

TOPIC:	Public Hearing Process Policy
POLICY NO.:	01-0550-B
APPROVED BY: Council	RESOLUTION NO.: CS 2021-388
DATE:	December 7, 2021
AMENDED:	

PURPOSE:

Public Hearings may be required by the *Local Government Act* to provide an opportunity for the public to submit verbal or written comments on Official Community Plan, zoning and, from time to time, other bylaws or permits. In order 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 oral and written presentations.

POLICY:

Any person who believes their interest in property will be affected by a proposed bylaw has an opportunity to address Council at a Public Hearing in a timely and orderly fashion. Individuals may send their submissions prior to 12:00pm the day of the Hearing for inclusion as part of the record in one of the following ways:

Email: info@ladysmith.ca
Mail or drop off: Town of Ladysmith, 410 Esplanade Avenue
 PO Box 220, Ladysmith, BC V9G 1A2

Other forms of submissions will not form part of the Public Hearing record.

PROCESS:

Prior to each Public Hearing the Corporate Officer shall prepare an agenda to outline the procedure to be followed and to include the proposed bylaw and any written submissions as laid out in the following table.

Meetings may be In Person or Electronic

The *Local Government Act* permits local governments to hold Public Hearings either in person or by electronic means. The Public Hearing Notice must clearly state the date, time and location of the meeting. If the Hearing is held by electronic means, the public must be advised how they can virtually attend and participate in the Hearing and be provided the option to attend in person the place the Hearing will be broadcast where they can hear or see and hear and participate in the Hearing.

Written Submissions:

Staff will manage written correspondence received (by mail, email, or hand delivery as noted in this policy) in relation to a proposed amendment being considered at a Public Hearing as follows:

Time received	Process
Correspondence received prior to the bylaw being considered for 1 st and 2 nd readings, or prior to receiving direction to proceed to Public Hearing.	<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.
Correspondence received (as outlined in the policy) after 1 st and 2 nd readings but prior to the Public Hearing. Deadline for receipt of correspondence set at 12:00pm on the day of the Public Hearing.	<ul style="list-style-type: none"> • Compiled and made ready for public review at the Public Hearing. • Included in the Public Hearing agenda if received prior to the agenda printing deadline. • Included as a late agenda memo if received after the agenda printing deadline and prior to 12:00pm on the day of the Public Hearing. • Forms part of the official record which is available to the public and placed on the Town's website.
Correspondence received after 12:00pm on the day of the Public Hearing but before the close of the Public Hearing.	<ul style="list-style-type: none"> • For in-person Public Hearings, submissions must be provided in person prior to the close of the Hearing to be considered part of the formal record. • For electronic Public Hearings, written submissions must be sent via email or provided in person to the designated staff member in attendance at the designated place where the Hearing is broadcast prior to the close of the Hearing to be considered part of the formal record.
Correspondence received after the close of the Public Hearing.	<ul style="list-style-type: none"> • Correspondence is retained on file. • <u>Not</u> circulated to Council. • Does <u>not</u> form part of the Public Hearing record.

At the Public Hearing:

- The Chair will call the Public Hearing to order and describe the purpose and procedures of the Public Hearing.
- The Chair will inform the public that each speaker will be permitted to address the Hearing for a maximum of ten (10) minutes. All comments must be relevant to the issues at hand.
- The Chair will inform the public that the Hearing may be recorded and livestreamed

and that names, addresses and any comments made, in addition to written submissions, will become part of the Public Hearing record.

- Staff will introduce the proposed amendment.
- The applicant will be given the first opportunity to address Council.
- The floor will then be open to anyone who wishes to speak to Council regarding the proposed amendment.
- Those who address Council will be asked to provide their name and address and to indicate whether they support or oppose the proposed amendment.
- No electronic presentations (eg. slides, PowerPoint) will be permitted from either the applicant or the public.
- Comments must be relevant to the issue at hand, succinct, and respectful of Council, Town 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.
- Those in attendance at an in-person Public Hearing will refrain from applause or other expressions of emotion whether in favour of, or opposition to, any particular application or argument. Inappropriate language, outbursts or criticisms aimed at individuals or groups will not be permitted.
- Once everyone has had a chance to speak for the first time, the Chair will ask the Corporate Officer to report on written submissions which have been received as part of the record.
- Those in attendance at the Hearing who wish to speak again are permitted to present additional or new information.
- A speaker will not debate a point of view with another speaker but will seek clarification through the Chair.
- Prior to the close of the Public Hearing the Chair will call three (3) times to ask if anyone else would like to speak. Should no one express an interest in speaking the Chair will state that the Public Hearing is closed.

After the Public Hearing is Closed:

Once all submissions have been heard and the Public Hearing is closed, Council may consider the amendment at the Council meeting immediately following the Public Hearing (if applicable), at the next, or a specified meeting of Council, with or without 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.