

Civic Partner Update - Calgary Heritage Authority Act Amendments

RECOMMENDATIONS:

That with respect to Report CD2022-0152, the following be approved:

That the Community Development Committee forward Report CD2022-0152 to the 2022 February 15 Combined Meeting of Council.

That the Community Development Committee recommend that Council:

1. Endorse the proposed amendments to the *Calgary Heritage Authority Act (Alberta)* as outlined in Attachment 2; and
2. Authorize the Calgary Heritage Authority (operating as Heritage Calgary) to request the Legislative Assembly of Alberta consider the proposed amendments to the *Calgary Heritage Authority Act (Alberta)* as presented.

HIGHLIGHTS

- The Calgary Heritage Authority (operating as Heritage Calgary) is a City of Calgary Civic Partner, designated as a City Board, Commission or Committee. Heritage Calgary is seeking Council endorsement of proposed amendments to the Calgary Heritage Authority Act, under which the organization is established, and authorization to move forward to request the Legislative Assembly of Alberta consider the changes. The timing of this report is to align with Legislative Assembly of Alberta processes.
- **What does this mean for Calgarians?** Supporting amendments to Heritage Calgary's guiding legislation will support effective governance practices and the organization's ability to meet its mandate on matters of heritage, historic resources, sites and shared heritage that benefits and supports Council and Calgarians.
- **Why does it matter?** The proposed amendments will update Heritage Calgary's governance to match current leading practices that have changed since the last update in 2000, update definitions to align with City plans and policies, and more accurately reflect and communicate Heritage Calgary's role in working with Council and Administration to support research, education, and preservation of Calgary's shared heritage.
- Strategic Alignment to Council's Citizen Priorities: A city of safe and inspiring neighbourhoods
- Background and Previous Council Direction is included as Attachment 1.

DISCUSSION

About Heritage Calgary

The Calgary Heritage Authority (operating as Heritage Calgary) was established in 2000 under the *Calgary Heritage Authority Act (Alberta)* (the Act) at the request of Calgary City Council through the merging of The City's Heritage Advisory Board (established in 1979) and The City's Municipal Heritage Properties Authority (established in 1985). Heritage Calgary's mandate is outlined in the Act, and focuses on the research, education, and preservation of Calgary's shared heritage. Heritage Calgary is considered a City Board, Commission, or Committee (BCC) and aligns with all applicable BCC policies including *Governance and Appointment of Boards, Commissions and Committees* (CP2016-03).

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Heritage Calgary is a City of Calgary Civic Partner that receives annual operating funding and has access to funds through the City-managed *Calgary Heritage Authority Reserve*. Under the Act, Council appoints all members of Heritage Calgary's board, and has the ability to appoint a member of Council to the board, among other powers. Heritage Calgary's mandate currently outlined in the Act includes the following key activities:

- recommend to Council appropriate expenditures, improvements or acquisitions which would promote the public interest in heritage resources;
- manage, on behalf of Council, any heritage resources owned by The City;
- advise Council on all matters relating to historic resources in the city;
- maintain and amend The City's inventory of potential heritage sites; and
- advise The City on matters relating to the restoration, alteration and demolition of the sites in The City's inventory of potential heritage sites.

Proposed changes to the *Calgary Heritage Authority Act (Alberta)*

Heritage Calgary's guiding legislation was last updated in 2000 with authorization from Council (C2000-04). With this report, Heritage Calgary is seeking Council endorsement of the proposed amendments detailed in Attachments 2, and authorization to move forward and request that the Legislative Assembly of Alberta consider these amendments to the Act. The amendments will update definitions and language, modernize governance practices, and bring forward minor revisions to the role of Heritage Calgary to reflect current practices and activities. Subject matter experts in Administration Law, Planning and Development (Heritage Planning), Facility Management (Historic Building Program) and The Office of Partnerships have reviewed the changes, and all comments are reflected in the proposed amendments summarized in Attachment 2.

The following is a summary of the key amendments:

- Name change from Calgary Heritage Authority to Heritage Calgary.
- Updated definitions and terminology, including:
 - using gender neutral terms by shifting from "chairman" to "chair"
 - changing terminology from "members" to "directors"
 - updating the name of The City's inventory to the *Inventory of Evaluated Historical Resources*, and
 - changing the definition of "Heritage Resources" to align with The City's Municipal Development Plan.
- Reflection of Heritage Calgary's role in designing and delivering public programs.
- Reduction to the minimum board size from ten members to eight (the maximum of number of members remains 12).
- Addition of a new section allowing for the board to recommend the removal of a director to Council by a 2/3 vote of the board and for Council to remove a director.
- Extension of the time to fill vacancies from 60 to 90 days.
- Provision for a board member to act in the role of interim Executive Director if required.
- Addition of new section about indemnity, limitation of liability, and insurance.

Next Steps

If Council endorses the amendments and authorizes Heritage Calgary to move forward, Heritage Calgary will work to bring the amendments before the Alberta Legislature for consideration. The language of the final approved amendments may change based on drafting

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requirements set out by the Parliamentary Counsel at the Legislative Assembly, but the intent will remain. The final draft of amendments and the bill will be provided to The City once it has been approved by the Parliamentary Counsel.

As part of this process, Heritage Calgary has integrated advice and comments from the Legislative Assembly of Alberta's Parliamentary Counsel and the Canada Revenue Agency, including advice about changing the organization's legal name from the "Calgary Heritage Authority" to "Heritage Calgary." Since a rebranding process in 2019, the organization has operated as "Heritage Calgary". The organization identified that the new name better reflected its vision, mission and values. The new name also aligns with similar heritage organizations across Canada including Heritage Toronto, Heritage Vancouver, and Heritage Saskatchewan.

STAKEHOLDER ENGAGEMENT AND COMMUNICATION (EXTERNAL)

- Public Engagement was undertaken
- Public Communication or Engagement was not required
- Public/Stakeholders were informed
- Stakeholder dialogue/relations were undertaken

The report and proposed amendments were drafted by Heritage Calgary, and reviewed by Administration including Law, Planning and Development (Heritage Planning), Facility Management (Heritage Building Program), and The Office of Partnerships. The report and attachments were prepared in consultation with Heritage Calgary.

IMPLICATIONS

Social

While amending the Act has no direct social impact, preserving heritage buildings supports the preservation of community history which supports the *Calgary Heritage Strategy*. The amendments support Heritage Calgary to fulfill its role in achieving these benefits.

Environmental

Preserving heritage buildings frequently results in reduced waste compared to demolition and redevelopment. The amendments support Heritage Calgary to fulfill its role in achieving these benefits.

Economic

Amending the guiding legislation for Heritage Calgary will enhance the organization's ability to effectively meet its mandate and continue to contribute to implementation of *Calgary in the New Economy: An economic strategy*; the *Calgary Heritage Strategy* and other City plans and policies related to heritage resources; and the *Greater Downtown Plan*.

Service and Financial Implications

No anticipated financial impact

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RISK

Minor risks arise for The City related to the approval of this report; in particular, further changes to the proposed amendments that may occur during consideration by the Legislature of Alberta. This risk has been mitigated by requesting an initial review by the Parliamentary Counsel, and integration of feedback into the proposed amendments. There are also minor risks related to The City not approving the recommendation, as the proposed amendments seek to support Heritage Calgary to effectively govern its operations, and meet its mandate. There are risks related to the Legislature of Alberta not approving the amendments that would be mitigated in part by The City's side through governance processes related to our partnership with Heritage Calgary.

ATTACHMENTS

1. Previous Council Direction, Background
2. Summary of Proposed Amendments to the Calgary Heritage Authority Act

Department Circulation

General Manager/Director	Department	Approve/Consult/Inform
Stuart Dalgleish	Planning and Development	Consult