

MINUTES of a Special 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, March 16, 2020 at 6:30 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 C. Green  
Councillor T. Ney  
Councillor E. Paterson  
Councillor E.W. Zhelka (arrived at 6:33 p.m.)

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

CALL TO ORDER:

Mayor Murdoch called the meeting to order at 6:31 p.m.

MOVED and seconded: That the following items be added to the Agenda: 4. Waiving Utility Penalties, 5. Temporary Suspension of Regular Council Meeting Schedule, and 6. Recreation Centre Operation Update

**CARRIED**

COMMUNICATIONS:

**1. Council Direction Resulting from COVID-19 and EOC Activation**

The Chief Administrative Officer advised that the District activated its Emergency Operations Centre (EOC) on Friday, March 13, 2020. This proactive step was taken in order to allow for adequate planning and monitoring of the current COVID-19 situation, and that this will trigger potential impacts to staffing levels and Council's projects and priorities. Senior staff are now working full time on EOC tasks, and are accordingly asking for Council's endorsement of staff's recommendation to limit agenda items to matters of urgent business, authorize revised timelines for work plans, and to temporarily suspend all committee and commission meetings. She advised that staff will assess the situation further and will report back to Council with recommendations on special events and revised work plan timelines. Staff answered questions from Council.

MOVED and seconded: That Council:

Direct staff to limit agenda items for Council and Committee of the Whole meetings to urgent business matters, as determined by the CAO, until the declaration of a pandemic has been rescinded and/or the EOC has been de-activated;

Authorize an extension of timelines for work in progress as necessary with a report back to Council with revised timelines once the EOC is de-activated;

Direct staff to suspend all Committee and Commission meetings with further Council review of the suspension at the April 27, 2020 Council meeting; and

Direct staff to assess special events scheduled to be held using municipal facilities and/or infrastructure with a report back to Council at an upcoming meeting with recommendations for approved special events, in-stream applications for special events, and future special event applications.

**CARRIED**

**2. Development Variance Permit DVP00094 - 336 Newport Avenue**

The Director of Building and Planning provided an overview and advised that the variances were required in order to undertake some renovations to the home, due to its legal non-conforming status. Mr. Anderson advised that staff have reviewed the site and have not identified any significant issues, and that 18 new trees are to be planted, providing a 36% canopy cover. He stated there is little impact on adjacent neighbours, and that the applicant's representative, Rus Collins, Zebra Group, was present to answer any questions from Council.

MOVED and seconded: That Council approve the proposal to undertake alterations to an existing single family dwelling at 336 Newport Avenue subject to issuance of Development Variance Permit DVP00094, and that notification be given of Council's consideration of DVP00094.

**CARRIED**

**BYLAWS:**

**3. Procedure Bylaw Amendment**

The Director of Corporate Services advised that the purpose of the amendment was to allow more than two members of Council to participate in meetings electronically, which would allow Council to still make quorum and be able to deal with urgent business during this time of COVID-19.

MOVED and seconded: That Council give first and second Readings to the Procedure Bylaw Amendment Bylaw, 2020, No. 4750.

Council discussion ensued, as follows.

Council inquired whether the amendments would also apply to *In Camera* meetings. The Director of Corporate Services stated that she was not aware of any restrictions that would preclude it from applying but would confirm.

Council asked whether the Bylaw would revert back to the current situation or would the amendments continue indefinitely. Ms. Hopkins advised there is no sunset clause and no expiration for the amendments, but that a new Procedure Bylaw will be forthcoming in the near future.

Council inquired whether this amendment would also apply to Committees and Commissions since the current Bylaw provides that they follow the same procedures as Council. The Director of Corporate Services stated that Committee and Commission meetings have been suspended so it would not apply at this time, and that staff will review this further going forward should it become necessary.

Council questioned whether staff have considered having the public be able to attend meetings via webinar including screen sharing. The CAO stated that the District does not have that technology available at this time and that staff are currently researching options.

Council asked whether this could lead to a situation where the entire meeting was conducted via conference call with no one present. The Director of Corporate Services advised that it is anticipated that there will always be staff at Municipal Hall, that meetings will continue to be webcast so that the public can hear the meetings, and staff are exploring other technology to provide the best service possible.

The question was called on the Motion.

**CARRIED**

MOVED and seconded: That Council give third Reading to the Procedure Bylaw Amendment Bylaw, 2020, No. 4750.

**CARRIED**

#### **4. Waiving Utility Bill Penalties**

The Director of Financial Services advised that staff are recommending an amendment to our bylaw to allow waiving of utility bill penalties indefinitely, deferring payment without further impact, and allowing residents additional time to pay utility bills.

Council questioned whether municipalities have the power to do this. The Director stated that staff believed we did have that power, but that staff will research this further once Council provides direction to proceed with the bylaw amendment.

MOVED and seconded: That staff be directed to prepare bylaw amendments such that penalties and interest on utility bills are indefinitely suspended for bills due on or after March 16, 2020.

**CARRIED**

## 5. Council Meeting Schedule

The CAO advised that the Council meeting schedule must be established in advance for the year but Council is able to change the schedule as may be required. The CAO stated that staff are seeking Council's direction to suspend all regular meetings until the EOC has been de-activated. Special meetings will be called when necessary, in order to provide maximum flexibility to continue the District's business, and staff will continue to post notices of such meetings so that the public is provided with advance notice.

MOVED and seconded: WHEREAS a global pandemic has been declared as a result of the evolving COVID-19 situation;

AND WHEREAS Municipal Councils are required by the *Community Charter* to establish a regular schedule of meetings for the upcoming year and are permitted to suspend that schedule by resolution;

BE IT RESOLVED THAT Council suspend the regular meeting schedule of Council and Committee of the Whole meetings established for 2020 until the District's Emergency Operations Centre is de-activated;

AND BE IT FURTHER RESOLVED that special meetings may be called at the discretion of the CAO and/or Mayor during this time of suspension.

Council discussion ensued as follows.

Council inquired whether the regular schedule will resume after the suspension is ended. The CAO confirmed that will be the case.

Council inquired about the procedure for posting public notices to the District's website. The CAO advised that not all staff are able to post notices to the website, and that we may have to expect different procedures during these unusual circumstances. She stated that staff needs flexibility to continue to run operations but that at a minimum staff will post to the public bulletin boards at Municipal Hall which is meeting the legislative and Procedure Bylaw requirements for providing notice.

The question was called on the Motion.

**CARRIED**

## 6. Recreation Centres

Mayor Murdoch stated that some municipalities are closing recreation centres and that the District's EOC is following the Public Health Officer's guidelines on closures.

The CAO stated that Council could make a governance decision, and that the District's current position is that we are acting in accordance with Provincial direction. She advised that the EOC team of Senior Staff is closely monitoring activities in the Region, will meet tomorrow morning to review the situation, and will provide further information and recommendations to Council on the potential closure of all or some of our facilities, programs, and services.

Councillor Appleton declared a conflict of interest, as discussion regarding operation of the District's Recreation Centres may have an effect on his family business, and left the meeting at 7:09 p.m.

Councillor Zhelka declared a conflict of interest, since both his children are relying on the District's Recreation Centre, and left the meeting at 7:10 p.m.

Council discussion ensued as follows.

The CAO advised that this issue is challenging since we are not being provided with sufficient direction or recommendation from the Province regarding closure of recreation centres.

Council questioned whether the District can proceed to make a decision on closure without direction from the Province based on the best interests of staff and public. The CAO advised that Council or the EOC can make that decision, but not individual Directors and staff.

There was concurrence on Council that this decision should be left to the EOC based on a review of what is happening throughout the Province and on public health and safety concerns, and that Council and the public be advised of EOC's decision.

Mayor Murdoch advised that there is a conference call tomorrow between the Provincial Minister and Mayors, requesting the Province to provide clearer direction to ensure greater consistency among municipalities.

ADJOURNMENT:

4. **Motion to Adjourn**

MOVED and seconded: That the meeting be adjourned at 7:16 p.m.

**CARRIED**

Certified Correct:

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Mayor

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Director of Corporate Services