

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, November 9, 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 C. Green *
Councillor T. Ney
Councillor E. Paterson
Councillor E.W. Zhelka

STAFF: Chief Administrative Officer, L. Varela
Director of Corporate Services, S. Williams
Director of Building and Planning, B. Anderson
Director of Financial Services, C. Paine *
Director of Engineering and Public Works, D. Horan *
Chief Constable, R. Bernoties
Deputy Director of Corporate Services, S. Morden
Manager of Recreation Services, S. Meikle
Superintendent of Public Works, D. Brozuk *
Recorder, A. Nurvo

* attended via telephone conference call

CALL TO ORDER:

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

MINUTES:

1. **Council and Committee Minutes**

- October 26, 2020 Special Council Meeting Minutes
- October 26, 2020 Council Meeting Minutes
- November 2, 2020 Special Council Meeting Minutes (6:00 p.m.)
- November 2, 2020 Special Council Meeting Minutes (7:00 p.m.)

MOVED and seconded: That Council adopt the Minutes of the Council meeting held October 26, 2020 and the Minutes of the Special Council meetings held October 26, 2020, November 2, 2020 at 6:00 p.m. and November 2, 2020 at 7:00 p.m.

CARRIED

2. **Advisory Body Minutes**

- September 1, 2020 Advisory Design Panel Meeting Minutes

MOVED and seconded: That Council approve the Minutes of the Advisory Design Panel meeting held September 1, 2020.

CARRIED

MAYOR'S REMARKS:

3. **Mayor's Remarks**

Mayor Murdoch reminded residents that the Remembrance Day ceremony from the cenotaph will be livestreamed and viewable on line through the District's website, and invited residents to provide input into the budget process through the budget survey available through the website. The Mayor advised that Oak Bay has been awarded \$3.5 million through a COVID Restart Grant to offset the direct costs sustained during our response to the pandemic. The Mayor encouraged everyone to continue to be calm, be kind, be careful and to keep safe.

Mayor Murdoch then reflected on the two-year anniversary of Council's inauguration as follows:

Tonight we celebrate two years – the halfway point – of this Council's term. Like last year, I thought it worthwhile to take a couple of minutes to reflect on the last year and the work undertaken to date. I can of course only share a few examples, please see the annual report and other new reporting tools to get a more detailed view.

First, I want to acknowledge the great work done by staff, particularly over the last 7.5 months. Oak Bay runs a lean ship; because of this staff have had to really prioritize work and adapt both public spaces and working environments on a daily basis to allow services to continue. Over 400 pandemic-related service changes and projects have had to be undertaken on top of regular workload. The work undertaken by all has contributed many additional hours (and I know a lot of stress), and I want to thank all the staff: from our CAO, Ms. Varela, who has demonstrated through her servant leadership the work required to help, to the workers cleaning the public washrooms more frequently to allow them to remain open and safe for our residents, to our financial services team who found ways to move o phone or online service provision while also managing new provincial processes and tools as well. These are just a few examples of how every department, every work group, has had to adapt to keep services going and actually improve our operations in the process. On behalf of Council, our residents, our businesses, and our region: thank you municipal employees and contractors.

Second, I want to acknowledge the great work undertaken by Council and Staff working together: Every month, every week, efforts are made to improve how we run our business. I don't have time to identify every project, but I wanted to touch on transparency, fiscal responsibility, our protective services, the environment, and housing as these form core parts of our Council priorities.

Transparency:

- *This was the first full year of new standardized reporting tools. These include an improved Annual Report, new quarterly reporting, new work plan reporting, Improved tracking of Council motions, and more. This reporting and true 5-year financial planning helps Council's priority-setting and budget processes, significantly clarifies how tax money is being spent (both annually and throughout the year), and even reduces our costs.*
- *I would like to thank the very patient volunteers on our committees and commissions. Council intended to complete the rebuild of these bodies that provide invaluable contributions to our community in the late spring but that timeline has suffered considerably with the impacts of COVID. Even worse, the bodies have been meeting rarely or not at all during this time with COVID restrictions. Thank to great work over the last few months, there are new Policies and Procedures in place, new Terms of Reference being finalized, and we are (six months later than intended) now scheduled to welcome the returning and new members of these committees and commissions in February. We know that by investing properly in these bodies, providing orientation and training, and abiding by the highest standards of openness and reporting, we will see many more decades of valuable contribution by, and to the benefit of, our community members.*
- *I also want to acknowledge the ongoing work that continues to improve our back-end systems to provide better online and on-demand access to information for our public... and improve our operational efficiencies as the same time.*

Fiscal Responsibility:

- *Council approved a 6.9% tax increase this year with almost all non-discretionary increases going to permanently fund the needed capital replacement of our pipes, roads, sidewalks, buildings, and other community assets to ensure they are here for generations. This investment now helps ensure costs can be managed in future.*
- *Parks and Recreation revenue saw a significant hit this year due to limited access, increased use of outdoor spaces, no access to federal subsidy programs, and more. I want to share my appreciation to the Federal and Provincial Governments for new emergency funds to help keep these activities and services open, services that contribute to both physical and mental health.*

Protective Services:

- *2020 has been a difficult year for both fire and police, acting as front line supports during the pandemic that continues and is even accelerating today, with policing in North America particularly under the microscope as issues of racism and systemic discrimination have arisen, particularly in the US.*
- *I want to express my appreciation for the work undertaken by our professional firefighters and our police force. The high level of community support you have in Oak Bay is earned every day by your demonstration in all parts of your work the highest levels of professionalism, compassion, and fairness with those you interact with – you truly go the extra mile, and in years like this, it's especially appreciated.*

Environment:

- *Earlier this year a Climate Change Action Working Group, chaired by Cllr. Appleton and consisting of members of the Advisory Planning Commission, returned a number of recommendations on ways Oak Bay can help address Climate change. The top three were brought to Council for consideration and prioritization in both budget and work plans, with two others to follow for consideration in the 2021 planning process.*
- *The new Tree Protection Bylaw has now been enacted and will see thousands of new trees planted over the coming years.*

- *Each of the last two years have seen the overwhelming majority of female deer inoculated with immune-contraceptives. My thanks to staff for taking a more active role in overseeing the program, Urban Wildlife Stewardship Society (UWSS) for managing both the science and the application so necessary for the provincial sign-off, to the province for partially funding the program, and to the public who have stepped up these last two years to pre-approve access to their properties.*

Housing:

- *Council recently signed a lease with the Vancouver Island Refugee Centre Society (VIRCS) providing an innovative Welcome House for refugees entering the country. We are very excited to see this community-anchored model for welcoming displaced individuals and families as they make their transition to Canada.*
- *Oak Bay has been advocating and working with the Capital Region Hospital District (CRHD) to help ensure the Oak Bay Lodge lands stay in public hands and the site is rebuilt to meet the community and regional needs for health care and housing services. We appreciate the work undertaken by the CRHD to move this forward.*
- *Council initiated a Housing Framework this term to allow housing forms that meet community needs. This year the Housing Needs Report was completed (one of the first completed in the Province) and the Secondary Suites report will follow to help inform the options for that housing form. Despite the impacts of the pandemic and the ongoing state of emergency, we continue to target the end of next year for completion of the housing framework.*

Culture of Collaboration:

Finally, I am making these comments in the shadow of a recent and very divisive election in the United States. We've seen the damage caused there over the last few years by a culture of blame, fear, and partisanship devolving into a narrative of "good vs. evil."

So I would like to finish tonight by expressing my appreciation to my Council colleagues for not just their hard work and thoughtful decision making on a week-by-week basis, but on their commitment to a collegial and respectful Chambers. This means having an open mind to the ideas of others, it means seeking compromise on issues, it means creating a safe environment for others to have a dissenting opinion, it means respecting the expertise of staff and input from the public, it means that we all treat each other the way we want to be treated ourselves. I know it takes a conscious effort to always hold ourselves to the highest standards both inside and outside this chamber, to make the effort to speak positively of others even in disagreement. The cost of NOT doing this is the division and anger we've seen to our south, and I just want to thank every one of you, my colleagues on Council, for making that effort every day. It's been an honour to lead this Council over the last two years.

PUBLIC PARTICIPATION PERIOD:

4. Mayor Murdoch invited members of the public to telephone in to the meeting to provide comments to Council. The Deputy Director of Corporate Services advised that no calls have been received from any members of the public.

COMMUNICATIONS:

5. **2021 Oak Bay Police Department Provisional Budget**

The Director of Financial Services provided an overview and advised that the 2021 draft budget represents an increase of 2.7%, not including Collective Agreement commitments.

Chief Constable Bernoties provided a summary of the major budget items, including: \$36,000 for police dog services with Westshore RCMP; a substantial increase in cost of our five-year service agreement with Saanich; elimination of two detective positions; \$25,000 increase to overtime budget to make the budget more accurate; capital expenditures and reserve account transfers.

MOVED and seconded: That Council approves the 2021 provisional budget as recommended by the Oak Bay Police Board and instructs staff to incorporate it into the 2021 Municipal Financial Plan.

CARRIED

6. **Donation of Public Art**

MOVED and seconded: That Council accept donation of one or both sculptures from the 2019 ArtsAlive program, along with their proposed location as follows: 1. "Portal," by Heather Passmore to be located at Willows Beach on Esplanade towards the Uplands Park/Cattle Point end. 2. "Jelly," by Nathan Smith to be permanently located in the Estevan Village on the sidewalk at 2527 Estevan Ave.

MOVED and seconded: That the Motion be amended to provide that Council accept the donation of the artwork but that the permanent location is to be determined at a later date.

CARRIED

The question was called on the Main Motion as amended, and declared:

CARRIED

MOVED and seconded: That Council postpone acceptance of future donations of public art pieces not currently in stream until such time as recruitment and appointment of membership on the Public Arts Advisory Committee is completed in the first quarter of 2021 and the newly appointed Committee has had the opportunity to consider and recommend a revised Public Arts Policy to Council detailing process for future donation of public art pieces.

CARRIED

7. **Contract Award OBPW 02-2020 - Organics Receiving and Processing Services**

MOVED and seconded: That the Organics Receiving and Processing Services contract be awarded to GFL Environmental Inc., in accordance with their proposal of \$117/Tonne for 2021, \$118/Tonne for 2022 and \$119/Tonne for 2023.

CARRIED

8. **CRD Sewer Funding Model Review 2020**

The Director of Financial Services provided an overview, background and history. The Director advised that the CRD funding model for tax and sewer rates will be changing significantly in 2021 due to Wastewater Treatment Plant coming on line, and that operating costs will be increasing significantly while capital costs will be going down, The Director stated that Council has discretion how to apportion these costs to users, through taxation, user fees or a combination and that the options are set out in the Staff Report. Staff are recommending that operating costs be covered by user fees and capital and debt costs by taxation.

MOVED and seconded: That the District enter into an agreement with the Capital Regional District that 100% of the amount of annual operating costs under Bylaw No. 4304 Liquid Waste Management Core Area and Western Communities Service Establishment Bylaw No. 1, 1995, be recovered by way of agreement, effective for the 2021 fiscal period, permitting the District to impose a fee or charge for all costs.

CARRIED

9. **2021 Municipal Sewer Rates**

MOVED and seconded: That Council direct Staff to increase the 'transfer to reserve for sewer capital' budget by \$100,000;

And further that Council direct Staff to prepare the 2021 Sewer Use Charge Bylaw Amendment Bylaw.

CARRIED

NEW BUSINESS/REPORTS FROM OTHER COMMITTEES:

10. **New Business & Verbal Reports**

- **New Business**

Councillor Green advised that she will be bringing forward a Notice of Motion regarding animal control.

- **Report on the Capital Regional District**

Mayor Murdoch advised that the CRD has completed its preliminary budget at its COTW meeting and that the Core Area Liquid Waste budget will have a significant increase but other areas have decreased. The Mayor advised that as part of the Rapid Housing Initiative by the Federal Government, the Capital Region Housing Corporation has received \$13.1 million to build new housing, with the program requiring at least 52 units for 20 years, which must be built next year.

- **Other Verbal Reports**

Councillor Appleton advised that he had attended a Greater Victoria Public Library Board meeting on October 27, and that the Board approved the provisional 2021 budget which will be going to member municipalities shortly for review. He advised that the proposed budget would result in a decrease for Oak Bay for next year.

Councillor Braithwaite advised that she attended the AVICC Executive meeting last week where they discussed next year's convention. The timing of accepting resolutions will be determined at the December meeting. Councillor Braithwaite also reminded Council of the SIPP Rising Tide meeting will be held next week and that registration is available on line.

Mayor Murdoch thanked Councillor Zhelka for attending the Urban Deer meeting last week on behalf of the Mayor.

Councillor Green advised that she had attended a Tourism Committee meeting last Thursday, and that the Committee reviewed governance issues and recovery and ways of bringing tourism back to Oak Bay safely.

RESOLUTIONS:

11. Notice of Motion - Councillor Ney

MOVED and seconded: That Council strike from the record the original recommendation made at the October 19, 2020 Committee of the Whole meeting regarding Leaf Blowers.

CARRIED

MOVED and seconded:

WHEREAS Councillor Ney's Motion "Ban leaf blowers in Oak Bay" was forwarded to the Climate Action Committee on January 18 2020 for consideration;

WHEREAS Oak Bay Committee of the Whole received Recommendations from the Climate Action Committee March 9, 2020, of which Recommendation 3 would establish an annual funding program for community groups undertaking climate action activities and for rebates for actions that reduce GHG emissions including heating systems, electric garden equipment, and ebikes;

WHEREAS Oak Bay Council included funding of Recommendation 3 from the Climate Action Committee in 2021 preliminary budget considerations; WHEREAS the City of Victoria has committed to replacing gas-powered tools and small engine-driven equipment (including garden equipment such as gas-powered leaf blowers) with renewable power (electrification) by 2025 (see City of Victoria Climate Leadership Plan 2018, p. 52);

WHEREAS the District of Oak Bay has approved a Sustainable Procurement Policy (July 2020) that supports a "sustainable purchase practice" that is intended to shift to "corporate goods and services that are more environmentally sound and socially beneficial" and minimize greenhouse gas emissions;

WHEREAS there continues to be increasing community support in Oak Bay for the replacement of gas-powered garden equipment, and especially leaf-blowers, with electric-powered equipment;

WHEREAS on Nov. 18, 2019, the German government requested that its citizens stop using leaf blowers over concerns of the steep decline in environmental biodiversity.

BE IT RESOLVED THAT: Staff be directed to provide a report on options and impacts:
(a) related to the reduction or elimination of gas-powered gardening equipment (including leaf blowers) within municipal operations, and
(b) for banning the use of residential gas-powered leaf blowers for residents and commercial operators.

CARRIED

BYLAWS:

12. Refuse Collection and Disposal Bylaw 4371, Amendment Bylaw No. 4773, 2020

MOVED and seconded: That Council give first and second readings to the Refuse Collection and Disposal Bylaw 4371, Amendment Bylaw No. 4773, 2020.

CARRIED

MOVED and seconded: That Council give third reading to the Refuse Collection and Disposal Bylaw 4371, Amendment Bylaw No. 4773, 2020.

CARRIED

13. Water Rates Amendment Bylaw No. 4774 Amendment Bylaw No. 3, 2020

MOVED and seconded: That Council direct staff to increase 'transfer to reserve for capital' budget by \$100,000.

CARRIED

MOVED and seconded: That Council give first and second readings to the Water Rates Bylaw No. 4744, Amendment Bylaw No. 3, 2020.

CARRIED

MOVED and seconded: That Council give third reading to the Water Rates Bylaw No. 4744, Amendment Bylaw No. 3, 2020.

CARRIED

14. Streets and Traffic Amendment Bylaw No. 4100, 2000, Amendment Bylaw No. 4767, 2020

MOVED and seconded: That Council adopt the Streets and Traffic Amendment Bylaw No. 4100, 2000, Amendment Bylaw No. 4767, 2020.

CARRIED

ADJOURNMENT:

15. **Motion to Adjourn**

MOVED and seconded: That the meeting be adjourned at 9:33 p.m.

CARRIED

Certified Correct:

Mayor

Director of Corporate Services

DRAFT