



## STAFF REPORT

**Title:** Bylaw No. 653-BD-19, Procedure Bylaw

**Meeting Date:** October 15, 2019

---

### **Executive Summary:**

Bylaw No. 308-BD-07, Procedural Bylaw was passed by Council on October 23, 2007, with minor amendments being subsequently passed by Council on November 12, 2008 (Amending Bylaw No. 344-BD-08), and December 14, 2010 (Amending Bylaw No. 383-BD-10).

At the September 17, 2019 Corporate Priorities Meeting, following a review Bylaw No. 308-BD-07, Procedural Bylaw, Council requested Administration prepare an amended Procedural Bylaw for Council's consideration.

### **Background:**

The *Municipal Government Act*, RSA 2000, c M-26 (the "MGA") section 145 states that:

- 145** A council may pass bylaws in relation to the following:
- (a) the establishment and functions of council committees and other bodies;
  - (b) procedures to be followed by council, council committees and other bodies established by the council.

The MGA does not give specific direction about what must be included within a procedure bylaw.

At the September 17, 2019 Corporate Priorities meeting, Administration presented findings following a review of the procedural bylaws of multiple similar sized communities. Administration found that there are significant variations in the level of formalization of procedure that each municipality utilizes. Council also reviewed the City's current procedural bylaw with a focus on areas which are not commonly utilized. Administration provided recommendations for multiple areas where the procedure bylaw could be clarified. Following discussion, Council provided feedback as to the areas they would like to see revised as well as requested that further research be done on what other municipalities are doing in relation to electronic participation at council meetings. In this regard, administration was able to gather the following information:



Community	Councilor Electronic Attendance at Council Meetings
<b>City of Lethbridge</b>	Electronic participation is permitted via telephone subject to: <ul style="list-style-type: none"> <li>• In Camera participation is not permitted.</li> <li>• The Chairperson must be physically present.</li> <li>• Maximum of 1 Councilor may call in per meeting.</li> <li>• Discussion is ongoing with potential procedure amendments anticipated.</li> </ul>
<b>City of Brooks</b>	Electronic participate is not permitted.
<b>City of Fort Saskatchewan</b>	Electronic participation is permitted via telephone subject to: <ul style="list-style-type: none"> <li>• Used to restrict the total number of meetings a Councilor could participate electronically within 1 year to a maximum of 3 meetings. This restriction has since been removed.</li> <li>• In Camera participation is permitted, with no requirement for an executed affidavit or other procedural safeguards in place.</li> <li>• Only ever had a maximum of 2 Councilors call in for a meeting, but there is no formal limit.</li> </ul>
<b>City of St Albert</b>	Electronic participation is permitted via audio Skype subject to: <ul style="list-style-type: none"> <li>• In Camera participation is not permitted.</li> <li>• The Chairperson must be physically present.</li> <li>• Never had a situation arise where more than 1 Councilor wishes to call in for a meeting, but there is no formal limit.</li> </ul>
<b>Town of Okotoks</b>	Electronic participation is permitted however, no Councilor has ever requested to do so.
<b>Town of Peace River</b>	Electronic participation is permitted via telephone. <ul style="list-style-type: none"> <li>• In Camera participation is permitted (depending on the circumstances).</li> <li>• Number of Councilors that can participate electronically per meeting is limited by technological limits.</li> </ul>
<b>Town of Morinville</b>	Electronic participation is permitted via telephone, subject to: <ul style="list-style-type: none"> <li>• In Camera participation is permitted. Clerk confirms the Councilor is in a private setting.</li> <li>• Councilors may attend electronically a maximum of 3 times a year.</li> <li>• Chairperson must be physically present.</li> </ul>
<b>Strathcona County</b>	Electronic participation is permitted via telephone subject to: <ul style="list-style-type: none"> <li>• In Camera participation is permitted. Clerk confirms the Councilor is in a private setting.</li> <li>• Chairperson may participate by telephone, but would step down from their Chairperson role.</li> <li>• Number of Councilors that can participate electronically per meeting is limited by technological limits.</li> <li>•</li> </ul>

Despite the above noted findings, the municipalities surveyed generally have only include within their procedure bylaw the *Municipal Government Act* provisions for electronic participation:



**Meeting through electronic communications**

**199(1)** A council meeting or council committee 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 facilities enable the public to watch or listen to the meeting at a place specified in that notice and a designated officer is in attendance at that place, and
- (c) the facilities enable all the meeting's participants to watch or hear each other.

**(2)** Councillors participating in a meeting held by means of a communication facility are deemed to be present at the meeting.

It is Administration's recommendation that the City take a similar approach to the municipalities surveyed and include only the *Municipal Government Act* provisions for electronic participation. However, based on the feedback from the Corporate Priorities meeting in September, two additional draft provisions have been included for Council's consideration (section 7.22 and 7.23) which would limit the total number of Councillors who could participate electronically per meeting to two (2), and restrict electronic participate to only the open session of the meeting (Councillors participating electronically could not participate in In Camera portions). **Administration seeks Council feedback on whether section 7.22 and 7.23 should be included.**

An amended procedure bylaw has been attached for Council's consideration. There are several areas where the substance of the bylaw has been revised after taking into consideration other municipalities procedure bylaws and to provide greater clarity:

- The bylaw is now separated into twelve (12) sections:
  - 1. Title
  - 2. Definitions
  - 3. Application
  - 4. Conduct
  - 5. Notice of Meetings
  - 6. Meetings
  - 7. Proceedings
  - 8. Motions & Debate
  - 9. Voting
  - 10. Agendas, Order or Business & Minutes
  - 11. Repeal
  - 12. Enactment
- **Section 4** of the bylaw is split into two sections: Conduct of Members and Members of the Public.



- The two sections are distinguisheded to clearly indicate what is expected in relation to conduct of Council and Committee members versus conduct of members of the public.
  - While the Council Code of Conduct speaks generally to expectations around Councilors conduct which appears to be similar to the expectations indicated here, this section has been included because the “Conduct of Members” section will also apply to members of Council Committees (not just Councilors).
- **Section 5** has been revamped to ensure consistency with the Municipal Government Act requirements for notice.
  - Section 196(2) of the Municipal Government Act states that: “Notice of a council or council committee meeting to the public is sufficient if the notice is given in a manner specified by council.” Section 5.4 of the Bylaw has been drafted to reflect how the City notifies the public and council of meetings. Notice of Council Committees would also need to be posted on the City website and at City Hall.
- **Section 6** has been updated to reflect greater details around the types of meetings held and specific requirements for each.
- **Section 7** establishes the procedure for meeting proceedings.
  - Additional details have been added to clarify the procedure if quorum is lost during a meeting.
  - Additional details have been added to explain what occurs during In Camera portions of the meetings. The details reflect Council’s current process.
  - A section has been added for Electronic Recordings of Proceedings. The text utilized was borrowed from a similar sized municipality and reflects the City’s current practice.
  - The text utilized for Electronic Meetings is directly from the Municipal Government Act.
  - The section on Conflict of Interest and Pecuniary Interest has been simplified to indicate that Councilors must follow the requirements of the Code of Conduct. A section has been added to specify that Committee members must also avoid situations which may result in claims of pecuniary interest, conflict of interest or bias.
  - A section has been included to give the Mayor flexibility to step down as the Chairperson. This would permit the Mayor to call into a meeting electronically and still participate while the Deputy or acting Mayor would fulfill the role of the Chair for that meeting.



- **Section 8** establishes the rights during debate as well as the list of motions. Some municipalities have detailed lists of the types of motions which can be made while others do not. **Administration seeks Council's direction on whether they would like to see section 8.6 of the draft bylaw simplified or removed.** Should Council prefer a more simplified approach, the motions could still be made as per Robert's Rules of Order without being listed in the procedure bylaw.
- **Section 9** provides the procedure for voting, bylaws, resolutions and policies.
- **Section 10** establishes the requirements and order of business for the agenda, as well as the requirements for the minutes.

Administration seeks Council's feedback on the proposed draft Bylaw No. 653-BD-19, Procedure Bylaw.

**Alternatives:**

Council may consider the following options:

1. Council accept the report as information only
2. Council request that draft Bylaw 653-BD-19 Procedure Bylaw be presented at the next Regular Meeting of Council for first reading.
3. Council may make amendments to draft Bylaw 653-BD-19 Procedure Bylaw prior to it being brought to the next Regular Meeting of Council for first reading.

**Recommended Action:**

Council pass a motions for Bylaw 653-BD-19 Procedure Bylaw be presented at the next Regular Council meeting for first reading.

**Budget Implications (Yes or No):**

No.

**Submitted by:**

Kevin Nagoya, Chief Administrative Officer