
CITY OF KELOWNA

MEMORANDUM

Date: December 2, 2004
File No.: 0550-06/
To: City Manager
From: Acting City Clerk
Subject: Guidelines for Development Application Written Public Submissions

RECOMMENDATION:

THAT Council receive this Report;

AND THAT Council Policy No. 309 "Submissions to Council" be amended as outlined in this Report.

AND THAT this policy change be effective as of January 12th, 2005.

BACKGROUND:

The City of Kelowna invites and encourages members of the public to submit correspondence and other written submissions to Council as part of the public input process for certain types of development applications. Such correspondence received during the "official notification period" is read out during a Public Hearing or Regular Council Meeting as appropriate. Increasingly, correspondence is arriving via email. This has proven to be a convenient and efficient way to correspond with Council and staff. However, this particular way of communicating has created some issues that need to be addressed. In addition, recent court cases have clarified pre public hearing disclosure requirements that local governments must follow. The proposed changes to Council Policy No. 309 would apply to the applicant, to staff, as well as to members of the public.

Name and Address of Author

Correspondence submitted to Council as part of a development application process should contain the name and civic address of the author. Council asks for this information from interveners at a public hearing and the same standard should apply to those making written submissions.

It is recommended that a new Section 3 be added to Council Policy No. 309 that reads:

- 3) All correspondence submitted as part of the development application public process must contain the name and civic address of the author. Correspondence not meeting these requirements will be returned to sender with an invitation to resubmit the correspondence with name and civic address.

Deadline for Written Submissions

Correspondence and other written submissions sent to Council during a public hearing or meeting must be available to all members of Council and to the public. The *Local Government*

Act and the courts have imposed pre public hearing disclosure requirements that the City of Kelowna must follow. In order that members of the public and Council have adequate time to examine submissions before the public hearing commences, a deadline should be established prior to the public hearing that gives those members of the public time to review any written submissions. Having such a deadline would also eliminate any procedural issues that may arise if members of Council receive email correspondence during a public hearing or meeting.

It is recommended that a new Section 4 be added to Council Policy No. 309 that reads:

4) Any correspondence or other written submissions submitted as part of the development application public process must be received by 4:00 p.m. of the business day prior to the public hearing or meeting. Any correspondence or written submissions received after this deadline will not be circulated to Council. This restriction does not apply to the speaking notes of an intervener who submits notes of comments made during a public hearing or meeting.

Effective Date and Public Notification Process

The recommended policy change would take effect January 12th, 2005 in order that the public has sufficient time to be informed of this policy change. Notices and advertisements for the January 25th, 2005 Public Hearing will contain the new provisions. In addition, this item will be covered in Council Highlights should Council adopt these policy changes.

Stephen Fleming
Acting City Clerk

Approved for inclusion	
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R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning and Corporate Services



CITY OF KELOWNA

COUNCIL POLICY MANUAL

POLICY: 309
PAGE: 1 of 1
APPROVAL DATE: 2002/12/16
RESOLUTION #: R512/02/12/16
REPLACING #: N/A
DATE OF LAST REVIEW: December 2002

SUBJECT: SUBMISSIONS TO COUNCIL

Written presentations to Council, resulting from a requirement of Statute or as a result of a request for submissions on a City initiative, will be circulated and reported to Council as two distinct (or separate) groups of correspondence:

- 1) First Priority:
 - Correspondence from individuals that only outline the writers position;
 - Correspondence from groups or associations that outline the group's position and report the number of members in the group, the date of the meeting at which the position was discussed and the number of members in attendance at that meeting.
- 2) Second Priority:
 - Petitions;
 - Form letters;
 - Correspondence that purports to contain third party information;
 - Correspondence from groups or associations that does *not* report the number of members in the group, the date of the meeting at which the position was discussed and the number of members in attendance at that meeting
 - All unsigned correspondence.
- 3) All correspondence submitted as part of the development application public process must contain the name and civic address of the author. Correspondence not meeting these requirements will be returned to sender with an invitation to resubmit the correspondence with name and civic address.
- 4) Any correspondence or other written submissions submitted as part of the development application public process must be received by 4:00 p.m. of the business day prior to the public hearing or meeting. Any correspondence or written submissions received after this deadline will not be circulated to Council. This restriction does not apply to the speaking notes of an intervener who submits notes of comments made during a public hearing or meeting.

REASON FOR POLICY: To assist members of Council in assessing all verbal and written presentations submitted to any Public Hearing or Council Meeting, as a result of some statute requirement or a request for submissions from the public on some City initiative.

LEGISLATIVE AUTHORITY: Council Resolution.

PROCEDURE FOR IMPLEMENTATION: The City Clerk's Department receives these submissions and will ensure that they are circulated and reported as outlined in this policy.

