

# DECISION/DIRECTION NOTE

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**Title:** Independent Chairs of Public Meetings  
in general (for any application)  
and for 22 St. Joseph's Lane (file no. MPA1700008)

**Date Prepared:** June 21, 2018

**Report To:** His Worship the Mayor and Members of Council

**Councillor & Role:** Councillor Maggie Burton, Planning and Development Lead

**Ward:** All wards / specific immediate application in Ward 2

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**Decision/Direction Required:**

That Council consider the appointment of independent facilitators to chair public meetings required under Section 5.5 of the St. John's Development Regulations. Further, that Council begin the process by appointing an independent chair for the upcoming second public meeting on the proposed rezoning of 22 St. Joseph's Lane.

**Discussion – Background and Current Status:**

During earlier work on the City's public engagement plan, the idea was proposed that public meetings should be chaired by an independent person rather than by a member of Council. Public meetings are required under Section 5.5. of the St. John's Development Regulations to consider Municipal Plan amendments, rezonings, and some development applications. Traditionally, they have been chaired by a member of Council.

The motivation for appointing an independent person as chair is that such a person will be viewed as autonomous and not having a political stake in the meeting or its outcome. The independent person must have training and experience in running a meeting, ensuring that all people present have an opportunity to speak, maintaining decorum and civility, keeping the discussion focused on the chair rather than people debating among themselves, and using focused questions to bring the discussion around to the application at hand rather than allowing the discussion to go off-point. This would also allow members of Council who attend a meeting to observe without having to be drawn into the discussion unless they choose.

This practice is similar to the independent commissioners appointed by Council to hold public hearings under the Urban and Rural Planning Act (for Municipal Plan amendments and Regional Plan amendments), with the noted differences below:

- Commissioners are seen as independent and therefore most people are deferential to them. Therefore, facilitation skills may not be as necessary at public hearings compared with our public meetings.
- Commissioners must take their own notes or bring along someone to do so, whereas at our public meetings, minutes are taken by a legislative assistant.



- Commissioners of public hearings make recommendations, but public meeting chairs do not, they simply ensure an efficient meeting. Staff have historically and will continue to make recommendations following public meetings.

The May 16 public meeting on the proposed rezoning of 22 St. Joseph's Lane had a large turnout of people and went on for approximately 3 hours, while most do not go beyond 2 hours. Concerns were expressed that while people had ample opportunity to speak, not all aspects of the application were considered, and staff and applicants might have wanted to say more. Therefore, by Council directive R2018-06-18/1, Council has referred the application to a second public meeting.

This meeting presents a good opportunity to use an independent chair. We can bring forward a proposed name for Council's consideration on Tuesday, June 26. In future, the City can advertise for a list of chairs, similar to our list of commissioners. Some of the people who we use as commissioners for public hearings may be interested in being potential chairs for public meetings.

### **Key Considerations/Implications:**

- 1. Budget/Financial Implications:** The developer will be responsible for any costs incurred from the employment of an independent chair.
- 2. Partners or Other Stakeholders:** Anyone who attends a public meeting.
- 3. Alignment with Strategic Directions/Adopted Plans:** Under the City's Strategic Plan, this aligns with "Responsive and Progressive" – create a culture of engagement.
- 4. Legal or Policy Implications:** Council will have to consider an amendment to Section 5.5.6 of the St. John's Development Regulations:  
*"Council shall appoint a member of Council as Chairperson of the Public Meeting."*
- 5. Engagement and Communications Considerations:** This aligns with a proposal in the City's public engagement plan.
- 6. Human Resource Implications:** Independent chairs may have to sign a contract with the City.
- 7. Procurement Implications:** Not Applicable.
- 8. Information Technology Implications:** Not Applicable.
- 9. Other Implications:** Not Applicable.

### **Recommendation:**

It is recommended that Council appoint independent facilitators to chair public meetings as required under Section 5.5 of the St. John's Development Regulations. The developer will be responsible for any costs incurred from the employment of an independent chair. Planning staff will consult with Legal staff on an appropriate amendment to the section.

It is further recommended that Council appoint an independent chair for the second public meeting concerning the proposed rezoning of 22 St. Joseph's Lane.

**Prepared by:** Ken O'Brien, MCIP, Chief Municipal Planner

**Approved by:** Jason Sinyard, DCM – Planning, Engineering & Regulatory Services