

Report to Council



Date: February 13, 2023
To: Council
From: City Manager
Subject: Options for Public Input and Delegations to Council
Department: Office of the City Clerk

Recommendation:

THAT Council receives, for information, the report from the Office of the City Clerk dated February 13, 2023, with respect to options for public input and delegations to Council;

AND THAT Council directs staff to prepare the necessary bylaws and policies to implement the recommended options as outlined in the report from the Office of the City Clerk dated February 13, 2023.

Purpose:

To consider options for the public to engage with Council.

Background:

As part of the [December 5, 2022](#) information report on the Council Procedure Bylaw, staff committed to reporting back to Council on options for delegations and public participation during Council meetings. Council has expressed interest in using different options to hear from the public and organizations on matters of interest to the City.

Discussion:

This report focuses on options for Council to hear directly from the public and organizations about matters related to City business. Staff conduct public engagement on projects, plans, and programs following [Engage Council Policy No. 372](#). Staff are working on several related initiatives, including a lobbyist registry and options for public notice, that will come to Council later in the spring.

Principles

Several principles underpin Council's decision-making, including how Council hears from the public. These are intended to support good governance, informed decisions, and a focus on Council priorities. Guiding principles include:

- Deal with matters within the City's jurisdiction;
- All of Council receives the same information at the same time;
- Staff provide professional recommendations; and
- Transparency, accessibility, and accountability for actions and decisions.

Current Options

The public has several options to engage with Council:

- Contact members of Council individually, by phone or email;
- Contact Council in writing through Mayor and Council correspondence;
- For certain development applications, submit correspondence or participate in a Tuesday meeting;
- Sign up to receive email updates about Council agendas, public notices, and other City business;
- Attend public input meetings on specific topic(s) either in Council Chambers or another location within the City;
- Council may direct staff, by resolution, to place a delegation on an upcoming Council agenda.

For general matters, including items on a Monday Council agenda, individuals and organizations are encouraged to contact Council through Mayor and Council correspondence. Making agendas available Wednesday gives the public more time to review reports and contact members of Council before the Council meeting.

Council may, by resolution, set a Committee of the Whole meeting to hear from delegations and the public on particular matters. Council may invite a delegation to speak to an agenda item, with a time limit set by Council, and public input may be permitted to a maximum of 5 minutes per person or group. Council may receive information and direct staff to review and report back with a recommendation at a regular Council meeting.

Individuals or groups may submit a written request to the City Clerk to appear before Council. Requests related to a matter within the City's jurisdiction are reviewed with one or more of the following recommendations made to the City Manager:

- Refer request to appropriate City staff for operational requests;
- Encourage the person to contact members of Council directly;
- Refer the request to a Council committee or advisory body; or
- Grant the request and schedule the delegation to the next available meeting agenda, with presentations limited to 10 minutes.

Most requests are either operational or circulated to Council through Mayor and Council correspondence. Council may raise requests or other matters arising from correspondence during the Mayor and Councillor Items portion of a Monday afternoon Council meeting.

Other Options

Options that are currently not in place include expanded opportunities for public delegations to present to Council at regular Council meetings and creating a general opportunity for the public to address Council during regular Council meetings. Each of these is described in more detail below.

While the Council Procedure Bylaw provides a process for delegations to request to make a presentation to Council, most requests are either operational and directed to staff or require a Council resolution to schedule the delegation on an agenda. Should Council wish to expand opportunities for delegations to appear before Council without needing a Council resolution, more specific criteria would need to be established to define the type of requests that staff schedule to an agenda without prior approval from Council. This may include presentations from local organizations whose mandate is closely linked to City business and interests, such as the Okanagan Basin Water Board, Tourism Kelowna, and business improvement associations.

Some municipalities have a standing agenda item where the public can address Council on a wide variety of issues. Should Council decide to proceed with this option, clearly defined criteria for what may be raised are recommended. Recommended criteria include time limits for each speaker, a maximum time for the portion of the meeting dedicated to public input, speaking to items on that meeting agenda only, or speaking to areas under municipal jurisdiction only. Topics Council may not receive input on (rezoning bylaws after public hearing; complaints against identifiable individuals, for example) would also need to be included to avoid any legal, legislative or procedural concerns that may arise.

These “open mic” portions of meetings present several risks to Council’s ability to meet the above-noted principles, primarily:

- Raising issues outside of the City’s jurisdiction;
- Requests that may shift focus and resources away from Council’s priorities;
- Expectation for Council to make a decision with limited information and no review or recommendation from staff;
- Input on development applications that have yet to be considered by Council or can no longer have public input; and
- Accessibility limited to those who are able and comfortable presenting at a Council meeting. The Council Procedure Bylaw allows those permitted to present to Council to participate electronically if unable to attend in-person.

This type of engagement with Council is currently directed through Mayor and Council correspondence and members of the public receive responses, where appropriate.

Public Engagement

In addition to mechanisms for Council to hear directly from the public, Council decision-making is supported by staff-led public engagement on projects, plans, service improvements, and program changes. Council is informed when major projects are going live for public engagement and Council can direct staff to conduct public engagement on projects that are coming to Council for a decision. Engagement summaries are included in Council reports and inform staff recommendations.

The current Engage Policy was adopted in 2014 and is reviewed periodically. It guides how staff engage with individuals and groups that are affected by or interested in a City decision, including major capital projects and the creation of City plans.

Recommendations

Current and new options described above are summarized in the table below along with a recommendation on whether or not that option should be continued, changed, or added.

Option	General Description	Recommended
Council correspondence	Receive and respond to correspondence from the public	Yes – continue
Committee of the Whole meetings	Hear from public and delegations on specific matters	Yes – able to do under current bylaw
Public delegations at regular Council meetings	Hear from delegations who request to present to Council and meet criteria	Yes – with criteria
General opportunity to address Council at regular Council meetings	Hear from the public on any agenda item or other matter	Not recommended

Conclusion:

To increase opportunities for Council to hear from the public and follow guiding principles for decision-making, staff recommend the following approaches:

1. Continue to receive correspondence through Mayor and Council correspondence and provide responses to the public. Council may raise items during Mayor and Councillor Items in an afternoon meeting.
2. Use Committee of the Whole meetings to hear from delegations or the public on specific matters of interest to Council, in accordance with the Council Procedure Bylaw.
3. Expand criteria to hear from delegations during regular Council meetings. Bylaw and policy amendments are needed to implement this change.

Mayor and Council correspondence requires no change to current practices. Council may, by resolution, set Committee of the Whole meetings for particular matters under the existing Council Procedure Bylaw. Staff will prepare the necessary bylaws and policies to implement the recommendation to expand criteria to schedule delegations to an agenda without prior Council approval.

Internal Circulation:

Communications

Considerations applicable to this report:

Existing Policy:

Council Procedure Bylaw No. 9200, sections 4.3 to 4.6 Public in Attendance Presentations to Council

- Person submits written request with a copy of the report or presentation and any requests or recommended Council resolutions
- Requests related to a matter beyond the City’s jurisdiction are refused

- Requests within the City's jurisdiction are reviewed and one or more of the following recommendations are made to the City Manager:
 - Refer request to appropriate City staff for operational requests
 - Encourage the person to contact members of Council directly
 - Refer the request to a Council committee or advisory body
 - Grant the request and schedule the delegation to the next available meeting agenda
- Presentations are limited to 10 minutes

Council Procedure Bylaw No. 9200, sections 4.9 and 4.10 Proceedings at Committee of the Whole Meetings

- Council may invite a delegation to appear at a Committee of the Whole meeting to speak to an agenda item, with a presentation time limit set by Council
- Public input may be permitted on an agenda item to a maximum of 5 minutes per person or group, input is limited to items on the agenda

Considerations not applicable to this report:

Legal/Statutory Authority:

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:

C. Matte, Community Communications Manager