

## BYLAW 3681/2022

Being a bylaw of The City of Red Deer, in the Province of Alberta, to establish procedures to be followed during Council Meetings held by Council of The City of Red Deer.

WHEREAS in accordance with Section 145 of the *Municipal Government Act*, Council may pass bylaws in relation to the procedures to be followed by Council, Council Committees and other bodies established by Council.

NOW THEREFORE COUNCIL OF THE CITY OF RED DEER, ALBERTA, ENACTS AS FOLLOWS:

### Short Title

1 This Bylaw may be referred to as “The Procedure Bylaw”.

### Definitions

2 In this Bylaw, the following definitions shall apply:

- (a) “**Administration**” means an employee of The City of Red Deer;
- (b) “**Agenda**” means the items of business for a Meeting and the associated reports, bylaws or other documents;
- (c) “**Chair**” means the Mayor, Acting Mayor, Deputy Mayor or other person who has authority to preside over a Meeting;
- (d) “**City Manager**” means the chief administrative officer of The City of Red Deer as defined in the *Municipal Government Act* or their delegate;
- (e) “**Clerk**” means an Administrative staff member who serves as the parliamentary advisor to Council appointed by the City Manager, or if the person appointed by the City Manager is not available, a person delegated to fill this role by the Clerk;
- (f) “**Closed Meeting**” means the portion of a Meeting of Council which is held without the public and media present;
- (g) “**Committee of the Whole**” means a Committee comprised of Council which conducts itself as a Council Committee
- (h) “**Consent Agenda**” means those matters on an Agenda considered in accordance with sections 38 to 41 of this Bylaw;
- (i) “**Council**” means the municipal Council of The City of Red Deer;

- (j) **“Council Agenda Review Committee”** means the Council Committee established by Schedule A of this Bylaw;
- (k) **“Council Committee”** means a Committee, Commission, Board or other body established by Council;
- (l) **“Councillor”** means a Member of Council who is duly elected and continues to hold office. For the purposes of this Bylaw only, the term Councillor does not include the Mayor;
- (m) **“General Consent”** means the informal agreement of Council to a proposed action, determined by the Chair, without a formal vote being taken;
- (n) **“General Election”** means a General Election as defined in the *Local Authorities Election Act*;
- (o) **“Inaugural Meeting”** means the Organizational Meeting immediately following the General Election;
- (p) **“Mayor”** means the chief elected official of The City as defined in the *Municipal Government Act*;
- (q) **“Member”** means a member of Council and includes the Mayor;
- (r) **“Meeting”** or **“Council Meeting”** means any gathering of a quorum of Council where Council provides direction on any matter over which Council has jurisdiction;
- (s) **“Motion”** means a proposal by a Member, in a Meeting, that Council take a certain action;
- (t) **“Minutes”** means a written record of a Meeting;
- (u) **“Notice of Motion”** means written notice given to Council by a Member or Members to indicate their intent to bring a resolution to Council for consideration;
- (v) **“Organizational Meeting”** means the Meeting held in accordance with sections 4 through 6 of this Bylaw;
- (w) **“Parliamentary Inquiry”** means an inquiry, directed to the Chair by a Member, to obtain information on a matter of parliamentary law or an interpretation of this Bylaw or meeting customs that apply to the business at hand;
- (x) **“Pecuniary Interest”** means a pecuniary interest as defined in the *Municipal Government Act*;

- (y) **“Point of Order”** means a request from a Member that the Chair enforce the rules of procedure;
- (z) **“Points of Interest”** means a request from a Council member to share a comment, information or commendation about an individual, group, organization or event but which is not recorded in the Minutes.
- (aa) **“Public Hearing”** means a portion of a Council Meeting during which a public hearing, as required by the *Municipal Government Act*, is held;
- (bb) **“Question of Privilege”** means a question from a Member relating to the safety, comfort or dignity of any Member, member of Administration, member of the public. Council as a whole or the organization;
- (cc) **“Quorum”** means the minimum number of members that must be present at a Meeting for business to be legally conducted;
- (dd) **“Resolution”** means a Motion passed in a Council Meeting;
- (ee) **“Special Meeting”** means a Meeting of Council called in accordance with sections 12 through 18 of this Bylaw;

### **Application of Roberts Rules of Order**

- 3(1)** When any matter relating to proceedings in a Council Meeting arises, which is not covered by a provision of this Bylaw or another enactment, the Chair will consider the most recent edition of “Robert’s Rules of Order – Newly Revised”.
- (2)** In the event of a conflict between this Bylaw and “Roberts Rules of Order – Newly Revised”, this Bylaw shall prevail.
- (3)** Council will utilize the prior version of “Robert’s Rules of Order – Newly Revised” for up to one year following the release of a new edition of “Robert’s Rules of Order – Newly Revised”.

### **Council Meetings**

#### Organizational Meetings

- 4** An Organizational Meeting will be held annually no later than two weeks after the third Monday in October.
- 5** At the Organizational Meeting, Council will:
  - (a) adopt a schedule for Deputy Mayor, appointing one Councillor to the position on a monthly rotation;
  - (b) appoint members of the public to serve on Council Committees and external

boards and agencies;

- (c) endorse the Mayor's appointment of Members to serve on Council Committees and external boards and agencies; and
- (d) conduct other business as identified within the Organizational Meeting Agenda.

**6** At the Inaugural Meeting following a General Election:

- (a) the Clerk will convene the Meeting; and
- (b) Members will take the oath of office as prescribed in the *Oaths of Office Act*.

#### Regularly Scheduled Council Meetings

**7** Council will approve the schedule for Meetings on an annual basis. The schedule shall specify the date, time and location of each Meeting. All Members must be present at the Meeting where the schedule for Meetings is approved.

**8** Council, by Resolution, may change the time, date or location of any Meeting. Changes to Meeting dates and times must be determined with input from the Clerk to minimize conflicts between Meetings and to ensure proper notification can be achieved.

#### Meetings Prior to a General Election

**9** When Council establishes the annual schedule of Meetings, Council will not schedule Council Meetings between the close of the nomination period and the Inaugural Meeting.

#### Notice of Regularly Scheduled Council Meetings

**10** Notice of regularly scheduled Meetings will not be given. The schedule of Meetings will be posted on The City of Red Deer's official website.

**11(1)** Notification of a change in time, date, location, or cancellation of any Meeting of Council, will be provided to the public by posting a notice on The City of Red Deer's official website.

**(2)** If the time, date or location of a Meeting is changed within seven days before the Meeting was scheduled a sign will be posted on the door of the building where the Meeting was to be held, if the Meeting was scheduled to be an in-person Meeting.

#### Special Meetings

**12** Where the Mayor or a Councillor believes a Meeting of Council is required in addition to the scheduled Meetings set by Council under section 7, the additional Meeting shall be a Special Meeting.

**13** The Mayor:

- (a) may call a Special Meeting whenever the Mayor considers there to be a matter

that requires Council consideration; and

- (b) must call a Special Meeting if the Mayor receives a written request for a Meeting, stating its purpose, from a majority of the Councillors. The Special Meeting must be held within 14 days after the date the Mayor receives the request.

**14** When the Mayor calls a Special Meeting, the Mayor must identify to the Clerk what matter(s) will be discussed at the Special Meeting.

**15** Council may set a Special Meeting by Resolution. The Resolution must specify:

- (a) the matter(s) to be placed on the Agenda for consideration; and
- (b) the date, time and location of the Meeting.

**16** Only matters identified in the notice of a Special Meeting may be considered at the Special Meeting, unless all of Council is present and agrees to deal with a matter not mentioned in the notice.

#### Notice of Special Meetings

**17(1)** Notice of a Special Meeting will be provided:

- (a) to Members by way of a written notice delivered electronically to the email address(es) provided by the Member; and
- (b) to the public by way of a notice on The City of Red Deer's official website.

**(2)** The notice of the Special Meeting will include the date, time and location of the Meeting and indicate the matter(s) to be considered by Council at the Special Meeting.

**18** A Special Meeting may be held with less than 24 hours' notice to all Members and without notice to the public, provided that at least two-thirds of Members agree to this in writing before the beginning of the Special Meeting.

#### Meetings through Electronic Communications

**19** A Meeting may be conducted by means of electronic or other communication facilities if:

- (a) notice is given to the public of the Meeting, including the way in which it is to be conducted;
- (b) the communication facilities enable the public to watch or listen to the Meeting at a place specified in the notice and a designated officer is in attendance at that place; and
- (c) the communication facilities enable all Meeting participants to watch or hear each other.

- 20** When a meeting is held in person, Members, Administration and members of the public scheduled to attend may make a request to the Clerk to participate through electronic or other communication facilities. The request must be received by the Clerk by the end of the business day prior to the commencement of the Meeting so that the Clerk can make any required accommodations and communicate with the party making the request as to how their request will be accommodated. The Clerk will make reasonable efforts to accommodate the request or provide a reasonable alternative. The Clerk must advise the person making the request to speak from a remote location if the request cannot be accommodated.
- 21** Members participating in a Meeting held by means of an electronic or other communication facility are deemed to be present at the Meeting.

### **Commencement of Meetings**

- 22** A Meeting will be called to order as soon as a Quorum of Members is present following the time set for the start of the Meeting.

### **Quorum**

- 23** The Quorum for Council Meetings is a majority of Members.
- 24** If there is a vacancy on Council, the Quorum is the majority of the remaining Members.

### **No Quorum**

- 25** If a Quorum is not present within 15 minutes after the time set for the start of the Meeting, the Clerk will record the names of the Members present and the Meeting will be adjourned to the time set for the next regularly scheduled Meeting.

### **Lost Quorum**

- 26** If at any time during a Meeting Quorum is lost, the Meeting will be recessed and, if a Quorum is not achieved again within 15 minutes of the commencement of the recess, the Meeting will be deemed to be adjourned to the time set for the next regularly scheduled Meeting.

### **Attendance by Administration**

- 27** The following members of Administration must be present during a Council Meeting:
- (a) City Manager; and
  - (b) Clerk.

### **Duties of the Chair**

- 28** The Mayor, when present, will Chair all Council Meetings unless:
- (a) the Mayor has delegated these responsibilities to another Member; or

- (b) the Mayor has been stripped of this responsibility through the imposition of a sanction under the *Code of Conduct Bylaw*.

**29** When the Mayor is not present at a Meeting the role of Chair will be assumed by:

- (a) the Acting Mayor if an Acting Mayor has been appointed;
- (b) the Deputy Mayor if an Acting Mayor has not been appointed or the Acting Mayor is absent; or
- (c) the Deputy Mayor identified next in the adopted rotation if the current Deputy Mayor is absent and so on through the rotation.

**30** The Chair:

- (a) presides over all Meetings;
- (b) preserves order and decorum in Meetings;
- (c) decides all questions of procedure;
- (d) ensures that each Member who wishes to speak on a debatable Motion is granted the opportunity to do so; and
- (e) determines the speaking order for any other parties, aside from Councillors, addressing Council.

**31** The Chair may participate in debate and may make or second Motions without leaving the Chair.

### **Acting Mayor**

**32** An Acting Mayor will be appointed when the Mayor is expected to be absent for a period of one month or longer.

### **Deputy Mayor**

**33** Each Councillor acts as Deputy Mayor based on the rotation assigned to that Councillor at the Organizational Meeting.

**34** The Mayor may appoint an alternate Deputy Mayor in the event that the Councillor assigned to the rotation established at the Organizational Meeting is unable to fulfil the responsibilities of Deputy Mayor in accordance with the rotation.

### **Agenda**

Preparation of Agenda

**35(I)** The Council Agenda Review Committee shall determine the Agenda for each regularly scheduled Meeting.

- (2) The Agenda for a Special Meeting is set in accordance with the notice given as to the matters to be considered at the Special Meeting when the Special Meeting was called.
- 36 After the Council Agenda Review Committee has determined the matter(s) to be included in an Agenda, no addition(s) shall be made to the Agenda unless Council agrees, by Resolution, to add urgent matter(s) to the Agenda.

#### Adding Urgent Matter(s) to an Agenda

- 37(1) Urgent matter(s) must be kept to a minimum as Council aims to operate their business in a transparent manner where notice of matters coming before Council is shared with the public in advance.
- (2) The City Manager or a Member introducing the matter(s) is responsible for defining why it is urgent.
- (3) The matter(s) proposed to be added as an urgent matter(s) must be submitted to the Clerk as soon as possible.
- (4) The Clerk will make all reasonable efforts to distribute any written materials that accompany the urgent matter(s) to the public during or following the Meeting.

#### Consent Agenda

- 38 The Council Agenda Review Committee may determine that some matter(s) will be identified as a Consent Agenda.
- 39 The Consent Agenda may include:
- (a) Minutes;
  - (b) report(s) with recommendation(s) to postpone Council's consideration of a matter;
  - (c) report(s) with recommendation(s) that Council receive the Report for information with no further action;
  - (d) reports with recommendations for routine business;
  - (e) bylaw(s) proposed for 1<sup>st</sup> reading only; and/or
  - (f) Notice(s) of Motion that are being introduced that have been published in the Agenda.
- 40 Any Member may request that a matter be removed from the Consent Agenda. The matter shall be removed from the Consent Agenda and placed on the regular Agenda without debate.



- 41(1)** Matter(s) remaining on the Consent Agenda shall be moved and voted on without debate by omnibus Motion.
- (2)** Notwithstanding subsection (1), first reading of bylaws on the Consent Agenda shall be moved and voted on in a separate omnibus Motion which can contain first reading for multiple bylaws.

#### Requests from the public

- 42(1)** This section does not apply to Public Hearings. Requests from the public to speak or to present at a Council Meeting will be referred to the Council Agenda Review Committee by the Clerk.
- (2)** The Clerk will review the request(s) for accuracy and alignment with Council priorities and may make recommendation(s) to the Council Agenda Review Committee that the request(s) to speak be granted or denied.
- (3)** The Council Agenda Review Committee will determine if the request(s) to speak or present will be granted or denied. When requests are granted the Committee will determine the Meeting at which the presentation shall occur.
- (4)** Members of the public are only permitted to speak when they have submitted a request and the request has been granted.

#### Agenda Delivery

- 43(1)** The Clerk will distribute the Agenda to Members and make the Agenda available to the public prior to the Council Meeting.
- (2)** When a Special Meeting is set, the Clerk will distribute the Agenda to Members of Council and make the Agenda available to the public as soon as possible.
- (3)** The Clerk will, after consultation with the City Manager, distribute those parts of an Agenda considered confidential to all Members, but only to Administration as appropriate.
- (4)** Matters to be discussed in a Closed Meeting will not be made available to the public.

#### Order of Business

- 44** The order of business for each Meeting will be determined by the Chair unless a matter has been scheduled for a specific time by the Council Agenda Review Committee.
- 45** When the Agenda identifies a scheduled time for a matter, any matter currently being considered will be set aside and Council will consider the matter set for a specific time at the scheduled time.

### **Order of Process for Agenda Items**

- 46** The process for consideration of an Agenda item, unless otherwise directed by the Chair is:
- (a) the City Manager or delegate introduces the matter and may make a presentation on the matter;
  - (b) Members ask question(s) on the matter;
  - (c) a Motion is moved and seconded;
  - (d) Members debate the Motion;
  - (e) the Member that moved the Motion respond(s) to question(s) or comments raised during debate;
  - (f) Council votes on the Motion; and
  - (g) the Chair announces the result of the vote.

### **Conduct of Council Members**

- 47** Members shall comply with the terms of conduct imposed by this Bylaw.
- 48** Members shall only speak when recognized and called upon to do so by the Chair.
- 49** The Chair shall determine the order in which Members are recognized to speak. Typically Members shall be recognized by the Chair in the order in which Members indicate to the Chair their desire to speak.
- 50** Members shall not interrupt another Member that has been recognized to speak except to raise a Question of Privilege or a Point of Order.
- (a) A Member speaking when a Question of Privilege or Point of Order is raised shall immediately cease speaking in order that the Chair can respond to the Question of Privilege or Point of Order that has been raised.
- 51** Unless otherwise permitted by the Chair, Members may speak on an Agenda matter once to ask questions and a second time during debate on the matter.
- (a) The Chair may grant permission to a Member to speak again to allow the Member, as the mover of a Motion, to close debate after the Chair has called for any further discussion and other Members have had an opportunity to be heard.
- 52** Members shall limit their comments to the Agenda matter under consideration. Members shall not debate with Administration nor ask Administration argumentative questions.

**53** The Chair may call to order any Member who is out of order.

### **Breach of Conduct**

**54** A Member that fails to comply with the conduct required by this Bylaw and who persists with unacceptable conduct, after being warned about their behavior and having been called to order by the Chair, may be ordered by the Chair to leave the Meeting. If necessary, the Chair may request security personnel remove the Member.

**55** A Member asked to leave the Meeting may return to the Meeting, at the discretion of the Chair, provided that the Member apologizes for their unacceptable conduct.

### **Council Member Speaking Time Limit**

**56** Members shall not speak on any Agenda matter for longer than ten minutes. The time used by the Member in asking questions, making Motions and debating a matter shall be counted in calculating the time that the Member has spoken on a matter. The time taken by other speakers responding to the Member's questions shall not be counted in calculating the time the Member has spoken on a matter.

**57** Time taken by the Member on procedural matters such as a Parliamentary Inquiry, Question of Privilege or Point of Order shall not be included in calculating a Member's speaking time.

### **Conduct of Public**

**58** In order to ensure a safe and respectful Meeting environment, members of the public attending a Meeting must not:

- (a) applaud;
- (b) speak out loud, cheer, boo or otherwise verbally interrupt the proceedings of the Meeting; or
- (c) engage in behaviour that is disruptive, disrespectful or intimidating to others.

**59** The Chair may, after providing a warning to a member of the public to cease behaviours that disrupt the Meeting, order that person to leave the Meeting. If necessary, the Chair may request security personnel remove the person.

**60** Members of the public, authorized to speak to Council by the Council Agenda Review Committee, shall limit their presentation to five minutes. Time taken in responding to questions from Council shall not be counted in calculating the length of the presentation.

### **Parliamentary Inquiry**

**61** Parliamentary Inquiries will be directed to the Chair.

**62** The Chair may seek advice from the Clerk on a Parliamentary Inquiry.

- 63** The information provided by the Chair in response to a Parliamentary Inquiry can not be appealed because it is for information purposes and is not a ruling.

#### **Point of Order**

- 64** When a Point of Order is raised, the Chair will ask the Member raising the Point of Order to briefly explain the Point of Order.
- 65** The Chair may immediately rule on the Point of Order. The ruling of the Chair on the Point of Order can be appealed.
- 66** Rather than ruling directly on the Point of Order, the Chair may ask that Council vote on the Point of Order. A vote by Council on a Point of Order cannot be appealed.
- 67** The Chair may seek advice from the Clerk on a Point of Order.

#### **Question of Privilege**

- 68** When a Question of Privilege is raised, the Chair will ask the Member raising the Question of Privilege to briefly explain the Question of Privilege. The Member may offer a remedy for addressing the Question of Privilege.
- 69** The Chair will rule on whether the issue raised by the Member is a Question of Privilege and in the event the Chair rules the issue is a Question of Privilege the Chair may:
- (a) direct that immediate corrective action be taken;
  - (b) direct that corrective action be taken at another time; or
  - (c) request that Administration research and recommend possible corrective actions.
- 70** The Chair may call a recess to allow corrective action to be researched or be taken.
- 71** The ruling of the Chair on the question of whether or not the issue raised by the Member is a Question of Privilege can be appealed. The ruling of the Chair on the type of corrective action that is required cannot be appealed.
- 72** The Chair may seek advice from the Clerk on a Question of Privilege.

#### **Appeals of Rulings of the Chair**

- 73** If a Member appeals a ruling of the Chair under this Bylaw the Member may speak for no more than two minutes to explain why they are of the view that the ruling of the Chair should not be upheld.
- 74** The Chair shall have two minutes to respond to the comments of the Member and to explain to Council the reasons for their ruling.

- 75** After the Chair has spoken the Chair shall ask for a vote on the question “Is the ruling of the Chair upheld?”.
- 76** The decision of Council on the appeal is final.

### **Motions**

- 77** A main Motion may arise out of the following sources:
- (a) a recommendation set out in a report on an Agenda matter;
  - (b) autonomously from a Member provided the Motion is germane to the Agenda item under discussion; or
  - (c) a Notice of Motion.
- 78** Administration will provide input on all Motions introduced by Members to ensure that legal, financial and operational impacts are professionally addressed. This may be done in writing, if time permits, or verbally.
- 79** When a Motion is introduced by a Member it should be provided to the Clerk in advance whenever possible.
- 80** A Motion will not be considered until it has been seconded.
- 81** After a Motion is moved and seconded it may only be withdrawn by the mover with General Consent.
- 82(1)** A Motion is out of order if the Motion violates the *Municipal Government Act*, any or other applicable legislation, or a municipal bylaw.
- (2)** The Chair may consult with the Clerk before making a ruling on whether a Motion is out of Order.
  - (3)** The Chair must cite the provisions that would be violated by the Motion.
  - (4)** The Chair’s ruling on a Motion can be appealed by a Member.
- 83** The mover of a Motion may, with General Consent, make minor changes to the wording of the Motion that might be proposed by another Member, with General Consent during questions or debate on the Motion.
- 84** When a main Motion is being considered only the following types of secondary Motions can be made:
- (a) subsidiary Motions;

- (b) privileged Motions; and
- (c) incidental Motions.

**85** The types of secondary Motions and the process to be followed by Council in dealing with subsidiary Motions, privileged Motions and incidental Motions are set out respectively in Schedules B, C and D of this Bylaw. No type of secondary Motions, other than those identified in Schedules B, C and D of this Bylaw, will be in order even though other types of secondary Motions may be discussed in “Roberts Rules of Order - Newly Revised”.

### **Review of Prior Council Decisions**

**86(1)** After Council has passed a Resolution on a matter, the same matter cannot be considered by Council again unless:

- (a) a General Election has been held; or
- (b) six months has passed since the date the Resolution providing direction was considered; or
- (c) a Motion to reconsider the Resolution or defeated Motion has been passed.

**(2)** When more than one Resolution passed by Council conflicts, the most recent Resolution will stand.

### **Reconsideration of Motions**

**87(1)** A Motion to reconsider can be put before Council at the same Meeting the Resolution was considered, provided that no action has been taken in response to the Resolution.

**(2)** A Motion to reconsider can only be made by a Member who voted on the prevailing side.

### **Notice of Motion to Reconsider**

**88** Notwithstanding the previous section, a Member can bring forward a Notice of Motion to request reconsideration on any matter after the Meeting at which the matter was considered.

**89** A Member may bring the Notice of Motion to request reconsideration of a matter regardless of how the Member voted when the matter was last considered by Council.

**90** The Notice of Motion to reconsider must be submitted to the Clerk seven days prior to the Meeting at which it is to be considered.

**91** The Notice of Motion to reconsider must:

- (a) indicate the date of the Meeting when the Member will be making the Motion to reconsider;

- (b) identify the Resolution that is to be reconsidered, including identifying whether reconsideration of the Resolution would require reconsideration of any secondary Motions; and
  - (c) explain what special or exceptional circumstances, which may include new information, warrant Council considering the matter again. In the absence of special or exceptional circumstances, Council shall not approve the Motion.
- 92** Council may waive the requirement for a Member to submit a Notice of Motion to reconsider in advance by passing a Resolution to set aside the requirements of this Bylaw if requested to do so by a Member.
- 93** Administration will prepare a report on the Notice of Motion to reconsider advising Council whether the Resolution has been acted on in a manner that is impossible to reverse or modify and any conflict with contractual obligations.
- 94** If a Notice of Motion to reconsider is passed, the original Motion is on the floor to be considered by Council as if the prior vote on the matter had not occurred.

### **Recess of Meetings**

- 95** The Chair may call for a recess at any time.
- 96** A Member may introduce a Motion to recess when they have obtained the floor. The Motion is not debatable but the duration of the recess is amendable.
- 97** A designated time for recess(es) may be identified on the Agenda. If the Agenda specifies a time at which the Meeting will recess, the Meeting will recess at those times unless Council passes a Motion to suspend the rules.
- 98** Council, at its discretion, may recess any Meeting and continue that same Meeting on another date and time. The date and time for reconvening must be announced prior to commencing the recess.
- 99** In order to support a positive and healthy work environment for Council and Administration, Council shall:
- (a) take a minimum of thirty minutes of recess in every five hours of Meeting; and
  - (b) adjourn the Meeting to another day once the duration of the Meeting, excluding the time spent in recesses, has reach eight hours even if all matters on the Agenda have not be considered by Council.

### **Closed Meeting**

- 100** Council must meet in open unless criteria set out in the *Municipal Government Act* requires or allows the public and media to be excluded from a portion of their Meeting.

- 101** The only matters that can be considered in a Closed Meeting are matters within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*.
- 102** Unless Council otherwise directs, the following shall be allowed to attend a Closed Meeting:
- (a) the City Manager, except for the portion of a Closed Meeting directly related to the performance of the City Manager;
  - (b) the Clerk; and
  - (c) other members of Administration required to be in attendance at the Closed Meeting, to support Council, as determined by the City Manager.
- 103** Resolutions and bylaws cannot be passed in a Closed Meeting. The only Motion that can be passed in a Closed Meeting is a Resolution to revert to an open Meeting where members of the public and media will be permitted to attend.

**Notices of Motion**

- 104(1)** This section does not apply to a Notice of Motion to reconsider.
- (2) A Notice of Motion must be submitted in writing to the Clerk, for inclusion on the Agenda at least seven days prior to the Meeting when the Member intends to give the notice.
  - (3) The Notice of Motion must:
    - (a) set out the proposed wording of the Motion;
    - (b) indicate the date of the Meeting when the Member will be asking Council to consider the Motion; and
    - (c) explain the reason for bringing the Motion.
  - (4) The Motion identified in a Notice of Motion cannot be considered by Council until the next regularly scheduled Meeting following the Meeting at which the Notice of Motion is given.
  - (5) Council may agree to waive the requirement that a Member gives a Notice of Motion before the Member is allowed to bring a Motion to Council for consideration if the subject matter of the Motion is urgent and requires immediate consideration by Council.
  - (6) The Clerk is responsible for distributing the Notice of Motion to all Members and the City Manager.



- (a) If the Notice of Motion is received seven days prior to the Council Meeting, the Notice of Motion will be published in the Agenda.
- (b) If the Notice of Motion is received less than seven days prior to the Council Meeting, the Notice of Motion will be distributed electronically.

### **Votes of Council**

- 105** Each Council Member present must vote on every Motion unless the Member is required or permitted to abstain from voting under the *Municipal Government Act*.
- 106** The Chair will call for a vote on a matter once debate on the matter is complete. Once the vote has been called, Members must refrain from further comment until the results of the vote are declared by the Chair.
- 107** Votes will be taken by electronic means and the votes of Members for and against a matter will be recorded in the Minutes. If the electronic system is not available, Members will vote by hand or verbally by stating “in favour” or “opposed”.
- 108** A vote is final once declared by the Chair. However, if the Chair determines that proper procedures were not followed or that a Member may have been mistaken as to the subject matter of the vote, the Chair may immediately recall the vote and direct that a new vote be taken on the matter.
- 109(1)** A Motion or reading of a bylaw is carried when a simple majority of Members present at a Meeting vote in favour of the Motion or bylaw or, in those instances when support of more than a simple majority is required for a Motion to pass, when the required number of votes for passage is received.
- (2)** A Motion or reading of a bylaw requiring a simple majority is defeated when the number of votes in support for a Motion or bylaw is equal to the number of votes in opposition to the Motion or bylaw.

### **Bylaws**

- 110** Bylaws must be published in the Agenda to ensure that Council and the public have an opportunity to review the wording of the bylaw.
- 111** Council may not give a bylaw more than two readings at a Meeting unless all Council Members present at the Meeting vote in favour of allowing the bylaw to be presented for third reading at the same Meeting.

### **Amendments to Bylaws**

- 112** Any amendments to a bylaw which are carried prior to the vote on third reading of that bylaw will be considered to have been given first and second reading and the amendments will be incorporated into the proposed bylaw prior to third reading.

### **Defeated Bylaws**

- I 13** If a vote on second or third reading of a bylaw is lost any previous readings of the bylaw are rescinded.
- I 14** Readings of a bylaw are rescinded if the bylaw does not receive third reading within two years after the date of the first reading.

### **Bylaws Signed and Sealed**

- I 15** The Chair and the Clerk must sign and seal the bylaw as soon as reasonably possible after third reading is given. Signatures can be affixed electronically.
- I 16** Once a bylaw has been passed, it may only be amended or repealed by another bylaw made in the same way as the original bylaw.

### **Public Hearings**

- I 17** Public Hearings shall be held in accordance with the provisions in Schedule E.

### **Council Member Requests for Information**

- I 18** Regardless of any other Council policies, procedures or processes, any Member may make a formal request for information to the City Manager during a Meeting. The request for information must directly pertain to City operations and Administration.
- I 19** The Member will be permitted to speak for two minutes to introduce and explain the request.
- I 20(1)** The City Manager will provide a response to the request for information at the next regularly scheduled Council Meeting that is a minimum of twelve business days after the request is made.
  - (2)** The City Manager's response to a request for information will be included on the scheduled Agenda.
  - (3)** During the Meeting Members may ask questions for clarification of the information provided by the City Manager.
- I 21(1)** To ensure that work is being directed by Council as a whole, the City Manager will ask for a Resolution to endorse any Request for Information that is estimated to take Administration more than 15 hours to complete or cost more than \$1,000, or an equivalent combination of time and resources. The City Manager shall prepare a report to advise Council of the projected time and cost to prepare a response.
  - (2)** The City Manager shall not prepare the response to those types of request(s) described in subsection (1), unless Council passes a Resolution directing that a response be prepared.

**I22** Members may make informal requests for information through any established policies, procedures or processes outside of a Meeting; however, if the staff time or cost to prepare a response would exceed the amounts described in section I21(1) of this Bylaw, the City Manager will not respond to the request and will advise the Member to bring a Notice of Motion to request the information so that the preparation of a response can be approved by Council.

### **Minutes**

**I23** The Clerk will record Meeting Minutes which must:

- (a) include the names of the Members present and absent from the Meeting;
- (b) include the names of members of the public who speak to an item;
- (c) include the names of the Members of Council voting for or against a Motion and of those who are absent for the vote;
- (d) include any abstentions declared by Members under the *Municipal Government Act* including the reason for the abstention;
- (e) include any abstentions made as a result of a Pecuniary Interest and include a brief explanation of the nature of the Pecuniary Interest;
- (f) not include any notes or comments; and
- (g) be signed by the Chair and the Clerk once adopted by Council. Signatures can be affixed electronically.

**I24** Requests for the correction of inaccuracies or omissions in draft Minutes should be submitted to the Clerk as soon as possible after draft Minutes are circulated to Members in order to allow the Clerk to:

- (a) review the request for a correction and verify any inaccuracy or omission; and
- (b) prepare a revised version of the Minutes, if required.

**I25** Questions about inaccuracies and omissions in Meeting Minutes must be reviewed by the Clerk against any audio-visual recording made of the Meeting by the Clerk.

### **Transitional**

**I26** Any references to Bylaw No. 3358/2006 in any City bylaws, policies, administrative directives, or other City records are deemed to be references to this Bylaw until such records are revised as appropriate.

### **Repeal**

**I27** Bylaw No. 3358/2006 is hereby repealed.

**Effective Date**

**128** This bylaw will come into effect May 9, 2022.

READ A FIRST TIME IN COUNCIL this 28 day February, 2022.

READ A SECOND TIME IN COUNCIL this 11 day April, 2022.

READ A SECOND TIME IN COUNCIL this 11 day of April, 2022.

AND SIGNED BY THE MAYOR AND CITY CLERK this 11 day of April, 2022.

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MAYOR

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CITY CLERK

**SCHEDULE A**  
**Council Agenda Review Committee Terms of Reference**

**I** The Council Agenda Review Committee (“CARC”) is established.

**Membership**

**2(I)** Members of the CARC are the:

- (a) Mayor or Acting Mayor; and
- (b) Deputy Mayor.

**(2)** If the Deputy Mayor is unable to attend, the Councillor identified as the next Deputy Mayor in the adopted rotation will serve as the Deputy Mayor on the committee.

**Administrative Support**

**3(I)** The City Manager, as the sole employee of Council, shall attend and participate in the CARC meetings.

**(2)** The Clerk is responsible for preparing Agendas, preparing Minutes and providing procedural advice.

**(3)** The City Manager may require other members of Administration to attend and support the CARC.

**Quorum**

**4** The Quorum for CARC meetings is two members.

**Chair**

**5** The Mayor is the Chair of the CARC.

**6** The Chair will preside over the meetings of CARC and decide on all Points of Order and Questions of Privilege at such meetings.

**Responsibilities**

**7(I)** CARC is responsible for:

- (a) setting the list of matters to be included in upcoming Agendas for regularly scheduled Council Meetings and <sup>1</sup>Committee of the Whole meeting;
- (b) determining a response for requests from the public to speak or present at Meetings;
- (c) identifying possible procedural issues that may arise at a Meeting;

- (d) estimating the time for each Agenda matter to understand the estimated duration of the Meeting;
  - (e) confirming the matters to be considered on the Consent Agenda; and
  - (f) determining that a matter will be discussed at a specific time on the Agenda.
- (2) On a quarterly basis, CARC shall endorse a list of upcoming Agenda matters after reviewing a list of Council and administrative priorities for the next five quarters.
  - (3) When Council has made a Resolution directing that an item be considered by Council by a specific date, the CARC cannot postpone the matter beyond the date specified in the Resolution.

### **CARC Meeting Proceedings**

- 8(1) At each CARC meeting, CARC will be provided with a draft Agenda for the next regularly scheduled Council Meeting.
- (2) The draft Agenda shall include the titles of the matters on the Agenda, recommend the order in which the matters will be considered, estimate how long consideration of a matter is expected to take and may include recommendations for matters to be scheduled at a specific time.
- (3) The reports and attachments for the matters on a draft Agenda will not be provided.
- 9 CARC will consider the matters with regard to their inclusion on the Agenda, timing, procedural issues and placement on the Agenda but will refrain from debating or discussing the merits of the matters
- 10 CARC will follow the meeting procedures set out in this Bylaw.
- 11(1) CARC meetings will be held in public.
- (2) A portion of the CARC meeting can be closed to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*.

**SCHEDULE B**  
**Subsidiary Motions**

- 1 When a main Motion is on the floor a subsidiary Motion can be introduced.
- 2 Subsidiary Motions are considered in order of precedence. The chart below outlines precedence from highest to lowest. When a subsidiary Motion is on the floor only a subsidiary Motion of higher precedence can be introduced.

Type of Motion	Description	Process
(a) Close Debate	A Motion to close debate, if passed, would end the current debate and require the Chair to immediately call the vote	Not debatable  Not amendable  May not interrupt a speaker  Majority vote
(b) Limit or Extend Debate	A Motion to limit debate would shorten the time limits allowed on a specific item  A Motion to extend debate would extend the time limits allowed on a specific item  When legislated advertising has been provided to the public that identifies speaking time, a motion to limit or extend debate is not in order	Not debatable  Can be amended (amendments are not debatable)  May not interrupt a speaker  2/3 majority vote
(c) Postpone to a certain time	A Motion to postpone consideration of an item postpones that item to a time specified in the Motion. When the item is resumed it will resume in the same place where it was postponed; all Motions pending will be on the floor. There is no maximum amount of time that an item can be postponed for however, an item can not be postponed indefinitely  Can be handled informally when an item is going to be postponed within the same Meeting. Can be done by General Consent "Is there any objection to postponing this matter until later in the meeting".	Is debatable  Is amendable  May not interrupt a speaker  Majority vote
(d) Refer	A Motion to send the pending matter to a Council Committee or Administration. Instructions may be included, such as the scope of the referral, deadline, etc	Is debatable  Is amendable

		<p>May not interrupt a speaker</p> <p>Majority vote</p>
(e) Amend	<p>A Motion to change the wording of another Motion</p> <p>Usually occurs by adding, deleting or replacing text. The changes must be germane to the main Motion and can not be contrary to the main Motion.</p> <p>Only one amendment to a main Motion and one amendment to that amendment is allowed, a third level amendment is not permitted to be on the floor at one time. Motions for additional amendments must wait until votes on the amendments on the floor have been held.</p> <p>Amendments that have carried will be incorporated into the main Motion.</p>	<p>Is debatable</p> <p>Is amendable</p> <p>May not interrupt a speaker</p> <p>Majority vote</p>



## SCHEDULE C Privileged Motions

- 1 When a main Motion is on the floor a privileged Motion can be introduced. A privileged Motion does not relate to the pending matter but is a special matter of immediate and overriding importance. A privileged Motion can be introduced when no Motion is on the floor.
- 2 Privileged Motions are considered in order of precedence. The chart below outlines precedence from highest to lowest. When a privileged Motion is on the floor only a privileged Motion of higher precedence can be introduced. Any privileged Motion has a higher precedence than a subsidiary or incidental Motion.

Type of Motion	Description	Process
(a) Recess	<p>A Motion to recess requests the Meeting to take a break. The Motion must include the duration of the break</p> <p>A recess can be handled informally as the Chair has the ability to call a recess at any time</p>	<p>Not debatable</p> <p>The duration of the recess is amendable</p> <p>May not interrupt a speaker</p> <p>Majority vote</p>
(b) Adjourn	<p>A Motion to adjourn allows a Member to propose the close of the Meeting. This Motion can be made while business is pending</p> <p>When no business is pending, a motion to set a future time to adjourn can be introduced</p> <p>An adjournment can be handled informally as the Chair has the ability to declare a Meeting adjourned when all business has been conducted.</p>	<p>Not debatable</p> <p>Not amendable</p> <p>May not interrupt a speaker</p> <p>Majority vote</p>

**SCHEDULE D**  
**Incidental Motions**

- 1 When a main Motion is on the floor an incidental Motion can be introduced.
- 2 Incidental Motions do not have an order or precedence.

<b>Type of Motion</b>	<b>Description</b>	<b>Process</b>
(a) Suspend the rules	<p>A Motion to suspend the rules sets aside the rules of this Bylaw or “Roberts Rules of Order - Newly Revised”, as applicable</p> <p>A Motion to suspend the rules cannot be used to suspend the provisions of the <i>Municipal Government Act</i> or any other provincial legislation</p>	<p>Not debatable</p> <p>Not amendable</p> <p>May not interrupt a speaker</p> <p>2/3 majority vote</p>
(b) Division of a Question(sever)	<p>A Motion to divide a Motion to allow it to be considered in parts</p> <p>Can be handled informally as the Chair has the ability to require a Motion be divided (severed)</p> <p>The Motion to be divided (severed) must be able to have each separate part stand on its own</p>	<p>Not debatable</p> <p>Not amendable</p> <p>May not interrupt a speaker</p> <p>Majority vote</p>

## **SCHEDULE E**

### **Public Hearings**

- 1** Public Hearings are held in conjunction with a Council Meeting.
- 2** The public can participate in a Public Hearing by providing written submissions or by attending the Public Hearing to make verbal submissions.
- 3** Written submissions from members of the public must be received by the date indicated in the advertising and notification for the Public Hearing. Submissions received after the deadline will not be accepted. The Clerk will contact the person who sent in the written submission and advise them that the written submission will not be distributed to Members of Council or be made part of the Agenda. The submitter will be advised that they, or their delegate, can attend the Public Hearing to present their comments directly to Council during the Public Hearing.
- 4(1)** Submissions from the public will appear on the Agenda in the same format that they were received. No personal information will be redacted.
- (2)** Anyone who submits materials marked “in confidence” or “confidential” will be contacted by the Clerk who will explain that materials cannot be submitted “in confidence” or “confidentially” as all material submitted for Council consideration at the Public Hearing must form part of the public record. The submitter will be given the option to withdraw their submission, submit a revised submission prior to the deadline or have their original submission included in the Agenda with the notation that the submission is not “confidential”.
- (3)** Unsigned or anonymous letters or emails that do not provide a proper name for the party sending the email will not be accepted as there is no way for Council to properly weigh the contents of the letter.
- 5(1)** The Clerk may withhold a public submission from the Council Agenda if the Clerk, after consulting legal counsel, concludes the submission contains:
  - (a)** hate speech;
  - (b)** discriminatory language; or
  - (c)** defamatory language.
- (2)** The Clerk shall contact the party making a submission that is being withheld under this section and advise them that the submission is being withheld and that if the party wants to make submissions to Council that they, or their delegate, can attend the Public Hearing to present their comments directly to Council during the Public Hearing.

- 6 Members of the public may speak for up to five minutes. This does not include the time to respond to questions from Members.
- 7 Members of the public may make a request to the Clerk to speak to a Public Hearing from a remote location. The request must be received by the Clerk by the end of the business day prior to the commencement of the Meeting during which the Public Hearing will be held so that the Clerk can make any required accommodations and communicate with the party making the request as to how their request will be accommodated. The Clerk will make reasonable efforts to accommodate the request or provide a reasonable alternative. The Clerk must advise the person making the request to speak from a remote location if the request cannot be accommodated.
- 8 Members of the public may make a request to the Clerk to utilize technology to show images, videos, presentations and other visual aids during a Public Hearing. The request must be received by the Clerk by the end of the business day prior to the commencement of the Meeting during which the Public Hearing will be held so that the Clerk can make any required accommodations and communicate with the party making the request as to how their request will be accommodated. The Clerk will make reasonable efforts to accommodate the request provided the necessary available technology is available for use in Council Chambers or at the location of the Meeting. The Clerk must advise the person making the request to use technology during a presentation if their request cannot be accommodated.
- 9(1) Members of the public will speak in the order that they indicate to the Chair that they wish to speak. The speaking order will be determined by the Chair. The Chair may delegate the responsibility to determine the speaking order of members of the public to the Clerk.
- (2) Regardless of the speaking order identified in the section above, the Chair, will, prior to proceeding, ask if anyone else from the public wishes to speak to Council on the matter in order to ensure that everyone who wishes to speak has had an opportunity to do so.
- 10 During the Public Hearing, members of the public will not be offered an opportunity to rebut comments made by other speakers who may follow them in the speaking order.
- 11 The Chair may ask any person making a presentation to focus or refocus their comments on the merits of the matter that is the subject of the Public Hearing. The Chair can request that the presenter refocus their remarks.
- 12 The Chair may, after providing a warning to a member of the public to cease behaviours that disrupt the Public Hearing, order that person cease speaking and may order the person to leave the Meeting. If necessary, the Chair may request security personnel remove the person.

### **Voting on Matters Related to a Public Hearing**

- 13(1)** If a Member of Council misses the entirety of the Public Hearing they cannot vote on the matter.
- (2)** If a Member of Council misses only a portion of the Public Hearing the Member can determine whether they will vote on the matter.

### **Order of Process for Agenda Items**

**14** The process for a Public Hearing is as follows:

- (a) the Chair calls the Public Hearing to order;
- (b) the Chair provides information on how the Public Hearing will be conducted and the rules or order;
- (c) Administration introduces the item;
  - (i) Members may ask questions of Administration;
- (d) Members of the public are invited to speak to the item;
  - (i) Members may ask questions of the speaker following the speaker's presentation;
  - (ii) The Chair will call for any additional speakers to ensure everyone wishing to speak has had the opportunity to do so;
- (e) Members may ask question of Administration;
- (f) the Chair closes the Public Hearing. This ends the opportunity for the public or Administration to provide information on the matter;
- (g) the Motion or bylaw on the subject matter of the Public Hearing is put on the floor for Council's consideration;
- (h) Council debates the matter (the normal rules of debate apply to debates following a Public Hearing);
- (i) following completion of the debate, Council votes on the matter;
- (j) the result of the vote are announced; and
- (k) if subsequent Motions, bylaws or bylaw readings are required subsections (g) through (j) are repeated as necessary.

### **Adjournment of a Public Hearing**

**15(1)** A Public Hearing may be adjourned if Council concludes an adjournment is reasonable

and necessary.

- (2) A Motion to adjourn a Public Hearing must include an indication of the date, time and location at which the Public Hearing will be resumed.
- (3) If Members are given or receive information germane to the Public Hearing outside of the Public Hearing, that information must be shared with all Members of Council and the public when the Public Hearing resumes.

#### **Limits on Receiving Information**

- 16(1) Members of Council shall not seek additional information, advice or opinions from Administration, or members of the public on a matter that is the subject of a Public Hearing outside of the Public Hearing.
- (2) After a Public Hearing has been closed, Members must not accept any further written or verbal submissions germane to the Public Hearing until Council has voted on the related Resolution or 2<sup>nd</sup> and 3<sup>rd</sup> reading of the related bylaws.

**'SCHEDULE F**  
**Council Committee of the Whole Terms of Reference**

**1** The Committee of the Whole (“**COTW**”) is established.

**Membership**

**2** Members of Committee of the Whole are all of Council.

**Purpose**

**3** Allow Council to meet in a more informal manner, relaxing procedural rules to receive information, narrow decisions, debate, and digest options, and pre-consider items that will later come before them at a regular Meeting of Council.

**Administrative Support**

**4 (1)** The City Manager, as the sole employee of Council, shall attend and participate in the Committee of the Whole meetings.

**(2)** The Clerk is responsible for preparing Agendas, preparing Minutes and providing procedural advice.

**(3)** The City Manager may require other members of Administration to attend and support the Committee of the Whole.

**Quorum**

**5** The Quorum for Committee of the Whole is a majority of Members.

**6** If there is a vacancy on Council, the Quorum is the majority of the remaining Members.

**Chair**

**7** The Deputy Mayor is the Chair of the Committee of the Whole.

**8** The Chair will preside over and be responsible for the conduct of meetings.

**Mandate**

**9** Committee of the Whole may consider any matter, including but not limited to:

- (a) advocacy;
- (b) Council policy;
- (c) significant topics;
- (d) committee updates;

- (e) Notices of Motion.

### **Committee Meetings**

- I0** At the first Committee of the Whole meeting following the Organizational Meeting each year, the Committee of the Whole will establish the dates for the Committee meetings and work plan.
  
- I1** Public notice of a Committee of the Whole meeting will be given in the following manner:
  - (a) Committee meeting dates, established at the first meeting following the Organizational Meeting will be posted on The City's website as soon as practically possible.
  
  - (b) for changes to the frequency, time, date or location of a Committee of the Whole meeting:
    - i. changes will be noted in the Minutes of the previous meeting; and
    - ii. if changes are made after the previous meeting, notice will be provided:
      - A. to the Members via email; and
      - B. to the public by posting on The City's website.
  
  - (c) a Committee of the Whole meetings will be cancelled by CARC if there are no Agenda items. Notice will be provided:
    - i. to Members via email; and
    - ii. the meeting date will be removed from the City's website as soon as practically possible.
  
  - (d) CARC to determine if Special Meetings are required, notice will be provided as soon as practically possible:
    - i. to the Members via email; and
    - ii. to the public by posting on the City's Website.
  
- I2** Conduct meetings in public unless an exemption is permitted in accordance with the *MGA* and *FOIP Act*

### **Meeting Procedures**

- I3** The process for Committee of the Whole is as follows:
  - (a) a Member may speak more than once, provided that each Member who wishes to speak to the matter has had an opportunity;
  
  - (b) Members may speak for longer than 10 minutes;
  
  - (c) Members must be recognized by the Chair before speaking, however Members may direct questions and answers to one another and Administration;



- (d) Members may speak even though there is no motion on the floor, but if there is a motion on the floor a Member must only address that motion; and
- (e) Minutes of COTW shall be adopted by motion at the following COTW meeting.

**I4** Committee of the Whole may:

- (a) receive delegations;
- (b) meet with other municipalities and other levels of Government;
- (c) provide direction that more information be provided; or
- (d) provide a non-binding recommendation, by motion, to Council.

**I5** Committee of the Whole may not do business only Council can, such as:

- (a) conduct statutory Public Hearings;
- (b) pass bylaws;
- (c) set taxes;
- (d) approve the municipal budget; or
- (e) approve Council policy.