



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council
From: Director of Corporate Services
Subject: Public Hearing and In Camera Meeting Schedule

File No.: 0570
Date: February 8, 2023

PURPOSE: To seek direction from Council on scheduling Public Hearing and In Camera meetings.

POLICY ANALYSIS:

- Council is required to publish the availability of its regular meeting schedule per s. 127 of the *Community Charter*
- In order to close a Council meeting to the public, Council must make a resolution under s. 92 of the *Community Charter* that it is closing the meeting, and state the applicable reason under s. 90 of the *Community Charter*. Therefore, a public meeting is always required in order to have an in camera meeting.
- A regular meeting schedule for Public Hearings is not required, and Public Hearings have their own notice requirements under s. 466 of the *Local Government Act*
- The public portion of the meeting must start within 15 minutes of the scheduled time per Council Procedure Bylaw No. 2730

EXECUTIVE SUMMARY:

In 2022, Council often held a Public Hearing meeting or the In Camera (closed, not public) portion of the meeting prior to the scheduled Council meeting. The new Council has provided availability for Public Hearing and In Camera meeting times, and staff recommend changes to prior scheduling practices. This is in order to accommodate availability, maximize meeting efficiency, and provide consistency in meeting times.

CITY MANAGER RECOMMENDATIONS:

THAT Council direct staff to schedule Public Hearing meetings on the third Wednesday of each month at 4 pm, except August and September;

AND THAT Council direct staff to schedule any In Camera meeting items after the open portion of its regular meetings.

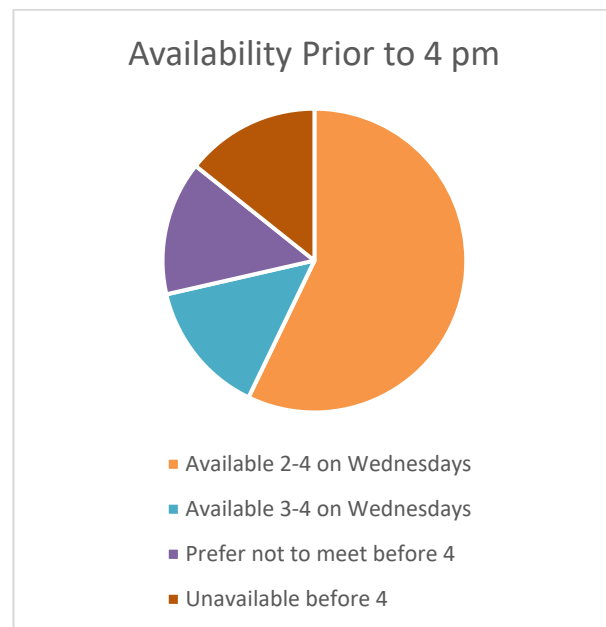
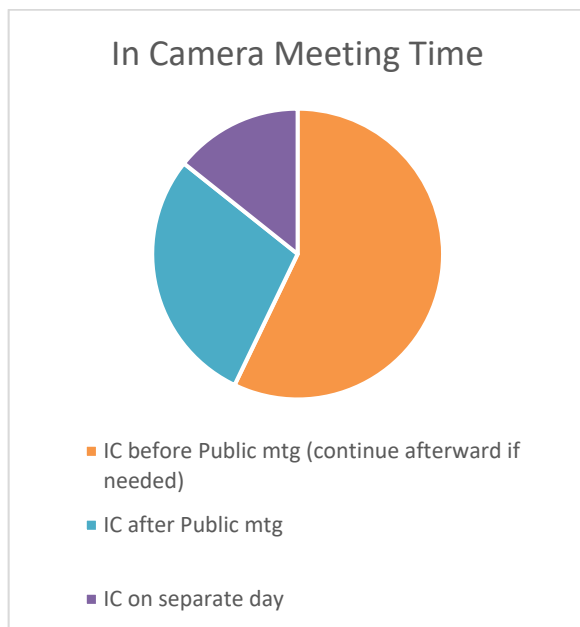
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City Manager (CAO)

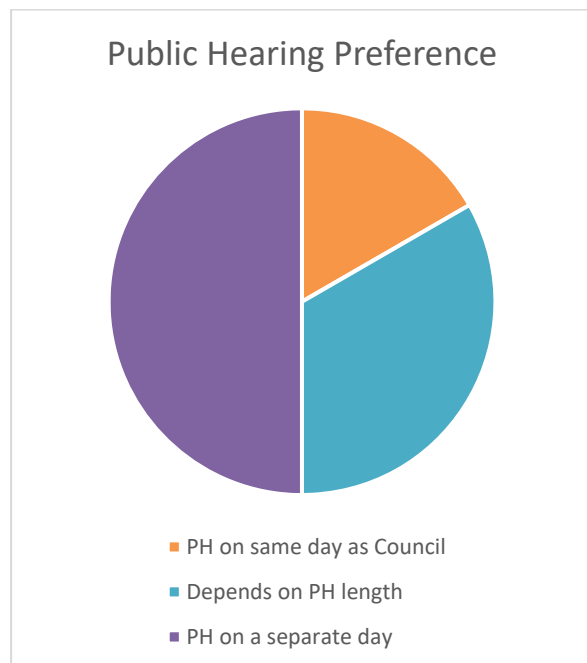
BACKGROUND:

Council approved the regular Council schedule at the November 21, 2022 Council meeting. Council also changed its meeting days from Monday to Wednesday. Prior to 2023, Council often held a Public Hearing meeting or the In Camera (closed, not public) portion of the meeting before the scheduled Council meeting. In 2022, Council held six public hearing meetings, each of which included public hearings for one to four bylaws. The new Council was elected in fall 2022, and staff surveyed Council on their availability for Public Hearing and In Camera meeting times. Here are some generalizations about Council preferences:

- Overall, Council prefers to have public hearings on a separate day unless the hearing is short
- There is a slight preference for holding In Camera meetings prior to the public portion of the meeting. In camera topics are sometimes difficult topics related to legal advice, proposed services, litigation, labour relations, law enforcement, and other confidential matters. It can be challenging to consider these items at the end of a long meeting.
- Not all Council members are available before 4 pm on Wednesdays

Here are the survey results:





DISCUSSION:

In considering a meeting schedule, Council may also wish to consider meeting accessibility. Scheduling considerations include:

- Whether attendees join the meeting regularly or occasionally
- Whether attendees are able to attend the meeting electronically or must attend in person
- Whether attendees wish to attend the meeting itself, or can review the decisions at a later time
- When attendees normally work
- Whether attendees can join the meeting from work (e.g. consultants, staff) or only on personal time
- What time of day attendees are best able to focus and participate; Council, staff, consultants and other participants often start their work day around 7-9 am, continue work until the end of the meeting, and return to work around 7-9 am the next day
- Whether attendees have other responsibilities such as caregiving or other family responsibilities; whether caregivers are able to bring the people they care for, or what time of day it is easiest to find alternative care
- For in-person attendees, whether there are convenient transportation options around meeting times
- Whether meetings are held at a consistent time

Staff rarely hear any concerns from the public about meeting accessibility and scheduling. The City has made diligent efforts to make meeting agendas and decisions available, including the following improvements in the past year:

- Council meetings and the subjects to be considered at each meeting are shared in advance via social media

- Moving meetings to Wednesday to allow more time for all participants to review the agenda, and for consistency in meeting days (all meetings can take place on Wednesdays, rather than being moved if there is a holiday Monday)
- Meeting agendas are available on the website in HTML in accordance with the Canadian Standard on Web Accessibility
- Meetings are livestreamed
- Meeting video is posted following the meeting and items are bookmarked in the video
- Following the meeting, communications staff post a Council meeting update with decisions, usually within 48 hours of the meeting

Major changes to the meeting schedule may have unintended consequences for meeting attendance, and staff are not recommending any further changes to meeting day or time. Staff recommend prioritizing consistency in meeting times, and the availability of Council and staff, when considering Council meeting times.

Staff also recommend the following for greater efficiency and better consistency:

- Have Council direction on when meetings can be scheduled so that staff do not have to check availability for each meeting (the purpose of this report)
- Limit the number of additional meetings for best use of staff and Council time and resources
- Schedule any additional meetings for Wednesdays, since the CVRD meeting room is already reserved for the City, and it provides a consistent meeting time for the public
- Ensure that there is always a regular start time for the public portion of the meeting. The regular meeting must convene within 15 minutes of the scheduled start time.

In response to Council and staff's availability and preferences, staff recommend:

- Schedule public hearing meetings on the third Wednesday of each month at 4 pm, starting in March 2023
- Hold the In Camera portion of the meeting following the public Council meeting

Holding public hearings on a separate day will shorten Council meeting days, which will make it easier for Council to consider challenging in camera topics at the end of the meeting. If a development application would be significantly delayed by waiting for the scheduled public hearing, staff would canvass Council for availability, and either reschedule or hold an additional public hearing. Public hearings that are not required would be cancelled with approximately 3 weeks' notice.

Alternatively, Council could direct staff to change the regular meeting timing, so that the in camera or public hearing could begin at 4 pm. This option could also offer certainty for meal times, rather than calling a recess during the meeting. For example:

- 4 pm Public Hearing or IC meeting
- 5 pm meal break
- 5:30 public meeting start time

Staff do not recommend this option since it is difficult to know how long public hearings and in camera meetings may take, and this could cause Council to either have a lengthy wait before it can begin the public portion of the meeting, or to not have sufficient time. Since the public hearing is a separate meeting, insufficient meeting time would mean Council would have to recess one or both meetings in order to call the Council meeting to order within the required start time and complete the Public Hearing. This would be procedurally complex and likely confusing for the public. Holding public hearings on the same day as Council meetings would also make the overall meeting time longer.

FINANCIAL IMPLICATIONS:

Most staff who attend Council meetings are exempt and do not receive overtime pay for their attendance. Attending unionized staff would be compensated in accordance with the Collective Agreement.

ADMINISTRATIVE IMPLICATIONS:

Adding additional meetings has a significant impact on staff resources. Meeting administration includes:

- Canvassing for availability if required
- Preparing agendas, minutes, presentations, zoom meetings, etc.
- Preparing meeting rooms and meeting technology
- Preparing statutory advertisements (public hearings)
- Posting statutory notices at two locations
- Liaising with CVRD staff, delegations and consultants
- Arranging catering if required
- Attending meetings (normally a minimum of 3-4 staff, sometimes upward of 10)
- Meeting room cleanup
- Pre- and post- meeting communications

ASSET MANAGEMENT IMPLICATIONS:

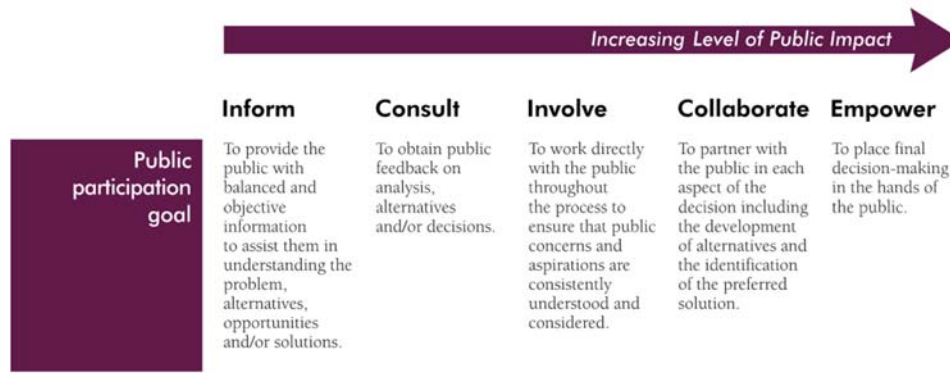
None

STRATEGIC PRIORITIES REFERENCE:

- **AREA OF CONTROL:** The policy, works and programming matters that fall within Council's jurisdictional authority to act
- ▲ **AREA OF INFLUENCE:** Matters that fall within shared or agreed jurisdiction between Council and another government or party
- **AREA OF CONCERN:** Matters of interest that are outside Council's jurisdictional authority to act

CITIZEN/PUBLIC ENGAGEMENT:

Staff would inform the public based on the IAP2 Spectrum of Public Participation:



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OPTIONS:

1. THAT Council direct staff to schedule Public Hearing meetings on the third Wednesday of each month at 4 pm, except August and September;
AND THAT Council direct staff to schedule any In Camera meeting items after the open portion of its regular meetings.
2. THAT Council provide alternative direction to staff.

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