

THE TOWN OF THE CITY OF DAWSON

BYLAW #09 – 06

A bylaw to provide rules governing the proceedings and the transaction of the business of the Heritage Advisory Committee.

WHEREAS Section 191(1) of the *Municipal Act*, (R.S.Y. 2002), provides that council may by bylaw establish committees and their functions; and

WHEREAS Section 179 of the *Municipal Act*, (R.S.Y. 2002), provides that council may by bylaw delegate any of its powers, duties or functions to a committee; and

WHEREAS Section 48(1) of the *Yukon Historic Resources Act*, (R. S. Y. 2002), provides that Council may by bylaw establish a municipal historic committee to advise the Council about any matter relating to Part 5, Designation of Municipal Historic Sites by Municipalities, of the Act; and

WHEREAS Council has by the Zoning and Heritage Management Bylaw #09-03 and updates thereof, established the Heritage Advisory Committee and identified duties delegated to it by that bylaw; and

WHEREAS Council has by the Heritage Bylaw #09-04 and updates thereof, identified the duties delegated to the Heritage Advisory Committee by that bylaw; and

WHEREAS Council has by the Heritage Fund Bylaw #09-05 and updates thereof, identified the duties delegated to the Heritage Advisory Committee by that bylaw; and

WHEREAS Section 191(2) of the *Municipal Act*, (R.S.Y. 2002), provides that council may by bylaw

- (a) Prescribe the qualifications and terms of office of the members of a committee
- (b) Prescribe how the chair and members of the committee are to be appointed
- (c) Prescribe how the chair and members of the committee are to conduct meetings and the procedure for their voting on any matter
- (d) Regulate attendance at meetings
- (e) Provide for the appointment and duties of officers and employees to assist the committee

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(f) Prescribe conflict of interest rules for the direction of the committee

NOW THEREFORE, pursuant to the provisions of the Municipal Act of the Yukon Territory, the Council of the Town of the City of Dawson, in open meeting assembled, HEREBY ENACT AS FOLLOWS:

SHORT TITLE

1. This bylaw may be cited as the "Heritage Advisory Committee Bylaw".

DEFINITIONS

2. In this bylaw:
 - (1) Whenever the singular, masculine or feminine is used in this bylaw it shall be considered as if plural, feminine or masculine has been used where the context of the bylaw so requires.
 - (2) "ADMINISTRATION" means the employees of the City.
 - (3) "CHAIRPERSON" means the Chairperson or presiding officer who presides over Heritage Advisory Committee meetings
 - (4) "CITY" means the Town of the City of Dawson.
 - (5) "COMMITTEE OF THE WHOLE" means a committee of the whole Heritage Advisory Committee where no bylaw or resolution, apart from the resolution necessary to revert back to an open meeting or the resolution to go in camera, may be passed.
 - (6) "COUNCIL" means the duly elected council of the City of Dawson.
 - (7) "DEVELOPMENT OFFICER" means an employee of the City appointed to that position by resolution of Council or an authorized representative as designated in writing by the Chief Administrative Officer.
 - (8) "IN CAMERA" means a meeting closed to the public as authorized by section 213(3) of the *Municipal Act*.
 - (9) "MEETING" means a duly constituted regular or special meeting of The Heritage Advisory Committee where municipal business is conducted or issues are discussed.
 - (10) "MEMBER" means a member of The Heritage Advisory Committee, duly appointed and continuing to hold office.

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- (11) "MOTION" means a standard terminology used by The Heritage Advisory Committee to describe the original statement whereby business is brought before a meeting, and may also mean resolutions.
- (12) "MUNICIPAL ACT" means Chapter 154 of the Revised Statutes of the Yukon, 2002.
- (13) "PERSON" means a reference in discourse to the speaker, the person spoken to, or another person capable of having legal rights and duties.

STRUCTURE

- 3. Council shall by resolution appoint a minimum of three (3) and a maximum of five (5) members to the Heritage Advisory Committee. Members shall be residents of the City of Dawson as defined in Sections 48 and 49 of the *Municipal Act*. Members are not required to be Canadian citizens.
- 4. Terms shall be of a two-year period and shall be staggered so that the terms of members end in alternate years. Appointments shall be to terms concluding on September 30th of any given year.
- 5. Members serve at the pleasure of Council.
- 6. Where a member of the Heritage Advisory Committee has failed to attend three (3) consecutive regular Committee meetings without the consent of the Committee, Council may revoke the appointment of such member by resolution.
- 7. (a) Where a member of the Heritage Advisory Committee becomes a member of Council during his or her term as Committee member, his or her membership of the Committee shall terminate simultaneously.

(b) Members of Council or employees of the City shall not qualify for appointment to the Heritage Advisory Committee.

(c) Members of the Heritage Advisory Committee may not simultaneously sit as members of the Board of Variance.
- 8. At the first regular meeting following September 30th in any year, The Heritage Advisory Committee shall appoint a Chair for a term not exceeding one year.

HERITAGE PROFESSIONAL ADVISORY MEMBERS

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9. Council shall appoint up to three (3) heritage professional advisory members to the Committee, with one (1) each invited from Tr'ondek Hwech'in, Parks Canada and Yukon Government, and such advisory members shall:
 - (a) Be full members of the Committee with participation in all Committee meetings
 - (b) Be appointed to a term not exceeding one year, but may be reappointed to succeeding terms.
 - (c) Not have a vote in Committee meeting
 - (d) Serve at the pleasure of Council

DUTIES AND RESPONSIBILITIES

10. The Heritage Advisory Committee shall hear all matters referred to the Committee pursuant to Zoning and Heritage Management Bylaw #09-03, Heritage Bylaw #09-04, Heritage Fund Bylaw #09-05 and updates thereof.
11. The Heritage Advisory Committee and its members shall have the responsibility to consider and make recommendations only on the heritage aspects of a development permit application or other matter referred to the Committee pursuant to Zoning and Heritage Management Bylaw #09-03, Heritage Bylaw #09-04, Heritage Fund Bylaw #09-05 and updates thereof.
12. The Heritage Advisory Committee and its members shall take on no other role or matters other than those specifically referred to the Committee pursuant to Zoning and Heritage Management Bylaw #09-03, Heritage Bylaw #09-04, Heritage Fund Bylaw #09-05 and updates thereof unless specifically delegated by bylaw or resolution of Council.
13. The Heritage Advisory Committee and its members shall not represent City of Dawson unless requested and/or approved by Council.
14. If after two consecutive meetings the Heritage Advisory Committee is unable to make a decision on any matter referred to the Committee, the Committee shall advise Council of the matter under consideration and shall inform Council that no conclusive decision was reached.

TRAINING

15. The Heritage Advisory Committee members will be required to attend orientation and ongoing training as recommended by the Development Officer and determined by Council.

APPLICATION

16. The following rules shall be observed and shall be the rules and regulations for the order and conduct of business in all regular or special meetings of The Heritage Advisory Committee, all in-camera meetings of The Heritage Advisory Committee and all committee of the whole meetings.
17. Unless otherwise provided in the *Municipal Act* or this bylaw, The Scott, Foresman Robert's Rules Of Order Newly Revised, 1990/9th Edition as revised from time to time shall apply.

CONTROL AND CONDUCT OF MEETING

18. Subject to the *Municipal Act*, the chairperson shall preside over the conduct of the meeting and:
 - (1) Shall maintain order and preserve the decorum of the meeting
 - (2) Shall decide points of order without debate or comment other than to state the rule governing
 - (3) Shall determine which member has the right to speak
 - (4) Shall rule when a motion is out of order; and
 - (5) May call a member to order.
19. When the chairperson is called upon to decide a point of order or practice, the point shall be stated clearly and without unnecessary comment, except to cite the rule or authority applicable to the case.
20. The chairperson may step down from the chair for the purpose of taking part in the debate, in which case another member may be called to take the chair.
21. When any person, including a member, is addressing The Heritage Advisory Committee, that person shall:
 - (1) Keep his voice at a moderate level and use civil, appropriate and inoffensive language;
 - (2) Speak only on the matter before The Heritage Advisory Committee;
 - (3) Not comment on any person, staff, or member of The Heritage Advisory Committee; and
 - (4) Obey the rules of procedure of the Heritage Advisory Committee

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22. If any person, member or officer acts contrary to section 21, that person, member or officer shall be immediately censured by the chairperson.
23. When a person, member or officer has been admonished by the chairperson, it shall be recorded in the minutes of the meeting of The Heritage Advisory Committee
24. If any person, member or officer acts contrary to section 21 twice in a meeting of The Heritage Advisory Committee the person, member or officer shall, on the order of the chair, be excluded from the meeting and from council chambers.
25. No exclusion of a member shall be for more than the meeting in progress.
26. A member called to order by the chairperson shall immediately cease speaking.

Rules of Order Governing Heritage Advisory Committee Meetings

27. Three (3) of the members of the Heritage Advisory Committee shall constitute a quorum at any meeting
28. The Chair, or in his or her absence, the Acting Chair, shall be eligible to vote, shall receive no extra vote to break a tie and shall be counted as one member for the purposes of quorum.
29. If a quorum of The Heritage Advisory Committee is not present within thirty (30) minutes after the time fixed for a regular or special meeting of The Heritage Advisory Committee, the Development Officer shall ensure the names of the Heritage Advisory Committee members present are recorded and The Heritage Advisory Committee shall stand adjourned until the next regular or special meeting.
30. If a member of The Heritage Advisory Committee arrives late at a regular or special meeting, no prior discussion shall be reviewed for that member's benefit except with the unanimous consent of all members present at the meeting.

Conflict of Interest

31. (1) Members are disqualified from being members of The Heritage Advisory Committee where,
 - (a) Being a shareholder, officer or director of a corporation, other than a society, that has dealings or contracts with the municipality, they vote at a meeting of the Heritage Advisory Committee on any question in relation to the

corporation, or participate in the consideration of the question by the Heritage Advisory Committee, or

- (b) Being a member, shareholder, officer, or employee of a society that has dealings or contracts with the municipality, they do not declare their relationship to the society or not-for-profit corporation in a Heritage Advisory Committee meeting before voting on or participating in the consideration by The Heritage Advisory Committee of any question in relation to the society, or
 - (c) Being a party to dealings or a contract with the municipality, or being a member of a partnership that has dealings or a contract with the municipality, they vote at a meeting of the Heritage Advisory Committee on any question in relation to the dealings or contract, or participate in the Heritage Advisory Committee's consideration of the question.
- (2) If a Heritage Advisory Committee member has declared a conflict of interest in a matter before The Heritage Advisory Committee, the Heritage Advisory Committee member shall leave the meeting room while discussion and voting on the matter takes place. The members' withdrawal shall be recorded in the minutes.

Electronic Participation at Meetings

- 32. Except for an in-camera meeting at which electronic participation is not permitted, a member may participate in a meeting by electronic means or other communication facility and be considered to be in attendance at the meeting. The member must provide notice, including a telephone number where the member can be reached, to the Development Officer prior to 4:30 p.m. on the day of the meeting. Three members of The Heritage Advisory Committee must be physically present to constitute a quorum.
- 33. If technological problems prevent participation, the member shall be marked absent.
- 34. If communications are lost during the meeting and the member cannot be reconnected, the minutes will reflect when the member left the meeting.
- 35. Agenda packages shall be delivered to members participating electronically by weekend courier or electronically; whichever is the most efficient and least expensive method of doing so, as determined by the Development Officer.

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36. Delegations may participate electronically if they can arrange to do so at no cost to the City.

Regular Meetings

37. The Heritage Advisory Committee shall hold its regular meetings on the second and fourth Mondays of each month in council chambers at City Hall. All regular meetings shall be scheduled from 7:00 pm to 9:00 pm. The Heritage Advisory Committee may, by resolution, extend the hours of a regular meeting by two periods of thirty (30) minutes duration. If The Heritage Advisory Committee has not passed a resolution for adjournment prior to 10:00 pm, then the chairperson shall declare the meeting adjourned.
38. When the day fixed for a regular meeting of The Heritage Advisory Committee falls on a statutory holiday, the meeting shall be held on the following working day, which is not a statutory holiday.
39. The Heritage Advisory Committee may, by resolution, postpone or cancel a regular meeting of the Heritage Advisory Committee.
40. The Chairperson may, upon the advice of the Development Officer, postpone or cancel a regular meeting of the Heritage Advisory Committee if there are no matters referred to the Committee pursuant to Zoning and Heritage Management Bylaw #09-03, Heritage Bylaw #09-04, Heritage Fund Bylaw #09-05 and updates thereof.
41. Notwithstanding section 39 and section 40, the Heritage Advisory Committee shall hold a minimum of one regular meeting of The Heritage Advisory Committee per month.

Agendas

42. Notice for each meeting shall be given in the form of an agenda not less than two (2) working days prior to the time of the meeting.
43. With the exception of the delegations section of the agenda, no business other than that stated in the regular meeting agenda shall be transmitted at that meeting unless all members present therefore pass a resolution unanimously.
 - (1) An amendment to the delegations section of the agenda may be made by a resolution passed by a majority of all members present.
44. A copy of the notice and all documents pertaining to the business listed on the agenda referred to in section 42 shall be:

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- (1) Available at City Hall to be picked up by the member of the Heritage Advisory Committee along with all documents pertaining to the business listed on the agenda referred to in section 42
 - (2) Posted in the city offices and post office; and
 - (3) Upon request, sent to the local media.
45. Documents pertaining to the business listed on the agenda shall be made available to the public at the meeting on the day and date specified and shall not be made available prior to such time.
46. Notwithstanding section 45, documents pertaining to the business listed on the agenda may be made available to the press on an embargoed basis at 12:00 noon on the day and date of the said meeting.
47. Upon the Heritage Advisory Committee meeting being called to order by the Chairperson, the following shall be the order of business on the agenda unless otherwise determined by unanimous consent of the members present at the meeting:
- (1) Call to Order
 - (2) Adoption of Agenda
 - (3) Delegations
 - (4) Business Arising from Delegations
 - (5) Adoption of Minutes
 - (6) Business Arising from Minutes
 - (7) Applications
 - (8) Reports
 - (9) Unfinished Business
 - (10) New Business
 - (11) Correspondence
 - (12) Information
 - (13) Adjournment

Delegations

48. Persons or delegations addressing The Heritage Advisory Committee shall state their name and the purpose of their presentation.
- (1) Delegates to regular meetings of The Heritage Advisory Committee may speak to any item that is on the regular meeting agenda.
49. The chairperson may limit the time of speaking to ten (10) minutes for any individual or delegation appearing before the Heritage Advisory Committee.

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50. The purpose of the delegation is to allow Heritage Advisory Committee members to ask questions and seek clarification on the application; decisions regarding the matter are deferred until Section (7) Applications, on the agenda.
51. Upon being recognized, a member may direct questions to a delegate or to administration, but at no time shall a Heritage Advisory Committee member, a delegate or an administrator enter into a debate, negotiate or make a decision during the delegation section of the agenda.
52. Upon the request of the chairperson, any person disrupting the proceedings of the Heritage Advisory Committee shall be removed from council chambers.

Special Heritage Advisory Committee Meetings

53. The Chairperson, or any two Heritage Advisory Committee members, may call Special Meetings as deemed necessary, provided that two (2) working days notice be given to all Committee members prior to the meeting.
54. The Heritage Advisory Committee may request special meetings with Council or delegations to Council through the Development Officer.
55. Notice of special meetings of the Heritage Advisory Committee shall be given by the Development Officer at least two (2) working days before the time of the meeting on a form attached to this bylaw as Schedule "A".

No business other than that stated in the notice for such special meeting shall be transacted at that meeting unless ALL MEMBERS of the Heritage Advisory Committee are present and a resolution therefore is passed UNANIMOUSLY.

56. Special Meetings of Heritage Advisory Committee shall not exceed duration of three hours.

Committee of the Whole

57. The Heritage Advisory Committee may, by resolution, go into the committee of the whole at any time during a regular or special meeting of The Heritage Advisory Committee.
58. In addition to section 57, a meeting other than a regular or special meeting of The Heritage Advisory Committee, to which all members of The Heritage Advisory Committee are invited to consider but not decide on matters of the City's business, is a meeting of the committee of the whole.

In Camera Meeting

59. The Heritage Advisory Committee may, by resolution, close a meeting to the public if;
 - (1) The matter to be discussed is a matter contemplated by section 213 (3) (b) of the *Municipal Act*.
60. There shall be a limit of one (1) item of business conducted at each in camera meeting.
61. In camera meetings shall not exceed duration of thirty (30) minutes.
62. The Heritage Advisory Committee shall not pass resolutions at an in-camera meeting.

Minutes

63. The Development Officer shall ensure that minutes of all proceedings of The Heritage Advisory Committee in regular or special meetings of The Heritage Advisory Committee are recorded in accordance with Bylaw #09-06 and
 - (1) Are legibly recorded; and
 - (2) When adopted, certified as correct; and
 - (3) When adopted, signed by the chairperson presiding at the meeting.
64. Minutes shall be recorded of all proceedings of The Heritage Advisory Committee in meetings closed to the public.
65. Except for minutes of in-camera meetings held pursuant to Section 213 of the *Municipal Act*, copies of the minutes shall be open for inspection by any person and that person may make copies of them on the payment of a fee set out in the City of Dawson Fee Schedule Bylaw.
66. When a matter dealt with at an in-camera meeting is no longer confidential, as resolved by The Heritage Advisory Committee, the minutes for that matter shall be received without debate in a regular or special meeting of The Heritage Advisory Committee, after which they shall be open for inspection and copying by any person in accordance with Section 65.
67. At every regular meeting of The Heritage Advisory Committee the minutes of the previous regular meeting and any special meeting held more than two (2) working days prior to the current meeting shall be considered

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for adoption.

68. The Development Officer shall forward one copy of the Minutes of each meeting to Council.

Resolutions

69. A resolution introduced at a regular or special Heritage Advisory Committee meeting shall have a distinguishing number.

Applications

70. All recommendations shall be approved by a resolution.
71. All matters to be considered at a meeting including development permit applications must be presented in full and final format to the Development Officer at least four (4) working days prior to the meeting in order to be included on the agenda.
72. No amendments to matters to be considered at a meeting including development permit applications made after the four (4) working day notice period may be considered at the meeting and no amendments may be made to the matter including development permit applications at a meeting.
73. If a recommendation is not approved by resolution at a meeting the Heritage Advisory Committee must present the reasons why and these reasons must be recorded within the minutes. In the case of a development permit applications the Clerk must inform the proponent of the applicant of the reasons within five (5) working days of the meeting.

REPEAL

74. Bylaw #07-02 is hereby repealed.

COMING INTO FORCE

74. This bylaw shall come into full force and effect upon the _____ DAY OF _____, 2009.

READ A FIRST TIME THIS ____ DAY OF _____, 2009.

READ A SECOND TIME THIS ____ DAY OF _____, 2009.

READ A THIRD TIME AND FINALLY PASSED THIS ____ DAY OF _____, 2009.

ORIGINALS SIGNED BY:

John Steins
MAYOR

Eldo Enns
CAO

Heritage Advisory Committee Procedures Bylaw #09-06

SCHEDULE "A"

NOTICE OF SPECIAL MEETING

This is to inform you that a special meeting of The Heritage Advisory Committee has been requested.

DATE OF MEETING: _____

PLACE OF MEETING: _____

TIME OF MEETING: _____

PURPOSE OF MEETING: _____

MEETING REQUESTED BY: _____

MEETING REQUESTED AT: _____

DATE MEETING REQUESTED: _____

Development Officer

Date

