



STAFF REPORT

Title: Bylaw No. 308-BD-07 - Procedural Bylaw

Meeting Date: September 17, 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).

Given the length of time since the bylaw was passed (12 years), administration has reviewed the Procedural Bylaw, researched any available direction from Municipal Affairs in relation to council procedures as well as researched several other comparably sized communities' procedural bylaws to see how newly emerging areas are being dealt with and to determine whether amendments may be beneficial.

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 procedural bylaw.

There are a number of sections of the City's Bylaw No. 308-BD-07, Procedural Bylaw which are not/or rarely utilized by Council (often due to the issues not arising before Council). Administration has attached an unofficially consolidated version of Bylaw No. 308-BD-07, Procedural Bylaw (which includes the amendments to the bylaw made by Bylaw No. 344-BD-08 and Bylaw No. 383-BD-10). The sections that Council may wish to revisit and/or sections which are rarely utilized have been highlighted in yellow.

Municipal Affairs has published a document which makes recommendations about which topics should be covered in a municipality's procedural bylaw. In general, the City's Bylaw No. 308-BD-07, Procedural Bylaw covers most of the topics that are recommended to be covered within a municipal government's procedural bylaw. These



topics include the procedures around the following subjects (it has been noted in red where the City's procedural bylaw does not address the area indicated):

- Meetings (Organizational Meetings, Regular Meetings, Special Meetings)
- Public Hearings
- Quorum
- **Absences of Council** (**not addressed in City's Bylaw*)
- Electronic Meetings (**mentioned but no detailed procedure is provided*)
- Delegations
- Reports and Correspondence to Council
- **Electronic Devices** (**not addressed in City's Bylaw*)
- Parliamentary Rules
- Agenda (structure, timelines for input, rules for additions, distribution, etc.)

Administration has reviewed the procedural bylaws of the following communities, selected due to their comparable size with Cold Lake as well as having recently revised their procedural bylaws: City of Wetaskiwin revised January 2019, Town of Okotoks revised March 2019, and Town of Cochrane revised March 2019. The procedural bylaws of other larger cities in Alberta were also considered, however, they generally have a more formalized procedure.

Based on the above noted research, and a line-by-line review of the City's current procedural bylaw, administration recommends undertaking an overhaul of the procedural bylaw which could include:

- Updates to section 4.3 "Conflict of Interest" to include Pecuniary Interest and to ensure consistency with Bylaw No. 618-AD-18, Council Code of Conduct Bylaw
- Update to section 4.17 "Spokesperson" which is now addressed in Bylaw No. 618-AD-18, Council Code of Conduct Bylaw
- Reconsideration of the time period permitted for delegations to Council and enforcement of such time limits (Wetaskiwin allows 10 minutes, Cochrane allows 10 minutes, and Okotoks allows 5 minutes).
- Adding procedures around Electronic Devices - Municipal Affairs recommends considering the following questions:
 - Are council meetings allowed to be recorded? By members of the public, the media, administration (for minute taking purposes), Councilors, etc.
 - Are cell phones allowed in council chambers, in closed meetings?
 - What about laptops and tablets that are not council property?
- Adding procedures around Electronic Meetings (ie. attending a meeting by telephone, video conference) - Municipal Affairs recommends considering the following questions:
 - What types of meetings (regular, special or committee) would allow electronic participation? (Should the Chairperson be permitted to attend by electronic means?)



- What constitutes a valid reason for being unable to attend?
 - Should each councilor be given the discretion to judge validity?
 - How many councilors should be allowed to participate electronically in the same meeting (e.g. should a quorum be physically present)? If there is a limit, how are participants chosen?
 - If council pays per diem costs for attendance at meetings should electronic meetings be reimbursed at the same rate?
 - How many times should a councilor be permitted to participate electronically?
 - Should a member who is participating electronically be allowed to join a meeting that is underway – i.e., arrive late?
 - Should there be provisions to amend agendas with controversial items to defer the issues when members are participating by electronic means? What would those circumstances be (e.g. certain number of members participating electronically or certain type of issue to be dealt with by council)?
 - What about closed/in-camera meetings? (Some municipalities permit Councilors to attend in-camera meetings electronically utilizing procedures like sworn affidavits to establish confidence that others are not also listening in to the in-camera session, others do not).
 - Should there be a policy about providing information received at the meeting to members participating electronically before voting on the matter?
- Adding more detail and clarity around the procedures for the following:
 - Absences of Council
 - Loss of quorum during a meeting,
 - The conduct of individuals at meetings including disciplinary procedures (for Councilors, members of the public, etc.)
 - Matters to be discussed at organizational meetings
 - Urgent business motions
- Update to section 4.2 which would distinguish the expectations and potential disciplinary actions against individuals who do not follow the rules. For example, it is not clear if section 4.2(13) was intended to apply to only councilors or other members of the public attending the meeting.
- Greater clarity around which portions of the procedure apply to City Council meetings, and which procedure applies to Council Committee meetings. For example, section 4.4(2) states that “Meeting agendas shall be made available at least two business days prior to the time of the meeting.” Was this requirement intended to apply to all Council Committees or just Regular Meetings of Council and Corporate Priority Meetings?



- Section 4.11(7) may be revisited as it is not clear whether this was intended to address “in camera” portions of meetings (although the section is located under the heading for “in camera” meetings).

Administration seeks Council’s feedback on whether there is a desire to overhaul the procedural bylaw and if so, what areas Council would like to see addressed in more detail and what areas of the current bylaw Council would like to see removed or amended.

Alternatives:

That Council accept the report as information only.

That Council request Administration prepare an amended Procedural Bylaw for Council's consideration.

Recommended Action:

Type the recommendation here

Budget Implications (Yes or No):

No

Submitted by:

Kevin Nagoya, Chief Administrative Officer