



RCRS Secondary:	GOV-02	Effective Date:	2023-FEB-06
Policy Number:	COU-233	Amendment Date/s:	
Title:	Public Hearing Process Policy	Repeal Date:	
Department:	Development Approvals	Approval Date:	2023-FEB-06

PURPOSE:

Public Hearings may be convened by Council under the *Local Government Act* to provide a reasonable opportunity to the public to submit verbal or written comments on official community plan and zoning bylaws. For this process to be conducted in a fair and equitable manner, Council has established the following process for holding public hearings and for receiving verbal and written submissions.

DEFINITIONS:

N/A

SCOPE:

This policy applies to Council, Staff, and members of the public.

POLICY:

Every person who believes their interest in property will be affected by a proposed bylaw has a reasonable opportunity to be heard by Council at a Public Hearing or to present written submissions. Persons may deliver their written submissions prior to 2:00 pm on the first day of the hearing, for inclusion as part of the public hearing record in one of the following ways:

On-line: <https://www.nanaimo.ca/your-government/city-council/council-meetings/public-hearing-submission-online>

Email: public.hearing@nanaimo.ca

Mail or drop-off: City of Nanaimo, 411 Dunsmuir Street, Nanaimo, BC V9R 0E4 (attn.: Current Planning)

PROCESS:

Written Submissions:

Staff will manage written correspondence received (by letter, email, on-line submission, or hand delivery) in relation to a proposed amendment being considered at a Public Hearing as follows:

<p>Correspondence received prior to the bylaw being considered for 1st and 2nd readings, or prior to receiving direction to proceed to Public Hearing.</p>	<ul style="list-style-type: none"> • If addressed to Staff, retained in file. • If addressed to Council, circulated to Council as general correspondence. • Does <u>not</u> form part of the Public Hearing record.
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<p>Correspondence received (as outlined in the policy) after 1st and 2nd readings but prior to the Public Hearing.</p>	<ul style="list-style-type: none"> • Compiled and made ready for public review at the Public Hearing. • Forms part of the official record which is available to the public and placed on the City's website with personal information (address and phone number) redacted. • Deadline for receipt of correspondence set at 2:00 pm on the day of the Public Hearing.
<p>Correspondence received after 2:00 pm on the first day of the Public Hearing</p>	<ul style="list-style-type: none"> • Correspondence is retained on file. • It is not circulated to Council. • Does <u>not</u> form part of the Public Hearing record.

Public Hearing:

- The Chair calls the Public Hearing to order, describes the purpose and procedures of the Public Hearing.
- The Chair will establish the protocol for the Public Hearing, for example, by setting public speaking limits (typically speakers will be granted a maximum of five minutes for each verbal submission).
- Staff introduces the proposed amendment.
- The applicant will be permitted a maximum of ten (10) minutes to verbally address Council. No late documents, sound recordings, or PowerPoint presentations will be permitted by the applicant at the Public Hearing. If not finished in the first ten minutes, the applicant will be given the opportunity to complete their submission, clarify points raised, or respond to questions after members of the public have spoken.
- Once the applicant is finished, the Chair will open the floor to anyone who wishes to speak to Council regarding the proposed amendment.

Note: Public Hearing procedures for in-person attendance may be modified to comply with Provincial Health Orders. Please visit the City's website at: www.nanaimo.ca for further details.

- Those who address Council (whether in-person or by phone) will be asked by the Chair to provide their first and last name for the record. No written submissions, sound recordings or PowerPoint presentations will be permitted.
- Comments must be succinct, and respectful of Council, City Staff, and other members of the public in attendance. When the permitted time for speaking expires, the person speaking must yield to the next speaker by taking their seat in the gallery.

Note: For larger public hearings, a speaker's list may be implemented. In these instances, those who wish to speak to the proposal will be asked to fill out their first and last name, as they arrive. Speakers will be called upon by the Chair in the order that they appear on the speaker's list.

- Those in attendance at the Public Hearing will refrain from applause or other expressions of emotion whether in favour of, or opposition to, any application or argument. Inappropriate language, outbursts or criticisms aimed at individuals or groups will not be permitted. Any person guilty of improper conduct may be asked by the Chair to leave. If the individual refuses to leave when requested to do so, the Chair has the authority under the *Community Charter* to ask the RCMP to remove that individual.

- Posters and placards are not permitted to be displayed in the Public Hearing venue after the commencement of the hearing. Such display will be considered improper conduct. Every person who believes they have an interest in the subject matter of the bylaw may be heard or present the written submissions in accordance with this policy, so they are afforded freedom of expression.
- Once everyone has had a chance to speak for the first time, speakers (whether in-person or by phone) will be given additional speaking time. A speaker will not debate a point of view with another speaker but will seek clarification through the Chair.
- The Chair will call 3 times to ask if anyone else would like to speak. Should no one appear at the podium to speak, the Public Hearing is then closed
- The Chair may adjourn the Public Hearing after 11:00 pm and reconvene the hearing at a later time, with the date/time/location of the Public Hearing to be announced prior to adjournment.

After the Public Hearing is Closed:

After all verbal submissions have been heard, the Public Hearing is then closed. Council may consider the proposed bylaw at the Council meeting immediately following the Public Hearing (if applicable), at the next, or a specified meeting of Council, with or without a request for further information from Staff. No other submissions (mail, email, phone calls, or in-person) from the public or the applicant regarding an amendment may be received by Council following the close of the Public Hearing.

RELATED DOCUMENTS:

Local Government Act – Part 14 (Sections 464 through 470)
Development Approval Procedures and Notification Bylaw

REPEAL:

Public Hearing Process Policy COU-211 dated 2021-FEB-22 is hereby repealed.