



Legislation Details (With Text)

File #: BL-21-036 **Version:** 1 **Name:**
Type: Bylaw **Status:** Filed
File created: 5/12/2021 **In control:** City Council
On agenda: 5/17/2021 **Final action:** 5/17/2021
Title: Bylaw 37/2021 Special Purpose Public Hearing Procedure Bylaw (1st, 2nd, 3rd reading)
Presented by: Marta Caufield, Deputy City Solicitor

Sponsors:

Indexes:

Code sections:

Attachments: 1. Special Purpose Public Hearing Bylaw 37_2021 (FINAL)

Date	Ver.	Action By	Action	Result
5/17/2021	1	City Council	receive first reading	Pass
5/17/2021	1	City Council	recommend to Council	
5/17/2021	1	City Council	denied	
5/17/2021	1	City Council	amended	
5/17/2021	1	City Council	amended	Pass
5/17/2021	1	City Council	denied	
5/17/2021	1	City Council	amended	Pass
5/17/2021	1	City Council	received second reading	
5/17/2021	1	City Council	consent to third reading	
5/17/2021	1	City Council	received third reading	
5/17/2021	1	City Council	adopted	

TAMRMS#: B06

10.6

Bylaw 37/2021 Special Purpose Public Hearing Procedure Bylaw (1st, 2nd, 3rd reading)

Presented by: Marta Caufield, Deputy City Solicitor

RECOMMENDED MOTION(S)

1. That Bylaw 37/2021, being the Special Purpose Public Hearing Procedure Bylaw, be read a first time.
2. That Bylaw 37/2021 be read a second time.
3. That unanimous consent be given for consideration of third reading of Bylaw 37/2021.
4. That Bylaw 37/2021 be read a third and final time.

PURPOSE OF REPORT

The Special Purpose Public Hearing Procedure Bylaw is being brought forward to provide additional procedural detail for the June 9, 2021 Public Hearing on Bylaws 7/2021, 8/2021 and 9/2021 Oakmont Area Structure Plan and Land Use Bylaw Amendments.

ALIGNMENT TO PRIORITIES IN COUNCIL'S STRATEGIC PLAN

N/A

ALIGNMENT TO LEVELS OF SERVICE DELIVERY

Public Participation: Provision of opportunities for residents and stakeholders to provide input to Council and Administration into decisions affecting the community.

ALIGNMENT TO COUNCIL DIRECTION OR MANDATORY STATUTORY PROVISION

N/A.

BACKGROUND AND DISCUSSION

The Procedure Bylaw 3/2018 outlines the procedure and conduct of Council at public hearings. Alberta Regulation 50/2020 gives Council the authority to hold meetings, including public hearings, by electronic means subject to the provisions set out in that regulation. Administration would like to provide the public with additional procedural clarity regarding the public hearing on Bylaws 7/2021, 8/2021, and 9/2021 (Oakmont Area Structure Plan and Land Use Bylaw Amendments), which is scheduled for June 9, 2021 (the "Public Hearing") through the passage of The Special Purpose Public Hearing Procedure Bylaw 37/2021.

In accordance with section 230(4) of the Municipal Government Act (MGA), any person, group of persons, or person representing claim who claims to be affected by one or more of proposed Bylaws 7/2021, 8/2021, and 9/2021 will be afforded an opportunity to be heard by Council at the Public Hearing. The Procedure Bylaw will apply at the Public Hearing, and where there are inconsistencies between the Procedure Bylaw and the Special Purpose Public Hearing Procedure Bylaw, the Special Purpose Public Hearing Procedure Bylaw will prevail.

The following is a summary of the matters detailed in the Special Purpose Public Hearing Procedure Bylaw:

- there is a formalized process whereby individuals may register to act as agents on behalf of other persons claiming to be affected by one or more of proposed Bylaws 7/2021, 8/2021, and 9/2021;
- individuals who register as agents representing four or fewer other persons will be allotted five minutes to speak;
- individuals who register as agents representing five or more other persons will be allotted ten minutes to speak;
- individuals registered to speak on their own behalf will be allotted the regular five minutes to speak,

which is the time allotted in the Procedure Bylaw;

- there is a definition of "group", which the Procedure Bylaw is silent on, and groups will be allotted five minutes to speak;
- there is a definition of "new information", which the Procedure Bylaw is silent on;
- speakers wishing to speak to new information that was brought up by another registered speaker during the Public Hearing are allotted three minutes, which the Procedure Bylaw is silent on;
- all speakers, persons represented by agents, and written submissions must outline how the individual(s) claim(s) to be affected by one or more of proposed Bylaws 7/2021, 8/2021, and 9/2021;
- it is clarified that any written submissions not received by a certain deadline will not be considered at the Public Hearing; and
- the electronic meeting format is explained in detail regarding entrance into the electronic meeting for speakers' presentations, and there is a specification that speakers must not use the electronic meeting format chat feature at any time while in the Public Hearing.

When compared to the Procedure Bylaw, the following are the new elements in the Special Purpose Public Hearing Procedure Bylaw:

- there is a formalized process for individuals to follow if they wish to speak on behalf of someone else at the Public Hearing. This process is not mandatory, and individuals and groups are free to register to speak on their own behalf;
- agents who register in accordance with the Special Purpose Public Hearing Procedure Bylaw and represent five or more people will be allotted ten minutes to speak;
- two new definitions ("group" and "new information") are added to provide clarity, although these are concepts that are already included in the Procedure Bylaw; and
- all submissions at the Public Hearing, whether written, verbal, or made on behalf of someone else, must explain how the individuals making them claim to be affected by one or more of proposed Bylaws 7/2021, 8/2021, and 9/2021.

STAKEHOLDER COMMUNICATIONS OR ENGAGEMENT

N/A

IMPLICATIONS OF RECOMMENDATION(S)

Financial:

None at this time

Legal / Risk:

In accordance with section 145 of the Municipal Government Act, Council may pass bylaws in relation to the procedures to be followed at meetings of Council, including public hearings. The Procedure Bylaw will operate at the Public Hearing, in conjunction with the Special Purpose Public Hearing Procedure Bylaw. In the case of an inconsistency between these two bylaws, the Special Purpose Public Hearing Procedure Bylaw will prevail.

Program or Service:

None at this time.

Organizational:

None at this time.

ALTERNATIVES AND IMPLICATIONS CONSIDERED

If Council does not wish to support the recommendation, the following alternatives could be considered:

Alternative 1. Do nothing. In this case, the Procedure Bylaw alone will govern the Public Hearing.

Report Date: May 17, 2021

Author(s): Marta Caufield, Deputy City Solicitor

Department: Legal and Legislative Services

Deputy Chief Administrative Officer: Kerry Hilts

Chief Administrative Officer: Kevin Scoble