

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4550
(amended by Bylaw No. 4582)

A Bylaw to establish the Oak Bay Heritage Commission

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

Oak Bay Heritage Commission

- 1 A commission to be known as the Oak Bay Heritage Commission (the “Commission”) is hereby established.
- 2 The mandate of the Commission shall be as follows:
 - (1) to advise Council on such heritage matters as may be referred to it;
 - (2) to undertake or support projects and research relative to the architectural, cultural, documentary and natural heritage of the Municipality of Oak Bay, including, but not limited to, the maintenance of inventories of real property of heritage value, recommendations to Council regarding the content of the community heritage register, and the preparation and maintenance of a heritage strategic plan and heritage management plan, both of which are to be approved by Council;
 - (3) to promote heritage awareness and provide leadership in heritage initiatives;
 - (4) to advise Council on any matter related to the heritage significance of any building, structure or landscape feature within the Municipality of Oak Bay; and
 - (5) to make recommendations to the Municipal Council as to the annual allocation of funding from the municipal budget for the purpose of the Commission’s mandate.
- 3 For the purpose of its mandate as set out in Section 2, the Commission may appoint standing or ad hoc subcommittees from its own membership or from the public at large, which shall report to it. The Commission may designate the Chairman of any subcommittee appointed by it.
- 4 Expenditures from the annual budget approved by the Municipal Council for the work of the Commission shall be approved either by resolution of the Commission or by the Municipal Treasurer or his or her designate, and shall not exceed in the aggregate the amount approved by the Municipal Council for the budget year.
- 5 The Commission shall be constituted as follows:
 - (1) One (1) member of the Municipal Council (non-voting liaison);

- (2) No less than five (5) and no more than eleven (11) persons from the public at large, not more than two (2) of whom may reside outside the Municipality of Oak Bay.
- 6 For the purposes of Section 5(1), Council shall annually appoint a liaison and an alternate, such appointments to be for a one (1) year term commencing January 1 in each year.
- 7 Initial appointments under Section 5(2) shall be a mixture of one-year terms and two-year terms in order to ensure there is a staggering of appointments so that all appointments do not expire at the same time.
- 8 All annual appointments subsequent to the initial appointments under Section 7 shall be for two (2) year terms.
- 9 If the Municipal Council by resolution fills a vacancy arising from a cause other than the expiration of the term for which the departing member was appointed, such appointment shall be for the unexpired portion of the departed member's term.
- 10 No person falling into the category of appointee described in Section 5(2) shall serve on the Commission for more than eight (8) consecutive years including service as an "at large" appointee to the former Oak Bay Heritage Committee immediately preceding the initial appointment under Section 7, except where the initial appointment of the person either under Section 7 or otherwise was for a term of one (1) year or less, in which case the limit on consecutive years of service shall be not more than nine (9) years.
- (**Bylaw No. 4582, adopted February 12, 2013)*
- 11 An appointment to the Commission may be rescinded at any time by the Municipal Council.
- 12 A member who fails to attend three (3) successive meetings of the Commission, except because of illness or with leave of the Municipal Council, shall be deemed to have resigned his or her membership.
- 13 A quorum of the Commission shall be simple majority of all voting members.
- 14 The Commission shall at its first meeting in each year appoint one of its members as Chairman. A motion to appoint a member to the position of Chairman shall be in order only with the consent of the nominee and need not be seconded.
- 15 The Commission may at any time appoint a member as Acting Chairman to preside in the absence of the Chairman.
- 16 Members of the Commission shall serve without remuneration.
- 17 The Commission shall determine a regular meeting schedule. Meetings outside of the regular schedule shall be at the call of the Chairman. The Commission must meet at least four times in any calendar year.

- 18 The Commission shall keep minutes of its meetings and provide copies of the same to the Municipal Clerk for transmittal to the Municipal Council.
- 19 All questions coming before the Commission shall be decided by simple majority vote including the vote of the Chairman, with the motion being defeated in the event of a tie vote.
- 20 Any enactment establishing rules as to whether a meeting of a municipal council may or must be held in public or in closed session, as the case may be, shall apply to meetings of the Commission.
- 21 Any member of the Commission who has a direct or indirect pecuniary interest in a matter before the Commission, as distinct from that possessed in common with the public generally, shall:
- (1) in open session declare such interest;
 - (2) refrain from participating in any discussion or voting on the matter; and
 - (3) leave the meeting room for the duration of discussion or voting on the matter.
- 22 The minutes of the Commission shall record all declarations and actions under Sections 21(1) and 21(3), respectively.
- 23 Where not provided by this Bylaw or other applicable enactment, procedural questions shall be governed by the rules and practices set out in Robert's Rules of Order, Newly Revised, 1990 Edition.

Repeals

- 24 The following bylaw is hereby repealed, and all appointments thereunder rescinded:
- Bylaw No. 4298, *Heritage Committee Structure Bylaw, 2005*, and all amendments thereto.

Citation

- 25 This Bylaw may be cited as the *Heritage Commission Establishment Bylaw, 2011*.

READ a first, second and third time by the Municipal Council on November 28, 2011

ADOPTED AND FINALLY PASSED by the Municipal Council on December 12, 2011

Mayor

Municipal Clerk

Sealed with the Seal of The Corporation of the District of Oak Bay.