

MINUTES of the Special 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 Thursday December 12, 2019 immediately following adjournment of the Special Council meeting.

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 T. Ney
Councillor E. Paterson
Councillor E.W. Zhelka

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
Recorder, A. Nurvo

CALL TO ORDER:

Mayor Murdoch called the meeting to order at 7:13 p.m.

COMMUNICATIONS:

1. **Council Procedure Bylaw Workshop**

The Chief Administrative Officer reviewed a PowerPoint presentation and provided an overview of the proposed new Council Procedure Bylaw, including the purpose of the Bylaw, goals of the review, and changes from the previous Bylaw. Council and staff reviewed and discussed the various sections of draft Bylaw.

Part 1 – Interpretation (p 1-4):

Council requested clarification of a delegation versus a presentation.

Staff advised that a presentation could be at either a Council or Committee of the Whole meeting originating internally at the request of Council or staff, whereas a delegation is originated externally by an individual completing the required application form requesting to speak to Council on a particular topic and these will only be at scheduled for Committee of the Whole meetings.

Part 2 – Schedule, Location and Notice of Meetings (pages 4-8):

Council questioned why a Town Hall meeting was not specified in the Bylaw.

Staff advised that if the Bylaw does not define a Town Hall meeting, Council has flexibility on what format the meeting could take if it wished to hold one. Staff will further review the Bylaw to determine whether and how a Town Hall meeting could be incorporated.

Staff advised that the Bylaw provides for the right of Council to waive its procedures and suspend its rule at any time that Council wished to do so.

Council asked if Public Hearings to be held on Thursdays will be included in the Council meeting schedule.

Staff advised that they would be included in the schedule and if one is not required, then it will be cancelled with the appropriate notification to the public. Staff will review the draft Bylaw to ensure it provides for cancellation of Public Hearings and whether this should be included in section 14.

Part 3 – Designation of Member to Act in place of the Mayor (p8):

Council had no comments on this section.

Part 7 – Motions (pages 20-22):

Council questioned whether a member of Council could interrupt at any time to raise a subsidiary motion under section 32.5 or whether they needed to have the floor first.

Staff advised that they will review and clarify that procedure.

Council questioned on the process for a member of a committee or commission to bring forward a matter for consideration that is not on their agenda.

Staff advised that they will flag this issue for review and whether to consider it as part of this Bylaw or as part of the policy and guidelines being developed for committees and commissions that will be reviewed by Council in the first quarter of 2020.

Part 8 – Voting (p 23-24):

The Chief Administrative Officer advised that this section has been expanded to apply to committees and commissions including the conflict of interest provisions.

Part 9 – Minutes (p 24):

Council discussed the rationale for not recording the mover and seconder in the minutes, since the motion is owned by the body not to the individual members, and that this facilitates

open debate. Council questioned why our practice is to request permission from the mover and seconder prior to taking action such as rescinding a motion.

Staff advised that the mover and seconder are provided with the option to withdraw the motion if that is done prior to the vote being called.

Staff confirmed that minutes are prepared for every meeting, including In Camera, but that public access to In Camera minutes is not guaranteed, and that a protocol for minutes could be developed that includes this statement to ensure the public is aware of this.

The Chief Administrative Officer advised that staff will review In Camera minutes starting from the inaugural meeting of this Council to ensure that we regularly rise and report on items that are no longer considered to be In Camera.

Council questioned the change in practice where the minutes simply record the motion and vote and not the details of the Council discussion.

Staff advised that in 2016, Council passed a motion directing that staff only record recommendations and decisions in the minutes and not commentary, and since webcasting became available there is no need for the minutes to be as detailed. Staff stated that the existing motion providing staff direction reflects best practices, that the Bylaw meets legislative requirements and that any changes that Council wishes to make can be included in the protocol.

Part 10 – Bylaws (pages 24-25):

Staff noted that section 41 provides flexibility for Council to waive requirements and suspend rules, and that this requires a unanimous vote from Council.

Staff clarified that the *Community Charter* requires at least one day between third and final Reading of a bylaw and that the exemption provided for in section 43.2 applies only to the specific situations provided for in the *Local Government Act* and *Community Charter*. Staff stated that they refer to the *Interpretation Act* for applicable definitions and calculations of timelines.

Part 12 – Repeal (p 28):

Council had no comments on this section.

Part 13 – Citation (p. 28):

Staff advised that the Bylaw was renamed *Council Procedure Bylaw* for clarification because it deals with the business of Council, and that the Bylaw does not deal with Councillor's attendance at meetings since there is legislation that deals specifically with those procedures.

Council questioned whether there should be a protocol to ensure a more timely review and updating of the Bylaw. Staff advised that the best practice is to have each new Council

review it as part of their orientation, and the Bylaw and protocols can be revised as Council deems appropriate in the interim.

Part 6 – Rules of Conduct (p 18-19):

Staff advised that this is a new section to incorporate Respectful Workplace provisions, Council Code of Conduct, and other best practices into all Council, Committee of the Whole meetings, and Public Hearings. These provisions extend to Council, staff, others attending meetings, and members of the public, and that these rules apply as well to all committees and commissions.

Staff confirmed that a website refresh is proposed for 2020 which will include updating the information available to the public on the District's website.

Council questioned how staff will deal with providing tools for Council and committee members to address issues such as dealing with challenging behaviour at meetings.

Staff advised that this will be incorporated into regular training and orientation to be provided for all committee members starting in 2020.

Council questioned whether section 30.2 should include the right to recess the meeting if the inappropriate conduct is not resolved.

Staff will review and determine whether to add this to the Bylaw.

Part 11 – Committees and Commissions (p. 26-28):

Council questioned the appropriateness of the Council Liaison voting at committee or commission meetings.

Staff advised this will be considered when the terms of reference for the various committees are reviewed.

Council noted that committee meetings are limited to a 3 hour maximum and asked how any unfinished business would be dealt with.

Staff will consider whether to add this provision to the Bylaw for clarification.

Staff advised that the process of dealing with electronic communication and holding a meeting electronically is a risk that will be addressed in the forthcoming policy and guidelines for Committees and Commissions.

Part 4 – Public Attendance at Meetings and Engagement Opportunities (p. 8-13):

The Chief Administrative Officer reviewed a chart on the purpose of meetings and proposed changes to public input opportunities in the context of the IAP2 Framework (Inform, Consult, Involve, Collaborate, and Empower).

Council questioned how the public becomes informed of the status of various development applications, and noted that the City of Victoria has a Development Tracker available to the public for this purpose.

Staff advised that the public currently becomes aware from the staff reports, APC recommendations, and Council meeting agendas and minutes. The 2020 budget request will include development of a public engagement tool to advise people where they can provide input and be informed, and noted that it was important to declare up front whether we are informing or consulting with the public. Staff will also review the Development Procedures and Fees Bylaw regarding when development application signs should be posted on property.

The Chief Administrative Officer reviewed a flow chart of decision making procedures for various types of land use applications and where the public has the opportunity for input.

Staff advised that the current process where Council receives public comments at a Committee of the Whole meeting poses a risk since this could be conceived as another Public Hearing. The District has to provide information and educate the community on the proper process and where they have the opportunity to have input to Council.

Staff clarified that the legislation is very clear that the process is not to involve the public when Council is first considering a bylaw dealing with development applications. Council can defeat the bylaw if they are of the opinion there is no merit in the application, or they can give first and second reading to move it forward to a Public Hearing and provide for public input. Council is obligated to keep an open mind until after the public hearing.

Staff advised that we are now providing amplified sound at committee and commission meetings held in the Council Chambers so the public can hear the discussion, links are being attached to agendas, and copies of agendas are being made available to the public. Staff will also consider the possibility of adding, either into this Bylaw or the Development Procedures and Fees Bylaw, a requirement for the applicant to hold a neighbourhood meeting early on in the process.

PUBLIC INPUT:

James Sultanum, Oak Bay resident, spoke in support of the proposed Bylaw, and stated that it is technically correct, the staff rationale provided made sense, and it will be a big improvement to rationalizing decision making and staff time. The Bylaw is quite a change so informing and educating the public will be important. He suggested we consider a dashboard on our website to advise the public of the status of applications.

Council review and discussion on the draft Bylaw continued.

Part 5 – Meeting Procedures at Council, COTW and PH (p 13-17):

Council questioned how late items are to be dealt with, and noted that there is a new agenda item added for agenda approval and this can be used to add late items or urgent matters can be added under section 22.5 with a majority vote of members present.

Draft Protocols

Council and staff reviewed the draft protocols.

Council questioned whether the agenda publication protocol also applies to committees and commissions.

Staff advised they will bring this forward in the first quarter of 2020 for Council consideration.

Mayor Murdoch expressed appreciation to staff on behalf of Council for both the format of this workshop to permit open discussion on the proposed Bylaw and protocols and for all of their work to prepare for this meeting.

ADJOURNMENT:

2. **Motion to Adjourn**

MOVED and seconded: That the meeting be adjourned.

CARRIED

The meeting adjourned at 10:02 p.m.

Certified Correct:

Chair

Director of Corporate Services