

# COMMUNITY HERITAGE COMMISSIONS:

## A RESOURCE GUIDE

The Community Heritage Commission is one of the most important components in a local government's heritage program, yet the enabling legislation provides little guidance about its formation and function. As a result, there are numerous approaches—some are successful, others less so, and still others fail.

The goal of this guide is to support the formation and ongoing work of the Community Heritage Commission through research, guidelines, and standards. By understanding best practices and lessons learned, a consistent interpretation and implementation of the Community Heritage Commission can be successfully adopted by all local governments and regional districts. By establishing and authorizing a Commission, the local government places importance on community-led conservation. Stronger systems and strengthened relationships will ensure greater success for the Commission and improved conservation for the community-at-large.

HeritageBC



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## COMMUNITY HERITAGE COMMISSIONS: INTRODUCTION

The *Local Government Act (LGA; Section 15)* and the *Community Charter* provide local governments with the authority to form Commissions and, more specifically, to establish a “Community Heritage Commission”. (*LGA*, s.597)

The *LGA* does not describe the role or responsibility of the Community Heritage Commission (CHC), but there are a few clues.

By including “community” in the name, it is reasonable to assume a key responsibility of a Commission is to represent the community or to be the voice of the community. This community-led approach to identifying and stewarding heritage is well-aligned with what was said during the State of Heritage roundtables: “Heritage describes what matters to a community... the community has to define heritage.”

The CHC is placed under the heading “Heritage Review” (Division 3) of the *LGA*, suggesting the Commission’s members will provide evaluations, comments, and recommendations related to the local government’s heritage programs and goals.

The *LGA* states “an existing organization” may be designated as a Community Heritage Commission, which again suggests a community connection. However, it is noted that this approach to establishing a CHC is not common; instead, local governments customarily establish a new entity that has no other affiliation or purpose.

The *LGA* does not directly provide information about the CHC’s formation and membership, but there are other clues found under “Regional Districts: Governance and Procedures”. It requires a community Commission to be established through a bylaw that includes the name and boundaries of the local community, the time and manner of holding the annual general meetings, and election information. The section also includes information describing the Commission’s membership. (See sections 243 and 245 of the *LGA*, [link to document](#).)

It is interesting to note that the legislation that predated the current *Local Government Act* referred to the “heritage advisory Committee” instead of the “Community Heritage Commission”. The change in the name indicates a purposeful change of intent and purpose. In fact, the Heritage Branch explained (in 2014) that the CHC could “exercise a greater range of powers than a heritage advisory Committee did, including the ability to undertake support activities and/or to take on other non-regulatory activities delegated to it by a council or regional district board.”

The current legislation places greater priority on community input and heritage conservation than had been seen in previous legislation. Local governments are encouraged to follow this direction with the adoption of Community Heritage Commissions.

## COMMUNITY HERITAGE COMMISSIONS: OVERVIEW

*Heritage Conservation: A Community Guide* was written in 1995 in response to the adoption of the then new *Local Government Act*, which provided new heritage conservation opportunities to local governments.

About the Community Heritage Commission (CHC), this document says, “[It] is intended to assist a council or regional district board with the management and implementation of community heritage conservation planning and activities... including the ability to undertake support activities and/or to take on other non-regulatory activities delegated to it by a council or regional district board. A Community Heritage Commission may:

- advise local government on matters included in the Commission’s Terms of Reference,
- advise local government on matters referred to it by local government, and/or
- undertake or support heritage activities authorized by local government.”

This guide makes an important distinction between a CHC and a planning Commission: while planning Commissions will not typically consider heritage issues, heritage Commissions will look at broader community planning issues so that heritage conservation is considered in a fuller context. It is for this reason the efforts of the two Commissions should be coordinated.

It is worth mentioning another resource, *Heritage Planning: A Guide for Local Government* (1992), which provides information about the purpose of the heritage advisory Committee, the predecessor to the CHC: “to advise on all matters relating to land use, community planning or the proposed bylaws and permits relating to them. The Commission may advise on such matters as official community plans, zoning, development permits and subdivision and development requirements.”

Appointed by the local government council, a CHC follows approved terms of reference to support the local government to manage and implement community heritage conservation planning and activities, which can relate to land use, community planning or the proposed bylaws, permits, official community plans, zoning, development permits and subdivision, and development requirements.

## COMMUNITY HERITAGE COMMISSIONS: COMPOSITION OF COMMISSION

Today, heritage is broadly defined and can include almost all aspects – past, present and future – of a community. A successful Community Heritage Commission (CHC) is one that brings together individuals with a range of experiences, interests, and cultural backgrounds so that the Commission as a whole can protect the community's diverse heritage.

### **The following suggests the types of members and ways in which local governments connect with their communities:**

- One or two councillors
- Individuals with interests and knowledge, such as:
  - local heritage conservation;
  - architecture, planning and design;
  - archaeologist, anthropologist, historian
  - building construction;
  - environmental expert, agriculturist, forester, a representative from an environmental group;
  - landscape architecture and horticulture;
  - business and tourism;
  - First Nations, diverse groups;

### **Community organizations**

- Public schools
- Chamber of Commerce
- Business improvement associations
- Local heritage preservation society, museum
- Open Doors Committees
- Business Improvement Associations
- Tourism organizations

### **Staff representation can include:**

- Manager of municipal museum and/or archives
- City librarian
- Parks Department
- Director of Development Services
- City staff secretary

New members, along with the entire Commission, should receive training and orientation. This includes an introduction to the terms of reference and a thorough discussion of the CHC's work, member expectations, and local government goals. This can easily be accomplished in one meeting.

The success of CHCs often rests on the members' knowledge and common understanding of heritage issues and practices. This can be easily and effectively addressed with Heritage BC webinars-on-demand ([link](#)) or with on-site or remote (through an electronic platform) workshops ([link](#)).

## COMMUNITY HERITAGE COMMISSIONS: RESPONSIBILITIES

The Community Heritage Commission (CHC) will generally oversee heritage issues and the implementation of heritage initiatives. More specifically, the CHC may manage and implement community heritage conservation planning and activities, provide advice, and support authorized activities, and may consider land use, planning, bylaws, and permits, and advise on official community plans, zoning, permits, and other requirements.

The description of the CHC's work is a critical section in the Commission's terms of reference. It is important that this section is well thought out, taking into account the benefit of the Commission (e.g. community connections, expertise, experiences, interests) and the needs and goals of the local government. The success of the CHC often rests on the thorough and comprehensive description of its work.

The following list offers a range of broad and specific activities that can be undertaken.

### Broad work of the Commission

- Initiate and complete strategies; recommend policies
- Consider issues raised by Commission members and referred by the Council
- Assist staff in identifying areas that merit consideration as heritage conservation areas for future amendments to the Official Community Plan
- Undertake Public Consultation

### Programs, Activities

- Educate, build awareness and undertake public consultation
- Undertake and support activities of a heritage nature, including fundraising, education, heritage research, and the organization of or participation in heritage events
- Support heritage education and public awareness through programs such as Heritage Week displays and newsletters

### Heritage Conservation

- Create and maintain a register
- Develop a program of recognition and incentives
- Recommend conservation actions
- Recommend criteria to Council for determining heritage value, including sites of historic, cultural and natural significance

### Planning Related

- Consider rezoning applications and requests for demolition permits
- Review and submit recommendations to the Council on land use and planning matters which have heritage implications
- Raise funds and pursue partnerships for the support of conservation and promotion of heritage

### Administrative

- Prepare annual financial statements and budgets
- Manage the operations of the Commission and other Commission budgets as required
- Review and submit recommendations on the City's capital and operational budgets with regard to heritage
- Prepare an annual work plan and report
- Appoint sub-Committees, as needed

While this list is made up of actual activities from CHC terms of references, it should not be considered an exhaustive or an ideal list. Nevertheless, this list does illustrate the potential of a CHC and the support it can provide to its council and community.

## COMMUNITY HERITAGE COMMISSIONS: TERMS OF REFERENCE

Every Community Heritage Commission (CHC) should have terms of reference (ToR) that set out working arrangements and other critical information, such as the Commission's purpose, chair and membership, meeting requirements, level of administrative support, and governance structure.

The importance of the terms of reference should not be underestimated. A well-conceived document will touch on all aspects of a Commission and should be regularly consulted as the Commission develops annual work plans and activities.

Local governments, the community and the Commission itself will be best served with a thorough description and complete understanding of the CHC's roles and responsibilities.

Broadly, an effective ToR will:

- Clearly describe the purpose, structure and operating systems
- Define the roles and accountabilities of the members and describe their work and activities
- Be collaboratively developed and reviewed
- Be easy to read and understand.

It is important to note that the bylaw that creates the heritage Commission must be clear on a number of items:

- The terms of reference for the Commission must be specifically identified.
- The number and types of members, with guidance on the type of expertise sought within the membership.
- The process by which members are appointed by the municipal council or regional board.
- The procedures regarding the conduct of members, their responsibilities as Commission members, and the governing procedures for meetings.

In some cases, the ToR is contained wholly in the bylaw (as it is for the City of New Westminster) and in other cases the complete ToR is contained in a separate document (as it is for the District of Mission).

### Vision, Mission, Goals, and Objectives

By describing the Commission's mission, goals, and purposes, the ToR will outline the CHC's work and value.

The purpose of the Commission should be unambiguous, and the ToR should be written with sufficient thoughtfulness and clarity so that it focusses and guides the CHC's work.

- A vision statement is an idealistic and aspirational statement that imagines a future condition as a result of the CHC's successful accomplishments.
- The City of Richmond will be "the most appealing, livable, and well-managed community in Canada."
- A mission statement will answer the questions: What should happen as a result of the work of the Commission, and how will the community be changed?

- Prince George Heritage Commission will serve “to protect, conserve and interpret the heritage resources within the City by supporting, encouraging, and facilitating their proper conservation, maintenance and restoration.”
- Goals will broadly explain what will be achieved.
- Objectives are more detailed, measurable and time-specific. Objectives are the necessary steps to achieve the goals, which in turn achieve the mission.

## Authority and Accountability

The ToR should outline the authority and parameters related to the CHC’s ability to make decisions and recommendations, as well as to undertake actions.

Reporting requirements will describe who will receive information, in what timeframe, and in what form (e.g. minutes, studies, reports). The reporting relationship to council should be clearly defined.

This may also include information about such actions as hiring a consultant, developing a website, coordinating events and activities, and so on.

Overall, authorities and accountabilities will clarify relationships and communication requirements.

## Membership

The ToR will detail the exact make-up and mix of members, which can be drawn from the community-at-large, government staff, and politicians. The details about member qualifications can include geographic representations, which will be important for a regional district, and organization affiliations, as well as professional expertise.

Every individual appointed to the Commission must (example from Vancouver Heritage Commission):

- be an elector of the City; or
- have been a resident of the Greater Vancouver Regional District for not less than six consecutive months immediately preceding his or her appointment;
- not be a member of the Council of the City;
- not be an employee of the City

In addition to the general public, the CHC may include representatives from the library and education systems, representatives of local history and heritage organizations, liaison with the Chamber of Commerce, as well as municipal planners, professionals, and individuals with specific skills, such as archaeologists, landscapers, builders, etc.

The ToR will include a minimum and maximum number of members, specifying which numbers have voting privileges and which do not. Additionally, the length and number of terms for the members should be clearly described.

The size of the membership should take into account the size of the community and the expected work of the Commission. A Commission that is too small may not be able to successfully meet the needs of the local government and the community.



### **Example from Bowen Island Heritage Commission:**

The Commission shall be composed of seven (7) voting members. Voting Members:

- One (1) Councillor
- Up to three (3) representatives of the Bowen Island Heritage Preservation Association
- Up to three (3) representatives(s) of the Bowen Island Museum and Archives
- Up to three (3) representatives(s) of the community at large with the following interests and knowledge:
  - Local Heritage conservation;
  - Architecture, planning and design;
  - Building construction;
  - Landscape architecture and horticulture;
  - History;
  - Business and tourism; and
  - Nature conservation
- When appointing members, Council must consider the interests, skills and experience necessary to carry out the Commission's mandate.

### **Example from Kitimat-Stikine Heritage Advisory Commission:**

- Each voting member of the Commission shall be appointed for a period of 2 (two) years commencing January 1 of the year of their appointment and terminating December 30 two years hence. For the first year, Commission members should be appointed in October, 2007.
- The maximum length of service for voting members to the Heritage Advisory Commission shall be 6 (six) consecutive years.

## **Governance**

The ToR will describe CHC's governance structure, including:

- Eligibility criteria and term length of the chair
- Information about the role of secretary
- Recruitment and election/appointment criteria
- Approval method of appointees
- Meeting schedule or minimum number of meetings per cycle (see Timeframe for more information)
- Information about the preparation for and calling of meetings, minute taking, and quorum
- The expectation for attendance of general public
- Compensation and reimbursement expectations. Members are not typically compensated for their time and services, but it is appropriate to offer reimbursements for actual, out-of-pocket expenses. However, authorization should first be required before expenses are incurred.

## **Timeframe**

The ToR should describe when the CHC will start its work, how frequently it will meet (or at least the minimum number of times it will meet in a given period), and the expected time requirements for the Commission members.

The ToR will state the length of a term and the number of terms a member may serve. For example, a CHC member may be appointed for up to three 2-year terms and therefore sit on the Commission for a maximum of six years.

### **Best practices include:**

- A description of meeting expectations for members. Typically, this will suggest that, if a member misses a specified number of consecutive meetings or a specified number of meetings in a given period, the member's appointment may be reconsidered. This information is critical when addressing chronic absenteeism.

*If a member misses 3 consecutive meetings, or has 4 or more absences within a year without giving reasonable notice, the Chairperson will contact that member to discuss the situation. The Chairperson may request the resignation of the member.*

### **Mission Heritage Commission**

- A limitation on the number of consecutive terms. It may be possible for a member to be re-appointed after an absence, but it is desirable to encourage renewal and to gain access to new ideas and energies. If a member is allowed to return to the CHC, the ToR should specify the minimum period of absence (for example, a minimum of one term or one year). Commissions that do not renew its membership can run into issues of controlling members and compromised succession planning.
- Staggered terms so that the CHC does not lose too many members at one time.

It also may be desirable to involve former members in non-voting roles that allow them to support the continued work of the heritage Commission.

### **Other inclusions:**

- Outline available resources, such as staff support, expenses/budget, and equipment. Expenses may include projects, public education and awareness activities, printing and promotions, awards events, and other planned activities.
- Description of linkages to other Commissions, Committees, departments, organizations, and events.
- Appointment, role and contributions of municipal staff.
- Evaluation format that will measure the effectiveness of the Commission's work. Measurements can be used to make adjustments to improve effectiveness and output.
- Procedure to fill vacancies and to receive delegations.

## COMMUNITY HERITAGE COMMISSIONS: TERMS OF REFERENCE TEMPLATE

The following template is offered as guidance to structuring a terms of reference (ToR) for a Community Heritage Commission (CHC). There are many approaches to writing a ToR and this suggestion is not meant to be prescriptive or exhaustive. The goal is to provide a template that will guide you in efficiently writing ToR that will support the success of your Community Heritage Commission.

[Name of local government] Community Heritage Commission

Title: Terms of Reference

If the ToR is not fully contained in a bylaw, provide the date it was last approved

### Introduction

- How and when was the CHC formed
- Information about the establishing bylaw (if not fully contained in bylaw)

### Vision, Mission, Goals, Objectives

Vision is the broadest of these four sections; objectives is the most specific. You may choose those that are best suited to your situation, but mission and goals should be included in every document.

- A vision statement is aspirational, describing the idealistic change that will occur because of the CHC's success.
- A mission statement is a little more specific, describing the reason the CHC exists.
- The goals will describe the work of the CHC. See our list of activities (LINK).
- The objectives are the most specific and operational. Without getting into detail, the objectives will touch on the actions needed to achieve the goals.

### Membership

Consider:

- Minimum and maximum size
- Regions to be represented (e.g. members must live within local government boundaries); cultural groups and organizations to be represented
- Local government representation (political and staff)
- Expertise to be represented and interests to be considered
- Meeting schedule; absenteeism
- Terms of appointment: description of term length; limitation of consecutive terms; length of time a member must be off the CHC before returning; filling vacancies
- Expectations for members (e.g. time Commitment, activities outside of meetings)
- Attendance at meetings (e.g. missed meetings)
- Appointment requirements and procedure; rotation of terms; vacancies

## Governance

Consider:

- Role and responsibilities of local government representatives (e.g. voting/non-voting, liaison, staff support, secretarial)
- Voting privileges and methods; quorum
- Eligibility, role, and appointment of chair, absence of chair, acting chair
- Secretarial responsibilities: agendas, minutes, reports, meeting arrangements
- Meeting rules of procedure
- Budget process and restrictions; equipment and other
- Presentations by delegations
- Linkages to other Commission, Committees, and events
- Compensation and reimbursement
- Public, private, and in-camera meetings
- Review and update of Terms of Reference; approval process of changes

## Authority and accountability

Consider:

- Limitations of decision making and budget expenses
- Submission and distribution of reports
- Communications
- Establishment of sub-Committees

## Evaluation

- Consider how assessments will be made for milestones and activities. If the measurement is quantitative, the benchmark should be provided.

## Definition of terms

- Provide definitions of any key terms.

## COMMUNITY HERITAGE COMMISSIONS: APPLICATION FORM

The following is a sample application form that could be used for acquiring new members for the Community Heritage Commission. This form can be adapted to suit the needs of the Community Heritage Commission and the requirements of the local government.

### Contact information

- Name
- Address
- Phone, cell
- Email

If you have experience on a [name of local government] Committee, please provide dates and details.

What do you hope to contribute or learn as part of the Community Heritage Commission?

How will you support the work of the Community Heritage Commission?

Please describe your applicable education/business/work experience.

Please describe your applicable community involvement and/or other volunteer activities.

I declare the following:

- I am a resident of [name of local government]
- I am at least 18 years old
- I am not a city employee or council member
- I understand that the Commitment may be up to xx hours per month to attend meetings and to prepare.
- I understand that my application will be included on a public agenda that is published on the [name of local government] website.

By submitting this application for consideration, you are declaring that the information in your application is true.

The [name of local government] has a strong commitment to workplace diversity and inclusion, and this commitment extends to our Community Heritage Commission appointments. An inclusive workplace creates a more supportive environment and ultimately helps us to provide better service to our diverse community.

Council approves all appointments. The appointment process is governed by Council's policy on Commissions. For more information, please contact the City Clerk's Office at [phone number/email address].

[include disclaimers, such as Freedom of Information and Protection of Privacy Act, as required]

How did you hear about this opportunity?

- City website
- Social media (e.g. Facebook, Twitter)
- Contact from the City Clerk's Office
- Friend or co-worker
- Printed newspaper advertisement
- Other – specify

Signature of applicant

Date of application

## COMMUNITY HERITAGE COMMISSIONS: DECISION MAKING

The University of Waterloo ([link](#)) offers a number of approaches to effective decision-making. Here is a summary of a few suggestions:

1. Identify: clearly understand what you are trying to decide so you have a goal on which to focus your discussions.
2. Analyze examine the data and resources that you already have, and identify what additional information you may need.
3. Establish criteria: Identify the criteria or conditions that would determine whether a chosen solution is successful. Ideally, a solution will be feasible, move the group forward, and meet the needs of every group member.
4. Brainstorm: explore potential solutions to the identified problem or decision. This involves collecting as many ideas as possible. At this stage, ideas should not be criticized or evaluated.
5. Evaluate: look for the best alternative according to the criteria identified in step 3. Remember that you may be able to combine ideas to create a solution.
6. Implementation: consider the resources necessary to implement the decision, as well as the potential obstacles, then taking action.
7. Monitor and evaluate: Based on the criteria identified in step 3, evaluate whether the decision was successful. If not, revisit step 4 to evaluate the other options or generate new ones.

### Finding Consensus

The University of Waterloo offers [different approaches](#) to come to a consensus. This one might be more time-consuming than other methods, but it is a good way to reach an overall agreement.

The decision is discussed and negotiated until everyone affected by it understands and agrees with what will be done. Consensus in decision making means that all members genuinely agree that the decision is acceptable. After a group has identified a decision to be made, each member is asked how he/she feels about the proposed decision by selecting one of the following responses:

1. I can say an unqualified “yes” to the decision.
2. I find the decision acceptable.
3. I can live with the decision, but I’m not especially enthusiastic about it.
4. I do not fully agree with the decision, but I do not choose to block it.
5. I do not agree with the decision, and I feel we should explore other options.

If all the responses from the group members are 1, 2, 3, or 4, you have a consensus and are ready to move on.

- All members feel that they have had an equal opportunity to influence the decision and will continue to support the group
- The best way to make decisions, if you have the time
- May be difficult to reach a consensus
- May be very time consuming

## COMMUNITY HERITAGE COMMISSIONS: LEGISLATION

Following are excerpts of relevant legislation for local governments and regional districts. This information is provided for convenience, please refer to legislation for complete details.

### Community Charter

#### Municipal Commissions [\[1\]](#)

Division 4 — Committees, Commissions and Other Bodies

Section 143

1. A council may establish and appoint a Commission to do one or more of the following:
  - a. operate services;
  - b. undertake operation and enforcement in relation to the council's exercise of its authority to regulate, prohibit and impose requirements;
  - c. manage property and licences held by the municipality.

#### Delegation of council authority

Section 154

1. A council may, by bylaw, delegate its powers, duties and functions, including those specifically established by an enactment, to the extent provided, to
  - a. a council member or council Committee,
  - b. an officer or employee of the municipality, or
  - c. another body established by the council.
2. As exceptions, a council may not delegate the following:
  - a. the making of a bylaw;
  - b. a power or duty exercisable only by bylaw;
  - c. a power or duty established by this or any other Act that the council give its approval or consent to, recommendations on, or acceptance of an action, decision or other matter;
  - d. a power or duty established by an enactment that the council hear an appeal or reconsider an action, decision or other matter;
  - e. a power or duty to terminate the appointment of an officer;
  - f. the power to impose a remedial action requirement under Division 12 [Remedial Action Requirements] of Part 3.
3. Despite subsection (1), a council may only delegate a power or duty to appoint or suspend an officer to its chief administrative officer.

4. A council may not delegate under subsection (1) to a corporation.
5. In exercising its powers under subsection (1), a council may establish any terms and conditions it considers appropriate.

## Local Government Act [2]

### Part 8 — Regional Districts: General Powers and Responsibilities

#### Division 1 — General Powers

##### Corporate powers

###### Section 263

1. Subject to the specific limitations and conditions established under this or another Act, the corporate powers of a board include the following:
  - a. to make agreements respecting
    - i. the regional district's services, including agreements respecting the undertaking, provision and operation of those services, other than the exercise of the board's regulatory authority,
    - ii. operation and enforcement in relation to the board's exercise of its regulatory authority, and
    - iii. the management of property or an interest in property held by the regional district;
  - b. to make agreements with a public authority respecting
    - i. activities, works or services within the powers of a party to the agreement, other than the exercise of regulatory authority, including agreements respecting the undertaking, provision and operation of activities, works and services,
    - ii. operation and enforcement in relation to the exercise of regulatory authority within the powers of a party to the agreement, and
    - iii. the management of property or an interest in property held by a party to the agreement;
  - c. to provide assistance for the purpose of benefiting the community or any aspect of the community;
  - d. to acquire, hold, manage and dispose of land, improvements, personal property or other property, and any interest or right in or with respect to that property;
  - e. to delegate its powers, duties and functions, in accordance with Division 7 [Delegation of Board Authority] of Part 6 [Regional Districts: Governance and Procedures];
  - f. to engage in commercial, industrial and business undertakings and incorporate a corporation or acquire shares in a corporation for that purpose;
  - g. to establish Commissions to
    - i. operate regional district services,
    - ii. undertake operation and enforcement in relation to the board's exercise of its regulatory authority, and
    - iii. manage property or an interest in property held by the regional district.



2. In exercising its powers under subsection (1), a board may establish any terms and conditions it considers appropriate.
3. The powers of a board under subsection (1) may be exercised outside the boundaries of the regional district.

## Local Government Act

### Division 9 — Local Community Commissions [3]

#### Establishment of local community Commissions

##### Section 243

1. A board may, by bylaw, establish in an electoral area one or more local communities to be administered by local community Commissions.
2. A bylaw establishing a local community must do the following:
  - a. name the local community;
  - b. establish the boundaries of the local community;
  - c. establish the time and manner of holding annual general meetings of the Commission;
    - i. that elections for Commissioners are to be held every 4 years at the time of the general local election, or
    - ii. that elections for Commissioners are to be held each year at a time specified in the bylaw.
3. A bylaw establishing a local community may do one or more of the following:
  - a. establish the manner of holding elections for Commissioners, if this is to be different from that provided by the application of Part 3 [Electors and Elections];
  - b. provide that the number of elected Commissioners is to be 6;
  - c. set terms, conditions and restrictions on activities of the Commission.
4. Except as provided by bylaw under subsection (3) (a), Part 3 applies to the election of Commissioners.
5. A bylaw under subsection (3) (a) must be adopted at least 8 weeks before the general voting day for the election to which it first applies.

#### Requirement for assent of electors and inspector approval

##### 244

1. A bylaw establishing a local community, or a bylaw amending or repealing such a bylaw, has no effect unless it receives the assent of the electors in the area of the local community and is approved by the inspector.
2. As an exception to subsection (1), the minister may waive the requirement for assent of the electors to a bylaw that amends or repeals a bylaw establishing a local community.
3. For the purposes of obtaining the assent of the electors as required by this section, Part 4 [Assent Voting] applies and the voting area is to be the proposed local community or the local community, as applicable.

## Commission membership

245

1. The Commission for a local community consists of
  - a. as applicable,
    - i. 4 elected Commissioners unless a bylaw under section 243 (3) (b) [increase in number of Commissioners] applies, or
    - ii. 6 elected Commissioners if such a bylaw does apply, and
  - b. the director for the electoral area in which the local community is located.
2. A Commissioner must have the qualifications to hold office as a director.
3. The term of office for elected Commissioners is, as applicable,
  - a. if the bylaw establishing the local community specifies that elections are to be held every 4 years, 4 years or until their successors are elected, whichever is later, or
  - b. if the bylaw establishing the local community specifies that elections are to be held each year, one year or until their successors are elected, whichever is later.
4. At each annual general meeting, the Commissioners must elect a chair and a vice-chair.

## Local Government Act

### Heritage Conservation, Part 15, Division 3 — Heritage Review

Community Heritage Commissions

597

1. In addition to the authority under section 263 (1) (f) [regional district Commissions] of this Act or section 143 [municipal Commissions] of the Community Charter, a local government may designate an existing organization to act as a Community Heritage Commission.
2. In relation to an organization designated under subsection (1),
  - a. when the organization is acting as a Community Heritage Commission, the organization is deemed to be a Commission established under the applicable provision referred to in subsection (1), and
  - b. when a member of the organization is acting as a member of a Community Heritage Commission, the member is deemed to be a member of a Commission established under the applicable provision referred to in subsection (1).

[\[1\] Community Charter \(Committees, Commissions and Other Bodies\)](#)

[\[2\] Local Government Act \(General Powers and Responsibilities\)](#)

[\[3\] Local Government Act \(Local Community Commissions\)](#)

## COMMUNITY HERITAGE COMMISSIONS: SAMPLE ENABLING BYLAW

With minor alterations, this sample bylaw was prepared by Lidstone, Young, Anderson for *Heritage Conservation: A Technical Manual for Local Governments*, 1995.)

WHEREAS:

- A. The Council is authorized to establish by bylaw a Community Heritage Commission pursuant to Part 15, Division 3 – Heritage Review, Local Government Act (December 16, 2015);
- B. The Council considers that it is in the public interest to establish a Community Heritage Commission to advise the Council in respect of heritage conservation and to undertake and support activities that promote and assist in the conservation of the heritage of the City;

NOW THEREFORE IN OPEN MEETING ASSEMBLED, THE COUNCIL ENACTS AS FOLLOWS:

### 1. TITLE

This Bylaw may be cited for all purposes as the “[Name of local government] Community Heritage Commission”.

### 2. INTERPRETATION

In this Bylaw:

2.1 Commission means Community Heritage Commission established under section 3.

### 3. ESTABLISHMENT, COMPOSITION AND APPOINTMENT OF COMMISSION

3.1 There is hereby established a Community Heritage Commission known as the \_\_\_\_\_.

3.2 The Commission shall be composed of a minimum of \_\_\_\_\_ persons whom shall be appointed by resolution of the Council as follows:

- a. \_\_\_\_\_ member from the Council;
- b. \_\_\_\_\_ member from among the persons nominated by \_\_\_\_\_ and in the absence of any nomination, a person selected by the Mayor;
- c. \_\_\_\_\_ member from among the persons nominated by \_\_\_\_\_ and in the absence of any nomination a person selected by the Mayor; and
- d. As many other members from persons selected by Council, nominated by citizens or organizations as Council may choose to appoint.

3.3 The Council shall designate one of the members of the Commission as chairperson and one as vice-chairperson of the Commission.

3.4 Members of the Commission shall be appointed annually in the month of \_\_\_\_\_ to commence their term of office on \_\_\_\_\_. Members of the Commission hold office at the pleasure of the Council.

3.5 Subject to 3.7, all members shall hold office until the later of December 31 following the commencement of their terms or until their successors are appointed. Existing members shall be eligible for re-appointment to a maximum of \_\_\_\_\_ successive terms.

- 3.6 When the membership of the Commission falls below \_\_\_\_\_ any vacancy occurring in the membership of the Commission shall be filled forthwith by the Council for the unexpired term of the vacancy. Any member appointed in mid-term shall be eligible upon conclusion of the term for reappointment to a maximum of \_\_\_\_\_ successive terms.
- 3.7 The Council may terminate the appointment of any member of the Commission without notice.
- 3.8 The Chairperson shall advise Council immediately in writing of any member who has been absent from meetings for the Commission for \_\_\_\_\_ consecutive meetings without prior leave of absence having been granted by the Commission.
- 3.9 No member of the Commission shall receive any remuneration for services, however, a member shall be reimbursed for any reasonable out of pocket expenses incurred on behalf of and previously approved by the Commission.

#### 4. TERMS OF REFERENCE

- 4.1 The Commission is appointed for the purpose of advising the Council on heritage conservation matters and undertaking and providing support for such activities as benefit and provide for the advancement of heritage conservation in the City. The Commission may also conserve, administer, and maintain property own by the property.

#### 5. DUTIES OF COMMISSION

##### 5.1 The Commission will:

- a. Conserve, administer, maintain and operate the civic heritage property described in Schedule "A" to this bylaw in accordance with the bylaws of the Council and subject to Council's direction;
- b. Advise council on any matter referred to it by the Council;
- c. Undertake and provide support for such heritage activities as directed by Council;
- d. Establish and administer a grants in aid and financial assistance application process for organizations, institutions, or other groups requiring financial assistance to engage in activities:
  - i. To conserve or relating to the conservation of heritage property or heritage resources;
  - ii. To gain knowledge about the community's history and heritage;
  - iii. To increase public awareness, understanding and appreciation of the community's history and heritage;
  - iv. Necessary or desirable with respect to conservation of heritage property or heritage resources;

And to evaluate such applications received annually on or before \_\_\_\_\_ of each year and recommend to Co8ncil grants and financial assistance that the Commission considers to be given.

##### 5.2 The Commission may:

- a. Develop and implement educational and public awareness programs related to heritage conservation in the City;
- b. Raise funds for local heritage conservation projects;

- c. Make recommendations on heritage policy and advise Council on policy issues relating to heritage property and neighbourhoods

## 6. OPERATIONS OF COMMISSION

- 6.1 The Commission may adopt such rules for its procedure not inconsistent with the provisions of the Local Government Act or this Bylaw as it may deem expedient and may alter, amend or vary the same as it may be required provided that copies of such rules and procedures and variations and amendments of the rules shall forthwith be forward to the City Clerk.
- 6.2 The Commission shall hold regular meetings, at such time and place within the City as it may decide, and \_\_\_\_\_ of the number of members in office shall constitute a quorum.
- 6.3 The Chairperson, or any two (2) members may summon a special meeting of the Commission by giving at least \_\_\_\_\_ days notice in writing to each member stating the purpose for which the meeting is called.
- 6.4 The Chairperson may appoint such Committees from within the Commission as he or she may deem necessary.
- 6.5 All members of the Commission, including the presiding member, may vote on questions before it, and in all cases where the votes of the members present are equal for and against the question, the question shall be negatived. Any member then present who abstains from voting shall be deemed to have voted in the affirmative.
- 6.6 The Chairperson shall preserve order and decide all points of order which may arise, subject to an appeal to the other members present. All such appeals shall be decided without debate.
- 6.7 All questions before the Commission shall be decided by a majority of the members present at the meeting.
- 6.8 No act or other proceedings of the Commission shall be valid, unless it is authorized by resolution at a meeting of the Commission
- 6.9 The minutes of the proceedings of all meetings of the Commission shall be maintained in a Minute Book and forthwith following each meeting of the Commission, a copy, when signed by the Chairperson or member presiding shall be forwarded to the City Clerk.
- 6.1. Subject to section 6.11, all meetings of the Commission shall be open to the public;
- 6.1. The Council may by resolution authorize the Commission to consider any specific matter incamera and hereby authorizes the Commission to consider all of the following general matters in camera:
  - a. Acquisition or disposition of real or personal property or any interest in them;
  - b. personnel matters; or
  - c. legal advice, opinions and litigation matters.

## 7. INTERPRETATION

Wherever the singular or the masculine are used in the Bylaw the same shall be construed as meaning the plural or the feminine or the body politic or corporate where the context or the parties hereto so require.

## COMMUNITY HERITAGE COMMISSIONS: RELATED INFORMATION

### Community Heritage Commission

While the absolute authority of heritage designation rests with the local government's council, the Community Heritage Commission, working with the heritage and planning departments, will provide oversight. The activities of a Community Heritage Commission may include recommendations on development applications, nominating sites for heritage recognition or designation, reviewing Heritage Strategic Plans, design guidelines, etc.

Please see the Community Heritage Commission guide for a detailed explanation.

### Heritage Alteration Permit

The Heritage Alteration Permit is included in the *LGA*, which says "a heritage alteration permit is issued authorizing the alteration to which the approval applies." (source)

The City of New Westminster provides the following information: "A Heritage Alteration Permit (HAP) is a tool that allows certain kinds of changes to protected heritage property. This tool ensures the City can respond to the changing needs of the property, and its owners, over time. Proposed alterations and additions to a protected heritage property are reviewed to determine the appropriateness of the changes in relation to the character-defining elements of the building. The changes proposed must be consistent with the intent of the heritage protection bylaws." (source)

### Heritage Conservation Act

The *LGA* and the *Heritage Conservation Act (HCA)* each deal with designation; the *LGA* provides the legal authority to local governments, while the *HCA* provides authority to the province.

Under the *Heritage Conservation Act*, the province can protect historic places with provincial-level heritage significance in several ways, primarily through designation as provincial heritage property (Crown land) or provincial heritage sites (non-Crown land). (source)

### Heritage Conservation Area

Unlike individually designated properties on the heritage register, properties in a Heritage Conservation Area are significant as a group.

A local government can define special areas in its Official Community Plan to provide long-term protection to a distinctive heritage area. Heritage conservation areas may require a heritage alteration permit for:

- subdivision,
- additions,
- new construction,
- alteration of a building, structure, land, or feature.

## Heritage Conservation Covenant

This conservation tool allows a local government to negotiate terms of a contractual agreement with a property owner to protect a site, but cannot vary siting, use, or density. Covenants are registered on the land title and may be binding on future property owners.

## Heritage Impact Assessment

Prior to development approvals, property owners or developers may be required to provide information regarding the impact of their proposals on protected heritage properties.

## Heritage Revitalization Agreement

The Heritage Revitalization Agreement is included in the *LGA*; it is a voluntary, yet legally binding agreement between the local government and the owner of the heritage property. The agreement may set forth certain regulation and bylaw variances and outlines the duties, obligations, and benefits negotiated by both parties, such as:

- Rural land use, density, siting, and lot size;
- A land use designation, development cost recovery, subdivision and development requirements.

## Real property

The LGA includes a definition that reads: “real property includes buildings, structures and other improvements affixed to the land.” The Community Charter offers this definition: “real property means land, with or without improvements so affixed to the land as to make them in fact and law a part of it.”

Real property is a subset of Canadian property law, which also includes personal property. The Canadian Encyclopedia addresses both types: “Real property (or realty) is land, any buildings on that land, any mineral rights under the land, and anything that is attached to the land or buildings that can be considered permanent. Personal property (sometimes known as chattels) includes any property that is not real property.” ([source](#))

A fuller explanation of Real Property is included in the Community Heritage Register guide [found here](#).

## Temporary Heritage Protection

Temporary heritage protection tools deal with immediate and short-term circumstances and can be used until longer-term measures are enacted:

- withholding of approvals,
- withholding of demolition permits,
- temporary protection orders,
- temporary protection bylaws, or
- temporary protection control periods.

Specific time limits apply. Temporary heritage protection cannot be extended indefinitely. Refer to Division 4 of the *Local Government Act* for information.

# COMMUNITY HERITAGE COMMISSIONS: RESOURCE GUIDE

This resource guide is part of a series describing the heritage conservation tools that are available through BC's *Local Government Act*. The other guides are:

Community Heritage Registers

Heritage Designation

Heritage Conservation Areas

Heritage Revitalization Agreements

Heritage Impact Assessment

Heritage Covenant

Temporary Heritage Protections

All guides are available at [heritagebc.ca](http://heritagebc.ca).

## A NOTE TO READER

Please contact Heritage BC if this guide did not provide answers to your questions. [Let us know](#) how we can help, and we will find the information you need.

It is intended this guide will develop through community input. If you have best practices and case studies that would benefit this guide, please contact [Heritage BC](#).

The resource guides provide overviews through research and commentary. Application of the heritage conservation tools are not prescriptive, as they can be adapted to each situation. Local governments and regional districts wanting to implement the heritage conservation tools should seek legal counsel as required.

## ABOUT HERITAGE BC

Heritage BC supports all people of British Columbia who champion the preservation and conservation of all forms of cultural heritage, developing awareness, appreciation and respect for B.C.'s built and intangible traditions.

Heritage BC is a charitable not-for-profit supporting heritage conservation across British Columbia through education, training and skills development, capacity building in heritage planning and funding through the Heritage Legacy Fund.

As an organization of provincial scope, Heritage BC recognizes that its members, and the local history and heritage they seek to preserve, occupy the lands and territories of B.C.'s Indigenous peoples. Heritage BC asks its members to reflect on the places where they reside and work, and to respect the diversity of cultures and experiences that form the richness of our provincial heritage.

# HeritageBC



[heritagebc.ca](http://heritagebc.ca)

