

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4770

A Bylaw to Establish the Oak Bay Heritage Commission

CONSOLIDATED FOR CONVENIENCE TO FEBRUARY 14, 2022

(**amended by Bylaw No. 4770.001)

The Municipal Council of The Corporation of the District of Oak Bay, in open meeting assembled, enacts as follows:

1 ESTABLISHMENT

- 1.1 A commission to be known as the Oak Bay Heritage Commission (the “Commission”) is hereby established.

2 DEFINITIONS

- 2.1 In this Bylaw, the following words shall have the following meanings:

Commission	means the Heritage Commission established by this Bylaw
Council	means the Municipal Council of the Corporation of the District of Oak Bay
Council Liaison	means a Member of Council appointed by the Mayor as a Council Liaison to the Commission
Member	means a person appointed as a volunteer to the Commission
Staff Liaison	means the staff person(s) designated by the Chief Administrative Officer to support the Commission

3 MANDATE OF THE COMMISSION

- 3.1 The mandate of the Commission shall be to advise to Council on a range of community heritage matters, including:
- (a) Reviewing and making recommendations to Council on the content and maintenance of the Community Heritage Register, including related Statements of Significance as drafted by staff or consultants;
 - (b) Reviewing staff reports and related heritage documentation regarding proposed heritage designations, Heritage Revitalization Agreements, or other forms of preservation that may be registered against title to real property, for input and advice to Council;

- (c) Reviewing existing and proposed District plans, strategies or other regulatory initiatives for input and advice to Council pertaining to heritage conservation, including any planning initiatives related to Heritage Conservation Areas and the *Oak Bay Heritage Plan*;
- (d) Reviewing and making recommendations to Council on select development applications, including:
 - a. Development applications within Heritage Conservation Areas (“HCA”), to support compliance with the HCA guidelines in the *Official Community Plan*; and,
 - b. Development applications, including Heritage Alteration Permit applications, relative to review of the heritage-related aspects of the proposed redevelopments.
- (e) any other heritage matter referred by Council.

3.2 The Commission is further authorized to carry out all projects, initiatives and activities contained within an Annual Work Plan approved by Council, as outlined in Section 8 of this Bylaw.

4 MEMBERSHIP OF THE COMMISSION

- 4.1 The Commission shall be comprised of up to seven (7) volunteer members. Not more than two (2) members may reside outside the District of Oak Bay.
- 4.2 Up to two (2) members may also serve as appointed Directors of the Oak Bay Heritage Foundation.
- 4.3 The Mayor shall appoint one (1) member of Council as a non-voting Council Liaison.

5 APPOINTMENT PROCESS AND TERMS OF COMMISSION MEMBERSHIP

- 5.1 Members of the Commission shall be appointed by Council.
- 5.2 Members will be appointed for staggered terms of one (1) to two (2) years.
(*Bylaw No. 4770.001, adopted February 14, 2022)
- 5.3 Members of the Commission shall be appointed for a maximum continuous tenure of six (6) consecutive years, except as otherwise specified in the *Committee and Commission Policy* for terms beginning in 2021.
 - a) Members of the Commission must seek re-appointment by Council at the end of each term.
- 5.4 Members who have served the maximum tenure permitted are subject to a mandatory two-year absence from the Commission prior to seeking re-appointment for any subsequent term, unless Council deems their reappointment to be necessary for expertise and continuity purposes.
- 5.5 An appointment to the Commission may be rescinded at any time by Council.
- 5.6 If Council, by resolution, fills a vacancy arising from a cause other than the

expiration of the term for which the departing member was appointed, such appointment shall be for the unexpired portion of the departed member's term.

- 5.7 A member who fails to attend three successive meetings of the Commission, except because of illness or with leave of Council, shall be deemed to have resigned their membership.

6 COMMISSION MEETING PROCEDURES

- 6.1 The provisions of the current *Council Procedure Bylaw* and *Committee and Commission Policy* will govern the meetings of the Commission.
- 6.2 The Commission shall elect the Chair and Vice-Chair annually at the first meeting of each calendar year from amongst its members. A motion to appoint a member to the position of Chair or Vice-Chair shall be in order only with the consent of the nominee.
- 6.3 As per the *Committee and Commission Policy*, Chairs elected or appointed by the Advisory Body will serve a maximum two-year term. Council may consider any extenuating circumstances and extend the appointment of an Advisory Body Chair as it deems necessary.
- 6.4 Regular meetings shall generally take place on a monthly basis if there are referrals to consider. As per the *Council Procedure Bylaw* and the *Committee and Commission Policy*, there will be no Commission meetings in August. Further, during a local government election year, there will be no meeting held in the month of the municipal election.
- 6.5 Subject to the provisions outlined in Section 6.4, the Committee or Commission Chair may cancel a regular meeting or schedule a special meeting in consultation with the Staff Liaison, and with the approval of the Chief Administrative Officer.
- 6.6 Unless a meeting or part of a meeting is authorized to be closed to the public in accordance with the provisions of the *Community Charter*, all Commission meetings shall be open to the public.
- 6.7 Quorum for the Commission shall be a simple majority of appointed volunteer members.
- 6.8 Provided a quorum is present, all decisions of the Commission shall be reached by consensus or a majority vote of the members present, including the vote of the Chair, with the motion being defeated in the event of a tie vote.
- 6.9 In accordance with the *Committee and Commission Policy*, the Commission may invite subject matter experts to a Commission meeting, to make presentations on specific matters under consideration by the Commission. In accordance with Section 10 of this Bylaw, any related fees or honorariums must be approved in advance by the by the Director of Building and Planning or by the Director of Financial Services.
- 6.10 A member of the Commission who has a direct or indirect pecuniary interest, or another interest in the matter that constitutes a conflict of interest in a matter before the Commission, distinct from that possessed in common with the public generally, shall:
- a) In open session declare such interest;

- b) Refrain from participating in any discussion or voting on the matter; and
 - c) Leave the meeting room for the duration of discussion or voting on the matter.
- 6.11 Commission meetings shall be adjourned no later than two (2) hours from the scheduled start time of the meeting. If business cannot be completed within two (2) hours, the Chair or Council Liaison may request a special meeting through the Corporate Officer or Chief Administrative Officer, for the sole purpose of completing the unfinished business.

7 APPLICATION REVIEW PROCESS

- 7.1 Individual development applications for Commission review, as outlined in Section 3.1(d) of this Bylaw, must be considered in open session.
- 7.2 The application review process shall be as follows:
- a) Staff will undertake an initial review of the application and prepare a report for the Commission. A copy of the application and staff report will be included in the Commission's agenda package.
 - b) At the Commission meeting, the Staff Liaison will introduce the application to the Commission and the applicant and / or representative shall be given the opportunity to address the Commission, following which the Commission members will have an opportunity to address questions to the applicant and staff.
 - c) The Commission will review the merits of the application as follows:
 - i. Development applications within Heritage Conservation Areas ("HCA"), to support compliance with the HCA guidelines in the *Official Community Plan*;
 - ii. Development applications including Heritage Alteration Permit applications, relative to review of the heritage-related aspects of the proposed redevelopments.
 - d) The Commission will then vote on the application by recommending, in the form of a resolution, one of the following:
 - Recommend approval of the application;
 - Recommend approval of the application with considerations; or,
 - Recommend denial of the application.
 - e) If the Commission recommends approval of the application with considerations, the resolution must include and specify the considerations accordingly.
 - f) Following the Commission meeting, staff will review the Commission discussion and recommendation with the applicant. If the Commission recommended approval with considerations, the applicant will have the opportunity to amend the application before it proceeds to Council.
 - g) Staff will prepare a report for Council, which will include the Commission recommendation and any subsequent amendments by the applicant to satisfy any

considerations. In addition, a copy of the relevant meeting minutes excerpt, draft or adopted, will also be attached.

- h) The outcome of Council's decision will be reported back to the Commission through the Council Liaison.

8 REPORTING TO COUNCIL

- 8.1 As set out above in Section 7, Commission recommendations related to individual development applications will be conveyed to Council through the established development review process, and generally contained in staff reports to Council. Council decisions will be reported back to the Commission by the Council Liaison.
- 8.2 Commission input and advice related to any other heritage matter within the Commission's mandate, or otherwise referred to the Commission by Council, shall be by way of a report to Council. The report shall be developed with the assistance of the Staff Liaison, in the form prescribed by the Corporate Officer, as may be amended from time to time. Council decisions will be reported back to the Commission by the Corporate Officer via memorandum.
- 8.3 The Commission may develop and submit an Annual Work Plan to Council for approval, in accordance with the *Committee and Commission Policy*.
 - a. Proposed projects, initiatives and volunteer development activities (conferences, workshops) contained within the Annual Work Plan should align with Council's current strategic priorities and other District plans and strategies, including the *Oak Bay Heritage Plan* and the *Official Community Plan*.
 - b. Council approval is required prior to implementation of the Annual Work Plan.
 - c. The Annual Work Plan may be amended, as required, with the approval of Council.
- 8.4 If the Commission chooses to submit an Annual Work Plan to Council for approval, the Commission must also submit an Annual Report to Council in accordance with the *Committee and Commission Policy*. The Annual Report shall be completed in the form prescribed by the Corporate Officer, as may be amended from time to time, and shall include a description of the Commission's progress and achievements with respect to the activities proposed by the Commission and approved by Council in the Annual Work Plan.

9 AGENDAS AND MINUTES

- 9.1 Commission meeting agendas and minutes must be prepared, distributed, posted and filed in accordance with the current *Council Procedure Bylaw*, the *Committee and Commission Policy*, and all related corporate administrative guidelines.

10 REMUNERATION AND BUDGET

- 10.1 Members of the Commission shall serve without remuneration; however, they may be reimbursed for expenses incurred while engaged in Commission duties.

Pursuant to the *Committee and Commission Policy*, these expenses must be pre-approved by the Chief Administrative Officer or Director of Financial Services, as appropriate.

- 10.2 Council shall establish an annual budget and provide funds for the operation of the Commission, including, if applicable, funds for implementation of the Commission's Annual Work Plan as approved by Council; an annual group membership in Heritage BC; advertising; and, administrative supplies or services.
- 10.3 Expenditures from the annual budget approved by Council, shall be approved by the Director of Building and Planning or by the Director of Financial Services.

11 STAFF SUPPORT FOR THE COMMISSION

- 11.1 Staff support for the Commission will be provided by one Staff Liaison from the Building and Planning Department and one Recorder. The roles and responsibilities of the Staff Liaison and Recorder are outlined in the *Committee and Commission Policy*.
- 11.2 The Building and Planning Department is the primary contact for the Commission and will provide the required professional and administrative support.

12 REPEAL

- 12.1 Bylaw No. 4550, "*Heritage Commission Establishment Bylaw, 2011*", together with all amendments, is hereby repealed.

13 CITATION

- 13.1 This Bylaw may be cited as the *Heritage Commission Establishment Bylaw No. 4770, 2020*.

READ a first, second and third time by the Municipal Council on January 25, 2021

ADOPTED AND FINALLY PASSED by the Municipal Council on February 1, 2021

Mayor

Corporate Officer

Sealed with the Seal of The Corporation of the District of Oak Bay.