

**MOUNTAIN VIEW COUNTY**

**BYLAW NO. 07/20**

**Establishing Procedure and Conduct of Public Hearings**

**Mountain View County  
Province of Alberta**

**Bylaw No. 07/20**

**A BYLAW OF MOUNTAIN VIEW COUNTY IN THE PROVINCE OF ALBERTA TO ESTABLISH A PROCEDURE AND CONDUCT OF PUBLIC HEARINGS.**

**SECTION 1 – AUTHORITY**

- 1.01 Section 230 (3) of the Municipal Government Act, Chapter M-26 Statutes of Alberta 2000, authorizes a municipality by bylaw to establish procedures for Public Hearings.
- 1.02 Mountain View County hereby enacts this bylaw to be cited as “Procedure and Conduct of Public Hearings”

**SECTION 2 – PUBLIC HEARINGS**

- 2.01 Public Hearings shall be held during regular meetings of Council in the Council Chamber, Mountain View County Office Building when held in accordance with Section 4 of this Bylaw and during regular meetings of Council held electronically in accordance with Section 5.
- 2.02 A maximum of six (6) Public Hearings will be held at each regularly scheduled meeting of Council.
- 2.03 In the event that the number of Hearings required cannot be accommodated at a regular Council Meeting, Council may, by resolution, establish a Special Meeting to accommodate the excess hearings.
- 2.04 Public Hearings shall be included on the Agenda of the regularly scheduled Council Meeting as per Mountain View County’s Procedure and Conduct of Council Meetings Bylaw.
- 2.05 Public Hearings shall allow input on facts and opinions from the public and are not intended to be question and answer sessions.

**SECTION 3 – CONDUCT OF MEETINGS**

- 3.01 Any person who claims that he/she will be affected by the subject matter of the Public Hearing shall be afforded the opportunity to be heard by Council either by themselves or by their agents.
- 3.02 Every delegate to the Public Hearing and each member of Council shall address their questions and comments to the Chair but shall not speak until recognized by the Chair.
- 3.03 Any person wishing to file a written submission to the Public Hearing shall file their submission with the Planning Department a minimum of two days prior to the date of the Public Hearing so that written material can be included in the revised agenda.

- 3.04 Unless authorized by a motion of Council written material will not be accepted by Council after the close of the revised agenda deadline and members of the public wishing to provide input into the hearing must do so verbally.
- 3.05 Written submissions must:
- a) be legible
  - b) identify the writer, the writer's address and preferably telephone number
  - c) not be libelous, impertinent or improper
- 3.06 The Chief Administrative Officer is authorized to summarize the contents of the communications when there are a number of letters and the contents are the same. The letters will be provided to Council in their Agenda Packages.
- 3.07 Questions by Council members shall be limited to questions to determine the suitability of the property for the land use being requested.
- 3.08 Persons addressing Council shall give their name, location of their property in relation to the applicant's property, an indication as to whether they are speaking on their own behalf or for another person or a group, and address the Chair when responding to questions or providing information.
- 3.09 Individuals who have submitted written correspondence shall only address Council on new or additional information that is not contained in their previous submission.
- 3.10 Persons addressing Council are invited to use power point, slides, maps, videos and written submissions are permitted but they shall become the property of the County as exhibits to the Hearing.

#### **SECTION 4 – IN-PERSON PUBLIC HEARING MEETING PROCEDURE**

- 4.01 The Chair shall open the Public Hearing and introduce the subject of the Hearing by reading the subject of the Bylaw.
- 4.02 The Chair shall request that the application be read by the Chief Administrative Officer.
- 4.03 The Applicant shall be invited to provide new or additional information for Council's consideration.
- 4.04 Following the applicant's presentation, and after identifying themselves, any person wishing to speak in favor or opposition of the application may address Council. All presenters will be allowed five (5) minutes unless an extension is approved by the Chair.
- 4.05 Council is provided the opportunity to ask questions. The questions asked shall be limited to questions concerning the subject of the Public Hearing.
- 4.06 The Chief Administrative Officer is given the opportunity to provide closing remarks.
- 4.07 Applicant is given the opportunity to provide closing remarks. The applicant may speak in rebuttal to those in opposition during closing comments providing no new information is provided.

- 4.08 Council is asked whether they have any final questions, Council members may not debate the issues before the Hearing is closed.
- 4.09 Council may choose to recess a Public Hearing to another time, date or place. However once the Hearing has been closed no new information may be provided to Council. Council may receive updated information for clarification on subjects discussed as part of the public hearing providing new information is not introduced that would create an unfair approval process by restricting the public's ability to provide input.
- 4.10 Once the Chair is satisfied that all pertinent information has been provided and that Council has no further questions, the Public Hearing will be closed.
- 4.11 Council will proceed to consider the Bylaw in accordance with section 230 (5) of the Municipal Government Act.

### **SECTION 5 – PUBLIC HEARINGS PROCEDURES CONDUCTED BY ELECTRONIC MEANS**

- 5.01 In the event that Municipal Government Act provisions allow for Public Hearings to be conducted by electronic means and Council determines it appropriate to hold a Public Hearing through the use of electronic means, Section 4 of this Bylaw shall not apply.
- 5.02 The Chief Administrative Officer shall provide notice to the public that the Public Hearing is to be conducted by electronic means and provide for the method in which the public can view the meeting.
  - a) Individuals will be encouraged to join the meeting via video conference in order to view the presentation provided to Council or any materials submitted in addition to those included in the Council Agenda;
  - b) Individuals that are unable to join the meeting via video conference are invited to participate via teleconference but will be unable to view the presentation provided to Council or any materials submitted in addition to those included in the Council Agenda.
- 5.03 Individuals are encouraged to Pre-Register to Speak to provide for hearing efficiency by submitting their contact information and file number of the hearing they will be participating in to the Executive Assistant by 4:00 pm on the day before the Public Hearing.
  - a) Individuals will be required to provide their contact information to be used in the event that they are disconnected from the Public Hearing and to identify them in the hearing proceedings. The County will make a reasonable attempt to re-connect with any pre-registered speaker in the event that they are disconnected but reserves the right to proceed with the Public Hearing at their discretion.
- 5.04 During the Public Hearing Process, all individuals will be requested to mute their microphones until they are granted the opportunity to speak by the Chair.
- 5.05 The Chair shall open the Public Hearing and introduce the subject of the Hearing by reading the subject of the Bylaw.
- 5.06 The Chair shall request that the application be read by the Chief Administrative Officer.

- 5.07 The Applicant shall be invited to provide new or additional information for Council's consideration.
- 5.08 After the Applicant's presentation, Individuals that would like to speak in the Public Hearing, and that have pre-registered to speak, will be invited to provide their presentation to Council. They will be provided five (5) minutes for their presentation unless an extension is granted by the Chair.
- 5.09 After all pre-registered individuals are provided an opportunity to speak to the proposed Bylaw, the Chair will inquire if there are any further individuals that would like to speak to the proposed Bylaw and determine the order that the additional individuals will speak. They will be provided five (5) minutes for their presentation unless an extension is granted by the Chair.
- 5.10 Council is provided the opportunity to ask questions. The questions asked shall be limited to questions concerning the subject of the Public Hearing.
- 5.11 The Chief Administrative Officer is given the opportunity to provide closing remarks.
- 5.12 The Applicant is given the opportunity to provide closing remarks. The applicant may speak in rebuttal to those in opposition during closing comments providing no new information is provided.
- 5.13 Council is asked whether they have any final questions, Council members may not debate the issues before the Hearing is closed.
- 5.14 Council may choose to recess a Public Hearing to another time, date or place. However once the Hearing has been closed no new information may be provided to Council. Council may receive updated information for clarification on subjects discussed as part of the public hearing providing new information is not introduced that would create an unfair approval process by restricting the public's ability to provide input.
- 5.15 Once the Chair is satisfied that all pertinent information has been provided and that Council has no further questions, the Public Hearing will be closed.
- 5.16 Council will proceed to consider the Bylaw in accordance with section 230 (5) of the Municipal Government Act.

## **SECTION 6 – REPEAL OF BYLAW**

- 6.01 Bylaw No 56/05 "Procedure and Conduct of Public Hearings" and associated bylaws are hereby repealed.

**SECTION 7 - EFFECTIVE DATE**

7.01 This Bylaw shall come into effect at such time as it has received third (3<sup>rd</sup>) reading and has been signed in accordance with the *Municipal Government Act*.

Read the first time this 8<sup>th</sup> day of April 2020.

Read the second time this 8<sup>th</sup> day of April 2020.

Read the third time this 22<sup>nd</sup> day of April 2020.



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Reeve



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Chief Administrative Officer

April 22, 2020  
Date of Signing