

SMOKY LAKE COUNTY



Title: Public Hearing Procedures	Policy No.: 06-02
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Legislation Reference:	Municipal Government Act, Sections 184, 197, 198, 200 & 606
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Purpose:	To meet the common law and statutory duty to provide members of the public with opportunity to be heard before Council.
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Policy Statement and Guidelines:	
Definition:	Public Hearing “members” shall be either:
	<ul style="list-style-type: none">a. Councillors: in the case of a resolution or bylawb. Councillors and Appointed Person: in the case of a Subdivision and Development Appeal Board.
NOTE: 606	<u>Reference M.G.A. – Section 606</u>
	<ul style="list-style-type: none">2. Notice of the Public Hearing must be:<ul style="list-style-type: none">a. Published at least once a week for two (2) consecutive weeks in at least one (1) newspaper or other publications circulating in the area in which the Hearing is to be held ORb. Mailed or delivered to every residence in the area in which the Hearing is to be held.5. A Notice of a Public Hearing must be advertised under Subsection (2) at least five (5) days before the Public Hearing occurs.6. A Notice must contain:<ul style="list-style-type: none">a. A statement of the general purpose of the proposed Public Hearing.b. The address where a copy of any thing or document relating to the Public Hearing may be inspected.c. In the case of Public Hearing, the date, place, and time where it will be held.

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Policy Statement and Guidelines:	
NOTE: 184	<p><u>Reference M.G.A. – Section 184</u></p> <p>When a Public Hearing on a proposed bylaw or resolution is held, a Councillor:</p> <ul style="list-style-type: none"> a. Must abstain from voting on the bylaw or resolution if the Councillor was absent from all of the Public Hearing, and b. May abstain from voting on the bylaw or resolution if the Councillor was only absent from a part of the Public Hearing.
NOTE:	<p>The procedure presumes the Chairperson has already been selected. The process to use here is:</p> <ul style="list-style-type: none"> a. Call the Public Hearing meeting to order. b. Have the Public Hearing members select a Chairperson, by resolution. c. Have the Chairperson call the Public Hearing to order – <i>refer to procedure item #1.</i>
NOTE:	<p>The Public Hearing members should <u>NOT</u> ask for information to be sent to it later, or allow presenters to “<i>provide information later</i>”. All information must be presented at the Public Hearing so that all present can know what the information is. If the Board desperately wants information that is not available, it should adjourn the Public Hearing before Procedure Item #9 and reconvene the Hearing at an agreeable date, time and location, at which time the additional information will be presented and available by all parties.</p>
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PROCEDURE:	
1.	Chairperson call Public Hearing – To Order.
2.	Chairperson asks the Secretary to announce the purpose of the Hearing.

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Policy Statement and Guidelines:	
3.	Secretary announces purpose of Hearing: <ul style="list-style-type: none"> ● as per the notice of advertising ● given reference to any file #'s, legal description, names
4.	Chairperson introduces self and members of Board. Chairperson notes if any member of Board not present and (perhaps) reason for absence.
5.	Chairperson asks if any person present has any objection to any member of the Public Hearing members and making the decision at the Public Hearing.
6.	If any objection, Chairperson asks objector to state case briefly. The Public Hearing member retires briefly to allow challenged member to consider his options. NOTE: (Other members should not discuss these with challenged member). The Public Hearing members reconvene and the challenged member announces his intentions (<i>to excuse self from the Hearing and decision on this matter or to not excuse self – and why</i>). Challenged member either leaves or stays.
7.	If no objection – or once challenged dealt with: The Secretary asks for those who wish to speak to the matter. Obtains name, mailing address, location or residence, business or property owned, and whether person wishes to speak for the Applicant (supporter) or Appellant (against) .
8.	Chairperson then describes the ground rules of the Public Hearing – outlines that: <ol style="list-style-type: none"> a. The Municipal Officer(s) and/or Resource Person will speak first to outline facts and present an opinion. b. The Applicant will then state their case, one at a time. c. Supporters of the Applicant will then state their case. d. The Appellant(s) will then state their case. e. Supporters of the Appellant will then state their case. f. Each Applicant will be given the opportunity to summarize their case. g. Each Appellant will be given the opportunity to summarize their case.

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Policy Statement and Guidelines:	
<ul style="list-style-type: none"> h. Others – including appointed Officials and/or Resource Person(s) will be given the opportunity to summarize their case. i. The Chairperson will adjourn the Hearing and Public Hearing members will retire to make their decision. j. Members will only consider matters raised at the Hearing. k. Since many persons present may wish to speak, the Chairperson may ask that each speaker not repeat matters or information raised by others, except to express support and keep presentations short. l. Only Public Hearing members may ask questions during the Hearing. If any person(s) wishes to ask questions of a speaker, they must ask the members to ask the question on their behalf and the members will only ask the question if they feel or wish to have an answer in order to undertake their consideration. 	
9.	Chairperson then asks Municipal and/or Resource Person(s) present their report.
10.	Municipal Officials and/or Resource Person(s) present their report.
11.	Members question Officer(s).
12.	Chairperson asks Applicant(s) (<i>one at a time</i>) to speak and Applicant (<i>one at a time</i>) speak.
13.	Members question Applicant(s) (<i>one at a time</i>).
14.	Chairperson asks if anyone else wishes to speak <u>FOR</u> the Applicant, obtains their name, mailing address, and location of property or residence, and they speak.
15.	Chairperson asks Appellant(s) to speak (<i>one at a time</i>).
16.	Members question Appellant(s) (<i>one at a time</i>).
17.	Chairperson asks supporters of Appellant to speak and they speak. Members question them.

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Policy Statement and Guidelines:

18. Chairperson asks any other person wishing to speak **against** the Applicant to speak, and they speak.
 19. Members question these people.
 20. Chairperson asks Applicant(s) (*one at a time*) to present rebuttal to the case of the Appellant(s), or other persons who spoke.
 21. Chairperson asks Appellant(s) to present rebuttal to Applicant(s) rebuttals, and Appellant(s) do so.
 22. Chairperson asks others who spoke to present any rebuttal and they do so (*one at a time*).
 23. Chairperson asks Applicant(s) (*one at a time*) to summarize their case and they do so.
 24. Chairperson asks Appellant(s) (*one at a time*) to summarize their case and they do so.
 25. Chairperson asks any other speakers to summarize their case and they do so.
 26. Chairperson asks if any others wish to speak and they do so.
 27. Chairperson asks if any member(s) have any questions to ask and that questioning is undertaken.
 28. Chairperson indicates that members will not retire to consider their decision, and will make a decision and provide written notification of the decision, with reasons, to those who left their names and mailing address, at the earliest possible date.
 29. Chairperson declares the Public Hearing closed.
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Policy Statement and Guidelines:
<p>OATH</p> <p>Should the member of the Public Hearing feel it is necessary that persons presenting information take an Oath.</p> <p><u>The following can serve as an example:</u></p> <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: fit-content;"> <p><i>“Do you _____ swear that the information you are about to provide is true. So help me God”</i></p> </div> <p>The person responds by saying – “I do”.</p> <p>Reference: Alberta Justice, Information & Instructions Pertaining to Appointments of Commissioner of Oaths.</p>

	Date	Resolution Number
Approved	June 27, 1996	# 527 - Page 6035 - 37
Amended	February 24, 2000	# 244 - Page 6794 – 97
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