

University of British Columbia

Public Hearing Procedural Rules for Development or Amendment of the Land Use Plan

Overview

Under the provisions of Ministerial Order M229 dated August 18, 2010, and consistent with the provisions of the *Municipalities Enabling and Validating Act (No.3), Part 10 -2010* (the MEVA), the UBC Board of Governors (the “Board”) must ensure that a public hearing is held respecting a new Land Use Plan or any proposed amendments to the Land Use Plan for UBC’s Point Grey campus lands.

The purpose of the public hearing is to ensure that all persons who believe that their interest in property is affected by proposed amendments to the Land Use Plan or by a new Land Use Plan are provided a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed amendments to the Land Use Plan, or in a new Land Use Plan that is the subject of the public hearing.

The Board has delegated the holding of the public hearing to the Public Hearing Committee (the “Committee”), as permitted by Ministerial Order M229.

The Board is required to establish procedural rules for the conduct of the public hearing. These rules, adopted by the Board on November 9, 2010, are as follows.

Public Hearing Procedural Rules

Definitions

- a) **public hearing record** means the written record of the public hearing maintained as a public record, certified as being fair and accurate by the person preparing the report, and including:
 - i. a summary of the nature of the representations respecting the new Land Use Plan or amendment to the Land Use Plan that were made at the public hearing,
 - ii. the written submissions received from the date of the first publication of the notice of public hearing to the final conclusion of the public hearing, and
 - iii. plans or documents that are the subject of the public hearing.

- b) **interim record** means the submissions, reports, reference documents and other documents the Board has officially received at Board meetings up until the date of the first publication of the notice of public hearing and that are either available on UBC’s Board of Governors’ website, available by specific request, or that the Committee will make best efforts to make available to the public at the public hearing.

- c) **reference documents** means any relevant report, document, information or other written material considered by the Board before it makes a final decision on the matter under consideration.

- d) **Official record** means the public hearing record, the interim record, the Committee report should one be submitted and the final staff report on the matter under consideration. The official record is the written information received by the Board prior to making a final decision on the matter under consideration. The Committee and staff reports may not include any new substantive information related to the matter under consideration.

General Procedures

1. Written submissions will be received from the day of the first publication of the first notice of public hearing up until and including the time at which the public hearing is finally concluded. After the Board refers materials to public hearing, the materials will be shared with the Committee and included in the interim record. Written submissions received at the public hearing and minutes of summarized oral submissions made at the public hearing will be included in the public hearing record.
2. The Committee will use best efforts to make the interim record available in hard copy at the public hearing.
3. More than one proposed amendment may be included in one notice of public hearing, and more than one proposed amendment may be considered at the public hearing.
4. A roll call of Committee members will be completed at the beginning of the public hearing. A quorum of 50% plus one of the Committee must be present at the public hearing. The Chairperson will not permit the Committee to begin the public hearing's agenda without a quorum.
5. The Committee Chairperson will begin the public hearing with a review of the procedures and agenda for the public hearing.
6. Staff may be invited to make a presentation regarding the proposed amendment (s) to the Land Use Plan or new Land Use Plan. Committee members may ask questions for clarification purposes.
7. The Committee Chairperson will then proceed with calling forward speakers to address the Committee, in order, using the list of names on the Speakers' List.
8. The public hearing may be recessed every 2 hours or at the discretion of the Committee Chairperson.
9. At the discretion of the Committee Chairperson, Committee members may ask questions of the speaker for clarification only. Committee members must not make submissions or debate the merits of the proposed Land Use Plan amendments or new Land Use Plan or enter into dialogue

with speakers at the public hearing.

10. The Committee Chairperson may invite staff to correct obvious errors and to provide clarifications at any time during the public hearing. If staff do provide correction or clarification, those in attendance at the public hearing must be given reasonable opportunity to respond to such corrections or clarifications.
11. If the Speakers' Lists are not concluded at a reasonable hour as determined by the Committee Chairperson, the public hearing may be adjourned and no further notice of the public hearing is necessary if the time and place for the resumption is stated to those present at the time the public hearing is adjourned.

Speaker Registration and Speaking Order

12. Members of the public must register to speak at the public hearing at the sign-up table at the door to the room in which the public hearing will be held. The sign-up table for the Speakers' List will be available beginning approximately thirty minutes prior to the scheduled start of the public hearing. The Speakers' List will be provided to the Chairperson of the Committee at the scheduled start of the public hearing. A staff person will remain at the door to the room to add to the Speakers' List those people who have not yet spoken and who would like to. If someone has already spoken and would like to speak again for a second time, a second round Speakers' List will be kept. A third round Speakers' List and so on will be kept until all present have had a fair opportunity to make submissions.
13. Each person on the Speakers' List will be given an initial five minutes to make a submission. A one minute warning will be issued by the Committee Clerk. This rule will be rigorously followed to ensure fairness to all speakers.
14. Once the persons on the first round Speaker's List have had an opportunity to make submissions, any persons wishing to make further submissions will have an opportunity to speak for a further five minutes if they have placed their name on a second round Speaker's List. After everyone on the second round Speaker's List has had an opportunity to speak for a second time, the process will be repeated for those wishing to speak for a third time and so on. There is no limit to the number of times that any person may speak to the matters under consideration. No one will be discouraged or prevented from making their views known. However, it is important that remarks be limited to relevant matters and that an individual not repeat things he or she has already said.
15. Speakers will begin by stating their name, address, and whether they are currently a member of the university community as a faculty member, student, staff member, alumna(e), or campus resident. Submissions made orally may include supporting written materials to be submitted to the Committee via the Committee Clerk. Written submissions will also be accepted, but the Committee encourages everyone making a submission to briefly speak to it so that all present

are aware of points raised. If a speaker wishes to have copies of supporting written materials submitted to the Committee members, the speaker must bring ten (10) copies to the public hearing and provide those copies to the Committee Clerk at the beginning of the speaker's five minute presentation. Multi-media presentations are not permitted unless they are from or on behalf of the Board, the Committee or staff in Campus and Community Planning.

16. At the discretion of the Committee Chairperson, if a member of the public appears to be speaking to a topic unrelated to the proposed Land Use Plan amendments or new Land Use Plan under consideration, the speaker will be asked limit any subsequent remarks to the matter under consideration. The Committee is not able to and will not consider comments that are not related to the proposed amendments to the Land Use Plan or new Land Use Plan that is the subject of the public hearing.
17. If any member of the public is disrupting the public hearing, the Committee Chairperson may order that the person depart or be removed from the public hearing and/or may order that the public hearing be recessed until the matter is resolved. Speakers must address the topic at hand, must not debate unrelated points raised by other speakers, and must not make comments about individuals or organizations.
18. At the conclusion of the Speakers' Lists, the Committee Chairperson will ask three times if there are persons who wish to speak to the proposed Land Use Plan amendments or new Land Use Plan. Once these speakers are heard, the Committee Chairperson will deem the public hearing concluded.

Public Hearing Reporting and Consideration

19. The Committee Clerk will prepare the public hearing record and it will be presented to the Board at the next practical opportunity. The Committee may submit a report to the Board regarding the conduct and procedure of the public hearing and may make comments for the Board's consideration, but may not include any new substantive remarks or new comments in relation to the matter under consideration.
20. Following conclusion of the public hearing, the Committee Clerk, Committee members and Board members must not receive additional information related to the proposed Land Use Plan amendments or new Land Use Plan. Additional information includes but is not limited to: emails, phone calls, informal conversations, reports, studies, and letters. In the event that additional information is received by a Committee or Board member, they must not consider it. If they do consider it, they must recuse themselves from any further discussions, deliberations or votes related to the proposed amendments to the Land Use Plan or new Land Use Plan until the matter under consideration has been finally decided.
21. After the public hearing, and following receipt of the official record, without further notice or hearing, the Board, in accordable with the MEVA and Ministerial Order M229, may:

- a) endorse the proposed Land Use Plan amendments or new Land Use Plan and recommend that the Minister adopt them, or
- b) amend the proposed Land Use Plan amendments or new Land Use Plan in response to the public hearing record or to the contents of the official record, endorse the plan or amendments, and recommend that the Minister adopt them, provided that any amendment does not:
 - i. alter the use of any area, or
 - ii. increase the density of a family housing areafrom that specified in the proposed Land Use Plan amendments or new Land Use Plan, or
- c) decline to endorse the proposed Land Use Plan amendments or new Land Use Plan.