

# STAFF REPORT TO COUNCIL

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**DATE:** May 16, 2022

**TO:** MAYOR AND COUNCIL

**NAME AND TITLE:** MAUREEN CONNELLY, MANAGER OF LEGISLATIVE SERVICES

**SUBJECT:** Proposed Amendments to Public Hearing Procedures and Guidelines Council Policy

**ATTACHMENT(S):** Appendix "A": Draft Amended Public Hearing Procedures and Guidelines Council Policy

## RECOMMENDATION:

That Council APPROVES the "Public Hearing Procedures and Guidelines Council Policy" as attached to the report dated May 16, 2022 from the Manager of Legislative Services titled "Proposed Amendments to Public Hearing Procedures and Guidelines Council Policy".

## PURPOSE:

The purpose of this report is to propose amendments to Council's policy, "Public Hearing Procedures and Guidelines" with regard to the conduct of public hearings and other items related to procedural changes that were implemented during the COVID-19 pandemic.

## BACKGROUND:

In 2016, Council approved a policy outlining how the City conducts public hearings to ensure hearings are conducted in a standard and consistent manner. The procedures and guidelines applied to statutory public hearings held before third reading of a land-use bylaw (i.e.: amendment to the official community plan or zoning bylaw) and to non-statutory hearings on matters such as a development variance permit, temporary use permit and road closure applications.

At the April 6, 2020 regular Council meeting, Council approved a number of procedural changes, including new public hearing processes that authorized Administration to discontinue informal hearings for applications such as development variance permits and temporary use permits where such hearings are not legally required to be held. Subject to Council's direction, Administration recommends updates to the Public Hearing Procedures and Guidelines Council Policy that reflect the discontinuance of informal hearings. In the absence of informal public hearings, members of the public will continue to have the opportunity to provide representations to Council in writing, via email, fax, and hand delivered letters.

Recent amendments to the *Local Government Act* provide for more efficient processing of land use applications and support increased efficiency of decision making in development approval processes. Local governments are now able to delegate development variance permit decisions to staff, if the proposed variance is minor and pertains to matters specified in legislation. The Planning and Development Department is scheduled to propose updates to "City of Prince George Development Procedures Bylaw No. 7635, 2005" for Council's consideration that would enable these application types to be processed and approved administratively.

## **Public Hearing Procedures and Guidelines Council Policy Amendments**

Principal changes to the policy include:

- Removing reference to “informal public hearings” and “formal public hearings” leaving only reference to “public hearings”
- Reducing the time limit for speakers’ initial and subsequent submissions to Council
- Clarifying the timeline for submission of materials requiring use of electronic media

One of the primary amendments is to ensure all members of public have a reasonable opportunity to address Council in person during a public hearing. To encourage submissions from the public to be timely and specific to the purpose of the hearing, Administration proposes reducing the length of time permitted for initial and subsequent submissions to Council from fifteen (15) and ten (10) minutes, respectively, to ten (10) minutes for initial submissions and five (5) minutes for follow up submissions. This proposal is more in line with the City’s peer municipalities of which nine of the eleven municipalities surveyed (81%) permit an initial submission of five (5) minutes.

Another change is to require the public to provide electronic submissions to the Corporate Officer before 12:00 p.m. on the day of the public hearing to allow Administration the opportunity to ensure the electronic submission will operate on and not affect the security of the City’s technology.

### **Telephone Participation in Public Hearings**

At the June 15, 2020 Council meeting, Council authorized the temporary use of telephone conferencing for the purposes of allowing members of the public who might not be comfortable attending public hearings in person during the COVID-19 pandemic, to make representations during public hearings. This method of participation was in addition to existing processes that allow for a member of the public to attend a public hearing to provide submissions in person, and the opportunity to provide written submissions up to the close of the public hearing. The use of telephone conferencing was to apply only during the period that Ministerial Orders by the Province were in effect. Since implementation in June of 2020, Council has held 30 public hearings with a total of 7 members of the public participating in the public hearing via telephone.

Given that the uptake on telephone submissions has been significantly lower than Administration anticipated and the staff resources required to operate the phone lines, Administration proposes that the City discontinue offering telephone as a means by which members of the public may participate in public hearings and provide for the standard methods of participation that include in person attendance at a public hearing and the opportunity to provide written submissions for Council’s consideration.

### **SUMMARY AND CONCLUSION:**

During the COVID-19 pandemic Council authorized several changes to council meeting procedures and processes. With the easing of public health orders and restrictions last month that have resulted in a return to normal operations, Administration recommends changes to the Council policy regarding Public Hearing Procedures and Guidelines. These amendments will facilitate discontinuance of informal hearings. Full opportunities for public participation will continue to include in person attendance at public hearings and written submissions to Council by various means.

### **RESPECTFULLY SUBMITTED:**

Maureen Connelly, Manager of Legislative Services/Corporate Officer

**PREPARED BY:** L. Kellett, Deputy Corporate Officer

### **APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2022/05/30