

The participatory process in the review of the Master Plan of Vitória (2014-2018)¹

Maressa Correa Pereira Mendes

Architect and Urban Planner, Masters Student in Architecture and Urbanism, UNESP - PPGARQ, Brazil
maressa.mendes@unesp.br

Jefferson Oliveira Goulart

Professor Doctor, UNESP - PPGARQ, Brazil.
jefferson.goulart@unesp.br

¹ Article published in the V Brazilian Online Symposium on Urban Management – 28 to 30 July 2021.

ABSTRACT

The Federal Constitution of 1988 defined the Master Plan as a 'basic instrument' of urban development policy and subsequent legislation, which regulated the Urban Policy chapter (Estatuto da Cidade, Federal Law No. 10,257 / 2001), reinforced a set of participatory requirements in the availability and implementation of the corresponding policies. Based on this new institutional arrangement, this research paper analyzes a participatory structure in the process of reviewing the Master Plan for the municipality of Vitória, capital of Espírito Santo, in the period 2014-2018. The investigation took as an analytical parameter the participatory methodology proposed by the Ministry of Cities, whose distinguishing feature was the dissemination of democratic management instruments. The empirical analysis shows that several participatory mechanisms were implemented, such as public hearings of regional and social segments, thematic seminars, round tables, territorial assemblies, implementation of a collaborative website, involvement of the Municipal Council of the Urban Master Plan (CMPDU) and realization of the Municipal Conference on Urban Policy (Encontro da Cidade), in which the draft of the Master Plan bill was presented, discussed and voted on. Thus, the process incorporated the participatory methodology recommended by the Ministry of Cities and the corresponding legislation. The effectiveness of participation according to the guidelines of the City Statute is still an ongoing process, but the inclusion of democratic management mechanisms is a reality in Vitória, constituting an institutional advance.

KEYWORDS: Participation. Master plan. Vitória.

1 INTRODUCTION

The ideas underlying the concept of sustainable cities received an important boost in recent years: the 2030 Agenda for sustainable development. It is a fundamental normative milestone in the contemporary trajectory of the United Nations (UN), a program of concerted actions that chose as targets the eradication of poverty, protection of the planet and the improvement of living conditions in the world.

The 2030 Agenda defined 17 main goals, and for the purposes of this research it is particularly interesting to observe Objectives 11 (Sustainable Cities and Communities) and 16 (Peace, Justice and Effective Institutions). Such objectives include, respectively, goals such as "inclusive and sustainable urbanization and participatory planning and management capacity" (11.3) and "inclusive, participatory and representative decision-making at all levels" (16.7) (NUEVA AGENDA URBAN, 2017). In these terms, the binomial sustainable cities-participation is essential in the analysis of urban management.

Moving from the international scenario to the Brazilian case, it is necessary to register that the political transition of the 1980s went beyond the removal of the authoritarian regime and the reestablishment of democracy, with decisive participation by civil society.

In this sense, the National Movement for Urban Reform inscribed an advanced institutional record for urban policy in the country with the approval of the Constitutional Amendment of Popular Initiative for Urban Reform No. 63, of 1987, which culminated in Articles 182 and 183 of the Federal Constitution (CF) of 1988. This victory represented a great achievement for its substantive content and because it originated in civil society, "founded in the search for democratic and participatory management of the city, justice and social equity" (OLIVEIRA; LOPES; SOUSA, 2018, p. 325).

In addition, "the constituent process was the outlet for the most varied demands of civil society, given the elasticity of its agenda and the profusion of constitutional amendments sent in the form of popular initiative projects" (GOULART, TERCI and OTERO, 2017, p. 99), including the agenda of popular participation in urban planning dynamics.

As many of the constitutional statements had generic content and some were not self-applicable, it was necessary to pass new legislation that would regulate the principles and guidelines of the Constitution. Thus, a proposal began to be processed in the early 1990s, with the objective of regulating articles 182 and 183 of the CF, known as the City Statute (EC). This

process had the participation of various social actors such as the National Forum on Urban Reform, which incorporated representatives of social movements, IAB, National Federation of Engineers, National Association of Urban Soil, Municipal Governments, private agents representing the real estate and construction sectors civil, among others. In this way, the democratic and participative vocation of the new legislation was evidenced (SAULE JUNIOR, 2001).

After more than 10 years of proceedings in the National Congress and after several amendments and vetoes by the Presidency of the Republic, Federal Law No. 10,257, of July 10, 2001 was finally approved. This regulation corroborated the Master Plan as a basic instrument of urban policy of municipalities (SILVA, 2014) and made the democratization of its elaboration, review and implementation mandatory through participatory devices such as public hearings and consultations, management councils, etc.

In general, the City Statute is composed of a set of principles and instruments that express a conception of urban planning and management aimed at the development of fairer, more egalitarian, sustainable and democratic cities. The municipality was ratified the role of fulfilling, through participatory decision-making mechanisms on urban policy, the principles of the city's social function and property at the local level (GOULART; TERCI; OTERO, 2017).

Among the instruments of the City Statute, the devices for the democratization of urban management, contained in items I to IV of Article 43, will be dealt with in this work, in addition to the municipal planning instrument of the Master Plan, regulated by articles 39, 40 and 41. The democratization of urban policy aims to enable the expansion of popular participation in decisions relating to the management of cities, "understood as the effective participation of civil society - mobilized and enabled to become acquainted with the theme of territorial planning" (OLIVEIRA and MOREIRA, 2006, p.2). In short, participation is essential in the preparation and implementation of the Master Plan.

With the aim of strengthening and consolidating the participatory dynamics in the scope of urban planning and management, as of 2003, the newly created Ministry of Cities, together with the Council of Cities (created in 2004) developed several actions to guide the processes participatory preparation or review of master plans. Through publications such as the "Participative Master Plan: Guide for preparation by municipalities and citizens" (BRASIL, 2005b) and Resolution 25/2005 of the Council of Cities, the Ministry of Cities proposed a participatory methodology for the stages of elaboration or revision of Plans Directors, which, once applied in conjunction with the instruments of the City Statute, would induce the formatting of participatory processes consistent with the diversity and reality of the territories, in addition to promoting the training of social actors, the sharing of coordination, transparency and the publicity of the discussions (PERIOTO, 2016).

The Participatory Master Plan was the object of a national campaign conducted by the Ministry of Cities, which promoted, among other initiatives, the debate on "The city we have and the city we want" (MARICATO, 2012), based on Resolution No. 15/2004 of the Council of Cities, which provided for the structuring of state and regional mobilizing nuclei (article 4) and the recommendation that the Ministry of Cities provide material support (article 5) to the activities of these mobilizing nuclei in promoting the plans (BRASIL, 2004) . In addition, the Ministry of Cities' National Secretariat for Urban Programs also released resources for hiring consulting and advisory teams for the preparation and review of Master Plans.

In the specific case of the municipality of Vitória, capital of Espírito Santo, the local Master Plan (Municipal Law 6.705/2006) incorporated practically all the instruments for the democratization of urban management provided for in the City Statute. Based on this institutional framework, the structure of the review process of the Master Plan of the capital of Espírito Santo, started in 2014 and completed in 2018, will subsequently be described and analyzed in order to identify and examine the application of the democratic management instruments of the City Statute and the tools recommended by the Ministry of Cities methodology.

2 OBJECTIVE

This article addresses the institutional structure of the participatory process of reviewing the Master Plan of the municipality of Vitória (ES), taking as references the federal legislation (Federal Constitution and City Statute), the way in which the participatory methodology proposed by the Ministry of Cities and the local Master Plan (Municipal Law nº 6.705/2006). The results and conclusions are still preliminary, since the corresponding research is still ongoing and comprises a literature review, urban and socioeconomic characterization of the object of study, data collection and systematization, as well as interviews with institutional and social actors who took part in this experience.²

3 METHODOLOGY

It is a qualitative research that uses the theoretical-methodological instruments of the bibliographic review to formulate analytical parameters and the collection and systematization of data from institutional sources (mainly from the City Hall and its government agencies). Another characteristic of the investigation is its interdisciplinary character as it involves the use of multiple areas of knowledge due to its thematic scope, that is, in addition to Urbanism and Urban and Regional Planning, it also dialogues and incorporates contributions from Political Science/Public Policies, Sociology/Urban Sociology and Urban Law. Precisely because it incorporates analytical parameters from the field of Public Policy, the focus of the analysis falls on the institutional arrangement and norms, a procedure for which an exhaustive survey of documentary sources has been indispensable (structure and schedule of the participatory process, participatory and consultation forums, study of the corresponding legislation).

The research will also use the expedient of semi-structured interviews to complete the qualitative survey (therefore, without intending to serve as a quantitative sample), collecting testimonials from characters and participants from different spectrums, origins and profiles, such as representatives of civil society in the Municipal Council of the Urban Master Plan (CMDPU), public power technicians and institutional system actors (municipal government officials, councilors).

In summary, the research was organized and divided into the following steps: (1) literature review and survey of urban legislation (federal and municipal); (2) urban and socioeconomic characterization of the object of study; (3) reconstitution of the participatory structure adopted by the Municipality of Vitória during the Master Plan revision process; (4) cataloging the records of public events developed during the Master Plan review process; (5) data analysis and comparison with the bibliography in order to identify the absorption of the

² This is a Master's-level research, "The participatory dynamics in the process of revising the Master Plan of Vitória (ES) – 2014-2018", developed with the Graduate Program in Architecture and Urbanism at UNESP.

methodology and federal regulations in that process; (6) interviews with social and institutional actors who participated in the process.

The preliminary results presented here refer mainly to steps “1”, “3” and “5”.

4 RESULTS

The municipality of Vitória, capital of the state of Espírito Santo, according to IBGE estimates for 2018, has 358,267 inhabitants and is the center of the Metropolitan Region of Greater Vitória, which covers six more municipalities: Vila Velha, Serra, Cariacica, Viana, Guarapari and Fundão³. The municipality's first Master Plan was implemented in 1984, ratified by Municipal Law No. 3158 of 02/10/1984, therefore, before the approval of the Federal Constitution and the constitutional obligation to prepare Master Plans for cities with more than 20,000 inhabitants.

In the participatory dimension, it is worth noting that the 1984 Master Plan established the Municipal Council of the Urban Master Plan (CMPDU), which, according to article 7 of Municipal Law No. 3.158/1984, was an “advisory body of the Municipal Mayor in general coordination and integration administration of municipal urban planning activities”.

The second Master Plan of Vitória, Law 4,197 of 12/27/1994, maintained the CMDPU, improving its characterization as a consultative and advisory body to the Executive Branch, giving it the attribution to analyze and propose measures to implement the urban policy, as well as verifying the execution of the guidelines of the Master Plan (VITÓRIA, 1994, article 18). In addition, the 1994 PD established the guarantee of the population's participation in the planning process through the representation of community entities and associations, in working groups, commissions and collegiate bodies (VITÓRIA, 1994, article 5), in addition to reaffirming the constitutional principles of the “full development of the social functions of the city and of urban property, and the socially fair and ecologically balanced use of its territory” (VITÓRIA, 1994, article 7th item I).

The third Master Plan of Vitória corresponds to Law 6.705, approved on 10/10/2006. In parallel to its elaboration, the Ministry of Cities campaign for Participatory Master Plans was developed (MARICATO, 2012). The 2006 PD incorporated the urban policy instruments provided for in the City Statute, such as: Compulsory Parceling, Building or Use (PEUC); Progressive IPTU over time; Onerous Grant of the Right to Build (OODC); Transfer of the Right to Build (TDC); Consortium Urban Operations (OUC); Neighborhood Impact Study (EIV); Right of Preemption (VITÓRIA, 2006).

The City Statute has a specific chapter to deal with the Democratic Management of the City:

Art. 43. To guarantee the democratic management of the city, the following instruments shall be used, among others:

I – collegiate bodies of urban policy, at the national, state and municipal levels;

II – debates, hearings and public consultations;

III – conferences on matters of urban interest, at the national, state and municipal levels;

³ Available at: <https://m.vitoria.es.gov.br/cidade/historia-de-vitoria>. Access on Oct 20 2020.

- IV – popular initiative for bills and urban development plans, programs and projects;
 V – (VETOED) (BRAZIL, 2001).

In order to expand popular participation in the management of urban policy, the 2006 Master Plan incorporated instruments of urban management and popular participation based on the City Statute (Table 1). In addition, it maintained the CMPDU (created by Municipal Law nº 3.158/1984) and expanded its composition to 24 councilors: 8 representatives of the public power; 8 representatives of professional associations, unions, universities, institutes and other institutions linked to urban planning; and 8 representatives of neighborhood and community associations (VITÓRIA, 2006). This composition can be considered an advance compared to the previous legislation (Municipal Law 4.167/1994), by which the Council had a single representative of the residents who was simultaneously the president of the Popular Council of the Municipality.

Table 1 – Instruments of Urban Management and Popular Participation of Law nº 6.705/2006

Urban Management Instruments		
1	Municipal Conference on Urban Policy - City Meeting	Public meeting called ordinarily or extraordinarily, at the initiative of the Municipal Executive or the Municipal Council of the Urban Master Plan (CMPDU) when there is a need to change or revise the Master Plan, as well as another purpose defined in a call notice related to Municipal Urban Policy (VITÓRIA, 2006 and VITÓRIA, 2015)
2	Territorial Assemblies of Urban Policy	Public meetings convened by the government with local coverage, with their realization linked to the administrative division of the municipality, with the objective of listening to the population of the different regions of the city about urban issues related to that territory, which can be held with the aim of bringing together and expanding debate in the decisions of the CMPDU and assist in the elaboration, implementation and monitoring of urban policies (VITÓRIA, 2006).
3	City Forum	Consultative body of the Executive Power, which brings together several municipal councils: CMPDU, Council for the Defense of the Environment (COMDEMA), Transport Council (COMUTRAN), Social Interest Housing Council (CMHIS) and Tourism Council (COMTUR). It will be convened totally or partially according to the theme and whenever it is necessary to discuss matters related to urban policy and of interest to the councils (VITÓRIA, 2006).
4	Municipal Council of the Urban Master Plan (CMPDU)	Consultative body of the Executive Power in matters of urban nature and urban policy, with the attributions of monitoring and implementing the Master Plan and discussing, evaluating, proposing and approving various matters concerning municipal urban management, as well as analyzing, proposing and approval of changes and revisions to the master plan (VITÓRIA, 2006).
Instruments of popular participation		
5	Public Hearing	Instance of discussion in which the municipal public administration clears up doubts about actions, plans and projects, public or private, related to municipal urban policy that directly or indirectly affect the daily lives of citizens. The participation of the population in the hearings guarantees the right to information and to demonstrate, with suggestions on actions, projects or plans being collected, however, it does not have a deliberative nature. They are obligatorily convened in cases of approval of Neighborhood Impact Studies and during the process of discussion and review of the Urban Master Plan (VITÓRIA, 2006).
6	Debate	Instance of discussion in which the public administration makes time and tools available to expose divergent positions on a certain action, plan or projects, public or private, linked to urban policy,

		previously discussed in a public hearing (VITÓRIA, 2006).
7	Public Consultation	Instance through which the municipal government can take decisions linked to its result. The public consultation must be preceded by a public hearing and debate to enable greater understanding of the themes voted on (VITÓRIA, 2006)

Source: own authorship, based on Municipal Law 6.705/2006.

It is noted that the section on established urban management and popular participation instruments were introduced based on the City Statute statements, and then it is understood that the 2006 PD outlined the participatory structure that would compose the Plan's future review processes Director, with some instruments of mandatory application: the Municipal Conference on Urban Policy (City Meeting), the Municipal Council of the Urban Master Plan (CMPDU) and public hearings.

For the elaboration or revision of urban plans, the Ministry of Cities launched the national Participative Master Plans campaign (MARICATO, 2012), through the release of technical, institutional, financial support and a model of participatory methodology to guide the municipalities. Resolution 25/2005 of the National Council of Cities established that "All Municipalities must prepare their Master Plans in accordance with Federal Law 10,257/01 (City Statute)" (BRASIL, 2005, Article 1), pursuant to following framework:

Art. 2 The Municipalities that must compulsorily prepare their master plans by October 2006 are those that do not have a master plan, or who have approved their master plan more than 10 years ago, meet at least one of the following conditions:

I – have more than 20 thousand inhabitants;

II - integrate metropolitan regions or urban agglomerations.

§1 The total population of the Municipality is considered for the purposes of item I, the number defined by the 2000 Census of the IBGE.

§ 2 Municipalities that are part of metropolitan regions and urban agglomerations for the purposes of item II are those located in metropolitan regions and urban agglomerations created by federal law prior to the 1988 Constitution or those established by state law pursuant to art. 25, § 3, of the CF, as well as those included in Integrated Development Regions (RIDEs), established by federal legislation.

III - The Municipalities are also required to prepare master plans, without a deadline defined by law:

a) where the Government intends to use the instruments to combat idleness of urban property, provided for in art. 182, § 4, of the Federal Constitution;

b) members of areas of special tourist interest;

c) inserted in the area of influence of enterprises or activities with significant environmental impact on a regional or national level (BRAZIL, 2005a).

In relation to the processes of elaboration, implementation and execution of the Master Plan, it defines:

Art. 3 The process of elaboration, implementation and execution of the Master Plan must be participatory, under the terms of art. 40, § 4 and art. 43 of the City Statute.

§1 The coordination of the participatory process of elaborating the Master Plan must be shared, through the effective participation of public authorities and civil society, in all stages of the process, from the elaboration to the definition of mechanisms for decision-making.

§ 2 In cities where there is a Council of Cities or similar that meets the requirements of Resolution No. 13 of CONCIDADES, the coordination referred to in § 1, may be assumed by this collegiate body (BRASIL, 2005a).

The coordination of the participatory process can be carried out through the formation of the Management Nucleus (BRASIL, 2005b), which is a group formed by representatives of the public power and civil society, involving community social actors, representatives of class entities, unions, NGOs, among other social organizations linked to the urban planning agenda. The Management Nucleus has a strategic role in defining the participatory methodology for the processes of preparation and review of master plans, as well as in conducting, monitoring and following up on all stages (BRASIL, 2005b).

As for the publicity of public events, the aforementioned Resolution 25/2005 also establishes the need for broad communication, use of accessible language, resources and means of communication that reach the entire population, that the schedule of execution of the schedule and locations of the public meetings, and that the results of the discussions are disclosed, in the different stages of the process.

The resolution also provides that the diversity of discussions be guaranteed in the organization of the participatory process, with meetings and debates being held by segments of society, by theme and by territorial divisions, and with alternating meeting places (BRASIL, 2005a, article 5), in addition to the need to promote awareness, mobilization and training events, preferably for community leaders, social movements, professionals, among other social actors (BRASIL, 2005a, article 7).

The training comprises workshops, seminars or community meetings and aims to educate the population about the Master Plan, its importance as an instrument for resolving problems and recurring conflicts in the socio-spatial organization of the city, so that from the beginning of the process, the population is involved in the discussions and with the necessary knowledge to participate. This stage has a pedagogical character and exchange of knowledge, and may extend throughout the entire process of drafting the PD Law (BRASIL, 2005b).

Public hearings – defined in article 40, § 4, item I of Federal Law No. 10.257/2001 (City Statute) – are intended to inform, gather input, debate, review and analyze the content of the proposed plan. Finally, before submitting the Master Plan proposal to the City Council, the draft must be approved at a conference or similar event, which will involve the election of delegates representing the different regions of the city, prior disclosure of the draft law, registration of amendments and publication from the conference proceedings.

In these terms, "the Master Plan must be prepared and implemented with the effective participation of all citizens" (BRASIL, 2005b, p. 17), conducted by the municipal Executive, articulated with the Legislative and with society, being essential that the stages construction of

the law are accompanied by technicians from the municipal administration together with the residents of the municipality, who must participate in the entire process, and not just ratify it.

It is necessary to consider that the simple application of the democratic management instruments of the City Statute is not enough to include hitherto marginalized citizens in the debates, and other forms of participation should be established, adjusted to each stage of development, the difficulties and its objectives (BRAZIL, 2005b).

To develop the process of reviewing the Master Plan of Vitória (2014-2018), the Work Plan was proposed (VITÓRIA, 2014), which divided the process into the following steps: (1) Organization of work, which includes the preparation of the Plans of Work and Social Communication; (2) Analytical approach, which aimed to prepare an analytical framework for the Urban Master Plan and Transport and Urban Mobility Plan, evaluating the integration between them; (3) Participatory Process and Technical Readings, subdivided into 3 phases, debates with civil society, thematic and socioeconomic diagnoses and thematic seminars; (4) Draft Bill of Law, prepared after the systematization of the discussions, considering the decisions reached in the stage of the participatory process; (5) Discussion with the CMPDU, appreciation of the draft law at council meetings for approval; and (6) the final stage of the Encontro da Cidade, divided into two stages: holding territorial assemblies and the Municipal Conference on Urban Policy/Encontro da Cidade (VITÓRIA, 2014).

For the purpose of the preliminary analysis developed here (Table 2), regarding the absorption of the democratic management instruments of the City Statute and the participatory methodology of the Ministry of Cities, only steps “3” (Participatory Process and Technical Readings) will be considered, “5” (Discussion with CMPDU) and “6” (Meeting of the City).

Table 2 – Systematization of the participatory structure of the PD revision process in Vitória (2014-2018)

Stage 3 – Participatory Process and Technical Readings			
Event	Objective	Results	Period
Public Hearings - Regional Listening	Raising awareness and mobilizing the population, informing about the beginning of the revision of the Master Plan, its stages, and hearing the population's impressions about the city, both the criticisms and the positive aspects.	9 events were held, divided according to the Administrative Division of the Municipality into regional ones.	March to April/2015
Public Hearings - Listening to Segments	Raising awareness and mobilizing representatives of the various segments linked to urban planning, informing about the beginning of the revision of the Master Plan, its stages and holding a hearing on the relevant themes of urban policy.	6 events were held, divided into the following themes: Productive sector; Housing of Social Interest; Landscape and Tourism; Infrastructure and Urban Planning; Mobility and Environment; and Religious Entities.	
Collaborative website: www.minhavitoria.com.br	Provision of the contents of the diagnoses prepared in technical and community reading (first public hearings) for publicizing information to the population and receiving manifestations and contributions.	548 virtual contributions were collected, which addressed themes related to land use and occupation, urban mobility and landscape.	April to May/2015
Thematic Seminars and Round Tables	Structured from 5 themes identified as having the greatest relevance in the hearing stage. Its objective was to train civil society and deepen discussions with the population about what was identified as the strategic axis of the city's urban policy.	The following themes were discussed: The PD revision process and the democratic management of the city; Characterization of the city and the construction of the PD; The City and Landscape and Studies for the Preservation of the Center's Landscape; Protection limits of the	28, 29 and 30/09/2015

		Outeiro and Convento da Penha.	
Roundtable with CMPDU advisors	Presentation of the main themes discussed and their problematization, after the presentation of the PDU's analytical framework and the systematized results of the debates with society.	Two meetings where preliminary results of debates with the community, technical and socioeconomic diagnosis were presented.	04/04 and 17/06/2015
1st round of territorial assemblies	Presentation of the guiding guidelines of the PD defined from the technical and community reading, urban parameters and new proposed zoning for each region. Clarification of the next steps in the review process, such as the election of delegates from the regionals who will participate in the Conference/Meeting of the City.	9 territorial assemblies were held, following the administrative division of the municipality.	23/11 to 07/12/2015
Step 5 – Discussion with the Municipal Council of the Urban Master Plan - CMPDU			
Event	Objective	Results	Period
Ordinary and extraordinary board meetings	Reading of the draft of the Master Plan Law project, discussion of content by article, with presentation of contributions and highlights that were voted on and approved by the plenary.	62 meetings were held, mostly weekly, with the participation of members of the council, technical staff from the Municipal Government and external participants depending on the theme.	07/2016 to 06/2017
Etapas 6 - Final - Encontro da Cidade			
Event	Objective	Results	Period
2nd Round of Territorial Assemblies	Clarification of the ongoing stages of the PD review process. Presentation of the main proposals for amending the master plan law in general and the relevant aspects for each regional. Opening for demonstrations by the population and holding the election of delegates who participated as representatives of each regional in the Conference/Meeting of the City.	9 territorial assemblies were held, following the administrative division of the municipality.	12/2016
Collaborative website: www.minhavitoria.com.br	Provision of the draft of the Master Plan Bill for knowledge of the population and delegates, prior to discussions at the Conference/Meeting of the City.	Proposals 242 amendments to the draft Master Plan Bill.	07 and 08/2017
Municipal Conference on Urban Policy - City Meeting	Presentation, discussion of the draft of the Master Plan Law Project, as well as the contributions and amendments that were received on the collaborative website, for voting on the draft before being sent to the City Council.	The conference was attended by 153 delegates divided into public authorities, representatives of administrative regions and representatives of organized entities, universities, associations, unions, NGOs, OSCIPs, having voted 53 amendments proposed on the collaborative site, considered pertinent. ⁴	14 and 15/08/2017

Source: own elaboration, based on: SEDEC (2014); SEDEC (2015a); SEDEC (2015b); SEDEC (2015c); SEDEC (2015d); SEDEC (2016a); SEDEC (2016b); SEDEC (2017).

⁴ For inclusion of the proposals in the Municipal Conference on Urban Policy, a prior content analysis was carried out by the technical team of the municipality coordinating the review process with the Legal Attorney and other municipal secretariats involved, with similar proposals being agglutinated and others that were technically defective and discarded. legality or that were presented incompletely.

Based on the collected information and systematized data, it is possible to verify that the dynamics of the Master Plan revision implemented several participative mechanisms, such as: public hearings with a regional focus and by social segments; thematic seminars; round tables; territorial assemblies; implementation of a collaborative website; involvement of the Municipal Council of the Urban Master Plan (CMPDU) and realization of the Municipal Conference on Urban Policy (Encontro da Cidade). Thus, federal regulations (Federal Constitution and City Statute) were incorporated and the recommendations of the methodology recommended by the Ministry of Cities were respected. Furthermore, the legal requirements established in the Vitória Master Plan (Law nº 6.705/2006) regarding the use of tools and instruments for the democratization of urban management were also complied with.

The Municipal Council of the Urban Master Plan (CMPDU) deserves special mention, which was also included in the participatory dynamics of reviewing the Master Plan, playing the role of the Managing Nucleus, in view of its competence defined in article 47 of Law 6.705/2006:

Art. 47. It is incumbent upon the CMPDU:

I - monitor the implementation of the Master Plan, analyzing and deliberating on issues related to its application;

II - to analyze, propose and approve any amendments to the Master Plan Law before being submitted for approval by the Municipal Conference on Urban Policy – Meeting of the City;

(...)

XVI - analyze and approve bills of interest to urban policy, before being sent to the City Council;

(...)

Based on its competences, the CMPDU played a fundamental role in monitoring, discussing and implementing the Master Plan Law in the municipality of Vitória. In addition to following the review process, the discussion of the draft bill of the Vitória PD had 62 council meetings (Table 2), whose methodology recorded in the minutes established a dynamic for reading the articles, pointing out highlights, proposals for amendments or contributions by the directors, which would be debated and voted on in plenary.

Thus, the discussion stage in the CMPDU made it possible to open the proposal to debate, item by item, within a participatory instance. Over the 62 meetings held, the councilors proposed several changes to the initial bill, formulated by the Municipal Executive together with the consultant hired from the public discussions that took place in a previous stage (Table 2), which were evaluated, debated and voted on, consolidating the bill that would be sent for approval at the Municipal Conference on Urban Policy – Encontro da Cidade.

Although public discussions allow society to present contributions - and, in the case of the CMPDU, debate and vote on the bill, as it was possible to observe in the reading of technical reports and minutes of public events -, this first assessment is limited to the institutional analysis of the structure of the participatory process and the way in which the tools and instruments of federal legislation were absorbed. Therefore, it is still not possible to categorically conclude on the effectiveness and reach of the participatory process in the construction of a Master Plan really guided by the guidelines of the City Statute, directing territorial ordering to the collective good, security and well-being of citizens, to environmental balance (Brasil, 2001) and to the construction of fairer, more egalitarian, sustainable and effectively democratic cities.

5 CONCLUSIONS

The focus of this article consisted in the approach of the institutional structure of the participative process of revision of the Master Plan of the municipality of Vitória (ES), having as analytical and normative references the federal legislation (Federal Constitution and City Statute), the participative methodology proposed by the Ministry of the Cities and the local

Master Plan. The empirical study allowed a preliminary assessment of how the tools and instruments proposed in the aforementioned participatory regulations were adopted.

The results presented are preliminary, as this article corresponds to the corresponding research development stage. In addition to a more rigorous analysis of the new institutional arrangement of Urban Policy in the country and the urban and socioeconomic characterization of the object of study, it remains to deepen the study on the participatory experience of reviewing the Master Plan between 2014 and 2018.

A preliminary reading of the institutional structure of the participatory review process of the PD in Vitória does not authorize definitive conclusions about its effectiveness in promoting the desired effects in the Federal Constitution and in the City Statute for the full territorial ordering of the city, and this study is the objective of the research. course in progress. Nevertheless, provisional data indicate that there was an expressive diffusion of participatory practices, whose effectiveness and scope still need to be better studied through instruments such as interviews and confrontation between institutional regulations and the decision-making scope of the implemented instruments.

In summary, the research indicated that, in general, the participatory structure of the revision process of Law No. 6.705/2006 complied with federal and local legislation in order to promote public discussions in different degrees and scope, such as: use of the foreseen instruments in the City Statute as “management council”, “public hearings” and “conferences on matters of urban interest”; sector debates according to municipal administrative division and social segments; promotion of thematic seminars, round tables and territorial assemblies, tools provided for in the methodology of the Ministry of Cities and in the master plan under review. The structure also implemented a collaborative website that made it possible to expand participation, reaching those who did not participate in the in-person events.

The data collected and the content discussed in this article allow us to preliminarily infer that the adoption of participatory mechanisms in urban planning and management was a reality in Vitória, since the local urban legislation instituted this obligation at the time of the alteration and revision of the Master Plan. This participatory requirement was consummated in the holding of public discussions, approval of the proposal by the Municipal Council of the Urban Master Plan and convening of the Meeting of the City to consolidate the draft law before its submission to the City Council. This finding represents an advance towards the democratization of city management, and the evaluation of the effectiveness of the use of these mechanisms will make it possible to identify problems and understand ways to improve the municipality's participatory dynamics in achieving its objectives.

6 REFERENCES

BRASIL. Constituição (1988). **Constituição da República Federativa do Brasil**. Brasília, DF: Senado Federal, Centro Gráfico, 1988.

BRASIL. Lei n. 10.257, 10 de julho de 2001, que estabelece diretrizes gerais da política urbana. **Câmara dos Deputados, Coordenação de Publicações**, Brasília, DF, 2001.

BRASIL. Resolução nº 15 de 03 de setembro de 2004 do Conselho das Cidades. **DOU Seção 1**, Edição 187 Pág. 103 de 28/09/2004, Brasília, 2004.

BRASIL. Resolução nº 25 de 18 de março de 2005 do Conselho das Cidades. **DOU Seção 1**, Edição Nº 60 Pág. 102, Brasília, 2005a.

BRASIL. Ministério das Cidades. **Plano diretor participativo: guia para elaboração pelos Municípios e cidadãos**. 2ª Edição / Coordenação geral Raquel Rolnik e Otilie Macedo Pinheiro – Brasília: Ministério das Cidades. Confea, 2005b.

GOULART, Jefferson Oliveira; TERCI, Eliana Tadeu; OTERO, Estevam Vanale. **Desenvolvimento e planejamento urbano em cidades médias**. São Paulo: Cultura Acadêmica, 2017.

MARICATO, Ermínia. **O impasse da política urbana no Brasil**. 2ª Ed. Petrópolis, RJ: Vozes, 2012.

NUEVA AGENDA URBANA. Quito: Secretariado de Hábitat III/Naciones Unidas, 2017. Disponível em: <<http://habitat3.org/wp-content/uploads/NUA-Spanish.pdf>>. Acesso: 05 mar. 2021.

PERIOTO, Júlia Navarro. **A participação popular na elaboração e revisão dos Planos Diretores: um estudo sobre a elaboração do projeto de lei da segunda revisão do Plano Diretor do Município de Ribeirão Preto, São Paulo**. 2016. 128 f. Tese (Doutorado) - Programa de Pós- Graduação em Direito, Universidade de São Paulo, Ribeirão Preto, 2016.

SAULE JR., N. Estatuto da Cidade: Instrumento de Reforma Urbana. In: SUG, N.; ROLNIK, R. **Estatuto da Cidade: novos horizontes para a reforma urbana**. São Paulo, Pólis, 2001. (Caderno Pólis, 4)

SILVA, Sívio Domingos Mendes da. **O PAPEL DO PODER PÚBLICO LOCAL NOS PROCESSOS PARTICIPATIVOS DE PLANOS DIRETORES EM SANTA CATARINA**. 2014. 349 f. Tese (Doutorado) - Programa de Pós-Graduação em Geografia, Universidade Federal de Santa Catarina, Florianópolis, 2014.

VITÓRIA. Lei nº 3158 – **Plano Diretor Urbano de Vitória**. Vitória, 1984.

VITÓRIA. Lei nº 4167 – **Plano Diretor Urbano de Vitória**. Vitória, 1994.

VITÓRIA. Lei nº 6705 – **Plano Diretor Urbano de Vitória**. Vitória, 2006.

SEDEC – Secretaria de Desenvolvimento da Cidade. **Plano de trabalho do Contrato nº 275/2014 - relativo à avaliação, formulação, adequação e revisão do Plano Diretor e da regulação urbanística municipal**: relatório técnico. Vitória, 2014.

SEDEC – Secretaria de Desenvolvimento da Cidade. **Produto 3.1.i – Relatório de registro de participação nas assembleias e reuniões com entidades organizadas**: relatório técnico. Vitória, 2015a.

SEDEC – Secretaria de Desenvolvimento da Cidade. **Produto 3.3.i – Relatório de registro dos Seminários Temáticos**: relatório técnico. Vitória, 2015b.

VITÓRIA. **Produto 6.1 – Relatório de participação na definição da programação e na organização das apresentações das assembleias territoriais**: relatório técnico. Vitória, 2015c.

SEDEC – Secretaria de Desenvolvimento da Cidade. **Produto 3.2.iv – Relatório de apresentação dos resultados à Prefeitura e ao CMPDU**: relatório técnico. Vitória, 2015d.

SEDEC – Secretaria de Desenvolvimento da Cidade. **Atas das Assembleias Territoriais por Região Administrativa**. Vitória, 2016a.

SEDEC – Secretaria de Desenvolvimento da Cidade. **Atas das Reuniões do Conselho Municipal do Plano Diretor Urbano de Vitória (CMPDU)**. Vitória, 2016b.

SEDEC – Secretaria de Desenvolvimento da Cidade. **Atas das Reuniões do Conselho Municipal do Plano Diretor Urbano de Vitória (CMPDU)**. Vitória, 2017.