

Terms of Reference



HERITAGE ADVISORY COMMITTEE

INTRODUCTION

The Heritage Advisory Committee (HAC) advises Council and the Divisional Director of Community Planning & Real Estate on matters related to heritage protection and conservation. The Committee advises on development and conservation matters with respect to heritage property.

The HAC functions as an Advisory Committee of Council.

OBJECTIVE

The primary objective of the Committee is to advise Council on heritage-related development applications. The Committee may also advise on other matters related to the heritage significance of any building, structure or landscape feature located within City limits.

SCOPE OF WORK

The HAC may make recommendations to Council regarding applications that may have an impact upon a building, structure or landscape feature having possible heritage significance to the city. The following applications will be forwarded to the HAC for review prior to consideration by Council or the Divisional Director of Community Planning & Real Estate:

- Heritage Revitalization Agreements;
- Heritage Designation Bylaws;
- Heritage Conservation Covenants;
- Major Heritage Alteration Permits;
- Heritage Register requests;
- Official Community Plan Amendment and associated Rezoning applications within a Heritage Conservation Area; and
- Other applications at the discretion of Council or the Director of Community Planning & Real Estate.

Committee members are expected to be familiar with supporting plans, policies and guidelines to inform recommendations on applications and other matters. These will be provided in the orientation binder. Consideration will be given to the Heritage Conservation Area Guidelines in the City of Kelowna Official Community Plan and the Abbott Street & Marshall Street Heritage Conservation Areas Development Guidelines when reviewing Heritage Alteration Permits.

Major Heritage Alteration Permits will be processed by Community Planning staff and forwarded to the HAC for consideration. These are applications that propose:

- Subdivision with creation of a new lot;
- Demolition of 30 m² or more that is visible from a street;
- An addition of 30 m² or more that is visible from a street;
- A new structure that is visible from a street; or
- Other Heritage Alteration Permit applications at the discretion of Council or the Divisional Director of Community Planning & Real Estate.

Minor Heritage Alteration Permits will be processed by Community Planning staff and will not be forwarded to the HAC for consideration. These are applications that propose:

- Subdivision where no new lot is created;
- Demolition of less than 30 m² that is visible from a street;
- An addition of less than 30 m² that is visible from a street;
- Demolition, a new structure or an addition that is not visible from a street;
- Alterations that are generally consistent with the applicable guidelines; or
- Development of a carriage house.

The Committee shall advise Council on any matter referred to it by Council.

MEMBERSHIP

In order to provide the expertise required to advise on development applications, the membership of the Committee shall consist of five (5) voting members derived as follows:

- Three technical experts with professional expertise in the areas of design, planning or construction, where preference will be given to those with related heritage experience; and
- Two heritage experts with expertise in the areas of historical information or conservation.

Two alternates may be appointed to replace regular members unable to attend Committee meetings. Alternates will be chosen from the design and heritage communities at large.

Where insufficient members can be identified to represent the specific expertise identified above, additional members may be appointed from the community at large.

QUALIFICATIONS

The following are considered to be minimum qualifications to serve on the Committee:

- Preference will be given to residents of or business owners in the city of Kelowna;
- Available to attend most HAC meetings;
- Commitment to the HAC's objectives;
- Ability to objectively review complex applications and planning considerations;
- Understanding of the heritage planning framework including, but not limited to, Kelowna's Official Community Plan, Zoning Bylaw, Local Government Act; and
- Access to a computer and an email address to receive and respond to communications and information including meeting packages.

APPOINTMENT AND TERM

The Committee will run concurrent with the four year Council term with a mid-term review at the end of two years. Members shall be appointed by Council for a two year term.

Council may, at any time, remove any member of the Committee and any member of the Committee may resign at any time upon sending written notice to the Chairperson of the Committee. In the event of a vacancy occurring during a regular term of office, the vacancy may be filled for the remainder of that term upon resolution of Council.

Committee members who are absent for three consecutive meetings shall forfeit their appointment, unless such absence is authorized by motion of the Committee.

Members of the Committee shall serve without remuneration.

CHAIR

Unless appointed by Council the Committee shall elect the Chairperson and, if applicable, Vice Chair annually. In the absence of the Chairperson and Vice Chairperson, the Committee may elect an Acting Chairperson from those members present at that meeting.

The Chair may appoint sub-committees to deal with any special matters coming within the scope and jurisdiction of the Committee. Any sub-committee so created will report to the Committee.

The Chair and Vice Chair shall be provided a training session by the City on procedures for Committees of Council.

MEETING PROCEDURES

The Chairperson shall call meetings of the Committee on a monthly basis unless there are no items to be reviewed in a particular month. Generally, all meetings will be held on the third Thursday of each month in City Hall. Alternate dates may occur where special circumstances demand.

The Committee will recognize that each meeting can require a significant commitment of staff resources and meetings should therefore be held when there are clear items of business to address in accordance with the scope of work. Committee members are expected to be familiar with the relevant materials and come to meetings prepared to discuss the agenda items.

A special meeting may be called by the Chairperson, at the request of any three members of the Committee or the Divisional Director of Community Planning & Real Estate. Notice of the day, hour, and place of special meeting shall be given at least three days prior to the meeting, by providing a copy of the notice for each member of the Committee and the Office of the City Clerk for posting.

Unless otherwise authorized by the *Community Charter* or City of Kelowna Council Procedure Bylaw No. 9200, as amended or replaced from time to time, all meetings will be held in open session and in a location accessible to the public.

Unless otherwise authorized by the Committee, the public shall only address the Committee when they are a scheduled delegation on the Committee meeting agenda.

A majority of the Committee members, three, shall represent a quorum. A meeting shall not proceed if a quorum cannot be achieved. Members must make a reasonable effort to notify the staff liaison at least two working days before the meeting if they are unable to attend.

The order of business is to be set out in an agenda package to be provided to the Committee members in advance of the meeting date. Items for the agenda, including presentation materials, will be forwarded electronically to the Office of the City Clerk at least five complete working days prior to the meeting date for agenda preparation and posting for the public on the City's website.

Minutes of the meetings will be prepared by the Office of the City Clerk and signed by the Committee Chair or Acting Chair for the meeting for which the minutes pertain. Originals of the minutes will be forwarded to the City Clerk for safekeeping. Once adopted, minutes will be posted for public viewing on the City's website.

Conflict of Interest

Committee members must abide by the conflict of interest provisions of the *Community Charter* and City of Kelowna Council Procedure Bylaw No. 9200, as amended or replaced from time to time. Members who have a direct or indirect pecuniary interest in a matter under discussion are not permitted to participate in the discussion of the matter or to vote on a question in respect of the matter. They must declare their conflict and state the general nature of their conflict, and then leave the meeting or that part of the meeting where the matter is under discussion. The member's declaration must be recorded in the minutes, and the Committee member must not attempt in any

way, whether before, during or after the meeting to influence the voting on any question in respect of the matter.

Voting

Committee members have a responsibility to make decisions based on the best interests of the City at large.

All Committee members, including the Chair, vote on every motion unless they have declared a conflict and left the meeting. Members who do not indicate their vote, or have left the meeting without declaring a conflict, are counted as having voted in favour of the question. If the votes are equal for and against, the question is defeated.

Comments in Public or to the Media

When speaking in public or to the media on an issue, Committee members must distinguish whether they are speaking as a member of the Committee, a representative of another agency or community group, or as an individual. Committee members need to convey the public interest and remember that they represent the Corporation of the City of Kelowna.

REPORTING TO COUNCIL

Recommendations of the Committee must be adopted by a motion of the Committee prior to an application being considered by Council or the Divisional Director of Community Planning & Real Estate. The Committee will report its recommendations to the Community Planning Department or the Policy & Planning Department who shall forward the Committee recommendations to Council or the Divisional Director of Community Planning & Real Estate as part of a comprehensive report on the application.

The Committee will provide a status report to Council annually. This report should include a record of work conducted and an indication of the associated costs attached to the Committee's work including staff resources.

The Committee Chairperson will, accompanied by the staff liaison, report to Council on behalf of the Committee.

The Office of the City Clerk will ensure Committee Agendas and Minutes are forwarded electronically for circulation to all Council members.

BUDGET

The routine operations and any special initiatives of the Committee will be funded by allocations within the Community Planning & Real Estate Division budget.

STAFF SUPPORT

The Community Planning and Policy and Planning Departments shall provide support for the Committee to undertake work assigned by Council within the Committee's scope of work. Support functions may include the following:

- forwarding all agenda items to the Office of the City Clerk at least five working days prior to the meeting date for agenda preparation and posting as a public notice;
- including a standing agenda item to review the outcome of applications submitted to Council;
- limiting last minute agenda items by ensuring agenda packages are distributed ahead of time to adequately prepare members for the meeting;
- receiving all correspondence, and preparing correspondence and reports on behalf of the Committee;

- reviewing and returning draft minutes to the Office of the City Clerk to finalize prior to adoption by the Committee;
- reporting back to the Committee with status updates on applications the Committee has considered;
- maintaining a list of outstanding issues for Committee action (with support from the Office of the City Clerk) in accordance with the Committee's scope of work and Council's direction; and
- providing all members with a detailed orientation binder at the beginning of the term, including a 'cheat sheet' of planning terms. This binder is to be returned to staff at the end of the term.

The Office of the City Clerk shall provide secretarial support for the Committee. Support functions include the following:

- organizing and preparing the meeting agendas, in conjunction with the Chair and staff liaison;
- receiving and organizing all agenda-related presentation materials and/or hand-outs prior to the meeting date for inclusion in the agenda package;
- distributing the agenda packages electronically to Committee members;
- maintaining the records of the Committee, including posting and filing of minutes for the public record;
- taking and preparing draft minutes, and providing the final minutes to the City Clerk and staff liaison;
- forwarding the Committee's meeting agendas and minutes electronically for circulation to all Council members;
- providing an annual check-in with the Committee, including Chair training; and
- supplying the orientation binder for the newly elected Committee members.

The Office of the City Clerk, in conjunction with the staff liaison, shall initiate recommendations to Council for Committee appointments and maintain an updated list of appointees, including the date they were appointed.

Endorsed by Council: November 18, 2002
Revised & Endorsed by Council: October 19, 2009
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