

Town of Tecumseh Heritage Committee (THC)

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, the benefits from conservation of our heritage architecture and cultural/natural landscapes occur not only to the present generation but also to generations in the future. The immediacy of such conservation and heritage planning comes from the fact that, unfortunately, what is not saved and preserved today can not be saved and preserved tomorrow.

Overview:

The Ontario Heritage Act R.S.O. 1990 c.O.18 (Act) provides a framework for helping municipalities conserve properties of significant heritage value or interest. It also enables and encourages citizen participation in heritage conservation locally. Through the Act, municipal Councils are authorized to establish a Municipal Heritage Committee (MHC): a municipal advisory committee made up of at least five (5) people. The function of the MHC is to 1) advise Council on local heritage matters and 2) to assist Council in carrying out its heritage conservation program.

Cultural heritage resources can be:

- Buildings and structures,
- Cemeteries,
- Natural heritage,
- Cultural heritage landscapes,
- Archaeological sites, including marine archaeology,
- Spiritual sites,
- Cultural heritage resource collections,
- Intangible heritage,

And more...

The 2005 amendments to the Act provide stronger protection for our cultural heritage, and a more important role for MHC's. MHC's are now even more crucial to municipal decision-making on heritage planning and conservation.

Council is empowered under the Act to:

- Designate individual property and designate districts or areas;
- Issue or refuse permits to alter or demolish a designated property;
- Repeal designation bylaws;
- Purchase or lease individually designated property;
- Expropriate designated property;
- Provide grants and loans to designated property owners; and,
- Enter into easements and covenants.

These statutory powers give rise to the following responsibilities of a municipal Council:

- Setting the municipal budget to be used for heritage conservation;
- Carrying out heritage conservation policies in the Official Plan and its amendments; and,
- Receiving recommendations and consulting with the MHC, where one is established, and having due regard for the committee's advice on designation, alterations to designated property, demolition, repeal of designation bylaws, and other matters relating to heritage conservation in the municipality.

The MHC is the resource base of information and knowledge for Council, administration and the community for all heritage matters.

In addition, the MHC, as an advisory committee of Council, is representative of the community and, as such, is recognized as the legitimate vehicle for co-ordinating and conveying community concerns. It, therefore, plays an important role by enabling the community to participate more directly in the decision-making process.

The role of the MHC may be summarized as follows:

- To advise and recommend;
- To provide knowledge and expertise;
- To facilitate the work of the organizing body by ensuring open and honest representation;
- To create a climate of consensus;
- To be sensitive to the range of views in the community which it represents;
- To promote good-will and trust within the community; and
- To act as a liaison between politicians, organizational staff, members of the public, and other stakeholders.

1.0 Role of the Town of Tecumseh Heritage Committee (THC)

Municipal Heritage Committee activities are largely determined by its provincially and municipally legislated role and include:

1. Advise Council on matters of cultural heritage;
2. Advise Council on all applications pertaining to a heritage property or a heritage district for the purpose of:
 - Designation or de-designation;
 - Alteration, addition or demolition;
 - Loans or grants; or
 - Easement agreements.

3. Advise and assist with the development and maintenance of an inventory of the Town's heritage resources. Typical activities include: Surveying, Inventory and Researching.

Many municipalities begin their heritage conservation programs by examining, researching, and evaluating all the properties and areas that may deserve protection now and in the future. The results of such a survey or inventory can make individual designation decisions easier and more objective. An inventory is also an effective tool for showcasing a community's properties of heritage value or interest.

4. Advise and assist with the development of municipal heritage conservation guidelines and significance criteria, and with municipal heritage policies, plans and programs; input to be included in development of policies, land use plans and related to the Towns Official Plan .

5. Advise and inform Council of new heritage legislation and funding initiatives.

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

6. Advise and develop working relationships with owners of heritage designated properties such as, providing advice to property owners and appropriate conservation and maintenance practice.
7. Advise and assist with the development of education programs and promote the activities of the THC.

MHC's are active in promoting heritage conservation within communities. Municipal Heritage Committees often produce newsletters, descriptive guides, exhibits, and other educational material about notable buildings, streets, landscapes and districts to raise awareness of the unique qualities of the properties of heritage value or interest.

8. Liaise with other like organizations to promote Tecumseh's cultural heritage.

The MHC enables the community to express its interests in heritage conservation through a recognized forum, and to know and understand heritage issues. However, keep in mind that municipalities by themselves can not provide all the heritage conservation opportunities in the community. Cooperation and consultation with other heritage and community organizations not only supports existing networks but also promotes community involvement.

9. Develop an annual budget for submission to Council along with well-defined goals and objectives for the upcoming year.

Ultimately MHC budget approval rests with Council. MHC is accountable to Council for its financial transactions.

10. Advise and inform Council with regard to provincially-owned heritage properties.

In accordance with the Environmental Act, the THC will advise and inform Council on proposed alterations to or sale of heritage properties owned or leased by the Province of Ontario which are located in Tecumseh.

11. Advise/Inform Council with regard to national historic sites.

The THC 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 Railway Stations Protection Act.

2.0 Organization of the THC:

The THC should be composed of people residing within the Town of Tecumseh 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 MHC relevant technical and professional expertise as well as strong advocacy, communication and organizational skills.

- 2.1 Appointment will be advertised in local newspapers as per Town's procedures for Committees of Council.
- 2.2 Committee Members will be appointed by Council.
- 2.3 The term of a Committee Member is one (1) year coinciding with the term of the Council that has made the appointment.
- 2.4 Additional members may be appointed throughout the one (1) year for the duration of the term.
- 2.5 The Committee will be composed of up to ten (10) members. The THC must have a minimum of five members as stipulated in the Act.
- 2.6 A Committee Member may apply for a re-appointment for any number of consecutive or non-consecutive terms, in order to ensure transfer of knowledge and continuity amongst Committee Members.
- 2.7 One member will be appointed by vote of the committee at the first meeting of each new year to chair the meetings for that year. The committee will also, at this time, select a vice-chair for the same duration.
- 2.8 A Municipal staff person will record the minutes of meetings of the THC. The Clerk and Planning Departments shall interact in an advisory manner to the committee on an as required basis.
- 2.9 The regional representative of the Provincial Ministry will be invited to provide support to the THC in an advisory manner.

3.0 Meetings:

- 3.1 The THC will hold their regular meetings quarterly.
- 3.2 The date and time of the regular meetings will be established at the first meeting of each year.
- 3.3 Meetings will have a formal agenda.

- 3.4 Agendas and information packages, that will include the minutes from the previous meeting, will be sent (via mail, e-mail, or fax) to Committee Members two (2) weeks prior to the next meeting.
- 3.5 A majority of Council appointed Committee Members will constitute quorum for the transaction of business.
- 3.6 The members may meet occasionally informally to discuss issues as warranted.

4.0 Role of The Chair:

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

- 4.1 Calling the meetings to order.
- 4.2 The Chair is encouraged to create an informal atmosphere to encourage the exchange of ideas such as, using a roundtable format.
- 4.3 Creating an agenda in consultation with the municipal staff designate(s).
- 4.4 Chairing the meetings.
- 4.5 Acting as spokesperson.
- 4.6 Representing the THC on other committees when necessary.
- 4.7 The Chair shall conduct meetings in accordance with the Town's Procedural By-law
- 4.8 In the absence of the Chair, these responsibilities will be undertaken by a committee member designated as vice-chair.

5.0 Role of Members:

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

- 5.1 Attend all regular scheduled meetings. Members who miss two (2) or more meetings in a year without cause will be removed from the committee. Members are required to notify the Chair or the designated municipal staff liaison if they are unable to attend a meeting.
- 5.2 Review all information supplied to them.
- 5.3 Prepare information for use in the development of heritage designation related by-laws.
- 5.4 Make site visits to properties proposed for heritage designation and to heritage designated properties applying for building/renovation/demolition permits when required.
- 5.5 Promote the heritage resources, architectural preservation and the role of the THC.
- 5.6 Offer input to committee reports to Council.
- 5.7 Research inventoried properties as may be necessary.
- 5.8 Attend training as required to effectively perform their role as a committee member (expenses to be covered through the THC budget).
- 5.9 Be familiar with municipal, provincial and federal legislation that applies to architectural preservation.
- 5.10 Committee Members are subject to The Municipal Conflict of Interest Act R.S.O, 1990, c.M50 and must disclose any direct or indirect pecuniary interest. The disclosure must be recorded in the minutes of the meeting..

6.0 Role of Municipal Staff:

The Town of Tecumseh Heritage Committee (THC), by its nature and purpose, affects and is affected by many different Municipal departments (i.e. planning, solicitor, building permits, building maintenance, etc.) Assistance will be provided on an as required basis from Clerks Services and the Planning and Building Services Departments. Municipal staff will be responsible for carrying out the following functions with respect to the Committee:

- 6.1 Assisting the Chair in the creation of an agenda.
- 6.2 Recording minutes at regular meetings.
- 6.3 Maintaining THC meetings, minutes and agendas
- 6.4 Distribution of regular meeting agendas.
- 6.5 Acting as an information resource.
- 6.6 Orientation of THC members at the first meeting after Council appointment.
- 6.7 Assist the THC in its reporting to Council (see Sec. 7.0).
- 6.8 Ensure that Departments, are aware of designated properties, the implications of designation and of the role of the THC.
- 6.9 Present THC proposed budget to Council for approval.
- 6.10 Monitor the THC budget and approve expenses.
- 6.11 The Clerk will maintain a list of designated properties situated in the municipality that is of cultural heritage value or interest. *In accordance with Sec 27 of the Act.*
- 6.12 Provide applications for demolition permits to the THC for review in advance of a demolition permit being issued.
- 6.13 Provide correspondence related to heritage matters to the THC.

7.0 Reports to Council:

The THC may advise and make recommendations to Council in accordance with its role. Reports may be submitted as follows:

- 7.1 Verbally by a Council representative.
- 7.2 Verbally by the Chair or the designated representative.
- 7.3 Minutes from the THC meetings
- 7.4 Written reports

An annual report will also be submitted to Council at the beginning of each new year outlining the THC's accomplishments in the previous twelve months.

8.0 Council's Obligations to the THC:

Under Part IV of the Ontario Heritage Act on Conservation of Cultural Heritage Value or Interest, Council is required to consult with the THC:

- i. When updating the list of properties on the register;
- ii. Before giving notice of its intention to designate a property;
- iii. Before amending a by-law affecting a property under the Act;
- iv. Before repealing a by-law or part thereof designating a property;

- v. Before considering an application for designated property to repeal the by-law or part thereof designating the property;
- vi. On an application to alter a designated property where the alteration is likely to affect the heritage attributes (listed in the statement of heritage value or interest) as set out in the bylaw designating the property;
- vii. Before delegating power to an employee or official of the municipality to consent to minor alterations of individually designated property;
- viii. On an application to demolish or remove any building or structure on a designated property; and,
- ix. Before passing bylaws providing for the entering into easements or covenants with owners of real property, interests therein, for the conservation of properties of cultural value or interest.

Under Part V of the Ontario Heritage Act on Heritage Conservation Districts, Council is required to consult with the THC.

- i. Before passing a bylaw to define a study area for future possible designation as a heritage conservation district;
- ii. Before a proposed heritage conservation district plan is passed;
- iii. Before Council delegates by bylaw its power to grant permits for the alteration or property situated in a heritage conservation district; and,
- iv. On an application to demolish or remove any building or structure on property in a heritage conservation district.