

**Alberta Professional Planners Institute
Municipal Government Act Review Report**

Response to Draft MGA Related Regulations
Public Participation Policy Regulation



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PURPOSE OF REPORT – PROFESSIONAL RESPONSIBILITY

APPI is a professional, regulated organization of private and public sector planners practicing in Alberta, the Northwest Territories and Nunavut. The MGA contains provisions that govern the work that planners in Alberta undertake on a daily basis – in fact, Part 17 of the MGA (Planning and Development) specifically addresses how planners carry out their work. The foundation of the planning legislation in Part 17 of the MGA is “...to provide plans and related matters.... for the overall greater public interest” (s.617).

The draft MGA related regulations provide provincial guidance to how MGA amendments that have the potential to significantly affect the practice of planning in Alberta will be implemented. Because APPI is governed as a publicly accountable organization with an obligation to serve the public interest under the Professional and Occupational Associations Registration Act, it is important that APPI’s reasoned and practical advice and recommendations be considered with respect to any changes that are made to the MGA.

As the voice and official representative of Registered Professional Planners in Alberta, the APPI re-engaged its MGA Review Task Force to prepare a thoughtful response to these draft MGA related regulations.

INTRODUCTION

On January 31, 2017 Municipal Affairs released a number of draft regulations intended to guide the implementation of changes made to the Municipal Government Act through Bill 20 (the *Municipal Government Act 2015*) and Bill 21 (the *Modernized Municipal Government Act*). Feedback is being requested until the end of March. The regulation that has the greatest potential to substantively affect the practice of planning in Alberta is the draft Public Participation Policy Regulation. Accordingly, the Task Force limited its comments to this single regulation.

REVIEW OF THE DRAFT PUBLIC PARTICIPATION POLICY REGULATION

Impact on Planning:

The creation of safe, complete, and viable communities requires citizens and other municipal stakeholders to have the ability to understand and appropriately contribute to policy and land use changes that affect their communities. This requires that they are effectively notified of public participation initiatives and are provided with reasonable opportunities to offer input through these initiatives. That said, it is recognized that not all policy and land use decisions are equal and one approach to public participation does not fit all initiatives. The draft regulation recognizes this by requiring that a municipality identify the varying approaches that will be used to engage the public in different circumstances.

There is a concern that merely identifying the types or categories of circumstances and related approaches will not ensure that all relevant municipal stakeholders will be made aware of public participation initiatives or that the appropriate level of engagement is being achieved. It is recommended that a requirement be added to the public participation policy requirements section of the regulation to identify metrics through which the success of the identified approaches will be measured and used in the required review of the policy. These might include, for example, identification of stakeholder groups represented, the number of opportunities for people to be engaged, or a level of satisfaction that participants identify with the engagement approach. It is also recommended that a best practices guide be made available to municipalities.

Additionally, it is recommended that the policy address the need for municipal stakeholders to be effectively notified of public engagement initiatives to ensure that the residents and landowners in the area to which the initiative relates are made aware of the initiative. Correspondingly, municipalities should be required to develop standard methods or procedures for reporting on the outcomes of public participation.

Further, there is a concern that the time for municipalities to establish a public participation policy may not be sufficient given the varying capacities of municipalities. Significant demands are being made of municipalities over the first two years of implementing the revisions to the MGA. Development of a municipal policy on public participation is an undertaking that would benefit significantly from public engagement. It is recommended that the 270 day time frame be extended to two years.

Recommendation:

Incorporate the wording changes identified below.

Public participation policy requirements

2. A municipality's public participation policy must identify
 - (a) the types or categories of approaches the municipality will use to notify and engage municipal stakeholders,
 - (b) the types or categories of circumstances in which the municipality will notify and engage municipal stakeholders,
 - (c) metrics to measure effectiveness of the policy, and
 - (d) methods for reporting back to stakeholders on the outcomes of public participation.

Transitional

5. A municipality must establish its public participation policy within 2 years after section 216.1 of the Act comes into force.

Rationale: Specifically addressing the approaches and circumstances through which notification will occur will ensure that municipal stakeholders are informed and able to appropriately provide input through public participation initiatives. The use of metrics to measure the success of public participation approaches will increase the likelihood that the engagement is effective and appropriate across the range of circumstances where municipal stakeholders are engaged. The addition of a systematic and consistent feedback loop to report back to municipal stakeholders on the outcomes of public participation will help enhance (a) municipalities' decision-making transparency and accountability, (b) predictability of the process for all stakeholders, and (c) public trust in the planning process. Extending the timeframe for establishment of the initial public participation policy will increase the likelihood of a meaningful and effective policy being established and will allow for public input into a policy which will affect all municipal stakeholders.

CONCLUSION

Provincial guidance in the implementation of amendments that affect the practice of planning made to the MGA through Bill 20 (*Municipal Government Amendment Act – 2015*) and Bill 21 (*Modernized Municipal Government Act*) is welcomed. These regulations will also serve to reflect the social, environmental and economic climates that planning and development occur within.

The draft public participation policy regulation is structured so that each municipality can tailor the approaches they use to engage municipal stakeholders over a range of circumstances. It is important that the approaches employed at a municipal level are effective and are available to all impacted residents and other relevant stakeholders, as it is through effective public engagement that sound and relevant planning policies can be developed and implemented. Amendments to the draft wording are recommended with the intent of ensuring that the approaches identified by municipalities remain effective and appropriate over time.