

Municipal Government Act

progressive powers for municipalities

INFORMATION BULLETIN #28

CITIZEN PARTICIPATION

- Summary:** Councils are given a wide range of options to encourage citizen participation in municipal government.
- Legislation:** *Municipal Government Act (MGA)* - Sections 24, 25, 26, 27, 200, 201, 204, Related - Section 23(1)(c)
Halifax Regional Municipality Charter (HRMC) – Sections 21, 22, 23, 32, 215, 216, 219, Related – Sections 20(1)(c), 24 - 31A
- Discussion:** The *Municipal Government Act* provides many ways to encourage and permit citizen participation in local government. Some of the most important are in the committee provisions.
- Councils normally deal with committee matters by policy: such as conferring powers on them (except the power to expend funds) MGA s.23(1)(c), HRMC 20(1)(c). Actual appointments to committees are made by resolution.
- Councils have the authority to appoint members of committees who are not councillors: MGA s.24(3), HRMC s.21(3). Procedures to appoint outside members to committees is expressly authorized.
- To implement citizen appointments to council committees, council will first have to determine which of the committees should have citizen representation. Some, such as the planning advisory committee, must have citizen representation: MGA s.200(3), HRMC s.215(3). Council will next have to determine a procedure for choosing people to appoint to the chosen committees. This may be as simple as appointing a nominating committee to find suitable candidates or may involve advertising for members and more formal application criteria. However, council must make all appointments to committees.
- Note that citizen members of committees (though not councillors) may be paid an annual honorarium for serving on the committee if council so provides: MGA s.24(6), HRMC s.21(6). The same applies to planning advisory committees: MGA s.202(b) and (c), HRMC s.217(b) and (c). All committee members are entitled to have their expenses reimbursed.

Citizen Advisory

There is special authority for the appointment of citizen advisory committees: MGA s.26, HRMC s.23. The initial concept was that a citizen advisory committee would gather citizen input about a specific field of council's responsibilities relevant to the entire Municipality and advise the council. The MGA does not limit them in any way, with council determining powers and duties.

Community Committees

Community committees: MGA s.27, HRMC s.32 could provide citizen input about all services in a specific area. The important element is that council must define the geographic area for which the committee is responsible and set out its duties: MGA s.27(2), HRMC 32(2). Councils may wish to ensure that the councillors representing a community are included as members of the community committee, enhancing communication between council and the community.

Community Councils

Community councils, applicable only in Halifax Regional Municipality (HRMC Sections 24-31A), are another more formalized way to encourage access to municipal government.

Planning

Another form of citizen participation is through the public participation process in the adoption and amendment of planning documents. Councils are required to adopt public participation programs for the preparation of planning documents (municipal planning strategy, implementing land-use by-laws and subdivision by-laws, and amendments): MGA s.204, HRMC s.219. Public participation must be complete before the first advertisement for a public hearing regarding the planning documents appears. Although not mandatory, council may also have a public participation program for other types of planning process such as development agreements.

Note: The reader is cautioned that preparation of this and subsequent Information Bulletins containing practical suggestions must necessarily involve interpretation of legislation as it applies in general situations. Specific situations may require careful legal analysis and therefore reference should be made to the *Municipal Government Act* the *Halifax Regional Municipality Charter*, other relevant legislation and to legal advisors.