

# Terms of Reference



## HERITAGE ADVISORY COMMITTEE

### 1. Introduction

The Heritage Advisory Committee (HAC) advises Council 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.

### 2. Objective

The primary objective of the HAC 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.

### 3. Scope of Work

The HAC may make recommendations to Council on matters relating to a building, structure or landscape feature having possible heritage significance to the City of Kelowna including:

- Applications for review prior to consideration by Council
  - 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
- Major Heritage Alteration Permits\* processed by Community Planning staff; specifically applications that propose:
  - Subdivision with creation of a new lot;
  - Demolition of 30 m<sup>2</sup> or more that is visible from a street;
  - An addition of 30 m<sup>2</sup> 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.
- Other matters as referred by Council

\*Minor Heritage Alteration Permits will be processed by Community Planning staff and will not be forwarded to the HAC for consideration.

#### **4. Criteria**

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 & Marwill Street Heritage Conservation Areas Development Guidelines when reviewing Heritage Alteration Permits.

#### **5. Membership**

In order to provide the expertise required to advise on development applications, the membership of the Committee will 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.

#### **6. 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.

#### **7. Appointment and Term**

The Committee will run concurrent with the four year Council term. Members will be appointed by Council.

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.

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

Members of the Committee will serve without remuneration.

## **8. Chairperson**

Unless appointed by Council the Committee will 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.

All committee members will be provided a training session by the City on procedures for Committees of Council.

## **9. Meeting Procedures**

The Chairperson will 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, or at the request of any three members of the Committee. Notice of the day, hour, and place of special meeting will 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.

A majority of the Committee members, three, will represent a quorum. A meeting will 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 seven complete working days prior to the meeting date for agenda preparation and posting for the public on the City's website.

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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 "criteria" established in Section 4, above.

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.

**10. Scheduled Delegations**

If an application is a scheduled item on the meeting agenda, and following the presentation of the application by staff, the applicant will have the opportunity to speak to the item and/or answer questions from the committee to a maximum of five (5) minutes.

The Committee may, from time to time, invite resource people or delegations to participate in a Committee meeting. Individuals or delegations must be authorized by the City Manager and identified in advance as an item on the meeting agenda.

### 11. Reporting to Council

Where appropriate, recommendations of the Committee will be adopted by a motion of the Committee prior to consideration by Council. Unless otherwise directed, the **Community Planning Department** or the **Policy & Planning Department** will forward the Committee recommendations to Council as part of a comprehensive report on the issue, development proposal or bylaw.

The staff liaison will provide status updates on applications the Committee has considered through regular reporting of decisions of Council to the committee.

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

### 12. Budget

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

### 13. Staff Support

**Community Planning** and **Policy and Planning** will provide the staff liaison and technical support for the Committee.

Support functions include the following:

- forwarding all agenda items to the Office of the City Clerk at least seven working days prior to the meeting date for agenda preparation and posting as a public notice;
- 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 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** will provide meeting management and recording 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 to committee members;
- posting all meeting notices and agendas for the public in accordance with the statutory timelines;

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- preparing draft minutes, and providing the final minutes to the City Clerk and staff liaison;
  - maintaining the records of the Committee, including posting and retaining minutes for the public record;
  - circulating agendas and minutes electronically to all members of Council; and
  - providing an annual check-in with the Committee, including meeting management training as necessary

The Office of the City Clerk, in conjunction with the staff liaison, will 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

Revised & Endorsed by Council: February 27, 2012

Revised & Endorsed by Council: December 14, 2015

Revised & Endorsed by Council: December 10, 2018