

TO: Mayor Savage and Members of Halifax Regional Council

SUBMITTED BY: Original Signed by 
Jacques Dubé, Chief Administrative Officer

DATE: May 11, 2020

SUBJECT: Amendment to COVID-19 Administrative Order– Virtual Public Hearings

ORIGIN

Staff initiated report addressing the process and procedures for virtual public hearings.

LEGISLATIVE AUTHORITY

Clause 20(1)(b) and section 221 of the *Halifax Regional Municipality Charter*, as follows:

Council may make policies

- 20 (1) *The Council may make policies*
(b) *regulating its own proceedings and preserving order at meetings of the Council;*

Public hearing

221 (1) *Prior to holding a public hearing required pursuant to this Part, the Clerk shall give notice of the public hearing in a newspaper, circulating in the Municipality, inserted at least once a week, for two successive weeks.*

(2) *The first notice of the public hearing must be published at least fourteen days before the date of the public hearing.*

(3) *The notice of the public hearing must*

(a) *state the place where, and the hours during which, the proposed documents may be inspected by the public;*

(b) *state the date, time and place set for the public hearing;*

(c) *describe by metes and bounds, a plan, map, sketch or civic address or other description adequate to identify the area affected by the proposed documents;*

(d) *give a synopsis of the proposed documents, if the public hearing is with respect to an amendment to a municipal planning strategy or land-use by-law or the approval or amendment of a development agreement.*

(4) *Copies of the proposed documents or portions of the documents must be provided to a person, on request, upon payment of a reasonable fee set by the Council, by policy, sufficient to recover the cost of providing the copies.*

(5) *Upon the publication of the first notice of the public hearing, the Clerk shall send a copy of the notice to the clerk of every municipality that immediately abuts an area affected by the proposed documents.*

RECOMMENDATION

It is recommended that Halifax Regional Council adopt the amendments to Administrative Order Number 2020-009-ADM, the *Allocation of Grants and Withdrawals from Reserves During COVID-19 Administrative Order*, as set out in Attachment 3 of this report.

BACKGROUND

On March 22, 2020, Minister Porter, the Minister of Municipal Affairs and Housing, directed that municipalities:

Effective at 2 pm on March 22, 2020, discontinue holding their meetings in person, instead only virtual meetings may be held by video or telephone. Those virtual meetings must be recorded, and the minutes posted on a public website within 24 hours of the meeting.

This direction will remain in place for the duration of the Provincial State of Emergency unless it is terminated earlier by the Minister.

In accordance with this direction, Public Hearings have been postponed since mid-March 2020. The pressure is increasing to re-start these hearings to ensure Halifax is in the best possible position to recover economically when business can safely resume. Legal, Planning & Development and the Municipal Clerk's Office are proposing to re-commence Public Hearings virtually to comply with the direction of the Minister and to ensure that these meetings can occur in a safe, responsible, inclusive, fair, and legal manner.

DISCUSSION

The *Halifax Regional Municipality Charter (Charter)* enables public hearings, and outlines the variety of processes inclusive of who can vote, what to do in the case of a tie vote, etc. The *Charter* references in one section that "...the amendment may be adopted by a majority of votes of the Council members present at the public hearing." The *Charter* does not prohibit members from being "present" virtually.

On March 22, 2020 the Provincial direction to Nova Scotia municipalities was to discontinue holding their in-person meetings. Instead, municipalities were told to hold virtual meetings by video or telephone. No specific reference to Public Hearing was contained in this direction although a public hearing is held during a meeting of Council. Clarification was sought by HRM planning staff from the Director of Planning at the Province on April 22, 2020. At that time, the Director offered the following opinions:

- Several Nova Scotia Municipalities are already holding hearings inclusive of the Municipality of the District of Lunenburg, and the Municipality of East Hants. These Municipalities have determined that the March 22, 2020 Provincial direction provides sufficient authority to hold Public Hearings;
- The intent of the legislation is to ensure the public can ask questions and express concerns about a planning matter. If these central goals are accounted for in a new process, it achieves the intent of the legislation;
- where Municipalities are making extra efforts to engage the public, including but not necessarily limited to more time between notification and the hearing, reading out written submissions at the meeting, and offering call-in services, this would achieve the intent of the legislation; and
- It is unlikely that further statements from the Minister will be given regarding the specifics of holding Public Hearings.

It should also be noted that following a jurisdictional scan of other Municipalities across the country, dozens of other cities are also holding hearings throughout the COVID-19 Pandemic inclusive of such large cities as Vancouver, Calgary, and Edmonton.

Public Hearings could be held with minimal or no Municipal staff or Councillors within City Hall itself. However, in keeping with Public Health guidelines and as noted above, other Canadian municipalities have already begun holding virtual hearings with success and have shown proof of concept of numerous available technologies. Staff is proposing that Microsoft Teams with webcast, CART and phone access for applicants and speakers be used and an extended consultation period, take the place of in-person meetings for an interim period until in-person hearings can safely resume. The following paragraphs provide more detail on how public hearings will proceed.

Recognizing the Provincial State of Emergency and the Order by the Medical Officer of Health, Council must focus decision-making on items which support the outcomes sought by these provincial directives. Consequently, staff have developed the following report screening criteria to screen reports which will appear on agendas during this time.

Criterion	Guidance - The outcome sought should support:
Public Health and Safety	<ul style="list-style-type: none"> • service or action which promotes the public health or safety of our citizens
Fiscal Health	<ul style="list-style-type: none"> • the fiscal health of the Municipality consistent with the capacity to deliver services and programs within budget
Core Municipal Services	<ul style="list-style-type: none"> • sustaining the provision of the following core services: <ul style="list-style-type: none"> (a) Police, Fire and Emergency Services (b) Water, wastewater and stormwater systems (c) Transportation and road maintenance (d) Transit (e) Solid Waste, garbage and litter collection and disposal (f) Services necessary to support core services
Economic Development or Recovery	<ul style="list-style-type: none"> • economic development or recovery by enabling public or private investment

Notes:

- Information Reports as approved by the CAO will continue to be circulated as part of the Council agenda package.

Pre-Hearing Process

In advance of the hearing, HRM will extend the period of time between notification of the hearing and the hearing itself. This extended period of time would allow greater opportunity for community members to become aware of the proposal at a time when individuals may be less likely to become aware by word-of-mouth, or physical signage on the property. Notification of a public hearing would occur as soon as possible following Council direction to hold the hearing, but no later than 3 weeks in advance of the hearing. This would be an increase from the required two weeks stipulated by the HRM Charter. The notification would also include information on how to be added to a speakers list for the hearing and how to submit written comments.

Public Hearing mail outs could also be augmented to include more information than typical. This will help ensure that individuals in the community who may not have access to a computer will have adequate information available to them to decide whether they wish to participate in the public hearing. Staff may also need to be prepared to distribute physical packages of hearing materials to members of the public

who do not have access to a computer. This additional step would account for those without personal computers who may otherwise come to the planning office to view the files or visit their local library to use the computer as neither option is presently available.

During the Hearing

Ideally, hearing procedures would be as consistent as possible with existing procedures under normal circumstances. The changes to the existing rules for virtual public hearings are shown on Attachment 2.

A hearing would begin with a presentation by staff. Planning staff presently have HRM laptops and access to Microsoft Teams. Following a staff presentation, the applicant for the proposal would have the option of presenting by calling in via phone. The meeting producer can advance presentation slides at the direction of the applicant whose audio would be heard.

Inclusivity is the central goal of all legislation relating to Public Hearings in Halifax Regional Municipality. As such, it is important to consider this as a central goal of any amended process moving forward in the coming months. For the most part, the amended process mirrors our present practice ensuring hearings are as open, transparent and accessible as possible. The following features of the amended process illustrate

- As is the present practice, mailed letters and e-mails to Council will be received by the Clerks Office. The proposed public hearing process would require those submission be received by the time indicated in the advertisement. Staff anticipates the deadline will continue to be before 3pm the day of the hearing. All submissions received within the advertised timeframe will be accepted and acknowledged by the Clerk's Office and distributed to members of Council for their review prior to the hearing. This correspondence received by the deadline will be recorded in the minutes and form a part of the record for the meeting.
- Members of the public will be given an opportunity to be included in a speaker's list (similar to our present practice for a speakers list) prior to the public hearing. Information regarding how the public can be added to this list will be included in the advertisement.
- Additional communications will be developed and distributed to guide members of the public on how to participate in virtual public hearings.

Public Hearings utilizing this amended process may begin as early as June 2020. This delay is to ensure that the details involved in having applicants present remotely, staff presenting remotely, and a phone line for public speakers is fully reviewed and tested. Additionally, and more important, given the extended amount of notification time being recommended, June is the earliest a hearing could be held to allow time for this notification to occur, and to ensure mailouts have been distributed given increased timelines due to COVID-19 related delays. This temporary process would remain in place until the earlier of the end of the current fiscal year or the date Council determines. If social distancing restrictions continue into the next fiscal year, this process would need to be revisited by Council to determine if 'virtual' hearings should continue, or if an augmented in-person hearing process could safely be implemented.

Staff who originally supported Public Hearings have accounted for the additional resources required to facilitate this virtual Public Hearing process. These resources have been considered and deemed to be within the capacity of the various business units involved. Consultation with ICT will be required to understand staffing requirements for any technology staff support as a result of the virtual Public Hearing process.

Following this analysis, staff is confident that the amendments proposed to the Administrative Order relating to an amended Public Hearing Process for virtual meetings will meet the required legislative standards applicable to hearings.

FINANCIAL IMPLICATIONS

Funding to provide virtual public hearings is budgeted in the 2020/21 annual budget which is currently pending approval. Note should be made that Public Hearings held at Community Council prior to COVID-19 limitations were not web cast. With these meetings now being web cast to allow public access there is a cost in the area of \$20,000 for CART services to March 31, 2021. No additional costs or savings are anticipated for holding virtual public hearings instead of in-person public hearings.

RISK CONSIDERATION

The primary risk is a break down of the technology during the public hearing. Good supporting data based on Council meetings indicate that the technology is robust enough to allow for public hearings. This can be further mitigated by testing of the technology and instruction to users. Risk is also network issue for the speakers which is not something that testing will address. Network issues can be with the provider for Teams or the internet provider for the various speakers and would impact their ability to participate. Mitigation is participation via phone.

COMMUNITY ENGAGEMENT

No formal public engagement has been undertaken, however, staff have been receiving requests from the public, developers and the media regarding when public hearings are to be reinstated. As noted above many other municipalities, large and small, have begun holding virtual public hearings.

ENVIRONMENTAL IMPLICATIONS

There are no negative environmental impacts to the recommendation. In fact, a reduction in the production of reports and energy costs for a meeting location, may have a positive impact.

ALTERNATIVES

1. Council may choose to use a different technology on which to host public hearings. This is not the recommended solution.
2. Council may choose not to provide virtual public hearings and wait until the Province allows larger groups of people to congregate.

ATTACHMENTS

1. Showing proposed changes to Administrative Order number 2020-009-ADM
2. Showing proposed changes for virtual public hearings
3. Amending Administrative Order

A copy of this report can be obtained online at halifax.ca or by contacting the Office of the Municipal Clerk at 902.490.4210.

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Jane Fraser, Director of Finance, Asset Management and ICT/CFO,
902.490.4630

ATTACHMENT 1

(Showing Proposed Changes to the Administrative Order)

ADMINISTRATIVE ORDER NUMBER 2020-009-ADM RESPECTING RECOMMENDATIONS FOR THE ~~ALLOCATION OF GRANTS AND WITHDRAWALS FROM RESERVES DURING COVID-19~~

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter*, as follows:

Short Title

1. This Administrative Order may be known as the ~~*Allocation of Grants and Withdrawals from Reserves During COVID-19 Administrative Order*~~.

Interpretation

2. In this Administrative Order,

(a) “grant” includes rent subsidies, property tax exemptions, less than market value property sales and leases, annual cash grants, and allocations from the Marketing Levy Special Event Reserve and Community and Events Reserve;

(b) “policy” means a resolution of the Council that is required, pursuant to the *Halifax Regional Municipality Charter*, to be recorded in the by-law records of the Municipality and includes an Administrative Order and the Terms of Reference for the HRM Grants Committee;-and

(c) “reserve” means a reserve as defined by clause 3(c) of the *Financial Reserves Administrative Order*.

Application

3. Notwithstanding any other policy of Council, a

(a) grant may be allocated or awarded by Council without the HRM Grants Committee or HRM Special Events Advisory Committee reviewing, evaluating, or recommending the grant;

(b) grant may be allocated or awarded by Chief Administrative Officer without a peer jury reviewing, evaluating, or recommending the grant; and

(c) withdrawal from a reserve may be authorized by Council without the Audit and Finance Standing Committee reviewing and making a recommending on the impact to the Reserve.

Public Hearings

3A. In accordance with section 1 of Appendix A of Administrative Order One, the *Procedures of the Council Administrative Order*, the Rules for the conduct of a public hearing by the Council and a Community Council are stated in Schedule 1 to this Administrative Order.

Termination Date

4. This Administrative Order terminates on the earlier of

(a) the date and time determined by Council, by resolution; or

(b) at 11:59 pm on March 31st, 2021.

Schedule

5. A Schedule attached hereto shall form part of this Administrative Order.

Done and passed this day of , 2020.

Mayor

Municipal Clerk

I, _____, Municipal Clerk of the Halifax Regional Municipality, hereby certify that the above noted Administrative Order was passed at a meeting of Halifax Regional Council held on [month], [day], 2020.

ATTACHMENT 2

(Showing Changes from the existing public hearing process under AO 1)

APPENDIX A

SCHEDULE 1

RULES FOR PUBLIC HEARING DURING COVID-19

Application

1. (1) ~~Except where otherwise stated, t~~ These Rules shall apply equally to a public hearing conducted by the Council and a Community Council ~~until this Administrative Order terminates.~~

(2) In this Schedule,

(a) "virtually" means appearing by video, by telephone, or by a combination of video and telephone.

Advertising Public Hearing

2. (1) A public hearing at the Council shall be advertised to commence at 6:00 p.m., or such other time as set by resolution of the Council.

(2) A public hearing at a Community Council shall be advertised to commence at 6:00 p.m., or such other time as set by resolution of the Community Council.

(3) Advertisements shall only be placed for the first date of a public hearing and shall state that if the public hearing cannot be concluded at the advertised date, it will continue on a date determined by the Council or the Community Council at the public hearing.

(4) The advertisements must indicate the date and time by which a person needs to:

(a) contact the Office of the Clerk, and the information that must be provided to the Office of the Clerk, to be added to the Speaker's List; and

(b) provide written submissions to the Office of the Clerk to be distributed.

Location

3. ~~If a public hearing at the Council is expected to draw more speakers than can be accommodated by the facilities at City Hall, the Council may consider holding the public hearing at an alternate suitable location~~ Public hearings will be held virtually.

Written Submissions

4. (1) A person who wishes to provide a written submission in respect of any matter which is the subject matter of a public hearing shall direct the submission to the Office of the Clerk.

(2) Submissions shall be received in the Office of the Clerk no later than ~~3:00 p.m. on the date advertised public hearing date~~ the date and time indicated in the advertisements under subsection 2(4) of this Schedule.

~~(3) If a submission exceeds three (3) pages, the Clerk may require the person making the submission to provide thirty (30) copies for distribution.~~

(3) The Clerk shall distribute to the Council all submissions received by ~~3:00 p.m.~~ the date and time indicated in the advertisements under subsection 2(4) of this Schedule.

Speakers' List

5. (1) A Speakers' List ~~shall be available outside of the meeting room one-half hour prior to the commencement of the public hearing~~ will be prepared by the Office of the Clerk.

(2) A person wishing to speak at a public hearing shall provide to the Office of the Clerk their name, community of residence, and any other information required in the advertisement under subsection 2(4) of this Schedule.

(3) If a speaker represents a group, ~~he or she~~ they shall indicate the name of group they represent both on the Speakers' List and when ~~he or she~~ they address the Council or the Community Council during the public hearing.

(4) A person who provides the required information within the date and time indicated in the advertisements will be added to the Speaker's List.

Before Public Hearing Opened

6. Before the public hearing is opened:

- (a) the Presiding Officer shall ask staff for a presentation;
- (b) staff shall then be given an opportunity to **virtually** provide an explanation of the matter being considered and the staff recommendation to the Council or the Community Council; and
- (c) following the staff presentation, if any, Members may ask staff questions of clarification only.

Opening of Public Hearing

7. (1) The public hearing shall then be opened and:

(a) the applicant, or designate, shall be invited to address the Council or the Community Council and if the applicant, or designate, decides to speak, **they** shall be given ten (10) minutes to present ~~his or her~~ **their** proposal; and

(b) after the applicant, or designate, presents the proposal, the Members may ask the applicant questions of clarification and the applicant, or designate, shall respond to such questions.

(2) The applicant, or designate, may only address the Council or the Community Council **virtually**.

(3) If the applicant, or designate, has previously provided an electronic presentation to the Office of the Clerk, in a format acceptable to the Clerk, staff will display the presentation and the applicant, or designate, will provide all the commentary on it and staff will advance the presentation to the next slide when requested to do so.

Explanation of Speaking Rules

8. The Presiding Officer shall then explain speaking rules as set out in section 9.

9. Each speaker shall

- (a) be given five (5) minutes to address the topic;
- (b) be required ~~to come to microphone to speak~~, to state ~~his or her~~ **their** name, and the name of the community in which ~~he or she~~ **they** resides;
- (c) keep ~~his or her~~ **their** comments respectful, on topic and directed at the Presiding Officer; and
- (d) not debate points of view expressed by other speakers.

10. During a public hearing:

(a) the Clerk may, upon receiving a request, advise members of the public where they appear on the Speakers' List;

(b) ~~if held at City Hall, speakers may wait for their turn to speak in the Council Chamber (space permitting) or alternatively, in Halifax Hall (the overflow room.)~~ the Clerk may notify

the Council if the connection is lost with a speaker and attempt to reconnect with them and, if unsuccessful, Council or the Community Council may move on to the next speaker;

(c) at the discretion of the Presiding Officer, the Council or Community Council may take a recess every hour; and

(d) no applause or other expressions of emotion, inappropriate language, outbursts or criticisms aimed at individuals or groups will be condoned.

Calling Speakers

11. The Presiding Officer shall then call the speakers in the order on the Speakers' List, and if:

(a) a person is not **virtually** present when ~~his or her~~ **their** name is called, ~~he or she~~ **they** will be given an opportunity to speak after everyone on the Speaker's List has been called; or

(b) a speaker has been disconnected and the attempt to reconnect was unsuccessful, they will be given an opportunity to speak for the remainder of their 5 minutes after everyone on the Speaker's List has been called.

12. ~~If it is necessary to adjourn the public hearing to another date,~~ The Presiding Officer shall

~~(a) — once all those on the people on the Speakers' list, or if there are no names on the speaker's list:~~

~~(i) — invite anyone wishing to speak to call come forward and speak; and~~

~~(ii) — after all the people have spoken, call three (3) times for further speakers wishing to speak; or~~

~~(b) — if it is necessary to adjourn the public hearing to another date,~~

~~(i) — direct those on the Speaker's List in attendance at the initial advertised date who did not have the opportunity to be heard and still wish to address the Council to speak to the Clerk.~~

~~(ii) — the Clerk shall, immediately following the adjournment of the meeting, collect the names of those who were in attendance at the initial meeting and indicate that they still wished to speak.~~

13. At the continuation of a public hearing on a second or subsequent date:

(a) ~~(i) — only those whose names are on the Speakers' List and were not heard at the initial advertised date; and~~

~~(ii) — whose names are added to the speakers' list at the conclusion of the initial advertised date; shall be permitted to speak; and~~

(b) there shall be no substitution of names permitted.

14. After all the people have spoken, the Presiding Officer shall invite the applicant or designate to **virtually** respond to the points raised by the speakers, and if the applicant or designate, decides to speak, ~~he or she~~ **they** shall be given five (5) minutes to speak.

Close of Public Hearing

15. The Presiding Officer shall then ask for a motion to close the public hearing and no further speakers shall be heard.

16. Following the close of the public hearing, the Clerk shall record in the Minutes those who spoke at the hearing.

17. Staff will be provided an opportunity to briefly respond to points raised by the speakers.

18. Members may request clarification of staff respecting matters raised during the public hearing.

Role of Council During Public Hearing

19. (1) The role of the Council or Community Council at a public hearing is to listen to the public.

(2) Members shall not debate nor challenge the comments being offered by the speaker.

(3) Following a speaker's presentation, Members may ask questions of the speaker, seeking clarification of the points ~~he or she~~ they raised.

(4) Members shall not enter into dialogue with the public during the Public Hearing.

Voting

20. Only Members present for the entire staff presentation and public hearing shall be permitted to vote.

21. Notwithstanding section 20, only Members present during the entire debate following the close of the public hearing, including during any clarification by staff, the developer or Members of the public, shall be permitted to vote respecting

(a) the adoption or amendment to a Municipal Planning Strategy or Land Use By-law;

(b) an appeal of a site-plan or variance;

(c) a registration or de-registration of heritage property; and

(d) the sale of property at less than market value.

ATTACHMENT 3

(Amending Administrative Order)

**ADMINISTRATIVE ORDER NUMBER 2020-009-ADM
RESPECTING RECOMMENDATIONS FOR THE
ALLOCATION OF GRANTS AND WITHDRAWALS FROM RESERVES
DURING COVID-19**

BE IT RESOLVED AS AN ADMINISTRATIVE ORDER of the Council of the Halifax Regional Municipality under the authority of the *Halifax Regional Municipality Charter* that Administrative Order 2020-009-ADM, the *Allocation of Grants and Withdrawals from Reserves During COVID-19 Administrative Order*, is amended as follows:

1. Numbering the pages of the Administrative Order.
2. The name of the Administrative Order is amended by:
 - (a) striking out the words "RECOMMENDATIONS FOR THE ALLOCATION OF GRANTS AND WITHDRAWALS FROM RESERVES DURING" after the word "RESPECTING" and before the word "COVID-19" in the title of the Administrative Order; and
 - (b) striking out the words "Allocation of Grants and Withdrawals from Reserves During" after the words "as the" and before the word "COVID-19" in section 1.

3. Section 3A is added after section 3 and before section 4 as follows:

Public Hearings

3A. In accordance with section 1 of Appendix A of Administrative Order One, the *Procedures of the Council Administrative Order*, the Rules for the conduct of a public hearing by the Council and a Community Council are stated in Schedule 1 to this Administrative Order.

4. Section 5 is added after section 4 and before the words "Done and" as follows:

Schedule

5. A Schedule attached hereto shall form part of this Administrative Order.
5. Schedule 1 attached hereto as Appendix 1 is added after the signature lines.

Done and passed this day of , 2020.

Mayor

Municipal Clerk

APPENDIX 1

SCHEDULE 1 RULES FOR PUBLIC HEARING DURING COVID-19

Application

1. (1) These Rules shall apply equally to a public hearing conducted by the Council and a Community Council until this Administrative Order terminates.

(2) In this Schedule,

(a) “virtually” means appearing by video, by telephone, or by a combination of video and telephone.

Advertising Public Hearing

2. (1) A public hearing at the Council shall be advertised to commence at 6:00 p.m., or such other time as set by resolution of the Council.

(2) A public hearing at a Community Council shall be advertised to commence at 6:00 p.m., or such other time as set by resolution of the Community Council.

(3) Advertisements shall only be placed for the first date of a public hearing and shall state that if the public hearing cannot be concluded at the advertised date, it will continue on a date determined by the Council or the Community Council at the public hearing.

(4) The advertisements must indicate the date and time by which a person needs to:

(a) contact the Office of the Clerk, and the information that must be provided to the Office of the Clerk, to be added to the Speaker’s List; and

(b) provide written submissions to the Office of the Clerk to be distributed.

Location

3. Public hearings will be held virtually.

Written Submissions

4. (1) A person who wishes to provide a written submission in respect of any matter which is the subject matter of a public hearing shall direct the submission to the Office of the Clerk.

(2) Submissions shall be received in the Office of the Clerk no later than the date and time indicated in the advertisements under subsection 2(4) of this Schedule.

(3) The Clerk shall distribute to the Council all submissions received by the date and time indicated in the advertisements under subsection 2(4) of this Schedule.

Speakers’ List

5. (1) A Speakers’ List will be prepared by the Office of the Clerk.

(2) A person wishing to speak at a public hearing shall provide to the Office of the Clerk their name, community of residence, and any other information required in the advertisement under subsection 2(4) of this Schedule.

(3) If a speaker represents a group, they shall indicate the name of group they represent both on the Speakers’ List and when they address the Council or the Community Council during the public hearing.

(4) A person who provides the required information within the date and time indicated in the advertisements will be added to the Speaker’s List.

Before Public Hearing Opened

6. Before the public hearing is opened:

- (a) the Presiding Officer shall ask staff for a presentation;
- (b) staff shall then be given an opportunity to virtually provide an explanation of the matter being considered and the staff recommendation to the Council or the Community Council; and
- (c) following the staff presentation, if any, Members may ask staff questions of clarification only.

Opening of Public Hearing

7. (1) The public hearing shall then be opened and:

(a) the applicant, or designate, shall be invited to address the Council or the Community Council and if the applicant, or designate, decides to speak, they shall be given ten (10) minutes to present their proposal; and

(b) after the applicant, or designate, presents the proposal, the Members may ask the applicant questions of clarification and the applicant, or designate, shall respond to such questions.

(2) The applicant, or designate, may only address the Council or the Community Council virtually.

(3) If the applicant, or designate, has previously provided an electronic presentation to the Office of the Clerk, in a format acceptable to the Clerk, staff will display the presentation and the applicant, or designate, will provide all the commentary on it and staff will advance the presentation to the next slide when requested to do so.

Explanation of Speaking Rules

8. The Presiding Officer shall then explain speaking rules as set out in section 9.

9. Each speaker shall

(a) be given five (5) minutes to address the topic;

(b) be required to state their name, and the name of the community in which they reside;

(c) keep their comments respectful, on topic and directed at the Presiding Officer; and

(d) not debate points of view expressed by other speakers.

10. During a public hearing:

(a) the Clerk may, upon receiving a request, advise members of the public where they appear on the Speakers' List;

(b) the Clerk may notify the Council if the connection is lost with a speaker and attempt to reconnect with them and, if unsuccessful, Council or the Community Council may move on to the next speaker;

(c) at the discretion of the Presiding Officer, the Council or Community Council may take a recess every hour; and

(d) no applause or other expressions of emotion, inappropriate language, outbursts or criticisms aimed at individuals or groups will be condoned.

Calling Speakers

11. The Presiding Officer shall then call the speakers in the order on the Speakers' List, and if:

(a) a person is not virtually present when their name is called, they will be given an opportunity to speak after everyone on the Speaker's List has been called; or

(b) a speaker has been disconnected and the attempt to reconnect was unsuccessful, they will be given an opportunity to speak for the remainder of their 5 minutes after everyone on the Speaker's List has been called.

12. If it is necessary to adjourn the public hearing to another date, the Presiding Officer shall direct those on the Speaker's List at the initial advertised date who did not have the opportunity to be heard and still wish to address the Council to speak to the Clerk.

13. At the continuation of a public hearing on a second or subsequent date:

(a) only those whose names are on the Speakers' List and were not heard at the initial advertised date shall be permitted to speak; and

(b) there shall be no substitution of names permitted.

14. After all the people have spoken, the Presiding Officer shall invite the applicant or designate to virtually respond to the points raised by the speakers, and if the applicant or designate, decides to speak, they shall be given five (5) minutes to speak.

Close of Public Hearing

15. The Presiding Officer shall then ask for a motion to close the public hearing and no further speakers shall be heard.

16. Following the close of the public hearing, the Clerk shall record in the Minutes those who spoke at the hearing.

17. Staff will be provided an opportunity to briefly respond to points raised by the speakers.

18. Members may request clarification of staff respecting matters raised during the public hearing.

Role of Council During Public Hearing

19. (1) The role of the Council or Community Council at a public hearing is to listen to the public.

(2) Members shall not debate nor challenge the comments being offered by the speaker.

(3) Following a speaker's presentation, Members may ask questions of the speaker, seeking clarification of the points they raised.

(4) Members shall not enter into dialogue with the public during the Public Hearing.

Voting

20. Only Members present for the entire staff presentation and public hearing shall be permitted to vote.

21. Notwithstanding section 20, only Members present during the entire debate following the close of the public hearing, including during any clarification by staff, the developer or Members of the public, shall be permitted to vote respecting

(a) the adoption or amendment to a Municipal Planning Strategy or Land Use By-law;

(b) an appeal of a site-plan or variance;

(c) a registration or de-registration of heritage property; and

(d) the sale of property at less than market value.