

Regular Meeting – A.M.

February 16, 2004

A Regular Meeting of the Municipal Council of the City of Kelowna was held in Meeting Room No. 3, 1435 Water Street, Kelowna, B.C., on Monday, February 16, 2004.

Council members in attendance were: Mayor Walter Gray, Councillors B.A. Clark, C.B. Day\*, R.D. Hobson, E.A. Horning and S.A. Shepherd.

Council members absent: Councillors A.F. Blanleil, R.D. Cannan and B.D. Given.

Staff members in attendance were: City Manager, R.A. Born; City Clerk, A.M. Flack; Director of Planning & Corporate Services, R.L. Mattiussi; Director of Financial Services, P.A. Macklem\*; Director of Human Resources, R.W. Baker\*; and Council Recording Secretary, B.L. Harder.

(\* denotes partial attendance)

### 1. CALL TO ORDER

Mayor Gray called the meeting to order at 11:08 a.m.

2. Councillor Shepherd was requested to check the minutes of the meeting.

3. City Clerk, verbal report re: Hubbard vs West Vancouver Court Case/Public Hearing Process

- Staff in North Vancouver were routinely bringing back full reports to Council following the close of a public hearing, providing additional information and comments on what was said at the public hearing.
- Previously, case law had determined that staff could 'clarify' questions raised or issues raised at a public hearing. However, the practice in West Vancouver was challenged in court and late last year the court held that absolutely no information could be brought to Council following the close of a public hearing (the door that had been open a crack was effectively slammed shut). That decision is now being appealed but until that appeal is decided, the state of the law is that which was decided at trial in the West Vancouver case. All questions now have to be asked at the public hearing. If staff are unable to answer a question that Council feels they need in order to make the decision, then the public hearing dealing with that item will have to be kept open in order to receive the answer. Council needs to be sure that the additional information they ask for is material to the land use or the issue that is the subject of the public hearing (OCP, zoning, heritage, etc.).

Council:

- Will try to let staff know at initial consideration or first reading what additional information they will be looking to receive at the public hearing.

Councillor Day joined the meeting at 11:20 a.m.

### 3.1 Sister Cities

- Staff to provide a report with a recommendation for how the airfare and accommodations for the Mayors of our two sister cities could be funded in the event that Council was to formally invite them to attend the City of Kelowna's centennial celebrations next year.

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4. RESOLUTION CLOSING THE MEETING TO THE PUBLIC

Moved by Councillor Hobson/Seconded by Councillor Horning

**R142/04/02/16** THAT this meeting be closed to the public, pursuant to Section 90(1)(c) of the Community Charter for Council to deal with matters relating to the following:  
- Labour Relations.

Carried

5. ADJOURN TO CLOSED SESSION

The meeting adjourned to closed session at 11:44 a.m.

The meeting was declared terminated at 12:18 p.m.

Certified Correct:

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Mayor

BLH/am

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City Clerk