



City of Richmond

Report to Committee

To: Planning Committee

Date: September 17, 2015

From: David Weber
Director City Clerk's Office

File: 01-0105-06-01/2015-
Vol 01

Re: Rules of Procedure for the Public Hearing on Land Use Contracts

Staff Recommendation

That the procedural rules for Public Hearings as outlined in Council Policy 1312 be temporarily altered in response to the special circumstances surrounding the Land Use Contracts Public Hearing in order to:

- a) provide a single five minute speaking opportunity for speakers;
- b) provide for the use of a speaker's list; and
- c) provide for a brief description of written submissions received without reference to reading a summary of each individual submission or letter.

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

Att. 2

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law	<input checked="" type="checkbox"/>	
Development Applications	<input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: 	APPROVED BY CAO

Staff Report

Origin

On April 27, 2015, Council directed staff to bring forward bylaws for consideration which would establish underlying zoning for single family land use contract areas and to terminate (early) all land use contracts in place in those same areas. As part of the initiative, staff were also directed to make appropriate preparations for the holding of a public hearing and in conjunction with the public hearing:

That staff bring forward amendments to Policy 1312 – Public Hearings – Procedures for Conducting, to limit speakers to one five-minute presentation.

This report also supports Council's 2014-2018 Term Goal #9 A Well-Informed Citizenry:

9.1. *Understandable, timely, easily accessible public communication.*

9.2. *Effective engagement strategies and tools.*

Analysis

Public Hearings are conducted in accordance with the requirements of the Local Government Act, the procedures outlined in the Council Procedure Bylaw and Council Policy 1312 – “Public Hearings – Procedures for Conducting” (Attachment 1). Together, these provide the procedural structure and guidance for the orderly conduct of a Public Hearing.

In addition to these established rules, section 890(3.1) of the Local Government Act also affords the chair of a public hearing the ability to establish procedural rules for the conduct of the hearing, subject to all persons who believe that their interests in property are affected by the proposed bylaw(s) being afforded a reasonable opportunity to be heard or to present written submissions. The latitude provided in the Local Government Act would allow for changes to the manner in which a typical hearing is conducted in response to special circumstances and situations. For example, for very large public hearings where many people are in attendance and wish to speak, a council may wish to use a speaker's list or to implement a time limit for speakers in order to provide a more orderly experience at the hearing and in order to allow the opportunity for more individuals to provide their opinions to Council during the course of a hearing.

The Public Hearing that will be held in relation to Land Use Contracts is unprecedented in Richmond in terms of the number of properties potentially affected and the number of notices that will be mailed to the public in accordance with the requirements of the Local Government Act. Specifically, where a typical Public Hearing usually relates to one or a handful of properties, the Land Use Contract Public Hearing relates to over 5,200 properties. Where a typical Public Hearing usually generates an average of approximately 130 mailed notices to property owners, tenants and area residents, the Land Use Contract Public Hearing will generate over 14,000 notices to property owners, tenants and area residents. Given this number of

affected properties and the number of mailed notices required, it is expected that a large number of people may wish to attend and speak at the Land Use Contract Public Hearing.

Speaking Time

Currently, Richmond’s Public Hearing speaking time is set by Council Policy 1312 at ten minutes for a primary presentation and three minutes for a secondary presentation (on new information). This rule differs from the speaking time rule for delegations at a Regular Council meeting which provides for a time limit of five minutes for members of the public who wish to speak to an item that is on the agenda. In addition, non-agenda item delegations are subject to a five minute limit for presentations and the Council Procedure Bylaw imposes a five minute time limit on Council members who wish to speak to a motion during Council debate.

A survey of neighbouring municipalities shows that Richmond is within the typical to upper end of the range when comparing municipalities with time limits on primary presentations at a Public Hearing, in fact, a number of municipalities have a five minute time limit for speakers at Public Hearings as a regular rule.

Municipality	Primary Presentation Time Limit	Secondary Presentation Time Limit
Vancouver	5 minutes*	5 minutes
City of North Vancouver	10 minutes**	n/a
District of North Vancouver	5 minutes	5 minutes
Delta	5 minutes	n/a
New Westminster	5 minutes	n/a
Burnaby	no time limit	no time limit
Coquitlam	5 minutes	5 minutes
Surrey	no time limit	n/a

**if speakers are part of a group, 8 minutes total is permitted for the group (1 representative)*

***if speakers are part of a group, 10 minutes total is permitted for the group (1 representative)*

Because it is anticipated that the Land Use Contract Public Hearing may attract a large number of speakers, staff recommend that the speaking time rule be temporarily modified to allow for a single five minute presentation by speakers. This proposed temporary change is reflected in the attached (temporarily) revised Public Hearing Opening Statement (Attachment 2 and 3).

By shortening the speaking time from ten minutes to a single five minute presentation, more members of the public will be able to express their views to Council at the Public Hearing during the course of the evening and members of the public will not have to wait as long for their turn to speak. A five minute speaking time is also consistent with what is expected at a Regular Council meeting where five minutes is permitted for delegations on agenda and non-agenda items and is the same rule that is in place in other neighbouring municipalities. A five minute speaking time

is also consistent with the time limit that applies to members of Richmond Council who wish to speak to a motion during Council debate. In all of these contexts, a five minute speaking time limit is viewed as a reasonable and workable rule.

Presentation of Written Submissions and Correspondence

As reflected in the Public Hearing Opening Statement attached to Council Policy 1312, the usual procedure at a Public Hearing in Richmond provides that, in addition to circulating copies of written submissions to Council members and making those submissions available to the public, that the essence of the written submissions received will be read out by the City Clerk at the Public Hearing. Due to the anticipated volume of written submissions for the Land Use Contracts Public Hearing, staff believe that summarizing each submission and reading these aloud would be impractical and would take away from the time that would be available for Council to hear from members of the members wishing to speak.

Instead, staff propose to provide a brief overall summary of the written submissions received without delving into the content of each individual piece of correspondence. As with all public hearing submissions, copies will be provided to Council members, and to members of the public on the City of Richmond website and using information binders at the Public Hearing itself.

Speaker's List

In order to facilitate an orderly Public Hearing experience, a speaker's list will be used at the meeting. The list will open one hour before the Public Hearing begins and speakers will be registered to speak on a first come, first served basis. Speakers must be present to register to speak.

Financial Impact

None.

Conclusion

The Local Government Act anticipates in section 890(3.1) that rules of order may be made at a Public Hearing provided that all persons are afforded a reasonable opportunity to be heard or to present written submissions. This section, together with the Council Procedure Bylaw, Council Policy 1312 as well as other relevant sections of the Local Government Act, governs the conduct and rules of procedure for Public Hearings.

The Land Use Contract Public Hearing presents special circumstances in that it is unprecedented in its scale and potential for large numbers of attendees and speakers. In order to provide a fair opportunity for all members of the public who may come to a Public Hearing on a particular evening with the expectation of speaking on that same evening, a reasonable time limit of five minutes per speaker is recommended.

A five minute speaking time is similar to the amount of time that other municipalities allow at Public Hearings and is the standard for public delegations and Council members at Regular

Council meetings. In addition, staff recommend that a speaker's list be utilized and that written submissions be well-circulated as per usual procedure and briefly and generally summarized at the Public Hearing. If Council is agreeable to this approach, staff will ensure that the proposed rules of procedure are included in the Public Hearing notice and on the City website so that all members of the public can be aware of how the Land Use Contracts Public Hearing will be conducted in advance of the meeting.

A handwritten signature in black ink that reads "David Weber". The signature is written in a cursive style with a large, stylized initial "D".

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

- Att. 1: Policy 1312 – Public Hearings – Procedures for Conducting
- 2: Temporary Proposed Public Hearing Opening Statement – Redline Version
- 3: Temporary Proposed Public Hearing Opening Statement – Final Version



City of Richmond

Policy Manual

Page 1 of 2

Adopted by Council: Sept. 8/97; Amended: November 9, 2009

POLICY 1312

File Ref: 0105-00

PUBLIC HEARINGS – PROCEDURES FOR CONDUCTING

POLICY 1312:

It is Council policy that:

1. Public hearings are to 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.
4. 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.

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 ~~once, a maximum of twice.~~ The length of your ~~first~~ presentation will be limited to ~~five 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 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 City staff 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 Public Hearing Opening Statement – “Redline Version”

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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. 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 once. The length of your presentation will be limited to five minutes, provided your comments are relevant and the hearing is not being obstructed.

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 will be as follows:

1. the City Clerk will briefly describe the matter under consideration;
2. City staff will be invited to make a brief presentation;
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 Public Hearing Opening Statement –Final Version