

**CITY OF COLD LAKE
BYLAW 653-BD-19
PROCEDURE BYLAW**

A BYLAW 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.

PURSUANT to section 145(a) of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended Council may pass bylaws in relation to the establishment and functions of council committees and other bodies; and pursuant to section 145(b) of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended Council may pass bylaws in relation to the procedures to be followed by council, council committees and other bodies established by the council;

WHEREAS Council deems it necessary to regulate the procedure and conduct at meetings of Council and committees established by Council;

NOW THEREFORE pursuant to the authority of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the City of Cold Lake duly assembled, enacts:

SECTION 1- TITLE

- 1.1 This bylaw shall be cited as the "Procedure Bylaw"

SECTION 2- DEFINITIONS

In this bylaw:

- 2.1 "Act" means the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26, as amended;
- 2.2 "Administration" means staff of the City of Cold Lake;
- 2.3 "Chair" means the Mayor, Deputy Mayor or presiding officer who presides over Council and/ or committee meetings;
- 2.4 "CAO" means the Chief Administrative Officer for the City of Cold Lake; or someone designated by the CAO;
- 2.5 "Committee" means a committee, board, commission, authority, task force or any other public body established by Council pursuant to section 145 of the *Act* (and excepting the Library Board);
- 2.6 "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;
- 2.7 "Council" and "Councillor" means all elected officials on the City of Cold Lake Council including the Mayor;
- 2.8 "*In Camera*" or a "Closed Meeting" means a meeting closed to the general public and/or municipal employees, as deemed appropriate, to discuss any matter that is within one of the exceptions outlined in the *Freedom of Information and Protection of Privacy Act*, Part 1, Division 2;
- 2.9 "Meeting" means duly constituted regular or special open meeting of Council where bylaws and resolutions are formally ratified;
- 2.10 "Member" means a member of Council, or a member of a Committee.

SECTION 3- APPLICATION

- 3.1 This Bylaw applies to the procedure and conduct of business at:
 - 3.1.1 All Council meetings, Committee of the Whole meetings, and Special Council Meetings; and
 - 3.1.2 All Committee meetings, except:

- 3.1.2.1 when Council has granted permission to a Committee to establish its own procedures.
- 3.2 If a question relating to the procedure of Council is not answered by the *Act* or this Bylaw, the answer to the question is determined by referring to the most recent revision of Robert's Rules of Order Newly Revised.

SECTION 4- CONDUCT

Conduct of Members:

- 4.1 the presiding Chair shall:
 - 4.1.1 maintain order and decorum at all meetings;
 - 4.1.2 rule on points of order, citing the applicable government rule or authority, without debate or comment;
 - 4.1.3 recognize who has the right to speak, rule on motions, and call Members to order, as required;
 - 4.1.4 encourage questions, treating them impartially, with sound judgement;
 - 4.1.5 start the meeting on time;
 - 4.1.6 step down from the Chair to make a motion
- 4.2 Members shall:
 - 4.2.1 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;
 - 4.2.2 show respect for all participants and guests at all times, so there shall be no side comments or private conversations
 - 4.2.3 actively participate in meetings with the intent of arriving at the best solutions for the City.
- 4.3 If any Member acts contrary to section 4.2, her or she may be called to order by the Chair.
- 4.4 If any Member acts contrary to section 4.2 twice in one meeting, the Chair may ask that person 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. No exclusion shall be for more than the meeting in progress.
- 4.5 The decision of the Chair in relation to section 4.3 and 4.4 is final, unless the person called to order appeals to the meeting members; this shall be decided without debate.
- 4.6 A Member called to order by the Chair shall immediately cease speaking, but may afterward explain his or her position in making the remark for which he or she was called to order.

Members of the Public

- 4.7 Any individual addressing a meeting shall not:
 - 4.7.1 shout, use profane, vulgar or offensive language;
 - 4.7.2 speak on a matter not before the meeting;
 - 4.7.3 make personal comments about any staff or Council member or any other person, or indulge in personalities, use language personally offensive, arraign motives of member, charge deliberate misrepresentation, or use language tending to hold another member up to contempt.
- 4.8 Speakers shall obey the approved rules of order, and may 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.
- 4.9 Members of the public who constitute an audience at a meeting shall maintain order and quiet and shall not applaud or otherwise interrupt any speech or action of the Members.
- 4.10 The Chair may direct that any person in the audience who creates a disturbance during a meeting leave immediately, and if that person does not leave, may have him or her removed.

SECTION 5- NOTICE OF MEETINGS

- 5.1 In accordance with section 193 of the *Act*, for regular Council meetings, notice to Councilors 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 24 hours prior to the day of the Council meeting;
- 5.2 In accordance with section 194 of the *Act*, for special Council meetings, the Mayor must provide at least 24 hours notice in writing to each Councilor and the public stating the purpose of the meeting and the date, time and place at which it is to be held. However, a special Council meeting may be held with less than 24 hours notice to all Councilors and without notice to the public if at least $\frac{2}{3}$ of the whole Council agrees to this in writing before the beginning of the meeting;
- 5.3 In accordance with section 195 of the *Act*, for Committee meetings, notice shall be given to participants and the public at least 24 hours in advance;
- 5.4 Council deems that providing notice in the following manner is sufficient pursuant to section 196(2) of the *Act*:
 - 5.4.1 posting a notice on the City of Cold Lake website; and
 - 5.4.2 posting a notice in City Hall.

SECTION 6- MEETINGS

- 6.1 All Council and Committee Meetings shall:
 - 6.1.1 be open to the Public, except for any in camera portions;
 - 6.1.2 held in accordance with the provisions of the *Act*;
 - 6.1.3 have recorded minutes
 - 6.1.4 be adjourned by 9:30 p.m. unless a resolution to continue is passed by a simple majority of the Members present.

Organizational Meeting

- 6.2 Council must hold an Organization Meeting annually in accordance with the *Act*.
- 6.3 At the Organizational Meeting, Council:
 - 6.3.1 must establish a process for determining which Councillors will serve as Deputy Mayor throughout the year;
 - 6.3.2 may appoint Members of Council to Committees, any vacant appointments remaining after the Organizational Meeting will be referred to a subsequent regular or special council meeting;
 - 6.3.3 must conduct any other business as identified within the Organizational Meeting agenda.

Regular Meetings of Council

- 6.4 Regular meetings of Council shall be held on the second and fourth Tuesday of each month at 6:00 pm in City Hall Council Chambers, with the exception that:
 - 6.4.1 when the meeting falls on a legal holiday, the meeting shall be held on the first following non-holiday business day;
 - 6.4.2 the second meeting in July and December will be cancelled; and
 - 6.4.3 any meeting may be cancelled or postponed by resolution of Council.

Committee of the Whole Meetings

- 6.5 A committee is hereby established called the "Committee of the Whole" with membership comprised of all members of Council.
- 6.6 The purpose of the Committee of the Whole is to review matters or receive information referred by City administration or by members of Council. Committee of the Whole may not make motions or take votes and shall refer items to a Council meeting if decisions are required with the exception of making a motion to:
 - 6.6.1 adopt the meeting agenda;
 - 6.6.2 recess the meeting;
 - 6.6.3 table an item; and
 - 6.6.4 move In Camera or out of In Camera.

- 6.7 The Committee of the Whole meetings shall be held on every third Tuesday of the month at 6:00 pm in City Hall Council Chambers, with the exception that:
- 6.7.1 the meetings in July and August will be cancelled; and
 - 6.7.2 any meeting may be cancelled or postponed by resolution of Council.

Special Council Meetings

- 6.8 Special Council meetings may be called by the Mayor in accordance with section 194 of the *Act* whenever the Mayor considers it appropriate to do so, and must be called if the Mayor receives a written request for the meeting stating its purpose from a majority of Councillors.
- 6.9 No matter other than that stated in the notice calling the special council meeting may be transacted at the meeting unless the whole council is present at the meeting and the council agrees to deal with the matter in question.

Committees

- 6.10 Council may establish Committees as necessary under the *Act* and may by bylaw set out terms of reference for each. The terms of reference shall be reviewed by Council in the second year of the Councillor's term of office.
- 6.11 Council may appoint members to a Committee as follows:
- 6.11.1 Council member appointments to a Committee shall be made at the Organizational Meeting;
 - 6.11.2 Public member appointments shall be made as needed.
- 6.12 The general responsibility of any Committee shall be to analyze any and all matters placed before it and indicate to Council by recommendation the ways and means of dealing with the said matters before it and to advise the course of action which in its considered opinion is necessary and expedient and shall include without limiting the said general responsibilities, any specific matters or responsibilities directed to it by Council.
- 6.13 Committees shall:
- 6.13.1 establish the date, time and location of meetings;
 - 6.13.2 provide minutes and any written reports of committee activities to Council regularly for approval;
 - 6.13.3 review and make recommendations to Council (at least annually) on all bylaws and policies dealing with the subject matter germane to that Committee.
- 6.14 Committees shall not:
- 6.14.1 have the power to pledge the credit of the City or commit the City to any particular action;
 - 6.14.2 pass resolutions other than a motion to report to or make recommendations to Council.

SECTION 7- PROCEEDINGS

Quorum

- 7.1 A quorum for meetings shall be a simple majority of the whole Council or Committee.
- 7.2 For a Council and Committee of the Whole meeting, if a quorum is not present within 30 minutes of the start time set for a Council meeting, the CAO or designate shall record the names of the members present and Council shall stand adjourned until the next regular meeting.
- 7.3 For a Committee meeting, if a quorum is not present within 15 minutes of the start time set for the meeting, the meeting shall be re-scheduled.
- 7.4 If at any time during a meeting, quorum is lost, the meeting will be recessed and if quorum is not achieved again within fifteen (15) minutes, the meeting will be deemed to be adjourned, unless a resolution was passed prior to losing the quorum to extend the recess period.

Rules of Order

- 7.5 The conduct of all City business is controlled by the general will of the 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.
- 7.6 At no time is it intended that undue strictness of adherence to the rules of order intimidate members or limit full participation.
- 7.7 Each individual wishing to address a meeting shall first be recognized by the Chair. The first person to raise a hand and address the 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.
- 7.8 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.
- 7.9 No member can speak twice to the same issue until everyone who wishes to has spoken to it once.
- 7.10 All remarks must be directed to the Chair, and be courteous.
- 7.11 Individuals who arrive late for meetings shall not have prior discussion reviewed for them except with the unanimous consent of all members present.
- 7.12 The meeting must be formally adjourned.

In Camera

- 7.13 At the discretion of the Chair or the majority of the Members, a meeting may go In Camera, subject to the following procedural requirements:
 - 7.13.1 a motion is required to go In Camera and must include the basis on which, under an exception to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act* the part of the meeting to be closed.
 - 7.13.2 a motion is required to come out of In Camera;
 - 7.13.3 the times the meeting goes In Camera and comes out of In Camera must be recorded in the minutes;
- 7.14 The In Camera portion of the meeting will:
 - 7.14.1 be chaired by the same person chairing the rest of the meeting; and
 - 7.14.2 be held without the presence of the public unless one or more members of the public are invited by the chair to participate in the In Camera session.
- 7.15 No record is necessary during the In Camera portion of the meeting, but if a record is kept, it is subject to the Freedom of Information and Protection of Privacy regulations.
- 7.16 Council shall not pass resolutions or bylaws during In Camera sessions. Any decisions reached by consensus during the In Camera session must be passed as motions when the regular meeting resumes.
- 7.17 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.

Electronic Recording of Proceedings

- 7.18 The recording of a meeting by a member of the public or media by electronic or other means is allowed unless, at the sole determination of the Chair, the recording of the meeting is determined to be disruptive to the process or if the recording will inhibit or discourage any Member or the public from fully participating in the meeting, in which case the Chair may prohibit the recording of the meeting.

7.19 A meeting may be recorded by Administration for the purposes of preparing the minutes.

Electronic Meetings

- 7.20 A meeting may be conducted by means of electronic or other communication facilities if:
- 7.20.1 notice is given to the public of the meeting, including the way in which it is to be conducted;
 - 7.20.2 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
 - 7.20.3 the facilities enable all the meeting's participants to watch or hear each other;
 - 7.20.4 there is a secure means by which the meeting participant can join and participate in the meeting.
- 7.21 Members participating in a meeting held by means of a communication facility are deemed to be present at the meeting.
- 7.22 A maximum of two Members may participate in a meeting by electronic communication (provided that participation by two Members is permitted by the technology and that there is a secure way to access the technology).
- 7.23 Members participating in a meeting by electronic communication may participate in any In Camera session provided that he or she swears or affirms an affidavit provided by Administration and satisfies all other procedural safeguards to ensure confidentiality.
- 7.24 Members may participate through electronic communication a maximum of five (5) times total per year (from October 1st to October 1st) in any Meeting, Committee of the Whole Meeting, or Committee meeting.

Public Hearings

- 7.24 Public hearings must be held in accordance with section 230 of the *Act*.
- 7.25 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.
- 7.26 The Chair shall call three times for appearances from the gallery, and upon receiving no response, shall declare the public hearing closed.
- 7.27 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.

Delegations

- 7.28 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.
- 7.29 An instructional sheet setting out meeting procedures and protocol shall be supplied to anyone wishing to address a Council or committee meeting.
- 7.30 Any person or delegation addressing Council shall state name(s), address (es), and the purpose of the presentation.
- 7.31 Delegations shall speak only on the matters which they have submitted to Council and which have been included on the agenda.
- 7.32 Delegations may be limited in the time they are permitted, but shall generally be allowed fifteen (15) minutes for presentation and discussion, which can be extended or decreased at the discretion of Council.
- 7.33 Approval of a delegation is subject to the Mayor or designates' discretion.

Conflict of Interest and/ or Pecuniary Interest

- 7.34 Councillors must comply with all provisions of the Council Code of Conduct Bylaw in relation to conflict of interest and pecuniary interest
- 7.35 Committee members shall rigorously avoid situations which may result in claims of pecuniary interest, conflict of interest or bias.

Chairperson

- 7.36 The Mayor must preside as Chair when in attendance at a Council Meeting unless the Mayor has asked to step down as Chair, in which case, the Deputy or Acting Mayor or another Councillor must be called to take the Chair.

SECTION 8- MOTIONS & DEBATE

Rights in Debate

- 8.1 Members, including the Chair, may enter debate once a motion is on the floor, subject to the following:
- 8.1.1 the Chair must step down from the Chair for the purpose of taking part in a debate in which case the Deputy or Acting Mayor or another Councillor must be called to take the Chair.
- 8.1.2 the Chair may resume the Chair when the main motion is voted on by Council.
- 8.2 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.
- 8.3 When two or more members wish to speak, the Chair shall name the member who is to speak first.
- 8.4 No member shall normally speak more than three (3) 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 Members present.

Motions

- 8.5 The following procedural requirements apply to all motions:
- 8.5.1 A Main Motion brings new business (the next item on the agenda) before the assembly.
- 8.5.2 Council or Committees may deal with a motion on a subject which is not on the agenda with unanimous consent only.
- 8.5.3 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.
- 8.5.4 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.
- 8.5.5 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.
- 8.5.6 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.
- 8.5.7 The mover of a motion may speak and vote for or against the motion.
- 8.5.8 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.
- 8.5.9 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.
- 8.5.10 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. 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.

SECTION 9 – VOTING

Voting

- 9.1 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.
- 9.2 When a question is put to vote, no member shall leave Council chambers until the vote is taken.
- 9.3 Any bylaw or resolution upon which there is an equality of votes shall be deemed to be defeated.
- 9.4 Pursuant to section 183 of the *Act*, Councillors must vote on a matter at a council meeting except where the person is required or permitted to abstain from voting under the *Act* or any other legislation.
- 9.5 The vote on any matter shall be recorded.

Bylaws, Resolutions, and Policies

- 9.6 Draft Bylaws and policies shall be prepared at the request of Council or a Committee by the appropriate Committee or Administration, 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.
- 9.7 Before a Bylaw is passed, it shall, in accordance with the *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.
- 9.8 Council shall vote on the motion for the first reading of the bylaw without amendment or debate.
- 9.9 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.
- 9.10 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.
- 9.11 Resolutions or motions shall come into effect as soon as they are passed unless they contain a deferred implementation.
- 9.12 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.
- 9.13 Upon being passed:
 - 9.13.1 a policy shall be signed by the Chair of the meeting at which it was passed and by the CAO;
 - 9.13.2 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.

SECTION 10 – AGENDA, ORDER OF BUSINESS & MINUTES

Agendas for Council Meetings

- 10.1 The CAO shall be responsible for preparing Council meeting agendas, including input from participants, City staff and previous meetings.
- 10.2 Council meeting agendas shall be made available to Members and the public at least two (2) business days prior to the time of the meeting on the City of Cold Lake website.
- 10.3 Only business listed in the agenda shall be undertaken at a Council meeting, unless resolution to change it is unanimously passed.
- 10.4 Council meeting 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.

Order Of Business

- 10.5 Council Meetings shall use the following order of business, unless changed by unanimous consent:
- 10.5.1 Call to Order
 - 10.5.2 Adoption of Agenda
 - 10.5.3 Adoption of Minutes
 - 10.5.4 Question Period
 - 10.5.5 Public Hearings
 - 10.5.6 Delegation
 - 10.5.7 City Financial Reports
 - 10.5.8 Old Business
 - 10.5.9 New Business
 - 10.5.10 Committee Reports
 - 10.5.11 Notices of Motion, Proclamations, or Announcements
 - 10.5.12 Adjournment

Minutes

- 10.6 Minutes of all Meetings shall be recorded in accordance with the *Act*.
- 10.7 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.
- 10.8 Minutes shall include resolutions to go In Camera, out of In Camera, and to adjourn the meeting.

SECTION 11 – REPEAL

- 11.1 City of Cold Lake Bylaw No. 308-BD-07, Bylaw No. 383-BD-10 and Bylaw No. 344-BD-08 are hereby repealed.

SECTION 12 – ENACTMENT

- 12.1 This bylaw shall come into full force and effect at the beginning of the day it receives third and final reading.

FIRST READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this ____ day of ____, A.D. 2019, on motion by Councillor _____.

**CARRIED
UNANIMOUSLY**

SECOND READING passed in open Council duly assembled in the City of Cold Lake, in the Province of Alberta, this ____ day of ____, A.D. 2019, on motion by Councillor _____.

**CARRIED
UNANIMOUSLY**

THIRD AND FINAL READING passed in open Council duly assembled in the Province of Alberta, this ____ day of ____, A.D. 2019, on motion by Councillor _____.

**CARRIED
UNANIMOUSLY**

MAYOR

CHIEF ADMINISTRATIVE OFFICER