

BY-LAW 07-20

OF THE CORPORATION OF THE TOWN OF AYLMER

Being a By-Law to Establish and Adopt the Terms of Reference for the Town of Aylmer Heritage Committee.

WHEREAS Section 28 of the Ontario Heritage Act, R.S.O. 1990, c. 0.18, R.S.O. 1990, provides that a council of a municipality may by By-Law establish a municipal heritage committee to advise and assist the council on matters relating to Part 1V and Part V and such other heritage matters as the council may specify by By-Law;

AND WHEREAS the Council of the Corporation of the Town of Aylmer deems it necessary to prepare a new establishing By-Law for the Aylmer Heritage Committee (AHC) whereby the Terms of Reference are revised.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF AYLMER HEREBY ENACTS AS FOLLOWS:

1. That the Aylmer Heritage Committee is hereby established as an Advisory Committee by the Council of the Corporation of the Town of Aylmer to advise, assist and make recommendations to Council on matters related to heritage.
2. That the Terms of Reference of the Aylmer Heritage Committee as set out on Schedule "A" attached to and forming part of this By-Law are hereby approved.
3. That Town of Aylmer By-Law 39-05 is hereby repealed in its entirety.
4. That this By-Law shall come into force and take effect upon the date of its final passing.

READ A First and Second time this 13th day of January 2020.

Original signed by
MAYOR, Mary French

Original signed by
CLERK, Josh Brick

READ A Third time and finally passed this 20th day of January 2020.

Original signed by _____
MAYOR, Mary French

Original signed by _____
CLERK, Josh Brick

Committee Terms of Reference

Town of Aylmer Heritage Committee (AHC)

Type of Committee

The Aylmer Heritage Committee is an Advisory Committee appointed by Council under subsection 12.3 of Procedure By-Law 07-18 as amended:

“Advisory Committees shall be composed of appropriate Council Members and Members from the community at large, appointed by Council. Advisory Committees act in accordance with a mandate, are created by By-Law, are not able to act independently, and advise Council, through the appointed member(s) of Council, for matters related to the mandate. Advisory Committees must report at least once per year and continually provide updates to Council through the submission of agendas and minutes. They exist indefinitely, however, during its first year of office Council shall review the mandates of the various Advisory Committees and the performance of the Committee members. At the end of that first year, the Committee appointments shall be reviewed, and they may be either renewed or terminated at the discretion of Council. The Committee mandate shall be adopted by By-Law of Council, but related policies may be adopted by resolution of Council.”

Committee Mandate

The Aylmer Heritage Committee reports to Council. The purpose of the Aylmer Heritage Committee is to advise, assist and make recommendations to Council on matters related to heritage. This includes the promotion of heritage conservation within the municipality and to advise Council and the community on individual properties and districts of heritage and cultural significance.

Role of the Committee

The Aylmer Heritage Committee is an Advisory Committee of Council and may be responsible for heritage matters within the municipality by providing recommendations for the conservation of heritage buildings, sites and resources and their integration in development. Specific tasks required to provide these recommendations to Council include:

- Identification of heritage resources and evaluating their condition and community value;
- Recommending By-Laws to establish processes for the conservation of heritage resources;

- Monitoring, reviewing and taking protective actions on a property-by-property or area-wide basis; and
- Undertaking promotional programs to advise Council and the public of the value of heritage resources, to encourage awareness, appreciate, involvement and participation in heritage conservation activities.

Through the Ontario Heritage Act, the Aylmer Heritage Committee is required to provide Council the following information:

- a) **Designation** – advise prior to the designation of a property;
- b) **Repeal of Designation** – advise prior to the repeal of a By-Law or part thereof designating the property;
- c) **Amendment of Designated Property** – advise on amendments of By-Laws or part thereof designating a property;
- d) **Alteration of Designated Property** – advise 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;
- e) **Demolition** – advise on applications to demolish or remove any building or structure on designated property;
- f) **Easements / Covenants** – advise 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;
- g) **Districts** – advise before passing a By-Law to define one or more areas to be examined for designation as a heritage conservation district.

The Ontario Heritage Act empowers the Council of the municipality to:

- Designate individual heritage property and designate heritage districts or areas;
- Issue or refuse permits to alter or demolish a designated heritage property;
- Repeal heritage designation by-laws;
- Purchase or lease individually designed heritage properties;
- Expropriate designated heritage property;
- Provide grants and loans to designated heritage property owners;
- Enter into easements and covenants; and
- Institute a prosecution for failure to comply with a heritage designation by-law.

Council is also required, under the Ontario Heritage Act, to consult with the Aylmer Heritage Committee during the designation of properties or districts, alterations to designated properties, demolition, repeal-of-designation By-Laws, and other matters relating to heritage conservation in the municipality.

Role of Council Member(s) on Aylmer Heritage Committee

The role of the appointed member of Council is to act as a liaison between the Advisory Committee and Council, providing input and guidance from the political perspective, while

supporting staff on governance and procedural matters. Individual members of Council may not provide direction or decision on behalf of the whole of Council.

Committee Chair and Vice Chair

The Committee is to appoint a Chair and Vice Chair whose responsibility includes setting meeting dates, assisting with preparation of agendas, chairing meetings, ensuring reporting deadlines are met and ensuring the committee operates within its mandate as provided by the Municipal Council. The Legislative Services Department shall provide committee support with regard to the preparation of agendas and minutes, and annual reporting functions.

Membership

- (2) Members of Council;
- Up to (5) community representatives who represent a diverse number of interests; and,
- Up to (2) secondary school students who are either residents of the Town of Aylmer and/or attend an educational institution within the Town of Aylmer boundary.

Remuneration

Aylmer Heritage Committee members shall serve without remuneration.

Meetings

Meetings shall be established on a quarterly basis on a regular date and time established at the first meeting of each new year. For the ease of planning, efforts will be made to schedule meetings on a consistent day of the week, time, and location.

A maximum time limit of two (2) hours is established for meetings.

The Committee will attempt to work on a consensus basis. In the event that a consensus cannot be reached and there are divergent opinions on issues, formal votes may be called by the Chair, with each member having one vote. Decision will be carried by a majority of the members present and subject to the final approval of the Municipal Council.

The Director of Legislative Services/Clerk or designate shall distribute the agenda package and record proceedings of Aylmer Heritage Committee meetings.

If the notice-related obligations set out in Section 12(2) of Procedure By-Law No. 07-18 are not satisfied or if there is insufficient material for consideration included in an Aylmer Heritage Committee agenda, the Director of Legislative Services/ Clerk may cancel a scheduled meeting with authorization from the Mayor or Chief Administrative Officer.

Where there is sufficient cause to do so, additional Aylmer Heritage Committee meetings may be scheduled at the call of the Chair with authorization from the Mayor or Chief Administrative Officer.

A quorum shall be the majority of the Council appointed voting members.

Pecuniary Interest

In accordance with the Municipal Conflict of Interest Act, any member of the committee shall disclose any direct or indirect pecuniary interest for themselves or a family member and shall state the general nature of such interest. The disclosure shall be recorded accordingly. The Committee member shall not vote on a matter if he or she has declared a pecuniary interest.

Budget and Annual Reports to Council

The budget for the Committee will be determined by Council annually.

A submission should be provided to Council outlining the goals and objectives for the upcoming year. The Aylmer Heritage Committee will provide an annual report to Council in December of each year that outlines accomplishments of the Committee.

Committee Procedure and Related Matters

The rules and regulations contained in Procedure By-Law No. 07-18, with necessary modifications, shall be observed in all proceedings of the Committee for the order and conduct of business therein.

Amendments to the Terms of Reference

Amendments to the Terms of Reference can only be made by Council. The Committee may review the Terms of Reference from time to time and make recommendations to Council regarding amendments.

Reference of Applicable Legislation or Municipal By-Laws/ Policies

- Municipal Act
- Ontario Heritage Act
- Municipal Conflict of Interest Act
- Occupational Health & Safety Act
- Town of Aylmer Procedure By-Law
- Town of Aylmer Health and Safety Program and applicable policies, procedures and guidelines
- Town of Aylmer Human Resources Policies and Procedures