

MINUTES of a regular meeting of the MUNICIPAL COUNCIL of The Corporation of the District of Oak Bay, held in the Council Chambers, Oak Bay Municipal Hall, 2167 Oak Bay Avenue, Victoria, B.C., on Monday, January 13, 2020 at 7:00 P.M.

We acknowledge that the land on which we gather is in the traditional territory of the Coast and Straits Salish Peoples. Specifically we recognize the Lekwungen speaking people, known today as the Songhees and Esquimalt Nations, and that their historic connections to these lands continue to this day.

PRESENT: Mayor K. Murdoch, Chair  
Councillor A. Appleton  
Councillor H. Braithwaite  
Councillor T. Ney  
Councillor E. Paterson  
Councillor E.W. Zhelka

REGRETS: Councillor C. Green

STAFF: Chief Administrative Officer, L. Varela  
Director of Corporate Services, D. Hopkins  
Director of Financial Services, C. Paine  
Director of Engineering Services, D. Horan  
Director of Building and Planning, B. Anderson  
Manager of Planning, D. Jensen  
Recorder, A. Nurvo

OTHER: Peter Urbanc, Chief Executive Officer, Municipal Finance Authority

CALL TO ORDER:

Mayor Murdoch called the meeting to order at 7:00 p.m.

MINUTES AND REPORTS:

1. **Minutes**

- Committee of the Whole held December 9, 2019
- Council Meeting held December 9, 2019
- Special Committee of the Whole held December 12, 2019
- Special Council Meeting held December 12, 2019

MOVED and seconded: That Council adopt the Minutes of the Committee of the Whole meeting held December 9, 2019.

**CARRIED**

MOVED and seconded: That Council adopt the Minutes of the Council meeting held December 9, 2019.

**CARRIED**

MOVED and seconded: That Council adopt the Minutes of the Special Committee of the Whole meeting held December 12, 2019.

**CARRIED**

MOVED and seconded: That Council adopt the Minutes of the Special Council meeting held December 12, 2019.

**CARRIED**

MAYOR'S REMARKS:

**2. Mayor's Remarks**

Mayor Murdoch welcomed everyone to the first Council meeting of 2020. He acknowledged that the District had experienced some problems with notification of the change in the schedule for garbage pick-up and apologized for the confusion. He advised that the schedule can be found online or by calling the Municipal Hall. Mayor Murdoch advised that two open houses are planned: January 22 to review the Housing Needs Report and January 29 to review the Tree Protection Bylaw.

Mayor Murdoch noted the different seating arrangement for Council and advised that he will make a change at the start of each year of Council's term. The Mayor reiterated that the District is a respectful workplace. The District needs a safe and respectful environment in order to ensure that we remain open to all ideas from the public and people feel comfortable providing comments at a meeting, that staff continue to bring innovative ideas to Council, that all points of view of Council are heard for the benefit of the community, and that we openly acknowledge our mistakes.

PUBLIC PARTICIPATION PERIOD:

**3. Public Participation Period**

Louise Lalonde, Oak Bay resident, spoke about cyclist safety, and recommended that Council shift its focus away from bike lanes to safety, such as considering a requirement that bikes must use lights during the day as well to ensure they are seen. She suggested that we review the safety issue with other municipalities such as the City of Victoria.

Sherman Minus, Oak Bay resident, questioned whether there would be public participation permitted at the Special Council meeting on January 16. She also stated that he supported the resolutions tracking list and was encouraged to see that Heritage Conservation Area (HCA) was projected for the first quarter of this year.

Jennifer MacLeod, Oak Bay resident, spoke about the confusion and conflicting information regarding the change to the garbage collection schedule. She requested that the District consider delivering information cards to residents since many residents are not online and there was lots of information on the website that was out of date.

Robert Craig, Oak Bay resident, spoke to Item 5 for Council to receive for information the Minutes of the Heritage Commission meeting of October 8, 2019, and strongly recommended that Council needs to take further action to accomplish the HCA this spring.

COMMUNICATIONS:

4. **Investment Policy Review**

The Director of Financial Services introduced Peter Urbanc, CEO of Municipal Finance Authority (MFA), and reviewed the draft Investment Policy. Peter Urbanc delivered a PowerPoint presentation, advised that he had reviewed the draft Policy, that he was very pleased with the Policy and that MFA was planning on using this Policy for other small municipalities in BC as a template and example of best practices. He stated that diversification was permitted in the Policy to strengthen investment options and reduce risk.

Council discussion ensued, as follows:

Council questioned the status of the 2016 Union of British Columbia Municipalities report on divestiture in fossil fuel industries. Mr. Urbanc advised that MFA is currently working on a fossil fuel divestiture policy and that in the near future MFA will have options available for a fossil fuel free fund and that the Policy will permit investment in that fund as soon as those options are available. Mayor Murdoch advised that Capital Regional District (CRD) staff will be researching options and providing information to the CRD Board, and that the District should review this again after that process has been completed.

Council questioned the benefit of MFA funds over other investments. Mr. Urbanc advised that MFA uses pooled funds, conducts borrowing and lending, and offers BC local governments the lowest cost of funds of any other local governments in Canada. MFA is owned by BC local governments and is not based on profits as are other lenders.

Council questioned how secure MFA is, and if they lost business and revenue. Mr. Urbanc stated that under legislation, MFA can add a tax on each property in BC to raise funds if needed.

Council questioned the status of the District's other financial policies. The Director of Financial Services advised that staff are reviewing and working on updating other financial policies including reserves and borrowing policies, and that the updated Financial Plan will include a section on all the policies and how they work together.

Council questioned the governance and Council oversight of investments. The Director of Financial Services advised that the *Community Charter* designates the Financial Officer as the person responsible for investing funds, that the Officer owes a duty of care to the municipality, and that he would seek professional expertise if we did not have that in-house. The Director advised that the Policy provides a framework to avoid the risk of reckless investments. Mr. Urbanc stated that the Policy limits riskier investments dramatically, so he did not foresee any issues in the future.

MOVED and seconded: THAT Council repeal the District of Oak Bay Investment Policy, 2004.

**CARRIED**

*With Councillor Paterson opposed*

MOVED and seconded: THAT Council approve the proposed Investment Policy, 2020.

**CARRIED**

*With Councillor Paterson opposed*

**5. Heritage Commission Meeting held October 8, 2019**

MOVED and seconded: THAT Council receive the Minutes from the Heritage Commission Meeting held October 8, 2019.

**CARRIED**

**6. Advisory Design Panel Meeting held November 5, 2019**

MOVED and seconded: THAT Council receive the Minutes from the Advisory Design Panel Meeting held November 5, 2019.

**CARRIED**

**7. Advisory Design Panel Meeting held December 3, 2019**

MOVED and seconded: THAT Council receive the Minutes from the Advisory Design Panel Meeting held December 3, 2019.

**CARRIED**

**8. Advisory Planning Commission Meeting held December 3, 2019**

MOVED and seconded: THAT Council receive the Minutes from the Advisory Planning Commission Meeting held December 3, 2019.

**CARRIED**

**9. Community Climate Action Working Group Meeting held December 3, 2019**

MOVED and seconded: THAT Council receive the Minutes from the Community Climate Action Working Group Meeting held December 3, 2019.

**CARRIED**

**10. Rise and Report from the December 12, 2019 In Camera Meeting**

Rise and Report of the Advisory Body appointments from the December 12, 2019 In Camera Meeting.

Mayor Murdoch advised that this is included to ensure the information is received by the public, and that it has been added to the District's website.

**11. Council Resolution Tracking Quarterly Update**

The Chief Administrative Officer stated that this tracking tool arose from staff's commitment to track all Council resolutions, to ensure they are either actioned, referred to a future process, or repealed. There are two resolutions to be repealed as set out in attachments to the agenda.

Council questioned how other resolutions approved by a previous Council that are in progress or still active can be included. The Chief Administrative Officer advised that these are not part of the tracking mechanism; however, if Council brings previous items to staff's attention, staff will use best attempts to research and bring this item forward for Council consideration.

MOVED and seconded: THAT Council repeal resolution No. 04, directing staff to draft a permit and/or licence category and fee for bike share businesses that reflects the costs to the District for providing the necessary infrastructure and enforcement related to this new business category.

**CARRIED**

*With Councillor Appleton opposed*

MOVED and seconded: THAT Council repeal resolution No. 57 instructing staff to provide recommendations at a future Committee of the Whole on potential scope and associated costing of further traffic analysis related to the Carnarvon Park Master Plan.

**CARRIED**

MOVED and seconded: AND FURTHER, THAT Council receive the Council Resolution Tracking Quarterly Update for information.

**CARRIED**

#### NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

##### 12. **New Business & Verbal Reports**

- **New Business**

Councillor Braithwaite advised that she will be absent from Council for four months beginning in April; and that Council has granted her a leave of absence.

Councillor Appleton advised that he will be bringing a Notice of Motion to the next Council meeting requesting Council's approval for budget allocation for recommendations arising from the Community Climate Action Working Group.

- **Report on the Capital Regional District**

Mayor Murdoch advised that the CRD will be looking to increase funding for its affordable housing strategy, to add 2,000 new units regionally, that \$90 million had been approved a few years ago, and that they will be requesting consideration of an additional \$10 million to meet those goals.

- **Other Verbal Reports**

Councillor Braithwaite advised that she had attended an Association of Vancouver Island Coastal Communities (AVICC) meeting last weekend and will be sharing a report with Council regarding oil spills along our coastline and money required for the cleanup. She advised that their Convention will be held in Nanaimo from April 17-19. She also reminded Council of the Yes Awards scheduled for February 27.

Councillor Appleton advised that he had attended the Greater Victoria Public Library (GVPL) Board meeting on December 10, and that there will be some new board members arriving in January.

Councillor Paterson advised that there was a member's bill from an MP from Alberta, Bill 47 dealing with violence against women and youth, and acknowledged the good advocacy work by Victoria Family Court and Youth Justice Committee in BC, and that Oak Bay played a leadership role in its establishment.

**RESOLUTIONS:**

**13. Notice of Motion from Councillor Braithwaite - Greater Victoria Chamber of Commerce Membership**

MOVED and seconded: THAT The Corporation of the District of Oak Bay apply for membership with the Greater Victoria Chamber of Commerce for the years 2020-2023 at a maximum cost of \$3,700.00 annually.

MOVED and seconded: That Council refer this matter to a future meeting of Council to invite a representative of the Chamber of Commerce to present additional membership information and ask staff to compare current transaction rates with what the Chamber of Commerce can provide.

**CARRIED**

**14. Development Variance Permit DVP00095 - 2643 Cavendish Avenue**

MOVED and seconded: THAT the Director of Building and Planning be authorized to issue Development Variance Permit DVP00095 with respect to 2643 Cavendish Avenue, as appended to the Council agenda of January 13, 2020.

**CARRIED**

**15. October 28, 2019 Resolution Adopting Minutes**

Mayor Murdoch inquired if the applicant was present and wished to come forward to address Council regarding ADP00108 for 3470 Upper Terrace Road. No one came forward.

MOVED and seconded: THAT Council hereby confirms that by adopting the minutes of the Committee of the Whole meeting of October 22, 2019, and in accordance with section 9 of the *Procedure Bylaw*, Council accepted the recommendation of the Committee of the Whole and thereby denied the application referred to in the Uplands Siting and Design Application (ADP00108) for the property at 3470 Upper Terrace Road, and, for greater certainty, Council denies as to Uplands Siting and Design the proposal to construct a single family home and an accessory building containing an indoor swimming pool at 3470 Upper Terrace Road, as outlined in the October 3, 2019 report for ADP00108.

**CARRIED**

BYLAWS:

15. **Reserve Bylaw Review, 2020**

MOVED and seconded: THAT Council give first and second readings to the draft Reserve Funds Bylaw, 2020, No. 4747.

**CARRIED**

MOVED and seconded: That Council change the name of the Heritage Reserve Fund to Heritage Land Development Reserve Fund.

**CARRIED**

MOVED and seconded: THAT Council give third reading to the draft Reserve Funds Bylaw, 2020, No. 4747.

**CARRIED**

16. **Animal Control Bylaw, 2019**

MOVED and seconded: THAT Council give first reading to the Animal Control Amendment Bylaw, 2020, No. 4748.

**CARRIED**

MOVED and seconded: THAT Council give second reading to the Animal Control Amendment Bylaw, 2020, No. 4748.

MOVED and seconded: That the Bylaw be amended to include guide dogs and service dogs and their definitions.

**CARRIED**

The question was called on the Main Motion as amended.

**CARRIED**

MOVED and seconded: THAT Council give third reading to the Animal Control Amendment Bylaw, 2020, No. 4748.

**CARRIED**

ADJOURNMENT:

17. **Motion to Adjourn**

MOVED and seconded: That the meeting be adjourned at 9:25 p.m.

**CARRIED**

Certified Correct:

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Mayor

\_\_\_\_\_  
Director of Corporate Services