



CITY OF ST. ALBERT CITY COUNCIL POLICY

NUMBER	TITLE
C-CC-11	Public Hearing Process
ORIGINAL APPROVAL DATE	DATE LAST REVISED
June 16, 2003	December 5, 2016

Purpose

To establish a clear public hearing process for the City of St. Albert.

Policy Statement

Council shall follow the process outlined by this policy and the procedures outlined in Schedule A attached to this policy when conducting a Public Hearing.

Council shall abide by the underlying principles for statutory public hearings. The process will adhere as closely to the procedures outlined as possible although Council may adjust the process in order to accommodate a smooth flow of the proceedings provided that there is adherence to the underlying principles.

Council may follow this process for those non-statutory public hearings on issues that Council determines would benefit from public input.

Service Standards/ Expectations

These principles shall apply only to the process for bylaws or resolutions that require a public hearing or that Council determines would benefit from a public hearing, and not to other bylaws or resolutions.

1. Council shall hear any person, group of persons, or persons representing them, who claims to be affected by a proposed bylaw or resolution and who has complied with the procedures outlined by Council.
2. Council, by majority vote, may decide to hear from any person other than those outlined in principle number 1.
3. The public hearing shall be held at a regular or special meeting of Council.

4. The public hearing shall be held before second reading of a bylaw or before Council votes on a resolution.

~~5. Should the public hearing be closed at the same meeting as First Reading was given, Unanimous Consent must be obtained to close the Public Hearing. Should unanimous consent not be obtained on the closure of the Public Hearing, the Public Hearing shall be adjourned to a future meeting, with a return date set by Council.~~

~~6-5.~~ After the public hearing, Council may pass the bylaw or resolution, or make any amendments that it considers necessary.

~~7-6.~~ If Council determines that the amendments to a bylaw or resolution that requires a statutory public hearing have changed the intent of the bylaw, Council shall re-advertise the public hearing, and commence with first reading of the bylaw again.

~~8-7.~~ If a Councillor was absent for all of a statutory public hearing, with the exception of a statutory public hearing related to an Intermunicipal Development Plan, the Councillor shall abstain from voting on the bylaw or resolution or on any amendments to the bylaw or resolution. If a Councillor was absent from part of a public hearing, the Councillor may abstain from voting on a bylaw or resolution. The Councillor shall state the reasons for abstention and the reasons shall be recorded in the minutes of the meeting.

~~9-8.~~ Council may hold a joint public hearing for a proposed bylaw to adopt or amend an Intermunicipal Development Plan. In this case, the rules regarding voting if absent for all or part of a public hearing in the *Municipal Government Act* do not apply, so the Councillor shall vote regardless of whether or not the Councillor was in attendance for all or for part of the joint public hearing.

Legal References

Municipal Government Act

Cross References

Bylaw ~~35/2009~~3/2018 Procedure Bylaw

Attachments

~~Schedule A – Public Hearing Procedure~~

REVIEW	REVISION
September 29, 2016 – Legislative Services	Oct 24, 2005 – C536-2003 Sep 25, 2006 – C496-2006 Dec 5, 2016 – AR-16-497
REVIEW DATES	

Schedule “A” - Public Hearing Procedures

The following procedures shall guide the process for public hearings.

1. ~~A member of Council moves first Reading. Prior to holding a public hearing on a bylaw Council shall vote on the motion for first reading of a bylaw, and if first reading passes, Council shall establish a date on which the public hearing on the bylaw will be held.~~
2. The Mayor opens the Public Hearing.
3. Administration introduces the ~~B~~ylaw.
4. If administration and the applicant have worked together in the process, they may determine an effective and efficient approach to presenting the pertinent information to Council. Alternatively, an applicant may have a maximum of ten minutes to make a presentation to Council following ~~A~~administration’s presentation.
5. Council may ask questions of the administration and of the applicant.
6. The Mayor invites members of the public to speak to the ~~B~~ylaw.
7. Council hears from those in attendance who wish to speak to the ~~B~~ylaw. Individuals shall be allotted a maximum of five minutes to make their presentations. Those who register as groups shall be allotted a maximum of ten minutes. Council may vote to extend the time limits. Presenters may enhance their presentations by circulating or providing a report containing more detailed information.
8. Council may ask questions of the members of the public who have come forward to speak to the ~~B~~ylaw.
9. Once Council has heard from the public, Council may ask questions of administration on any points raised by the public that were not answered in previous questioning.
10. The Mayor asks if there is anyone who wishes to speak to NEW information – the speaker should identify the new information that he or she is addressing.
11. Repeat procedures 8, 9 and 10 until no one comes forward.
12. ~~A member of Council may propose an amendment to the Bylaw.~~

Commented [LO1]: The Procedures section of the Public Hearing Process Policy and the revisions indicated here have been moved to the Procedure Bylaw under section 30 – Public Hearings.

~~Council may debate the proposed amendment and may ask questions of administration on the amendment.~~

~~13. The Mayor may ask if anyone present wishes to speak to the amendment.~~

~~14. After hearing from the public, Council votes on the amendment.~~

~~15. Members of Council may propose additional amendments.~~

~~16.12.~~ The Mayor may ask for a motion to close or to adjourn the public hearing until a later meeting of Council.

~~17. If the Bylaw requires referral to the Capital Region Board, Council shall adjourn the Public Hearing to a later date and then deal with the Bylaw by voting on the motion for first reading. Following passage of first reading, Council shall refer the Bylaw to the Capital Region Board. A decision on a bylaw referred to the Capital Region Board shall be presented to Council during the Public Hearing once it has been reopened.~~

~~18. If a Public Hearing has been adjourned, Council may refer the Bylaw to Administration or to a Council Committee, an outside group or agency for new information, comment or opinion. Any information resulting from such referrals shall be presented to Council during the Public Hearing once it has been reopened.~~

~~Should the Public Hearing be closed at the same meeting as First Reading was given, Unanimous Consent must be obtained to close the Public Hearing. Should unanimous consent not be obtained on the closure of the Public Hearing the Public Hearing shall be adjourned to a future meeting, with a return date set by Council. (BL-22/2016)~~

~~19.13.~~ Once the ~~P~~ublic ~~H~~earing is closed, Council cannot ask any further questions for new, substantive information on the ~~B~~ylaw as proposed without holding another public hearing.

~~20. If a bylaw does not require referral to the Capital Region Board, and Council has not given first reading of the Bylaw, as per section 18, Council, following closure of the Public Hearing, shall deal with the Bylaw by voting on the motion for first reading.~~

~~21.14.~~ Depending upon the nature of the ~~B~~ylaw and the need for additional public circulation and response, Council may continue with subsequent readings at the same meeting or at subsequent meetings.

15. The public hearing must be closed before council votes on second reading of the bylaw.

16. If the bylaw requires referral to the Edmonton Metropolitan Region Board, following passage of second reading, Council shall refer the bylaw to the Edmonton Metropolitan Region Board. A decision on a bylaw referred to the Edmonton Metropolitan Region Board shall be presented to Council after second reading.

17. If Council determines that any amendments that have been made have a substantive impact on, or have changed the intent of, the ~~B~~ylaw, Council may decide to re-open the public hearing for input from the public prior to second reading.

a. A public hearing may only be re-opened during the same Council meeting in which the public hearing was closed.