

CITY OF COLD LAKE
BYLAW #308-BD-07 - Unofficial Consolidation
PROCEDURAL BYLAW

Please note: in a bylaw that is "Unofficially Consolidated", the original approved bylaw is updated to include all of the approved amendments to that bylaw.

A BYLAW OF THE COUNCIL OF THE CITY OF COLD LAKE, IN THE PROVINCE OF ALBERTA, TO PROVIDE RULES GOVERNING THE PROCEEDINGS AND THE REGULAR BUSINESS OF COUNCIL AND COUNCIL COMMITTEES

WHEREAS Section 145 (b) of the *Municipal Government Act*, RSA 2000, Chapter M-26, provides that Council shall by bylaw make rules for calling meetings and governing its proceedings, the conduct of its members, the appointment of committees and for the transaction of its business; and

WHEREAS Section 145 (a) of the *Municipal Government Act*, RSA 2000, Chapter M-26, provides that Council may establish committees to consider matters referred to them by Council, may appoint the members of such committees and may require reports of the findings or recommendations of the committees;

NOW THEREFORE, the Council of the municipality of the City of Cold Lake, in Council duly assembled, hereby enacts as follows:

SHORT TITLE

1.0 This bylaw may be cited as the "**Procedural Bylaw.**"

DEFINITIONS

2.0 In this bylaw:

- (1) Whenever the singular, masculine or feminine is used in this bylaw it shall be considered as if plural, feminine or masculine has been used where the context of the bylaw so requires.
- (2) "ACT" means the *Municipal Government Act*, RSA 2000, Chapter M-26.1 of the Statutes of Alberta.
- (3) "ADMINISTRATION" mean the employees of the municipality.
- (4) "BUSINESS DAY" means a day on which the municipal offices are open for business.
- (5) "CHAIR" means the Mayor, Deputy Mayor or presiding officer who presides over Council and/or committee meetings.
- (6) "CAO" means the Chief Administrative Officer for the municipality or his designate, appointed by Council in accordance with Section 205 of the *Municipal Government Act* as determined by Bylaw.
- (7) "COMMITTEE" means a committee appointed by Council under section 145 of the *Act* to provide advice and make recommendations to Council (and excepting the Library Board).
- (8) "COMMITTEE OF THE WHOLE" means a committee of the whole Council where no bylaw or resolution, apart from the resolution necessary to revert back to an open meeting, may be passed.
- (9) "COUNCIL" means the duly elected Council of Cold Lake.
- (10) "IN CAMERA" means at the discretion of the Mayor or Chair or a majority of the members of a committee, a meeting closed to the general public or municipal employees, as deemed appropriate.
- (11) "MEETING" means duly constituted regular or special open meeting of Council where bylaws and resolutions are formally ratified.
- (12) "MEMBER" means a member of Council, duly elected and continuing to hold office.

- (13) "MOTION" means a standard terminology used by Council to describe the original statement whereby business is brought before a meeting, and may also mean resolutions.
- (14) "PERSON" means a reference in discourse to the speaker, the person spoken to, or another person capable of having legal rights and duties.
- (15) "ELECTRONIC MEETING" is a meeting held in two or more places with the participants using electronic means of communication.

APPLICATION

- 3.0 The following rules shall be observed and shall be the rules and regulation for the order and conduct of business in all regular and special meetings of Council and its committees, all in camera meetings, and all Committee of the Whole meetings.

MEETINGS AND PROCEEDINGS

- 4.0 This bylaw covers the following areas:

- 4.1 Rules of Order
- 4.2 Conduct
- 4.3 Conflict Of Interest
- 4.4 Agendas
- 4.5 Notice of Meeting
- 4.6 Meeting Etiquette
- 4.7 Regular, Special, Organizational and Committee Meetings
- 4.8 Order Of Business
- 4.9 Delegations
- 4.10 Public Hearings
- 4.11 In Camera
- 4.12 Rights in Debate
- 4.13 Motions
- 4.14 Voting
- 4.15 Bylaws, Resolutions and Policies
- 4.16 Minutes
- 4.17 Spokespersons

4.1 Rules of Order

- (1) In all regular and special Council meetings, *in camera* meetings, and committee meetings, the most recent version of Robert's Rules will be followed where this policy does not provide direction.
- (2) The conduct of all City business is controlled by the general will of the Council and committee members - the right of the majority to decide, accompanied by the right of the minority to require the majority to decide only after a full and fair deliberation in a constructive and democratic manner, of the issues involved.
- (3) At no time is it intended that undue strictness of adherence to the rules of order intimidate members or limit full participation.
- (4) The first person to raise a hand and address the Chair (Mr./Madam Chair) when the person speaking has finished, and to be recognized by the Chair, has the floor. Speaking while another is still speaking is out of order, except to make a point of order or to make a point of personal privilege.
- (5) Debate begins when the Chair states the motion or resolution and asks "Are you ready for the question?" If no one initiates discussion, the Chair calls for the vote.
- (6) No member can speak twice to the same issue until everyone who wishes to has spoken to it once.
- (7) All remarks must be directed to the Chair, and be courteous.
- (8) A **quorum** for meetings shall be a simple majority of the whole Council, Committee or board.
- (9) If a quorum is not present within 30 minutes of the start time set for a regular or special Council meeting, the CAO or designate shall record the

names of the Council members present and Council shall stand adjourned until the next regular meeting.

(10) If a quorum is not present within 15 minutes of the start time set for a committee or board meeting, the meeting shall be re-scheduled.

(11) Individuals who arrive late for meetings shall not have prior discussion reviewed for them except with the unanimous consent of all members present.

4.2 Conduct

(1) Councillors and committee members shall carry out required duties to the best of their ability, be accountable for their decisions and actions, and strive to create a courteous, respectful atmosphere.

(2) The presiding Chair shall maintain order and decorum at all Council meetings, and rule on points of order, citing the applicable governing rule or authority, without debate or comment.

(3) The presiding Chair shall recognize who has the right to speak, rule on motions, and call members to order, as required.

(4) The presiding Chair shall encourage questions, treating them impartially, with sound judgment.

(5) The Chair must step down from the chair to make a motion.

(6) Each individual wishing to address a meeting shall first be recognized by the Chair.

(7) No speaker shall be interrupted by private conversations or comments, except on a point of order or personal privilege.

(8) No individual may give specific direction to any staff member at any Council or committee meeting; such direction shall come from the full Council at a duly assembled meeting, unless delegated to the CAO or designate.

(9) Any individual addressing a meeting shall not shout; use profane, vulgar or offensive language; or speak on a matter not before the meeting.

(10) Speakers shall not make personal comments about any staff or Council member, or any other person, or indulge in personalities, use language personally offensive, arraign motives of members, charge deliberate misrepresentation, or use language tending to hold another member up to contempt.

(11) Speakers shall obey the approved rules of order, and shall be called to order by the Chair if they do not, at which they must immediately stop speaking unless permitted to explain; this shall be recorded in the minutes.

(12) The Council or committee shall, if appealed to, decide the case without debate. The speaker may proceed only if the decision is in his/her favour.

(13) Individuals who flout the rules twice in one meeting shall be asked to leave that meeting (only), and the matter may be discussed in camera if necessary. When the open meeting reconvenes, the excluded member may, upon an adequate apology and majority vote of the members, be permitted to rejoin the meeting.

(14) The decision of the presiding Chair is final, unless the person called to order appeals to the meeting members; this shall be decided without debate.

(15) No exclusion shall be for more than the meeting in progress.

4.3 Conflict Of Interest

(1) An individual who stands to gain personal benefit from a decision of the Council or a committee, or has a pecuniary interest in the matter, as defined in the *Municipal Government Act* is in conflict of interest.

(2) Anyone in conflict of interest shall declare that interest, and shall not participate in any debate or decision concerning the matter, but does not need to leave the room.

Such conflict of interest shall be recorded in the minutes.

4.4 Agendas

- (1) The CAO or designate shall be responsible for preparing meeting agendas, including input from participants, City staff, and previous meetings.
- (2) Meeting agendas shall be made available at least two business days prior to the time of the meeting.
- (3) Only business listed in the agenda shall be undertaken at a meeting, unless a resolution to change it is unanimously passed
- (4) Agenda items and applications from delegations shall be accepted up to Wednesday noon prior to the meeting and approved at the discretion of the Mayor or designate.

4.5 Notice of Meeting

- (1) Regular Council meetings: Notice to participants and the public is not required unless there is a change, in which case the CAO or designate shall deliver notice to all members of the Council and to the public at least one business day prior to the day of the Council meeting.
- (2) Special Council meetings shall be called in accordance with S. 194 of the *Municipal Government Act*.
- (3) Notice of committee meetings shall be given to participants and the public at least 24 hours in advance.

4.6 Meeting Etiquette

- (1) Accepted conventions of meeting protocol shall be used, to facilitate respect orderly progression, and attentiveness.
- (2) The designated Chair shall start the meeting on time; explanation of a late start shall be included in the minutes.
- (3) Speakers shall raise their hands to be recognized by the Chair, and shall then have the floor.
- (4) Respect for all participants and guests shall be shown at all times, so there shall be no side comments or private conversations.
- (5) When addressing any participants in a meeting, the use of official titles is required. (i.e. Councillor Miller, Mrs. Whalen or Mr. Brown)
- (6) Active participation is expected, with the intent of arriving at the best solutions for the City.
- (7) The next meeting must be scheduled (date, time, and location).
- (8) The meeting must be formally adjourned.

4.7 Regular, Special, Organizational and Committee Meetings

- (1) All City meetings shall be open to the public, except for any in camera portions.
- (2) All Council and committee meetings shall be held in accordance with the provisions of the *Municipal Government Act*.
- (3) The CAO or designate shall record the minutes of all Council and committee meetings, and provide the required written reports of committee activities to Council.
- (4) Council shall hold its' regular meetings on the second and fourth Tuesday of each month at 6:00 pm in City Hall Council Chambers.
- (5) When a regular Council or committee meeting falls on a legal holiday, the meeting shall be held on the first following non-holiday business day.
- (6) The second regular Council meeting in July and December will be cancelled and the Corporate Priorities meeting in July and August will be cancelled.
- (7) Any regular meeting may be cancelled or postponed by resolution of Council.
- (8) **Special Council meetings** shall be called in accordance with *Municipal Government Act*.
- (9) Council may establish council committees and other bodies as necessary under the *Municipal Government Act* and shall determine Terms of Reference for each (to be reviewed annually).

- (10) The Library Board, while appointed by Council, is not advisory, but self-governing, established by Council bylaw under the *Alberta Libraries Act* and responsible to Council under that *Act*.
- (11) Committee members shall be appointed annually by the Mayor no later than two weeks following the third Monday in October.
- (12) Each committee is responsible for reviewing and making recommendations to Council (at least annually) on all bylaws and policies dealing with subject matter germane to that committee.
- (13) Committee meetings shall set date, time, and location.
- (14) Committees may pass no resolutions other than a motion to report to or make recommendations to Council.
- (15) Written reports or minutes of committee activities shall be submitted to the next regular Council meeting.
- (16) No committee has the power to pledge the credit of the municipality or commit the Municipality to any particular action.
- (17) Evening meetings shall be adjourned by 9:30 p.m. unless a resolution to continue is passed by simple majority.
- (18) Organizational Meeting must be held at a designated time in accordance with the *Municipal Government Act*.

Amended Dec 14, 2010, by Bylaw #383-BD-10.

4.8 Order Of Business

Council and City committees shall use the following order of business, unless changed by unanimous consent.

- (1) Call to Order
- (2) Adoption of Agenda
- (3) Adoption of Minutes
- (4) Question Period
- (5) Public Hearings
- (6) Delegation (limited to Council meetings)
- (7) City Financial Reports
- (8) Old Business
- (9) New Business
- (10) Committee Reports
- (11) Notices of Motion, Proclamations, or Announcements
- (12) Adjournment

Amended Nov 12, 2008, by Bylaw #344-BD-08.

4.9 Delegations

- (1) Any person or delegation wishing to appear before Council or committee or to address an agenda item not designated as a public hearing shall give written notice to the CAO no later than noon on the Wednesday preceding the meeting day.
- (2) An instructional sheet setting out meeting procedures and protocol shall be supplied to anyone wishing to address a Council or committee meeting.
- (3) Any person or delegation addressing Council shall state name(s), address(es), and the purpose of the presentation.
- (4) Delegations shall speak only on the matters which they have submitted to Council and which have been included on the agenda.
- (5) Delegations may be limited in the time they are permitted, but shall generally be allowed 15 minutes for presentation and discussion, which can be extended or decreased at the discretion of Council.
- (6) Approval of a delegation is subject to the Mayor or designates' discretion.

4.10 Public Hearings

- (1) On a matter included in the agenda of a regular or special Council meeting for the purpose of a **public hearing**, any individual or delegation may appear without prior notice.
- (2) The presiding Chair shall call three times for appearances from the gallery, and upon receiving no response, shall declare the public hearing closed.

- (3) Council and committee members may, upon recognition by the Chair, direct questions to a delegate or to administration, but at no time shall a debate be entered into.
- (4) Any person disrupting the proceedings of Council or a committee may be removed upon the request of the Chair.
- (5) Individuals who do not wish to make a presentation, but who wish to go on record in support or opposition to an agenda item may complete the comment form provided, which will be referred to the CAO and Council.

4.11 In Camera

- (1) At the discretion of the Mayor or Chair or a majority of the members of a committee, a meeting may be closed to the general public or municipal employees, as deemed appropriate, called *in camera*.
- (2) Under the *Freedom of Information and Protection of Privacy* (FOIP), Boards may close all or part of their meetings in accordance with the *Municipal Government Act*.
- (3) A motion is required to go in camera, and the times the meeting goes *in camera* and comes out are recorded in the minutes.
- (4) No record is necessary during the in camera portion of the meeting, but if a record is kept, it is subject to FOIP regulations.
- (5) Council shall not pass resolutions or bylaws during in camera meetings. Any decisions reached by consensus during the in camera session must be passed as motions when the regular meeting resumes.
- (6) What is discussed in camera must remain confidential and may not be discussed at any other time or place, unless brought forward as a motion and recorded in the regular meeting minutes.
- (7) When two (2) or more elected officials participate in council or committee meetings through an electronic device or other communication facilities; that meeting will be deemed to be a meeting through electronic communication or as per the *Municipal Government Act*.

4.12 Rights in Debate

- (1) Debate is the discussion regarding a motion that occurs after the Chair has restated the motion and before it is put to a vote.
- (2) When a pending question is presented for consideration, the Chair shall recognize the member who made the motion to speak first and the member who seconded the motion (if any) to speak second.
- (3) When two or more members wish to speak, the Chair shall name the member who is to speak first.
- (4) No member shall normally speak more than three minutes on any question or amendment to a question, but may request permission to exceed this limit; the privilege shall be accorded without objection upon motion supported by two-thirds of the Council.

4.13 Motions

- (1) A **Main Motion** brings new business (the next item on the agenda) before the assembly.
- (2) Council or committees may deal with a motion on a subject which is not on the agenda with unanimous consent only.
- (3) After a motion has been moved and has been stated or read, it shall be deemed to be in possession of the Council or committee, and may only be withdrawn by majority consent of the members present.
- (4) Every motion or resolution shall be stated or read by the mover, who shall speak first to the motion and close debate on the motion.
- (5) When duly moved, a motion shall be open for discussion and debate. A member may speak to a motion a maximum of two times only unless there is agreement to provide another opportunity to address the issue.
- (6) Any member may ask to have the motion under discussion to be read again at any time during the debate, but may not interrupt a speaker to do so.

- (7) The mover of a motion may speak and vote for or against the motion.
- (8) When required by the Chair, a motion shall be in writing and a copy shall be given to the CAO before such motion shall be open for consideration.
- (9) No motion other than an amending motion or motion to table or refer shall be considered until any motion already before the meeting has been disposed of.
- (10) A **Notice of Motion** may be given (and shall be given verbally and in writing to all members present) at any regular meeting, specifying the entire content of the motion to be considered, but may not be dealt with at that meeting.
- (11) The CAO shall receive a copy of any notice of motion upon adjournment of the meeting at which the notice was given and shall put it on the agenda under New **or Unfinished Business** for the next regular meeting unless otherwise instructed.
- (12) When a motion under consideration concerns two or more specific matters, a motion to **Divide the Question** divides it into two or more separate motions (which must be able to stand on their own).
- (13) When a motion is tabled without being settled, no similar or conflicting motion which would restrict action on the first motion may be introduced or adopted.
- (14) A written notice of **Motion to Reconsider, Alter, or Rescind**, given from one meeting to the next with a minimum of five (5) members voting in favour, is the only way a question once decided may be reversed, reconsidered, or rescinded within one year after the decision.
- (15) Where the City has a contractual liability or obligation, Council shall not reconsider, alter, vary, revoke, rescind, or replace any motion except to the extent that it does not avoid or interfere with such liability or obligation.
- (16) A **Point of Privilege** pertains to noise, personal comfort, etc. and should only interrupt discussion if unavoidable.
- (17) A **Parliamentary Inquiry** is a query as to the correct motion, to accomplish a desired result, or to raise a point of order.
- (18) A **Point of Information** generally applies to a question asked of the speaker.
- (19) **Orders of the Day or Agenda** is a call to adhere to the agenda. Deviation from the agenda requires Suspension of the Rules.
- (20) A **Point of Order** refers to an infraction of the rules or improper decorum in speaking, and must be raised as soon as the error is made.
- (21) To **Consider by Paragraph** is to hold back adoption of a paper until all paragraphs are debated and amended and the entire paper is satisfactory. After all the paragraphs are considered, the entire paper is then open to amendment and paragraphs may be further amended.
- (22) To **amend** is to insert or strike out words or paragraphs, or substitute whole paragraphs or resolutions; this motion may be made by any member.
- (23) Amendments shall be voted on in reverse order to that in which they are moved, and all amendments shall be decided on or withdrawn before the original motion is put to a vote.
- (24) To **Withdraw or Modify a Motion** can be done only after a question is stated; mover can accept an amendment without obtaining the floor.
- (25) To **Commit /Refer/Recommit to Committee** is to state which committee or administration sector is to receive the question or resolution for research/further information, and shall include terms, timelines, and necessary explanations. If no committee exists, the size of committee, composition, and selection method (election or appointment) is included.
- (26) To **Extend Debate** can be applied only to the immediately pending question; the extension is until a set time or for a set period.
- (27) To **Limit Debate** is to close debate at a set time, or limit it to a set period.
- (28) To **Postpone** is to state the time the motion or agenda item will be resumed (usually the next regular meeting), and must be passed by a

majority of members present. It shall appear on the agenda for the meeting date specified as an item of unfinished business.

- (29) To **Object to Consideration** is to state an objection, which must be stated before discussion is started or another motion is stated.
- (30) To **Table** is to temporarily set aside an issue and bring it back at the same meeting. It may be done after a motion to close debate has carried or is pending.
- (31) To **Take from the Table** is to state a motion previously laid on the table to resume consideration of it.
- (32) To **Reconsider** can be made only by an individual on the prevailing side who has changed position or view.
- (33) To **Postpone Indefinitely** is to kill the question/resolution for this session; exception: the motion to reconsider can still be made during this session.
- (34) **Previous Question** closes debate if successful; if preferred, a motion may be made to "**Close Debate.**"
- (35) **Informal Consideration** is a motion that the assembly go into Committee of the Whole for informal debate as if in committee; this committee may limit the number or length of speeches or close debate by other means by a 2/3 vote. All votes, however, are formal.
- (36) To **Appeal the Decision of the Chair** is an appeal which the assembly must decide, and must be made before other business is resumed; NOT debatable if relates to decorum, violation of rules, or order of business.
- (37) To **Suspend the Rules** allows a violation of the assembly's own rules (except Constitution); the object of the suspension must be specified
- (38) A **Motion to Adjourn** is not subject to debate and will be voted on immediately.

4.14 Voting

- (1) When a member who has moved a motion closes the debate, the Chair shall put the motion to a vote, and this decision is final unless overruled by a majority vote of the members present at the meeting.
- (2) Once the motion has been put to a vote, no member shall debate further on the question or speak any words except to request that the motion be read aloud.
- (3) When a question is put to vote, no member shall leave Council chambers until the vote is taken.
- (4) Any bylaw or resolution upon which there is an equality of votes shall be deemed to be defeated.
- (5) Pursuant to the *Municipal Government Act*, a councillor member must vote on a matter at a council meeting except where the person abstaining is prohibited from voting because of conflict of interest or pecuniary interest in accordance with the *Municipal Government Act*.
- (6) The vote on any matter shall be recorded.

4.15 Bylaws, Resolutions, and Policies

- (1) Draft Bylaws and policies shall be prepared at the request of Council or a committee by the appropriate committee or City staff, and shall be reviewed by the appropriate committee before being presented for approval. Copies of the drafts shall be included in the agenda packages according to City procedure.
- (2) Before a **Bylaw** is passed, it shall, in accordance with the *Municipal Government Act*, have three distinct and separate readings before it is adopted, but no more than two readings may take place at any one meeting of Council, unless unanimous consent is taken before third (3rd) reading.
- (3) Council shall vote on the motion for the first reading of the bylaw without amendment or debate.
- (4) When all amendments (if any) have been accepted or rejected, the motion for second reading of the bylaw as presented or amended shall be considered.

- (5) When a bylaw has received third reading and been passed, the Mayor shall declare the bylaw adopted, and it becomes a municipal enactment, effective immediately unless the bylaw itself provides otherwise.
- (6) Upon being passed, a bylaw shall be signed by the Chair of the meeting at which it was passed and by the CAO, and shall be embossed with the corporate seal of the City.
- (7) A bylaw which requires approval from the Province of Alberta shall receive two readings prior to the submission of a certified copy to the provincial authorities. The third reading may proceed only after the signed approval of the provincial authority is received.
- (8) **Resolutions or motions** shall come into effect as soon as they are passed unless they contain a deferred implementation.
- (9) **Policies** shall be presented for discussion, and passed by simple majority, and shall come into effect as soon as they are passed unless they contain a deferred implementation.
- (10) Upon being passed, a policy shall be signed by the Chair of the meeting at which it was passed and by the CAO.

4.16 Minutes

- (1) Minutes of all proceedings of regular and special Council and committee meetings shall be recorded in accordance with the *Municipal Government Act*.
- (2) At every regular Council and committee meeting minutes of the previous regular meeting and any special meeting held more than 48 hours prior to the current meeting shall be considered for adoption.
- (3) Minutes shall include resolutions to go in camera and to adjourn the meeting.
- (4) The CAO (or designate) shall, as soon as possible after a meeting of the Council, prepare minutes of the meeting and circulate them to the members of Council or the committee.

4.17 Spokespersons

- (1) The Mayor speaks for the City unless that power is designated to another person, on a case-by-case basis only.
- (2) Individual Councillors or committee members have no authority to act outside established bylaws and policy.
- (3) Bylaws and Policy can only be initiated and must be approved by Council (with the exception of the Library Board).
- (4) Democratic process includes the right to debate, question, and discuss, but once a decision is made, Councillors and committee members must speak with one voice and practice and publicly defend all Council decisions.
- (5) Councillors and committee members should remember that advocacy and information for ratepayers are part of their responsibilities, but always within parameters set by Council decisions.
- (6) No special interests shall be promoted over the common interest.
- (7) Councillors and committee members who are approached about issues not covered by policy or bylaw shall bring such concerns to Council, and not attempt to resolve them; Council shall forward them to Administration or committee, as appropriate.

4.18 Repeal

- (1) Bylaw No.'s 071-BD-99, 185-BD-04 227-80-05 and 293-B0-07 of the City of Cold Lake and any amendments are hereby repealed.

4.19 Coming into Force

- (1) This bylaw shall come into full force and effect upon the final passing thereof.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 23rd day of October, A.D. 2007, on motion by Councillor Rodden.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 23rd day of October, A.D. 2007, on motion by Councillor Plain.

**CARRIED
UNANIMOUSLY**

CONSENT TO THIRD AND FINAL READING granted on motion by Councillor Taschereau.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this 23rd day of October, A.D. 2007, on motion by Councillor Lay.

**CARRIED
UNANIMOUSLY**

CITY OF COLD LAKE

MAYOR

CHIEF ADMINISTRATIVE OFFICER