

Report to Council



Date: January 11, 2021
To: Council
From: City Manager
Subject: COVID-19 Pandemic Advisory Committee Meetings and Public Hearings
Department: Office of the City Clerk

Recommendation:

THAT Council receive, for information, the report from the Office of the City Clerk dated January 11, 2021, with respect to advisory committee meetings and public hearings during the COVID-19 pandemic;

AND THAT Council suspend the duties and meetings of the Agricultural Advisory Committee and Heritage Advisory Committee and direct staff to proceed with processing applications without consideration by the relevant committee;

AND THAT Council direct the Airport Advisory Committee and Civic and Community Awards Steering Committee to conduct open meetings without the public present in accordance with the requirements of the Order of the Provincial Health Officer regarding gatherings and events;

AND THAT the Airport Advisory Committee and Civic and Community Awards Steering Committee ensure openness, transparency, accessibility, and accountability by communicating to the public changes in how meetings are held and posting draft agendas and minutes online;

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;

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resolutions be in effect until the Order of the Provincial Health Officer regarding gatherings and events is rescinded or replaced to allow for in-person attendance at committee meetings and public hearings.

Purpose:

To amend meetings and duties of advisory committees and waive the public hearings for certain rezoning applications during provincial restrictions on gatherings and events.

Background:

The current Order of the Provincial Health Officer regarding gatherings and events prohibits the public from attending Council meetings or public hearings in-person. The Order also prevents advisory committees of Council from meeting in-person. Relevant sections of the Order are currently set to expire on January 8, 2021 and further direction is anticipated from the Province in early January. The January 12, 2021 and January 19, 2021 public hearings and Tuesday regular meetings will be held electronically in accordance with the Order and Council's direction.

Previous Council direction on development-related items since March is outlined in the table below.

| Item | Date Initiated | Date Removed |
|---|--|-----------------|
| Waive requirement for face-to-face interactions between applicants and the public | March 23, 2020 | Still in effect |
| Suspend duties and meetings of Council advisory committees | March 23, 2020 | June 15, 2020 |
| Waive public hearings under certain conditions | March 23, 2020 | July 27, 2020 |
| Delegate authority for liquor licence applications | March 23, 2020 Amended May 25, 2020 | October 5, 2020 |
| Delegate authority for DP, TFWH and bylaw extension approvals | March 30, 2020 | October 5, 2020 |
| Schedule public hearing items with specific start times and as early as 4 pm | April 20, 2020 Amended June 1, 2020 | Still in effect |
| Hold public hearings electronically | December 7, 2020 | Still in effect |

Discussion:

Advisory Committees of Council

On June 15, 2020, Council passed a resolution directing advisory committees of Council to meet in accordance with public health orders and guidelines until orders restricting gatherings are lifted. Committees have been meeting in modified ways since that time, including hybrid (electronic and in-person) meetings and maintaining physical distance. Under the current Order, neither committee members nor the public can attend committee meetings in-person.

The Agricultural Advisory Committee (AAC) and Heritage Advisory Committee (HAC) meet monthly and meeting procedures require applicant participation and provide for public attendance. Resources are not available to support fully electronic committee meetings with applicant and public participation. Staff therefore recommend the AAC and HAC be suspended until in-person meetings can be held. Staff would continue to review applications based on bylaws, policies, and guidelines with additional review from qualified professionals (e.g., agronomists, heritage consultants) when needed.

The next Civic and Community Awards Steering Committee is scheduled for February 2021 and the next Airport Advisory Committee meeting will be held in spring 2021. Unlike the AAC and HAC, these meetings can be held electronically as all or portions of these meetings are closed to the public, the public does not participate in those meetings that are open, and openness and transparency are achieved by communicating how meetings are held and posting draft agendas and minutes to the City's website.

Public Hearings

The Local Government Act provides Council with the option to waive public hearings for rezoning applications that meet certain conditions. If implemented this would reduce the number of items being considered at electronic public hearings, which are more complex to hold than in-person hearings. From March to July, the criteria to waive public hearings for rezoning applications were: consistency with the Official Community Plan, recommendation of support from staff, and not expected to generate significant public input based on correspondence received at the time of the report to Council.

When a public hearing is waived, the public still has the opportunity to submit written correspondence to Council. Public notification includes a newspaper ad, direct mailout to properties within 50 m, and a sign on the subject property, and staff provide Council with a supplemental report summarizing correspondence received. From March to July, correspondence was submitted on 25% of applications with a waived public hearing. In considering the public input and staff reports, Council may choose to give the bylaw further readings, forward the application to a public hearing, or defeat the bylaw.

Conclusion:

Given how the current provincial orders impact how meetings and public hearings can be held, staff are seeking Council's direction for advisory committees of Council and public hearings. The recommended changes comply with applicable provincial orders while giving the public continued opportunities to provide input on development applications and allowing City business to continue. The changes would be in effect until in-person attendance is permitted at committee meetings and public hearings.

Internal Circulation:

Planning & Development Services

Considerations applicable to this report:

Legal/Statutory Authority:

Order of the Provincial Health Officer on Gatherings and Events and Ministerial Order No. M192

Existing Policy:

Council Policy No. 307 Waiver of Public Hearing

Considerations not applicable to this report:

Legal/Statutory Procedural Requirements:

Financial/Budgetary Considerations:

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