

# Report to Council



**Date:** February 8, 2021  
**To:** Council  
**From:** City Manager  
**Subject:** COVID-19 Pandemic Restrictions, Advisory Committees and Public Hearings Update  
**Department:** Office of the City Clerk

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## **Recommendation:**

THAT Council receive, for information, the report from the Office of the City Clerk dated February 8, 2021 regarding the update on restrictions, advisory committees, and public hearings;

AND THAT Council reinstate the duties and meetings of the Agricultural Advisory Committee;

AND THAT Council direct the Agricultural Advisory Committee to meet electronically in accordance with Option 1 described in the report from the Office of the City Clerk dated February 8, 2021 until the Order of the Provincial Health Officer is rescinded or replaced to allow for in-person attendance at Committee meetings;

AND THAT Council is ensuring openness, transparency, accessibility, and accountability of Committee meetings by allowing applicants to participate electronically, allowing the public to watch meetings electronically, regularly communicating to the public changes in how meetings are held, and posting draft agendas and minutes online;

AND FURTHER THAT duties and meetings of the Heritage Advisory Committee continue to be suspended until Council provides further direction on the role of that Committee.

## **Purpose:**

To update Council on provincial restrictions that affect Council and Committee meetings and to approve electronic meetings for the Agricultural Advisory Committee.

## **Background:**

Under the Order of the Provincial Health Officer on Gatherings and Events, the public is currently prohibited from attending Council meetings, Committee meetings, and public hearings in person. Council approved the following temporary changes on January 11, 2021 in response to these restrictions:

- Directed the Airport Advisory Committee and Civic and Community Awards Steering Committee to meet electronically and without the public present;
- Suspended the duties and meetings of the Agricultural Advisory Committee (AAC) and Heritage Advisory Committee (HAC) and directed staff to process applications without consideration by the relevant committee; and
- Directed staff to recommend that Council waive the public hearing for rezoning applications that are consistent with the OCP, have a recommendation of support from staff, and are not expected to generate significant public input.

Council directed staff to report back with updates on restrictions related to gatherings and events and their ongoing impacts on these development processes. Staff will provide a verbal update on the Order of the Provincial Health Officer on Gatherings and Events. Current restrictions are set to expire on February 5, 2021. The discussion and recommendations anticipate current restrictions being extended.

*Previous Council Resolution*

Resolution	Date
THAT staff provide an update to Council regarding the COVID-19 Public Health Order on Gatherings and Events on February 8, 2021.	January 11, 2021

**Discussion:**

Advisory Committees

Based on the report from the Policy & Planning Department dated February 8, 2021, staff recommend the duties and meetings of the HAC continue to be suspended until Council provides further direction on the HAC's role and focus going forward. Accordingly, this report focuses on the AAC.

To allow the AAC to meet and provide recommendations on applications, staff explored options for electronic meetings that follow the Terms of Reference and open meeting requirements. Recent experience preparing for and conducting electronic public hearings informed how meetings can be held. The options are outlined in the table with additional discussion below.

Option	Committee members	Applicants participating	Public viewing	Staff Resources
1: Members, applicants, public remote	✓	✓	✓	Highest
2: Members and applicants remote, no public	✓	✓	X	Medium
3: Members remote, no applicants or public	✓	X	X	Lowest

*Option 1: Members, Applicants and Public Remote*

Under this option, Committee members, applicants, and the public could all participate remotely in an electronic meeting. Applicants would be given the opportunity to present to the Committee and the public would have the ability to watch, but not participate in, the meeting proceedings. This best reflects the way in-person meetings are normally held and is consistent with the procedures in the Terms of Reference, with the exception that meetings would be held electronically.

Compared to a normal in-person meeting, this option requires the most additional staff time to prepare for and manage each meeting; however, the meeting itself can be conducted with staff who would normally attend.

*Option 2: Members and Applicants Remote, No Public*

In this option, HAC members and applicants would participate remotely, giving applicants the ability to present to the Committee in accordance with the Terms of Reference. The public would not be able to view the meeting, which does not meet normal requirements for the meeting to be open to the public.

This option requires some additional staff time to prepare for and manage each meeting, and the meeting can be conducted with staff who would normally attend.

*Option 3: Members Remote, No Applicants or Public*

Under this option, only Committee members would participate in the meeting. Applicants would be given the opportunity to provide a written submission to the HAC instead of presenting during the meeting. The public would not be able to watch the proceedings. This option is least consistent with the Terms of Reference and does not meet normal requirements for the meeting to be open to the public.

This option requires minimal additional staff time to prepare for and manage each meeting, and the meeting can be conducted with staff who would normally attend.

*Committee Meetings Recommendation*

Staff now have experience conducting electronic public hearings and are prepared to run an electronic meeting that allows for applicant participation and public attendance. Staff recommend reinstating the duties and meetings of the AAC with meetings held electronically following Option 1, with Committee members, applicants, and the public remote. Staff would moderate the Microsoft Teams meetings to allow applicants to present and the public to watch. A meeting link would be posted on the City website before each meeting. This best meets the procedures established in the Terms of Reference and allows for the greatest openness, transparency, accessibility, and accountability for open meetings.

Facilitating electronic committee meetings will require additional staff time to prepare for and run each meeting. This can be accomplished with existing staff in the Office of the City Clerk and the Development Planning Department.

*Waiving Public Hearings*

To date, Council waived four public hearings in January and February 2021. The public has the opportunity to submit written correspondence to Council on applications where the public hearing has been waived. In 2020, correspondence was received on only 25% of those applications. Staff prepare a summary report before Council considers giving the bylaw further readings, forwarding the application to a public hearing, or defeating the bylaw.

The deadline to submit correspondence for one application ended on February 1, 2021 and no correspondence was received. The deadline to submit correspondence for the other three applications is February 16, 2021 and any correspondence received will be circulated to Council.

Given the lack of correspondence typically submitted on applications with waived public hearings and the ongoing need for electronic public hearings, staff recommend Council continue directing staff to recommend waiving the public hearing for rezoning applications in accordance with the established criteria. This would be in effect until in-person attendance is once again permitted at public hearings.

**Conclusion:**

Holding electronic meetings as described in Option 1 will allow the AAC to consider applications and make recommendations to Council while following the Terms of Reference and adhering to open meeting requirements. The additional time needed to prepare for and run each meeting can be accomplished with existing staff.

Continuing to waive public hearings for rezoning applications that meet the established criteria keeps electronic public hearings focused on more significant development applications. The public still has the opportunity to provide input on applications where the public hearing has been waived.

**Internal Circulation:**

Development Planning

**Considerations applicable to this report:**

***Legal/Statutory Authority:***

Order of the Provincial Health Officer on Gatherings and Events  
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