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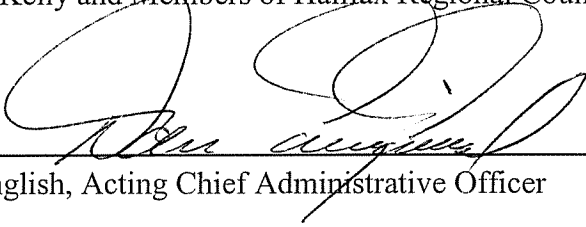


PO Box 1749
Halifax, Nova Scotia
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Halifax Regional Council
June 21, 2005

TO: Mayor Kelly and Members of Halifax Regional Council

SUBMITTED BY:



Dan English, Acting Chief Administrative Officer

DATE: June 17, 2005

SUBJECT: Public Hearing Procedure

ORIGIN

At the June 14, 2005 Meeting Regional Council, consideration of the Public Hearing Procedure recommended at that time was deferred to permit members of Council to submit suggested amendments to the Municipal Solicitor.

RECOMMENDATION

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

BACKGROUND/DISCUSSION

The changes to the Public Hearing Procedure suggested by members of Council have been incorporated into the version attached as Appendix A to this Report. Most changes were in wording. The only fundamental change from the version originally submitted was the one limiting speakers at adjourned public hearing to those who were in attendance at the initially advertised date and who did not have the opportunity to speak at that time and whose names were on or added to the Speaker's List. The areas of change are noted in Appendix A by highlighting and cross-out.

BUDGET IMPLICATIONS

There are no further budgetary implications as a result of the revised procedure.

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

1. Council could continue with the current process.

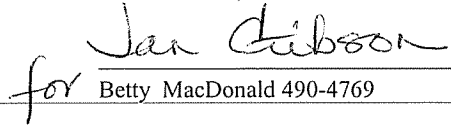
ATTACHMENTS

1. Revised 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: Wayne Anstey, Municipal Solicitor
Patti Halliday, Legislative Assistant
Jan Gibson, Municipal Clerk

Report Review by: Barb Palmeter, Financial Consultant

Report Approved by: 
for Betty MacDonald 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 be advertised to 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.
3. Where Regional Council public hearings are expected to draw a number of speakers larger than can be accommodated by the facilities at City Hall, Council may consider holding the Public Hearing at an alternate suitable location.
4. 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 are encouraged to be received no later than noon on the advertised Public Hearing date, but all submissions received by the Clerk's Office prior to a decision being made shall be provided to Council.
5. A Speakers List will be available outside of the meeting room one-half hour prior to the commencement of the Public Hearing where those wishing to speak at a public hearing may provide their name and community of residence. If an individual is representing a group, they should indicate this on the Speaker's List and when they address Council during the Public Hearing.

6. 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.
7. 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.
8. At the initial meeting advertised for the Hearing, once all those on the Speaker's List have been given the opportunity to speak in accordance with Clause 7, 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.
9. If it is necessary to adjourn the Hearing to another date, those in attendance at the initial advertised date who did not have the opportunity to be heard and still wished to address Council shall be directed by the Presiding Officer to the Clerk, who, immediately following the adjournment of the meeting, shall collect the names of those who were in attendance at the initial meeting and indicate that they still wished to speak.
10. At the continuation of the Hearing on a second or subsequent date, only those whose names were on the Speakers List and were not heard at the initial advertised date or whose names were added to the Speakers List at the conclusion of the initial advertised date shall be permitted to speak. There shall be no substitution of names permitted.
11. For Public Hearings being held by Regional Council at City Hall, speakers can wait for their turn to speak either in the Council Chamber (space permitting) or alternatively, 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.
12. During a lengthy public hearing, At the discretion of the Presiding Officer, Council may take a five minute recess every hour.
13. Speakers addressing Council should do so with proper decorum. 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.
14. The role of Council at a Public Hearing is to listen to the public. Members of Council does shall not debate nor challenge the comments being offered by the Speaker. 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 Members of Council shall not enter into dialogue with the public during the Public Hearing.

15. 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. No signs shall be displayed.
16. 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.
17. When the Public Hearing has been closed, staff will be provided an opportunity to briefly respond to points raised by the speakers.
18. When the Public Hearing has been closed, Council will then 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.
19. Only members of Council present for the entire Public Hearing are permitted to vote.
20. 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.