

THE CORPORATION OF THE DISTRICT OF OAK BAY

BYLAW NO. 4298

*(as amended by Bylaw No. 4404 and 4522)*

A Bylaw to establish committee structures for the promotion of heritage awareness and the provision of advice on heritage planning issues

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

**Oak Bay Heritage Committee**

- 1 A standing committee to be known as the Oak Bay Heritage Committee is hereby established under the auspices of The Corporation of the District of Oak Bay.
- 2 Subject to specific policy direction from the Municipal Council, the mandate of the Oak Bay Heritage Committee shall be as follows:
  - (1) to promote awareness of the architectural and cultural history that constitutes the heritage of the Municipality of Oak Bay;
  - (2) to undertake research on matters pertaining to the heritage of the Municipality of Oak Bay;
  - (3) to create and maintain inventories of real property of heritage significance to the Municipality of Oak Bay;
  - (4) to make recommendations to the Municipal Council regarding the content of a community heritage register;
  - (5) to support the work of volunteers dealing with municipal archives; and
  - (6) to make recommendations to the Municipal Council in respect of an annual allocation of funding from the municipal budget for the purpose of its mandate as herein set out.
- 3 For the purpose of its mandate as set out in Section 2, the Oak Bay Heritage Committee may appoint standing or ad hoc subcommittees from its own membership or from the public at large, which shall report to it, and in particular may appoint a standing subcommittee for the furtherance of the Committee's mandate under Section 2(1). The Oak Bay Heritage Committee may designate the Chairman of any subcommittee appointed by it.
- 4 Expenditures from the annual budget approved by the Municipal Council for the work of the Oak Bay Heritage Committee shall be approved either by resolution of the Committee or by the Municipal Treasurer or his or her designate, and shall not exceed in the aggregate the amount approved by the Municipal Council for the budget year.

- 5 The Oak Bay Heritage Committee shall be constituted as follows:
- (1) One member of the Municipal Council; and
  - (2) Eight (8) persons from the public at large, not more than two (2) of whom may reside outside the Municipality of Oak Bay.  
(\* \* Bylaw No. 4522, adopted January 10, 2011)
- 6 An appointment under Section 5(1) shall be for a one (1) year term commencing January 1 in each year, provided that such appointment may be extended at the front end to commence at an earlier date where required to ensure that the position contemplated by Section 5(1) is filled in the period between the first meeting of the Municipal Council following a general local election and the end of the calendar year in which the election was held.
- 7 Initial appointments under Section 5(2) shall be as follows:
- (1) Three (3) persons for one (1) year terms commencing January 1, 2006; and
  - (2) Four (4) persons for two (2) year terms commencing January 1, 2006.
- 8 The initial appointment under Section 5(3) shall be as follows:
- (1) One (1) person for a one (1) year term commencing January 1, 2006.
- 9 Sections 7 and 8 notwithstanding, the initial appointments made pursuant to Sections 5(2) and 5(3) shall be extended at the front end back to December 6, 2005, such extension not to be counted for the purpose of determining maximum length of service pursuant to Section 13.
- 10 All annual appointments subsequent to the initial appointments under Section 7 shall be for two (2) year terms.
- 11 All annual appointments subsequent to the initial appointment under Section 8 shall be for one (1) year terms.
- 12 If the Municipal 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.
- 13 No person falling into the category of appointee described in Section 5(2) shall serve on the Oak Bay Heritage Committee for more than six (6) consecutive years including service as an "at large" appointee to the former Oak Bay Community Heritage Commission immediately preceding the initial appointment under Section 7, except where the initial appointment of the person either under Section 7 or otherwise was for a term of one (1) year or less, in which case the limit on consecutive years of service shall be not more than seven (7) years.

- 14 The limit on years of service set out in Section 13 shall not apply to a member of the Oak Bay Heritage Committee who is also serving on the Oak Bay Heritage Advisory Panel at the time such limit is reached.
- 15 An appointment to the Oak Bay Heritage Committee may be rescinded at any time by the Municipal Council.
- 16 A member who fails to attend three (3) successive meetings of the Oak Bay Heritage Committee, except because of illness or with leave of the Municipal Council, shall be deemed to have resigned his or her membership.
- 17 A quorum of the Oak Bay Heritage Committee shall be five (5) members.
- 18 Subject to Section 20, the Oak Bay Heritage Committee shall at its first meeting in each year appoint one of its members as Chairman. A motion to appoint a member to the position of Chairman shall be in order only with the consent of the nominee and need not be seconded.
- 19 The Oak Bay Heritage Committee may at any time appoint a member as Acting Chairman to preside in the absence of the Chairman.
- 20 Notwithstanding Section 18, the appointment of the Chairman of the Oak Bay Heritage Committee for the period December 6, 2005, to December 31, 2006, may be made by the Municipal Council.
- 21 Members of the Oak Bay Heritage Committee shall serve without remuneration.
- 22 The Oak Bay Heritage Committee shall determine a regular meeting schedule. Meetings outside of the regular schedule shall be at the call of the Chairman.
- 23 The Oak Bay Heritage Committee shall keep minutes of its meetings and provide copies of the same to the Municipal Clerk for transmittal to the Municipal Council.
- 24 All questions coming before the Oak Bay Heritage Committee shall be decided by simple majority vote including the vote of the Chairman, with the motion being defeated in the event of a tie vote.
- 25 Any enactment establishing rules as to whether a meeting of a municipal council may or must be held in public or in closed session, as the case may be, shall apply to meetings of the Oak Bay Heritage Committee.
- 26 Any member of the Oak Bay Heritage Committee who has a direct or indirect pecuniary interest in a matter before the Committee, as distinct from that possessed in common with the public generally, shall:
  - (1) in open session declare such interest;
  - (2) refrain from participating in any discussion or voting on the matter; and
  - (3) leave the meeting room for the duration of discussion or voting on the matter.

- 27 The minutes of the Oak Bay Heritage Committee shall record all declarations and actions under Sections 26(1) and 26(3), respectively.
- 28 Where not provided by this Bylaw or other applicable enactment, procedural questions shall be governed by the rules and practices set out in Robert's Rules of Order, Newly Revised, 1990 Edition.
- 29 For as long as the Municipal Council has a right of appointment to the registered society known as the Oak Bay Heritage Foundation, the Municipal Council may in its discretion make such appointments so as to create a wholly or partly overlapping membership between the Foundation and the Oak Bay Heritage Committee.

**Oak Bay Heritage Advisory Panel**

- 30 A standing committee to be known as the Oak Bay Heritage Advisory Panel is hereby established under the auspices of The Corporation of the District of Oak Bay.
- 31 The mandate of the Oak Bay Heritage Advisory Panel shall be to advise on matters referred to it by the Municipal Council in the following areas:
- (1) heritage conservation aspects of individual land redevelopment applications;
  - (2) proposals for heritage designation or other forms of heritage preservation required to be registered against the title to real property;
  - (3) applications for alterations to designated or otherwise statutorily protected heritage structures;
  - (4) heritage assessment of property subject to a temporary protection order; and
  - (5) regulatory initiatives pertaining to heritage conservation.
- 32 Expenditures from the annual budget approved by the Municipal Council for the work of the Oak Bay Heritage Advisory Panel shall be approved either by resolution of the Panel or by the Municipal Treasurer or his or her designate, and shall not exceed in the aggregate the amount approved by the Municipal Council for the budget year.
- 33 The Oak Bay Heritage Advisory Panel shall be constituted as follows:
- (1) One (1) person who is also a member of the Oak Bay Heritage Committee;
  - (2) Four (4) persons from the public at large.
- 34 Initial appointments under Section 33 shall be as follows:
- (1) Three (3) persons for one (1) year terms commencing January 1, 2006; and
  - (2) Two (2) persons for two (2) year terms commencing January 1, 2006.
- 35 Section 34 notwithstanding, the initial appointments made pursuant to Section 33 shall be extended at the front end back to December 6, 2005.

- 36 All annual appointments subsequent to the initial appointments under Section 34 shall be for two (2) year terms.
- 37 If the Municipal 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.
- 38 An appointment to the Oak Bay Heritage Advisory Panel may be rescinded at any time by the Municipal Council.
- 39 A quorum of the Oak Bay Heritage Advisory Panel shall be three (3) members.
- 40 The necessary changes being made, Sections 16, 18, 19, 21, 23, 24 25, 26, 27 and 28 apply to the Oak Bay Heritage Advisory Panel.

**Repeals**

- 41 The following bylaws are hereby repealed, and all appointments thereunder rescinded:  
  
Bylaw No. 3831, *Oak Bay Community Heritage Commission Bylaw, 1994*;  
Bylaw No. 4137, *Oak Bay Community Heritage Commission Bylaw Amendment Bylaw, 2001*.

**Effective Date**

- 42 This Bylaw shall come into effect on December 6, 2005.

**Citation**

- 43 This Bylaw may be cited as the *Heritage Committee Structure Bylaw, 2005*.

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

ADOPTED AND FINALLY PASSED by the Municipal Council on

\_\_\_\_\_  
Municipal Clerk

\_\_\_\_\_  
Mayor

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