



Request for Recommendation

Heritage Advisory Panel Mandate

Presented To: Priorities Committee

Presented: Wednesday, Sep 03, 2008

Report Date Wednesday, Aug 27, 2008

Type: Managers' Reports

Recommendations

1. That Council approve the Terms of Reference for the Greater Sudbury Municipal Heritage Advisory Panel, included as Attachment #1;
2. That Council direct staff to prepare the necessary by-law to establish the Municipal Heritage Advisory Panel as the Municipal Heritage Committee for the City pursuant to the Ontario Heritage Act, and attach the approved Terms of Reference to said by-law; and,
3. That Council direct staff to prepare a budget option in the amount of \$20,000 on the Municipal Heritage Advisory Panel's financial need for 2009, for consideration through the 2009 budget process.

Finance Implications

An option for \$20,000 to fund an operating budget for the Municipal Heritage Advisory Panel will be presented in the 2009 budget.

Signed By

Report Prepared By

Paul Baskcomb
Manager of Community and Strategic Planning
Digitally Signed Aug 27, 08

Division Review

Bill Lautenbach
Director of Planning Services
Digitally Signed Aug 27, 08

Recommended by the Department

Doug Nadorozny
General Manager of Growth and Development
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Recommended by the C.A.O.

Mark Mieto
Chief Administrative Officer
Digitally Signed Aug 28, 08

BACKGROUND

On December 12, 2007, Council passed Resolution #2007-554 to establish the first Municipal Heritage Advisory Panel for Greater Sudbury (the Heritage Advisory Panel) to assist and advise it on heritage matters across the city.

On April 9, 2008, Council appointed fourteen individuals with a wide range of backgrounds and expertise/interest in local history, culture, architecture, geography, archaeology and planning to sit on the Heritage Advisory Panel. The Heritage Advisory Panel members are:

Mr. Mike Ladyk (representing the Northern Ontario Society of Architects);

Ms. Amber Salach (representing the Northern Ontario Society of Architects);

Mr. Oryst Sawchuk (representing the Sudbury District Archives Interest Group);

Ms. Susan Thompson (representing the Downtown Village Development Corporation);

Councillor Joscelyne Landry-Altman;

Councillor Evelyn Dutrisac;

Mr. Joe Drago;

Ms. Alicia Hawkins;

Mr. Edouard Landry;

Ms. Jeannine Larcher-Lalande;

Ms. Sheila Prusila;

Ms. Suzanne Shawbonquit;

Ms. Mercedes Steedman; and,

Ms. Mary Stefura.

Since this time, the Heritage Advisory Panel has educated itself on the existing municipal heritage conservation system, and has considered how it can best advise and assist Council with respect to heritage matters. On June 5, 2008, the Heritage Advisory Panel participated in a day-long Orientation Session with Ministry of Culture staff that was designed to provide a full and complete understanding of cultural heritage value, the municipal framework for heritage conservation, and establishing and sustaining an effective municipal heritage committee. Building on this understanding, the Heritage Advisory Panel held a Strategic Visioning Session on June 26, 2008 to consider the state of heritage in the community today and how to further strengthen Greater Sudbury's existing heritage conservation framework. This latter session was facilitated by City staff.

THE PROPOSED TERMS OF REFERENCE

The provincial guide for establishing and maintaining an effective municipal heritage committee indicates that municipalities are best served by their municipal heritage committee when there is a complete understanding of the roles and responsibilities of the committee and its duties to the municipal council. This guide recommends that a "terms of reference" for a municipal heritage committee be developed for approval by Council. Responding to this recommendation, City staff, in consultation with the Heritage Advisory Panel, have developed a proposed terms of reference for the Panel (see Attachment #1).

The proposed terms of reference articulate the Heritage Advisory Panel's vision, mission and goals, relating to the identification, protection and promotion of Greater Sudbury's built heritage resources, cultural heritage landscapes and archaeology. These elements of the terms of reference are based on the June 26, 2008 Strategic Visioning Session. They provide the Heritage Advisory Panel with a framework to guide future efforts, and are consistent with the Council's goals and policies for heritage resources, as articulated in the new Official Plan.

The proposed terms of reference also outline the Heritage Advisory Panel's legislative responsibilities (if it is to be constituted as a municipal heritage committee under the Ontario Heritage Act) and includes guidance with respect to various procedural and administrative matters (e.g. preparation and distribution of agendas, roles and responsibilities of members).

CONCLUSION

The Heritage Advisory Panel has developed a terms of reference that describes its potential role in advising and assisting Council with respect to the identification, protection and promotion of heritage across the City. The proposed terms of reference are based on best practices and are consistent with Council's objectives and policies relating to heritage conservation. Staff recommend that Council approve the attached terms of reference.

The Heritage Advisory Panel is currently constituted as an Advisory Panel of Council, pursuant to Council's Procedural By-law. Section 28 of the Ontario Heritage Act gives Council the ability to establish a "municipal heritage committee" to advise and assist council on matters relating to the conservation of property of cultural heritage value or interest, heritage conservation districts and such other heritage matters as Council may specify in the by-law. Given the similarity in objects between the Heritage Advisory Panel and a municipal heritage committee, staff recommend that Council give direction to staff to prepare the necessary by-law to establish the Heritage Advisory Panel as the municipal heritage committee for the City pursuant to Section 28 of the Ontario Heritage Act. If approved, staff recommend that the proposed terms of reference be attached to this by-law.

It is anticipated that the Panel will develop an annual action plan and budget that is designed to help realize the goals outlined in the proposed terms of reference, and submit the action plan and budget to Council for approval, through the annual budget exercise. Due to timing constraints, the Panel's first work program and budget will be submitted in the Fall of 2009 for consideration during the 2010 budget process. In the meantime, the Panel requires a modest annual operating budget for 2009 of \$20,000 to cover items such as membership in provincial and national heritage organizations and research of built heritage resources and cultural heritage landscapes. Staff recommend that this need be considered as part of the 2009 budget exercise.

Greater Sudbury Municipal Heritage Advisory Panel

Terms of Reference

August 27, 2008

1. BACKGROUND

Greater Sudbury's heritage and history are important, and can strengthen the City's identity and appeal, instill a greater sense of understanding and pride within the local community and attract the interest of visitors. The Greater Sudbury Municipal Heritage Advisory Panel advises and assists Council with matters relating to the designation and conservation of property of cultural heritage value or interest, involving individual properties and heritage conservation districts, as well as those other matters articulated in these Terms of Reference.

2. VISION

Greater Sudbury understands, values and protects the rich and varied history of its people and places.

3. MISSION

To enhance appreciation of Greater Sudbury's cultural heritage by promoting and raising awareness of our built heritage resources, cultural heritage landscapes and archaeology.

To support heritage preservation by helping identify and protect Greater Sudbury's built heritage resources, cultural heritage landscapes and archaeology.

4. GOALS

4.1. IDENTIFY

4.1.1. Assist with the creation and implementation of an effective system to identify built heritage resources that have cultural heritage value or interest across Greater Sudbury.

4.1.2. Assist with the examination of Greater Sudbury's communities to identify potential heritage conservation districts and other cultural heritage landscapes.

4.1.3. Assist with the definition of Greater Sudbury's areas of archaeological potential.

4.2. PROTECT

4.2.1. Assist with the research of properties and places to help establish their cultural heritage value.

4.2.2. Recommend potential properties for inclusion as "listed" buildings in the City's register of heritage properties.

- 4.2.2. Recommend potential properties for inclusion as “designated” buildings in the City’s register of heritage properties.
- 4.2.3. Recommend that potential areas be considered for designation as “designated” conservation districts.
- 4.2.4. Provide input to city staff during their review of land use planning applications on or adjacent to a built heritage resource with cultural heritage value or interest, a heritage conservation district and a cultural heritage landscape.
- 4.2.5. Assist with the creation and implementation of a financial incentive program to assist and encourage the preservation and enhancement of designated heritage properties.

4.3. PROMOTE

- 4.3.1. Create a package of communication materials that tells the story of Greater Sudbury’s built heritage resources, cultural heritage landscapes and archaeological potential.
- 4.3.2. Contribute to the heritage dialogue in Greater Sudbury through presentations, newspaper articles and media interviews.
- 4.3.3. Promote Greater Sudbury’s history and heritage to others through conference presentations and journal articles.
- 4.3.4. Participate in international, national and provincial events that are designed to raise the level of awareness for heritage.
- 4.3.5. Recognize and celebrate the efforts of property owners who protect our heritage resources through an annual “heritage awards” program.
- 4.3.6 Support other individuals, groups and organizations that are raising the level of awareness of Greater Sudbury’s history and heritage.

5. ORGANIZATION

The Greater Sudbury Municipal Heritage Advisory Panel (the Panel) consists of people with various backgrounds, skills and interests from all of our communities. Members have a strong interest in and commitment to our built and cultural heritage resources.

5.1. NUMBER OF MEMBERS

The Panel consists of up to 14 members, as follows:

- two local representatives from the Northern Ontario Society of Architects;
- one representative from the Sudbury District Archives Interest Group;
- one representative from the Downtown Village Development Corporation;
- two City of Greater Sudbury councillors; and,

- eight citizens with expertise in local history, culture, geography or anthropology.

The size and composition of the Panel may be varied by City Council from time to time, as necessary. The size of the Panel will meet the minimum requirement established in the *Ontario Heritage Act*, as amended from time to time.

5.2. APPOINTMENT OF MEMBERS

Members of the Panel are appointed by City Council. The term of an appointee coincides with the term of City Council that made the appointment. City Council will, as soon as practical following a municipal election, make appointments to the Panel. Existing appointees will continue to serve on the Panel until appointments are made by the newly elected City Council.

5.3. RE-APPOINTMENT OF MEMBERS

A member may apply for re-appointment for any number of consecutive or non-consecutive terms.

5.4. VACANCIES

City Council will fill any vacancy on the Panel as soon as possible.

5.5. APPOINTMENT OF CHAIR AND VICE CHAIR

The Panel appoints a Chair and a Vice Chair at the first meeting of every year, who serve in these capacities for that year and until a new Chair and Vice Chair have been appointed by the membership. Nothing in this document shall prohibit a member from being appointed Chair or Vice Chair, as the case may be, for up to two consecutive terms.

5.6. AD-HOC COMMITTEES

The Panel may appoint Ad Hoc Committees from time to time by way of a motion to address specific matters. The motion appointing an Ad Hoc Committee shall include: the name of the Ad Hoc Committee; the members forming the Ad Hoc Committee; the purposes and objectives of the Ad Hoc Committee; the date by which the Ad Hoc Committee shall report to the Panel; the term of the Ad Hoc Committee and the date its mandate expires.

6. ROLES AND RESPONSIBILITIES

6.1 CHAIR

The Chair ensures that the Panel functions efficiently and effectively by:

1. Creating an agenda for each meeting, in consultation with Municipal Staff.
2. Calling meetings.
3. Chairing meetings.
4. Acting as the official spokesperson for the Panel.

5. Representing the Panel on other organizations, when necessary and appropriate.
6. Casting a vote in instances where the Panel reaches a tie vote (otherwise the Chair does not cast a vote).

6.2. VICE CHAIR

The Vice Chair has the same responsibilities as the Chair, when acting in the Chair's absence.

6.3. MEMBERS

Members contribute to the efficient and effective functioning of the Panel by:

1. Attending all scheduled meetings (Members will notify the Chair and Municipal Staff in the event that they are unable to attend a meeting).
2. Preparing for all scheduled meetings.
3. Publicly supporting all Panel recommendations.

6.4. MUNICIPAL STAFF

Municipal staff contribute to the efficient and effective functioning of the Panel by:

1. Facilitating an orientation session for each new Panel;
2. Facilitating a strategic planning session for the Panel in the fall of each year;
3. Synthesizing the results of the strategic planning session into an annual action plan;
4. Helping the Chair create an agenda for each meeting.
5. Distributing the agenda and other materials prior to the meeting.
6. Taking minutes during meetings.
7. Maintaining a record of the Panel's meetings (including agenda, reports and minutes).
8. Acting as a resource during meetings.
9. Liaising with City Departments and Divisions on matters that may affect a built or cultural heritage resource.
10. Preparing reports on those matters that fall within the Panel's areas of responsibility and submitting the Panel's reports to Planning Committee and City Council for their consideration.
11. Preparing an annual report, work program and budget for the Panel, and submitting the Panel's annual report, work program and budget to Council for their consideration.
12. Administering the Panel's annual budget.

7. PANEL MEETINGS

The Panel meets every month, with the exception of July and August, for a total of ten meetings per year. Panel meetings are open to the public. Additional meetings may be held, as required, at the call of the Chair.

A majority of Panel members constitute a quorum for the transaction of Panel business.

The date and times of regular business meetings for the year are established at the first meeting of the Panel in the New Year. Every attempt will be made to hold each regular business meeting on a consistent day, time and location throughout the year.

Agendas and information packages (including the minutes from the previous meeting) are sent to the Panel at least one week before the regularly scheduled business meeting. This schedule may be varied for any special business meeting called by the Chair.

8. LEGISLATIVE RESPONSIBILITIES

8.1. Individual Properties

Part IV of the *Ontario Heritage Act* requires that the Panel advise Council on matters relating to the conservation of property of cultural heritage value or interest. This is accomplished by advising Council before:

1. Council adds or removes a *listed property* to or from the register of *property* that is of cultural heritage value or interest.
2. Council gives notice of its intention to designate a *property* to be of cultural heritage value or interest.
3. Council passes a by-law to enter into an agreement or covenant for the conservation of a *designated property*.
4. Council, on application of an owner, makes a decision regarding the alteration of the heritage attributes of a *designated property*.
5. Council, on application of an owner, makes a decision regarding the demolition or removal of a *designated property*.
6. Council gives notice of its intention to amend a *designating by-law*, and, before Council gives notice of the same proposed amendment to the *property* owner.
7. Council, on its own initiative, repeals all or part of a *designating by-law*.
8. Council, on application of an owner, makes a decision regarding the repeal of all or part of a *designating by-law*.

8.2 Heritage Conservation Districts

Part V of the *Ontario Heritage Act* requires that the Panel advise and assist Council on matters relating to Heritage Conservation Districts by advising Council with respect to:

1. A proposed Heritage Conservation District Study.
2. A proposed Heritage Conservation District Plan.
3. Applications to demolish or remove a building or structure on a *property* in a Heritage Conservation District.

9. REPORTING RELATIONSHIPS

The Panel advises Council by:

1. Submitting reports on those matters that fall within the Panel's areas of responsibility to the Planning Committee and City Council.
2. Submitting its meeting minutes to the Planning Committee and Council.
3. Submitting an annual report describing the Panel's activities to Council in the fall of each year, together with a work plan and budget for the upcoming year.

In addition, the Council representatives on the Panel can represent the Panel's views on Committees and Council.

10. BUDGET

The Panel prepares a proposed budget to implement its annual action plan and submits the proposed budget to Council for its consideration and approval. Municipal staff will administer the approved budget.

11. OTHER

The Panel's actions are consistent with the City's policies, procedures, protocols and practices, including those relating to conflict of interest and confidentiality.

12. GLOSSARY OF TERMS

The following definitions apply to these terms of reference:

"designated property" means a property that has been designated in accordance with Section 29 of the *Ontario Heritage Act*, as amended from time to time.

"designating by-law" means a by-law passed under and in accordance with Section 29 of the *Ontario Heritage Act*, as amended from time to time.

“listed” means a property included in the register of property situated in the municipality that is of cultural heritage value or interest, for which a *designating by-law* has not been passed.

“property” means real property and includes all buildings and structures thereon.