

Public Participation Policies and Public Notification

A Guide for Municipalities



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The following has been prepared by the Alberta Association of Municipal Districts and Counties (AAMDC) and the Alberta Urban Municipalities Association (AUMA), in partnership with Brownlee LLP.

This Guidance Document is an educational tool that contains general information intended to assist municipalities in developing a Public Participation Policy and Public Notification Bylaw. This information is NOT a substitute for legal advice and municipalities are encouraged to consult with their legal advisors.

Part 1: Municipal Public Participation Policies

As the level of government closest to Albertans, municipalities work with residents, business, and other stakeholders to provide the services and infrastructure that is key to developing vibrant, resilient, and sustainable communities. To meet the ever-evolving needs of their residents and business communities, municipalities must work in partnership with these key stakeholders and ensure their voice is reflected in decision making.

Public participation and engagement is key to informing decisions made by municipalities and as of October 2017, municipalities are required to develop a Public Participation Policy.

Public Participation Policies, as outlined in Section 216.1 of the *Municipal Government Act*, must be publicly available and must identify how municipalities will approach public participation and engagement. The policy must also identify the types or categories of approaches the municipality will use to engage municipal stakeholders, and the types or categories of circumstances in which the municipality will engage municipal stakeholders.

Though the legislative requirements are relatively broad, they have been developed with the recognition that Alberta's municipalities are diverse and have differing needs. As a result, municipalities have the flexibility to develop a public participation policy that best meets the needs of their residents and stakeholders. The attached Public Participation Policy Template has been developed to assist municipalities in this process but municipalities are encouraged to work with their residents and stakeholders to understand how they want to be engaged and involved in municipal decision making.

Public Participation Policy – Key Dates

- Section 216.1 of the *Municipal Government Act* came into force on October 26, 2017.
- Municipalities must establish a Public Participation Policy by July 23, 2018 (270 days [9 months] from the date it came into force).

Additional Resources on Public Participation

- Public Input Toolkit – click [here](#).
- Citizen Engagement Toolkit and Social Media Resource – click [here](#).
- Elected Official Training Program (EOEP) – click [here](#).
- *Municipal Government Amendment Act* (Bill 20) – click [here](#).

Part 2: Public Participation Policy Template

The following is a sample template Public Participation Policy. It is drafted in accordance with the *Municipal Government Act* and is intended to assist municipalities in drafting their public participation policies. It should be carefully reviewed and tailored to the specific needs of each municipality. Each municipality should use their respective policy review processes to ensure consistency and accuracy.

COUNCIL POLICY REGARDING PUBLIC PARTICIPATION

I. PURPOSE AND APPLICATION

In accordance with Section 216.1 of the *Municipal Government Act*, this Public Participation Policy has been developed to recognize the value of public participation and create opportunities for meaningful public participation in decisions that directly impact the public.

This Public Participation Policy is in addition to and does not modify or replace the statutory public hearing requirements in the *Municipal Government Act*.

II. GENERAL POLICY PRINCIPLES

Council recognizes that good governance includes engaging Municipal Stakeholders in Public Participation by:

- 1) Creating opportunities for Municipal Stakeholders who are affected by a decision to influence the decision;
- 2) Promoting sustainable decisions by recognizing various Municipal Stakeholder interests;
- 3) Providing Municipal Stakeholders with the appropriate information and tools to engage in meaningful participation; and
- 4) Recognizing that although councillors are elected to consider and promote the welfare and interest of the Municipality as a whole and are generally required to vote on matters brought before Council, facilitating Public Participation for matters beyond those where public input is statutorily required can enrich the decision making process.

III. DEFINITIONS

- 1) “[insert appropriate title]” means the chief administrative officer of the Municipality or their delegate.
- 2) “**Municipal Stakeholders**” means the residents of the Municipality, as well as other individuals, organizations or persons that may have an interest in, or are affected by, a decision made by the Municipality.
- 3) “**Municipality**” means the [insert municipality name].
- 4) “**Public Participation**” includes a variety of non-statutory opportunities where Municipal Stakeholders receive information and/or provide input to the Municipality.
- 5) “**Public Participation Plan**” means a plan which identifies which Public Participation Tools to be used to obtain public input in a particular circumstance.
- 6) “**Public Participation Tools**” means the tools that may be used, alone or in combination, to create Public Participation opportunities including, but not limited to:
 - (a) in-person participation which may include at-the-counter interactions, door-knocking, interviews, meetings, round-tables, town halls, open houses and workshops;
 - (b) digital participation which may include online workbooks, chat groups, webinars, message boards/discussion forums, and online polls or surveys;
 - (c) written participation which may include written submissions, email, and mail-in surveys, polls and workbooks; and
 - (d) representative participation which may include being appointed to an advisory committee, ad hoc committee or citizen board.

IV. POLICY RESPONSIBILITIES

1) Council Responsibilities

- (a) Council shall:
 - i. review and approve Public Participation Plans developed by the [insert CAO title] in accordance with this Policy or as directed by Council;
 - ii. consider input obtained through Public Participation; and
 - iii. review this Policy to ensure the Policy complies with all relevant legislation, municipal policies and the spirit and intent of Public Participation.

- iv. [OPTIONAL] ensure appropriate resources are available to solicit Public Participation in accordance with this Policy;
- v. [OPTIONAL] promote and support Public Participation;
- vi. [OPTIONAL] request and review information from the [insert CAO title] on the scope, timing, appropriate methods and resources required for Public Participation prior to directing the development of a Public Participation Plan.

2) Administration Responsibilities

- (a) [insert CAO title] shall:
 - i. in accordance with this Policy or as directed by Council, develop Public Participation Plans, for Council approval;
 - ii. implement approved Public Participation Plans; and
 - iii. report the findings of the Public Participation to Council.
 - iv. [OPTIONAL] consider timing, resources and engagement when developing and modifying Public Participation Plans;
 - v. [OPTIONAL] evaluate the effectiveness of the Public Participation Plan and the Public Participation Tools used in a particular circumstance;
 - vi. [OPTIONAL] communicate to Council and the public, when appropriate, the effectiveness of a Public Participation Plan and the Public Participation Tools used;
 - vii. [OPTIONAL] develop the necessary procedures to implement this Policy;
 - viii. [OPTIONAL] assess this Policy and make recommendations to Council about the Public Participation and resourcing;

V. PUBLIC PARTICIPATION OPPORTUNITIES

- (a) [insert CAO title] shall develop and implement a Public Participation Plan in the following circumstances: [POLICY MUST IDENTIFY CIRCUMSTANCES WHEN COUNCIL WILL SEEK PUBLIC PARTICIPATION – A LIST OF POSSIBLE OPTIONS IS PROVIDED BELOW]
 - i. [OPTIONAL] when new programs or services are being established;
 - ii. [OPTIONAL] when existing programs and services are being reviewed;

- iii. [OPTIONAL] when identifying Council priorities;
- iv. [OPTIONAL] when gathering input or formulating recommendations with respect to budget;
- v. [OPTIONAL] when gathering input or formulating recommendations with respect to the Municipality's strategic plans or business plans;
- vi. [OPTIONAL] when gathering input or formulating recommendations with respect to the Municipality's capital plan and/or financial plan; or
- vii.
- viii. [OPTIONAL] as otherwise directed by Council.

VI. POLICY EXPECTATIONS

1) Legislative and Policy Implications

- (a) All Public Participation will be undertaken in accordance with the *Municipal Government Act*, the *Freedom of Information and Protection of Privacy Act* and any other applicable legislation.
- (b) All Public Participation will be undertaken in accordance with all existing municipal policies.
- (c) This Policy shall be available for public inspection and may be posted to the Municipality's website.
- (d) This Policy will be reviewed at least once every four years.

2) Public Participation Standards [OPTIONAL]

- (a) Public Participation will be conducted in a sustainable and inclusive manner having regard to different levels of accessibility.
- (b) Public Participation activities will be conducted in a professional and respectful manner.
- (c) Public Participation plans will consider early, ongoing and diverse opportunities to provide input.
- (d) Municipal Stakeholders who participate in any manner of Public Participation are required to be respectful and constructive in their participation. Municipal Stakeholders who are disrespectful, inappropriate or offensive, as determined by Administration, may be excluded from Public Participation opportunities.

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- (e) The results of Public Participation will be made available to Council and Municipal Stakeholders in a timely manner in accordance with municipal policies.

VII. PUBLIC PARTICIPATION PLANS [OPTIONAL]

- a. When so directed by this Policy or Council, the [insert CAO title] shall develop a Public Participation Plan for approval by Council which shall consider the following:
 - i. the nature of the matter for which Public Participation is being sought;
 - ii. the impact of the matter on Municipal Stakeholders;
 - iii. the demographics of potential Municipal Stakeholders in respect of which Public Participation Tools to utilize, level of engagement and time for input;
 - iv. the timing of the decision and time required to gather input;
 - v. what information is required, if any, to participate; and
 - vi. available resources and reasonable costs.
- b. Public Participation Plans will, at minimum, include the following:
 - i. a communication plan to inform the public about the Public Participation plan and opportunities to provide input;
 - ii. identification of which Public Participation Tools will be utilized;
 - iii. timelines for participation;
 - iv. information about how input will be used;
 - v. the location of information required, if any, to inform the specific Public Participation.

VIII. REPORTING AND EVALUATION [OPTIONAL]

- a. Information obtained in Public Participation will be reviewed by [insert CAO title] and a report shall be provided to Council.
- b. The report shall include, at minimum, the following:
 - i. an overview of the Public Participation Plan and how it was developed;
 - ii. an assessment of the effectiveness of the plan based on the level of engagement and the quality of input;

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- iii. a summary of the input obtained; and
 - iv. may include recommendations for future Public Participation Plans.
- c. Reports shall be provided to Council for review.

Part 3: Public Notification and Municipalities

As part of the changes to the *Municipal Government Act* amended through the *Municipal Government Amendment Act* in 2015, municipalities have been provided with enabling powers that broaden the suite of tools available to advertise and provide notice to the public about proposed bylaws, public hearings, resolutions and meetings, among other things. Specifically, these methods can now include electronic advertising such as advertising on a municipal website or the use of social media platforms (e.g. Facebook, Twitter, etc.).

Previously, a municipality was required to provide notice through newspaper advertising, mail or delivery to every residence in the area to which the bylaw or other matter related. The new legislative changes provide additional flexibility to allow municipalities to develop notification tools that will best meet the needs of their communities.

If the municipality wishes to use alternate advertising methods, such as a municipal website or social media, an authorizing bylaw must be passed. This bylaw must have the confidence of council that the method provided for in the bylaw is likely to bring the matter to the attention of substantially all residents in the relevant area, and a public hearing must be held prior to second reading of the bylaw. As well, the notice of the bylaw must be advertised in a manner consistent with the notification methods outlined in the *Municipal Government Act*. Lastly, the bylaw must be made available for public inspection.

The following sample Public Notification Bylaw Template has been designed to provide municipalities with a guide to how they develop their own public notification bylaw.

Public Notification – Key Dates

- The Public Notification Bylaw and Public Notification Methods portions of the *Municipal Government Act* came into force October 26, 2017.

Additional Resources on Public Notification

- Alberta Municipal Affairs Regional Training Session – click [here](#).
- Public Input Toolkit – click [here](#).
- Citizen Engagement Toolkit and Social Media Resource – click [here](#).
- Elected Official Training Program (EOEP) – click [here](#).
- *Municipal Government Amendment Act* (Bill 20) – click [here](#).

Part 4: Public Notification Bylaw Template

[INSERT NAME OF MUNICIPALITY]

[INSERT BYLAW NUMBER]

A BYLAW TO ESTABLISH [insert as applicable: AN ALTERNATE METHOD [or] ALTERNATE METHODS] FOR ADVERTISING STATUTORY NOTICES

WHEREAS, pursuant to section 606 of the *Municipal Government Act*, a council must give notice of certain bylaws, resolutions, meetings, public hearings or other things by advertising in a newspaper or other publication circulating in the area, mailing or delivering a notice to every residence in the affected area or by another method provided for in a bylaw under section 606.1;

AND WHEREAS, pursuant to section 606.1(1) of the *Municipal Government Act*, a council may, by bylaw, provide for one or more methods, which may include electronic means, for advertising proposed bylaws, resolutions, meetings, public hearings and other things referred to in section 606;

AND WHEREAS Council is satisfied that the advertising method set out in this Bylaw is likely to bring matters advertised by that method to the attention of substantially all residents in the area to which the bylaw, resolution or other thing relates or in which the meeting or hearing is to be held;

NOW THEREFORE the Council of the [insert name of municipality], in the Province of Alberta, duly assembled, enacts as follows:

Short Title

1. This Bylaw may be referred to as the [insert e.g.: “Advertising Bylaw” **[or]** “Public Notification Bylaw.

Advertising Method

2. Any notice required to be advertised under section 606 of the *Municipal Government Act* of a bylaw, resolution, meeting, public hearing or other thing may be given, in accordance with the timelines prescribed in section 606, **[insert the following as applicable or an alternate method:]**

electronically by posting the notice prominently on the [insert name of municipality] official website.

[and/or]

electronically by posting the notice prominently on any of the [insert name of municipality]’s official social media sites.

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[and/or]

by posting the notice prominently on the bulletin board provided for that purpose in the following municipal facilities: [insert as applicable: Administrative Office, Recreation Centre, Community Hall, etc.]

[or]

by posting the notice prominently on roadside signage located at the following locations: [insert as applicable e.g. each entrance to the Municipality, specific address(es), community league facility(ies), etc.]

READ a First time this ____ day of _____ 2018.

PUBLIC HEARING held on this ____ day of _____, 2018

READ a Second time this ____ day of _____ 2018.

READ a Third time this ____ day of _____ 2018.

SIGNED AND PASSED this ____ day of _____ 2018.

[INSERT: MAYOR/REEVE]

[INSERT: CHIEF ADMINISTRATIVE
OFFICER/OTHER]