



Endorsement Statement Recommendation

In response to part 3 of the Public Hearing Motion Arising (PUD2021-0015) to “develop an endorsement statement for members of the public to sign when they register for Public Hearings which outlines the City of Calgary's commitment to anti-racism, equity, diversity and inclusion”, a legal review was conducted and Administration’s advice is as follows:

“The *Municipal Government Act* (“MGA”) includes the right for the public to be present at any council meeting and imposes upon Council the requirement to hear from any persons at public hearings who claim to be affected by a proposed bylaw or resolution, provided that such persons have complied with the procedures outlined by council.^[1]

The *Procedure Bylaw*, 35M2017, already addresses requirements for public participation at Council meetings. To make a submission the person must not engage in disruptive or disrespectful behaviour, limit their comments to the scope of the report and recommendations, and not argue with Council members^[2]. If any member of the public disrupts the meeting or acts improperly, the Chair may have them expelled.^[3] As it is extremely unlikely that any racist, discriminatory or otherwise disrespectful comments would be relevant to the scope of the bylaw or resolution under consideration, the Chair has tools at their disposal to deal with a member of the public engaging in such behavior.

An endorsement statement requiring public hearing participants to subscribe to or endorse a set of values prior to signing up to participate in a hearing may be subject to challenge as a violation of the right to freedom of expression, effectively amounting to government compelled expression. Even if such a challenge were to be unsuccessful, it is possible that this pre-requisite could have a chilling effect on participation in public hearings or become the focus of unwanted controversy. Administration cautions against taking any action that may impede public participation in the democratic process.

Administration does not find the benefits of the endorsement statement to outweigh the negatives of potential infringement of participation rights or freedom of expression, particularly where Council already has the ability to address inappropriate behaviour when it arises rather than pre-emptively excluding individuals who do not wish to publicly and formally endorse Council’s values. Accordingly, Administration does not recommend proceeding with an endorsement statement.”

^[1] MGA, RSA 2000 c. M-26, s. 198 and s. 230.

^[2] Procedure Bylaw, s. 32

^[3] Procedure Bylaw, s. 35.