



City of Richmond

Report to Committee

To: General Purposes Committee

Date: October 5, 2009

From: David Weber
Director, City Clerk's Office

File: 01-0105-06-01/2009-
Vol 01

Re: Amendment to Council Policy No.1312 - Public Hearings - Procedures for
Conducting

Staff Recommendation

That Council Policy No. 1312 "Public Hearings – Procedures for Conducting," adopted by Council on September 8, 1997, be amended as outlined in Attachment 1 to the staff report dated October 5, 2009 from the Director, City Clerk's Office.

David Weber
Director, City Clerk's Office
(604-276-4098)

Att. 3

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER			
Law.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>				
Development Applications.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>				
REVIEWED BY TAG	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	REVIEWED BY CAO	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>

Staff Report

Origin

At the September 8, 2009 General Purposes Committee meeting, Committee considered a staff report regarding the procedures for conducting public hearings and made the following referral to staff:

That with regard to Policy 1312 (Public Hearings – Procedures for Conducting), staff explore:

(i) the establishment of a ten minute time limit for applicant presentations and primary presentations, and a further three minutes for secondary presentations on new information only; and

(ii) limiting, extending or changing with a majority vote of Council, a ten minute time limit for primary presentations and a three minute secondary presentation,

and report back.

During discussion at the Committee meeting, suggestions were also made to consider including the possibility of a 30-minute speaking time in special circumstances and the possibility of using the City's notification process to advise the public in advance of any special procedures that may be in place for a particular public hearing.

This report will address the referral and the additional suggestions made at the Committee meeting.

Analysis

A revised draft policy document which incorporates a ten minute speaking time limit for primary presentations and three minutes for secondary presentations on new information only is attached for consideration (**Attachment 1**). The original report on this subject, which includes a general discussion on this topic and provides comparisons to other local government public hearing speaking times, is also attached for information (**Attachment 2**).

The advantage of a written policy on speaking time limits is that it provides clarity for the public and sets expectations for all in terms of how a typical hearing is to be conducted. However, as with any Council policy, the provisions may be changed permanently or temporarily in response to a given situation by a majority vote of Council. In order to retain maximum flexibility and responsiveness, staff do not recommend a policy which pre-determines specific alternate procedural rules. Instead, staff recommend that the policy simply establish the procedures on the clear understanding that these can be limited, extended or changed by resolution of Council to any reasonable length of time in response to any given circumstance.

The suggestion of using the City's notification process to advise the public of any special procedural rules that may be in effect temporarily can be easily incorporated into the City's process. A new information bullet will be added to the standard notice which directs the public

to the City website where they will find the procedural rules for public hearings (**Attachment 3**). The phone number for the City Clerk's Office is also provided for those who wish to speak to a staff member. If special temporary procedural rules are established by Council prior to the mailing of the statutory notices for a particular public hearing, then that specific information can be included directly on the notices as well as on the City website. If special rules are established after the notices are already mailed, but still in advance of the public hearing, then the special rules will still be available and included on the website page that is referenced on the notices. It is important to note that providing advance notice of a temporary change in procedural rules, if practical, is not a legal requirement, and the fact that notice can not always be provided in advance should not prevent Council from establishing alternate rules up to and including at the public hearing itself if circumstances would so suggest.

Financial Impact

None.

Conclusion

The establishment of a ten minute speaking time for primary presentations with a secondary presentation of three minutes on new information would provide speaking times for applicants and delegations that would be longer than most other local governments surveyed. This time limit would not include any time that would be taken for questions posed by Council members to applicants and delegations and, provided that all interested parties are still afforded a reasonable opportunity to be heard, any time limits could be reduced, extended or otherwise changed by resolution in response to a given situation. A procedural rule based on this approach would likely be considered by most to be adequate and reasonable and would allow Council maximum flexibility in managing the process.



David Weber
Director, City Clerk's Office
(604-276-4098)



City of Richmond

Policy Manual

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Adopted by Council: Sept. 8/97; Amended: August 25/2003

POLICY 1312

File Ref: 0105-00

PUBLIC HEARINGS – PROCEDURES FOR CONDUCTING

POLICY 1312:

It is Council policy that:

1. Public hearings are be conducted in accordance with the provisions of the *Local Government Act*, and in accordance with the Council Procedure Bylaw.
2. The establishment of a Speakers' List is at the discretion of the City Clerk.
3. Applicants and delegations at a public hearing may speak for ten minutes for a primary presentation and for a further three minutes for a secondary presentation on new information only.
34. The Chair will read the following "Opening Statement" which is attached hereto and forms a part of this policy, at the commencement of the Public Hearing proceedings.

Proposed Policy Amendment – “REDLINE VERSION”

(Underlined portions indicate proposed new text; stricken portions indicate deleted text)



OPENING STATEMENT TO BE READ BY THE CHAIR AT THE COMMENCEMENT OF THE PUBLIC HEARING PROCEEDINGS

This Council meeting is being convened in order to hold public hearings on land use matters.

At this hearing the public and anyone who believes that their interest in property is affected by the agenda items may speak or present written submissions to Council on these matters.

Those of you who wish to speak should, after being recognized by the Chair, begin by clearly stating your name and address. If you also have a written submission, please make this known at the beginning of your presentation.

Everyone will be given a reasonable opportunity to be heard at this hearing, and no one should feel discouraged from making their views known. Any person who wishes to present a written submission to Council may do so. The essence of the submission will be read out by the City Clerk. All written submissions will be retained by the City Clerk and will form part of the record of the hearing.

Each speaker may address the hearing a maximum of twice. The length of your first presentation ~~will not be limited~~ be limited to ten minutes, provided your comments are relevant and the hearing is not being obstructed. Any additional presentation, which must be on new information, will be limited to a maximum of ~~ten-three~~ three minutes.

Members of Council may ask questions of you following your presentation. However, the function of Council members during a public hearing is to listen to the views of the public, not to debate the merits of the matters with citizens. Any debate by members of Council will occur at the subsequent vote.

The order of proceedings for each item will normally be as follows:

1. the City Clerk will briefly describe the matter under consideration;
2. the applicant (or agent) will be invited to make a brief presentation of up to ten minutes;
3. the City Clerk will identify any written submissions received;
4. oral submissions from the public will be heard, and any further written submissions, if any, will be received;
5. the hearing will be closed and matters may be considered.

Please observe these rules and if you have any concerns with the manner in which the hearing is conducted, direct your comments to the Chair.

Proposed Policy Amendment – “REDLINE VERSION”

(Underlined portions indicate proposed new text; stricken portions indicate deleted text)



City of Richmond

Report to Committee

To: General Purposes Committee

From: David Weber
Director, City Clerk's Office

Re: Amendment to Council Policy No. 1312 – Public Hearings – Procedures for Conducting

Referred to Staff
to GEN. Purp. Mng. Sept. 8/09
 Date: August 17, 2009
 File: 01-0105-00

Staff Recommendation

That Council Policy No. 1312 "Public Hearings – Procedures for Conducting," adopted by Council on September 8, 1997, be amended as outlined in Attachment 1 to the staff report dated August 17, 2009 from the Director, City Clerk's Office.

David Weber
 Director, City Clerk's Office
 (604-276-4098)

FOR ORIGINATING DEPARTMENT USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Law.....		Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>	<i>Submitted</i>	
Development Applications.....		Y <input checked="" type="checkbox"/>	N <input type="checkbox"/>		
REVIEWED BY TAG		YES	NO	REVIEWED BY CAO	
<i>mf</i> <input checked="" type="checkbox"/>		<input type="checkbox"/>		ACTIVE <i>mf</i> <input checked="" type="checkbox"/>	

Further, Local Government Act, section 890(3.1) specifies that the chair of the public hearing is authorized to establish procedural rules for the conduct of the public hearing, subject to the provision that a reasonable opportunity to be heard is provided. By permitting the chair to establish procedures, this allows for more "situational" rules that respond as particular circumstances require. For example, when there are only a few speakers to be heard on a given evening, unlimited speaking time may not present a problem for the conduct of the hearing. However, when there are numerous speakers on a given evening, section 890(3.1) provides the authority to the public hearing chair to respond to the situation by establishing reasonable time limits for delegations so that everyone present may be afforded a fair opportunity to make their views known at the hearing. Under this guideline, different approaches can be taken in different situations, at the chair's discretion.

For the purposes of comparison, the following table provides the results of a survey of public hearing practices currently in use by eight municipalities in the Metro Vancouver area. Seven of those municipalities impose a time limit, by policy, for first time presenters, six of which are 5 minutes or less, and four impose a time limit for those speaking a second time to present new information. Administrative staff at the municipalities contacted are of the opinion that the time limits provide for an orderly and fair public hearing process and have been well received by the public. A clearly stated rule articulated in policy also has the further advantage of providing transparency of process, meaning that the public will readily understand what to expect and how they should conduct themselves when they attend and speak at a public hearing.

MUNICIPALITY	Primary Presentation TIME LIMIT	Secondary Presentation TIME LIMIT
Vancouver	5 minutes	2 minutes
City of North Vancouver	5 minutes	5 minutes
District of North Vancouver	5 minutes	no time limit
Delta	5 minutes	2 minutes
New Westminster	3 minutes	3 minutes
Burnaby	10 minutes	no time limit
Coquitlam	5 minutes	no time limit
Surrey	no time limit	no time limit

The foregoing leads staff to recommend the introduction of general time limits for both primary and secondary presentations in order to ensure that all delegations at public hearings are given equal and reasonable opportunities to be heard and in order to provide clear and fair rules for the public. At the same time, it is important to recognize the authority of the chair to establish procedural rules in response to particular circumstances. In this regard, it should be clearly stated in the policy that any general time limits established may be adjusted by the chair in

response to the situation, provided that a reasonable opportunity is still afforded to all. Three options follow:

Option 1 - Status Quo (Not recommended)

Strict adherence to an unlimited speaking time can be problematic when many people wish to address the hearing; and a strict application of such rules does not recognize the authority of the chair to make situational procedural rules as anticipated in the Act.

Option 2 – Five minute speaking rule (Recommended)

This option would establish a five minute time limit for applicant presentations and primary presentations, and a further five minutes for secondary presentations on new information only.

It is noted that the time limit would not include the time taken for questions posed by council members and the chair would have the discretion to allow for more or less speaking time as circumstances dictate. This option would provide a speaking time for delegations that would be very similar to most other local governments surveyed.

Option 3 – Ten minute speaking rule

This option would establish a ten minute time limit for applicant presentations and primary presentations, and a further ten minutes for secondary presentations on new information only.

It is noted that the time limit would not include the time taken for questions posed by council members and the chair would have the discretion to allow for more or less speaking time as circumstances dictate. This option would provide a speaking time for delegations that would be longer than most other local governments surveyed.

To implement the recommended option, Council Policy 1312 on Procedures for Conducting Public Hearings would be revised to include a general rule to permit delegations at a Public Hearing to speak for five minutes for a primary presentation and for a further five minutes for a secondary presentation on new information only (as outlined in **Attachment 1**).

Financial Impact

None.

Conclusion

A speaking time of five minutes for applicant presentations, primary presentations and for secondary presentations would likely be considered by most people to be a reasonable amount of time in which to present one's views at a hearing. Furthermore, such a rule would prevent the situation whereby some speakers are effectively excluded from participating at a hearing when a small number of speakers are permitted to make very lengthy presentations. Finally, the establishment of clearly articulated rules subject to the authority of the chair to vary and make

August 17, 2009

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new procedural rules in response to arising circumstances would more accurately reflect the intent of the legislation with regard to the fair, reasonable and effective conduct of public hearings.

A handwritten signature in cursive script, appearing to read "G. Johnson".

Gail Johnson
Manager, Legislative Services
(604-276-4006)

Att.



City of Richmond

Notice of Public Hearing

Monday, 9 – 7 pm

**Council Chambers, 1st Floor, Richmond City Hall
6911 No. 3 Road, Richmond, BC V6Y 2C1**

Zoning Amendment Bylaw 9 (RZ 9)

Location/s: 9

Applicant/s: 9

Purpose: To rezone the subject property from “9” to “9”, to permit development of 9

City Contact: 9, 604-9, Planning and Development Department

How to obtain further information:

- **By Phone:** If you have questions or concerns, please call the CITY CONTACT shown above.
- **On the City Website:** Public Hearing Agendas, including staff reports and the proposed bylaws, are available on the City Website at <http://www.richmond.ca/cityhall/council/agendas/hearings/9.htm>
- **At City Hall:** Copies of the proposed bylaw, supporting staff and Committee reports and other background material, are also available for inspection at the Planning and Development Department at City Hall, between the hours of 8:15 am and 5 pm, Monday through Friday, except statutory holidays, commencing 9 and ending 9, or upon the conclusion of the hearing.
- **By FAX or Mail:** Staff reports and the proposed bylaws may also be obtained by FAX or by standard mail, by calling 604-276-4007 between the hours of 8:15 am and 5 pm, Monday through Friday, except statutory holidays, commencing 9 and ending 9.

Participating in the Public Hearing process:

- The Public Hearing is open to all members of the public. If you believe that you are affected by the proposed bylaw, you may make a presentation or submit written comments at the Public Hearing. If you are unable to attend, you may send your written comments to the City Clerk's Office by 4 pm on the date of the Public Hearing as follows:
 - **By E-mail:** using the on-line form at <http://www.richmond.ca/cityhall/council/hearings/about.htm>
 - **By Standard Mail:** 6911 No.3 Road, Richmond, BC, V6Y 2C1, Attention: Director, City Clerk's Office
 - **By Fax:** 604-276-5139, Attention: Director, City Clerk's Office
- **Public Hearing Rules:** For information on public hearing rules and procedures, please consult the City website at <http://www.richmond.ca/cityhall/council/hearings/about.htm> or call the City Clerk's Office at 604-276-4007.
- All submissions will form part of the record of the hearing. **Once the Public Hearing has concluded, no further information or submissions can be considered by Council.** It should be noted that the rezoned property may be used for any or all of the uses permitted in the “new” zone.

*New
Content to
be added*

David Weber
Director, City Clerk's Office