

PUBLIC HEARINGS AND OPPORTUNITIES FOR PUBLIC COMMENT DURING THE COVID-19 PANDEMIC



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Purpose

To present Council with information and recommendations on:

- alternate means of receiving public comments as a substitute for the standard practice of inviting physical attendance at Public Hearings and Opportunities for Public Comment (OPC) within City Hall; and
- a review of interim Council processes resulting from the COVID-19 pandemic.



Public Hearings and Opportunities for Public Comment during the
COVID-19 Pandemic

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Background

- March 16, 2020: Provincial Order (Mass Gatherings)
- March 19, 2020: Council motion
- March 26, 2020: Council motion
- March 26, 2020: Ministerial Order No. M083
- April 2, 2020: Council motion
- May 1, 2020: Ministerial Order No. M139



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Issues and Analysis

1. Provincial Orders
2. Local Government Act and Land Use Procedures Bylaw
3. Alternate Means of Receiving Public Feedback
4. Waiving Public Hearings or Opportunities for Public Comment
5. Current Applications
6. COVID-19 Pandemic Interim Council Processes Review



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Issues and Analysis

Provincial Orders

Direction from the Province:

- avoid in-person meetings altogether and hold virtual meetings instead;
- stay close to home as much as possible; and
- work from home if possible, and if that is not possible, maintain physical distancing and stay home when sick.



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Issues and Analysis

LGA and LUP Bylaw

- Public Hearing Requirements
- Opportunity for Public Comment Requirements
- Sign and Notification Requirements



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Issues and Analysis

Alternate Means for Public Feedback

- Phone In and Pre-Recorded Video Submissions (Recommended)
- Sharing Comments through Live Video
- Sharing Comments In-Person



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Issues and Analysis

Waiving Public Hearings or OPCs

- Minimal or no time savings because legislation and the LUP Bylaw requires that standard signage and notification with the requisite timeframes be maintained
- Waiving hearing requirements on an ad hoc basis may increase the chance of legal challenge



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Issues and Analysis

Current Applications

- Applications that are ready for a Public Hearing: 8
- Applications working on conditions before Public Hearing: 11
- Applications that are ready for an Opportunity for Public Comment: 2
- Applications working on conditions before Opportunity for Public Comment: 4



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Issues and Analysis

Interim Council Processes Review

- Staff recommend that both the Request to Address Council and Question Period now be restored using electronic participation methods or by written submissions
- Staff are recommending resumption of evening meetings and piloting the Strategic Plan Action of holding public hearing and public participation only sections during these evening meetings



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Options and Impacts

Option 1: Proceed with Electronic Public Hearings and Opportunities for Public Comment, Restore Request to Address Council and Question Period electronically and in writing, and resume Evening Council meetings for public hearing and public participation sections of the agenda. (Recommended)

Option 2: Proceed with Electronic Public Hearings and Opportunities for Public Comment, Restore Request to Address Council and Question Period electronically and in writing.

Option 3: That Council decline the staff recommendations.



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Recommendation

That Council:

1. authorize an amended process and move forward with public hearings in accordance with the Ministerial Order M139 for receiving oral submissions during Public Hearings and Opportunities for Public Comment by allowing the public to participate via live phone and pre-recorded video as a substitute to in-person attendance at City Hall while authorized by the provincial government
2. restore request to address council and question period to regular council meetings by electronic participation or written submissions during the COVID-19 pandemic
3. restore the holding of twice monthly evening council meetings with remote participation Public Hearings and Opportunities for Public Comment, Request to Address Council and Question Period.



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