



OFFICE
DE CONSULTATION PUBLIQUE
DE MONTRÉAL

PUBLIC
CONSULTATION

➤ PROCEDURES

Mandate of the Office
de consultation
publique de Montréal

Implementation
and conduct of a public
consultation

Code of ethics
of the commissioners

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EDITION AND DIFFUSION

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MANDATE

OF THE OFFICE

DE CONSULTATION PUBLIQUE DE MONTRÉAL

MISSION

Created pursuant to section 75 of the *Charter of Ville de Montréal*, the mission of the *Office de consultation publique de Montréal* (OCPM) is to hold public consultations relating to urban planning and development projects under municipal jurisdiction, as well as any project designated by the council or the executive committee.

MANDATE

The Office de consultation publique de Montréal, in operation since September 2002, is an independent organization whose members are neither elected officials nor municipal employees. It receives its mandates from the city council or the executive committee. It acts as a neutral third party between the public, the developers and the City. The presidency and the commissioners are appointed by the city council with a two-thirds majority vote.

THE CHARTER OF VILLE DE MONTRÉAL DEFINES THE MANDATE OF THE OCPM AS FOLLOWS:

- 1 To propose a regulatory framework for the public consultations carried out by any official body of the City in charge of such consultations pursuant to any applicable provision so as to ensure the establishment of credible, transparent and effective consultation mechanisms;
- 2 To hold a public consultation on any draft by-law amending the city's planning program;
 - 2.1 to hold a public consultation on any draft by-law amending the city's planning program, except those adopted by a borough council;
- 3 to hold public hearings on the territory of the city, at the request of the city council or the executive committee, on any project designated by the council or the committee.

SECTIONS 89 AND 89.1 ALSO PROVIDE THAT THE OCPM MUST HOLD PUBLIC HEARINGS ON ALL BY-LAWS TO BE ADOPTED BY CITY COUNCIL PERTAINING TO PROJECTS INVOLVING:

- > Public or institutional equipments, such as cultural equipment, hospital, university, college, convention centre, detention center, cemetery, regional park or botanical garden;
- > Major infrastructures such as an airport, port, train station, yard or shunting yard, water treatment, filtration or purification facility;
- > A residential, commercial or industrial establishment located in the central business district, or if located outside the central business district, the floor area of which is greater than 25,000 square meters;
- > Cultural property recognized or classified, a historic monument designated under the *Cultural Property Act* or where the planned site of the project is a historic or natural district or heritage site within the meaning of that Act.

AMENDMENTS TO THE OCPM'S MANDATE ADOPTED IN RECENT YEARS

On December 7, 2005, the government adopted *decree 1213-2005* amending the *Charter of Ville de Montréal*. This decree allows the agglomeration council, under the *Act respecting the exercise of certain municipal powers in certain urban agglomerations*, (R.S.Q., c. E-20.001), to authorize projects within its jurisdiction anywhere on its territory, and to entrust the ensuing public consultation process to the Office de consultation publique de Montréal. This provision came into force on January 1, 2006.

On June 12, 2008, draft By-law 82 amending section 89.1 of the *Charter of Ville de Montréal* was sanctioned so that, for purposes of the process of approval by referendum pursuant to subparagraph 4 of the section, the reference territory would be the borough in which the project is planned. It is important to note that this modification applies only to projects located wholly or in part in the historic borough of Old Montréal.

On June 20, 2008, draft By-law 22 was sanctioned, restoring power to city council, concurrently with the borough councils, to take the initiative to amend the planning program concerning an object to which a draft amendment adopted by the city council pertains. Following this amendment, the functions of the Office were modified, giving it responsibility for public consultations on any amendment to the planning program initiated by city council.

IMPLEMENTATION

AND CONDUCT

OF A PUBLIC CONSULTATION

When a consultation mandate is entrusted to the Office, the president appoints a commission composed of one or several commissioners. A team is formed to assist the commissioners in their work. The Office then ensures that a documentation file is produced. The file is made available to the public at the offices of the OCPM, on its Website, and in other filing offices selected according to the nature of the project involved.

THE PUBLIC NOTICE

After receiving the mandate to hold a public consultation and compiling the documentation file, the Office publishes in one or several newspapers distributed across Montréal, a notice convening a public meeting. The public notice includes:

- > the purpose of the public consultation;
- > the date, time and location of the public consultation session(s);
- > the locations where the documentation is available to the public;
- > the deadline and procedure for filing a brief.

COMMUNICATIONS

In some cases, other means of communication are also employed to notify the population, such as local newspapers or dailies. Moreover, the Office usually produces leaflets that are distributed door-to-door in the area affected by a project, or it may put up posters and set out flyers in municipal public buildings such as libraries, borough and Accès Montréal offices. Using mailing lists tailored to the projects to be submitted for consultation, the Office also sends out information to interested persons, groups and organizations.

DOCUMENTATION FILE

The documentation file progresses according to the documents submitted throughout the consultation process. The original documents are kept at the Office and a copy is available for consultation at the City Clerk Office. After the publication of the commission's report, the documentation file remains available for consultation at the offices of the OCPM and on its Website.

THE DOCUMENTATION FILE USUALLY CONTAINS:

- > Any descriptive or explanatory document pertaining to the project, including a summary of the studies used in its development. The documentation presents the project's rationale, the principles and guidelines used in its preparation, its main characteristics and, where applicable, the options subject to public consultation;
- > The basis for decision prepared by various City officials;
- > The documentation justifying the project, addressing its various aspects and impacts;
- > The relevant extracts of the plan and urban planning by-laws in force;
- > Any major plans, area maps, sketches and visual simulations required to better understand the project.

PREPARATORY MEETINGS OF THE COMMISSION

The commission usually meets with the developer and the representatives of the borough and municipal departments who will present the project at the public meetings. Such preparatory meetings serve to ensure that the documentation files are complete, and that the presentation is well supported by audio-visual material. The commission makes sure that each commissioner have a thorough understanding of the project in question, and that all participants fully understand their respective roles as well as the procedure for the public meeting. The reports on these preparatory meetings are made available on the Office Website.

All the sessions of a hearing are public. They must be held in an appropriate location accessible to the public.

THE PROCEEDING OF A PUBLIC CONSULTATION MEETING

A public hearing involves two separate meetings. The first part is dedicated to informing citizens and the second part to the latter's commentary and opinions. It may happen that thematic sessions or workshops be organized to discuss a particular aspect of the project within the first part. All sessions are public and recorded. The records are accessible to the public. The transcripts of the meetings are available on paper for consultation or electronically on the Office Website.

THE INFORMATION PHASE

The information phase may extend over one or more public meetings. Its duration is determined by the time required to present the project and answer questions from participants.

The chair opens the public meeting and presents the mandate entrusted to the Office de consultation publique. He/she introduces the people assigned to the commission, notably the other commissioner(s), and invites the persons in charge and resource people to introduce themselves. He/she explains the conduct of the consultation and gives guidelines of appropriate behavior.

At the chair's request, the promoter presents its project and the City officials explain the legislative framework applicable thereto.

Citizens can then ask questions of concern to them. Each participant is entitled to two questions per registration and may re-register several times, if desired. The chair will not tolerate any form of demonstration, defamatory or offensive remark, in order to foster peaceful debates.

The chair invites people to speak in the order in which they signed the register. Questions are addressed to the chair, who then directs them to the person in charge or to the resource people who may be able to answer them. The chair and commissioners may also ask any question that may enlighten the public on the subject of the consultation.

The chair ensures that all questions are answered. If an answer cannot be given during the session, it must be provided in writing as expeditiously as possible. This answer will be included in the documentation file, on the Office Website and other filing offices.

The chair closes the question period when all people registered to do so have spoken and there is no additional information to convey.

The chair invites citizens to notify the Office secretariat of their intent to present an opinion to the commission, specifying the deadline to register for the presentation of briefs, usually held three weeks later. A participant may only speak once to convey his or her opinion.

THE PRESENTATION OF BRIEFS PHASE

Citizens can voice their opinions on the project under consideration either verbally or by submitting a written brief at the presentation of briefs. This phase may extend over one or several sessions depending on the extent of public participation and the number of views and briefs filed.

The chair invites people to speak in the order previously agreed upon by the citizens and the Office secretariat. After each presentation, he/she or the commissioners may ask questions to ensure a thorough understanding of the opinions expressed.

At the end of the session, the chair may, according to the procedures he/she establishes, hear a developer or City representative who wishes to rectify facts or correct objective information.

Once all opinions and comments have been heard, the chair declares that the public meeting is closed.

CODE OF ETHICS

OF THE COMMISSIONERS

OF THE OFFICE DE CONSULTATION PUBLIQUE DE MONTRÉAL

The *Office de consultation publique de Montréal* is mandated to hold credible, transparent and efficient public consultations. Any person who agrees to act as commissioner of the Office, on a full-time, part-time or *ad hoc* basis, fulfills his/her role in the public interest, with fairness, integrity, dignity, honour and impartiality. Each such person also agrees to respect the Code of ethics of the Office's commissioners.

GENERAL PROVISIONS

- 1 The commissioners serve the public in an irreproachable manner and to the best of their abilities.
- 2 The commissioners avoid all activities that are incompatible with the performance of their duties or that may be harmful to the image and credibility of the Office and its commissioners.
- 3 The commissioners notify the president of the Office of any situation that could tarnish their credibility or that of the Office.
- 4 The commissioners exercise political neutrality in the performance of their duties.
- 5 The commissioners do not make undue use of their title or status as commissioners.
- 6 The commissioners respect the law as well as the rules of procedure, policies and overall orientations of the Office. In their decisions affecting the efficient execution of a mandate, they apply the principles of sound management of human, financial and physical resources.

INDEPENDENCE

- 7 The commissioners avoid all conflicts of interests. They also avoid situations that could lead to a conflict of interests or place them in a vulnerable position.
- 8 The commissioners inform the president of the Office without delay of any situation that could jeopardize their independence or impartiality.
- 9 The commissioners may not grant, solicit or accept, for themselves or any other person, a favour or unjustified advantage. They may not let themselves be influenced by the prospect of such an advantage, nor use to their profit municipal property or privileged information obtained in their capacity as commissioners.

OBLIGATION OF DISCRETION

- 10 The commissioners exercise discretion in publicly expressing their political opinions or their thoughts about a controversial project.
- 11 The commissioners do not comment publicly on the reports of the Office. However, reports can be presented or explained by the president of the Office.
- 12 During their mandate, the commissioners abstain from taking position publicly on any project that is the subject of a mandate of the Office.
- 13 During their mandate, the commissioners abstain from publicly commenting decisions relating to projects that have been the subject of an Office report. Even after the expiration of their mandate, they abstain from publicly commenting on decisions relating to projects that have been the subject of a mandate on which they served.

PUBLIC CONSULTATION

- 14 The commissioners have no personal interest in the project entrusted to them. They have not participated in the development of the project, nor publicly voiced an opinion about it. They have no decision-making function in any organization participating in the consultation.
- 15 The commissioners acquire as much knowledge as possible about the project, and complete their analysis on time.
- 16 The commissioners avoid all private meetings with the people in charge of the project and with resource persons, except as provided for in the rules of procedure of the Office.
- 17 During public consultations, the commissioners encourage the full participation of all interested parties. They facilitate access to information for the citizens, help them to fully understand the projects and urge them to express their opinions without constraint.
- 18 The commissioners apply the procedure equitably to all participants. They act as transparently as possible at all times.
- 19 The commissioners display discretion, courtesy, composure and consideration towards all participants in a public consultation, regardless of their opinions and without discrimination. They elicit mutual respect from all who assist or participate in the work of the commission.
- 20 For their analysis and for the opinion to be included in the report of the commission, the commissioners use only the documentation available to the public within the framework of the public consultation, and the information provided during the public hearing meetings, or after the meetings as provided for in the rules of procedure of the Office. They may also use common knowledge of the subjects addressed, and existing literature on relevant topics.
- 21 The commissioners respect at all times the confidential nature of the debates of the commission. They also respect the confidentiality of the report of the commission until it is made public.



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