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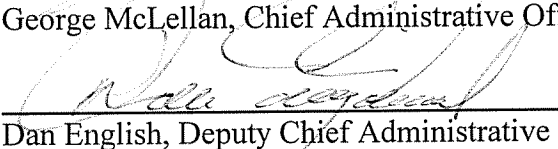
PO Box 1749
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Halifax Regional Council
June 14, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:


George McLellan, Chief Administrative Officer


Dan English, Deputy Chief Administrative Officer

DATE: June 6, 2005

SUBJECT: Public Hearing Procedure

ORIGIN

April 6, 2004 motion of Regional Council requesting staff to bring forward a report regarding possible amendments to Administrative Order One relating to the procedure for public hearings.

RECOMMENDATION

It is recommended that Regional Council approve, in principle, the public hearing procedure as set out in Attachment A, and request staff to arrange for its formal incorporation into Administrative Order One.

BACKGROUND

At the April 6, 2004 meeting of Halifax Regional Council, Councillor Fougere put forth a motion that staff bring forward a report regarding possible amendments to Administrative Order One relating to the procedures for public hearings.

Noting that there has been some inconsistency in the conduct of public hearings over the past number of years, Councillor Fougere provided the following list of issues she would like covered in the report:

1. Start time of public hearings (evening vs. afternoon);
2. Advertising one date versus two or more dates for a public hearing;
3. Procedures for recording the names of those wishing speak;
4. Dealing with capacity overflow, what is to be provided in the overflow location in terms of seating, security, audio and visual;
5. Introductory instructions regarding speaking time, name, address and whether or not the speaker is representing someone or some group;
6. Conduct of public hearing, for example, is the process 1. staff presentation
2. questions by Council for clarification and 3. public speakers;
7. Is Council permitted to ask questions of speakers, are they allowed to ask questions of staff?;
8. Will there be breaks?;
9. Continuation of the process if time runs out; and
10. Conclusion mechanisms.

DISCUSSION

Staff of the Municipal Clerk's Office and Planning and Development Services met and reviewed public hearing procedures from other Canadian municipalities and developed the attached proposed public hearing procedure for public hearings held by Regional Council and Community Councils.

The Clerk's Office will determine if security is required on an individual hearing basis. All other questions raised by Councillor Fougere are reflected in the proposed Administrative Order.

Council has recently raised the issue of holding Public Hearings away from City Hall. This report does not address this possibility, but staff are considering the issues and requirements should Council wish to undertake this possibility.

BUDGET IMPLICATIONS

Costs may be incurred for off duty police officers during potentially contentious or large public hearings. Costs for off duty officers is \$47.00 per hour until midnight when the cost increases to \$51.00 per hour.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

Council could continue with the current process.

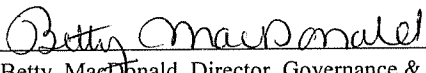
ATTACHMENTS

A. Proposed Public Hearing Procedure for Halifax Regional Municipality

Additional copies of this report, and information on its status, can be obtained by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by: Patti Halliday, Legislative Assistant
Jan Gibson, Municipal Clerk

Report Review by: Barb Palmeter, Financial Consultant

Report Approved by: 
Betty MacDonald, Director, Governance & Strategic Initiatives 490-4769

Attachment "A"

**PROPOSED PUBLIC HEARING PROCEDURE
FOR REGIONAL COUNCIL AND COMMUNITY COUNCILS**

1. Administrative Order Number 1, The Rules of Procedure Administrative Order is amended by adding immediately following Section 29, the following Section:

Public Hearings

29A The Procedure contained in Appendix "A" attached to this Administrative Order shall apply to the conduct of Public Hearings.

2. Said Administrative Order 1 is further amended by adding the following Appendix immediately following Section 79:

Appendix "A"

1. Except where otherwise stated, these Rules shall apply equally to Public Hearings conducted by Community Council as to those conducted by Regional Council.
2. All Regional Council Public Hearings will be advertised to commence at 6:00 p.m. Community Council Public Hearings will commence at 7:00 p.m. Advertisements will only be placed for the first date of a Public Hearing only. The advertisements shall indicate that if the Public Hearing cannot be concluded at the advertised date, it will continue on a date determined by Council at the Public Hearing.

Those interested in providing a written submission (including fax or email) pertaining to Public Hearings may do so by directing the submission to the Clerk's Office. Submissions should be received no later than noon on the Public Hearing date.

3. Those wishing to speak at a Public Hearing will be requested to provide their name and community address on a Speaker's List placed outside of the meeting room one-half hour prior to the commencement of the Public Hearing. If an individual is representing a group, they must indicate this on the Speaker's List and when they address Council during the Public Hearing.

If it is necessary to continue the Hearing on another date, those still wishing to address Council should be directed to the Clerk following the adjournment of the meeting to collect their names. Where the Hearing continues over several days, those attending the meeting must check in with the Clerk to ensure that they are still on the list, or request that they be added to the list of speakers.

4. Before the Public Hearing is opened, staff will provide an explanation of the matter being considered and the staff recommendation to Council. Following the staff presentation, members of Council may ask staff questions of clarification only.
5. The Presiding Officer will then proceed by calling speakers in order from the Speaker's List. If a person is not present when their name is called, they will be given a second opportunity after everyone on the list has been called.

Once all those on the Speaker's List have been called, an opportunity will be given to others present wishing to speak. The Presiding Officer will call three times for any others wishing to address Council. Every person wishing to speak to Council will be given the opportunity to do so. Members of the public addressing Council should do so with proper decorum.

6. For Public Hearings being held by Regional Council, speakers can wait for their turn to speak either in the Council Chamber (space permitting) or in Halifax Hall (the overflow room.) Audio feed of Regional Council Public Hearings is available in Halifax Hall. Video feed is available when Eastlink Cable is broadcasting the hearing.
7. During a lengthy public hearing, Council may take a five minute recess every hour.
8. Speakers' comments must be specifically related to the subject of the Public Hearing, directed to the Presiding Officer and limited to five minutes. There is no opportunity at the hearing to debate points of view expressed by other speakers.
9. The role of Council at a Public Hearing is to listen to the public. Council does not debate nor challenge the comments being offered but may question what they hear in order to be clear as to what is being said. Following a speaker's presentation, Members of Council may ask questions of the speaker, seeking clarification of the points they have raised. However, at no time will Council debate the merits of the matter being considered, nor enter into dialogue with the public during the Public Hearing.
10. In order to ensure that no member of the public feels discouraged, intimidated or otherwise prevented from making his or her views known, no applause or other expressions of emotion, inappropriate language, outbursts or criticisms aimed at individuals or groups will be condoned.
11. When the last speaker from the public has been heard, the Presiding Officer shall provide the applicant (if one) with an opportunity to briefly respond to points raised by speakers. The same opportunity is then provided to staff, following which the Public Hearing is closed.

12. When the Public Hearing has been closed, Council will proceed to immediately consider the approval or disapproval of the matter under consideration and reach a decision. The Council decision will start with a motion from a member of Council (to refuse or approve the matter under consideration, or approve it in an amended form). The consideration of the motion is subject to the regular rules of procedure and debate. No further public presentations will be heard. In some instances, particularly when Council members need more time to consider what they have heard, or require further information from staff, the Council may defer the debate and decision until a later date, usually at the next regular meeting.
13. Only members of Council present for the entire Public Hearing are permitted to vote.
14. The vote shall be taken in accordance with the Rules of Procedure. The decision will be determined in accordance with the appropriate section(s) of the Municipal Government Act.