

MINUTES of a 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 October 24, 2019 At 6:30 P.M.

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  
Recorder, A. Nurvo

OTHER: Sonia Santarossa, Consultant

CALL TO ORDER:

Mayor Murdoch called the meeting to order at 6:30 p.m.

COMMUNICATIONS:

1. **Council Committee and Commission Review**
  - Memorandum from the Chief Administrative Officer dated October 24, 2019
  - Committee and Commission Review Report from Sonia Santarossa dated October 24, 2019

The Chief Administrative Officer introduced the Council mandated project and stated the recurring question is how the public participates in the committee and commission process. She reviewed the International Association for Public Participation (IAP2) framework which recognizes five approaches to public participation. Public participation will be as determined and endorsed by Council in the implementation stage. Next steps include: at future Committee of the Whole meetings Council will review the updated Council Procedure Bylaw, revised committee terms of reference, and updated policies and procedures. The CAO introduced Sonia Santarossa, Consultant.

Councillor Ney joined the meeting at 6:41 p.m.

The Consultant reviewed her Report and the 18 recommendations contained within, including: types of committees and commission, their role in providing advice and recommendations to Council unless Council has delegated decision-making power, and the mandates set out in a bylaw or terms of reference as approved by Council.

The Consultant advised that best practice is to review the committee structure following a local government election to ensure the committees and their mandates align with Council priorities. She reviewed the recommendations, divided into three categories: Policy, Process and Structure. The Consultant, CAO and Director of Corporate Services answered questions from Council.

Council comments included:

- As part of bylaw and process review, include expectations for presentations, including from applicants, since there is a range of practices at Committee and Council meetings.
- Concern with amalgamating the Heritage Commission with the Advisory Planning Commission (APC) since their mandates, focus and expertise are different, but the challenge is balancing the efficiencies and timeline delays when matters need to go to both Commissions prior to Council review.
- Consider requiring an annual report from Committee Chairs to Council on major initiatives completed during the previous year.
- There are potential efficiencies and streamlining of processes if the Parks Recreation and Culture Commission were re-established as a committee, with staff handling all operations and the committee focusing on major initiatives as determined by Council such as a parks master plan.
- Appropriate to delay considering creation of new Finance Select Committee until this has been reviewed with the new Director of Financial Services.
- The District needs to be taking more immediate action on environmental issues with Council's recent Declaration of Climate Emergency.
- There is a need to provide clarity on the guidelines for the Uplands area and these need to be consistent with the District's zoning requirements.
- A copy of the Oak Bay Special Powers Act needs to be posted to our website to be readily available to developers and the public.

The meeting recessed at 8:36 p.m. and reconvened at 8:40 p.m.

The Mayor called for Public Input:

Graham Ross, Oak Bay resident, stated that requiring all Committee members to re-apply for another term every two years could be onerous, but felt that this was important to have for the next round of recruitment. He stated he was not in support of combining the APC and Heritage Commission since there are different skill sets required and it was not a natural fit. He also stated that the public needs to be involved at the Committee and Commission level and recommended adding a public participation period to the end of each meeting.

Kristina Leach, Oak Bay resident, Chair of the APC, provided comments on the Consultant's Report from APC members: (1) they welcomed the addition of a Council Liaison, and (2) merger with Heritage Commission is concerning since it would water down both mandates. She recommended these continue to be separate, but they can hold joint meetings or hold meetings after each other to add efficiency to the review of common initiatives.

Bronwyn Taylor, Oak Bay resident, member of both Heritage Commission and Heritage Foundation, supported several recommendations in the Report but opposed the amalgamation of the Heritage Commission with the APC for several reasons, including the district mandates, skill sets and focus to review applications are different, and both would be watered down.

Barbara Judson, Oak Bay resident, addressed Council regarding the proposed code of ethics, and stated there could be conflict with decisions if a member works for the Province, the Federal Government, or a developer, so conflict of interest guidelines should also be reviewed.

Nancy Barnes, Oak Bay resident, stated that it was important for the APC to receive input from the community on major developments, and that public input should be included at these meetings; otherwise it encourages disharmony in the community.

Council discussion on the Recommendations contained in the Report, included:

- Consider including public input opportunity for all committee and commission meetings, and to close the loop the public should be advised on what we heard and how their input was used prior to the decision being made. CAO noted that not all processes should include the same level of public input and the appropriate level will be determined for each committee.
- As a transition, review current member terms and if there are any gaps, consider short term appointment based on existing documents for a six month period, and then do a full recruitment after the review process has been completed; consider putting out a call for volunteers interested in short term appointments.
- Committee and Commission orientation will include the roles of the chair, members, Council liaison, staff liaison and back-up staff liaison and conflict of interest requirements.
- Concerns with amalgamating Heritage Commission and APC; Council Liaison to APC is necessary; needs to be improved cohesion and communication of joint issues between the two commissions as long as that does not impact timelines for processing applications; Heritage Commission is highly specialized and requires a different level of expertise; APC is to take on broader roles including transportation and environmental issues.
- Dissolving of the Parks, Recreation and Culture Commission is in no way a reflection of the work of the Commission, and Council acknowledged their long-standing good work in the community.

MOVED and seconded: That staff be directed to prepare a draft vision and guiding principles to establish Council Committees and Commissions and a draft policy to guide the function and operations of Council Committees and Commission for Council review.

**CARRIED**

MOVED and seconded: That the Council Committee and Commission structure, and associated governing documents, be reviewed by Council, staff and the Committees and Commissions on a bi-annual basis.

**CARRIED**

MOVED and seconded: That the draft Committee and Commission minutes be made available and posted to the website within an advanced time frame.

**CARRIED**

MOVED and seconded: That staff be requested to look into allowing Committee or Commission members to conduct site visits where applicable.

**CARRIED**

MOVED and seconded: That the Council Procedure Bylaw, 1999, No. 4052 be amended to establish a time limit for all Committee and Commission meetings.

**CARRIED**

MOVED and seconded: That staff undertake a review of how the Tourism Committee may be established so that it may manage the revenue received from the Municipal and Regional District Tax, with input from the Tourism Committee.

**CARRIED**

MOVED and seconded: That the Council Liaison be requested to report back to Council Committees and Commissions on the decisions made by Council on matters previously considered by the Committee or Commission.

**CARRIED**

MOVED and seconded: That staff be directed to develop and deliver an interactive Orientation/Training session to each Committee and Commission on an annual basis.

**CARRIED**

MOVED and seconded: That:

- (a) Staff review the appointment and recruitment process and establish a standard time of year for recruitment and appointments to Council Committees and Commissions;
- (b) All members whose terms may be expiring, but are still eligible to serve, be required to re-apply to the Committee or Commission; and
- (c) The current and future appointments to all Committees or Commissions be reviewed to ensure they reflect the membership requirements as outlined in the establishing bylaw or terms of reference.

**CARRIED**

MOVED and seconded: That the Director of Corporate Services be responsible for the administrative oversight of the Council Committees and Commissions.

**CARRIED**

MOVED and seconded: That the Code of Ethics apply to Council Committee and Commission members.

**CARRIED**

MOVED and seconded: That:

- (a) The APC and Heritage Commission continue as separate commissions;
- (b) A Council Liaison be appointed to the APC; and
- (c) Staff be directed to review the information flow and referral processes between the two Commissions.

**CARRIED**

MOVED and seconded: That:

- (a) Council consider dissolving the Parks, Recreation and Culture Commission and re-establish it as a select committee of Council; and
- (b) Staff be directed to make the necessary bylaw amendments to dissolve the commission and draft revised terms of reference.

**CARRIED**

*With Councillor Zhelka opposed*

MOVED and seconded: That further consideration of Recommendation No. 15 from the Council Committee and Commission Review Report prepared by Sonia Santarossa be set aside until input has been received from the new Director of Financial Services.

**CARRIED**

MOVED and seconded: That staff be requested to provide information to Council on terms of reference and scope of work for a working group to address climate action goals as called for in the Climate Emergency Declaration.

MOVED and seconded: That the previous Motion be withdrawn.

**CARRIED**

MOVED and seconded: That staff be directed to develop options on the establishment of a working group to address action items arising from the Climate Emergency Declaration.

**CARRIED**

MOVED and seconded: That staff be directed to review consolidated Bylaw No. 3545, "Uplands Regulation Bylaw, 1987" and make recommendations to clarify design guidelines for the Uplands.

MOVED and seconded: That the Motion be amended to add the words "and relevant Zoning Bylaw regulations."

**CARRIED**

The question was called on the Motion as amended.

**CARRIED**

MOVED and seconded: That administrative support to the Heritage Foundation be reviewed.

**CARRIED**

ADJOURNMENT:

2. **Motion to Adjourn**

MOVED and seconded: That the meeting be adjourned.

The meeting adjourned at 10:22 p.m.

**CARRIED**

Certified Correct:

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Chair

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Director of Corporate Services