

**CITY OF CHESTERMERE**

**PROVINCE OF ALBERTA**

**BYLAW NO. 018-17**

**A BYLAW OF THE CITY OF CHESTERMERE, IN THE PROVINCE OF ALBERTA, TO ESTABLISH PROCESSES AND PROCEDURES FOR COUNCIL MEETINGS IN THE CITY OF CHESTERMERE.**

**WHEREAS** the Municipal Government Act gives Municipalities the power to enact Bylaws and impose fines and penalties for infractions of their Bylaws;

**AND WHEREAS** the Municipal Government Act authorizes a Council to pass bylaws in relation to the procedure and conduct of Council and may regulate the conduct of councillors;

**AND WHEREAS** Council has deemed it necessary to regulate the procedures and conduct at meetings of Council;

**NOW, THEREFORE THE COUNCIL OF THE CITY OF CHESTERMERE, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:**

**1. Short Title:**

1.1 This Bylaw may be cited as the Procedural Bylaw.

**2. Definitions:**

2.1 In this Bylaw,

- a) "Act" means the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended;
- b) "Administration" means the C.A.O or any employee or representative of the staff of the City of Chestermere;
- c) "Action List" means the compilation of Council requests to Administration in the form of a resolution;
- d) "Agenda" means the list and order of business items for any meeting of Council;
- e) "Bylaw" means an active bylaw of the City;
- f) "C.A.O." means the Chief Administrative Officer of

the City of Chestermere, Alberta appointed by Council, or his or her designate.

- g) "Calendar Year" means the period of 365 days beginning the first of January to the thirty first of December.
- h) "C.E.O" means the Chief Elected Official. In the City of Chestermere, the C.E.O is the Mayor;
- i) "City" means the municipal corporation of the City of Chestermere, in the Province of Alberta, or the area within the City of Chestermere's corporate limits, as the context requires;
- j) "Council Committee" means any Board, Commission or Committee established by Council in which Council Members are members themselves.
- k) "Committee of the Whole" means a meeting that permits Council to function informally and allows for freedom of debate but where no decisions are made;
- l) "Consent Agenda" means the portion of the Agenda containing items that are being presented for information only;
- m) "Council" means the duly elected Mayor and Councillors of the City of Chestermere;
- n) "Deputy Mayor" means the Member of Council appointed pursuant to this Bylaw to act as Mayor in the absence or incapacity of the Mayor;
- o) "In-Camera" means a part of a meeting closed to the public at which no Resolution or Bylaw may be passed, except a Resolution to revert to a meeting held in public;
- p) "Mayor" means the Member of Council duly elected as the Chief Elected Official and continuing to hold office. The Mayor is the Presiding Officer at all meetings of Council unless otherwise specified;
- q) "Member" means a Member of Council;
- r) "Minutes" mean the formal record of decisions of a meeting;
- s) "Motion" means a formal suggestion that is put to a vote;

- t) "Oaths of Office Act" means the Oaths of Office Act, R.S.A 2000, Chapter O-1, as amended;
- u) "Point of Order" means the raising of a question by a Member with the view of calling attention to any departure from this Bylaw or the customary proceedings in debate or in the conduct of Council's business;
- v) "Presiding Officer" means the Mayor, or in the absence of the Mayor, the Deputy Mayor, or in the absence of the Deputy Mayor, the acting Chief Elected Official;
- w) "Public Hearing" means a meeting of Council convened to hear matters pursuant to the Act;
- x) "Quorum" means a majority of Members of Council present at a meeting.
- y) "Recording Officer" means any person directed or appointed by the C.A.O to record the Minutes of the meeting;
- z) "Repeal" means to render a Bylaw, policy or Motion no longer in effect;
- aa) "Resolution" means a formal decision made by Council and can also be referred to as a Motion;
- bb) "Special Meeting" means a meeting called by the Mayor pursuant to the Act;
- cc) "Table" means to delay consideration of any matter until a specified time.

### **3. Application & Governance**

- 3.1 This Bylaw applies to all meetings of Council.
- 3.2 The precedence of the rules governing the procedure of Council is:
  - 3.2.1 The Municipal Government Act
  - 3.2.2 Other Provincial Legislation
  - 3.2.3 This Bylaw
- 3.3 In the absence of a statutory obligation, any concern about the procedure or process of a Council meeting may be decided upon and approved by a majority vote of all Members present.

#### **4. Organizational Meeting**

- 4.1 Council shall hold an Organizational Meeting in which Council agrees on the items outlined in Section 4.3 of this Bylaw, once a year as specified by the Act.
- 4.2 First Meeting of newly elected City Council:
  - 4.2.1 At the first Organizational Meeting after an election, the elected officials shall take the oath(s) of office and follow the requirements for an annual Organizational Meeting.
  - 4.2.2 The C.A.O shall call the meeting to order and shall preside over the meeting until every Member of Council has made and subscribed the official oath in accordance with the Oath of Office Act. The C.A.O shall then retire from the chair and the Mayor shall take the chair.
- 4.3 At the annual Organizational Meetings, Council shall determine:
  - 4.3.1 Council Meeting and Committee of the Whole dates and times for the Calendar Year;
  - 4.3.2 Council Committees to which each Council member will be appointed;
  - 4.3.3 The Councillor who will serve as Deputy Mayor for up to 12 months;
  - 4.3.4 The Councillor who will serve as Acting C.E.O for up to 12 months.
- 4.4 Councillor appointments to Council Committees shall be for a term of one year unless otherwise specified.

#### **5. Committee of the Whole**

- 5.1 Council may meet as the Committee of the Whole during the dates and times determined at the Organizational Meeting. The meeting shall be chaired by the Presiding Officer, unless otherwise determined, and Quorum shall be a majority of Council Members.
- 5.2 The purpose of the meeting is for Council to receive information that enhances understanding of an issue or topic and clarifies expectations of Council's strategic direction.

- 5.3 Council shall not make decisions, pass Resolutions or Bylaws in a meeting of the Committee of the Whole. As such, no Minutes will be recorded.
- 5.4 Meetings shall be held in the public forum unless discussion falls under Division 2, Part 1 of the *Freedom of Information and Protective of Privacy Act*.

## **6. Preparing for Council Meetings**

### **6.1 Collecting Items**

- 6.1.1 All Agenda submissions for regular meetings of Council, Public Hearings and Committee of the Whole meetings must be received by Administration no later than 4:30 p.m. six working days prior to the meeting.
- 6.1.2 Administration and members of the public wishing to appear before Council or have correspondence brought before Council must ensure that their correspondence or request is legible, signed, is appropriate to be brought before Council and is delivered in the time prescribed above.
- 6.1.3 Members of the public granted an audience with Council must submit a summary of the information that is to be presented. Upon receipt of the request or correspondence, Administration may refer the matter to a staff member or include it as an item on the next Agenda.

### **6.2 Distributing the Agenda**

- 6.2.1 Administration shall ensure that Council meeting Agendas with corresponding documents are prepared and distributed to Council and Directors at least two working days prior to the Council meeting.
  - 6.2.1.1 Administration shall ensure that Regular Council Meeting Agendas are available on the City's website and copies of the Agenda cover are available in paper form at City Hall at least one working day prior to the Council meeting.
- 6.2.2 Agendas with corresponding documents for Committee of the Whole meetings shall be posted on the City's website at least one working day prior to the

meeting.

### **6.3 Advertising for Meetings**

Once Council determines their regular meeting schedule at the Organizational Meeting, the schedule shall be advertised as prescribed in the Act. If the meeting dates, times, or locations change, the public must be notified in accordance with the provisions set out in the Act.

### **6.4 Last Minute Additions**

If it is determined that an urgent matter should be brought before Council after the deadline for submissions, the C.A.O or Council Member shall explain the urgency of the matter at the beginning of the Council meeting and request that Council add the item to the Agenda with a majority vote.

## **7. Conduct of Council Meetings**

### **7.1 General Provisions**

- 7.1.1 Council meetings shall be held in the Council Chambers at City Hall located at 105 Marina Road, Chestermere, Alberta, T1X 1V7, and a change of venue shall be advertised as prescribed in the Act.
- 7.1.2 Special meetings shall be subject to the provisions of the Act.
- 7.1.3 Council meetings shall be held in public and no person may be excluded except as prescribed in the Act or under Section 8.14 of this Bylaw.
- 7.1.4 Any person attending a meeting is expected to behave in a polite, courteous, and professional manner whether speaking or watching the proceedings.
- 7.1.5 Those attending Council meetings may not speak or address Council unless they have made an appointment, are given permission to do so, or rise during Question Period.
- 7.1.6 Administration and members of the public speaking to Council must introduce himself or herself to the Presiding Officer. He or she may not speak until he or she has been acknowledged by the Presiding Officer.

7.1.7 Members of Council may attend up to two consecutive meetings via phone but may not participate in In-Camera discussions unless present in person.

## **7.2 Quorum**

7.2.1 When Quorum is present at the time set for commencement of a Council meeting, the Presiding Officer should call the meeting to order.

7.2.2 If there is Quorum present at the time set for commencement but the Mayor and Deputy Mayor are absent, the Acting C.E.O. should call the meeting to order and preside over the meeting.

7.2.3 If Quorum is not constituted within fifteen minutes from the time set for commencement of a Council meeting, the C.A.O shall record the names of all the members present and adjourn the meeting.

7.2.4 If a meeting does not take place due to a lack of Quorum, the Agenda shall be reviewed at the next Regular Council Meeting unless a Special Meeting is called to complete the business.

7.2.5 If Quorum is lost at any time during a meeting, the Presiding Officer must adjourn the meeting.

## **7.3 Authority of Presiding Officer**

7.3.1 The Presiding Officer shall be the Mayor unless otherwise determined by Council.

7.3.2 In addition to the requirements outlined by the Act, the Presiding Officer shall:

7.3.2.1 Determine if a Motion or amendment is in order. If a Motion or amendment is not in order, the Presiding Officer shall not call for a vote on the Motion.

7.3.2.2 Determine which Member has the right to speak and ensure that all Members who wish to speak on a Motion have spoken.

7.3.2.3 The Presiding Officer shall have the authority to set a time limit on the number of times that a

Member may speak on the same question or Resolution.

7.3.2.4 Call for votes after Motions have been put forward and addressed.

7.3.2.5 Decide Points of Order without debate or comment (unless giving references to other legislation).

#### **7.4 Points of Order**

Any Member of Council or Administration may raise a Point of Order and ask that the Presiding Officer rule on the point.

#### **7.5 Pecuniary Interest**

A Councillor who has a pecuniary interest in a matter before Council (as set out in the Act) shall disclose the general nature of the pecuniary interest and leave the room (unless he or she is allowed to remain in accordance with the Act) until discussion and voting on the matter are concluded.

#### **7.6 Conflict of Interest**

A Member who believes that he or she may benefit in some way from a proposal or action being considered by Council but does not fall under the rules of pecuniary interest should declare his or her perceived conflict of interest in an effort to provide transparency in Council's decisions. However, the Member is still required to vote on the matter in accordance with the Act.

#### **7.7 Motions**

7.7.1 Any Member may make a Motion for action to be taken on a Resolution or Bylaw of Council.

7.7.2 When a Motion has been made and is being considered, the Motion must be addressed before moving on to another Motion.

7.7.3 The Member who made the Motion may withdraw or amend the Motion at any time prior to the vote on the Motion.

7.7.4 A Motion that contains several propositions may be voted on as a single Motion or may be separated into separate Motions if any Member requires it.



## **7.8 Discussion**

- 7.8.1 Members of Council may provide their input on items on the Agenda when asked for comments by the Presiding Officer and after they have obtained approval to speak from the Presiding Officer.
- 7.8.2 Members of Council are responsible for all of their comments and shall assume personal responsibility for any statement quoted to Council or upon request of Council shall give the source of information.
- 7.8.3 Members of Council shall not speak disrespectfully of others, shout, use offensive language or carry on private conversations during Council meetings.

## **7.9 Actions and Voting**

- 7.9.1 When considering a matter, Council may:
  - 7.9.1.1 Put the matter to a vote;
  - 7.9.1.2 Refer the matter to Administration;
  - 7.9.1.3 Refer the matter to a committee; or
  - 7.9.1.4 Table the matter.
- 7.9.2 Each member of Council must vote once per Motion in accordance with the Act. Once the vote is called by the Presiding Officer, the Members must vote by a show of hands.
- 7.9.3 In accordance with the Act, a Member of Council must vote on a matter unless he or she is required or permitted to abstain for any reason (including pecuniary interest or absent from Public Hearing) under the Act or another piece of legislation.
- 7.9.4 In accordance with the Act, a Member may ask for a recorded vote. In the event of a recorded vote, each Member shall vote verbally and the Presiding Officer shall vote last.
- 7.9.5 A majority of Council shall pass a Bylaw or Resolution unless otherwise provided for by the Act. If a Motion receives an equal number of votes for

and against, the Motion is considered defeated.

7.9.6 Following a vote, the Presiding Officer shall declare the result of the vote.

### **7.10 Recess**

The Presiding Officer may move that Council recess for a specific period. After the recess, business will be resumed at the point when the recess was called.

### **7.11 Cancelling Meetings**

Council may cancel meetings in the manner as prescribed by the Act.

## **8. Agenda**

The list below outlines the standard Agenda for Council. Council may or may not hear all aspects of the Agenda depending upon the information or items submitted for the meeting.

### **8.1 Call to Order**

Once Quorum has been established, the Presiding Officer shall call the meeting to order.

### **8.2 Adoption of the Agenda**

8.2.1 The Presiding Officer shall ask if Council is willing to adopt the Agenda as presented. If Council wishes to add or remove items from the Agenda, it must do so with a majority vote. If the Agenda is to be accepted as presented, Council may adopt the Agenda with a majority vote.

8.2.2 Council may address items on the Agenda in a different order than presented by a majority vote of Council.

### **8.3 Public Hearings**

8.3.1 At the commencement of a Public Hearing, the Presiding Officer shall:

8.3.1.1 State the matter to be considered at the hearing;

8.3.1.2 Request that Administration present a report on the issue at hand;

- 8.3.1.3 Allow the applicant and/or their representative up to fifteen minutes to present their position. This time does not include the time necessary for him or her to answer questions from Council. This time may be extended by Council.
- 8.3.2 Following the presentations, Council shall allow time for anyone who wishes to speak in favour or against the proposed Bylaw or Resolution. Persons speaking must state their name, address and if they are speaking for themselves or on behalf of a group or organization. Those wishing to speak in favour may have the opportunity to speak first followed by those who are opposed to the Bylaw or Resolution.
- 8.3.3 If a person is unable to attend a Public Hearing, he or she may authorize another individual to speak on his or her behalf.
- 8.3.4 No person other than Administration or the applicant may speak longer than five minutes exclusive of the time required to answer questions of Council. This time limit may be extended by Council.
- 8.3.5 Following the time allowed for all persons to speak, Council may close the Public Hearing. In accordance with the Act, Council may:
  - 8.3.5.1 Make such amendments as it considers necessary and proceed to pass the proposed Bylaw or Resolution;
  - 8.3.5.2 Defeat the proposed Bylaw or Resolution; or
  - 8.3.5.3 Postpone the proposed Bylaw or Resolution.

#### **8.4 Appointments**

- 8.4.1 Those granted an audience with Council will have fifteen minutes to make their presentation, not including the time to answer questions from Council. This time may be extended by the majority of Council.
- 8.4.2 Council may grant a maximum of two appointments per meeting.

## **8.5 Adoption/Acknowledgement of Minutes**

- 8.5.1 The Presiding Officer should present previous meeting Minutes to Council with a request to adopt or acknowledge the Minutes as presented. Any Member may request that the Minutes be amended to correct any inaccuracy or omission.
- 8.5.2 Minutes from all previous Council meetings, committee meetings and Public Hearings that have not yet been addressed should be considered here.

## **8.6 Business Arising Out of the Minutes**

Council may act upon any item that comes from the Minutes adopted in the above section.

## **8.7 Consent Agenda**

- 8.7.1 Members may request to move items off the Consent Agenda and on to the regular business Agenda for discussion. Council must do so through a Motion.
- 8.7.2 If no items are removed, Council shall accept the Consent Agenda as information through a Motion.
- 8.7.3 Items of correspondence, Cheque Listing and other information brought forward to Council on a regular basis may be included in this section.
- 8.7.4 Consent Agenda items:
  - 8.7.4.1 Must be submitted by the deadline outlined in Section 6.1 of this Bylaw;
  - 8.7.4.2 May be referred to Administration without being circulated to Council, when appropriate.

## **8.8 Staff Reports**

- 8.8.1 Administration may provide Council with reports or updates on projects, departmental progression and other ventures, accepted as information only through Motion.
- 8.8.2 Administration shall not make recommendations within their Staff Report, nor shall Council make approvals.

## **8.9 Question Period**

- 8.9.1 At this time, any member of the public may come forward and ask a question of Council.
- 8.9.2 Question Period is not an opportunity for the public to express opinions. Council shall respond only to questions.
- 8.9.3 Members of the public may be directed to Administration in order to receive the response to their question.
- 8.9.4 Persons speaking will have a maximum of five minutes to ask questions of Council. This time may be extended by a majority of Council.
- 8.9.5 Public questions and answers from Council will not be recorded in the meeting Minutes.

#### **8.10 Actions/Decisions**

Administration will bring policies, Requests for Decision and other items for consideration to Council under this section. Decisions of Council shall be made through Resolution as prescribed in Section 7.9 of the Bylaw.

#### **8.11 Bylaws**

- 8.11.1 In accordance with the Act, every Bylaw must have three readings. Only the title or identifying number must be read at each reading.
- 8.11.2 In accordance with the Act, a Bylaw shall not be given more than two readings at one Meeting unless the Members present unanimously agree that the Bylaw may be presented to Council for a third reading. Bylaws that must be heard at a Public Hearing may only be given first reading before going to the Public Hearing.
- 8.11.3 A Bylaw is determined to be defeated if:
  - 8.11.3.1 It does not receive the majority of Council's support;
  - 8.11.3.2 It does not receive third reading within two years from the date of first reading;
  - 8.11.3.3 Prior readings of a Bylaw that were not

passed are repealed.

8.11.4 Administration is designated to consolidate one or more Bylaws as deemed convenient and in doing so must:

8.11.4.1 Incorporate all amendments to the Bylaw into one Bylaw; and

8.11.4.2 Omit a provision that has been repealed or that has expired.

## **8.12 Correspondence & Information**

8.12.1 When addressing items of Correspondence and Information, Council may:

8.12.1.1 Accept the correspondence or information as information;

8.12.1.2 Refer any communication to Administration or a committee to review; or

8.12.1.3 Act upon the correspondence or information by Resolution.

## **8.13 Council Reports**

Each Member of Council may electronically submit a written report prior to the meeting and may also give a verbal report at the meeting. The report should outline the Member's public activities as well as any reports from Council Committees on which the Member sits and be without note or comment.

## **8.14 In-Camera**

8.14.1 In accordance with the Act, Council may close their meeting to the public if a matter to be discussed is within one of the exceptions to disclose in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*.

8.14.2 Before moving into an In-Camera session, a Member must state the authority that gives them the power to move In-Camera and provide a brief description of the issue to be discussed without revealing private or confidential information.

8.14.3 In accordance with the Act, when a meeting is closed to the public, no Resolution or Bylaw may be passed

at the meeting, except a Resolution to revert to a meeting held in public.

### **8.15 Notice of Motion**

A Member of Council may introduce a matter, in the form of a Notice of Motion, that is not formally on the Agenda for consideration:

- 8.15.1 The Notice of Motion will be recorded in the meeting Minutes, not as a formal Motion, and must give sufficient detail as to the nature of the matter.
- 8.15.2 The Notice of Motion may state the date in which the formal recommendation will be brought in front of Council. If no date is provided, the item will be scheduled for the next Regular Council Meeting.
- 8.15.3 No action is to be taken on the matter until Council formally passes the Motion at a Regular Council Meeting.

### **8.16 New Business**

At this point, Council may address any items that need to be discussed following the In-Camera portion of the meeting or that were brought up after the Agenda was adopted. Council may direct Administration to complete a task, through a Motion, which will be put onto the Action List.

### **8.17 Reading File**

When Council is given a document that is too large or cumbersome to physically be included in the Agenda, Administration will note the document on the Agenda cover and have it available for Council and public viewing upon request.

### **8.18 Adjournment**

- 8.17.1 Council shall adjourn when all the items on the Agenda have been addressed or when Council approves a unanimous Motion to adjourn.
- 8.17.2 When all the items on an Agenda have been addressed, the Presiding Officer will call for a Motion to adjourn the meeting.

## **9. Minutes**

- 9.1 In accordance with the Act, Administration shall ensure that all Minutes of Council meetings are recorded in English and are without note or comment.
- 9.2 The Recording Officer shall record the times when Council:
  - 9.2.1 Commenced;
  - 9.2.2 Recessed;
  - 9.2.3 Moved In-Camera and came out of In-Camera;
  - 9.2.4 Excused themselves from the meeting and returned due to pecuniary interest or any other reason;
  - 9.2.5 When members of Council arrive at the meeting after the call to order; and
  - 9.2.6 Adjourned.
- 9.3 In accordance with the Act, Administration shall record the names of the Council members present at a meeting.
- 9.4 The Recording Officer shall record the names and corresponding votes of all Members when a recorded vote has been called.
- 9.5 Minor changes to the Minutes to correct errors in grammar, spelling or to correct the omission of a word may be made prior to the meeting by Administration. No change shall be allowed that will change a decision made by Council.

## **10. Enforcement**

- 10.1 Any person or Member of Council who does not comply with the above expectations of proper conduct may be asked to leave by the Presiding Officer as set out in the Act.
- 10.2 If a person has been requested to leave for improper conduct but does not leave the room, Council may recess until such time as the person in question leaves the room or a peace officer escorts the individual out of the room.

## **11. Severability and General Provisions**

- 11.1 If any section or parts of this Bylaw are found in any court of law



to be illegal or beyond the power of Council to enact, such section or parts shall be deemed to be severable and all other sections or parts of this Bylaw shall be deemed to be separate and independent there from and to be enacted as such.

- 11.2 Words in the singular include the plural and words in the plural include the singular.
- 11.3 This Bylaw is gender-neutral and, accordingly, any reference to one gender includes the other.
- 11.4 This Bylaw comes into force on the date of third and final reading.
- 11.5 Upon passing of this Bylaw, Bylaw 025-11 being the Procedural Bylaw, is hereby repealed.

Read a first time this 18 day of September, 2017.

Read a second time this 18 day of September, 2017.

Read a third time this 18 day of September, 2017.

Resolution Numbers:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Interim Chief Administrative Officer