

**Canadian Institute of Resources Law
Institut canadien du droit des ressources**

**A Citizen's Guide to Appearing
Before Municipal Councils
In Alberta**

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***It is essential that
citizens take an active
interest in the
development and
direction of local
governments and
express their views to
their locally elected
representatives.***

Alberta Municipal Affairs

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PREFACE

Having informed and responsive citizens is essential for community sustainability. This *Citizen's Guide to Appearing Before Municipal Councils in Alberta* (Citizen's Guide) is intended to help citizens prepare and present effective written and oral submissions to their municipal councils to influence decision-making by their local governments.

There are a number of opportunities for citizens to informally and formally participate in local governance when they may be affected by council decisions. These opportunities include, for example appearing as a delegation to council to present about emergent neighbourhood issues; to provide feedback on proposed budgets, proposed facility development or servicing programs; to appear at formal public hearings on planning matters; or to prepare and file a petition. Albertans have a statutory right to participate in public hearings on planning and development matters that may affect private property or impact a person's quality of life or business.

This Citizen's Guide will focus primarily on appearing before council as a delegation at regular meetings of council; speaking at public hearings, including public hearings on proposed planning bylaws; preparing and filing petitions, appearing before council committees and task forces, and taking part in municipal open houses and municipal surveys. It explains municipal procedural bylaws and how they affect a citizen's right to participate in local decision-making processes. As a value-added aspect, the guide will provide information about how to become engaged in municipal public engagement and outreach processes that often precede formal delegation and public hearing processes.

Judy Stewart, LL.M. PhD.

October 2018

***If you are reading this,
it is because you want to have your say.
You want to become
an informed and effective participant
in municipal decision-making processes.
Let's get started!***

ABBREVIATIONS AND ACRONYMS

In this Citizen's Guide many phrases, laws and names of council committees and boards have been abbreviated to acronyms to avoid lengthy repetitions. The acronyms appear on the left and the full name of the law, organization or phrase appears on the right. Acronyms appear in alphabetical order for ease of reference.

ASMG	<i>An Act to Strengthen Municipal Government</i>
CAO	<i>Chief Administrative Officer</i>
MGA	<i>Municipal Government Act</i>
MMGA	<i>Modernized Municipal Government Act</i>
Part 17	<i>MGA Part 17: Planning and Development</i>
SDAB	Subdivision and Development Appeal Board
SDR	<i>Subdivision and Development Regulation</i>
Spectrum of public participation	<i>IAP2 Public Participation Spectrum</i>

Presenting before your Council is not as formal as appearing before a judge in court.

Your Council will welcome your input, and in many cases, your willingness to share ideas and information will lead to positive changes in proposals for services, amenities, and other community projects.

HOW TO SEARCH FOR A LAW OR REGULATION ONLINE

Alberta Queen's Printer

All of Alberta's laws and regulations and codes of practice can be found online at the Alberta Queen's Printer, <http://www.qp.alberta.ca/>

Laws and regulations are listed alphabetically, so it is important to know the correct name of the legislation. Using the search option at the link above, a reader can locate all the laws, regulations and codes cited in this paper.

CanLII

The CanLII Alberta link is <https://www.canlii.org/en/ab/>

CanLII provides a search engine for all Alberta's laws, regulations, codes of practice, etc. It also provides reported court decisions about the legislation. Laws are listed alphabetically, and regulations and codes associated with each law are linked to the legislation.

PRACTICE

Take a few moments to practice your online search skills using either of the links above to locate the following pieces of legislation and the regulations. Practice with the various search mechanisms until you are familiar with both systems.

Court cases that address particular laws and regulations and can also be found through CanLII.

- ***Municipal Government Act - <http://canlii.ca/t/532jz>***
- ***Subdivision and Development Regulation***
- ***Alberta Land Stewardship Act***

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CHAPTER 1: MUNICIPAL GOVERNMENT IN ALBERTA

OUR CANADIAN CONSTITUTION ACT, 1867 (the Canadian Constitution)¹ provides each of our federal and provincial levels of government with exclusive jurisdiction to make laws concerning certain subject matters. Sometimes, as in the case of protecting the environment, both the federal and provincial governments have overlapping jurisdiction to make laws. Our Canadian Constitution provides the provinces with exclusive jurisdiction to make laws governing municipalities and all matters of a local or private nature.²

Alberta's municipalities are 'creatures of the provincial government,' and they can only exercise the powers granted to them by the provincial legislature.³ The Alberta *Municipal Government Act* (MGA)⁴ is the primary provincial statute that governs how municipalities are to exercise those powers within their geopolitical boundaries. A municipality is created as a corporation,⁵ with prescribed 'purposes, powers and capacities.'⁶ A municipal corporation is a 'continuing body' governed by an elected council of at least three councillors.⁷ Councils are elected to serve the community every four years for a four year term.⁸ That means that the work of one council is often started by a previous council and finished by its successors.

The MGA has been amended several times.⁹ For example, in 1994 the legislation was completely overhauled, and, among other important changes, all the provisions of the provincial

¹ *The Constitution Act, 1867* (UK), 30 & 31 Victoria, c. 3 (Constitution Act), s. 92(8): "In each Province the Legislature may exclusively make Laws in relation to Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say Municipal Institutions in the Province". See *114957 Canada Ltée (Spraytech, Société d'arrosage) v. Hudson (Town)* [2001] 2 SCR 241, 2001 SCC 40 (CanLII) [Spraytech] at para. 49: "A tradition of strong local government has become an important part of the Canadian democratic experience. This level of government usually appears more attuned to the immediate needs and concerns of the citizens. Nevertheless, in the Canadian legal order, as stated on a number of occasions, municipalities remain creatures of provincial legislatures. Municipalities exercise such powers as are granted to them by legislatures. This principle is illustrated by numerous decisions of our Court. They are not endowed with residuary general powers, which would allow them to exercise dormant provincial powers. If a local government body exercises a power, a grant of authority must be found somewhere in the provincial laws. Although such a grant of power must be construed reasonably and generously it cannot receive such an interpretation unless it already exists. Interpretation may not supplement the absence of power." (Citations embedded in the original have been removed.)

² Constitution Act, *supra* note 1, ss. 92(8) and 92(16).

³ *R. v. Greenbaum*, 1993 CanLII 166 (SCC), [1993] 1 S.C.R. 674: "Municipalities can exercise only those powers which are explicitly conferred upon them by a provincial statute."

⁴ R.S.A. 2000, c.M-26 (MGA). Note, however, that other provincial laws, regulations, and codes may direct the actions of municipal governments. For example, the *Alberta Land Stewardship Act*, S.A. 2009, c. A- 26.8 (ALSA); *Traffic Safety Act*, R.S.A. 2000, c. T-6; *Safety Codes Act*, R.S.A. 2000, c.S-1; *Building Code Regulation*, Alta. Reg. 31/2015; etc.

⁵ MGA, *supra* note 4, s. 4.

⁶ MGA, *supra* note 4, ss. 3-6.

⁷ MGA, *supra* note 4, ss.142-143.

⁸ See *Local Authorities Election Act*, R.S.A. 2000, c.L-21, s.10.

⁹ For a history of the MGA, see Alberta Government, "About the Municipal Government Act Review," (nd), online: <https://mgareview.alberta.ca/about/>. Retrieved on April 2, 2018. "What is the history of this legislation? 1883 The first local government election in Alberta was held under the Northwest Municipal Ordinance; 1888 Urban local government began with unincorporated town ordinances; 1895 The village ordinance followed; 1912 Separate acts were put in place for towns, villages, rural municipal districts, and improvement districts. Cities were incorporated by special charter; 1967 The various pieces of municipal legislation were consolidated into the original Municipal

*Planning Act*¹⁰ (repealed) were rolled into the MGA as Part 17: Planning and Development. Between 2015 and 2017, the MGA was again significantly amended through a series of enactments, most notably the *Modernized Municipal Government Act* (MMGA)¹¹ and *An Act to Strengthen Municipal Government* (ASMG).¹² In 2015, after extensive discussions with municipalities and the public,¹³ the province further regulated how councils must provide for public participation in municipal decision-making processes. Since October 2017 every municipality is required to adopt a ‘public participation policy.’¹⁴ In many communities, such a policy already existed, providing many opportunities for public participation.

According to Alberta Municipal Affairs, the MGA: “establishes a framework for local government that provides municipal councils with the powers necessary to provide for the needs of their community, balanced by councils’ accountability to the citizens who elect them. It is therefore essential that citizens take an active interest in the development and direction of local governments and express their views to their locally elected representatives.”¹⁵

However, public participation requires that citizens do much more than just take an active interest and make their views known to council. First, they must become informed about matters before council and learn council’s established procedures for public participation. This Citizen’s Guide will help citizens understand council policy and procedures and citizens’ roles. It focuses on influencing municipal decisions by appearing before council as delegations, during public hearings, and when filing petitions. It is intended to help citizens become more effective participants in municipal decision-making processes in both informal and formal settings.

Government Act; 1994 The last major consolidation of municipal legislation took place, forming the Act as we know it today.”

¹⁰ *Planning Act*, R.S.A. 1980 c-P-9 (Repealed). To read the discussion about why the provisions of the Planning Act were to be rolled into the MGA, see Alberta Municipal Affairs, ‘Alberta Planning Act Review ’94: Discussion Paper’, March, 1994, online: <https://open.alberta.ca/dataset/e5f034ad-b6d2-4275-91e0-ce045d3a8971/resource/6bf6da99-cf1c-48c4-9315-b669d0469152/download/Planning-Act-review-94-Discussion-paper.pdf>. Retrieved on April 2, 2018.

¹¹ S.A. 2016, c.24 (MMGA).

¹² S.A. 2017, c.13 (ASMG).

¹³ See Alberta Municipal Affairs, “MGA Review Discussion Paper: Public Participation,” December 2013, online: <https://mgareview.alberta.ca/wp-content/uploads/media/Public-Participation-Discussion-Paper.pdf>. Retrieved April 2, 2018.

¹⁴ MGA, *supra* note 4, s.216.1.”(1) Every council of a municipality must establish a public participation policy for the municipality. (2) A council may amend its public participation policy from time to time. (3) The Minister may make regulations (a) respecting the contents of public participation policies; (b) respecting the considerations to be taken into account by a council in establishing its public participation policy; (c) setting a date by which every municipality must have its first public participation policy in place; (d) respecting requirements for a council to review its public participation policy periodically and consider whether any amendments should be made; (e) respecting requirements to make publicly available a public participation policy and any amendments made to(c) setting a date by which every municipality must have its first public participation policy in place; (d) respecting requirements for a council to review its public participation policy periodically and consider whether any amendments should be made; (e) respecting requirements to make publicly available a public participation policy and any amendments made to it. (4) Nothing in a public participation policy established under this section affects any right or obligation that a municipal authority or any person has under any other provision of this Act. (5) No resolution or bylaw of a council may be challenged on the ground that it was made without complying with a public participation policy established by a resolution of the council.”

¹⁵ Alberta Municipal Affairs, “Public Participation,” (nd), online: <http://www.municipalaffairs.alberta.ca/1914> (Alberta Municipal Affairs website). Retrieved on April 2, 2018.

CHAPTER 2: PUBLIC PARTICIPATION IN MUNICIPAL DECISION-MAKING PROCESSES

SINCE 1994, Part 7: Public Participation of the MGA has regulated how municipal councils provide opportunities for members of the public to make direct written and oral representations to council and participate in municipal decision-making processes. However, the old MGA provisions for public participation focused on council giving public notice; petitions; council meetings with the public; and public hearings. (Note: Public hearings on planning and development matters have additional procedural formalities outlined in Part 17.)

On October 26, 2017, the *Public Participation Policy Regulation*¹⁶ came into force. Since then, every municipality in Alberta is expected to review any previous public participation policy and comply with the regulation. As a matter of policy, each council must determine how they will ‘engage’ with the public. However, the province did not define public participation or public engagement in the MGA or the regulation, and that creates some ambiguity about what must be included in such a policy.

‘Public participation’ and ‘public engagement’ are very different processes. For example, a council may keep the public informed of its decisions and allow citizens to participate in open houses and design charrettes, or council may actively and deliberatively engage with citizens in problem solving and decision-making. For example, it may appoint citizens to task forces, standing committees, and expert review panels.

According to the City of Red Deer, (Red Deer):

Public participation is any process that involves the public in problem solving or decision-making and uses public input to help make decisions.

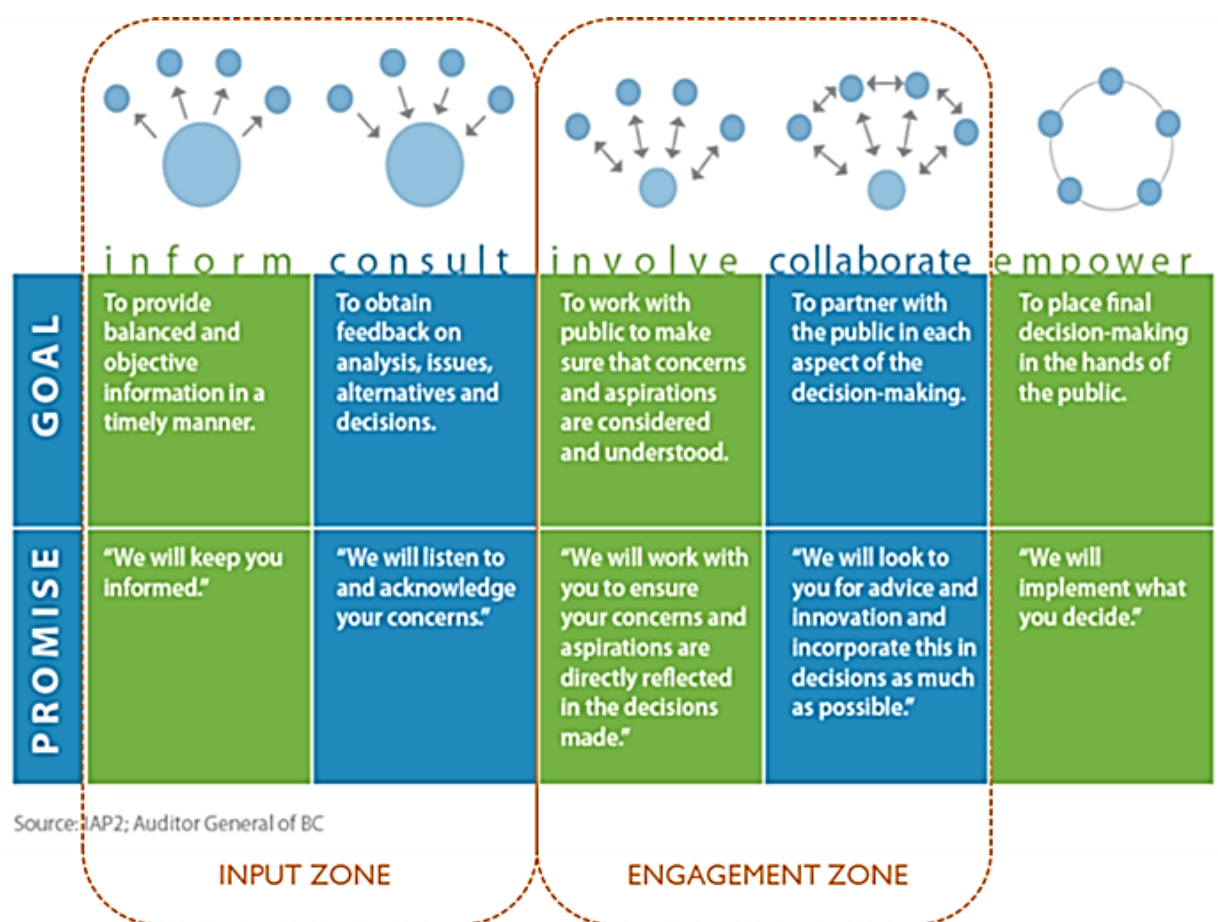
City of Red Deer

Public participation is any process that involves the public in problem solving or decision-making and uses public input to help make decisions. It promotes sustainable decision-making by providing participants with the information they need to be involved in a meaningful way, and it communicates to participants how their input affects the decision.

¹⁶ *Alta. Reg. 193/2017*. s.2: “A municipality’s public participation policy must identify (a) the types or categories of approaches the municipality will use to engage municipal stakeholders, and (b) the types or categories of circumstances in which the municipality will engage municipal stakeholders.” S. 3 “A municipality must make its public participation policy available for public inspection, and may post it on the municipality’s website.” S. 4 “A municipality must review its public participation policy at least once every 4 years.”

Figure 1 below is found on Red Deer's webpage,¹⁷ illustrating how Red Deer Council is guided by the International Association of Public Participation's (IAP2) principles¹⁸. Red Deer's Council has adopted the 'IAP2 Public Participation Spectrum' (spectrum of public participation)¹⁹ as a guide to determining appropriate opportunities for public participation in council decision-making processes. Council may sometimes request information from the public and, at other times may actively collaborate with stakeholders to solve problems that are affecting their lives or livelihoods. Figure 1 also illustrates the corresponding commitments made by Red Deer's Council to its municipal stakeholders.

Figure 1: The IAP2 Public Participation Spectrum



Source: Red Deer's webpage: <http://www.reddeer.ca/whats-happening/public-participation/>.

¹⁷ *Ibid.*

¹⁸ IAP2 International Association for Public Participation Canada, "Public Participation Spectrum," (nd), online: <http://iap2canada.ca/page-1020549>. Retrieved on April 4, 2018.

¹⁹ *Ibid.*

The ‘spectrum of public participation’ suggests that a council’s first responsibility is to provide sufficient information to citizens to help them participate in decision-making. Once informed, citizens are then to be consulted, and these two processes involve two-way communication and a willingness to listen to each other. Alberta municipalities are generally well-versed in processes in the ‘input zone’ as depicted in Figure 1. Information-sharing and consultation with citizens is common. Often the purpose of ‘input zone’ consultation is ‘show-and-tell,’ for example at an ‘open house’ - a council may want the public to be aware of what is being planned in order to get feedback before finalizing a proposed facility development. While changes are often made to initial proposals following open houses, the MGA does not require councils to use any of the feedback they receive in their final decisions.

Some municipalities involve their citizens in meaningful dialogue and collaborative processes for problem solving in what might be considered the ‘engagement zone,’ as depicted in Figure 1. However, few municipalities actively ‘empower’ citizens and taxpayers to make final decisions on behalf of the community, and most municipalities do not promise to adopt citizen-made solutions. Therefore, Red Deer Council’s ‘promise’ to do so is uniquely empowering.

Figure 2: Public participation to public engagement to empowerment



Unlike public participation, ‘public engagement’ brings citizens and other stakeholders together to solve problems that affect everyone in the community. During public engagement processes, citizens do not just inform council decisions; they also actively collaborate in decision-making. Public engagement is inclusive and may allow citizens to self-select into the process.²⁰ Citizens are empowered when decisions they make during engagement are adopted by council.

The lack of clarity in the MGA and the regulation about what a municipality must include in a public participation policy will likely result in a hodgepodge of municipal policies across the province. Likely, cities that have more personnel to facilitate meaningful public engagement, and more financial resources to develop engagement opportunities will develop policies such as those in Red Deer, the City of Edmonton (Edmonton),²¹ and the City of Calgary (Calgary).²² We need to understand how our own councils provide opportunities for us to participate in local governance, and understand the different processes on the ‘spectrum of public participation.’ However, the focus of this Citizen’s Guide is to help individuals prepare to appear before council and make effective written and oral submissions when opportunities arise in the ‘input zone.’

²⁰ Intellitics, “What is Public Engagement,” (nd), online: <http://www.intellitics.com/blog/2012/09/28/what-is-public-engagement/>. Retrieved on April 2, 2018.

²¹ City of Edmonton, “Public Engagement Policy,” April 11/12/2017, online: <https://www.edmonton.ca/documents/PoliciesDirectives/C593.pdf>. Retrieved on April 3, 2018.

²² City of Calgary, “Engage Policy,” May 27, 2018, online: <http://www.calgary.ca/CA/city-clerks/Documents/Council-policy-library/CS009-engage.pdf?noredirect=1>. Retrieved, on April 3, 2018. See also “engage! Policy,” May 28, 2003, online: <https://www.calgary.ca/CS/OLSH/Documents/School-site-revitalization/engage!%20Policy.pdf?noredirect=1>. Retrieved on April 3, 2018.

CHAPTER 3: OPPORTUNITIES TO APPEAR BEFORE MUNICIPAL COUNCILS – THE ‘INPUT ZONE’

NOT EVERYONE has the time to participate in public engagement processes in the ‘engagement zone’ of the ‘spectrum of public participation,’ but you may want to at least have your say. The thought of appearing before your council to provide your ideas or to explain your concerns may make some of you feel uncomfortable. If you are required by a legislated process to provide a written document detailing your concerns on a planning matter, many of you may be reluctant, and may doubt your ability to make an effective written submission. However, appearing before your council is not a formal process like appearing before a judge in court. Councils want to hear from you.

This Citizen’s Guide is dedicated to helping you become familiar with opportunities where you may want to appear before your council or provide a written submission to make your views and interests known before council makes a final decision on a matter that may affect you.

Complex community problems sometimes require input from citizens and taxpayers, and municipal councils cannot make these decisions alone. In Red Deer, for example, the public is invited to meaningfully contribute to policies; planning; projects; initiatives; and service level changes.²³ If you live in Red Deer, you might use its public participation webpage.²⁴ If you click on each one of these areas on the right hand side of the webpage you will find out how to provide your input. For example, under ‘planning,’ you will learn of planning matters that Red Deer’s Council is in the process of reviewing where public input is being sought.

Calgary’s website lists several opportunities for public engagement where projects may have an impact on stakeholders and where the city’s engagement policy applies, as follows

Planning (e.g. Transportation network and transit service, Parks development.); Policies and Bylaws (e.g. Snow and Ice Control Policy, Community Standards bylaw.); Project initiatives (e.g. Upgraded or new transportation infrastructure, new community or recreation facilities.); Mandated/legislated processes (e.g. Cell phone towers, area re-development plans.); Internal City of Calgary initiatives (e.g. Corporate-wide IT projects, department reorganizations.)²⁵

Red Deer and Calgary both illustrate how councils may provide interactive webpages where citizens may learn about opportunities to provide input. Generally, whether your municipality is urban or rural, or large or small, opportunities for public participation in both the ‘input zone’ and ‘engagement zone’ arise in the following areas of municipal governance:

- Policy and bylaw development;
- Land use planning and development;

²³ See Red Deer’s webpage, *supra* note 17.

²⁴ *Ibid.*

²⁵ City of Calgary, “Engage Framework and Tools,” (nd), online: https://engage.calgary.ca/application/files/1314/6376/8116/Engage_Framework.pdf at v20. Retrieved on April 3, 2018. Also see Okotoks, “Presenting to Council,” (nd), online: <https://www.okotoks.ca/municipal-government/mayor-council/council-meetings-agendas/presenting-council>. Retrieved on April 4, 2018.

- Mandated or legislated processes that require public participation;
- Community projects and initiatives; and
- Servicing and service level changes.

Alberta Municipal Affairs provides examples of how citizens may want to become informed or involved in council decision-making processes, and not all of them require you to appear before council.²⁶ For example, you may want to attend a council meeting, because everyone has a right to be present at council meetings to hear what is being presented by administration and deliberated by council. (A citizen has a right to know how council makes decisions, except in a limited number of situations protected by Alberta's privacy laws.²⁷)

Alternatively, you may wish to contact your administration to get information about upcoming policies and bylaws, planning matters, programs, etc. Some of you may prefer to contact one or more of your elected councillors to discuss your concerns. Sometimes, you may want to launch a petition among local residents to ask your council to enact a bylaw to regulate or control an emergent or contentious community issue. However, in many cases, you may want to appear before council to make a presentation in person.

Every council is different, and each council has the discretion to determine how it will allow citizens to appear and speak to them directly. To appear before council to make a presentation, you might need to ask administration to include you as a delegate on a council meeting agenda. In the case of a planning matter where public hearings are mandated by Part 17 of the MGA, you need to understand the public hearing process and what you can expect when you arrive and prepare to speak to your council. These issues are explained in your municipality's 'procedural bylaw' that guides the procedures your council uses in receiving information and making decisions at council meetings; in meetings with the public; in meetings of standing committees of council; during public hearings on planning matters, etc.

The first step to appearing before council is to obtain a copy of your municipality's procedural bylaw and understand the rules that apply in your community. You may want to ask the municipal administrator or one of your councillors for a copy of the procedural bylaw. However, in most cases, you will be able to download the procedural bylaw from the official municipal website.²⁸

***The first step to appearing before council is
to read council's 'procedural bylaw'.***

²⁶ Alberta Municipal Affairs website, *supra* note 15.

²⁷ See the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c.F-25 (FOIP), Part 1, Division 2.

²⁸ See for example, Town of Cochrane, "Procedural Bylaw," Bylaw 01/2011, as amended, online: <https://www.cochrane.ca/ArchiveCenter/ViewFile/Item/220> (Cochrane's Procedural Bylaw). Retrieved on April 4, 2018. Section 11 of the town's procedural bylaw addresses delegations to council. Also Thorhild County, "Procedural Bylaw," Bylaw 12-17; online: <http://www.thorhildcounty.com/Portals/0/documents/council/bylaws/Bylaw%2012-2017%20Procedural%20Bylaw.pdf?ver=2017-06-13-083419-050.s.36> addresses delegations to council. Retrieved on April 4, 2018.

CHAPTER 4: PROCEDURAL BYLAWS

MOST PROCEDURAL BYLAWS have special provisions for ‘delegations’ and for ‘public hearings’ that are unique to the municipality. One municipality may provide plenty of time for a citizen to speak to council, and another may limit the time to five or ten minutes. Some municipalities will allow their citizens to simply show up as a delegation at a regular council meeting or at a public hearing, while others require prior written notice of a citizen’s intention to appear and speak. For example, the Town of Cochrane (Cochrane) requires advance written notice at least a week in advance, and also allows for council to increase the time for a delegation to speak by majority vote.

Delegations

11.1 A member of the public may request in writing to be included on an Agenda as a delegation. The request must be submitted in writing and shall:

- (a) include a summary of the information that will be presented to Council;
- (b) not exceed five typewritten pages;
- (c) be submitted to the Legislative Services Manager no later than 4:00 p.m. on the seventh complete day before the day on which the next Council meeting is being held, with the C.A.O. having discretion to bring forward items submitted late that may be of an emergent nature.

11.2 No person representing an individual shall address Council for more than five (5) minutes, exclusive of the time required to answer questions put to him /her by a Council Member, unless granted a time extension by the majority of Council.²⁹

The City of Lethbridge’s (Lethbridge) Procedural Bylaw³⁰ includes rules for public hearings that significantly limit the time a citizen make speak, especially if a number of people are represented by another person, as follows:

Public Hearings

31. (1) Public Hearings on any matter to be heard by City Council require notice in accordance with The Municipal Government Act.

(2) Any person who claims that he will be affected by the subject matter of the Public Hearing shall be afforded an opportunity for himself or his agent to be heard by City Council. If an agent represents more than one person he will be allowed only five minutes to speak, unless the Chair rules otherwise.

(3) Any person who desires to be heard at a General Public Hearing may file a written submission with the City Clerk prior to noon on the Monday preceding the date of the Public Hearing.

(4) At the time called for the Public Hearing, the Chair must state the matter to be considered at the Hearing and the rules of procedures as outlined in paragraph (5).

(5) All Public Hearings must be conducted in the following manner:

- (a) The Administration introduces the proposed Bylaw or resolution and may speak as long as is required to do so.
- (b) The applicant or his agent will be allowed five minutes to speak to the proposal.

²⁹ Cochrane’s Procedural Bylaw, *supra* note 29, s.11.

³⁰ City of Lethbridge, “Procedural Bylaw,” Bylaw 5952, revised August 4, 2015, online: <http://www.lethbridge.ca/City-Government/Bylaws/Documents/5411Y.pdf>, s.31. Retrieved on April 4, 2018.

- (c) Any person or persons desiring to make a verbal presentation to the Public Hearing will stand, and upon being recognized by the Chair, must state their name. Upon being recognized, that person will be allowed five minutes to speak.
 - (d) The Chair must ask three times if there are any persons present who wish to make a verbal submission to City Council pertaining to the matter of the Public Hearing.
 - (e) Any Member of City Council may ask speakers relevant questions after all persons who wish to speak have been heard.
 - (f) The Chair, at his discretion, may allow any person making a presentation a three minute rebuttal period.
 - (g) City Council must file all written communications.
 - (h) At the conclusion of the Public Hearing, the Chair must declare the Public Hearing closed.
- (6) When a Public Hearing has been scheduled and the City Clerk or designate advises that the application has been withdrawn, no Public Hearing may commence.

Cochrane and Lethbridge have very different procedures for public hearings. Also, Lethbridge does not allow for delegations to be included on the agenda at regular meetings of council. However, section 30 of Lethbridge's procedural bylaw allows persons who wish to address council to do so in a rather impromptu manner, as follows:

Persons wishing to address city council

30. (1) If a representative of any group of persons wishes to address City Council on a general matter which is not on the Agenda, City Council may on a majority affirmative vote, allow the representative or any other person to address the matter.

(2) Unless:

- (a) an applicable statute or other overriding law in force in the Province of Alberta requires a time longer than five minutes be allowed; or
- (b) the time is extended by a majority vote of City Council,

no person shall address City Council for more than five minutes, exclusive of the time required to answer questions put to him by the City Council.

Appearing before both Calgary's and Edmonton's councils may require considerable advance preparation and communication with city staff. However, in some smaller Alberta municipalities, the process may be simplified. For example, in the Town of Nanton (Nanton) any member of council, town staff or any other person wishing to have an item of business placed on the agenda, must make written submissions to the chief administrative officer (CAO) by 4:00 o'clock on the Monday of the week prior to the next regular meeting of council. The CAO determines whether the written submission contains enough information to enable Nanton's council to deal with the matter.³¹ If so, then the person may appear as a delegation. In Nanton and in Cochrane, delegations are heard as the first order of business at every regular meeting of council, following adoption of the agenda and the minutes of the previous meeting. Therefore, citizens know they must get there before the meeting starts.

Learning about the procedural bylaw requirements for appearing as a delegation in your municipality is very important. The bylaw will help you understand what is expected of you to make your presentation, how much time you will have to speak, and the formalities of written submissions and appearing in person before council.

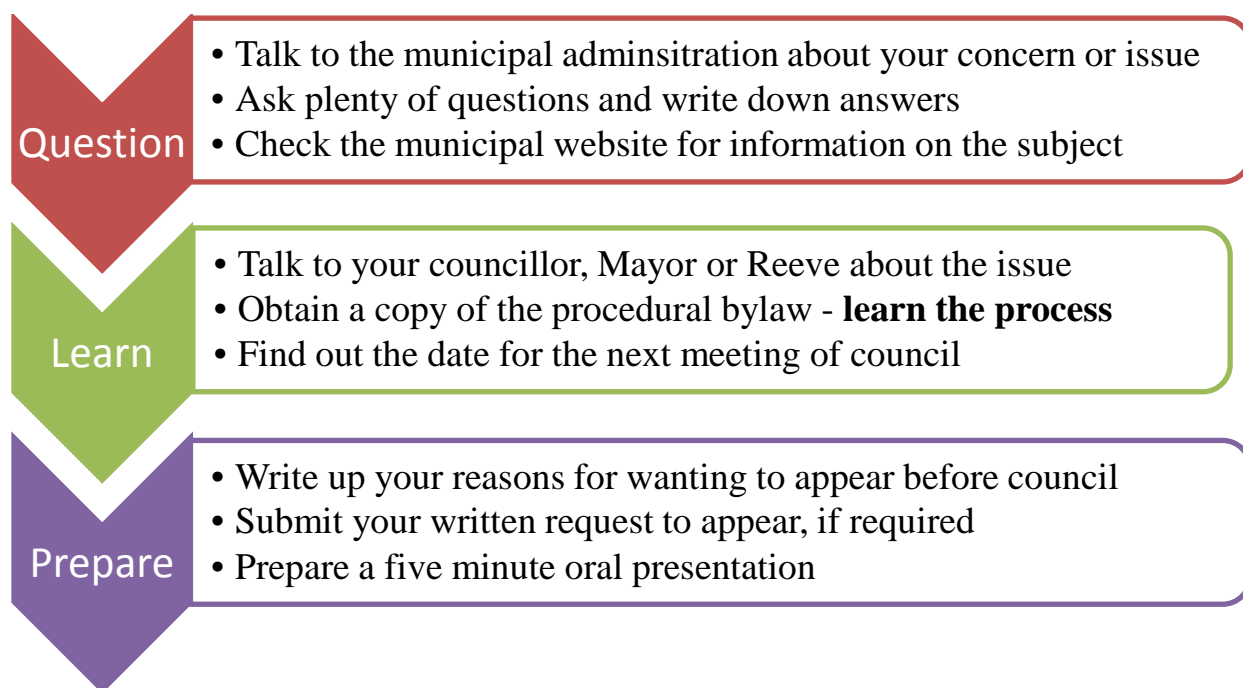
³¹ Town of Nanton, Procedural Bylaw," Bylaw #1232/11, online: <https://www.nanton.ca/DocumentCenter/View/178>, s. 4.2. Retrieved on April 5, 2018.

LET'S REVIEW THE 'INPUT ZONE'

WHETHER YOU ARE PLANNING TO APPEAR BEFORE COUNCIL as a delegation, during a public hearing, when presenting a petition, or for any other purpose in the 'input zone,' you must be prepared. Figure 3 outlines quick steps you might consider taking in advance.

The procedural bylaw will explain the council process and what is expected in each scenario. For example, it will tell you when you must submit your request to appear as a delegation; when and to whom you must send in any written materials; when you will likely appear on the council agenda; how much time you will be given to speak; how you can ask for more time to speak; how to address your Mayor, Reeve or councillors; etc.

Figure 3: Quick steps to prepare to appear before municipal council



Each of the next sections provides information to help you get ready to appear before your elected representatives. The sections provide details about different opportunities, such as appearing as a delegation, at a public hearing, and so on, along with suggestions for what to include in written submissions and oral presentations to influence council decisions.

PRACTICE

Download a copy of your municipal procedural bylaw from your municipality's official website.

Read the sections on 'delegations' and 'public hearings'.

What did you learn about the processes?

CHAPTER 5: APPEARING AS A ‘DELEGATION’ TO COUNCIL

COUNCILS are elected to represent the people who live within the boundaries of the municipality. Their decision-making powers are limited by the MGA and other enactments, but generally they have very broad discretion to make decisions on a range of matters on behalf of the community. However, all municipal councils must ensure that their decisions are within legal bounds, are reasonable, and fair in the circumstances.

Across Canada, when a municipal government or any other public authority exercises its powers where individual rights, privileges or interests are at stake, their decisions must reflect ‘natural justice’ and ‘procedural fairness.’ According to the Government of Canada’s webpage about “Citizenship: Natural Justice and Procedural Fairness,”³² our legal system’s requirements for natural justice safeguard our Canadian rights and freedoms and way of life:

The principles of natural justice exist as a safeguard for individuals in their interactions with the state. These principles stipulate that whenever a person’s “rights, privileges or interests” are at stake, there is a duty to act in a procedurally fair manner.

The principles of natural justice concern the general manner in which a decision is made. Essentially, procedural fairness does not concern the correctness of the decision. Rather, principles of natural justice help to ensure that the decision maker followed the proper procedure in arriving at their decision. The principles of natural justice and procedural fairness are based on the theory that the substance of a decision is more likely to be fair if the procedure through which that decision was made has been just.³³

The concept of natural justice includes a number of principles to which a municipal government must adhere to ensure that its decision-making processes are procedurally fair. The Government of Canada’s webpage³⁴ explains twelve processes that contribute to procedural fairness. The first is the requirement to provide ‘**notice.**’ Any person who may be affected by a decision of council must have adequate notice of the nature of the proceedings before council. Most municipalities provide notice to the public through their council agendas, which they may post on an official website or in a conspicuous location near the regular meeting venue. Notice of public hearings about planning and development matters are usually advertised in local papers. How a municipality provides notice is a matter of policy.

The second aspect of procedural fairness is ‘**disclosure.**’ Citizens have the right to know what materials the council may have in their possession when a decision is being made that may affect their property or businesses. For example, a person has a right to know how their property has been assessed to determine its market value.

Third, everyone who may be affected by a council decision should be provided with the ‘**opportunity to present one’s case.**’ This is sometimes referred to as the right to be heard by the decision-maker. The right to be heard may be through an oral or a written presentation or submission.

³² Government of Canada, “Citizenship: Natural Justice and Procedural Fairness,” (nd), online: <https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/canadian-citizenship/administration/decisions/natural-justice-procedural-fairness.html>. Retrieved on April 5, 2018.

³³ *Ibid.*

³⁴ *Ibid.*

The fourth process that helps a council achieve procedural fairness is to provide a citizen with the **‘opportunity to respond’** to any information that the council might be relying upon to make its decision. Most municipal procedural bylaws ensure that council members may ask questions of a delegate or a person appearing at a public hearing, and the person appearing will be given time to answer.

Fifth, a council member does have a **‘duty to consider relevant information provided.’** The duty to consider does not mean that a council member must decide a matter the way you may want, it only requires that the information, if relevant to the decision being made, is considered along with all other relevant information before the council. (Councillors also are not supposed to consider and be swayed by irrelevant materials when making their decisions).

As a sixth aspect of procedural fairness, councils will allow a citizen to appear before them with **‘legal counsel.’** However, legal counsel will only be given the same time you would be given to speak, and often that time is insufficient for legal counsel to properly represent your interests. Seventh, you have a **‘right to an interpreter’** if you do not speak English, which is the language used by most Alberta councils.

Another important aspect of procedural fairness is that a citizen may have **‘legitimate expectations’** about the procedure that council will use to make a decision. For example, if a procedural bylaw sets out a particular process for council to use when hearing from the public, a citizen has a legitimate expectation that council will follow that process. Finally, every citizen has a **‘right to an impartial decision-maker and freedom from bias.’** Council members must keep open minds throughout presentations made by their citizens and not let bias toward their personal beliefs or interests cloud their decision-making.

As you prepare to attend before your council as a delegation, you need to know that your council wants to hear from you. Your input is valuable information they need to consider when making a decision that may affect your life or livelihood. That is why they may ask you to provide a brief written summary of what you want to present before you appear before them. In some municipalities, they will provide you with a form to fill out³⁵ to let administration know you want to attend. If your municipality does not have a form, you can use whatever format you want to make your written submission. The most important elements of a written submission are shown below and a sample format for a written submission is provided on the next page.

IMPORTANT CONTENTS FOR A WRITTEN SUMMARY

- Describe who you are in relation to the proposal or decision.
- Explain where you live or work - describe your property – provide a map.
- Explain how you are affected by the proposal or decision.
- Offer an alternative or solution.
- Explain why you think the proposal or decision should be approved or rejected.
- State what you want council to do. Are more studies required?
- Provide contact information. Ask that council or administration get back to you.

³⁵ See Strathcona County, “Presentation to Council and Priorities Committee,” (nd), online: <https://www.strathcona.ca/council-county/mayor-council/council-meetings/making-a-presentation-to-council/>. Retrieved on April 5, 2018. The webpage explains what you must do to prepare to attend before council.

PRACTICE

***Prepare a brief written summary on a municipal issue
of concern to you.***

***Make three key points. Be succinct!
Use the letter format below.***

Your name and address

Date

**Mayor and Council
Municipality XXX
Address**

Dear Mayor _____ and Council:

Re: Your issue

I am a citizen of Municipality XXX and I am concerned about the (explain the issue) because it affects my (quality of life; business, etc.). I want to appear as a delegation at the next regular meeting of Council to discuss my concerns.

I live at _____. I attach a (Google Earth) map of where my property is located with respect to the proposed _____.

The proposed facility will impact me because _____. The proposed facility would be better situated at _____, because_____.

The facility should not be built at the proposed location because it will _____.

I ask council to reject the current proposal, and conduct further studies about _____before making your final decision to ensure that all the issues have been addressed. I can be reached at _____. Thank you for your kind consideration.

Yours truly,

Your name

When you have finished your written submission, use the following checklist to make sure it is ready to submit within the required timelines set out in the procedural bylaw, or as indicated to you by administration. If possible, have a friend read it over to make sure it makes sense. Is it easy to understand your concerns? Finally, what do you want council to do? Is your request clear?

Table 1: Written submission checklist

Review criteria	Check
Is my writing easy to understand?	
Is my language respectful throughout?	
Did I make 3-4 key points about my concerns without rambling on?	
Did I offer any alternatives or solutions?	
Did I make it clear what I want council to do?	
Did I sign and date the letter and provide contact information?	

In most cases when you have been added to the agenda to appear as a delegation at a regular meeting of council, you will be given five minutes to make your oral presentation. A member from administration will introduce you to council and ask you to come up to the podium to speak. **Five minutes is not very long**, so use every minute effectively to influence the decision council will make. Below are some tips for a successful oral presentation.

TIPS FOR APPEARING AS A DELGATION

- Prepare what you want to say before-hand and practice in front of a friend or colleague.
- Be on time and be ready to speak when your name is called.
- Address the Mayor or Reeve as Mayor, Reeve or Sir. Do not speak directly to councillors as all presentations must be received through the Mayor or Reeve.
- Be respectful throughout.
- Keep eye contact with the Mayor or Reeve or councillors.
- **Do not read your written materials.** Council already has those and will likely have read them. Explain the three most important things from the written summary that you want Council to consider. Do you have any written materials or studies that you want them to consider? What is an alternative or a solution to the issue?
- Keep to the five minutes.
- Thank your Mayor or Reeve and Council for the opportunity to speak to your concerns.
- Ask the Mayor or Reeve if anyone has any questions.
- Answer questions respectfully and repeat your key messages if you have a chance.
- Be prepared to speak to the local press about why you appeared before council.

While everyone has their own presentation style, a sample oral presentation format is provided on the next page to get you started. This is a sample only, so feel free to make any changes to the order of presentation or the style of the language that you require.

SAMPLE FORMAT OF AN ORAL PRESENTATION AS A DELEGATE

- Good afternoon/evening Mayor/Reeve and Council.
- Thank you for allowing me to make this presentation about _____.
- In my written summary, you will see that I am concerned about: 1. __ 2. __ 3. __
- I ask that you also look at these other materials that I have brought with me today.
- I believe that an alternative is _____.
- I would like Council to _____.
- Council might want to have further studies conducted to ensure that all the issues I have raised today have been properly addressed before you make your final decision.
- Thank you for being an attentive audience.
- Do you have any questions for me?



Lac La Biche Council Chambers at McArthur Place

PRACTICE

Use the sample format above and prepare a five minute oral presentation to your council on an issue happening in your community.

Practice on a friend or family member.

CHAPTER 6: MUNICIPAL BYLAWS

MUNICIPAL COUNCILS may act through resolution of council or by enacting a bylaw. Councils have broad powers and discretion to pass bylaws for many municipal matters.³⁶ In some municipal governance matters, council is required to pass a bylaw. For example, if the municipality wants to close a road, the road closure must be done by passing a bylaw, and persons who claim to be directly affected by the closure must be given an opportunity to be heard by council. This is usually done through a road closure public hearing. All bylaws passed under Part 17 of the MGA, to adopt statutory planning documents or the land use bylaw, or to amend any of these planning and development documents, must be done through bylaws.

The MGA regulates bylaw passing processes used by municipal councils, and sections 187-190 of the MGA are included below for reference. Many Albertans do not realize that councils are sometimes required to pass bylaws. Many do not know what it means for council to ‘give a reading’ to a bylaw. Every bylaw must have ‘three readings’. This means that a bylaw must be considered and adopted by the majority of council in three distinct and separate readings. It must be adopted by the majority of council each time, and signed by the Mayor or Reeve of the municipality after third reading before it comes into force. If a bylaw does not receive second or third reading within two years after first reading, or if it is defeated on second or third reading, all previous readings of the bylaw are automatically rescinded.

Passing a Bylaw

Bylaw readings

187(1) Every proposed bylaw must have 3 distinct and separate readings.

(2) Each councillor present at the meeting at which first reading is to take place must be given or have had the opportunity to review the full text of the proposed bylaw before the bylaw receives first reading.

(3) Each councillor present at the meeting at which third reading is to take place must, before the proposed bylaw receives third reading, be given or have had the opportunity to review the full text of the proposed bylaw and of any amendments that were passed after first reading.

(4) A proposed bylaw must not have more than 2 readings at a council meeting unless the councillors present unanimously agree to consider third reading.

(5) Only the title or identifying number has to be read at each reading of the bylaw.

Rescission of previous bylaw readings

188 The previous readings of a proposed bylaw are rescinded if the proposed bylaw

- (a) does not receive third reading within 2 years after first reading, or
- (b) is defeated on second or third reading.

Passing of bylaw

189 A bylaw is passed when it receives third reading and it is signed in accordance with section 213.

Coming into force

190(1) A bylaw comes into force at the beginning of the day that it is passed unless otherwise provided in this or any other enactment or in the bylaw.

(2) If this or any other enactment requires a bylaw to be approved, the bylaw does not come into force until the approval is given.

(3) No bylaw may come into force on a day before it is passed unless the enactment authorizing the passing of the bylaw specifically allows for the bylaw to come into force on a day before it is passed.

³⁶ MGA, *supra* note 4, s.7.

Sometimes, it may be difficult for a citizen to know when council may make a decision via resolution of council, and when a council is required to pass a bylaw. However, council's intention to consider and give readings to bylaws is included in the agenda for a regular or special meeting of council.

If you log on to the official website for your municipality, you will usually be able to find the agenda for the next regular meeting of council. If you scroll through the agenda, you will be able to determine if there are any bylaws being considered, and learn how many readings those bylaws have already been given.³⁷ The procedural bylaw often determines the order of council business, and in some cases, bylaws are considered early on the agenda, and in other cases, they are considered toward the end of the regular meeting of council.

If a bylaw requires a public hearing to be held between first and second reading of the bylaw, council may hold the public hearing before a regular meeting of council begins, or even on a separate day, and the debate and vote on the bylaw will then follow at the next regular meeting of council. Sometimes, if a matter is urgent, a council may hold a special meeting of council to pass a bylaw. All special meetings are required to be advertised and only the business that is set out in the advertised notice of the special meeting may be conducted at that meeting. Sometimes, special meetings are advertised by posting them on the municipality's website, or in a conspicuous location where interested citizens can find information, such as a bulletin board outside of council chambers. All of these procedures are usually explained in the procedural bylaw for the community, and while every municipality is unique, the MGA regulates many of these procedures.

PRACTICE

Go to your municipality's official website and find the agenda for the next regular meeting of council.

Scroll through the agenda and locate bylaws that are scheduled to be considered by council.

Are any of the bylaws scheduled to receive third reading?

³⁷ See for example, Okotoks, "Council Meetings and Agendas," (nd), online: <https://www.okotoks.ca/municipal-government/mayor-council/council-meetings-agendas>. Retrieved on April 5, 2018.

CHAPTER 7: PUBLIC HEARINGS

PUBLIC HEARINGS conducted by municipal councils are regulated through section 230 of the MGA. Sometimes, a public hearing is required before a council may pass either a resolution or enact a bylaw. When a public hearing is conducted, either because it is required by the MGA or by another enactment, it must conform with section 230 requirements, as follows:

Public Hearings

When to hold public hearing

230(1) When this or another enactment requires council to hold a public hearing on a proposed bylaw or resolution, the public hearing must be held, unless another enactment specifies otherwise,

- (a) before second reading of the bylaw, or
- (b) before council votes on the resolution.

(2) When this or another enactment requires a public hearing to be held on a proposed bylaw or resolution, council must

- (a) give notice of the public hearing in accordance with section 606, and
- (b) conduct the public hearing during a regular or special council meeting.

(3) A council may by bylaw establish procedures for public hearings. (Emphasis added.)

(4) In the public hearing, council

- (a) must hear any person, group of persons, or person representing them, who claims to be affected by the proposed bylaw or resolution and who has complied with the procedures outlined by the council, and
- (b) may hear any other person who wishes to make representations and whom the council agrees to hear.

(5) After considering the representations made to it about a proposed bylaw or resolution at the public hearing and after considering any other matter it considers appropriate, the council may

- (a) pass the bylaw or resolution,
- (b) make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or
- (c) defeat the bylaw or resolution.

(6) The minutes of the council meeting during which the public hearing is held must record the public hearing to the extent directed by the council.

How your municipality conducts public hearings will necessarily comply with section 230, but may have local nuances as described in the municipality's procedural bylaw. (See subsection 230(3) above.)

Generally, your appearance before council at a public hearing is similar to when you appear as a delegation. There are more formalities. Most municipalities practice the same order of presentations as at regular meetings but with some added elements. First, a member of municipal administration will introduce the proposed bylaw or matter to council. Second, if there is a 'proponent' for a proposed bylaw or action, the proponent will be asked to speak next. Third, anyone who wants to speak in favour of the proposed bylaw or action will speak following the proponent. Last, anyone who wants to speak against the proposed bylaw or action will be invited to speak. Finally, the same member of administration will conclude the public hearing and ask council to follow administration's recommended actions.

Councils usually have a first come-first-serve sign-up sheet in council chambers at public hearings, and a member of municipal administration will usually ask people who show up to sign in. You will be asked to indicate whether you will speak for or against the proposed bylaw or action before council. The sign-in sheet helps the Mayor or Reeve to comply with the proper order of speaking set out in the municipal procedural bylaw. People who have signed up to speak are usually invited to the podium in the order listed.

Public hearings are formal proceedings and section 230 of the MGA is in place to ensure procedural fairness. Minutes are taken by municipal administration. In that way, council has a record of who attended the public hearing and all the information that was presented. This record may be accessed by any member of the public. Minutes help councils, because all information presented in a public hearing can be reviewed and considered before councillors make final decisions or give second or third reading to proposed bylaws.

Public hearings on proposed bylaws are not a form of ‘public engagement.’ They are regulated processes where persons affected by a proposed bylaw may make a written or oral submission to council before council gives second reading to the bylaw. If any ‘public engagement’ does take place before first reading of a bylaw by council, it will happen well in advance of the required public hearing. For example, municipal administration may host a design charrette, or require that the developer host a series of public engagement sessions before the public hearing occurs. During a public hearing, you will provide input. At a public engagement session, such as a design charrette, you will collaborate and help find solutions to problems or develop recommendations to guide council’s future decision-making.

PRACTICE

Read your municipality’s procedural bylaw rules about ‘public hearings.’

Using the same general format to prepare both a written and oral presentation as you did for appearing as a delegation, prepare to appear at a public hearing on a bylaw currently before your council.

CHAPTER 8: APPEARING BEFORE COUNCIL AT A PUBLIC HEARING ON A PLANNING MATTER

PUBLIC HEARINGS ON PROPOSED PLANNING BYLAWS must be conducted according to special rules set out in the MGA. In most municipal governance matters a council may act by resolution or by passing a bylaw. However, to adopt any statutory plan or the land use bylaw under Part 17 of the MGA a council must hold a public hearing after giving the bylaw first reading, and before giving second reading. Every Part 17 bylaw requires three distinct readings by council before it comes into force or has any effect.³⁸ Section 692 of the MGA provides, as follows:

Planning bylaws

692 (1) Before giving second reading to

- (a) a proposed bylaw to adopt **an intermunicipal development plan**,
- (b) a proposed bylaw to adopt a **municipal development plan**,
- (c) a proposed bylaw to adopt an **area structure plan**,
- (d) a proposed bylaw to adopt an **area redevelopment plan**,
- (e) a proposed **land use bylaw**, or
- (f) a proposed **bylaw amending a statutory plan or land use bylaw** referred to in clauses (a) to (e),

a council must hold a public hearing with respect to the proposed bylaw in accordance with section 230 after giving notice of it in accordance with section 606.

All of the ‘plans’ referred to in section 692 of the MGA are considered ‘statutory plans.’ The section requires that notice of proposed bylaws and amendments to statutory plans and the land use bylaw be provided to citizens. Notice is usually provided through the local newspapers. In many cases, the local media will have already published articles about land use development proposals and amendments to statutory plans and the land use bylaw well in advance of council giving first reading to a proposed bylaw. However, it may still be difficult for a citizen to learn about the opportunity to attend a public hearing.

In many cases, giving first reading to a proposed section 692 bylaw is a formality indicating that the application for a proposed bylaw or an amendment is complete as far as administration is concerned. An application is complete when all the requirements of the land use bylaw and any council policy have been addressed to the satisfaction of the development authority. First reading allows council to set a date for the public hearing to receive feedback on what is being proposed. Usually, changes are made to the proposed bylaw to address public feedback before second reading is given. The proposed bylaw may be amended again after second reading, but every councillor must be given a copy of the final draft of the bylaw and must be afforded the time to review a final draft before third reading may be given.³⁹ It is unusual for any Part 17 bylaw to receive all three readings at one regular meeting of council. Second reading and third reading of Part 17 bylaws may only be given at the same meeting if the public hearing has taken place and there are no significant amendments to the bylaw required as a result of the public hearing. Also, councillors who have not been in attendance during the public hearing are not entitled to vote on a proposed Part 17 bylaw.⁴⁰

³⁸ See MGA, *supra* note 4, s.230.

³⁹ *Ibid.*

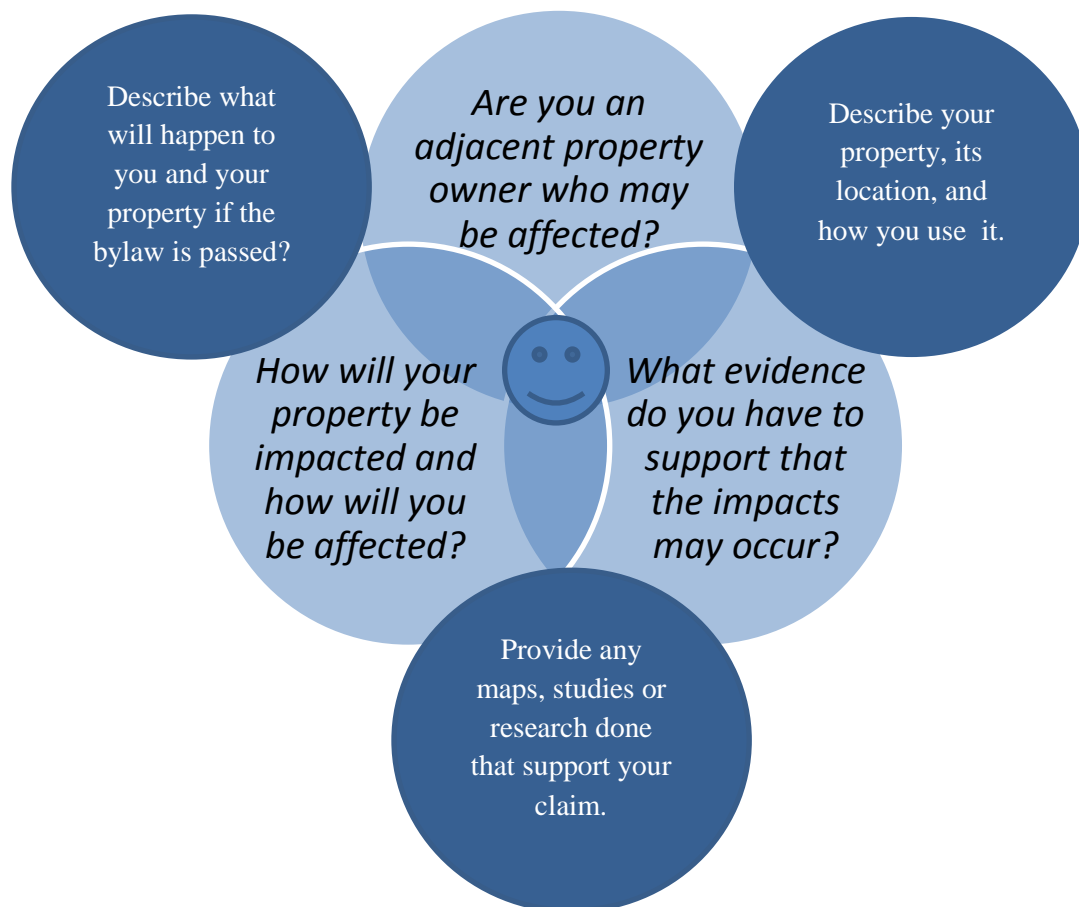
⁴⁰ *Ibid.*

If you want to appear at a public hearing after first reading of a proposed planning bylaw, you should be very well prepared. You will usually be asked to provide each member of council with a copy of any written materials or documents that you want them to consider in their deliberations before they vote to proceed to second reading, or to amend the bylaw. In addition, you may be required to provide copies for administrative staff, for example the CAO and the planning officer in control of the bylaw file. The procedural bylaw will tell you how many written copies must be provided.

If you own a parcel of land adjacent to a parcel where the landowner or developer is proposing a planning bylaw or an amendment to a planning bylaw that may change the land use rules for your property, you will want to explain to council how you will be negatively (or positively) affected. You need to provide council with sufficient evidence to support what you claim. **You are at the center of your presentation as a citizen and taxpayer.**





Making a persuasive argument at a public hearing on a planning matter can be very difficult because each person is only allocated five minutes to make his or her argument. Figure 5 below illustrates three components of a persuasive argument. Remember, you only have five minutes. **The last statement of your presentation should be what you want council to do.**

Figure 4: Components of a Persuasive Oral Presentation on a Planning Bylaw



CHAPTER 9: PREPARING AND FILING PETITIONS

KNOWING HOW TO PREPARE A PETITION is probably the most difficult aspect of public participation in the ‘input zone.’ Often, a few citizens think that a contentious community issue needs to be addressed by council through a bylaw, and they set out to collect names of other citizens within the community to petition council to pass such a bylaw.

-  The MGA allows electors in the municipality to petition council for three different actions:
-  for a meeting with council;
-  for council to pass a new bylaw or a bylaw to amend or repeal a bylaw or resolution; or
-  for a vote of the electors on an advertised bylaw or resolution.

There are plenty of rules for how a petition must be drawn up, and what it must contain to be considered a ‘sufficient’ and legal petition. The rules also clarify that a petition requesting a bylaw or to amend or rescind a planning bylaw under Part 17 has no effect.⁴¹ As well, citizens may not petition for a bylaw or to amend or rescind a bylaw under Part 8: Financial Administration; Part 9: Assessment of Property; or Part 10: Taxation,⁴² or petition council for a vote of the public on an advertised bylaw for a road closure.⁴³

If a petition does not comply with the rules for petitions, the CAO of the municipality may refuse to accept the petition, and the council is not required to consider it in decision-making. If you go to the trouble of preparing a petition, make it sure it is sufficient and legal. Preparing and filing a legal petition is a very difficult and time consuming process.

Before you get started, you should know that only “electors of a municipality are eligible to be petitioners.”⁴⁴ Electors are people who are legible to vote in a municipal election. If people from outside your municipal boundaries sign the petition, their names will not count. To be ‘sufficient’ and legal, petitions must be signed by **10% of the population** in your municipality. Even though children are not ‘electors,’ and cannot sign a petition, their numbers count in the population total. In the case of a summer village, a petition must be signed ‘by a number of the electors of the summer village equal to at least 20% of the number of summer village residences in the summer village.’⁴⁵

Alberta Municipal Affairs has a webpage,⁴⁶ last modified in October, 2017, where you can find templates of forms to petition your council, including a form of petition, a form of the required affidavits, and a form of the required statement of representative of petitioners.

⁴¹ MGA, *supra* note 4, ss. 232(2).

⁴² *Ibid.*

⁴³ MGA, *supra* note 4, s.231.

⁴⁴ MGA, *supra* note 4, s. 222.

⁴⁵ MGA, *supra* note 4, ss. 223(2)(b).

⁴⁶ Alberta Municipal Affairs, “Petition Information For Electors,” (nd), online:

http://www.municipalaffairs.alberta.ca/am_petition_information_for_electors. Retrieved April 5, 2018.

See also, Alberta Municipal Affairs, “Petition to Your Council,” October, 2017, online:

<http://www.municipalaffairs.alberta.ca/documents/Petition%20to%20Your%20Council.pdf>, pp.14 -16 for the forms. Retrieved on April 5, 2018.

The most important rules for petitions in the MGA are set out below to help you understand the complexity of the process of petitioning council. Table 2: A Summary of the Rules for Petitions provides a big picture of what a petition must contain and how it must be presented to the CAO to be considered sufficient and legal. Recent changes to the MGA added ss. 226.1, which allows your council to pass a bylaw to amend the rules of petitions within your municipality. Does such a bylaw exist in your municipality? If so, the bylaw may modify the rules, so you need to find out if such a bylaw exists.

Rules for petitions

219 Sections 220 to 226 apply to all petitions to a council and the Minister under this Act, any other enactment or bylaw except to the extent that they are modified by this Act or any other enactment or, in respect of petitions to a council, by a bylaw under section 226.1.

Petition sufficiency requirements

221 A petition is sufficient if it meets the requirements of sections 222 to 226 or, where those requirements are modified by bylaw under section 226.1, if it meets the requirements as modified.

Who can petition

222 Unless otherwise provided in this or any other enactment, **only electors of a municipality are eligible to be petitioners.** (Emphasis added).

Number of petitioners

223(1) A petition must be signed by the required number of petitioners.

(2) If requirements for the minimum number of petitioners are not set out under other provisions of this or any other enactment then, to be sufficient, the petition must be signed,

- (a) in the case of a municipality other than a summer village, by electors of the municipality equal in number to **at least 10% of the population**, and (Emphasis added.)
- (b) in the case of a summer village, by a number of the electors of the summer village equal to at least 20% of the number of summer village residences in the summer village.

Other requirements for a petition

224(1) A petition must consist of one or more pages, **each of which must contain an identical statement of the purpose of the petition.** (Emphasis added.)

(2) The petition must include, for each petitioner,

- (a) the printed surname and printed given names or initials of the petitioner,
- (b) the petitioner's signature,
- (c) the street address of the petitioner or the legal description of the land on which the petitioner lives,
- (c.1) the petitioner's telephone number or e-mail address, if any, and
- (d) the date on which the petitioner signs the petition.

(3) Each signature must be witnessed by an adult person who must

- (a) sign opposite the signature of the petitioner, and
- (b) take an affidavit that to the best of the person's knowledge the signatures witnessed are those of persons entitled to sign the petition.

(3.1) The petition must have attached to it the affidavits referred to in subsection (3).

(4) The petition must have attached to it a signed statement of a person stating that

- (a) the person is the representative of the petitioners, and
- (b) the municipality may direct any inquiries about the petition to the representative.

Counting petitioners

225(1) A petition must be filed with the chief administrative officer and the chief administrative officer is responsible for determining if the petition is sufficient.

(2) No name may be added to or removed from a petition after it has been filed with the chief administrative officer.

(3) In counting the number of petitioners on a petition there must be excluded the name of a person

- (a) whose signature is not witnessed,
 - (a.1) whose signature is witnessed but for which no affidavit is attached to the petition,
 - (b) whose signature appears on a page of the petition that does not have the same purpose statement that is contained on all the other pages of the petition,
 - (c) whose printed name is not included or is incorrect,
 - (d) whose street address or legal description of land is not included or is incorrect,
 - (e) if the date when the person signed the petition is not stated,
 - (f) when a petition is restricted to certain persons,
 - (i) who is not one of those persons, or
 - (ii) whose qualification as one of those persons is not, or is incorrectly, described or set out, or
 - (g) who signed the petition more than 60 days before the date on which the petition was filed with the chief administrative officer, unless a bylaw under section 226.1(1)(e) provides otherwise.
- (4) If 5000 or more petitioners are necessary to make a petition sufficient, a chief administrative officer may use a random statistical sampling method with a 95% confidence level to determine the sufficiency of the petition, instead of counting and checking each petitioner.

Report on sufficiency of petition

226(1) Within 45 days after the date on which a petition is filed, the chief administrative officer must make a declaration to the council or the Minister on whether the petition is sufficient or insufficient.

(2) Repealed 1995 c24 s26.

(3) If a petition is not sufficient, the council or the Minister is not required to take any notice of it.

Bylaws modifying petition requirements

226.1(1) Despite sections 219 to 226 and 233(2), a council of a municipality may by bylaw do any or all of the following:

- (a) reduce the percentage required under section 223(2)(a) or (b), whichever is applicable, for petitions to the council;
 - (b) allow petitioners to remove their names from petitions to the council by filing a statutory declaration with the chief administrative officer no later than 14 days after the petition is filed with the chief administrative officer;
 - (c) provide for petitions to the council to be signed electronically and modify the requirements in sections 224(2) and (3) and 225(3) to the extent the council considers necessary or appropriate for that purpose;
 - (d) provide for petitions to the council to be filed with the chief administrative officer electronically;
 - (e) extend the time provided in section 233(2) for filing petitions to the council with the chief administrative officer.
- (2) A bylaw made or proposed to be made under subsection (1)(a) cannot be the subject of a petition.
- (3) A bylaw made under this section must not take effect earlier than 90 days after it is passed.

Protection of personal information in petitions

226.2(1) Despite any provision of this Act, the *Freedom of Information and Protection of Privacy Act* or any other enactment, personal information contained in a petition

- (a) must not be disclosed to anyone except the chief administrative officer and the chief administrative officer's delegates, if any, and
 - (b) must not be used for any purpose other than validating the petition.
- (2) Minimal disclosure that occurs inadvertently in the course of collecting signatures to the petition is not a breach of subsection (1).
- (3) Every page of a petition must contain a statement that the personal information contained in the petition
- (a) will not be disclosed to anyone except the chief administrative officer and the chief administrative officer's delegates, if any, and
 - (b) will not be used for any purpose other than validating the petition.

Table 2: Summary of Rules for Petitions and Checklist

Issue/topic	Rule	Check
Council has passed a bylaw amending the rules for petitions.	226.1	
The request is for a new bylaw or to amend or rescind a bylaw.	232	
The request is for a vote of the electors on an advertised bylaw.	231	
The request is for a meeting with council .	229	
Only electors in the municipality have signed.	222	
10% of the population have signed. (See special rule for summer villages.)	223(2)(a) 223(2)(b)	
Each page of petition has an identical statement of purpose	224(1)	
Each page of the petition contains the statement that the personal information contained in the petition will not be disclosed to anyone except the CAO, and the CAO's delegates, if any, and will not be used for any purpose other than validating the petition.	226.2(3)	
Each petitioner has full printed name surname, first name, initial.	224(2)(a)	
Each petitioner has signed.	224(2)(b)	
Each petitioner has provided street address or legal land description.	224(2)(c)	
Each petitioner has provided a phone number or email.	224(2)(c.1)	
Each petitioner has provided the date when signed	224(2)(d)	
Each signature is witnessed by an adult who has signed opposite the petitioner's signature.	224(3)(a)	
The witness of the petitioner's signatures has sworn an affidavit that to the best of his or her knowledge the signatures are of persons entitled to sign the petition.	224(3)(b)	
A signed statement has been attached by the person who represents the petitioners stating that all inquiries about the petition are to be directed to that person.	224(4)	
The required affidavits have been attached to the petition.	224	
The petition was filed with the CAO or delegate.	225	
The petition is filed within 60 days of the date when the first petitioner signed.	225(3)(g)	
The petition for a vote of the electors on an advertised bylaw required to be advertised by Part 8 was filed within 15 days after the last date on which the proposed bylaw was advertised.	231(3)	
The petition for a vote of the electors on a proposed bylaw or resolution required to be advertised by another Part of the MGA or another enactment was filed within 60 days after the last date on which the proposed bylaw or resolution was advertised.	231(4)	

CHAPTER 10: APPEARING BEFORE A STANDING COMMITTEE OF COUNCIL OR TASK FORCE

STANDING COMMITTEES OF COUNCIL AND TASK FORCES are not the same, and councils have different reasons for creating them. A standing committee is a permanent committee of council, and a task force is a committee struck to perform a task within a short period of time, after which it will be disbanded. Both usually have a Terms of Reference describing their purpose, and a chairperson either appointed by council or elected from the appointed members. An example of a standing committee is a municipal planning commission, appointed under section 626 of the MGA. An example of a task force is a committee that is struck to help council determine how to deal with the need for affordable housing or transit that are emergent, but one time issues. One or more members of council may be members of a standing committee or a task force. In both scenarios, members of the public are welcome to attend their meetings, but the public is not usually given a chance to speak.

Members of a municipal planning commission are appointed by council to serve one or more terms and to help with ongoing planning matters. Like council, a planning commission is a continuing body, and while members may come and go, the commission continues to attend to planning matters at regularly scheduled monthly meetings. Members of a task force are often appointed for a short time period and are not replaced if one or another member steps aside. The task force completes the project at hand and is disbanded. Task forces are often comprised of highly motivated and expert panelists, chosen specifically to get a specific task done.

Task forces sometimes seek public input on the topics they have been asked to address.⁴⁷ The Terms of Reference of some task forces require them to conduct public engagement sessions and engage directly with citizens to gain a better understanding of the issues and potential solutions. Task forces are an example of citizens participating in public engagement in the ‘engagement zone’ of the spectrum of public participation. If you are asked to attend a task force meeting, you may be participating in the ‘engagement zone.’ Appearing before a task force may be very informal: you may be invited to attend as a guest speaker to share knowledge or ideas. Or you may be able to attend on a drop in basis where you are invited to speak in a similar manner as at a public hearing, only without the all formalities.

If you want to appear before a standing committee of council, such as the municipal planning commission, you will have to comply with the rules set out in the procedural bylaw for making such an appearance. Standing committees of council usually meet once a month, and their meetings are advertised. The meetings follow an agenda, and are quite formal. You may have to fill in a request to appear before a council committee.⁴⁸ If you are invited to speak to a standing committee of council, or a council task force, the suggestions made above for preparing to attend a regular meeting of council apply.

⁴⁷ For an example of Terms of Reference, composition of members, and how a task force engages with citizens, see Strathcona County, “Mayor’s Task Force on Community Housing”, January 16, 2016, online: <https://www.strathcona.ca/files/files/at-cpia-communityhousingreporttoprioritiescommitteejan262016.pdf>. Retrieved on April 5, 2018.

⁴⁸ See City of Brooks, “Request to Appear Before City Council,” (nd), online: <https://www.brooks.ca/documentcenter/view/378>. Retrieved on April 5, 2018. The form allows you to request to appear before a council committee as a delegation, and explains the process and rules of procedure for delegates.

CHAPTER 11: SURVEYS AND OTHER OPPORTUNITIES FOR INPUT

SURVEYS, and community needs assessments are often used by councils to get written input from citizens on a number of community issues. For example, since 1997 Calgary conducts a Citizen Satisfactory Survey to assess how satisfied Calgarians are with “city performance, programs, services, and overall quality of life in Calgary.”⁴⁹ Annual surveys are available online, and data is tabulated by administration, analyzed and presented to council. The surveys help council gauge citizen satisfaction and identify emerging community issues. Annual citizen satisfaction surveys are also conducted in other Alberta cities.

If you have a chance to participate in a municipal survey, you will be providing council with feedback on a number of issues, but more important, you will learn something from the survey itself. Survey questions often reflect community issues that the council is dealing with at the time. Survey questions can ask for feedback on what has already occurred, for example, your satisfaction with a service, or can ask for your input before an action is taken or a facility built.

If you plan to respond to an online survey, take the time to offer meaningful solutions to any issues being addressed. Some surveys take quite a bit of time to complete, but if you are committed to becoming an informed and responsive citizen, it will be time well spent.⁵⁰ You will have your say!

Municipalities also periodically conduct door to door surveys on neighbourhood issues, where they want people to have a chance to express their views to a municipal representative. During these face to face sessions, administration collects data that is later analyzed to help justify budget allocations, for example improving neighbourhood parks or specific facilities. Sometimes, councils provide opportunities for citizens to participate in community needs assessment processes in the ‘engagement zone’ where proposed solutions or recommendations drive council’s future decisions on the matters discussed during engagement sessions.

PRACTICE

Search your official municipal website for opportunities to complete municipal surveys. Fill one out and submit it either online or via the mail or e-mail, as directed.

What did you learn?

⁴⁹ City of Calgary, “Citizen Satisfaction Survey, 2017,” (nd), online: <http://www.calgary.ca/cfod/csc/Pages/Citizen-Satisfaction.aspx?redirect=/citsat>. Retrieved on April 5, 2018.

⁵⁰ See Rocky View County, “Surveys,” (nd), online: <https://www.rockyview.ca/NewsEvents/Surveys.aspx>. Retrieved on April 5, 2018. No surveys are currently underway in Rocky View County.

CHAPTER 12: A NOTE ABOUT THE ASSESMENT REVIEW BOARD AND SUBDIVISION AND DEVELOPMENT APPEAL BOARD

Every municipal council in Alberta is required to appoint an assessment review board (ARB) and a subdivision and development appeal board (SDAB).⁵¹ The boards are made up of members of the public who apply to act as volunteer panel members. Selection of panelists is usually done through a formal application process, and appointments represent the decision of the majority of council. The panels provide opportunities for you to formally appeal or challenge council's and administrative decisions made under council policy documents and bylaws. Usually, council members are not involved in these appeal processes, and, certainly, the boards must not be made up of a majority of council members.

Each of these appeal processes is provided by your council and is described briefly below. These are formal appeal opportunities required by the MGA, and, because you will not be appearing before your council, they are not addressed further in this Citizen's Manual.

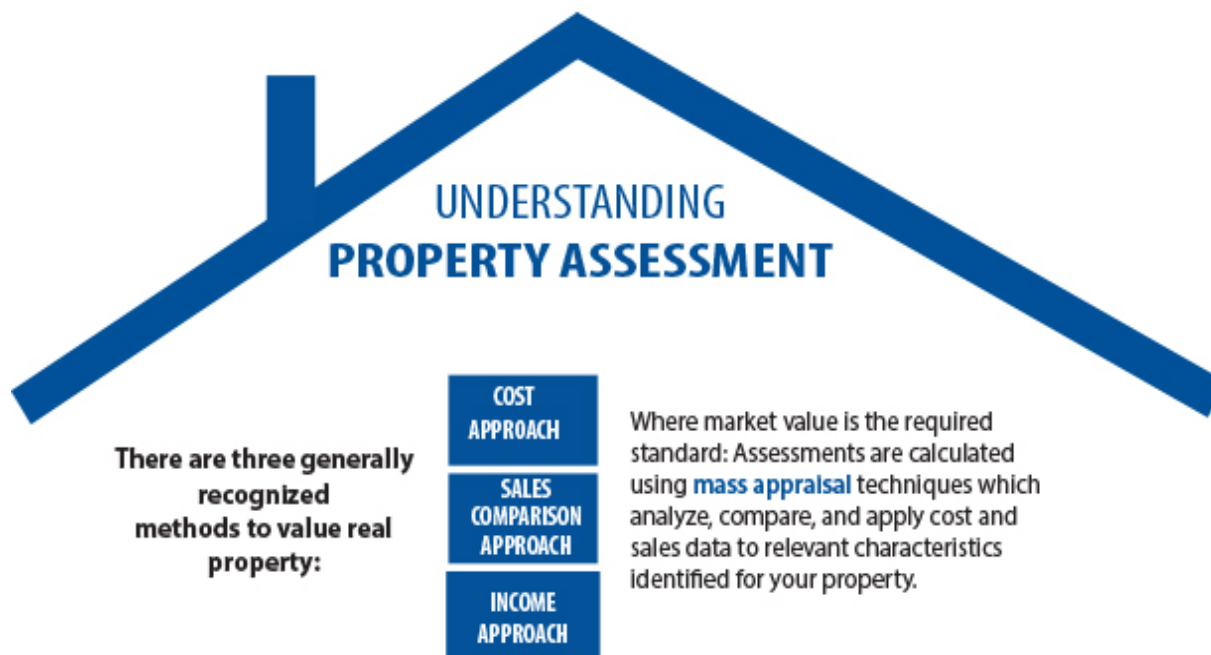
Each of these processes requires its own procedural manual, and many municipalities provide webpages on their official websites with instructions to help citizens prepare for these appeals. Usually, you will have to file a notice of your intent to challenge or appeal within a time period.⁵² In some cases, where a citizen will be negatively impacted by an assessment or a development permit, it may be worthwhile to have a lawyer help you prepare written submissions for these appeals to meet legal requirements, and also represent you at an eventual formal oral hearing.

ARBs help you challenge your property tax assessment. Property taxes are calculated based on the market value assessment of your property. Market value assessment is a complex process, and municipal assessors will help you understand how your property's market value has been assessed. Assessment review processes are quite formalized but issues are often resolved by you and the assessor without having to engage in a formal review. However, if resolution is not possible informally, appearing before the ARB is a straight-forward administrative procedure, and staff will help you to understand how to prepare to appear and state your case before the panel of your peers.

⁵¹ See Government of Alberta, "Assessment Appeals and Complaints" (nd), online: http://www.municipalaffairs.alberta.ca/mc_assessment_complaints_and_appeals. See also, Government of Alberta, *Subdivision and Development Appeal Board (SDAB) Training Manual, 2014* (Updated March 2015), online: http://www.municipalaffairs.alberta.ca/documents/ms/SDAB_Manual_Final_March_17_2015.pdf.

⁵² See an example of a Notice of Appeal at Sturgeon County, "Notice of Appeal Subdivision and Development Appeal Board" (nd), online: [https://www.sturgeoncounty.ca/Portals/0/Documents/Forms/Notice-of-Appeal-\(Subdivision-and-Development\).pdf](https://www.sturgeoncounty.ca/Portals/0/Documents/Forms/Notice-of-Appeal-(Subdivision-and-Development).pdf).

FIGURE 5: Sturgeon County: “Understanding Property Assessment,” (nd), online: <https://www.sturgeoncounty.ca/Services/Assessment-Services/Understanding-Property-Assessment>



SDABs are appointed to help you challenge development permits issued by the municipal development authority that may affect you as an adjacent or affected property owner. Please note, however, that, generally, citizens do not have the right to appeal a subdivision approval. A panel of your peers will determine if you are affected by the development permit, and if so, they will let you state your case. SDABs have authority to approve or cancel a development permit, or amend or change conditions of approval. In complex hearings before the SDAB, you may wish to have a lawyer help you meet legal requirements, write the submission and appear at the formal hearing. Usually, municipal staff will provide you with manuals and instructions for writing an appeal and appearing before the SDAB, and most of the time you can represent yourself at SDAB. The provincial government provides training for SDAB panelists to help them make their decisions following your appeal. These materials will also help you to understand how the information you provide at the hearing will be dealt with by the SDAB.⁵³

⁵³ Also it is important for citizens to understand that the SDAB panelists are required to undergo training to hear appeals. See the Government of Alberta, *Subdivision and Development Appeal Board Training Guidebook*, 2018, online: <https://open.alberta.ca/dataset/75cd7ff7-410f-4619-bc65-40d2f00bc52c/resource/55c717ae-2400-42fc-98ef-33f8d86dbecc/download/sdab-training-guidebook-version-7-2018.pdf> at 3: “By hearing appeals and making decisions a SDAB fulfills a vital function in achieving the goal of orderly, beneficial and economic development and use of land set out in the MGA. SDABs are intended to provide an independent, fair, transparent and principled decision making process for appeals of planning and development decisions.”






CHAPTER 13:

SUMMARY OF OPPORTUNITIES TO PARTICIPATE IN THE INPUT ZONE

INFORMED AND RESPONSIVE CITIZENS are cornerstones of vibrant, sustainable communities. Citizen participation ensures that our municipal councils reflect our shared community values when they make decisions that may affect our property, our quality of life and our livelihoods.

This Citizen's Guide is meant to be used as helpful information only and not to stifle your imagination or limit how you approach your role as an informed and responsible citizen. In the Citizen's Guide, you have been introduced to the MGA and issues of procedural fairness that reflect the Canadian rule of law. You have been provided with relevant sections of the MGA to help you understand that the circumstances where you may be invited to provide input, and councils' approaches to public participation, are governed by the MGA, other enactments, and the Canadian Constitution. Councils rarely act in an illegal or inappropriate manner, and the way you are invited to participate in decision-making processes will almost always conform to municipal procedural bylaws established to reflect unique community considerations.

This Citizen's Guide introduced you to a number of opportunities to participate in the 'input zone' of the spectrum of public participation opportunities. These included:

-  appearing before council as a delegation;
-  participating in public hearings for bylaws and at public hearings for planning bylaws;
-  through petitions;
-  appearing before council committees and task forces; and
-  through municipal surveys and community needs assessments.

For each of those processes, you were given some background materials, the relevant sections from the MGA that guide council's conduct, and practical suggestions to help you prepare both written and oral submissions. Practice suggestions to help you prepare to appear before your council, or to prepare a petition were provided. Examples of processes were provided from the official websites of various municipalities and Alberta Municipal Affairs.

More opportunities are being provided by municipal councils for citizens to participate in the 'engagement zone' of the spectrum of public participation. Citizens who are appointed or chosen by their councils to 'engage,' or who volunteer to engage in intensive collaborations need to become well-informed and commit the required time to help municipal councils find solutions to complex community problems and make well-informed and balanced decisions. By now, you should recognize that public engagement is not fast or easy – it takes personal commitment, time and energy. Perhaps, another citizen's guide that focuses only on circumstances and approaches for municipal public engagement is warranted.

If you are reading this Citizen's Guide, you have already demonstrated your commitment to becoming a valued, informed, and responsive citizen in your community. Now it is time to study your council's mandated public participation policy, and learn about the approaches and circumstances your council has deemed appropriate to hear from you and to engage with you.

