

MEMORANDUM

To: Mayor Kogon and Council

From: Greg Herrett, CAO

Date: October 15, 2018

Subject: Council Appointments to the Planning Advisory Committee

The purpose of this memo is to follow up on the direction provided by the Committee of the Whole with regard to the Planning Advisory Committee. A copy of the current Planning Advisory Committee Policy #66000-01 is attached. At the February 26, 2018 In Camera Committee of the Whole meeting the following motion was approved:

"20180226 IC COW - Moved by Deputy Mayor Christie Seconded by Councillor Blanch that staff review the structure of Council appointments to the Planning Advisory Committee to determine if more than three members of Council may be appointed to this Committee. Motion Carried."

This direction prompted a review of the applicable legislation. A review of the Municipal Government Act (excerpts attached) reveals that there is no legislative requirement to have a Planning Advisory Committee. However, when a Council has decided to establish a PAC there must be at least one member of the public on the committee. There are no restrictions on the number of the members of Council who may serve on a Planning Advisory Committee, once established.

The conclusion on this issue is that Council may appoint as many members of Council to the PAC as it so desires, but that there must be at least one member of the public on the Committee if one exists. Appointing a fourth member of Council to PAC then, is not an issue and is permissible. Council should consider however whether adding a fourth member from council would create the expectation that another citizen appointee should be appointed to retain the balance and whether this creates a committee that is too large to be effective.

It is also noted that Council may, in establishing the policy, provide for the appointment of the chair and other officers of the Committee. Conceivably then Council could, in either making the annual appointments to the Committee or at some other point, directly appoint the chair.

Although some municipalities, like the Municipality of the County of Cumberland, do not have a PAC, an informal survey of municipalities in Nova Scotia revealed that many do. Those who don't have a PAC deal with planning matters at

Committee of the Whole, or Council. Any legislative requirements for public participation opportunities, etc. are implemented at that level.

The CAO consulted the members of senior management on the option of dispensing with the Planning Advisory Committee. Some senior staff members expressed concerns that if the PAC were to be abolished Council may not have the necessary time to give to planning matters the attention that the PAC currently does and felt that the citizen appointees on the PAC provide an important, non-political, community point of view.

While considering these issues, the writer also turned his mind to the process followed by both the PAC and Council for the adoption of planning documents. The current practice is to have the PAC decide on planning matters on the same day and immediately following a Public Participation Opportunity and to have Council decide on second reading of a planning matter on the same day and immediately following a Public Hearing. While this process was designed with the goal of compressing the time for applicants from application to approval, it does have the unintentional consequence of potentially giving the impression of the decision makers not taking time to consider and reflect prior to making decisions. **Council may want to consider directing staff to alter the process to prevent these decisions from being made on the same day as the applicable public engagement sessions.**

It would seem to be appropriate to consider and make any changes to be made in advance of the Council Committee appointments which are scheduled to be made at the October meeting of Council.

With all of the above in mind. It is therefore recommended that Council continue to have a six member Planning Advisory Committee, with an even mix of Council and members of the public being appointed to it. Council may also decide, if it deems appropriate to do so, to amend the policy to allow for direct appointment of the chair.