



City of Kelowna
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Council Policy

Council Interaction with Developers

ESTABLISHED September 11, 2023

Contact Department: Office of the City Clerk

Guiding Principles

The *Community Charter* recognizes a municipal council as a governing body that is democratically elected, autonomous, responsible and accountable. Every Council member has responsibilities, including considering the well-being and interests of the community as a whole.

Council engages with community members in relation to a broad range of matters. Developers seek access to Council members to discuss development applications; the community expects these interactions to be transparent and in the public interest.

Purpose

To establish guidance for a Council member on interacting with a developer regarding a development application or prospective development application to protect the integrity of the decision-making process.

Application

This policy applies to a Council member at all stages of the development application process, regardless of whether a development application has or has not been submitted.

This policy does not apply to a Council meeting or public hearing, as regulated by Council Procedure Bylaw No. 9200, the *Community Charter* and the *Local Government Act*.

Definitions

Developer means a property owner or applicant, including their agent or representative, seeking a development application approval or a prospective development application approval. It includes a lobbyist acting on behalf of a developer.

Development application means applications within the scope of the Development Application and Heritage Procedures Bylaw No. 12310.

Interaction means an engagement regarding a development application matter, including meeting face-to-face, virtually, or by telephone. It does not include social obligations that are normally part of a Council member's typical responsibilities.

Lobbyist has the same definition as in Council Policy No. 390 Lobbyist Registry.

Policy Statements

1) General Interaction Guidelines

- a) A Council member should be aware of other applicable legislation, bylaws and policies including the following:
 - i) *Community Charter*;
 - ii) Council Policy No. 390 Lobbyist Registry; and
 - iii) Council Policy No. 313 Conflict of Interest.
- b) A Council member must approach all decision matters with an open mind and reserve decisions for a Council meeting once all information has been presented.
- c) A Council member should avoid being becoming too friendly with a developer and be aware of public perception around interactions with developers.
- d) A Council member is not required to meet, correspond or otherwise interact with a developer.
- e) A Council member may ask another Council member to participate in an interaction with a developer.
- f) The maximum number of Council members in attendance for an interaction with a developer must be less than the number of members that makes a quorum of Council.
- g) A Council member must receive approval from the Mayor and the City Manager prior to attending an interaction with City staff and a developer.

- h) A Council member may request information from staff regarding a development application or subject property prior to an interaction with a developer.
- i) When having an interaction with a developer, a Council member should state that:
 - i) any opinions expressed are personal and do not represent the views of Council, except for a fact that has been resolved by Council;
 - ii) a decision will only be made after all relevant material has been prepared and considered at a Council meeting; and
 - iii) any materials provided or records created are subject to the *Freedom of Information and Protection of Privacy Act*.

2) Interaction Guidelines for Stages of the Development Application Process

- a) A Council member may have an interaction with a developer regarding a development application or a prospective development application, except:
 - i) a Council member must not correspond or interact with a developer or a member of the public regarding a development application after the conclusion of a Public Hearing and before the relevant bylaw is adopted.
 - ii) a Council member may have an interaction with a developer about a Development Permit application or Development Variance Permit application that is associated with an Official Community Plan or Zoning Bylaw amendment application after the conclusion of a Public Hearing and before the relevant bylaw is adopted provided information shared in the interaction does not address land use, density or other zoning considerations.
- b) A Council member may discuss what is publicly known about a prospective development application with the general public.
- c) A Council member should not attend a public information session. Council will receive a summary of the public consultation in the report to Council, as referenced in Council Policy No. 367 Public Notification & Consultation for Development Applications.

Amendments

Resolution:

Replacing: