

BY-LAW NO. _____

A By-law to amend Procedure By-law No. 9756
regarding public hearings

THE COUNCIL OF THE CITY OF VANCOUVER, in public meeting, enacts as follows:

1. This By-law amends the indicated provisions of the Procedure By-law.
2. In section 1.2, Council adds the following definitions in alphabetical order:
 - " "applicant" means the person applying to have a matter referred to and considered at a public hearing;
 - "public comments" mean submissions from the public, either in writing, or in electronic form, including audio or video format, regarding a proposed by-law;
 - "public hearing" means a special meeting to consider a proposed official development plan, zoning by-law, heritage designation by-law, heritage revitalization agreement by-law or sign by-law, pursuant to sections 562, 566, 571A, 571AA, 592 or 594 of the *Vancouver Charter*;
 - "public hearing summary report" means an oral or written report from the Director of Planning or another city official regarding the part of a public hearing conducted in the absence of a Council member;
 - "referral report" means a Council report requesting that Council decide whether or not to refer a matter to public hearing;"
3. In sections 1.2 and 13, Council strikes out the words "public delegation" wherever they appear and substitutes the word "speaker".
4. After Section 17, Council adds:

**"SECTION 18
PUBLIC HEARINGS**

Public hearing procedures

18.1 The definitions in this By-law and the relevant provisions of sections 2, 4, 5, 6, 7, 8, 9, 11 and 12 are to apply to public hearings, except as this Section 18 otherwise sets out.

Council questions on referral report

18.2 At a regular Council meeting, Council may ask questions of staff related to the decision to refer a proposed by-law to public hearing, or otherwise comment on the process leading to the recommendation for referral, except that all other issues regarding the proposed by-law must be addressed at public hearing.

Public questions on referral report

18.3 A request by a member of the public to speak to a referral report is generally not in order, except that, if a referral report recommends that a matter not be referred to public hearing, the applicant may speak to that referral report.

Requests to speak and public comments prior to public hearing

18.4 All persons who deem themselves to be affected by a proposed by-law which has been referred to public hearing may:

- (a) apply to the City Clerk to speak at the public hearing; and
- (b) submit public comments to the City Clerk in accordance with this Section 18.

Speakers list

18.5 The City Clerk will register all persons who apply to speak at the public hearing, on the speakers list.

Acknowledgment of public comments

18.6 The City Clerk will acknowledge receipt of all public comments submitted in accordance with this By-law, except that a petition will only be acknowledged if it designates a contact person.

Circulation and posting of public comments

18.7 The City Clerk will:

- (a) prepare a file for each public hearing agenda item, containing the referral report, the proposed by-laws, summary and recommendations, any subsequent staff memos proposing amendments, and all public comments received by 5 p.m. on the Thursday preceding the public hearing;
- (b) circulate the contents of the file electronically to Council by noon on the Friday preceding the public hearing; and
- (c) post the contents of the file and the public hearing agenda on the City website, by midnight on the Friday preceding the public hearing.

Public comments received after circulation and posting

18.8 Public comments and any subsequent staff memos proposing amendments, received by the City Clerk after circulation and posting in accordance with subsection 18.7, and before the close of public comments in accordance with subsections 18.23 and 18.24, will be added to the file, circulated to Council, and posted on the City website prior to any Council motion regarding the proposed by-law.

Public hearing file

18.9 The City Clerk will make the file for each agenda item available for public reference at the public hearing.

Deadline for public comments

18.10 Public comments received by the City Clerk later than fifteen minutes after the close of the speakers list will not be circulated to Council.

Author of public comments

18.11 Public comments which do not identify the author by name will not be circulated to Council or posted on the City website.

Personal information

18.12 Public comments will be posted on the City website in their entirety, unless at the time of submission, the author requests that the City Clerk redact specified personal information, except that the author's name will not be redacted.

Order of business

18.13 The order of business at a public hearing is to be:

- (a) roll call;
- (b) motion to go into committee of the whole;
- (c) opening instructions regarding speakers and public comments; and
- (d) for each agenda item:
 - (i) reading of application and summary of public comments received,
 - (ii) presentation by staff,
 - (iii) presentation by applicant,
 - (iv) hearing of speakers on speakers list,
 - (v) call by Chair three times for further speakers,
 - (vi) call by Chair for public comments,
 - (vii) close of speakers list,
 - (viii) closing comments by applicant,

- (ix) closing comments by staff,
- (x) Council questions of staff following staff closing comments,
- (xi) close of public comments pursuant to subsections 18.23 and 18.24,
- (xii) debate, and
- (xiii) motion.

Authority of the Chair

18.14 The Chair:

- (a) will ensure that speakers limit their remarks to matters related to the proposed by-law;
- (b) must make a motion to recess for not more than 5 minutes during each hour of a public hearing to provide a break for participants;
- (c) may make a motion to recess for not more than 10 minutes during a public hearing, to provide a Council member an opportunity to receive a public hearing summary report in accordance with subsection 18.25 or subsection 18.26;
- (d) may make a motion to recess for not more than 10 minutes during a public hearing, to provide Council an opportunity to review public comments submitted pursuant to subsections 18.23 and 18.24; and
- (e) despite the provisions of this By-law, may modify the procedures at a public hearing if the Chair determines it is appropriate to do so.

Delay of commencement of public hearing

18.15 If, at the time the public hearing is scheduled to start, all participating Council members are not in attendance, the Chair may delay the commencement of the public hearing for up to 30 minutes.

Commencement of delayed public hearing

18.16 If, 30 minutes after the public hearing is scheduled to start, all participating Council members are not in attendance and there is a quorum present, the Chair will commence the public hearing.

Absence of quorum

18.17 If, 30 minutes after the public hearing is scheduled to start, no quorum is present, the City Clerk must read the roll, record the result in the minutes, and declare the public hearing cancelled.

Time limit for speaker

18.18 A speaker who is speaking on his or her own behalf, or on behalf of an organization, must not speak at a public hearing for more than five minutes in total nor more than once.

Interpreter

18.19 A speaker who requires the assistance of an interpreter must provide one.

Representative speaker

18.20 A speaker may only speak on behalf of other persons or organizations if:

- (a) the speaker represents three or more other persons, or organizations, or persons and organizations; and
- (b) those represented are also present at the public hearing, either in person or by a representative of each corporation or organization represented by the speaker.

Time limit for representative speaker

18.21 A speaker who represents three or more other persons or organizations, must not speak at a public hearing for more than eight minutes in total nor more than once.

Question to speaker

18.22 A question posed to a speaker at a public hearing by a Council member, and the answer given, must not exceed five minutes in total.

Public comments submitted during the public hearing by speaker

18.23 Despite the provisions of subsection 18.4, a speaker at a public hearing may also submit public comments to Council during the public hearing, except that the public comments must be submitted no later than fifteen minutes after the close of the speakers list, and, if written, must not exceed the greater of two pages or 1500 words.

Public comments submitted during the public hearing by person who does not attend

18.24 Despite the provisions of subsection 18.4, a person who does not attend a public hearing may also submit public comments to Council during the public hearing, except that the public comments must be submitted no later than fifteen minutes after the close of the speakers list, and, if written, must not exceed the greater of two pages or 1500 words.

