

BYLAW 299-25
PUBLIC HEARING PROCEDURAL BYLAW

BEING A BYLAW OF THE VILLAGE OF ALBERTA BEACH IN THE PROVINCE OF ALBERTA FOR REGULATING THE PROCEDURES FOR PUBLIC HEARINGS HELD DURING REGULAR AND SPECIAL COUNCIL MEETINGS.

WHEREAS Pursuant to the provisions of the *Municipal Government Act*, Chapter M-26, of the Revised Statutes of Alberta 2000, and amendments thereto;

AND WHEREAS, Section 145(1) of the *Municipal Government Act* allows a Council to pass bylaws for the establishment of the procedures to be followed by Council;

AND WHEREAS, Section 145(2) of the *Municipal Government Act* allows a Council to pass bylaws for the establishment of Council Committees and other bodies;

AND WHEREAS, Section 145(3) of the *Municipal Government Act* allows a Council to pass bylaws for the establishment of the functions of the Committee or body and the procedures to be followed by it;

NOW THEREFORE, THE MUNICIPAL COUNCIL OF THE VILLAGE OF ALBERTA BEACH, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

SECTION 1 - TITLE

1.1 This Bylaw shall be referred to as the "Public Hearing Procedural Bylaw".

SECTION 2 INTERPRETATION

2.1 In this Bylaw and any schedules to this Bylaw the following terms shall have the following meanings:

- a. "Agenda" means the statement of the order of business to be brought before Council.
- b. "CAO" means the person appointed by Council to the role of Chief Administrative Officer pursuant to the *Municipal Government Act*.
- c. "Committee" means a Standing Committee, Special Committee, or Ad Hoc Committee established in accordance with the appropriate section of the *Municipal Government Act*.
- d. "Council" means the elected Council for the Village of Alberta Beach in the Province of Alberta.
- e. "Delegation" means a person or group of persons wishing to appear before the Council to address a specific matter.
- f. "Deputy Mayor" means the councillor appointed by Council to act as Mayor when the Mayor is unable to perform the duties of Mayor or when the office of Mayor is vacant.
- g. "Electronic Means" means an electronic or telephonic communication method that enables all persons attending a meeting to hear and communicate with each other during the course of the meeting.
- h. "Mayor" means the Village of Alberta Beach's Chief Elected Official.
- i. "*Municipal Government Act*" (MGA) means the *Municipal Government Act*, R.S.A. 2000, c. M-26, and associated regulations, as amended.
- j. "Presiding Officer" means Mayor, Deputy Mayor, or Chairperson.
- k. "Public Hearing" means a formal meeting of Council to:
 - i. to hear planning matters, [MGA, section 692(1)];
 - ii. to hear any matters that the MGA or other enactment requires a Public Hearing to be held for, [MGA, section 216.4]; or
 - iii. to hear other matters which Council directs be considered through a Public Hearing process.
- l. "Recording Secretary" means an officer responsible for documenting and maintaining the official records, including minutes, of meetings and other organizational proceedings.
- m. "Village" is the municipality of the Village of Alberta Beach in the Province of Alberta.

SECTION 3 - APPLICATION

3.1 This Bylaw shall govern Public Hearings held during regular and Special Council Meetings.

3.2 The Public Hearing Procedure, attached as Schedule "A", shall be used to govern all Public Hearings.

3.3 When a matter arises related to the proceedings in a meeting which is not covered by a provision of this Bylaw or the *Municipal Government Act*, the matter shall be decided by reference to the Village of Alberta Beach's Council Procedural Bylaw, and if the Council Procedural Bylaw does not address the manner in which the matter is to be dealt with then reference will be made to Robert's Rules of Order.

3.4 In the event of a conflict between the provisions of this Bylaw and Robert's Rules of Order, the provisions of this Bylaw shall apply.

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SECTION 4 - SCHEDULING OF PUBLIC HEARINGS

- 4.1 Public Hearings must be held after first reading and before second reading of the proposed bylaw.
- 4.2 Public Hearings shall be held for the following bylaws:
- a. Long Term Borrowing — Section 251 (1) of the MGA.
 - b. Road Closures — Section 22(2) of the MGA.
 - c. Municipally Controlled Corporations — Section 75.1 (3)(b) of the MGA.
 - d. Tax Exemptions to Encourage Development — Section 364.1 (2) of the MGA.
 - e. Clean Energy Tax Improvement — Section 390.3(5) of the MGA.
 - f. Municipal Planning Documents including:
 - i. Intermunicipal Development Plan (IDP);
 - ii. Municipal Development Plan (MDP);
 - iii. Area Structure Plan (ASP);
 - iv. Area Redevelopment Plan (ARP);
 - v. Land Use Bylaw (LUB);
 - vi. Amendments to any of the above listed planning documents – Section 692(1) of the MGA; and
 - vii. Any other bylaw as required by the MGA.
- 4.3 No more than four (4) hearings shall be scheduled for any regular or Special Council meeting.
- 4.4 Hearings will be heard sequentially, in the order in which they appear on the Agenda.

SECTION 5- ELECTRONIC MEANS

- 5.1 In accordance with section 199(1) of the *Municipal Government Act* (MGA), Council must provide for Public Hearings under Part 17 of the MGA to be conducted by Electronic Means.
- 5.2 Meetings shall be conducted through a videoconferencing platform such as Zoom meetings.
- 5.3 Information in regards to the meeting shall be available on the Village of Alberta Beach website.
- 5.4 Meetings will be advertised on the Village of Alberta Beach website with a link to the meeting.

SECTION 6 - PUBLIC HEARING PROCEDURE

- 6.1 All hearings will follow the procedure as outlined in Schedule "A" of this Bylaw.

SECTION 7 - PUBLIC HEARING PARTICIPATION: WRITTEN SUBMISSIONS

- 7.1 All members of the public wishing to make a submission in writing shall do so as follows:
- a. Submitting the document four (4) business days prior to the Public Hearing;
 - b. Written submission must include:
 - i. Name, legal or municipal address, and signature;
 - ii. Date;
 - iii. Indicate the proposed bylaw to be spoken to; and
 - iv. Clearly state position (In Favour or Opposed);
- 7.2 Written submissions received in response to the Notice of Public Hearing shall become a public record and shall be made available to the public and will be included in the Public Hearing Agenda package.
- 7.3 Written submissions submitted after the advertised deadline will not be accepted.
- 7.4 Written submissions that contain personal attacks or have a derogatory tone shall not be included in the Public Hearing Agenda package.
- 7.5 Individuals who have submitted a letter may only address Council at the Public Hearing on new information not contained in the letter.

SECTION 8 - PUBLIC HEARING PARTICIPATION: IN-PERSON

- 8.1 All members of the public wishing to speak at the Public Hearing will be afforded the opportunity to do so at the allotted time in the hearing procedure (Schedule "A").
- 8.2 All members of the public who wish to speak at the Public Hearing must register to speak prior to the meeting.
- a. Registration must include:
 - i. Name and legal or municipal address;

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- i. Name and legal or municipal address;
 - ii. Position (In Favour or Opposed); and
 - iii. Indicate the proposed Bylaw to be spoken to.
 - b. Registration can be done:
 - i. Through email to the CAO at aboffice@albertabeach.com by 4:00 pm the business day prior to the meeting;
 - ii. In person at the Village Office immediately prior to the meeting; or
 - iii. Through the zoom meeting video-conferencing chat which will open fifteen (15) minutes prior to the meeting start time.
 - c. If a registered speaker wishes to include an audio/visual presentation, please see section 8.13 for guidelines.
- 8.3 An individual may speak only once at the Public Hearing.
- 8.4 Presentations by the applicant and the public may be made verbally, in writing or visually.
- 8.5 Any person who would like to present using an electronic presentation will forward their presentation via email to aboffice@albertabeach.com, where a staff member will open the file on the presenter computer.
- 8.6 The use of maps, videos, Power Point presentations and written presentations shall be collected by the Recording Secretary to be included in the Corporate Records for the meeting and may be made available to the public upon request.
- 8.7 If a person is unable to attend a Public Hearing, that person may authorize an individual to speak on his/her behalf. The authorization must:
- a. provide authorization in legible writing;
 - b. name the individual authorized to speak;
 - c. indicate the proposed bylaw to be spoken to; and
 - d. be signed by the person giving the authorization.
- 8.8 Once the Public Hearing has been called to order, no additional speakers will be allowed to register unless invited to by the Presiding Officer.
- 8.9 Persons addressing Council regarding the proposed bylaw or motion shall state:
- a. Their name and legal or municipal address, a person who does not identify him/ herself will not be given the opportunity to speak;
 - b. An indication as to whether they are speaking on their own behalf or for another person or for a group;
 - c. An indication as to whether they are speaking in support of or in opposition to the proposed bylaw or motion;
 - d. How they are affected by the proposed bylaw or motion; and
 - e. Address the Chair when responding to questions or providing information.
- 8.10 Each member of the public representing an individual, including applicants, shall be limited to a five (5) minute presentation period.
- 8.11 Each member of the public representing a group, including applicants, shall be limited to a ten (10) minute presentation period.
- 8.12 At the Public Hearing, the CAO shall indicate to the Presiding Officer when the five (5) minutes for individuals or ten (10) minutes for groups have elapsed in the allocated presentation time. The Presiding Officer, upon being notified of the allocated time having expired, may request that the speaker wrap up their presentation or, alternatively, the Presiding Officer may approve additional time for the presentation.
- 8.13 In preparing audio/visual materials to be presented at the meeting, presenters are required to limit the number of PowerPoint slides, or such similar visual aids, or pictures and at all times such presentation is limited to the five (5) minute time restriction for individuals and ten (10) minutes time restriction for groups. Any such electronic presentation is to be provided by the Delegation via email to aboffice@albertabeach.com, prior to the date of the Public Hearing, where a staff member will open the file on the presenter computer.
- 8.14 All participants of the Public Hearing must address the Presiding Officer during their presentation.
- 8.15 Participants' conduct is subject to the rules of conduct provided within this Bylaw, the Council Procedural Bylaw and any other bylaw enacted by Council.
- 8.16 Following the presentation, Council may ask questions of the presenter, as indicated in the Public Hearing Procedure (Schedule "A").

SECTION 9 - RECORD OF PUBLIC HEARING

- 9.1 The minutes of the Regular or Special Council meeting, as the case may be, in which the Public Hearing is held will include a summary of all information, evidence, and presentations made before Council.

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SECTION 10 - GENERAL

- 10.1 Once the Presiding Officer has adjourned the hearing, the hearing cannot be re-opened.
- 10.2 This bylaw shall come into full force and effect on the day that it is given its third and final reading, passed by Council and signed in accordance with the Municipal Government Act.

READ A FIRST TIME THIS 15TH DAY OF APRIL, 2025.

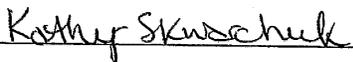
READ A SECOND TIME THIS 20TH DAY OF MAY, 2025.

READ A THIRD TIME AND PASSED THIS 20TH DAY OF MAY, 2025.

SIGNED BY THE MAYOR AND C.A.O. THIS 20TH DAY OF MAY, 2025.



MAYOR, KELLY MUIR



C.A.O., KATHY SKWARCHUK

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SCHEDULE "A" – PUBLIC HEARING PROCEDURE

PROCEDURE FOR PUBLIC HEARING

1. Call to Order – Presiding Officer declares the Public Hearing open and states that the Hearing is held pursuant to Sections 216.4, 606 and 692 of the Municipal Government Act, RSA 2000, as amended.
2. Opening Remarks – Presiding Officer states:
 - a. That the purpose of Bylaw #XXXX-XX is to _____
 - b. That notice of the hearing was given in writing to:
 - i. the applicant;
 - ii. the assessed landowner or landowners;
 - iii. adjoining landowners; and
 - iv. Administration or the Planning & Development Officer.
 - c. That the notice of the hearing was advertised in the _____ newspaper and/or other source] on _____ and _____
 - d. That presentations are to be brief and to the point and limited to five (5) minutes for individuals and ten (10) minutes for groups.
 - e. That all persons giving presentations are to state their name and legal or municipal address.
 - f. The order for hearing presentations will be:
 - i. Administration or Planning and Development Officer;
 - ii. Those in favour of the bylaw;
 - iii. Those opposed to the bylaw;
 - iv. Any person deemed to be affected who wishes to be heard; and
 - v. Administration or Planning and Development Officer / closing statement.
 - g. The Presiding Officer may allow questions from members of Council after each presentation.
 - h. The Presiding Officer may allow rebuttal from persons having given presentations.
3. Adopt Agenda – The Presiding Officer will ask Council to adopt the agenda.
4. Introductions – The Presiding Officer will ask Council to introduce themselves.
5. Council will review and discuss the written presentations received prior to the hearing.
6. The Administration and/or the Planning and Development Officer will be called upon to speak/ make presentation.
7. The Delegation(s) will be called upon to speak/make presentations according to the order on the agenda.
8. The Public will be called upon to speak/make presentations according to the order in which they sign in on the register.
9. The Presiding Officer will ask for closing statements.
10. The Presiding Officer will ask if everyone feels that they have been heard.
11. After all presentations are made the Presiding Officer declares the Public Hearing closed and no further submissions will be heard.