

**PURPOSE:**

To provide guidelines for the procedures of and the participation in Public Hearings of Council.

A “Public Hearing” is a statutory requirement under section 464 and 465 of the *Local Government Act*. Unless waived in accordance with section 464(2) of the *Local Government Act*, a Public Hearing must be held after first reading, and prior to third reading, of an Official Community Plan, a Zoning Bylaw amendment or a Land Use Contract amendment bylaw. Public Hearings may also be used to obtain public input regarding Development Permits, Development Variance Permits and Liquor Licences or Liquor Licence amendments. During a Public Hearing, Council acts in a quasi-judicial role for purposes of allowing the public to make representation on matters referred to the Public Hearing. Bylaws, permits or other matters relating to a single development project that were referred to a Public Hearing are usually dealt with at the same time.

**PROTOCOL:**

All persons who believe that their interest in property is affected by a proposed bylaw, permit or other matter referred to a Public Hearing must be afforded a reasonable opportunity to be heard or to provide written submissions. Rules of procedure at the Public Hearing shall be in accordance with this protocol, except as modified by the Chair of the Public Hearing as considered necessary, pursuant to the authority granted under section 465(3) of the *Local Government Act*.

The usual Order of Business at a Public Hearing will proceed as follows for each project:

- Introduction of the bylaw(s), permit(s) or application(s) by the Clerk
- Opportunity for presentation by the applicant
- Speakers for/ against the project
- Questions of Council to the speakers (as required after each speaker)
- Questions of Council to the applicant and/or staff

Each speaker should state his/her name and address and print same on the speakers' list provided.

For Public Hearings where a large number of speakers is anticipated, the Mayor may establish advance registration for the speakers' list. Persons wishing to speak must register in person on the speakers' list and will be heard in the order in which their names appear.

Each speaker will be allowed up to five minutes to address Council regarding the project under consideration.

Council members who are asking questions of a speaker shall limit themselves to seeking clarification or additional information directly related to the project under question, and shall avoid engaging the speaker in debate on the merits of the project.

Written submissions received prior to the Public Hearing shall be circulated to Council and recorded as part of the official record by the Clerk. Submissions received during the Public Hearing will form part of the official record.

An audio visual recording of Public Hearings held at Municipal Hall is broadcast by live video streaming and archived on Delta's website.

If a member of the general public is disrupting a meeting, the Chair may order that such person be removed from the venue and/or may order that the Public Hearing be recessed until the matter has been dealt with.

If there is no one present to speak to a proposed project, Council may hear an introduction of the matter, ask relevant questions and then move that the hearing on that project be closed.

When the Chair considers that reasonable opportunity has been provided for all who wished to make submissions and be heard, and there are no other projects to be considered, the Chair may call for a motion to terminate the Public Hearing.

Once the hearing for a project is closed, Council may not receive additional information from the applicant or the public regarding any of the bylaws, permits or other applications that were the subject of the Public Hearing, unless it is prepared to hold another Public Hearing. Council may receive clarification for an issue raised at the Public Hearing, however, Council may not receive any new information until after final adoption of the bylaws and/or approval of the project.