

**SPECIAL AREAS PUBLIC HEARING ORDER**  
**A MINISTERIAL ORDER FOR CONDUCTING PUBLIC HEARINGS,**  
**INCLUDING BY ELECTRONIC MEANS**

WHEREAS, section 587 of the *Municipal Government Act*, RSA 2000, C M-26 permits the Minister to do by order anything in respect of an improvement district that a council of a municipality may do under this or another enactment and pursuant to section 6 of the *Special Areas Act* this authority extends to every Special Area as if it were an improvement district;

AND WHEREAS, section 199 (5) of the *Municipal Government Act* permits the Minister to make regulations authorizing and respecting the use of electronic, telephonic or other communications methods to conduct meetings of a council or council committee;

AND WHEREAS, pursuant to section 199 of the *Municipal Government Act*, a council must provide for public hearings under Part 17 to be conducted by electronic means;

AND WHEREAS, pursuant to section 199 (3) of the *Municipal Government Act*, a council must specify the type or types of electronic means by which meetings are authorized to be held, required the identity of each councillor attending the meeting to be confirmed;

AND WHEREAS, pursuant to section 199 (3) (c) of the *Municipal Government Act*, a council must provide a method by which members of the public may access the meeting and make submissions, and must make information required in respect of the meeting be made public available before and during the meeting, and must give public notice of the meeting and the method by which the public may access the meeting and relevant information;

AND WHEREAS, section 216.4(3) of the *Municipal Government Act* permits a council to establish procedures for public hearing;

NOW, THEREFORE, the Special Areas Board, duly assembled, enacts as follows:

**SHORT TITLE**

1. This Order may be referred to as the Public Hearing Order.

**DEFINITIONS**

2. "Board Member" means individual appointed to the Special Areas Board by the Lieutenant Governor in Council.
3. "Board" means the four-person Special Areas Board appointed by the Lieutenant Governor in Council.
4. "Chair" means the person who has the authority to preside over a public hearing.
5. "Closed to the Public" means in the absence of the public.
6. "Closed Session" refers to a portion of a Public Hearing meeting that has been closed to the public as outlined in section 197 of the *Municipal Government Act*;

7. "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;
8. "Minutes" are the official record of proceedings of a Public Hearing recorded in the English language without note or comment.
9. "Non-Statutory Public Hearing" means the portion of a Board meeting where members of the public are invited to make submissions to the Board, beyond when it is required by the *Municipal Government Act* or any other enactment.
10. "Order" means a Ministerial Order made by the Minister of Municipal Affairs pursuant to section 7 of the *Special Areas Act*.
11. "Public Hearing" is a meeting of the Board, which is convened to hear representations from members of the public, pursuant to the *Municipal Government Act*;
12. "Public Notification" means the formal announcement to the public that sets forth the details of a matter related to a public hearing in a method which is in accordance with the *Municipal Government Act*;
13. "Special Areas Board" means an agent of the Crown in right of Alberta under the *Special Areas Act*.

## **MINISTERIAL ORDERS**

14. In place of municipal Bylaws, the Special Areas Board uses Ministerial Orders, referred to as Orders.
15. All Orders shall be subject to the requirements for advertising as mandated by the *Municipal Government Act*.
16. Every proposed Order shall have three (3) separate and distinct readings.
17. The Chair shall be responsible for recording amendments to the proposed Order. A resolution for amendments shall be put to a vote.
18. Upon presentation for First Reading, the following may occur prior to the passage of a Resolution for First Reading:
  - 18.1. the Board may debate the content of the proposed Order;
  - 18.2. the Board may propose and consider amendments to the Order; and
  - 18.3. a Board Member may request that individual parts of the Order be read aloud.
19. Upon presentation for Second Reading, the following may occur prior to the passage of a Resolution for Second Reading:
  - 19.1. the Board may debate the content of the proposed Order;
  - 19.2. the Board may propose and consider amendments to the Order; and
  - 19.3. a Board Member may request that individual parts of the Order be read aloud.

20. An Order shall not be given more than two (2) readings at any Meeting.
21. Once an Order has received Second Reading, the Order will be recommended to the Minister for adoption. An Order will take effect once the Minister has signed it.
22. If a Reading of a proposed Order fails, all previous Readings are rescinded, and the proposed Order shall be deemed to be defeated.
23. In accordance with the *Municipal Government Act*, if an Order does not receive three (3) readings within two (2) years of the date of First Reading, the Readings are deemed to have been rescinded and the Order shall be abandoned.

## **PROCEDURES OF PUBLIC HEARINGS**

24. Public Hearings will be held in accordance with the *Municipal Government Act*.
25. Should the Board deem it appropriate, a Non-Statutory Public Hearing may be held at a date, time, and place approved by the Board.
26. The procedures for the conduct of a Non-Statutory Public Hearing are the same as those for a statutory Public Hearing, as described in this Order.
27. Public Notification and advertising for Public Hearings will be done in accordance with the *Municipal Government Act*.
28. The ability to attend a Public Hearing using Electronic Means will be made available to members of the public, Board Members, and Special Areas Board staff.
29. The specific Electronic Means available to attend the Public Hearing will be included in Public Notification and advertising materials.
30. Individuals who wish to attend the Public Hearing via Electronic Means will be required to pre-register by submitting their contact information and any presentation materials in a manner outlined in the Public Notification and advertising materials related to the Public Hearing.
31. The Board will make a reasonable attempt to re-connect any individuals participating in a Public Hearing using Electronic Means; but reserves the right to proceed with the Public Hearing at the Chair's discretion.
32. During the Public Hearing meeting, all individuals will be requested to mute their microphones until they are granted the opportunity to speak by the Chair.
33. Any member of the public can participate in a Public Hearing by providing a written submission and by attending the Public Hearing to make verbal submissions which do not duplicate the content of a written submission.

34. For Public Hearings, the general order of business, as managed by the Chair, will be as follows, with an opportunity for Board Members to ask questions after each item in the order of business:
  - 34.1. Introductions of Board Members, relevant Special Areas Board staff and any additional persons as required based on the Chair's discretion;
  - 34.2. Declaration of the opening of the Public Hearing and introduction of the subject of the Public Hearing;
  - 34.3. Administrative Briefing and Comments;
  - 34.4. Applicant Presentation;
  - 34.5. Inclusion of Written Submissions Received;
  - 34.6. Public Verbal Presentations – pre-registered speakers;
  - 34.7. Public Verbal Presentations – non pre-registered speakers;
  - 34.8. Clarification/Comments from the applicant;
  - 34.9. Clarification/Comments from administration;
  - 34.10. Clarification/comments from the Public; and
  - 34.11. Declaration of the closing of the Public Hearing and recording of the Time.
35. Individuals speaking may be asked to state their name and their relevance to the Public Hearing at hand for inclusion in the Minutes. Any individuals speaking on behalf of another person or a group are required to disclose this information at the beginning of their presentation.
36. Persons addressing the Board are invited to use power point, slides, maps, videos and written submissions; these materials shall become the property of the Special Areas Board as exhibits to the Public Hearing.
37. The Chair may exclude submissions from agenda materials if such a submission is deemed to constitute hate speech as defined by the Criminal Code; promotes discrimination against a person or class of person or is likely to expose a person or class of persons to hatred or contempt, in accordance with the *Alberta Human Rights Act*, RSA 2000, c.A-25.5; or is deemed to be defamatory.
38. Applicants will be given up to ten (10) minutes for their presentation.
39. To hear from all Members of the public, each speaker will be given one (1) opportunity to speak for up to five (5) minutes, not including the time to respond to questions from Board Members. All those who had an opportunity to speak may be given a second opportunity to speak should time permit and at the discretion of the Chair.
40. Subsequent comments are to present new information and are not permitted to be repetitive of a previous submission.

41. Board Members must be present for a Public Hearing, either in-person or virtually using approved electronic means, in its entirety, in order to be entitled to vote on the matter.
42. The Chair must close a Public Hearing before a vote may be held concerning the Item.
43. Once a Public Hearing has been closed, no additional information can be presented to the Board for consideration related to the matter related to the Public Hearing.
44. Commentary concerning Public Hearings will be contained within the Minutes of the Public Hearing.
45. Minutes of the Public Hearing will be posted on the Special Areas Board website, along with a report on the Public Hearing.