

**City of Kelowna
Regular Council Meeting
AGENDA**



Monday, July 12, 2021
9:00 am
Council Chamber
City Hall, 1435 Water Street

Pages

1. **Call to Order**
2. **Confirmation of Minutes** 3 - 5
Regular AM Meeting - June 28, 2021
3. **Reports**
 - 3.1. **Restart Plan Phase 3 Council Meetings and Public Hearings** 15 m 6 - 18

To update Council meeting and public hearing procedures under Phase 3 of BC's Restart Plan.
 - 3.2. **By-Election 2021 Results and Ballot Account Report** 10 m 19 - 21

To report on the final results and ballot account for the Central Okanagan Public Schools 2021 School Trustee By-Election.
4. **Resolution Closing the Meeting to the Public**

THAT this meeting be closed to the public pursuant to Section 90(1)(a) (e) of the Community Charter for Council to deal with matters relating to the following:
 - Personal Information
 - Acquisition and Disposition of Land or Improvements
5. **Adjourn to Closed Session**
6. **Reconvene to Open Session**
7. **Issues Arising from Correspondence & Community Concerns**
 - 7.1. **Mayor Basran, re: Issues Arising from Correspondence** 15 m

8. Termination



**City of Kelowna
Regular Council Meeting
Minutes**

Date: Monday, June 28, 2021
 Location: Council Chamber
 City Hall, 1435 Water Street

Members Present Mayor Colin Basran, Councillors Maxine DeHart, Ryan Donn, Gail Given, Luke Stack and Loyal Wooldridge

Members participating remotely Councillors Charlie Hodge* and Mohini Singh

Members Absent Councillor Brad Sieben

Staff Present City Manager, Doug Gilchrist; City Clerk, Stephen Fleming, Deputy City Clerk, Laura Bentley*

Staff participating remotely Legislative Coordinator (Confidential), Arlene McClelland*

(* Denotes partial attendance)

1. Call to Order

Mayor Basran called the meeting to order at 10:05 a.m.

2. Confirmation of Minutes

Moved By Councillor Wooldridge/Seconded By Councillor Given

Ro637/21/06/28 THAT the Minutes of the Regular AM Meeting of June 21, 2021 be confirmed as circulated.

Carried

3. Reports

3.1 Restart Plan Phase 2 Council Meetings and Public Hearings

Staff:

- Displayed a PowerPoint Presentation.
- Spoke to the Phase 2 Restart Plan restrictions as they impact Council meetings and public hearings.
- Provided rationale for recommendations regarding Council and Committee meetings.
- Responded to questions from Council.

Moved By Councillor Stack/Seconded By Councillor Donn

R0638/21/06/28 THAT Council receive, for information, the report from the Office of the City Clerk dated June 28, 2021 regarding Council meetings and public hearings under Phase 2 of BC's Restart Plan;

AND THAT Council conduct open Council meetings with the public present in accordance with the requirements of the Order of the Provincial Health Officer regarding gatherings and events;

AND THAT Council conduct the July 13, 2021 public hearing and Tuesday regular meeting electronically without the public present in accordance with Ministerial Order No. M192;

AND THAT Council conduct the July 27, 2021 public hearing and Tuesday regular meeting both electronically and in-person in accordance with Ministerial Order No. M192 and the requirements of the Order of the Provincial health Officer regarding gatherings and events;

AND THAT Council is ensuring openness, transparency, accessibility and accountability by broadcasting meetings and public hearings live online, making video recordings available online following the meetings, receiving written or verbal correspondence on agenda items, regularly communicating to the public changes in how meetings and public hearings are held, and posting draft agendas and minutes online;

AND THAT Council direct the Agricultural Advisory Committee to conduct meetings both electronically and in-person in accordance with Ministerial Order No. M192 and the requirements of the Order of the Provincial health Officer regarding gatherings and events;

AND THAT Council direct staff to bring forward recommendations for Council meetings and public hearings under Phase 3 of BC's Restart Plan at the appropriate time.

Carried

4. Resolution Closing the Meeting to the Public

Moved By Councillor Stack/Seconded By Councillor DeHart

R0639/21/06/28 THAT this meeting be closed to the public pursuant to Section 90(1) (c) (e) and Section 90(2) (b) of the Community Charter for Council to deal with matters relating to the following:

- Labour Relations
- Disposition of Land or Improvements
- Confidential Information from the Province

Carried

5. Adjourn to Closed Session

The meeting adjourned to a closed session at 10:20 a.m.

6. Reconvene to Open Session

The meeting reconvened to an open session at 10:48 a.m.

7. Issues Arising from Correspondence & Community Concerns

7.1 Councillor Stack, re: Richter Street Development Permit

Councillor Stack:

- Made comments on a recently submitted Development Permit application on Richter Street.

Councillor Hodge joined the meeting at 10:48 a.m.

8. Termination

The meeting was declared terminated at 10:49 a.m.

Mayor Basran

sf/acm



City Clerk

DRAFT

Report to Council



Date: July 12, 2021
To: Council
From: City Manager
Subject: Restart Plan Phase 3 Council Meetings & Public Hearings
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated July 12, 2021 regarding Council meetings and public hearings under Phase 3 of BC’s Restart Plan;

AND THAT, beginning July 27, 2021, Council conduct public hearings and Tuesday regular meetings both electronically and with the public present in accordance with Ministerial Order No. M192 and the requirements of the Order of the Provincial Health Officer regarding Gatherings and Events;

AND THAT Council direct staff to continue to recommend that Council waive the public hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not expected to generate significant public input based on correspondence received at the time of the report to Council until Council decides on a long-term option for electronic Council meetings and public hearings;

AND FURTHER THAT Council direct staff to report back to Council with long-term options for electronic Council meetings and public hearings.

Purpose:

To update Council meeting and public hearing procedures under Phase 3 of BC’s Restart Plan.

Background:

BC moved into Phase 3 of its Restart Plan on July 1, 2021 and the Provincial Health Officer (PHO) Order on Gatherings and Events was revised. This increased the capacity for in-person attendance at Council meetings and public hearings to the greater of 50 people or 50% of seating capacity, excluding Council and staff. Restrictions regarding contact information, physical distancing, cleaning and sanitizing, and prohibiting contact between event participants were also lifted.

Council previously passed several resolutions modifying Council meeting, public hearing, and development application processes during the COVID-19 pandemic, as noted in the following tables.

Previous Council Resolution

Resolution	Date
<p>AND THAT Council, with regard to Council Policy No. 367, waives the direction for applicants to have face-to-face interactions with neighbours and waives the requirement for applicants to hold in-person public information sessions;</p> <p>AND FURTHER THAT the above-noted resolutions be in effect until May 31, 2020 or until the Government of British Columbia lifts orders restricting the gathering of people, whichever is later.</p>	<p>March 23, 2020</p>
<p>AND THAT Public Hearings and Tuesday Regular Meetings be held with applications scheduled for individual times and with start times as early as 4:00 pm until the Order of the Provincial Health Officer regarding Mass Gathering Events is lifted.</p>	<p>June 1, 2020</p>
<p>AND THAT Council direct staff to recommend that Council waive the public hearing for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not expected to generate significant public input based on correspondence received at the time of the report to Council;</p> <p>AND FURTHER THAT the above-noted resolutions be in effect until the Order of the Provincial Health Officer regarding gatherings and events is rescinded or replaced to allow for in-person attendance at committee meetings and public hearings.</p>	<p>January 11, 2021</p>
<p>AND THAT Council conduct the July 13, 2021 public hearing and Tuesday regular meeting electronically without the public present in accordance with Ministerial Order No. M192;</p> <p>AND THAT Council conduct the July 27, 2021 public hearing and Tuesday regular meeting both electronically and in-person in accordance with Ministerial Order No. M192 and the requirements of the Order of the Provincial health Officer regarding gatherings and events;</p> <p>AND THAT Council is ensuring openness, transparency, accessibility and accountability by broadcasting meetings and public hearings live online, making video recordings available online following the meetings, receiving written or verbal correspondence on agenda items, regularly communicating to the public changes in how meetings and public hearings are held, and posting draft agendas and minutes online;</p> <p>AND THAT Council direct the Agricultural Advisory Committee to conduct meetings both electronically and in-person in accordance with Ministerial Order No. M192 and the requirements of the Order of the Provincial health Officer regarding gatherings and events;</p>	<p>June 28, 2021</p>

AND THAT Council direct staff to bring forward recommendations for Council meetings and public hearings under Phase 3 of BC's Restart Plan at the appropriate time.	
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Summary of Council Direction

Item	Date Initiated	Date Removed/In Effect Until
Waive requirement for face-to-face interactions between applicants and the public	March 23, 2020	In effect until PHO Order on Gatherings and Events is lifted
Schedule public hearing items with specific start times and as early as 4 pm	April 20, 2020 Amended June 1, 2020	In effect until PHO Order on Gatherings and Events is lifted
Waive public hearings under certain conditions	January 11, 2021	July 1, 2021 (PHO Order allows for in-person attendance at public hearings)
Hybrid meetings for Agricultural Advisory Committee	June 28, 2021	In effect until direction from Council on long-term options for electronic meetings
Hold July 13, 2021 public hearing and Tuesday regular meeting electronically	June 28, 2021	July 13, 2021
Hold July 27, 2021 public hearing and Tuesday regular meeting hybrid (electronic and in-person)	June 28, 2021	July 27, 2021

Discussion:

Council Meetings & Public Hearings

The public can now attend open Council meetings and public hearings. With 50% of seating capacity in Council Chambers, up to 67 members of the public can be present, in addition to Council and staff. Restrictions on and requirements for in-person attendance include:

- Maximum of 67 members of the public present;
- Seating must be available for each participant, seating must use all available space, and participants must remain seated unless presenting to Council; and
- Hand sanitation supplies must be available.

The July 13 public hearing and Tuesday regular meeting will be conducted electronically in accordance with Council's direction on June 28. To meet required timelines, statutory notices and advertising was sent before the Province announced the move to Phase 3 of the Restart Plan.

Council previously directed the July 27 public hearing and Tuesday regular meeting to be conducted both electronically and with the public present. Staff recommend this hybrid approach continue throughout Phase 3 or until Council provides long-term direction on hybrid public hearings. The revised PHO Order allows for more members of the public to attend in-person and removes the need for staff to gather contact information. The potential need for an auxiliary site to increase capacity is less likely. Additional staff are still needed to moderate the Teams meeting and operate the camera system at an estimated cost of \$500 per public hearing.

Council has waived 24 public hearings since January 2021 with eight (8) pieces of correspondence submitted on five (5) or 21% of those 5. Another 53 applications have been forwarded to public hearing in that same time. During Phase 3 of the Restart Plan, staff recommend that Council continue to direct staff to recommend public hearings be waived for rezoning applications that are consistent with the Official Community Plan, have a recommendation of support from staff, and are not expected to generate significant public interest. This is consistent with Council's authority under the *Local Government Act*. The public can submit correspondence to Council on items where the public hearing has been waived and staff prepare a supplemental report to Council. Staff will bring forward options to revise [Council Policy No. 307 Waiver of Public Hearings](#) along with long-term options for electronic Council meetings and public hearings.

Early in the pandemic, Council directed that the requirement for face-to-face interactions between applicants and the public be waived until the PHO Order on Gatherings and Events is lifted. Staff recommend this remain in effect. Applicants may still choose to conduct face-to-face consultation or hold in-person information sessions in accordance with the PHO Order.

Council also directed that public hearings be scheduled with specific start times and as early as 4 pm. This is in effect until the PHO Order on Gatherings and Events is lifted. Long-term approaches for scheduling public hearings will be considered with the options for electronic Council meetings and public hearings.

Committees

The Agricultural Advisory Committee will conduct hybrid meetings following Council's direction on June 28. Committee meeting procedures will be considered when staff report back to Council on long-term options for Council meetings and public hearings.

Next Steps

The ability to conduct Council meetings and public hearings was initially a temporary measure introduced during the COVID-19 pandemic. The Province has now amended the *Community Charter* to allow for Council meetings and public hearings to be conducted electronically going forward. After reviewing the legislation and guidance documents, staff will present a report to Council this summer with options for electronic participation by Council and the public, waiving public hearings, public hearing scheduling, and committee meetings. Once Council provides direction on a preferred option, staff will bring forward any necessary amendments to Council Procedure Bylaw No. 9200.

Conclusion:

Phase 3 of BC's Restart Plan allows for greater capacity for public attendance at open Council meetings and public hearings. A hybrid approach for public hearings and Tuesday regular meetings lets the public choose whether electronic or in-person participation is best for them as we transition away from COVID-19 restrictions.

Staff will report back to Council with long-term options for electronic Council meetings and public hearings following the changes to the *Community Charter*.

Considerations applicable to this report:

Legal/Statutory Authority:

Order of the Provincial Health Officer on Gatherings and Events

Ministerial Order No. M192

Local Government Act s. 464(2)

- (2) A local government may waive the holding of a public hearing on a proposed zoning bylaw if
 - (a) an official community plan is in effect for the area that is subject to the zoning bylaw, and
 - (b) the bylaw is consistent with the official community plan.

Existing Policy:

[Council Policy No. 307 Waiver of Public Hearings](#)

Financial/Budgetary Considerations:

Estimated staffing costs of \$500 per public hearing for hybrid public hearing.

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

External Agency/Public Comments:

Communications Comments:

Submitted by:

L. Bentley, Deputy City Clerk

Approved for inclusion: S. Fleming, City Clerk

cc:

R. Smith, Divisional Director, Planning & Development Services



Council Meetings & Public Hearings – Restart Plan Phase 3

June 28, 2021

Background

- ▶ Temporary provincial orders
- ▶ Restart Plan Phase 3
 - ▶ Began July 1, Order amended June 30
 - ▶ Allows in-person gatherings under certain conditions
 - ▶ Allows for increased capacity & fewer restrictions
 - ▶ Anticipated to last until September

Key Conditions

- ▶ Cumulative maximum of 50 people or 50% seating capacity
- ▶ Participants must be seated unless necessary for event
- ▶ No need to gather contact information
- ▶ No contact between event participants
- ▶ Council Chambers seating capacity now 67 persons, excluding Council and staff

Monday Council Meetings

- ▶ Rare for 67 person maximum to be achieved
- ▶ Applicants with a non-support will be able to address Council directly

Public Hearings & Tuesday Regular Meetings

- ▶ Public hearings will combine in-person and virtual public participation beginning July 27
- ▶ Challenge meeting conditions:
 - ▶ Maximum of 67 people in Chambers
 - ▶ May require additional venue for some applications
 - ▶ Hybrid hearing & meeting procedures need to be drafted

Waiving public hearings

Jan-June 2021	Waived	Not Waived
Public Hearing applications	24	53 – includes 1 waived application sent to public hearing by Council
Correspondence	5	29
# pieces of correspondence	8	244

Recommendation: continue waiving public hearings under specific conditions until Council Procedure bylaw amended

Recommendations & Next Steps

Meeting Type	Recommendation
Open Council meetings	In-person attendance
Public hearings & Tuesday regular meetings	Hybrid (electronic & in-person) Starting July 27
Recommendation to waive public hearings	Continue under previous conditions
Council Procedure Bylaw and public hearing procedures	Bring forward amendments as per legislative changes



Questions?

For more information, visit kelowna.ca.

Report to Council



Date: July 12, 2021
To: Council
From: City Manager
Subject: By-Election 2021 Results and Ballot Account Report
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Chief Election Officer with respect to the 2021 School Trustee By-Election results and ballot account report.

Purpose:

To report on the final results and ballot account for the Central Okanagan Public Schools 2021 School Trustee By-Election.

Background:

The City of Kelowna conducted a by-election on behalf of the Central Okanagan Public Schools (School District No. 23). The by-election was to fill a vacancy for one trustee for the remainder of the 2018-2022 term. The attached Declaration of Official Results and Ballot Account is submitted to Council as required under the *Local Government Act*.

Discussion:

General voting day was Saturday June 26 and two advance voting opportunities were held on Wednesday June 16 and Wednesday June 23. Four voting locations (Dr. Knox Middle School, Kelowna Secondary School, Okanagan Mission Secondary School, Rutland Senior Secondary) were available on general voting and advance voting was held at the Hollywood Road Education Centre. Voters also had the option to vote by mail ballot.

A total of 2,042 residents cast their vote for school trustee. This represents 1.85% of the estimated 110,175 eligible voters.

To conduct the by-election, 54 individuals were hired and trained as Presiding Election Officials, Alternate Presiding Officials, and Election Officials. Their training focused on maintaining the integrity

of the registration and voting process, the secrecy of the ballot, and the principles of fairness, accessibility, and awareness.

COVID-19 safety plans and procedures supported our commitment to keeping voters, candidates, and election staff safe during the pandemic. Protective measures included physical distancing, requirements to wear a mask, capacity limits, barriers and personal protective equipment, hand sanitizing stations, signage, frequent cleaning, and health checks. Mail ballot voting and curbside voting provided alternatives for those who were otherwise unable to enter a voting place.

Following the posting of unofficial results at the close of voting on June 26 and the determination of final results on June 30, the official results were declared on Wednesday June 30, 2021.

Conclusion:

Staff are completing the post-vote requirements for the by-election, including a review of the by-election successes, challenges, and opportunities for future election planning. Staff will begin planning for the 2022 General Local Election later this year.

Considerations applicable to this report:

Legal/Statutory Procedural Requirements:

Local Government Act s. 158(1)

Within 30 days after the declaration of official election results under section 98 for an election by acclamation or under section 146 for an election by voting, the chief election officer must submit a report of the election results to the local government.

Financial/Budgetary Considerations:

Under the *School Act*, the School District is responsible for reimbursing the City for costs incurred to conduct the by-election. Costs are being determined and an update will be provided during the staff presentation.

Considerations not applicable to this report:

Legal/Statutory Authority:

Existing Policy:

External Agency/Public Comments:

Communications Comments:

Submitted by:

L. Bentley, Chief Election Officer/Deputy City Clerk

Approved for inclusion: S. Fleming, City Clerk

Attachment:

Declaration of Official Election Results

**Declaration of Official Election Results – Central Okanagan Public Schools (School District No. 23)
2021 Trustee By-Election**

I, Laura Bentley, Chief Election Officer, do hereby declare elected Wayne Broughton, who received the following number of valid votes for the office as follows:

For one (1) School Trustee

<u>Candidate</u>	<u>Number of Votes Received</u>
Brinkerhoff, Joyce	739
Broughton, Wayne (Elected)	1,033
Frank, Chelsea	42
Pagliocchini, Peter	228

Summary of Ballot Accounts

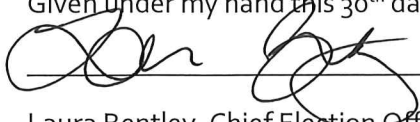
Ballots distributed by the Chief Election Officer	4,750
Number of ballots cast	2,042
Number of spoiled ballots	8
Number of mail ballots not returned by close of voting	1
Total number of ballots given out during voting	2,051
Unused ballots at the end of voting	2,699
Ballots not accounted for in accounts	0
Total number of ballots accounted for	4,750

Estimated Voter Turnout

Number of electors casting a ballot	2,042
Estimated number of eligible electors	110,175
Percentage of voters	1.85%

I hereby certify the foregoing to be a true statement of the votes cast; of the ballot paper account; and of the results of the 2021 School Trustee By-Election.

Given under my hand this 30th day of June, 2021



Laura Bentley, Chief Election Officer