall approve the workplan of the Committee, and any changes thereto. Council may also add additional items when they seek advice on heritage-related matters.

## **5. Authority**

- a) The Committee has the authority to provide advice and make recommendations to Council, Committees of Council and staff. As such, all recommendations requiring Council's approval will be incorporated into the Council / Committee of Council Endorsement Package and considered at the next regular scheduled Committee of Council meeting. Should the advice be provided to a Committee of Council or staff during consultation, that advice will be considered as part of a staff recommendation to Committee and Council.
- b) The Committee will also consider and provide advice and recommendations on any matter submitted to them by Council resolution.
- c) The Committee does not have the authority to direct staff or work obligations/projects.
- d) The Committee does not have the authority to obligate the Town to any financial obligations.

## **6. Composition and Term**

The Committee shall be composed of not fewer than five members appointed by Council, in accordance with the OHA and By-law 23-15, to a maximum of nine (9) members. At least one (1) of the member shall be a Councillor, however a maximum of three (3) Councillors may be appointed. The Mayor shall preside as an ex-officio member.

Members are appointed for the term of Council. Membership in the Committee should not exceed two terms of Council, however, may be considered in the interests of continuity, retention of expertise, or if there is insufficient interest from other citizens.

Members who fail to attend three (3) consecutive meetings will be deemed to have resigned their appointment, unless the committee Chair and staff are informed prior to the meeting and special consideration is provided.

Member recruitment shall be completed in accordance with By-law 18-91. Committee members act in the capacity of volunteers to the Town of Grimsby and as such, receive no remuneration.

## **7. Roles and Responsibilities**

### **Election of the Chair and Vice-Chair**

The Committee shall appoint a Chair and Vice-Chair from among its voting members. A Council Member shall serve as either Chair or Vice-Chair. The Chair and Vice-Chair position will be opened annually at the first meeting of each year. The appointment of the Chair and Vice-Chair is not final or binding until approved by Council.

#### **a) Chair**

It is the duty of the Chair to carry out the following responsibilities:

- To work with staff to coordinate meeting agendas;
- To open the Committee Meeting and calling the meeting to order;
- To announce the business before the Committee in the order in which it is to be acted on;
- To recognize any Member who wishes to speak and to determine the order of the speakers;
- To put to vote all questions which are regularly moved or necessarily arise in the course of the proceedings to announce the results;
- To participate as active and voting member, encouraging active participation by all Members;
- To decline to put vote motions which contravene the provisions of the Procedural By-law;
- To enforce the provisions of the Procedural By-law;
- To enforce on all occasions, the observance of order and decorum among the Members;
- To call by name, any Member refusing to comply with the Procedural By-law and to order the Member to vacate the place of Meeting;
- To rule on any points of order raised by Members; and
- To adjourn the Meeting when the business is concluded

#### **b) Vice-Chair**

It is the duty of the Vice-Chair to carry out the duties of the Chair, when notice has been provided that he/she will be absent from the Committee meeting, or if he/she declares a conflict of pecuniary interest.

When in this capacity, the Vice-Chair may exercise all the rights, powers and authorities of the Chair.

### **c) Committee Members**

It is the duty of Committee members to carry out the following responsibilities:

- To understand their role and expectations, including all applicable Town policies;
- To work in accordance to the OHA;
- To apply and respect the rules of procedure;
- To attend all scheduled regular and special Committee meetings, sending regrets otherwise;
- To follow the agenda and stay focused on the topic at hand;
- To respect confidential information; and
- To vote on business except when not permitted to by law.

### **d) Staff**

Staff will facilitate and coordinate the activities of the Committee and provide guidance and advice on matters of governance, legislation and operational policies and procedures in conjunction to objectives set out in the Committee's Terms of Reference and related initiatives, as required.

Planning staff will review and consider the advice provided by the Committee when making recommendations to Council.

Staff will coordinate with the Chair for the preparation and circulation of agenda and minutes.

## **8. Agendas**

The agenda for each Regular Committee meeting will be posted to the Town's website with as much notice as possible, however not less than forty-eight (48) hours prior to the meeting.

The agenda for a Special Committee meeting will be posted to the Town's website not less than twenty-four (24) hours prior to such Special meeting.

## **9. Minutes and Reporting**

Committee minutes will be provided to the Committee of Council to be received for information. Items that require Council's approval will be provided to the Committee of Council by way of a Council Endorsement Package, recorded minutes, or separate staff report. Any advice or assistance provided

by the Committee will be considered by Council.

## **10. Meetings**

At least four (4) meetings of the Committee will be scheduled annually in December or at the first meeting following an election year. Where possible, meetings will be scheduled at a consistent date and time. The meeting schedule may be supplemented with Working Group meetings for the Committee to fulfill the priorities identified in the work plan.

Special meetings may be called by the Chair, in consultation with staff, to expedite time-sensitive matters requiring consultation under the OHA.

A part of a meeting may be closed to the public if the subject being considered is so authorized to be discussed in a closed session pursuant to the provisions of Section 239 of the *Municipal Act, 2001*, as amended.

## **11. Meeting Procedures**

### **a) Quorum**

Quorum will be a simple majority of the Committee members (50% + 1) but not less than three (3), in accordance with the Town's Procedural By-law and By-law 23-15. If quorum is not achieved at the scheduled meeting fifteen (15) minutes after the scheduled commencement time, the meeting will stand adjourned until the next regular scheduled meeting. If quorum is lost during a meeting, the Chair will call for a recess for a period of fifteen (15) minutes, or until quorum is present. If quorum is not achieved after fifteen (15) minutes, the meeting will stand adjourned.

If quorum is not achieved or is lost, any business requiring a vote will be deferred to the next scheduled meeting.

Any meeting which has not achieved quorum will still publish a set of minutes which simply reflects Members' attendance and absence.

### **b) Voting**

Voting shall be conducted in accordance with the Town's Procedural By-law, whereby a simple majority vote will be held. All voting members who are present have the right to vote in favour or opposition of the motion, or abstain from voting.

Prior to voting, a member may request a recorded vote. If requested, the Clerk shall conduct the recorded vote. In the instance of a tie, the Chair will break a

tie. The Chair may vote on any motion.

### **c) Conflict of Interest**

Members are expected to follow the *Municipal Conflict of Interest Act, R.S.O. 1990, c. M. 50*, as amended, and to undertake their responsibilities on an impartial and objective basis. Members will not participate in any decision or recommendation in which they or their immediate family has any financial interest except in common with residents of the municipality.

## **12. Working Groups**

The Committee may establish Working Groups to carry out specific tasks related to its' mandate and work plan. The recommendation to establish a Working Group must include information regarding the mandate of the proposed Working Group and the proposed beginning and ending date.

Working Groups will consist of Committee members. Advice may be sought from members of the community at large. Working Group members will be appointed by way of Committee recommendation to Council. Progress of the Working Groups will be reported to Committee and the Working Group will disband upon conclusion of the specific function for which it was struck.

## **13. Code of Conduct**

The Committee's members are required to act in accordance with the Town of Grimsby's Procedural By-law, Code of Conduct, *Municipal Conflict of Interests Act*, and any other application legislation or policies and procedures established by the Town of Grimsby. Citizen appointees of the Committee are in a privileged position to provide advice and assistance to Council on heritage matters. As such, their advice and comments on matters dealt with by the Committee are to be made at Committee meetings, not to the public or media.

## **14. Review**

The Terms of Reference will be reviewed and revised as needed.

Last update: September 9, 2024

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