



-COMMITTEE OF THE WHOLE MEETING AGENDA-

Meeting #: 248
Date: Tuesday, September 12, 2023, 1:00 pm
Location: Council Chambers & Zoom Webinar
7400 Prospect Street

This meeting is being recorded as authorized by the Video Recording & Broadcasting of Open Meetings Policy.

Pages

1. **CALL TO ORDER**
In honour of the Lil'wat7ul, the Village of Pemberton acknowledges that we are meeting within the unceded territory of the Lil'wat Nation
2. **ADOPTION OF AGENDA**
Recommendation:
THAT the Agenda be adopted as presented.
3. **APPROVAL OF MINUTES** 2
Recommendation:
THAT the minutes of the Committee of the Whole Meeting No. 247, held Tuesday, July 18, 2023, be adopted as circulated.
4. **DELEGATIONS**
5. **REPORTS**
 - 5.1 **Council Correspondence Policy COU-013** 5
Recommendation:
THAT the Committee provide a recommendation to Council to adopt the Correspondence Policy COU-013 as presented.
6. **ADJOURNMENT**
Recommendation:
THAT the Committee of Whole meeting be adjourned.

VILLAGE OF PEMBERTON
-COMMITTEE OF THE WHOLE MEETING MINUTES--

Meeting #: 247
 Date: Tuesday, July 18, 2023, 2:30 pm
 Location: Council Chambers & Zoom Webinar
 7400 Prospect Street

COUNCIL: Mayor Mike Richman
 Councillor Ted Craddock
 Councillor Jennie Helmer
 Councillor Katrina Nightingale
 Councillor Laura Ramsden

STAFF: Elizabeth Tracy, Chief Administrative Officer
 Ethan Fredeen, Acting Manager of Corporate and Legislative
 Services
 Colin Brown, Planner II
 Scott McRae, Manager Development Services
 Elena Aranguren, Office Coordinator

MEDIA: 1

PUBLIC: 0

A recording of the meeting was made available to the media and the public.

1. CALL TO ORDER

At 2:28pm Mayor Richman called the July 18, 2023, Committee of Whole meeting to order.

2. ADOPTION OF AGENDA

Moved/Seconded
THAT the Agenda be adopted as presented.
CARRIED

3. APPROVAL OF MINUTES

3.1 Committee of the Whole Meeting No. 246, Tuesday, June 20, 2023

Moved/Seconded
THAT the minutes of the Committee of the Whole No. 246, held Tuesday, June 20, 2023, be adopted as circulated.
CARRIED

4. DELEGATIONS

5. REPORTS

5.1 Housing Accelerator Fund - Action Plan

Colin Brown, Planner II, introduced the Housing Accelerator Fund (HAF).

Mr. Brown informed that the intent of this fund is to incentivize initiatives with local governments to take actions to address the housing crisis. With HAF, \$4 billion is available as an incentive for local governments to take actions that improve the housing system in their community.

Mr. Brown presented the following primary objectives of the HAF:

- Create housing supply at an accelerated pace
- Supporting the development of complete communities
- Supporting the development of affordable, inclusive, and diverse communities
- Supporting the development of low-carbon and climate-resilient communities

Mr. Brown noted that to be eligible for incentive funding, the applicant must develop an action plan that contains:

- Housing Supply Growth Target
- A minimum number of five (5) initiatives for the Small/Rural/North/Indigenous stream. Only the top five (5) will be used to evaluate the application and are eligible for funding.
- A recent housing needs assessment or intention to complete one, and
- Commit to periodic reports to CMHC throughout the three (3) year program.

Mr. Brown presented the following initiatives for the purpose of HAF noting that only the top five (5) initiatives are the ones that matter, however, all require more work, engagement and consideration before any decisions are made:

1. Housing Strategy
2. Infill Housing
3. Development Approvals
4. Pre-Zoning for Higher Density
5. Primary Rental
6. Municipal Infrastructure
7. Innovative Housing
8. Mixed Use Development
9. Parking Minimums
10. New processes and systems
11. Housing Authority

Discussion took place respecting the following:

- Flexibility with the information that needs to be presented.
- Concerns regarding the impact and cost.
- Waiving Public Hearings
- Opportunity for Infrastructure
- Mixed-Used Development with municipal land uses initiative
- Growth management
- Housing Authority Initiative
- Housing needs and strategy

Moved/Seconded

THAT the Committee of the Whole recommends that Council approve the housing action plan, for the purpose of application to the Housing Accelerator Fund, with the following amendments:

By removing the Initiative three (3) as set out in the report:

3. *Development Approvals*

- i. *Affordable Housing – Waiving public hearings on all affordable housing projects that conform to the official community plan.*
- ii. *Implemented changes to decision-making such as delegating development approval authority to municipal staff based on established thresholds or parameters.*

AND Replacing it with Initiative six (6) as set out in the report and provided below:

6. *Infrastructure, Facilities and Services – Updating infrastructure, facilities, and service planning and delivery to align with official community plans, growth targets, and housing needs assessment.*

AND THAT staff are directed to make the necessary changes after further consultation with CMHC staff to best reflect the committee's recommendations, to the satisfaction of the Chief Administrative Officer.

CARRIED

6. **ADJOURNMENT**

At 3:27pm the Committee of the Whole meeting was adjourned.

Moved/Seconded

THAT the Committee of Whole meeting be adjourned.

CARRIED

Mike Richman, Mayor

Ethan Fredeen, Deputy Corporate Officer

Date: Tuesday, September 12, 2023
To: Elizabeth Tracy, Chief Administrative Officer
From: Ethan Fredeen, Acting Manager of Corporate and Legislative Services
Subject: Council Correspondence Policy COU-013

PURPOSE

The purpose of this report is to seek Committee's approval of the Council Correspondence Policy COU-013 to establish the process of handling correspondence addressed to Council and staff.

BACKGROUND

As part of the ongoing evaluation of the Village's policies, it was recognized as crucial to establish a Council Correspondence Policy. This policy aims to ensure fairness in procedures for individuals submitting letters to the Village. The policy covers the following aspects:

- Outgoing correspondence
- Identification of correspondence to determine subsequent steps
- Staff responsibilities when receiving correspondence
- Correspondence related to development
- Clearly defining the procedures the Village will follow regarding correspondence.

The proposed policy aligns with the consistent practices observed in various municipalities in British Columbia. During the development of this policy, the following local municipalities were studied:

- Central Saanich
- Lions Bay
- Maple Ridge
- City of West Kelowna
- District of Squamish

DISCUSSION & COMMENTS

Currently, the Village of Pemberton adheres to a Communications Policy that was adopted in November 2017. This policy encompasses various subjects, including the roles of the Mayor, Chief Administrative Officer, and Communications Coordinator, as well as processes for community communications, advertising, consultation and outreach, media relations, emergency and crisis communications, electronic communications, use of the Village's branding, and internal communications.

The rationale for creating a distinct policy focused on correspondence is to establish a more detailed procedure for its handling. While the Communications policy outlines requirements for

correspondence under the "Media Relations" section of "Community Communications," including response times upon receipt of correspondence and specifying deadlines for the receipt of correspondence in order for letters of from the public to be included on a regular agenda, a separate policy is necessary for a more comprehensive approach.

The Correspondence Policy arose from the need to ensure consistent and procedurally fair handling of items addressed to the Council across the municipality. This was partially driven by the growing development within the Village of Pemberton, with residents expressing their concerns about upcoming projects. These concerns were being addressed by the Council in a formal setting before a comprehensive report on the Development Application reached the Council table. This situation raised concerns about Council forming opinions on development permits prematurely.

Under this policy, correspondence related to a development file will only be discussed once the Development Application is being reviewed by Council. According to this approach, Development related correspondence would be received by staff and staff would notify the author about the next steps, holding the correspondence until Council considers the Development Application.

The reasoning behind this approach is Council typically isn't directly involved in processing development applications. However, it's important to acknowledge that the received correspondence can still be valuable at a staff level, either to request more information or to directly address specific matters with the development applicants. The Nkwúkwma project has been an instance where correspondence is received long before Council would consider it in a formal manner on a meeting agenda with an accompanying staff report. When this correspondence is eventually presented to the Council, the report will highlight how the midstream consultation letters influenced project enhancements.

From an objective standpoint, when the Village receives correspondence about community opinions on development applications in isolation, it might give the impression that the entire community opposes a particular development, even though it could be only a few individuals. This could lead to allegations of a failure to uphold procedural fairness and the concept of the unbiased decision maker if a decision was made without considering all information related to the application. It may also lead proponents of development projects to conclude that it is necessary to flood council agendas with correspondence of their own.

COMMUNICATIONS

The Council Correspondence Policy COU-013 does not require any external communication at this time.

LEGAL CONSIDERATIONS

The concept of procedural fairness is an important legal consideration for local governments in BC, in addition to the concept of an unbiased decision maker. In cases where a plaintiff has proven that a local government did not uphold these concepts, relevant decisions of the local government have been set aside. Moreover, merely having to defend litigation—even if the local government or its Councillors or staff have not acted unlawfully—is a tremendously expensive and onerous drain on municipal resources.

Beedie v. City of Vancouver

The City of Vancouver Development Permit Board's rejection of a proposed Chinatown development by Beedie, involving a nine-storey mixed-use building at 105 Keefer Street, has been ruled as having "inadequate" justification by a BC Supreme Court judge. The development plan, initially proposed in 2014 and revised several times, faced opposition from groups concerned about gentrification. Beedie contested the rejection, claiming insufficient reasoning, political pressure, and lack of procedural fairness. While the judge acknowledged that political pressure was circumstantial and dismissed most of Beedie's allegations, the ruling highlighted that the Board's decision lacked satisfactory reasons. The judge ordered the City to reconsider the application and provide transparent and detailed justifications for any refusal.

IMPACT ON BUDGET & STAFFING

There are no impacts to the budget or staff hours for considerations at this time.

INTERDEPARTMENTAL IMPACT & APPROVAL

As this pertains to development through the specific handling of development related correspondence and related to communications both the Manager of Development Services and the Communications Coordinator have both been informed of the Correspondence Policy COU-013 and both have been given opportunity to provide comment on the report and the policy.

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| Interdepartmental Approval by: | Scott McRae, Manager of Development Services |
|--------------------------------|--|

COMMUNITY CLIMATE ACTION PLAN

The Correspondence Policy COU-013 is not applicable to the CCAP strategies.

IMPACT ON THE REGION OR NEIGHBOURING JURISDICTIONS

A review of this the Correspondence Policy COU-013 has no impact on other jurisdiction.

ALTERNATIVE OPTIONS

Option One: THAT the Committee provide a recommendation to Council to adopt the Council Correspondence Policy COU-013 as presented.

Option Two: THAT the Committee recommend that the Correspondence Policy COU-013 framework be amended to Council's direction.

RECOMMENDATIONS

THAT the Committee provide a recommendation to Council to adopt the Correspondence Policy COU-013 be adopted as presented.

ATTACHMENTS:

Appendix A: Council Correspondence Policy COU-013

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|----------------------------|---|
| Prepared and Submitted by: | Ethan Fredeen, Acting Manager of Corporate and Legislative Services |
| CAO Approval by: | |

Committee of the Whole

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|-----------------|------------------------------------|--------------|----------------------|
| Department: | <u>Council</u> | Policy No.: | <u>COU-XXX</u> |
| Sub-department: | <u>Corporate & Legislative</u> | Created By: | <u>Ethan Fredeen</u> |
| Approved By: | <u></u> | Amended By: | <u></u> |
| Approved Date: | <u></u> | Amendment: | <u></u> |
| Meeting No.: | <u>1588</u> | Meeting No.: | <u></u> |

POLICY PURPOSE

To establish a protocol for receipt of and response to Village correspondence and to ensure such correspondence will be handled in a consistent manner.

DEFINITIONS

Correspondence means all letters or requests sent to the Village of Pemberton from someone outside of the organization addressed to “Mayor”; “Council”; “Mayor and Council”, “Village Council”; or “Councillors either via paper, or electronically (email)

Council Meeting means any Regular Council meeting scheduled on the annual Council Meeting Schedule.

Corporate Officer means the person appointed to this role by Council, or their delegate.

REFERENCES

This Policy makes reference to the Community Charter, the Freedom of Information and Protection of Privacy Act, and Village of Pemberton Council Procedure Bylaw No. 788, 2015.

POLICY

All Council and Mayor’s Correspondence shall be logged in a manner that will track the correspondence item, as well as all responses.

Correspondence considered on a Meeting Agenda forms as part of the public record and will be published. The author’s name and address is relevant to Council’s consideration of the matter and will be disclosed through this process, and the house number and any phone numbers or personal email addresses will be redacted pursuant to section 22 of the *Freedom of Information and Protection of Privacy Act*.

Correspondence submitted relating to a matter under Section 90 of the Community Charter that is not of an operational nature will be considered at a closed meeting of Council.

PROCEDURES

Correspondence received by the Village of Pemberton

Staff will acknowledge the sender by confirming receipt of their Correspondence.

The Correspondence will be time-stamped upon receipt and should the Correspondence be

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|-----------------|------------------------------------|--------------|----------------------|
| Department: | <u>Council</u> | Policy No.: | <u>COU-XXX</u> |
| Sub-department: | <u>Corporate & Legislative</u> | Created By: | <u>Ethan Fredeen</u> |
| Approved By: | <u></u> | Amended By: | <u></u> |
| Approved Date: | <u></u> | Amendment: | <u></u> |
| Meeting No.: | <u>1588</u> | Meeting No.: | <u></u> |

received outside of regular business hours the Correspondence will be time-stamped the following day.

The Correspondence will be filed within the general filing system:

- Will be referred to the Corporate Officer for determination of next steps;
- When addressed to Council, be circulated to Council as soon as possible and a copy forwarded for inclusion of the next Council Agenda package, subject to the terms of this Policy
- Should the correspondence be received, that in the opinion of the Corporate Officer or Chief Administrative Officer, is deemed to constitute as inappropriate remarks about an individual(s) of Council or Municipal Staff, the Corporate Officer shall be authorized to not place that Correspondence on any agenda;
- Correspondence received late after the stipulated deadline for the next Council Meeting shall be forwarded by the Corporate Officer to the following meeting;
- Correspondence received by a staff member but includes a member(s) of Council and is deemed operational will be handled by staff and the remaining Council members will be included in the initial email; or
- Correspondence addressed to an individual Council member and marked “confidential” or “private” shall be considered to be private correspondence and directed unopened to that individual’s mailbox at municipal hall.

Correspondence received by Council

When Correspondence is received by a member of Council or has identified an item from public that they may wish to bring forward to Council. The member shall submit the Correspondence to the Corporate Officer to be added to a Council Meeting Agenda in accordance with the procedures outlined in this policy.

Correspondence for Agenda Packages

Correspondence to be included in a Council Meeting Agenda package must:

- Not pertain to any business addressing a pending development application that has yet to be brought forward to Council;
- Contain the name and preferably the civic address of the correspondent;
- Be addressed to Mayor and Council, or members of Council;
- Be respectful and free of personal attacks;
- Pertain to matters that are within the purview of the Village Council; and

Council Correspondence Policy

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|-----------------|------------------------------------|--------------|----------------------|
| Department: | <u>Council</u> | Policy No.: | <u>COU-XXX</u> |
| Sub-department: | <u>Corporate & Legislative</u> | Created By: | <u>Ethan Fredeen</u> |
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