



The Corporation of the District of Central Saanich

REGULAR COUNCIL REPORT

For the Regular Council meeting on Monday, May 27, 2024

Re: Revisions to Council Correspondence Policy

RECOMMENDATION(S):

That the Council Correspondence Policy, as revised, be adopted.

PURPOSE:

To provide Council with suggested amendments to the Council Correspondence Policy, that would align with new legislation, the proposed Public Input for Development Applications Policy and previous Council direction.

BACKGROUND:

On January 22, 2024, Council directed that a proposed Notice of Motion to amend the Council Correspondence Policy (“Policy”) “be referred to staff for consideration of changes that may need to be made.” The Notice of Motion (included as Appendix C) proposed that s. 11 of the Policy be replaced with “all correspondence related to community issues and addressed ‘To Mayor and Council’ will be placed on the next regular council agenda in the section ‘Correspondence (Received for General Information) as long as the content of the correspondence meets acceptable standards.”

Recent changes to the *Local Government Act* (often referred to as Bill 44) have changed provisions related to public input on development applications, specifically prohibiting public hearings where applications align with the OCP and are primarily for residential use. To address the changing public input opportunities, Council is also considering a Public Input for Development Applications Policy.

The current Policy addresses development correspondence as follows (s. 11): “Correspondence relating to a pending development application, a public hearing, or a matter that is awaiting a staff report for Council’s consideration, will be held until that item is brought forward on a Meeting Agenda. At that time, the correspondence will be attached as background to the corresponding agenda item.”

DISCUSSION:

Amendments proposed in the Council Correspondence Policy (Appendix A) include a modification of s. 11, which would see correspondence received on a pending application held until such time as an application is filed and then come forward to both the Council Correspondence electronic library (“portal”) and the next regular Council agenda. This provides a balanced approach between permitting Council to see the input being received by the public, as well as have confirmation that an actual application is filed. Correspondence is often received on anticipated applications far in advance of the applicant being ready to file, and at times no application is forthcoming. Correspondence would be placed on the ‘Correspondence (For Information)’ section, as Council should not give direction or ask questions of an

application that has not been reviewed or when a report has not been prepared by staff. Those pieces of correspondence received will come forward again when the application and staff report come forward for Council's consideration.

An additional amendment is also proposed to not have repeat requests placed on a Council agenda. There are regular authors who email or send letters every few months, and at times every few weeks, on the same topic. Those items of correspondence will instead only be placed in the portal. However, as per the Policy, Council is able to ask the Corporate Officer to bring forward items from the portal to an agenda, in accordance with outlined procedures.

Some minor housekeeping amendments to the Policy are also proposed, including:

- Removing correspondence on a Committee of the Whole (COTW) agenda, as it is not routinely attached to a COTW meeting;
- Clarifying the process for correspondence related to bylaw enforcement;
- Updating the privacy section to follow current and best practices; and
- Removing section references to the Procedures Bylaw, to enable future updates to that bylaw without breaking cross-references.

IMPLICATIONS:

Strategic

Continuing to receive community feedback is key to demonstrating organizational effectiveness, one of Council's five (5) strategic priorities. The method and level of feedback will vary based on project, policy, resources, and regulation, but also enhances our work towards the strategic goals of "Improve internal processes through adoption of best practices, legislative authority and new technology" as well as "build strong relationships through collaboration and engagement with community members, service providers, and government agencies to advance community interests". The upcoming public engagement strategy will also assist Council and staff in these goals.

Legislative/Policy

Updates to legislation, also known as Bill 44, have prohibited public hearings in certain cases. In addition to these changes, Council has considered the timing of receiving public input on development applications – currently, development correspondence is only put on a public agenda and shared with Council once the application comes forward for introduction for Council. Between a developer first approaching the District and the public learning of the potential development and the application filing and first introduction for Council consideration there are often many changes and iterations; seeking or inviting public comment too early would not benefit Council as there is no information on the application to consider alongside the feedback. By waiting until an application has been received, Council is at least assured that a formal consideration is forthcoming.

Council has an outstanding direction to have a Committee of the Whole meeting to discuss updates to the Council Procedures Bylaw. Updates to that bylaw will also be required because of the adoption of these policies and Bill 44, including clarifying that the use of public questions, delegations and petitions may not speak where a public hearing is prohibited under the *Local Government Act*.

Communications

Once adopted, the District's website will be updated to reflect the changes to the public input and correspondence policies including any forms and graphics to support the understanding of the public.

OPTIONS:

Option 1 (recommended):

That the Council Correspondence Policy, as revised, be adopted.

Option 2:

That the Council Correspondence Policy be referred to staff for additional amendments, as directed.

Option 3:

That the current Council Correspondence Policy remain in effect.

CONCLUSION:

Previous direction from Council and recent legislative changes have precipitated proposed amendments to the Council Correspondence Policy for Council consideration.

Report written & Submitted by:	Emilie Gorman, Director of Corporate Services/Corporate Officer
Concurrence by:	Troy Ziegler, Acting Chief Administrative Officer

ATTACHMENTS:

Appendix A: Draft Council Correspondence Policy (Redlined)

Appendix B: Draft Council Correspondence Policy (Clean)

Appendix C: Notice of Motion – Councillor King (Considered Jan. 22, 2024)