



ADMINISTRATIVE REPORT

Report Date: January 31, 2012
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VanRIMS No.: 08-2000-20
Meeting Date: February 28, 2012

TO: Vancouver City Council
FROM: City Clerk and the Director of Legal Services
SUBJECT: Public Hearing Procedures and Amendments to Procedure By-law No. 9756

RECOMMENDATION

THAT Council adopt the proposed amendments to the Procedure By-law No. 9756, including a new Section 18 on Public Hearings, as set out in Appendix A ;

FURTHER THAT the Director of Legal Services be instructed to prepare a by-law for enactment substantially in the form of the by-law attached as Appendix A.

REPORT SUMMARY

This report seeks Council's approval to incorporate a new section on public hearings into the Council Procedure By-law No. 9756.

COUNCIL AUTHORITY/PREVIOUS DECISIONS

Council adopted the current version of Procedure By-law No. 9756 on October 30, 2008.

CITY MANAGER'S/GENERAL MANAGER'S COMMENTS

The City Manager recommends approval of the foregoing.

REPORT

Background/Context

The Vancouver Charter requires that a public hearing be held before Council considers and decides on a range of matters including making, amending or repealing a zoning by-law, an

official development plan, a sign by-law or a heritage designation, as well as authorizing a heritage revitalization agreement that varies a zoning by-law with respect to use or density. Beyond the statutory requirement, public hearings provide an important and welcome opportunity for Council to hear directly from citizens and stakeholders prior to deciding on a public hearing matter.

As public hearing procedures are largely based in common law (i.e. precedents from previous court decisions regarding public hearings), there is no single written authority to which participants can refer. Public hearing procedures have historically simply been communicated verbally, hearing to hearing.

Strategic Analysis

The City Clerk and Director of Legal Services have undertaken a review of the City's current public hearing procedures and performed an environmental scan of public hearing procedures in other large Canadian cities.

Based on the review, which included past feedback on Vancouver's processes collected from staff, elected officials and citizens, key recommendations were formulated. The recommendations represent the first phase of the City's work to clarify Council meeting processes for interested members of the public. The next phase of this work will take place throughout 2012 and will include an assessment of a new meeting management system which would enhance the City's ability to introduce innovative, inclusive public processes.

Phase one recommendations:

1. Improve public hearing information and communication for interested parties and prospective speakers by:
 - updating and modernizing the public hearing web page on the City's website
 - developing methodologies for updating registered speakers on the status of the speaking list queue during public hearings
2. Establish a standard methodology for submitting comments on public hearing matters that balances equitable access to Council, fairness to all participants, established practice, and the effectiveness of the process by:
 - recommending that all delegations be offered the opportunity to state their views by either writing Council prior to or during the public hearing, or speaking to Council for up to 5 minutes and submitting further comments in writing (prior to, or during the public hearing)
 - recommending that statements expressing the views of persons unable to speak in-person at the public hearing be submitted as correspondence, rather than being read aloud by a third-party
3. Ensure that interested parties have the fullest opportunity to understand all views submitted to Council on the public hearing matter by:

- making available public hearing-related emails and letters to Council on the City's website, and in a paper copy binder at the public hearing

The written comments will augment information provided by in-person speakers, which may be gained by either attending the public hearing or watching the live video stream on the City's website.

4. Facilitate the inclusion of Councillors who have unavoidably missed a portion of the public hearing in voting on the approval-in-principle by:
 - Aligning the vote-in-principle with Charter 566(5.1) provisions on voting on the enactment of the by-law, by providing an opportunity for the Councillor to receive a report from a City official on the portion of the public hearing that was missed.
5. Enhance common understanding of the public hearing process and provide a single point of reference on public hearing procedures for elected officials, staff, citizens and stakeholders by:
 - recommending that Council enact amendments to Procedure By-law No. 9756 to incorporate provisions with respect to public hearing procedures.

It is anticipated that adoption of the recommendations above will strengthen the public hearing process and improve communications between all participants, thereby further enhancing our civic engagement process. Staff will continue working toward innovative ways to engage the public and will report back to Council with further recommendations before the end of 2012.

Implications/Related Issues/Risk

Financial

There are no financial implications.

CONCLUSION

Public hearings are an important mechanism to ensure that Council understands the full spectrum of citizen and stakeholder views prior to deciding on a public hearing matter. Adoption of the recommendations in this report will strengthen procedures and improve communications related to public hearings.

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