

Report

Date June 19, 2024

File: 3900--50

Subject Council and Committee Procedures Bylaw No. 3945 for amendment

PURPOSE

To consider modifying the Public and Statutory Hearing meetings provisions of the Council and Committee Procedures Bylaw No. 3945 prior to adoption.

BACKGROUND

On April 17, 2024, Council was presented with Council and Committee Procedures Bylaw No. 3945 for first three readings, at which time section 7.21 was amended to replace "Mayor" with "Presiding Member". The Presiding Member is now authorized to terminate an address by a member of the public during the Public Input period at a Council or Committee of the Whole meeting.

The original plan was to adopt the bylaw at the May 1, 2024, meeting. However, due to improper public notice, adoption of the bylaw had to be delayed. During this delay, staff took the opportunity to revisit the bylaw one last time and identified an issue that staff felt should be corrected before adoption rather than amended later.

DISCUSSION

According to the draft Council and Committee Procedures Bylaw No. 3945, 2024 (Attachment 1), Public and Statutory Hearing meetings can only occur once a month, specifically on the third Wednesday at 7:00 p.m. The following items **must** be included in this agenda:

1. Development Variance Permits (DVPs).
2. Temporary Use Permits (TUPs).
3. The Annual Report that Council must accept before June 30 of each year.
4. Bylaws where a person has a statutory right to be heard (such as Business Licence bylaws, Removal of Park or Heritage bylaws, and Road closure bylaws).
5. Instances when Council must reconsider a decision that has been delegated to staff.
6. Public Hearings for Official Community Plan (OCP) and Zoning Amendments.

Concerns that have been identified include:

1. These items must be considered during the second meeting of the month and cannot be addressed during the first meeting of the month.
2. Depending on the number of items included on the 5:00 p.m. regular agenda, Council and staff may have to wait until 7:00 p.m. to address the above-noted items.
3. Staff will need to account for these limitations when scheduling and posting statutory notices.
4. This process may cause delays for some applications.
5. This may result in more meetings, which adds more cost for things like staff support.

No concerns have been identified for Public Hearings. Consequently, staff recommend that Public Hearings continue to be held on the third Wednesday of the month at 7:00 p.m. whenever necessary.

The suggested solution involves amending Council and Committee Procedures Bylaw No. 3945 to allow Statutory Hearing matters to be considered during a regular Council meeting.

OPTIONS

1. **(Recommended Option)** Proceed with the bylaw amendments as presented. The following motions must be adopted separately and cannot be moved as one motion.
 1. THAT Council rescinds third reading of Council and Committee Procedures Bylaw No. 3945, 2024;
 2. THAT Council amends Council and Committee Procedures Bylaw No. 3945, 2024 by:
 - a. adding the heading "Statutory Hearing Matters" to section 6.11 [*council agenda*] following subsection (j) Unfinished and Postponed Business.
 - b. adding subsection 4.32 to the Statutory Hearings section as follows:
"4.32. Notwithstanding section 4.23 [*statutory hearings*] Council may consider a Statutory Hearing matter at a regular Council meeting, subject to all conditions under the provincial legislation being met and where such circumstances occur, the matter shall be placed under the "Statutory Hearing Matters" section of the regular Council meeting agenda and consideration of the matter shall be subject to the same process established under subsection 6.12(d)."
 3. THAT Council gives third reading as amended to Council and Committee Procedures Bylaw No. 3945, 2024.
2. If Council prefers to leave the existing draft bylaw as is, the recommended motion would be:
THAT Council refer Council and Committee Procedures Bylaw No. 3945, 2024 to the next regular Council meeting for adoption.

IMPLICATIONS

By revising the bylaw, staff can include Statutory Hearing matters in either a regular Council agenda or a Public and Statutory Hearing Meeting agenda. This adjustment ensures that municipal business is handled promptly.

Regardless of whether the bylaw is amended or referred to the next regular Council meeting for adoption, a notice describing the new bylaw in general terms will be published on the website, the noticeboard and social media (on or before June 27) and in the local newspaper (on July 4), in accordance with section 124 of the *Community Charter*.

Consequential amendments to the Business Licence Bylaw No. 3153 and the Delegation of Authority Bylaw No. 3814 will be presented on July 17, 2024, coinciding with Council's consideration of the adoption of Council and Committee Procedures Bylaw No. 3945.

RECOMMENDATION

1. THAT Council rescinds third reading of Council and Committee Procedures Bylaw No. 3945, 2024;
2. THAT Council amends Council and Committee Procedures Bylaw No. 3945, 2024 by:
 - a. adding the heading "Statutory Hearing Matters" to item 6.11 [*council agenda*] following subsection (j) Unfinished and Postponed Business.
 - b. adding subsection 4.32 to the Statutory Hearings section as follows:

"4.32. Notwithstanding section 4.23 [*statutory hearings*] Council may consider a Statutory Hearing matter at a regular Council meeting, subject to all conditions under the provincial legislation being met and where such circumstances occur, the matter shall be placed under the "Statutory Hearing Matters" section of the regular Council meeting agenda and consideration of the matter shall be subject to the same process established under subsection 6.12.(d)."
3. THAT Council gives third reading as amended to Council and Committee Procedures Bylaw No. 3945, 2024.

Report prepared by:



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Approved to be forwarded to Council:



Ted Swabey
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Attachment:

- (1) Council and Committee Procedures Bylaw No. 3945, 2024.