



City of Richmond

Report to Committee

To: Planning Committee

Date: November 18, 2019

From: Barry Konkin
Manager, Policy Planning

File: 08-4200-01/2019-Vol 01

Re: Amendments to Richmond Heritage Commission Bylaw 7906

Staff Recommendations

That Richmond Heritage Commission No. 7906, Amendment Bylaw 10104, be introduced and given first, second and third reading.

Barry Konkin
Manager, Policy Planning
(604-276-4139)

BK:jl
Att. 1

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| REPORT CONCURRENCE | |
| CONCURRENCE OF GENERAL MANAGER | |
| | |
| REVIEWED BY STAFF REPORT AGENDA REVIEW SUBCOMMITTEE | INITIALS: |
| APPROVED BY CAO | |
| | |

Staff Report

Origin

In Spring 2019, Council endorsed the Food Security and Agricultural Advisory Committee Terms of Reference which included code of conduct provisions related to conflict of interest, expectations for professional conduct, and communication protocols. Council directed staff to review all existing Terms of Reference for other advisory committees to include similar language where required.

The Terms of Reference for the Richmond Heritage Commission is embodied in Richmond Heritage Commission Bylaw No. 7906.

This report responds to Council's request and proposes to amend Richmond Heritage Commission Bylaw No. 7906 to incorporate new code of conduct provisions.

This report supports Council's Strategic Plan 2018-2022 Strategy #3 One Community Together:

Vibrant and diverse arts and cultural activities and opportunities for community engagement and connection.

3.4 Celebrate Richmond's unique and diverse history and heritage.

This report supports Council's Strategic Plan 2018-2022 Strategy #6 Strategic and Well-Planned Growth:

Leadership in effective and sustainable growth that supports Richmond's physical and social needs.

6.4 Recognize Richmond's history and heritage through preservation, protection and interpretation.

Findings of Fact

Richmond Heritage Commission Bylaw No. 7906

The Richmond Heritage Commission (RHC) was established in 1998 through Council approval of Heritage Commission Establishment Bylaw No. 6873. Bylaw 6873 was rescinded on May 9, 2005 and replaced by the current Richmond Heritage Commission Bylaw No. 7906 (Attachment 1).

The RHC consists of nine members of the public, appointed by Council. The term of office of each member appointed is two years. The members have an interest or expertise in local heritage conservation, architecture, planning, building construction, business or economic development, tourism and history.

The primary role of the RHC is to provide advice from a heritage perspective to Council on heritage conservation and promotional matters. The RHC provides comments and recommendations to Council through staff reports on development applications and heritage-

related policies, and undertakes educational and promotional activities such as organizing the annual Richmond Heritage Awards and providing sponsorship to the Oral Histories project, Doors Open Richmond, and Richmond Regional Heritage Fair.

Analysis

Proposed Bylaw Amendment

In order to enhance the administrative procedure of the Richmond Heritage Commission (RHC), staff propose to amend Bylaw 7906 to include new code of conduct provisions. The proposed provisions are consistent with the code of conduct provisions included in the Terms of Reference for the new Food Security and Agricultural Advisory Committee.

The details of the new code of conduct provisions are as follows:

- Conflict of interest language requesting members to declare a conflict of interest, describe the nature of conflict, leave the room prior to any discussions, and refrain from voting;
- Expectations for RHC members' behaviour and RHC meeting attendance; and
- Proper communication protocol (i.e., comment from the RHC are communicated to Council through staff) and use of social media to meet principles of integrity, professionalism and privacy.

Should a member violate the proposed code of conduct and act outside the Bylaw approved by Council, it may result in the removal of the member from the RHC.

Also, staff propose to amend Bylaw 7906, Section 5.2, by removing the November 30th deadline for the annual report, work plan and budget reporting to Council. The reporting is typically done early in each year after the appointment of members because the work plan and budget need to be reviewed and approved by the RHC before they are presented to Council. The current deadline does not enable new members to review the work plan and budget, and does not allow for staff to include the work completed by the RHC at the end of the year (i.e., November and December) in the annual report.

Lastly, Richmond Heritage Commission Bylaw No. 7906 makes references to various *Local Government Act* (LGA) sections. The LGA was amended and reorganized in 2015. The proposed amendments to update the LGA section numbers are included in the proposed Heritage Commission Bylaw No. 7906, Amendment Bylaw 10104.

Financial Impact

None.

Conclusion

Amendments to Richmond Heritage Commission Bylaw No. 7906 are proposed to include new code of conduct provisions in order to enhance the administrative process and provide clear guidelines for Richmond Heritage Commission members, revise the timing of the annual reporting to Council and update *Local Government Act* section numbers.

November 18, 2019

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It is recommended that Richmond Heritage Commission Bylaw No. 7906, Amendment Bylaw 10104, be introduced and given first, second and third reading.



Jessica Lee
Planning Technician

JL:cas

Attachment 1: Richmond Heritage Commission Bylaw No. 7906



CITY OF RICHMOND

RICHMOND HERITAGE COMMISSION

BYLAW NO. 7906

EFFECTIVE DATE – MAY 9, 2005



RICHMOND HERITAGE COMMISSION BYLAW NO. 7906

The Council of the City of Richmond enacts as follows:

PART ONE: RICHMOND HERITAGE COMMISSION

- 1.1 A Community Heritage Commission known as the "Richmond Heritage Commission", is continued.

PART TWO: TERMS OF REFERENCE

2.1 **The Commission**

- (a) advises **Council** on heritage conservation and promotion matters; and
- (b) undertakes and provides support for activities that benefit and advance heritage in the **City**.

PART THREE: DUTIES OF THE COMMISSION

3.1 The duties of the **Commission** are as follows:

- (a) to review and submit recommendations to **Council** on land use and planning matters which have heritage implications;
- (b) to assist **City** staff to maintain heritage inventories or registers;
- (c) to recommend strategies and policies to **Council**, and undertake programs for the support of heritage conservation;
- (d) to liaise with the community;
- (e) to recruit volunteers for specific **Commission** projects;
- (f) to support heritage education and public awareness through programs such as Heritage Week displays, newsletters and a Heritage Recognition Program;
- (g) to prepare a work program and an annual report;
- (h) to prepare annual financial statements and budgets;

- (i) to manage the operations of the **Commission** and other **Commission** budgets as required;
- (j) to review and submit recommendations on the capital and operational budgets of the **City** with regard to heritage; and
- (k) to raise funds and pursue partnerships for the support of conservation and promotion of heritage.

PART FOUR: COMMISSION COMPOSITION AND APPOINTMENT

4.1 Appointment and Term of Office of Members

- 4.1.1 The **Commission** is to consist of nine members of the public, appointed by **Council**, who:
 - a) must not be **City** employees; and
 - b) must have an interest or expertise in local heritage conservation, architecture, planning, building construction, business or economic development, tourism and history.
- 4.1.2 In addition to the nine members appointed in accordance with subsection 4.1.1, **Council** must appoint annually to the **Commission** one non-voting liaison **Council member**.
- 4.1.3 The term of office of each member appointed in accordance with subsection 4.1.1 is to be two years, commencing January 1st of the first year and ending December 31st of the second year.
- 4.1.4 **Council** must appoint sufficient members to ensure that membership in the **Commission** is at all times equal to or greater than five.
- 4.1.5 **Council** may terminate the appointment of any member of the **Commission** without notice.
- 4.1.6 The **Commission** may review the attendance circumstances of any member who has missed three consecutive meetings without prior permission, and may recommend to **Council** that the membership of such member be terminated.
- 4.1.7 No member of the **Commission** will receive any remuneration for services, however, a member is entitled to reimbursement for any reasonable out-of-pocket expenses incurred on behalf of, and previously approved by, the **Commission**.

4.2 Appointment of Executive and Establishment of Committees

- 4.2.1 The **Commission**, at its first meeting each year, or as soon as possible thereafter:

- (a) must elect a Chair, Vice-Chair, and Treasurer; and
- (b) may establish the following committees and their chairs:
 - (i) Planning and Policy;
 - (ii) Finance and Administration;
 - (iii) Promotions and Programs; and
 - (iv) other committees and their chairs as are deemed necessary.

PART FIVE: OPERATION OF THE COMMISSION

- 5.1 The **Commission** may adopt rules of procedure which are consistent with *the Local Government Act*, the *Community Charter*, the *Council Procedure Bylaw* or this bylaw, as necessary.
- 5.2 Prior to November 30th each year, the **Commission** must:
 - (a) present an annual report to **Council**, setting out its activities and accomplishments for the previous year, and include any financial statements which **Council** requires; and
 - (b) present to **Council** for its approval, a work plan and budget for the next year.
- 5.3 A quorum of the **Commission** is five members.
- 5.4 The **Commission** must meet not less than six times each calendar year, unless otherwise directed by **Council**.
- 5.5 The Chair, or any two members, may call a special meeting of the **Commission** by giving at least four days notice in writing to each member, stating the purpose for which the meeting is called.
- 5.6 All members of the **Commission**, excluding the **Council** member, may vote on motions before it, and where the votes of the members present for and against any motion are equal, such motion is defeated.
- 5.7 Any member present at a meeting who abstains from voting is deemed to have voted in the affirmative.
- 5.8 The Chair must preserve order and decide all points of order which may arise, subject to an appeal from the other members present, and all such appeals must be decided without debate.
- 5.9 All motions before the **Commission** must be decided by a majority of the members present.
- 5.10 No act or other proceedings of the **Commission** are valid unless authorized by resolution at a meeting of the **Commission**.

- 5.11 The minutes of the proceedings of each meeting of the **Commission** must:
 - (a) be maintained as directed by the **Director, City Clerk’s Office**;
 - (b) be presented to the Commission for adoption; and
 - (c) following each Commission meeting, when signed by the Chair or member presiding, be forwarded to the **Director, City Clerk’s Office** for custody.
- 5.12 A staff liaison may be appointed by the General Manager, Urban Development to attend all meetings and provide advice, guidance and information to the **Commission**.
- 5.13 The **Commission** may hire consultants, based on its approved budget, to assist in implementing the duties specified in Part 3.

PART SIX: INTERPRETATION

6.1 In this bylaw:

- CITY** means the City of Richmond.
- COMMISSION** means the Richmond Heritage Commission as continued under section 953 of the *Local Government Act*.
- COUNCIL** means the Council of the **City**.
- COMMUNITY HERITAGE COMMISSION** means the Richmond Heritage Commission acting under section 176 (1) (g) of the *Local Government Act* or section 143 of the *Community Charter*.
- DIRECTOR, CITY CLERK’S OFFICE** means the Corporate Officer appointed by Council and assigned responsibility for corporate administration of the City under Section 148 of the *Community Charter*.

PART SEVEN: PREVIOUS BYLAW REPEAL

7.1 Heritage Commission Establishment Bylaw No. 6873 (adopted on November 23rd, 1998) is repealed.

PART EIGHT: CITATION

8.1 This bylaw is cited as "**Richmond Heritage Commission Bylaw No. 7906**".

READ A FIRST TIME ON:

READ A SECOND TIME ON:

READ A THIRD TIME ON:

ADOPTED ON:

MAYOR

CORPORATE OFFICER



Richmond Heritage Commission Bylaw No. 7906
Amendment Bylaw 10104

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Heritage Commission Bylaw No. 7906 is amended by:
 - a) Deleting Section 5.2 and replacing it with the following:

“5.2 Each year, the **Commission** must:

 - (a) Present an annual report to **Council**, setting out its activities and accomplishment for the previous year, and include any financial statements which **Council** requires; and
 - (b) Present to **Council** for its approval, a work plan and budget for the year.”; and
 - b) Deleting the definition of “Commission” in Section 6.1 and replace it with the following:

“**Commission** means the Richmond Heritage Commission designated as a community heritage commission under section 597 of the *Local Government Act*.”;
 - c) Deleting the definition of “Community Heritage Commission” in Section 6.1 and replace it with the following:

“**Community Heritage Commission** means the Richmond Heritage Commission established under section 143 of the *Community Charter*.”;
 - d) Adding the following as new Part Six and renumbering the remaining Parts accordingly:

“**Part Six: Code of Conduct**

 - 6.1 A conflict of interest exists if a **Commission** member is a director, member or employee of an organization seeking to benefit from the **City** or if the **Commission** member has a direct or indirect pecuniary (financial) interest in the outcome of **Commission** deliberations.
 - 6.2 **Commission** members who have a conflict of interest with a topic being discussed shall declare that they have a conflict of interest, describe the nature of the conflict, leave the room prior to any discussions and shall refrain from voting on motions related to that topic.

- 6.3 **Commission** members are not permitted to directly or indirectly benefit from their participation on the **Commission** during their tenure and for a period of twelve (12) months following the completion of their term(s).
- 6.4 **Commission** members are expected to act in accordance with the **City's** Respectful Workplace Policy (Policy 6800), including being respectful towards other members.
- 6.5 **Commission** members must devote the necessary time and effort to prepare for meetings, arrive at meetings on time, and provide feedback in keeping with the **Commission** role and duties.
- 6.6 **Commission** members may not represent themselves as having any authority beyond that delegated in this Bylaw as approved by **Council**.
- 6.7 Items will be presented to the **Commission** if referred by **Council** or **City** staff and the standard process of communication is through **City** staff to **Council**. **Commission** members may communicate directly to **Council** or the media, if the **Commission** members identify themselves as an individual, and not as representatives of the **Commission**.
- 6.8 Any use of social media must, as with all other forms of communication, meet principles of integrity, professionalism and privacy.
- 6.9 Should a **Commission** member violate the Code of Conduct provisions in this Part 6 or act outside the Bylaw, the member may be removed from the **Commission**."

2. This Bylaw may be cited as "**Richmond Heritage Commission Bylaw No. 7906, Amendment Bylaw 10104**".

FIRST READING

SECOND READING

THIRD READING

ADOPTED



MAYOR

CORPORATE OFFICER