

DATE OF MEETING MARCH 25, 2024

AUTHORED BY KAREN ROBERTSON, DEPUTY CORPORATE OFFICER

SUBJECT COUNCIL PROCEDURE BYLAW AMENDMENTS

OVERVIEW

Purpose of Report

To provide clarification on recommendations from the 2025-MAR-11 Governance and Priorities Committee meeting as it relates to proposed amendments to Council's Procedure Bylaw.

Recommendation

That the Governance and Priorities Committee provide direction on the options presented on proposed amendments to Council Procedure Bylaw 7272 as it relates to delegations when a public hearing cannot be held under Section 464 of the *Local Government Act* and other housekeeping amendments identified in the 2024-MAR-11 report by the Deputy Corporate Officer.

BACKGROUND

On 2024-MAR-11, Staff presented the Governance and Priorities Committee with proposed amendments to Council's Procedure Bylaw as it relates to Public Hearings and delegations resulting from Bill 44, Housing Statutes (Residential Development) Amendment Act, 2023 and other housekeeping amendments. Details regarding the implications of each proposed amendment and the options were outlined in the staff report (see Attachment 1). How the proposed amendments were to be incorporated within Council's Procedure Bylaw were also provided (see Attachment 2).

As each amendment was introduced at the meeting, the Governance and Priorities Committee selected their preferred option. In total, twelve (12) recommendations were forwarded to Council for consideration at the 2024-MAR-18 Council meeting through the Consent Items portion of the agenda.

When the consent items were considered, Council had some additional questions specifically related to the following sections:

- Section 19.4(d) – Delegations Pertaining to Council Agenda Items; and
- Section 19.15(a) – Delegations related to Agenda Items.

Based on those questions, Staff felt it would be prudent for Council to refer the recommendations back to the next Governance and Priorities Committee for further discussion to ensure Council fully understood the implications associated with how the new legislation

could affect delegations on a rezoning bylaw at first reading when a public hearing is prohibited under Section 464 of the *Local Government Act*.

DISCUSSION:

All twelve (12) recommendations put forward by the Governance and Priorities Committee are outlined below for convenience. The first two recommendations, which were the subject of questions at the 2024-MAR-18 Council meeting, are highlighted in red. Both options are added back in and a short explanation outlining the implications of each option is provided. Further details on these options can also be found on page 3 of the 2024-MAR-11 staff report (see Attachment 1)

Staff is seeking direction on whether the Committee wishes to reaffirm its direction for the wording of Sections 19.4(d) and 19.15(a) by selecting option 2, or whether the Committee wishes to change its vote and select option 1.

1. Section 19.4(d) – Delegations Pertaining to Council Agenda Items

Recommended Motion:

That the Governance and Priorities Committee recommend that Council add one of the following as Section 19.4(d) of Council's Procedure Bylaw.

Option 1:

Refuse to place a Delegation on the agenda if the matter relates to a bylaw in respect of which a public or statutory hearing has already been held or where third reading has been given.

This option would give members of the public the opportunity to be a delegation at anytime up to public hearing or third reading where a public hearing is prohibited under Section 464 of the LGA . It was highlighted that this option was the topic of legal seminars as concern was expressed that hearing delegations at first reading (when a public hearing is prohibited by legislation) could be considered a de facto public hearing. However, it was also noted that the *Local Government Act* only prohibits public hearings for certain rezoning applications but does not specifically address delegations at first reading. As such, Council may wish to choose this option by continuing to allow delegations at first reading until more clarification is provided by the Province or until such time as the new legislation is litigated so Council has case law to refer to.

or

Option 2

Refuse to place a Delegation on the agenda if the matter relates to a bylaw in respect of which a public or statutory hearing is:

- i) prohibited in accordance with Section 464 of the Local Government Act;***
- ii) notice of first reading has been given where Council has decided not to hold a public hearing; or***
- iii) has already been held.***

This was the option selected by the Governance and Priorities Committee on 2024-MAR-11. Under this option, members of the public could be a delegation anytime up until the notice of first reading is given.

2. Section 19.15 (a) – Delegations unrelated to Agenda Items

Recommended Motion:

That the Governance and Priorities Committee recommend that Council select one of the following as Section 19.15(a) to Council's Procedure Bylaw:

Option 1

If the matter relates to a bylaw in respect of which a public or statutory hearing has already been held or where third reading has been given.

The implications for this option are the same as the implications in option 1 above.

Or

Option 2

if the matter relates to a bylaw in respect of which a public or statutory hearing is:

- i) prohibited in accordance with Section 464 of the Local Government Act;***
- ii) notice of first reading has been given where Council has decided not to hold a public hearing; or***
- iii) has already been held.***

The implications for this option are the same as the implications in option 2 above.

In terms of the remaining recommendations, if the Committee does not require clarification on recommendations 3 through 12 below and is comfortable with the direction it provided on 2024-MAR-11, Staff would be seeking direction from the Committee to re-affirm placing recommendations 3 through 12 on the 2024-APRIL-08 meeting for Council's consideration.

3. Section 9.1 – Order of Proceedings and Business

Recommended Motion:

That Council direct staff to add a "Correspondence" section to Section 9.1 - Order of Proceedings and Business within Council's Procedure Bylaw.

4. Section 19.4(c) - Delegations Pertaining to Council Agenda Items

Recommended Motion:

That Council direct staff to add the words "been acted upon by Council" in section 19.4(c) of Council's Procedure Bylaw.

5. Section 19.9 (b) – Delegations Pertaining to Council Agenda Items

Recommended Motion:

That Council retain the status quo of 5 minutes for delegations in Section 19.9 of Council's Procedure Bylaw.

6. Section 19.14 - Delegations Unrelated to Agenda Items (Page 59)

Recommended Motion:

That Council retain the status quo of 5 minutes for delegations in Section 19.9 of Council's Procedure Bylaw and that Section 19.10 removed.

7. Section 19.15(k) – Delegations Unrelated to Agenda Items

Recommended Motion:

That the Governance and Priorities Committee recommend that Council direct staff to add a Section 19.15(k) to Council's Procedure Bylaw which states: "if the Delegation has already spoken to Council on the same matter and no new significant information is provided."

8. Section 19.17 (c)- Delegations Unrelated to Agenda Items

Recommended Motion:

That the Governance and Priorities Committee recommend that Council direct staff to add a Section 19.17(c) to Council's Procedure Bylaw which states: "not act on a request from a delegation following the presentation unless consent by a two-thirds vote of Council present is given."

9. Section 23.1 – Question Period

Recommended Motion:

That Council retain question period in 23.1 at 5 minutes.

10. Section 50.4 and 50.5

Recommended Motion:

That the Governance and Priorities Committee recommend that Council direct staff to make the necessary housekeeping amendments to Section 50.4 and 50.5 of Council's Procedure Bylaw as outlined in Attachment 2 to the 2024.MAR-18 staff report by the Deputy Corporate Officer.

11. Section 51.9, 51.10, and 51.11

Recommended Motion:

That Council direct staff to add the following Sections 51.9, 51.10, and 51.11 to Council's Procedure Bylaw:

Motion to Amend Minutes

51.9 A Council member may make a motion requesting that the minutes be amended to correct an inaccuracy or omission, however, the Corporate Officer should be advised of the challenge to the minutes at least one hour before the Council meeting at which the minutes are to be officially confirmed, to allow the Corporate Officer to review the recording of that meeting.

Meeting Recording to Determine Accuracy of Minutes

51.10 If a Council member questions the accuracy of a portion of the minutes of a Council meeting, Committee meeting, public hearing, Court of Revision or Special Council meeting, the recording of that meeting, if available, shall be used to decide the question.

Adoption of Minutes

51.11 If there are no errors or omissions, Council must adopt the minutes as circulated.

12. Section 55.5 – Public Hearings

Recommended Motion:

That the Governance and Priorities Committee recommend that Council direct staff to make the necessary housekeeping amendments to Section 55.5 of Council's Procedure Bylaw as outlined in Attachment 1 to the 2024-MAR-11 staff report by the Deputy Corporate Officer.

SUMMARY POINTS

- the Province made amendments to the Local Government Act (Section 464) which affects when a local government can hold a public hearing.
- The new legislation requires amendments to be made to Council's Procedure Bylaw as it relates to delegations in the absence of a public hearing
- Other housekeeping amendments to the Council Procedure Bylaw are being brought forward for the Committee's consideration.

ATTACHMENTS:

Attachment 1 – RPT-240311_Council Procedure Amendment Bylaw

Attachment 2 Council Procedure Bylaw with Proposed Amendments (red-lined)

Submitted by:

Karen Roberton,
Deputy Corporate Officer

Concurrence by:

Sheila Gurrie,
Director, Legislative Services

Dale Lindsay, CAO