

**THE CORPORATION OF THE VILLAGE OF MERRICKVILLE-WOLFORD**  
**BY-LAW 22-2025**

Being a By-law to Establish a Municipal Heritage Committee

WHEREAS Section 5(3) of the *Municipal Act, 2001*, as amended, states that municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law, unless the municipality is specifically authorized to do otherwise;

AND WHEREAS Section 11(1) of the *Municipal Act, 2001*, as amended, provides that a lower-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

AND WHEREAS Section 11(3) of the *Municipal Act, 2001*, as amended, provides that a lower-tier municipality may pass by-laws respecting culture, parks, recreation and heritage;

AND WHEREAS Section 28(1) of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, 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 matters relating to Parts IV and V of the *Ontario Heritage Act* and other such matters as the council may specify by by-law;

AND WHEREAS the Council of the Corporation of the Village of Merrickville-Wolford deems it appropriate to establish a Municipal Heritage Committee;

NOW THEREFORE the Council of the Corporation of the Village of Merrickville-Wolford hereby enacts as follows:

1. A Municipal Heritage Committee is hereby established, and the attached Terms of Reference are hereby adopted and form part of this by-law as Schedule "A" as if fully recited herein.
2. By-law 41-2019 and any by-laws that do not conform with this by-law are hereby repealed.
3. This by-law shall come into force and take effect immediately upon the final passing thereof.

Read a first and second time on the 24<sup>th</sup> day of March, 2025.

Read a third and final time and passed on the 24<sup>th</sup> day of March, 2025.

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Michael Cameron, Mayor

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Julia McCaugherty-Jansman, Clerk



## **Schedule "A" to By-law 22-2025 Municipal Heritage Committee Terms of Reference**

### **1. Purpose**

- 1.1 The purpose of the Municipal Heritage Committee shall be to provide advice and recommendations to Council on matters in accordance with the *Ontario Heritage Act*, to promote heritage conservation within the Municipality, and to advise on other heritage-related matters as directed by Council or as requested by the Chief Building Official (CBO), when required.
- 1.2 In accordance with Section 28(1) of the *Ontario Heritage Act*, the council of a municipality may by by-law establish a municipal heritage committee to advise and assist the council on matters relating to this Part, matters relating to Part V and such other heritage matters as the council may specify by by-law.

### **2. Objectives**

The mandate of the Municipal Heritage Committee will consist of statutory and non-statutory responsibilities.

#### **2.1 Statutory Mandate**

Pursuant to the Ontario Heritage Act, Council shall consult with the Municipal Heritage Committee on the following matters:

- a) Designation, amendment or repeal of a By-law under Part IV or V;
- b) Proposed alterations and/or demolition of a property designated under Part IV or V;
- c) Easements and/or covenants; and
- d) Heritage Conservation studies and plans.

#### **2.2 Non-Statutory Mandate**

In addition to its statutory responsibilities, the Municipal Heritage Committee shall also be consulted on the following matters:

- a) Heritage legislation changes;

- b) New or amending municipal by-laws, policies or plans which may affect property of interest, property designated under Part IV or V of the *Act* or the application and review process for proposed alterations and/or demolition of property designated under Part IV or V of the *Act*;
- c) Cultural Heritage Evaluation Reports (CHER), Heritage Impact Studies (HIS), Heritage Briefs, etc. required in accordance with the Municipality's Official Plan for the purpose of a *Planning Act* application or other purpose required by Council;
- d) Review and recommendation to Council of applications submitted in accordance with Merrickville-Wolford's Heritage Tax Relief Program By-law 06-09.
- e) Other matters as directed by Council.

Also in addition to its statutory responsibilities, the Municipal Heritage Committee may choose to perform any of the following functions:

- a) Perform community outreach functions to inform recommendations to Council for new heritage designations under Part IV or V of the *Act*;
- b) Recommend and endorse the designation of private and public properties under the *Act*;
- c) Conduct research for new properties of interest and heritage designations under Part IV of the *Act* and in accordance with the *Act*;
- d) Recommend changes to municipal by-laws or policies which affect the Committee's mandate; and
- e) Develop educational programming and activities for the community which may include, but is not limited to:
  - Developing guidelines and/or best practices for heritage conservation;
  - Publications promoting the benefits of heritage designation;
  - Promotion of programs and initiatives pertaining to cultural and heritage preservation in the Municipality.

### **3. Committee Composition**

3.1 In accordance with Section 28(2) of the *Ontario Heritage Act*, the Committee shall be composed of not fewer than five (5) members appointed by Council. The composition of the Committee is the following:

- One (1) Member of Council
- Four (4) public members from Merrickville-Wolford

It is preferred that there are public members from both the Merrickville Ward and Wolford Ward, if possible, to ensure consistency and fair representation from both Wards.

3.2 A cross section of individuals shall be chosen in order to build strong advocacy, communication and organizational skills. Priority shall be given to applicants with relevant technical and professional expertise.

3.3 All Members of the Committee appointed by Council shall be considered voting members.

#### **4. Terms of Office**

4.1 Membership of the Committee shall align with regular municipal elections (every four years) and the Members will be appointed to serve on the Committee until the end of the term of Council. Members on the Committee will remain Members until new Members are appointed via resolution when a new term commences.

4.2 If there are vacant positions on the Committee, Council may appoint new Members via resolution of Council throughout the term.

#### **5. Quorum**

5.1 A quorum will consist of a majority of the Committee. With a composition of five (5) members, quorum is three (3) voting members.

5.2 No meeting shall proceed without quorum present. If the Committee cannot achieve quorum for a meeting, then no business shall be conducted, and the meeting shall be cancelled.

#### **6. Motions**

6.1 All decisions made during Recreation Advisory Committee meetings will follow the process of making a motion, having it moved and seconded and voted on and passed by the majority of the Committee Members present.

6.2 All motions and decisions shall be captured in the meeting minutes by the Secretary.

#### **7. Meetings**

7.1 Meetings of the Committee shall be governed by Council's Procedural By-law and applicable legislation.

7.2 The Committee shall meet once a month, with the authority to call a special meeting at the call of the Chair if necessary to conduct business.

7.3 All meetings are mandated to be open to the public.

7.4 All meetings may be conducted either virtually, in-person, or in a hybrid format.

## **8. Role of the Chair**

8.1 The Council Member appointed to the Committee shall be the Chairperson of the Committee.

8.2 The Chair shall:

- Facilitate meetings;
- Ensure that procedure is followed during meetings;
- Provide all necessary documentation and/or recommendation reports to Council in conjunction with the staff liaison;
- Ensure completion of tasks and objectives by Committee Members.
- Participate and provide insight and discussion at Meetings;
- Respect Council's authority as the ultimate decision-maker of the Municipality;
- Act in good faith in preserving the integrity of the Committee's advisory role.

## **9. Role of the Staff Liaison**

9.1 The staff liaison shall be the Secretary of the Committee.

9.2 The staff liaison shall:

- Record the mover, seconder and vote for any motion before the Committee;
- Keep record of any recorded votes;
- Take accurate Minutes of a Committee Meeting that capture decisions and actions of the Committee and key discussion points;
- Forward recommendation reports and Minutes from the Committee to the Clerk for inclusion on Council Agendas.
- Prepare the Agendas for Committee Meetings and distribute to Committee Members and the public in accordance with the Public Notice requirements as set out in the Village's Procedure By-law.
- Book the Council Chambers for Committee Meetings.

## **10. Role of Committee Members**

10.1 The role of the Committee Members include, but are not limited to:

- Attending regular Committee Meetings as scheduled and additional meetings when necessary;

- Participating in discussions and planning and sharing the workload of the Committee;
- Participating respectfully with other Committee Members, and following the procedural conduct in accordance with the Village's Procedure By-law.
- Providing regrets to the staff liaison as soon as possible if unable to attend a scheduled meeting;
- Declaring conflicts of interest as defined in the *Municipal Conflict of Interest Act* and excluding themselves from any discussion and/or voting where such conflict exists or may exist.
- Respecting Council's authority as the ultimate decision-maker for the Municipality.
- Act in good faith in preserving the integrity of the Committee's advisory role.

## **11. Reporting to Council**

11.1 The Committee shall report to Council:

- a) Via Committee Reports to Council with the recommendation template as provided by the Municipality;
- b) Through the Minutes of the Meetings that are to be submitted to Council to receive for information once they have been confirmed and approved by the Committee; and/or
- c) As requested by Council.

## **12. Scope of Communication**

12.1 The Committee shall communicate through Village staff to ensure that all information and communications are delivered on behalf of and by the Village. The Committee, via the Committee Chair, is granted authority by Council to provide staff with information and promotional materials to post on the municipal website, social media, and public bulletin boards when necessary. Staff have the right to forward any communication materials to Council for further review and approval, if necessary. Promotional materials or information for posting may include, but are not limited to, initiatives or projects that the Committee is working on, events, and resource materials pertaining to the scope of the Committee.

## **13. Conflicts of Interest**

13.1 All members shall familiarize themselves with the definitions of conflict of interest as outlined in the *Municipal Conflict of Interest Act* and shall disclose any conflict of interest to the Chair and absent themselves from meetings for the duration of the discussion and voting (if any) with respect to that matter.

## **14. Code of Conduct**

- 14.1 The Council of the Corporation of the Village of Merrickville-Wolford established a Code of Conduct for Members of Council and its Local Boards and Committees (By-law 73-2024). The Code aims to ensure that elected officials and members of Boards and Committees share a common basis of acceptable conduct. These standards are designed to supplement the legislative parameters governing conduct and to enhance public confidence that the Village of Merrickville-Wolford's elected and appointed officials operate on a basis of integrity, justice, and courtesy.
- 14.2 All Members of the Municipal Heritage Committee shall abide by the established Code of Conduct By-law 73-2024.

## **15. Budget**

- 15.1 All annual monies/budget required for any reason pertaining to the Committee carrying out its duties must be approved by Council. All requests for budget allocations must be submitted by September 30<sup>th</sup> of the preceding year for Council consideration.
- 15.2 All approved budget items shall be administered by the Municipality, through direction of Council.
- 15.3 Any one-time costs that are required pertaining to events, promotions, or tasks undertaken by the Committee shall be included in a recommendation report to Council for final approval.
- 15.4 Positions on the Committee are all volunteer, and no Committee Member shall receive compensation, per diem, or other form of remuneration. Reasonable out-of-pocket expenses may be reimbursed with prior approval by the Committee and provided a budget has been adopted and approved for the expense.