

MINUTES of the regular meeting of the COMMITTEE OF THE WHOLE 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 Tuesday, February 18, 2020 at 7:00 PM.

We acknowledge that the land on which we gather is the traditional territory of the Coast and Straits Salish Peoples. Specifically we recognize the Lekwungen-speaking peoples, 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 C. Green
Councillor E. Paterson
Councillor E.W. Zhelka

REGRETS: Councillor T. Ney

STAFF: Chief Administrative Officer, L Varela
Director of Corporate Services, D. Hopkins
Director of Engineering Services, D. Horan
Manager of Recreation and Cultural Services, S. Meikle
Recorder, A. Nurvo

CALL TO ORDER:

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

COMMUNICATIONS:

1. ArtsAlive Oak Bay 2019 Annual Report

The Manager of Recreation and Cultural Services introduced Teresa Pryce, Acting Chair of the Public Art Advisory Committee and advised that the Arts Laureate position includes a requirement to prepare an Annual Report for Council on behalf of the Committee. Ms. Pryce provided a summary of the Report, including major accomplishments for 2019 and plans for 2020.

Mayor Murdoch invited members of the public to provide comments and there were no comments.

MOVED and seconded: That it be recommended to Council that the ArtsAlive Oak Bay 2019 Annual Report be received for information.

CARRIED

2. **Purchase of Art from 2019 ArtsAlive Program - "Harmony Humpbacks"**

The Manager of Recreation and Cultural Services advised that as part of the ArtsAlive program, the public was asked to vote on their favourite piece to become part of District's collection. The winner was the "Harmony Humpbacks" sculpture. The Manager advised that Council had made a commitment of \$20,000 per year to the Public Art Fund to purchase the People's Choice winner. It is proposed that the sculpture will be permanently located in Willows Park around the entrance close to Beach Drive, and the agreement with the artist includes a commission of \$1,800 be provided back to the District to cover future maintenance costs of the piece.

Mayor Murdoch invited members of the public to provide comments and there were no comments.

MOVED and seconded: That it be recommended to Council that Council approve the purchase and relocation of the "Harmony Humpbacks" sculpture by Daniel Cline as requested by the Public Art Advisory Committee at a total cost of \$19,260 (\$18,000 plus \$1,260 PST), with funding to come from the Public Art Fund.

CARRIED

3. **Oak Bay Heritage Foundation 2019 Annual Report**

The President of the Oak Bay Heritage Foundation, Robert Taylor, provided a summary of the Annual Report, and highlighted over 20 community heritage initiatives. These involved working with several local groups including community associations, Kiwanis Club, University of Victoria and Canadian College of Performing Arts, with one of the priorities being to focus more on young people.

Mayor Murdoch invited members of the public to provide comments and there were no comments.

MOVED and seconded: That it be recommended to Council that the Oak Bay Heritage Foundation 2019 Annual Report be received for information.

CARRIED

4. **Traffic Control Orders**

The Director of Engineering Services summarized his report and the six Traffic Control Orders presented together to the Committee, and advised that if the Committee recommends moving them forward for approval, the Traffic Control Orders will be reviewed individually by Council. The Director advised that the community is moving away from residents only parking. The *Streets and Traffic Bylaw* allows flexibility to the residents and others in the community to also enjoy the parking amenity on our public streets with a two hour parking restriction instead. Residents can get a special pass from the District to park longer in the area.

Mayor Murdoch invited members of the public to provide comments.

Jeff Oliphant, Oak Bay resident, advised that he was representing the owners of 1148 Goodwin Street (“Goodwin Manor”) as president of the Strata Corporation, and that they all shared in the parking problems on that street. There are additional pressures from other multifamily dwellings on the street, as well as the Montessori School, dental clinic and marina close by. He stated they support staff’s recommendation on the Traffic Control Order.

MOVED and seconded: That it be recommended to Council that Council approve the six routine Traffic Control Orders as outlined in the Report from the Director of Engineering Services dated February 18, 2020.

CARRIED

5. **Committees and Commissions Policy**

The Chief Administrative Officer (CAO) introduced the draft Policy, and stated it is one of the governance pieces coming before Council, the others being the new Council Procedure Bylaw and updated Terms of Reference for Advisory Bodies.

Council discussion on the draft Policy ensued including the following comments:

Policy Vision/Purpose/Scope/Interpretation:

- Suggest adding a preamble to explain why the changes are necessary, that Advisory Bodies are a strong community engagement tool, that Council recognizes their value, and that they provide a good opportunity for residents to learn about local government.
- Change the word “Interpretation” to “Glossary” or “Terms”.
- Add Council Liaison to definitions.
- Add to the definition of “Member” to include volunteers.
- Within “Scope”, add a statement that this Policy is to be used in conjunction with the Terms of Reference and is not overruling them.

The CAO advised that staff will review these comments and come back with suggestions for further Council discussion.

Principles:

1. How the District Works:

- Municipal Council - amend last sentence to change the words “Elected officials receive input...to shape governance decisions and plans” to read “...to inform governance decisions and plans.”
- Members of the Public – revise last sentence to clarify that the public may observe the Advisory Body meetings and can provide input to Council during one of the regular Council or Committee of the Whole meetings, and we are directing public input to Council, but still encouraging early input from the community.

The CAO advised that staff will flag that this requires changes to procedures for land use applications in particular to reinforce our current practice. The CAO advised that Council can consider within the Terms of Reference whether to allow the public to provide input, such as developed for the Community Climate Action Working Group. Ms. Varela noted that Advisory Bodies generally reflect the input of the community and the public speaks directly to Council

through specified channels. She added that this process is being enhanced through the new *Council Procedure Bylaw*.

3. Roles and Responsibilities:

- Under Mayor and/or Council, amend the third bullet “Appoint a Council Liaison...with full voting privileges...” to add the words “if provided for in the enabling bylaw”.
- Council requested clarification on the issue of Council Liaisons being permitted to vote at Advisory Body meetings.

The Director of Corporate Services advised that the *Community Charter* deals with Standing and Select Committees such as the Public Art Advisory Committee, Tourism Committee, and Advisory Design Panel, where at least one member must be a Council member and they are full voting members. For Commissions the legislation is silent on voting and therefore it is Council’s option whether to provide voting rights to the Council Liaison. The legislation also applies to task forces and working groups. However, the *Local Government Act* does specify that at the Advisory Planning Commission, Council members cannot vote. Societies such as the Heritage Foundation are bound by their own constitution and bylaws outlining their procedures.

The CAO advised that staff will revise the draft Policy to add a table listing out the various Committees and Advisory Bodies and whether Council has the option to provide voting rights to Council Liaisons.

- Advisory Body Chairs – discussion on option for Council to approve chairs or allow Advisory Bodies to appoint or elect their own Chair and Vice-Chair.
- Consider adding that the Chair is responsible for maintaining Respectful Workplace requirements.

MOVED and seconded: Whereas there are already sufficient processes in place that all Committee members serve at the pleasure of Council, that the words “and approved by Council” be removed from the first sentence under Advisory Body Chairs on page 6 of the Council Committee and Commission Policy.

CARRIED

- Consider adding under Director of Corporate Services an additional bullet to read “provide advice and guidance to volunteers as required”.

Procedures:

- Discussion regarding the term of appointments set out in clauses 3(b) and 4(a) being for two year terms for a maximum of four consecutive years, and whether three year terms and a six year maximum would be more appropriate.

MOVED and seconded: That the Council Committee and Commission Policy be amended at clause 4(c) by striking the words “four (4) consecutive years” and replacing with the words “six (6) consecutive years”.

CARRIED

MOVED and seconded: That the Council Committee and Commission Policy be amended to include term limits for Chairs for a maximum of two years.

CARRIED

With Councillor Zhelka opposed

The CAO advised that staff will review and consider ways to add flexibility into the Policy regarding appointment of Chairs for Council consideration.

9. Minutes and Reporting:

- Council requested that clause 9(1) be clarified that the role of the Council Liaison is to only inform of the Council decision, not the rationale for it.

10. Meeting Schedule:

- Revise clause 10(b) to provide that dates may change due to Municipal Elections and that meetings may not be held in that month of the election.

11. Meetings Open to the Public:

- The public also needs to be able to hear and see, so we need to ensure accessibility.

The CAO advised that the District has committed to providing amplification for all Committee and Commission meetings that are held in Council Chambers, but that currently there is no live streaming or recording since that would have significant budget implications.

12. Presentations:

- Council questioned whether this clause should be revised so that it is the Chair that invites other persons to make presentations to Advisory Bodies.

The CAO advised that staff will flag this for further review, since we want to ensure it is linked to the new Council Procedure Bylaw and the Terms of Reference.

14. Voting:

- Revise this clause to be consistent with the previous discussion regarding voting.

22. Communication:

- Council requested clarification on whether the intent was that there be no communication between Committee members with each other.

The CAO advised that all communication needs to be funnelled through staff to avoid subjectivity on how a decision was arrived at and the rationale for the decision. It is also to ensure that Committees do not refer any matter directly to another Advisory Body since they need to make a recommendation to Council to make the referral. Staff will reword the Policy to clarify that there is to be no official communication on District business between Committees.

Mayor Murdoch invited members of the public to provide comments.

Bronwyn Taylor, Oak Bay resident, stated that she had a concern regarding clause 3(e) of the draft Policy regarding residency requirements, and it was unfair if someone moved out of Oak Bay that they would have to resign even if the non-resident quota for that Committee had not been met.

ADJOURNMENT:

6. **Motion to Adjourn**

MOVED and seconded: That the meeting be adjourned at 9:43 p.m.

CARRIED

Certified Correct:

Chair

Director of Corporate Services