



## BY-LAW

NO. 2024 –

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### Being a By-law to Adopt a Terms of Reference for Heritage Kincardine

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**Whereas** pursuant to the Municipal Act, Sections 8 and 9 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

**Whereas** pursuant to Section 28(1) on the Ontario Heritage Act, council of a municipality may by by-law establish a municipal heritage committee to advise and assist the council on matters relating to this Part, matters relating to Part V and such other heritage matters as the council may specify by By-law; and

**Whereas** the Council of the Corporation of the Municipality of Kincardine desires to update the Terms of Reference for Heritage Kincardine; now therefore be it

**Resolved** that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

1. That the Terms of Reference for Heritage Kincardine for The Municipality of Kincardine, attached hereto as Schedule 'A' and forming part of this By-law, be adopted.
2. That this By-law shall come into full force and effect upon its final passing.
3. That all other By-laws inconsistent with this By-law be repealed.
4. That By-law may be cited as the "Heritage Kincardine Terms of Reference (2024) By-law".

**Read a First, Second and Third Time and Finally passed** this 10<sup>th</sup> day of January, 2024.

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Mayor

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Clerk

## Heritage Kincardine Committee

### Terms of Reference

Reference:

Date Approved:

Term of the Committee: **Statutory**

Start Date: **Term of Council**

Lead Department: **Legislative Services**

Point of Contact: **Deputy Clerk**

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#### 1. **Mandate**

In Ontario, the task of conserving historically, architecturally, and/or contextually significant properties is primarily a Municipal responsibility. Heritage Kincardine's mandate is to identify and preserve built structures, historical artifacts, ruins and lands of cultural historical significance or historical value. Initiate and promote conservation and awareness of the community's cultural heritage assets, including all statutory requirements under the Ontario Heritage Act.

#### 2. **Goals and Objectives**

Heritage Kincardine is to advise Council on matters regarding conservation and recognition of buildings and property of historic or architectural value in accordance with the *Ontario Heritage Act*.

Heritage Kincardine reports to Council on an annual basis, outlining accomplishments of Heritage Kincardine Committee for the year and establish a plan for the future year, in accordance with the Terms of Reference.

#### 3. **Strategic Plan Priorities**

C.10-Support arts, culture and heritage to enrich the lives of residents and attract visitors

#### 4. **Key Success Factors and Performance Indicators**

The Committee shall:

- Research and advise Council on matters pertaining to buildings or property of historical or architectural value in accordance with the *Ontario Heritage Act* and policies of the Municipality of Kincardine;
- Advise Council and Staff on designation and alteration of heritage designated properties;
- To promote and maintain the Heritage Register in accordance with the *Ontario Heritage Act*;
- Provide research assistance using municipal records, archived materials and the Land Registry Office in order to determine the historical and/or architectural value of the building and/or properties;
- To promote the historical and architectural features within the Municipality of Kincardine;
- To maintain a knowledge and recruit interested heritage minded residents to assist Heritage Kincardine;
- Liaison with other Municipal Heritage Committees, historical societies and similar organizations on heritage issues and policies; and
- Development of community recognition for heritage consideration through the sponsorship of plaques and signs, and any other programs.

## 5. Membership

### a. Roles and Responsibilities

#### The Chair

The responsibilities of the Chair are to:

- A Council Member will be appointed to Ad-Hoc Committees as Chair and be a voting Member;
- Preside over all meetings;
- Act as spokesperson for the Committee;
- Ensure adherence to the Council approved Terms of Reference;
- Consult with the Staff Liaison on items of business intended for inclusion for the Committee agendas;
- Vote on all matters requiring a formal motion; and
- Maintain regular communication with assigned Municipality staff.

#### Vice Chair

The responsibilities of the Vice Chair are:

- Be appointed annually by vote of members present at the first meeting of the year; and
- Act as Chair in the absence of the Chair.

#### Public Committee Members

General membership consists of a mix of subject matter experts, stakeholder representatives, and general community members. The responsibilities of public Committee members include:

- Attend every meeting where possible;
- Be prepared for the meeting by reading the agenda ahead of the meeting;
- Follow the *Code of Conduct for Council Members, Local Boards and Committee Members*;
- Any member who fails to attend 3 consecutive meetings without being authorized to do so by resolution of Heritage Kincardine, will be considered to have resigned from the Committee;
- A formal request from the Committee may be made to the Council for replacement of resigned members; and
- Prepare proposed budget items to be submitted to the Clerk by November 15<sup>th</sup> in each year for discussion in the draft administration budget.

#### Councillor Member

Councillors appointed to the Committee, and not serving as the Chair, are expected to:

- Provide the Council's perspective on the issues/matters being considered by the Committee;
- provide insights into the kind of information and the types of questions to be answered to assist Council in its deliberations on the issues/matters being considered by the Committee; and
- Make linkages to other issues/matters/actions being taken by Council.

Schedule 'A'  
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Staff Liaison

The role of Staff Liaison is to:

- Correspond with members of Heritage Kincardine;
- Is without voting privilege;
- Act as the Committee Secretary;
- Prepare Meeting Packages in co-operation with the Chair for delivery to all members at least two (2) working days prior to the meeting;
- The meeting package should include the previous minutes and copies of any information for discussion;
- Give notice of Meetings and prepare all correspondence as directed by the Committee;
- Preserve all records and correspondence in an organized manner; and
- Acting as resource personnel for Municipal Policies and Procedures and Procedural By-law.

Deputy Clerk from Legislative Services will be the Municipal Staff Resource to the Committee. The Staff Liaison is authorized to commit 10 hours per month in support of the Committee.

**b. Number of Members**

As per the Ontario Heritage Act, the Heritage Kincardine Committee shall consist of not fewer than (5) members, including one (1) Council Member. The Municipality of Kincardine may add members as the need, demands and availability of volunteers arise, to a maximum of seven (7) members, including one (1) Council Member.

Sub-Committees may be developed as needed by Heritage Kincardine and may use additional resource people on an ad hoc basis.

**c. Member Qualifications**

Appointments of Members to Heritage Kincardine are to be undertaken as prescribed in the Municipality of Kincardine Advisory Committee of Council Public Appointment Policy.

The following qualifications should be considered for appointing members to the Committee:

- Be aware of the Ontario Heritage Act and the Committee's Terms of Reference and Mandate;
- Provide technical or subject matter expertise to inform decision making;
- Contribute to work products / deliverables that have been committed to Council;
- Awareness and knowledge of heritage in the Municipality of Kincardine
- Have relevant work and volunteer experience, demonstrated expertise, and interest and participation in culture, architectural heritage; and
- Ability to attend regular meetings.

**6. Reporting Structure**

The Committee is responsible for providing Council with a final report prepared by the Staff Liaison that includes (but is not necessarily limited to):

- Committee mandate;
- Goals and Objectives;
- An overview of the work completed by the Committee in its pursuit of achieving its mandate (e.g., what activities were undertaken, what discussions were had, what strategic questions came up);
- Key success;
- Presentation of advice to Council and explanation of rationale, analysis, data, etc. that supports the advice; and
- Policy, financial, stakeholder, other risk assessment of the advice.

Schedule 'A'  
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**7. Public Communications**

The Committee is expected to adhere to the following public communications protocols:

- The Chair or their designate will act as the spokesperson for the Committee;
- The Chair will represent the Committee at any official functions;
- Coordination of any communication pieces/advertisements, etc., shall be through the Staff Liaison including promotion of the progress of initiatives, plan updates, and engagement activities; and
- Agenda meetings and minutes will be posted on the Municipal website

**8. General**

**a. Frequency of Meetings**

Committee meetings will typically be one to two hours in length and will be held on a monthly or bi-monthly basis, as needed.

**b. Procedures**

The Municipality of Procedure by-law shall serve as the rules of procedure for this Committee.

**9. Relevant Policies**

- Code of Conduct for Council, Local Board, and Committee Members
- Volunteer Management Policy
- Recruitment and Appointment of Advisory Committees of Council and Local Boards Policy
- Advisory Committees of Council and Local Boards – Administration Policy