

STAFF REPORT TO COUNCIL

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DATE: May 26, 2020

TO: MAYOR AND COUNCIL

NAME AND TITLE: WALTER BABICZ, GENERAL MANAGER OF ADMINISTRATIVE SERVICES

SUBJECT: Conducting Electronic Public Hearings under Ministerial Order No. M139

ATTACHMENT: Appendix A - Report dated March 31, 2020 titled "Council Procedures during COVID-19"

RECOMMENDATIONS:

THAT Council:

1. APPROVES the use of telephone conferencing for the purposes of allowing the public to make representations during public hearings as authorized under Ministerial Order No. M139 and in accordance with section 465(2) of the *Local Government Act*, as set out in the report dated May 26, 2020 from the General Manager of Administrative Services titled "Conducting Electronic Public Hearings under Ministerial Order No. M139;" and
2. CONFIRMS the City Council Process Changes set out in the report dated March 31, 2020 from the General Manager of Administrative Services, titled "Council Procedures during COVID-19", continue to be effective under Ministerial Order No. M139, and any extensions of or replacements to that Order.

PURPOSE:

To propose a new process to facilitate representations from members of the public at public hearings via telephone during the COVID-19 pandemic under Ministerial Order No. M139.

BACKGROUND:

After the Province declared a provincial state of emergency, on March 26, 2020 Ministerial Order No. M083 was issued under the *Emergency Program Act*. This Ministerial order authorized conducting council meetings by way of electronic means in the absence of the public, and addressed other procedural challenges arising out of the Provincial Health Officer's order. At the April 6, 2020 regular Council meeting, Council considered Ministerial Order No. M083 and approved a number of procedural changes, including new public hearing processes, as outlined in the report attached as Appendix "A".

On May 1, 2020, Ministerial Order No. M083 was repealed and replaced by Ministerial Order No. M139. Ministerial Order No. M139 permits local governments to now conduct public hearings using electronic or other communication facilities, either entirely or in combination with in-person attendance.

DISCUSSION:

Unlike several other cities, we are fortunate that the size and layout of our City Council Chambers permits physical distancing to an extent that makes it possible to conduct a public hearing when necessary with an individual speaking in-person from a microphone at the back of Council chambers.

Based on our own circumstances, together with a review of the electronic public hearing procedures recently implemented by other municipalities under Ministerial Order No. M139, it is proposed that when a formal public hearing is conducted, that members of the public be permitted to make submissions through teleconferencing. This would provide an opportunity for individuals who are not comfortable attending the public hearing in person during COVID-19 to address Council via telephone during the hearing.

If approved by Council, the use of telephone submissions at public hearings would be in addition to current 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. Administration would develop certain protocols and procedures regarding the use of telephone submissions to provide clarity on the process for Council and the public. Specifically, the public notice of the hearing would include instructions for how to participate in the public hearing by telephone. The ability for a member of the public to make submissions via telephone at a public hearing would apply only during the period that Ministerial Order No. M139, and any extensions or replacements to that Order, is in effect.

For clarity, as approved by Council at the April 6, 2020 regular meeting and as outlined in the report attached as Appendix "A", staff will continue to discontinue informal hearings, and recommend that formal public hearings be waived for rezoning applications that:

- (a) are consistent with the Official Community Plan;
- (b) have a staff recommendation of support; and
- (c) are not expected to generate significant public input.

SUMMARY AND CONCLUSION:

Ministerial Order No. M139 provides local governments new authorities to conduct public hearings electronically. The use of teleconferencing for public submissions has been proposed. The use of this method for public participation in public hearings would not require changes to the Council Procedures Bylaw and would supplement the council meeting procedural changes previously approved by Council on April 6, 2020.

RESPECTFULLY SUBMITTED:

Walter Babicz, General Manager of Administrative Services

PREPARED BY: Maureen Connelly, Manager of Legislative Services

APPROVED:

Kathleen Soltis, City Manager

Meeting Date: 2020/06/15