

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:

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Approved for inclusion:

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cc:

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