



THE CORPORATION OF THE CITY OF BRAMPTON

BY-LAW

Number 12-2010

A By-law to re-establish the Brampton Heritage Board under new Terms of Reference and to Repeal By-laws 281-85, 42-93, 43-93, 141-2005, 317-2008 and 325-2009

WHEREAS section 28 of the *Ontario Heritage Act*, 1990, as amended, provides that the Council of a municipality may, by by-law, establish a municipal heritage committee to advise and assist the Council on all matters relating to Parts IV and V of the *Ontario Heritage Act*;

AND WHEREAS the Council of The Corporation of the City of Brampton deems it advisable to re-establish such a committee and to provide for the appointment of members thereto under new terms of reference as approved by Council under Resolution C177-2009;

NOW THEREFORE, the Council of The Corporation of the City of Brampton enacts as follows:

1. A municipal heritage committee, to be known as the Brampton Heritage Board, is hereby established;
2. The Brampton Heritage Board shall be comprised of not fewer than five (5) and not more than seventeen (17) members to be appointed by a resolution of Council;
3. The Brampton Heritage Board shall perform the duties set out in section 28 of the *Ontario Heritage Act*;
4. The Brampton Heritage Board shall function based on terms of reference as set out in Schedule A of this by-law;
5. The following by-laws are hereby repealed: By-laws 281-85, 42-93, 43-93, 141-2005, 317-2008 and 325-2009; and,
6. This by-law shall come into force and take effect on the date of its passing.

READ a FIRST, SECOND and THIRD TIME and PASSED in Open Council this 27th day of January 2010.

Approved as to form. 26/11/09

Susan Fennell Mayor

Peter Fay City Clerk

Approved as to Content
Karl Walsh, Director, Community Design, Parks Planning and Development

Schedule A to By-law # 12 - 2010

Terms of Reference of the Brampton Heritage Board

1. **Mission:** The mission of the Brampton Heritage Board is to advise City Council on the identification, conservation and promotion of resources that are identified as being of cultural heritage value or interest. These resources include: buildings, sites, certain streetscapes and districts, cemeteries, cultural landscapes and any other real property that can be designated under Parts IV and V of the *Ontario Heritage Act*.
2. **Strategic Goals:** The City of Brampton recognizes that heritage conservation is a public interest. It is committed to the conservation of significant cultural heritage resources, City-wide, through: a) identification, documentation and resource management; b) promoting and ensuring responsible stewardship and conservation practises; c) promoting public awareness and enjoyment of these resources; and d) ensuring that wise land use management policies and practises are observed and followed with appropriate due diligence by all relevant parties and stakeholders.
3. **Strategic Outcomes:** The City of Brampton has developed a comprehensive Heritage Program and work plan, which coordinates several initiatives used to identify, preserve and enhance the cultural heritage resources in this City and the mission of the Brampton Heritage Board. City staff manages the heritage projects and services that support the Heritage Program and work plans. The Region of Peel, the Brampton Historical Society and other agencies, are partners in these efforts.
4. **Strategic Alignment:** Brampton Heritage Board activities are guided by the goals, objectives and policies of Brampton's Strategic Plan (Six Pillars); cultural heritage policies as outlined in the Official Plan and the *Ontario Heritage Act*. A member of City Council sits on the Board.
5. **General Responsibilities:** The Brampton Heritage Board shall:
 - advise City Council within its capacity as a municipal heritage committee under the provisions of the *Ontario Heritage Act*;
 - recommend to City Council properties for designation under Parts IV and V of the *Ontario Heritage Act*;
 - recommend to City Council properties for listing within the Municipal Register of Cultural Heritage Resources;
 - make recommendations to City Council on the potential heritage impacts pertaining to heritage permit applications under Parts IV and V of the *Ontario Heritage Act*;
 - advise City Council on the potential heritage impacts pertaining to land use planning initiatives, proposed plans of subdivision, demolition permits, site plan approvals, environmental assessments, heritage impact assessments, public works, and the like, where any known or potentially significant cultural heritage resource may be present;

- advise City Council on the identification, evaluation and conservation of built heritage properties, landscapes, districts and areas;
- advise City Council on current heritage conservation legislation as well as available funding sources;
- assist City Council in the preparation of municipal by-laws and policies to conserve heritage properties and areas;
- advise City Council in the preparation of criteria and approval of applications submitted for financial incentives to assist with the care and conservation of resources designated under Parts IV and V of the *Ontario Heritage Act*;
- work with City staff to implement City Council approved programs and activities within the Heritage Program;
- work with the public to increase public awareness and knowledge of heritage conservation issues related to cultural heritage.

6. **Sub-Committees:** The Brampton Heritage Board may, from time to time, choose to establish sub-committees or ad hoc committees to deliberate on specific issues and to review, in detail, matters related directly to the mission of the Brampton Heritage Board.

Sub-committees may draft motions and propose action items for the consideration of the Brampton Heritage Board. All recommendations of the Brampton Heritage Board are subject to City Council approval through the Planning, Design and Development Committee.

Meetings of all Brampton Heritage Board sub-committees are subject to the same rules of conduct and procedure as Brampton Heritage Board meetings. Members of the general public are open to attend meetings of sub-committees.

7. **Board Member Expertise:** Members of the Brampton Heritage Board shall be selected on the basis of their demonstrated interest, knowledge and expertise in heritage conservation. To be eligible to sit on the Board, a candidate must be a qualified elector (a resident of the City of Brampton, a Canadian citizen and 18 years of age or older).
8. **Appointment Process:** The process for choosing membership or replacing vacancies for the Brampton Heritage Board will follow the approved Procedure for Citizen Appointments to Committees. The City Clerk shall coordinate the selection process.
9. **Staff Resources:** The Brampton Heritage Board shall be supported by staff of the Planning, Design and Development Department and the Corporate Services Department.
10. **Term:** The term of office is concurrent with the term of City Council, unless Council decides otherwise.
11. **Quorum:** Standard rules of quorum shall apply. Quorum for a full meeting will be 50% of the current membership, plus one.

12. **Meeting Frequency:** The Board meets at City Hall on the third Tuesday of every month at 7:00 pm, unless decided otherwise.
13. **Reporting Authority:** The Brampton Heritage Board shall report through the Planning, Design and Development Committee (PDD) to City Council. With regard to certain complex or potentially contentious issues, Brampton Heritage Board recommendations shall be put forward through a staff recommendation report so that background, context and any impacts on staff resources, or any budget implications can be framed and so that the positions of the Brampton Heritage Board and City staff can be fully articulated.

The Brampton Heritage Board may make formal delegations before Planning, Design and Development Committee following submission of related staff recommendation reports to that body.

Other more routine recommendations may be put before Planning, Design and Development Committee through the minutes of the regular meetings of the Brampton Heritage Board.

The Brampton Heritage Board and its sub-committees do not have decision-making authority. The Board serves an advisory, consultative role only. The lead department for the Brampton Heritage Board shall be the Planning, Design and Development Department.

14. **Workplans and Annual Reports:** The Brampton Heritage Board must report annually to City Council through the Planning, Design and Development Committee on the activities of the Board in the current year and on the Board's work plan for the following year.
15. **Meeting Administration and Procedures:** An agenda shall be prepared for each meeting and distributed prior to the meeting. Each meeting shall be followed with minutes and correspondence. The City Clerk's Office shall provide legislative services. The Brampton Heritage Board shall follow the Council Procedure By-law, as it applies to the Board's business and meetings.
16. **Financing:** Members of the Brampton Heritage Board will not receive remuneration for their involvement in the Brampton Heritage Board. However, members will be compensated for approved expenses incurred as a result of Heritage Board responsibilities in accordance with City policies.
17. **Budgetary Considerations:** The Brampton Heritage Board does not have an established budget. All expenditures are budgeted through the current-year Planning, Design and Development departmental budget for Heritage Program matters. Financial support for the Heritage Program will be reviewed annually as part of the City budget review process.
18. **Current Budget Expenditure Pre-Approval Process:** From time to time, Brampton Heritage Board members may submit ad hoc or previously un-funded requests for project expenditures to be drawn from the current-year Planning, Design and Development departmental budget for Heritage Program matters.

All proposed expenditures must be fully compatible with the scope and purpose of the City's Heritage Program and with the mission of the Brampton Heritage Board.

Pre-approval is required for all ad-hoc or previously un-funded requests for project expenditures, using the following process:

- All current budget expenditure proposals shall be endorsed by recommendation at a regular meeting of the Brampton Heritage Board;
- The current budget expenditure proposal shall be accompanied by a brief business case in the form of a memo that outlines how the expenditure reflects the mission of the Brampton Heritage Board and its priorities as reflected in the Heritage Program work plan. The business case must outline: a) why the expenditure is needed; b) what advantages are brought to the Board, the heritage community and the City's Heritage Program; c) description of required resources, task list, responsibilities and action items; d) schedule for implementation; e) estimate of cost or vendor quotations (as applicable);
- The preparation of the business case shall be the responsibility of the Brampton Heritage Board member proposing the expenditure, working in cooperation with City staff;
- All expenditure proposals shall be reviewed by City staff, prior to submission to the Brampton Heritage Board, to ensure that sufficient funds and resources are available in the current year budget and to confirm scheduling considerations.

All expenditure requests shall be subject to the City's Purchasing Policy and may also be subject to the approval of City Council through the Planning, Design and Development Committee.

19. **New Project Initiation:** The Brampton Heritage Board may propose new projects or initiatives from time to time. Prior to the approval and launch of any new project (including events and the creation of new sub-committees) staff shall review potential impacts on workload, capacity, scheduling, and compliance with work plans, along with budgetary and other resource considerations. Senior staff must approve any new project prior to initiation to ensure staff resources, budgets and existing projects are not negatively impacted or delayed.
20. **Conflict of Interest:** City conflict of interest policies and the *Municipal Conflict of Interest Act* shall apply to all members of the Brampton Heritage Board. Members having a conflict of interest in any matter under consideration by the Brampton Heritage Board shall declare their conflict at the beginning of the meeting and shall remove themselves from the meeting during any discussion or voting on the matter.