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# Clarington Heritage Committee

## Terms of Reference

### 1. Purpose and Mandate

- 1.1. The Clarington Heritage Committee assists the Municipality of Clarington in its efforts to identify, review, discuss, and make recommendations to Council on properties and issues of cultural heritage value or interest. The Committee is a volunteer advisory committee established by the Municipality of Clarington Council in accordance with the provisions of the Ontario Heritage Act. Committee members are responsible to the Municipality of Clarington and are bound by [By-law 2006-079](#), establishing Clarington's Municipal Heritage Committee.

### 2. Scope of Activities

- 2.1. The Clarington Heritage Committee shall:
  - a) Prepare, evaluate, update, and maintain a list of properties of cultural heritage value or interest, and a list of cultural heritage landscapes;
  - b) Advise and assist Council on all matters relating to Part IV and Part V of the Ontario Heritage Act, on all matters relating to properties of cultural heritage value or interest, and on all matters relating to cultural heritage landscapes;
  - c) Represent cultural heritage issues on various municipal committees as requested;
  - d) Conduct a fair and equitable analysis of all matters relating to cultural heritage conservation prior to making a recommendation to Council;
  - e) Implement programs and activities, as decided by the Committee, which would increase public awareness and education of cultural heritage conservation issues, and promote community involvement;
  - f) Utilize funds budgeted by Council and generated through fund raising activities to conserve the Municipality's cultural heritage, increase public awareness and education, conduct research, and provide for the general education and administration of the Committee; and
  - g) Prepare a periodic report to Council to advise Council of the Committee activities.

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## 3. Definitions

- 3.1. **Delegation** means a person desiring to verbally present information on matters of fact, or to make a request to Council or Committee, as the case may be.
- 3.2. **Motion** means a proposal moved by a Member and seconded by another Member, for the consideration of the Committee.
- 3.3. **Municipality** means the Corporation of the Municipality of Clarington and may refer to any agency, board or commission under its authority.
- 3.4. **Meeting** has the same meaning as Section 238 of the Municipal Act, and means any regular, special or other meeting of a council, of a local board or of a committee of either of them, where (a) a quorum of members is present, and (b) members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of the council, local board or committee.
- 3.5. **Member** means a Member of Council or Committee.
- 3.6. **Quorum** means a minimum number of appointed members that must be present at the meetings to make the proceedings of the meeting valid.

## 4. Committee Members

### Composition

- 4.1. The Committee shall be comprised of the following 14 voting members:
  - a) 10 citizen members, appointed by Council;
  - b) 1 Member of Council;
  - c) A representative from the Newcastle Village and District Historical Society (not appointed by Council);
  - d) A representative from the Clarington Library, Museum and Archives; if Staff, an ex-officio member (not appointed by Council); and
  - e) A representative from Architectural Conservancy Ontario – Clarington Branch (not appointed by Council).
- 4.2. Committee functions or tasks can take place using voting members and volunteers, without creating a subcommittee or working group.



## Qualifications

- 4.3. The Committee shall seek to obtain the following as voting members:
  - a) Clarington residents from each of the four municipal wards that are experienced in heritage conservation matters;
  - b) Building and design specialist; and
  - c) An architectural historian.
- 4.4. Members shall possess knowledge of cultural heritage issues within Clarington, relevant heritage conservation experience, technical training in a heritage planning field, and/or have current involvement in cultural heritage community activities.

## Length of Term

- 4.5. Membership shall run concurrent with the term of Council (4 years) or until their successor is appointed.

## Remuneration

- 4.6. Members serve on a voluntary basis and do not receive any form of remuneration.

## Election of Members

- 4.7. The Committee shall elect a Chair and Vice Chair from among its voting membership. Members of Council and Municipal Staff sitting on the Committee are not eligible to assume the position of Chair or Vice-Chair, except as Election Chair, as outlined in this Terms of Reference.
- 4.8. The Chair and Vice Chair are elected at the beginning of every two years.
- 4.9. Before the election of the Chair, either a Council member, Clarington Staff, or the former Chair shall be the Election Chair during the election portion of the meeting. Once the Chair is elected, they may take the Chair and conduct the other elections and the remainder of the meeting. See Appendix A for the Election Process.
- 4.10. If any of the elected positions become vacant, another election will be held for that position. If the Vice-Chair becomes vacant, the Chair may appoint a member of the Committee as Interim Vice-Chair until a new Vice-Chair can be elected. The elections, when required, will be held at the next meeting of the Committee in accordance with the process set out in Appendix A.



## Staff Resources

- 4.11. The municipal department responsible for a Committee shall provide clerical, administrative, and technical assistance, as deemed appropriate by the Deputy CAO, to ensure the proper functioning of the Committee, which include:
- a) preparing and forwarding meeting materials to members;
  - b) preparation of summary meeting minutes and Committee correspondence (including assistance in drafting);
  - c) professional advice on matters within the mandate of the Committee; and
  - d) assist the Committee in participating in events and activities related to its mandate.
- 4.12. Staff resources are provided only to assist the Committee in undertaking its mandate. Additional requests of Staff, such as original research or organization of events shall be at the discretion of the Deputy CAO and within Staff, time, and budget constraints.

## 5. Responsibilities and Obligations of Members

### General

- 5.1. A member of a Committee shall have the following duties:
- a) to deliberate on, and execute, the purpose and mandate of the Committee;
  - b) to attend meetings and work activities;
  - c) to vote when a motion is put to a vote;
  - d) to read, understand, and respect the Procedures and Rules, including the Code of Conduct and Purchasing By-law, and any guidelines for the Committee.

### Conduct of Committee Members

- 5.2. The Chair, or a spokesperson/member appointed by the Committee, may speak on behalf of the Committee to Council or the public. Other members shall not act, or speak, on behalf of the Committee without prior approval of the Committee.
- 5.3. The Committee, or its members, shall not issue petitions, resolutions, or position papers on behalf of the Committee unless specifically authorized by Council resolution.

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- 5.4. The Committee, and its members, shall also not act outside of the mandate and advisory capacity of the Committee. Should the Committee wish to comment on an issue that is within the mandate of another Council committee, the Chair shall consult with the responsible Staff Liaison(s) and the Chair of the other Committee.
- 5.5. The Committee, by resolution, shall have the right to censure members that, in the Committee's opinion, are misrepresenting the Committee and may request Council to remove that person from the Committee, by providing a brief explanation of the request within a recommendation of the Committee's minutes (which may include closed session).

## Absences

- 5.6. This section does not apply to a Committee member who is absent for 20 consecutive weeks or less if the absence is a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.
- 5.7. Members unable to attend a Committee meeting shall notify the Staff Liaison at least 24 hours in advance.
- 5.8. If a member is absent for three consecutive meetings, the Committee, by resolution, may request that Council remove the Member, including a Member of Council, from the Committee.
- 5.9. Members unable to attend a meeting cannot send an alternate.

## Resignations

- 5.10. Members who wish to resign shall notify the Chair, and the Municipal Clerk, in writing, of the resignation. The Chair shall notify, either by email or on an agenda, the other members of the resignation but shall not give details of the resignation other than timing.
- 5.11. Council may appoint new members to the Committee to fill any vacancies, as required, in accordance with Clarington's "Appointment to Boards and Committees Policy".

## Chair and Vice-Chair

- 5.12. It shall be the duty of the Chair to:
  - a) provide leadership to the Committee;
  - b) ensure that the Committee carries out its mandate;
  - c) act as the primary liaison between the Committee, Council, Clarington Staff and Members of the Public.

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- d) set the meeting dates and agendas items, with input from Members, and the Staff Liaison;
  - e) provide information to Members on any matter relating to the business of the Committee;
  - f) open the meeting by taking the Chair and calling the members to order;
  - g) announce the business before the Committee and the order in which it is to be acted upon;
  - h) receive and submit, in the proper manner, all motions presented by the Members;
  - i) enforce the Rules of Procedure; and
  - j) adjourn the meeting when the business is concluded.
- 5.13. The Chair may eject any Committee Member or member of the public from a meeting if, in the opinion of the Chair, that person is being disruptive or disrespectful.
- 5.14. If the Chair is temporarily absent, or the position becomes vacant, the Vice-Chair will assume the position and responsibilities of the Chair until a new Chair is elected.

## Conflict of Interest

- 5.15. A conflict of interest may arise for Committee members when their personal or business interest conflict with the duties and decisions of the Committee. The municipal conflict of interest requirements as defined by the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50 will apply to the Committee. A Committee member must disclose any potential or perceived conflict of interest and shall remove themselves from the meeting for the duration of the discussion and voting (if any) with respect to that matter.

## 6. Meetings

### Frequency and Location of Meetings

- 6.1. The Committee shall meet a minimum of four times per year and shall establish a meeting schedule that includes the time and place for the meetings.



## Quorum

- 6.2. Quorum shall be a simple majority of the total number of currently appointed Committee members (i.e., 50% plus one). If there is no quorum after 15 minutes of the scheduled start time, the meeting shall be cancelled and/or rescheduled.

## Land Acknowledgement Statement

- 6.3. In recognition of a necessary first step towards honouring the original occupants of a place, and to recognize the traditional First Nations, Metis and/or Inuit territories of a place, and to commemorate Indigenous peoples' principal kinship to the land, a Land Acknowledgement Statement shall be read, at the beginning of each meeting, in accordance with the Land Acknowledgement Guidelines.

## Procedures and Rules

- 6.4. A Committee of Council is subject to the Clarington Procedural By-law which governs the proceedings of Council and its Committees and Boards, Council Code of Conduct, this Terms of Reference, and any other applicable policies and/or procedures.

## Recommendations

- 6.5. Recommendations and decisions reached by the Committee must be based on consensus wherever possible. If a consensus cannot be reached and there are different opinions on the issue, the Chair may call for a formal vote by show of hands. Recommendations and decisions will be carried by a simple majority of the voting members present. Each voting member of the Committee has one vote.
- 6.6. Only recommendations and decisions that appear in the minutes of the Committee can be considered as officially representing the position of the Committee.
- 6.7. To approve a recommendation from a Committee, a Member of Council shall remove it from the consent agenda and put forward a motion to approve the recommendation found within the minutes of the Committee meeting.
- 6.8. A Committee shall not forward comments or recommendations directly to other groups or agencies without the consent of Council.
- 6.9. See Appendix B for details on motions and amendments.



## Electronic Participation

- 6.10. A member of the Committee is permitted to participate electronically in a meeting, if the technology is available, and may be counted in determining whether, or not, a quorum of members is present at any point in time.
- 6.11. A Member may also participate electronically in a meeting that is closed to the public, if the meeting is properly held in closed session. See the Open and Closed Meetings section of these Terms of Reference.

## Public Participation and Delegations

- 6.12. All Committee meetings are open to the public. Members of the public are not permitted to participate in the Committee discussions but may appear as a delegation before the Committee. Delegations shall be for a maximum of 10 minutes. Those wishing to appear as a delegation at a Committee meeting must advise the Chair, Secretary, or Staff liaison a minimum of five days before the meeting.

## Open Meetings

- 6.13. All Committee meetings must be open to the public unless discussing items noted below.
- 6.14. The Committee shall provide at least one week's notice (i.e., an agenda) for a regular or special meeting or 24-hour notice for a rescheduled meeting. Notice will be provided using as many means as possible, including the municipality's website by forwarding the agenda to the Municipal Clerk's Office.
- 6.15. The following are reasons for a closed meeting of an advisory board or Committee, in accordance with [Section 239 \(2\), Municipal Act, 2001](#):
  - a) Security or property
  - b) Personal matters about an identifiable individual, including municipal and board employees
  - c) Proposed or pending acquisition or disposition of land by the municipality or local board
  - d) Labour relations or employee negotiations
  - e) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
  - f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.



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- 6.16. In accordance with Section 239 (4) of the *Municipal Act, 2001*, before holding a meeting, or part of a meeting, that is to be closed to the public, a municipality or local board or committee of either of them shall state by resolution:
- a) The fact of the holding of the meeting; and
  - b) The general nature of the matter to be considered at the closed meeting.
- 6.17. Where a meeting, or part of a meeting, is closed to the public, the Committee shall request those persons not specifically invited to the closed meeting to vacate the meeting room in which the meeting is being held.
- 6.18. A meeting shall not be closed to the public during a vote except where the meeting is a closed meeting permitted or required by statute, and where the vote is for a procedural matter or for giving directions or instructions to employees of the board or persons retained under contract with the board, or officers, employees or agents of the Municipality.
- 6.19. Minutes of the closed session shall be recorded and provided to the Clerk's Office for distribution to Council at their next appropriate meeting.

## 7. Reporting and Communications

### Agendas

- 7.1. The Committee shall forward all agendas to the Municipal Clerk's Office one week before the meeting and shall include the following:
- a) Date, time, location, electronic participation details;
  - b) Land Acknowledgement Statement;
  - c) Disclosure of Pecuniary Interest;
  - d) Presentations/Delegations
  - e) Adoption of Previous Minutes;
  - f) Items for Discussion; and
  - g) Adjournment.



## Minutes

- 7.2. The Committee shall report to Council by presenting the unapproved minutes immediately after the minutes are finalized by the Staff Liaison/Chair. Minutes do not wait to be adopted by the Committee first. The draft minutes of all Committee meetings shall be reviewed by the Staff Liaison/Chair and forwarded to the Municipal Clerk's Office for inclusion on the next Council Agenda.
- 7.3. Any changes to the minutes at the next Committee meeting, will be reflected in those meeting minutes and a corrected or changed version of the previous minutes shall be provided to the Municipal Clerk's Office for publication.
- 7.4. Minutes shall include:
  - a) Date, time, location, and indication of whether electronic participation took place;
  - b) Members absent and present;
  - c) Land Acknowledgement Statement;
  - d) Disclosure of Pecuniary Interest;
  - e) Adoption of Previous Minutes;
  - f) Presentations/Delegations;
  - g) Items and Recommendations Discussed and voted on;
  - h) Date, time, and location of next meeting; and
  - i) Adjournment.

## **8. Budget, Annual Reports and Work Plan**

- 8.1. The Committee shall prepare an annual report and work plan that will include an update of initiatives and activities for Council to review.
- 8.2. Any budget requests by the Committee shall be provided to Staff in accordance with the municipalities budget timelines.



## **9. Purchasing/Procurement Policy**

- 9.1. All expenditures must relate to matters directly within the mandate of the Committee.
- 9.2. All Committee expense information is considered to be public information and shall be made available upon request to the Municipal Clerk or Treasurer.
- 9.3. All purchases shall be in accordance with the Municipality's Purchasing By-law and within the Committee's approved budget. All expenses that exceed the Committee's approved budget require Council approval.

## **10. Insurance**

- 10.1. The Committee members are covered through the Municipality of Clarington's insurance coverage for accidents and liability.
- 10.2. Coverage could be denied if Members were found not to be acting reasonably or were in the act of committing a crime.

## Appendix A Election Process

**Nominations** – Accepting nominations, from the floor, for any position:

1. Nominator raises their hand to indicate they are going to nominate a member.
2. Does not need a seconder.
3. Nominees' names are recorded in the minutes.
4. A person can nominate themselves.
5. A member can be nominated for more than one position but can only hold one position at a time.
6. A member may be nominated even if they are not in attendance.
7. Nominees do not have to leave the room during the vote. They can participate in the voting.
8. The Election Chair can continue presiding, even if they are one of the nominees for the office.
9. Nominations are open until the Election Chair asks for nominations and there are no names put forth at which time the Election Chair will close nominations.
10. Nominees can remove their name at any point during the process.

**Stand** – As each member is nominated, the Election Chair asks the nominee if they will have their name stand. If the member does not agree their name shall not be included in the vote.

### **Voting**

1. If there is only one nominee, that person is appointed.
2. If there is more than one nominee the Election Chair asks, for each nominee, "All those in favour of Bob Smith for Chair, please raise their hands". The person with the most votes is appointed.
3. If the vote is tied, and there are more than two people nominated for the position, the person with the least votes is removed and another round of voting with the remaining members is conducted. If a tie vote remains with two people, and all voting members are present, the selection will be made by picking a name out of a hat.

## Appendix B Motions and Amendments

### 1. **Voting on motions and their amendments is done in this order:**

- On the amendment to the amendment (the second amendment)
- On the amendment
- On the motion **or** the motion as amended (this must happen if approved amendments have been added to the motion).

### 2. **Tied Vote**

If the vote is tied, the motion is lost.

### 3. **Majority Vote**

Every member present at the meeting, when the vote is called, shall vote unless disqualified under the Municipal Conflict of Interest Act. The vote required to pass a motion shall be a simple majority.

### 4. **Reconsider a Lost Motion**

A lost motion should not come up again during the same year unless at least two-thirds of the members present to approve a motion that “the question be reconsidered.” This motion shall be added to the agenda, is not debatable and calls for an immediate vote.

### 5. **Motions**

The following steps are required to introduce, deliberate, and vote on a motion:

- A member asks to speak and when their turn comes up, they make a motion by saying “I move...”.
- Another member seconds the motion. If there is no seconder, no discussion or vote takes place; it is not recorded in the minutes; and the Committee either proposes a different motion or moves to the next agenda item.
- The Chair should restate the motion clearly after it has been made and seconded “It is moved and seconded that ...”.
- Only one motion is addressed at a time.
- Discussion is not in order until a motion has been stated by the chair.

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- Discussion follows. The Chair should not allow anyone to speak twice on a motion until everyone has had a chance to speak once.
- The Chair should give up the chair when they move a motion. In this case, the Vice-Chair or any other member may act as Chair until the motion is voted on.
- The vote is taken, and the Chair announces the result – “The motion is carried”, or “The motion is lost.”

## 6. Negative Motions

Negative Motions are not in order and should not be allowed (i.e. “That the car not be automatic transmission” should be changed to “That the car be standard transmission”.)

## 7. Amendments

Amendments or small changes to a motion may be proposed at any time during the discussion. It cannot be contrary to the main motion. It must be relevant to the motion and can change the motion in only one of three ways:

- By leaving out certain words
- By adding certain words
- By replacing certain words with others.

(Not more than two amendments may be made to an open motion at one time. As soon as one amendment has been accepted or rejected another may be proposed if it is different from the one already defeated).

If dealing with motions or amendments, always state the exact wording. The Chair may ask the secretary to read it if the phrase is forgotten.

Adoption of an amendment does not mean adoption of the main motion. The amendment is carried before the main motion as amended. When the “main motion, as amended” is on the floor, the Chair will state “main motion as amended” before the vote.

## 8. Withdrawal of Motions

A motion can be withdrawn with the consent of the mover. If the seconder withdraws a new seconder will be required before the motion can be voted on. Amendments must be withdrawn in reverse order. If the mover refuses to withdraw, the motions must be voted on.