



## **Committee of the Whole Report**

### **For the Meeting of January 17<sup>th</sup>, 2019**

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**To:** Committee of the Whole

**Date:** January 11, 2019

**From:** Chris Coates, City Clerk

**Subject:** Public Hearing Submissions and Public Comment Policy

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#### **RECOMMENDATION**

That Council direct staff to revise the Council approved Correspondence Management Policy to formalize the submission location and deadline for providing advance written comments before a public hearing that includes:

- a. Standards for receiving different forms of submissions (letter, e-mail, or drop-off);
- b. Closing time of 2:00 pm on the day of the public hearing for receiving submissions by Legislative Services that will be published on the agenda; and
- c. Process for distributing advance submissions to Council prior to a public hearing.

#### **EXECUTIVE SUMMARY**

The City has initiated a Corporate Plan to enhance and improve internal systems and processes for greater efficiency and effectiveness. One of the major corporate initiatives within the Corporate Plan is to establish a Client Relationship Management (CRM) plan. CRM is a multi-year, multi-faceted project to review and re-design internal systems and processes on how the City interacts with citizens, businesses, visitors, and stakeholders to ensure optimal customer service. This includes easier access to City information and services, better management of responses to public concerns and requests for service, as well as longer term systems approaches to track interactions, as well as develop performance metrics.

Recent website improvements provide easier public access by reducing the number of choices there are to contact at the City. CRM aims to move in the direction of a "No Wrong Door" model for access by the public to City services. Public hearing submissions are the focus of this report.

The City conducts public hearings each Council meeting on land use related matters. A public hearing provides the public with an opportunity to share their views on proposed land use matters. Anyone may provide submissions for the Council to consider prior to making a decision about a land use matter.

Public hearing notices specify how and when to deliver written submissions to the City in advance of the public hearing. Despite this, other departments and members of Council continue to receive written submissions intended for public hearings which must be returned to the Legislative Services Department for staff to review and distribute to Council and publish for public access. When written submissions are submitted on the day of the public hearing, staff must complete time-constrained



preparation for the Council meeting in the evening, which limits the capacity to process late written submissions in a timely way. Misdirected and late written submissions create administrative challenges and impair timely and transparent access to information, most importantly for Council and the public. A clear policy would improve internal processes by giving direction to staff and members of Council that receive written submissions by specifying a location and deadline to send them, and facilitate greater transparency for the public. This is consistent with a 'No Wrong Door' Model.

In order to improve administration and governance, staff recommend that the Council adopt a formal policy that all submissions be submitted by letter, e-mail, or dropped off to the Legislative Services Department by 2:00 pm on the day of the public hearing. A formal policy would establish that written submissions are submitted to a specific location and that they will be published on the public hearing agenda on the City's website and distributed to Council. A member of the public may otherwise bring a hard copy of a written submission to the public hearing.

## **PURPOSE**

The purpose of this report is to recommend a formal policy covering written public hearing submissions, to increase transparency, ensure due process for the public hearings and improve internal process efficiencies.

## **BACKGROUND**

Under the *Local Government Act (LGA)*, municipalities must hold a public hearing before Council creates or amends a bylaw that changes the Official Community Plan, zoning, phased development agreements or to terminate a land use contract. The purpose of holding a public hearing is to enable Council to make informed decisions about how land will be used in the community. The LGA does not require public hearings for other types of bylaws and non-statutory permits, but Council may institute this requirement by bylaw and has for other matters under the *Land Use Procedures Bylaw*.

For every public hearing, the public may present or provide a submission to Council for the Council consideration. Current practice is to include the following instruction in public hearing notifications:

*"For those who are unable to attend, your input can be via mail, an email to [publichearings@victoria.ca](mailto:publichearings@victoria.ca), or you can drop off your written feedback at Victoria City Hall to the City Hall Ambassador located to the left of the main entrance. Correspondence should be received by 11 a.m. the day before the Council meeting."*

Currently written submissions are delivered to various locations in the City and frequently to members of Council directly. A transparent process is vital for Council decision-making, to enable mandatory public access, and to ensure all written submissions are rightly entered into the public record and given proper consideration. These are cornerstones of a sound process.

Staff must document and distribute all written submissions received before the close of a public hearing, and to the fullest extent possible publish them on the public hearing agenda. While the volume of submissions differs for each Council meeting, on average there are 75 pages of submissions for each public hearing. However, a public hearing for a complicated land use matter will often receive hundreds of pages of submissions. On average, staff require approximately 5 hours to process all the written submissions for each Council meeting.

Like many BC municipalities and capital cities in Canada, there is no formal policy in place for written submissions to public hearings.

## ISSUES AND ANALYSIS

Transparency, effectiveness and efficiency are the main issues that Council may wish to consider to determine the benefit of a more formal approach to dealing with written submissions for public hearings.

### Transparency

While most members of the public provide their written submissions in accordance with the public hearing notices, some written submissions are sent to other locations and after the deadline indicated on the public hearing notice. Setting a formal location and deadline for advance written submissions would facilitate broader distribution and publication of these written submissions. This would provide that both Council and the public could reasonably expect that the published agenda after a deadline would include all the written submissions entered into the record, with the exception of any written submissions including those made during the public hearing.

### Effectiveness and Efficiency

The specific location these submissions would be required to be sent by e-mail to [publichearings@victoria.ca](mailto:publichearings@victoria.ca), mailed to Legislative Services, or dropped off at Legislative Services. This streamlines administration of written submissions for public hearings by providing internal and external clarity as to when and where to submit written submissions to be published on the public hearing agenda. This helps to ensure that the process is sound and submissions are properly and duly considered.

## OPTIONS AND IMPACTS

Establishing a specific location and deadline for written submissions is a common practice in BC and Canadian municipalities (see Attachment A and Attachment B). A formal policy is the most effective way to achieve this outcome.

### **Option 1 – Adopt policy for written submissions to be sent to Legislative Services by 2:00pm on the day of the public hearing (*Recommended*)**

This option provides that staff bring forward a policy that requires written submissions to be returned by letter, e-mail, or in person to the Legislative Services Department by 2:00 pm on the day of the public hearing in order to be published on the agenda. Any written submissions received after that time on the day of a public hearing will be provided as a hard copy to Council and available to be viewed by the public at the public hearing. 2:00 pm is selected given the constraints on staff to manage the volume of correspondence and re-publish the agenda in a timely manner before the public hearing.

### **Option 2 – Adopt policy for written submissions to be sent to Legislative Services by noon on the day of the public hearing**

This option provides that staff bring forward a policy that requires written submissions to be returned by letter, e-mail, or in person to the Legislative Services Department by noon on day of the public hearing. Any written submissions received after that time on the day of a public hearing will be provided as a hard copy to Council and available to be viewed by the public at the public hearing.

### Accessibility Impact Statement

The recommended approach would serve to increase the opportunity for anyone unable to attend meetings to view submissions on the City's website in advance of the public hearing. For the visually impaired, screen readers enable viewing documents on published agendas.



## CONCLUSION

Introduction of a formal policy for written submissions for public hearings would not only lead to significant administrative efficiencies, but also provide better clarity, equity and transparency of all public input that has been received to inform Council decisions on land use decisions. The proposed approach will improve administration of public hearings in general, as well as ensure that Council receives submissions in a timely way while maintaining the public's ability to share their views on a land use matter.

Respectfully submitted,



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Corporate Initiatives



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City Clerk



Susanne Thompson  
Deputy City Manager

Report accepted and recommended by the City Manager:

  
Date: Jan 11, 2019

Attachment A – Practices in BC Municipalities  
Attachment B – Practices in Capital Cities  
Attachment C – Correspondence Management Policy