

# THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE

## BY-LAW NO. 63/2015

*Being a By-law to Establish and Adopt the Terms of Reference for the Heritage Incentives Advisory Committee for the Corporation of the Municipality of Port Hope*

WHEREAS Section 11 of the Municipal Act 2001, S.O. 2001, c.25, as amended, in part provides that a lower-tier municipality may pass by-laws respecting the governance and structure and its local boards;

AND WHEREAS the Council of the Corporation of the Municipality of Port Hope deems it advisable to establish a Heritage Incentives Advisory Committee to administer the allocation of Heritage Incentives Programs in accordance with the Municipal By-laws and Policies established by the Corporation of the Municipality of Port Hope and to provide advice to Council on Heritage Incentives matters;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE MUNICIPALITY OF PORT HOPE ENACTS AS FOLLOWS:

1. Committee Title

That a Committee to be known as the Heritage Incentives Advisory Committee is hereby established.

2. Definitions

That the definitions as outlined in the Corporation of the Municipality of Port Hope Procedural By-law shall apply.

3. Policies/Procedures

3.1 That the rules and regulations of the Corporation of the Municipality of Port Hope Procedural By-law shall govern all proceedings of the Heritage Incentives Advisory Committee.

3.2 That policies, practices and procedures governing the provisions of its goods or services are consistent with the Corporation's Accessibility Standards for Customer Service Policy and Procedures as adopted in accordance with the requirements of the Accessibility for Ontarians with Disabilities Act (AODA), Customer Service Standard – Ontario Regulation 429/07.

4. Records

That the records of the Heritage Incentives Advisory Committee shall be retained and preserved in accordance with the provisions of the Corporation of the Municipality of Port Hope Records Retention By-law.

5. Composition

That the Heritage Incentives Advisory Committee shall consist of not more than five (5) members appointed by Council as follows:

- 1 member who is a resident and/or ratepayer of the Municipality of Port Hope, being a minimum of 18 years of age, and not an employee of the Municipality;
  - 1 representative of the Architectural Conservancy of Ontario (ACO) Port Hope Branch;
  - 1 representative of the Heritage Port Hope (HPH) Advisory Committee;
  - 1 representative of the Port Hope & District Chamber of Commerce;
  - 1 representative of the Heritage Business Improvement Area.
- All being voting members.

Ex-officio

The Council appointed Chair of General Government and Finance Committee or their alternate shall be an ex-officio member of the Committee who shall act in an advisory capacity and shall not be a non-voting member.

6. Term of Office

That the member at large, shall be appointed by Council for the term of office of Council, or until their successors are appointed. Council may reappoint any member whose term has expired and otherwise has discretion in filling any vacancy by appointment for the remainder of any applicable term. There shall be no limit on the number of terms a member may be appointed and all appointments shall be at the discretion of Council. In the event a Committee member resigns prior to the completion of their term, a replacement appointed by Council, will assume the duties to the completion of the term.

7. Mandate

That the Goals and the Terms of Reference of the Heritage Incentives Advisory Committee are set out in Schedule "A" attached hereto forming part of this By-law.

That in carrying out the provisions of this By-law, the Committee shall at all times be the agent of the Municipal Corporation and while acting bona fide within the limits of the authority of this By-law neither the Committee nor any member thereof shall incur any liability by reason of anything done or left undone by the Committee; provided however, that nothing in this section contained shall authorize or empower the Committee to incur any debt, liability or obligation for which the Municipal Corporation shall become liable without having previously obtained the consent of the Council of the Municipality of Port Hope.

8. Repeal of By-laws

That By-law 34/2011 pertaining to the establishment of a Heritage Incentives Advisory Committee is hereby repealed.

9. Force and Effect

That this By-law comes into force and takes effect on the date of the final passing thereof.

READ a FIRST, SECOND and THIRD time and finally passed in Open Council this 21<sup>st</sup> day of July, 2015.

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R.J. Sanderson, Mayor

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S.C. Bernardi, Municipal Clerk

SCHEDULE "A" TO BY-LAW NO. 63/2015  
HERITAGE INCENTIVES ADVISORY COMMITTEE  
TERMS OF REFERENCE

**GOALS**

To administer the allocation of Heritage Incentives Programs in accordance with the Municipal By-laws and Policies established by the Corporation of the Municipality of Port Hope and to provide advice to Council on Heritage Incentives matters.

**TERMS OF REFERENCE**

1. GENERAL
  - 1.1 Committee meetings shall be conducted in accordance with the Municipality's Procedural By-law and records shall be maintained in accordance with the Municipality's Records Retention By-law.
  - 1.2 Members shall follow Municipal policies and procedures and comply with applicable legislation, and shall act in accordance with the Municipal Conflict of Interest Act.
  - 1.3 Members shall ensure that policies, practices and procedures governing the provisions of its goods or services are consistent with the Corporation's Accessibility Standards for Customer Service Policy and Procedures as adopted in accordance with the requirements of the Accessibility for Ontarians with Disabilities Act (AODA), Customer Service Standard – Ontario Regulation 429/07.
  - 1.4 The Committee shall hold regular meetings as required and agreed upon by a majority vote of the members.
  - 1.5 The Committee shall elect a chairperson and may elect a vice-chairperson, annually at its first meeting, or as soon as practicable, from among the members. In the absence of the chairperson, and vice-chairperson as the case may be, an acting chairperson may be appointed by a majority vote of the members present to preside at the meeting where the chairperson is absent.
  - 1.6 The Committee may appoint, as it deems necessary sub-committees to act in an advisory capacity to the Committee.
  - 1.7 The Committee may liaise with community groups and individuals to maintain an awareness of their goals and mandate in order to gain support for approved initiatives and is authorized to work jointly with other Municipal Committees and/or services in encouraging its goals.
  - 1.8 The Committee shall provide recommendations to the Committee of the Whole on matters referred by Council to the Committee.
  - 1.9 The Chair and or designate shall submit an annual report outlining the committee activities both past and current and proposed work plan for the upcoming year, to be submitted at the end of each year to Council through the Municipal Clerk or designate.

## 2. ROLES AND RESPONSIBILITIES

### 2.1 CHAIRPERSON:

- Provide leadership to the Committee;
- Chair Committee meetings in accordance with the Municipality's Procedural By-law;
- Chair Committee meetings in accordance with the Municipality's Procedural By-law;
- Prepare written agendas for meetings;
- Report to Council annually and at other times as required;
- Ensure the duties of the Recording Secretary are adhered to
- Act as spokesperson for the Committee;
- Express consensus as reached by Committee;
- Ensure that the Municipality's By-laws and Policies are adhered to with respect to all financial matters;
- Ensure that all grants/incentives recommended are recorded in the minutes;
- Ensure that grants/incentives recommended by the Committee for payment are forwarded to the Municipal Finance Department for processing in a timely manner;
- Ensure that in the absence of the Council ex-officio representative at the Heritage Incentives Advisory Committee meeting that an overview of the meeting is communicated/reported to their Council Liaison within a reasonable timeline within 48 hours of the meeting or as soon as practicable;
- Prepare an annual operating budget to be approved by the Heritage Incentives Advisory Committee and submitted to Council through the Director of Finance/Treasurer or designate for approval.

### 2.2 VICE-CHAIRPERSON:

- Act in the position of the Chairperson in the absence of the Chairperson;
- Otherwise, regular Committee member role.

### 2.3 COMMITTEE MEMBERS:

- Attend regular Committee meetings;
- Advise the Chairperson if unable to attend a meeting;
- Actively participate in Committee meetings;
- Actively participate in carrying out the responsibilities of the Heritage Incentives Advisory Committee.

### 2.4 RECORDING SECRETARY:

- The duties of the Recording Secretary, approved by the Municipality, are to record, process and distribute minutes and agendas, and to maintain the files of the Committee, including but not limited to Minutes, Agendas, policies, correspondence and other file information, in accordance with the Records Retention By-law;
- When the Recording Secretary is a Municipal employee or has a service contract with the Municipality, such Recording Secretary is a non-member, with no voting privileges;
- When the Recording Secretary is a Member of the Committee, subject to the approval of the Clerk (Director of Corporate Services), the Member Recording Secretary may retain voting privileges;
- The Recording Secretary shall ensure that the draft meeting minutes are prepared within seven (7) days following of the meeting and distributed to the Chair for inclusion on upcoming agenda;
- The Recording Secretary shall also ensure that all meeting minutes once approved by the Committee are forwarded to the Municipal Clerk or designate for inclusion on the Committee of the Whole agenda.