

LETHBRIDGE COUNTY

BYLAW NO. 20-019

COUNCIL PROCEDURAL BYLAW

A BYLAW OF LETHBRIDGE COUNTY IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEDURE AND CONDUCT OF BUSINESS BY THE COUNCIL OF LETHBRIDGE COUNTY.

WHEREAS, the *Municipal Government Act*, RSA 2000, Chapter M-26 as amended, provides that a Council may pass Bylaws in relation to the procedure and conduct of Council and Committees established by Council.

NOW THEREFORE THE COUNCIL OF LETHBRIDGE COUNTY, DULY ASSEMBLED, ENACTS AS FOLLOWS:

- 1.0 This Bylaw may be cited as "Lethbridge County Council Procedural Bylaw No. 20-019"
- 2.0 Purpose: To regulate the procedure and conduct of business by the Council of Lethbridge County.
- 3.0 **DEFINITIONS AND INTERPRETATION**
- 3.1 In this Bylaw
 - 1) "**Act**" means the Municipal Government Act of Alberta;
 - 2) "**Acting Reeve**" is the Council member appointed by Council to be the Acting Reeve in the absence or inability of the Reeve and the Deputy Reeve to act;
 - 3) "**Agenda**" means the agenda for a Regular, Special or Closed meeting of Council prepared pursuant to Section 7;
 - 4) "**Ballot**" means a secret paper ballot or a ballot cast by any electronic means that does not reveal how the voter voted;
 - 5) "**Bylaw**" means a Bylaw of Lethbridge County;
 - 6) "**Chief Administrative Officer**" (CAO) means the person appointed to the position in accordance with the *Municipal Government Act*;
 - 7) "**Council**" means the Reeve and Councillors of Lethbridge County;
 - 8) "**County**" means the Corporation of Lethbridge County and where the context so requires, means the area included within the geographic boundaries of the County;
 - 9) "**Deputy Reeve**" means the member, or members who are appointed by resolution of Council to act as Reeve in the absence or incapacity of the Reeve;
 - 10) "**Lay on the Table**" is a motion that temporarily delays action on a pending question when something else of immediate urgency has arisen or needs to be addressed before consideration of the pending question resumes. The resumption must occur either later in the same meeting or if the meeting ends before the question is considered, at the next regular meeting.

- 11) **“Majority”** means more than half of the members present
- 12) **“Member”** means a member of Council, duly elected and continuing to hold office;
- 13) **“Notice of Motion”** means the procedure by which a Council member may have a matter placed on a future agenda for Council’s consideration;
- 14) **“Presiding Officer”** means the Chairperson of a meeting – these terms may be used interchangeably;
- 15) **“Quorum”** means the majority of Council, Committee or Board, unless the Bylaw, Terms of Reference or resolution establishing such a body specifies otherwise.

4.0 APPLICATION OF THIS BYLAW

- 4.1 This Bylaw applies to all Regular, Special and Closed Meetings of Council and to the extent practical, to Council Committees.
- 4.2 The precedence of the rules governing the procedure and conduct of Council is:
 - a) the *Municipal Government Act*;
 - b) other provincial legislation;
 - c) this Bylaw;
 - d) *“Robert’s Rules of Order Newly Revised – 12th Edition.”*
- 4.3 In accordance with Robert’s Rules for small assemblies of 12 or fewer members which shall guide Council, a motion is considered to be on the floor without the need of a seconder.
- 4.4 The Presiding Officer of any meeting has the same rights and privileges as all other members including the right to speak in debate and to vote on all questions.

5.0 ORGANIZATIONAL MEETING OF COUNCIL

- 5.1 Council shall hold an annual Organizational Meeting each year no later than two weeks after the third Thursday in October.
- 5.2 The CAO shall set the time and place for the Organizational Meeting, and the business of the meeting will be limited to:
 - a) Election of the Reeve, which shall be by secret ballot. To be elected, an individual must receive a majority of the votes cast. Once elected, the individual must then be appointed as Reeve, by resolution adopted by majority vote. The Reeve shall serve until the following annual Organizational Meeting, as per the MGA.

For the election of Reeve, in the event that three or more individuals receive votes, but none emerge with a majority, one the following options for resolving the impasse should be agreed upon, prior to the commencement of voting:

1. Build a consensus around a single candidate who can be favoured by all of Council. In the event that consensus cannot be reached, repeated balloting as explained in the next subsection shall be conducted, until majority is reached.
 2. Balloting is repeated as many times as necessary until one candidate receives a majority vote.
- b) Appointment of the Deputy Reeve(s) by resolution of Council requiring a majority vote to serve on a rotational basis until the following annual Organizational Meeting, unless otherwise specified.
 - c) the appointment by resolution requiring a majority vote of Members to Committees which shall be for a term of one year, unless otherwise specified; and
 - d) any other business required by the Act, or which Council or the CAO may direct.

6.0 MEETINGS OF COUNCIL

- 6.1 Regular Council meetings shall be held in the Council Chambers twice per month on the first and third Thursday of each month, unless otherwise decided. Exceptions are during the month of July and August when there shall be only one Regular Council meeting and periodically at other times throughout the year when there is a scheduling conflict, subject to Council approval.
- 6.2 Unless otherwise decided, Council meetings shall commence at 9:30 a.m. and shall continue not later than 4:30 p.m. of the same day unless by resolution of a majority vote of members present, taken before 3:30 p.m., an extension of the meeting beyond 4:30 p.m. is agreed to.
- 6.3 For all meetings requiring notice which includes Council Committee meetings, the notice must be:
 - a) issued a minimum 24 hours prior to the meeting date with written notice for each Councillor and for the general public;
 - b) in writing and specifying the time, date, location and in general terms, the purpose of the meeting;
 - c) e-mailed to each Council and/or Committee Member;
 - d) posted as a notification at the Administration building; and
 - e) any other notification as requested by Council or the Committee.
- 6.4 The Reeve may call a Special Meeting of Council on shorter notice without giving notice to the public, provided that at least two-thirds (2/3) of Council members support waiving notice to the public before the Meeting begins.
- 6.5 The Reeve must call a Special Council meeting if the purpose of the meeting is stated and requested in writing, by a majority of Council members, within 14 days of receiving the request.
- 6.6 All Council meetings, except Closed Meetings, may be recorded by video or other electronic means and form part of the public record.

- 6.7 Council and Committee meetings through electronic communications may be held in accordance with the Municipal Government Act, if member(s) are unable to attend in person for legitimate reasons. Electronic meetings must provide, at minimum, opportunity for simultaneous oral communication among all participating members. Members who participate in a meeting held electronically are deemed to be present at such meeting.

7.0 AGENDAS

- 7.1 The CAO shall authorize the preparation and content of Council agendas which shall list the items and order of business to be conducted at the meeting.
- 7.2 The Executive Assistant shall prepare the agenda and ensure copies are distributed to Council members and to all Officers who are entitled to receive a copy, by 4:30 p.m. on the Thursday the week preceding the scheduled Regular meeting.
- 7.3 The Executive Assistant shall make the Agenda and all reports and supplementary materials (unless they must or may be withheld under the Act or any other statute dealing with access to information) available to the media and public, but only after they have been provided to Council Members.
- 7.4 All submissions for the Agenda for Regular Meetings of Council shall be received by the Executive Assistant no later than 4:00 p.m. on the Tuesday the week before the scheduled Regular meeting. Submissions for Public Hearings may be received at a Public Hearing but can only be included as part of the original agenda if submitted prior to the Public Hearing agenda being prepared.
- 7.5 Only material which has been received in accordance with Section 7.4 or Section 8.3 of this Bylaw shall be considered at the Council meeting for which the Agenda is prepared unless staff deems that an emergency matter needs to be brought before Council, in which case the item shall:
- a) be accompanied by a brief explanation from an Officer indicating the reasons for, and the degree of urgency of the item; and
 - b) if supported by a majority of Council members present, such matters shall then be considered as an addendum to the Agenda.

8.0 NOTICE OF MOTION

- 8.1 A Member may present a Notice of Motion to introduce a matter at a future Council meeting if the Notice of Motion gives sufficient detail so that the subject of the motion notice can be reviewed and/or researched by County staff in advance of the meeting at which the matter will be considered. A Notice of Motion does not require a vote by Council to be placed on the next agenda.
- 8.2 The subject of the Notice of Motion will appear on the following agenda as a matter for consideration at the next scheduled Regular Council meeting or as soon thereafter as may be feasible.
- 8.3 A Member may move to add a matter to the agenda that they deem to be of urgent public importance without prior Notice of Motion.

Such matter shall only be considered at the meeting in which it is introduced upon receiving support to do so, by way of a majority of the members present. If supported by Council, such matters shall then be considered as an addendum to the Agenda.

9.0 COMMUNICATIONS AND DELEGATIONS

- 9.1 Any individual, group or organization wishing to submit written communication to Council on a matter of concern that the CAO deems is within Council's jurisdiction, may do so if the submission meets the following criteria:
- a) it is legible and clearly sets out the matter and any financial or other request being made to Council;
 - b) and is signed by the writer electronically or otherwise and includes their contact information;
- 9.2 Any individual, group or organization wishing to present a written communication to Council on a matter of concern that the CAO deems is within Council's jurisdiction, may do so if the communication meets the following criteria:
- a) it is legible and clearly sets out the issue and any financial or other request being made to Council;
 - b) if a representative wishes to verbally address Council pertaining to the issue in the communication prior notice of this intent should be given and should include their telephone number
 - c) is on paper or in a printable form;
 - d) each person must indicate their civic address, the legal description of property owned (if any), their legibly printed name, signature, the date they signed the communication and;
 - e) the communication must not be libelous, impertinent, improper or beyond Council's jurisdiction and authority.
- 9.3 A member of the public acting on their own or representing a group or organization may request in writing to speak to Council as a delegation and if approved, be placed on the agenda as an appointment. No more than two individuals representing a group or organization may speak on behalf of the group or organization. The request must be submitted in writing and:
- a) include a summary of the information that will be presented to Council; and
 - b) include their contact information;
- 9.4 No individual(s) or person(s) representing a group or organization shall be permitted to address Council for more than fifteen (15) minutes, excluding the time required to answer questions put forward by Council Members. The fifteen (15) minute presentation time may be extended by a majority vote of Council members present.
- 9.5 Agenda items under Section 9.1, 9.2 or 9.3 must be received by the Executive Assistant no later than 4:00 p.m. on the Wednesday one week prior to the next scheduled meeting.
- 9.6 In situations where the County has requested an individual or organization to make a presentation to Council, such presentations shall be limited to 15 minutes, unless:

- a) extended by a majority vote of Council; or
- b) alternate arrangements have been made in advance of the meeting.

9.7 If the requirements of Subsection 9.1, 9.2, 9.3 or 9.6 are met, the CAO shall instruct the Executive Assistant to:

- a) include the submission or matter on a Council agenda; and
- b) communicate with the person who made the submission to advise them of the date, time and location of the meeting where their matter will be considered by Council and any other pertinent details respecting their submission.

9.8 If the requirements for communications or delegations are not met, the Executive Assistant shall return the submission to the sender.

9.9 A petition requesting a Vote of the Electors is regulated by the Act.

10.0 QUORUM

10.1 If there is a quorum present at the time set for commencement of a meeting, but the Reeve and Deputy Reeve are absent, the CAO may call the meeting to order and then call for a Presiding Officer to be chosen by resolution of Council members present.

10.2 If a quorum is not constituted within fifteen minutes from the time set for commencement of a Council meeting, the CAO shall record the names of all the Members present and adjourn the meeting.

- a) A Council meeting must be adjourned due to loss of quorum as a result of a Member(s) leaving the meeting.

11.0 ADJOURNMENT AND RECESS

11.1 Any member may move to recess a Council meeting at any time, including when another question is pending, except when:

- a) another member is in possession on the floor, or
- b) the members are voting.

11.2 After a recess, business will be resumed at the point when it was interrupted. This motion may not be used to interrupt a speaker or delay a vote.

11.3 A motion to recess may be amended only as to length of time in cases where a resumption time has been proposed, but neither the motion nor the amendment are otherwise debatable.

11.4 A member may move to adjourn a meeting at any time, even when business is pending. The motion is carried with a majority vote and is not debatable nor amendable. Any business on the agenda that has not been dealt with shall appear on the next agenda under unfinished business.

12.0 MINUTES OF COUNCIL

12.1 The Executive Assistant shall ensure:

- a) minutes of all Council Meetings are prepared and that a copy

is distributed to each Member of Council for the next meeting or as soon as feasible thereafter;

- b) a copy is made available to all County Officials who are entitled to receive copies; and
- c) minutes of Council meetings that have not yet been approved by Council are made available in the form of an attachment to the next agenda, once that agenda is available to the public.

12.2 The Presiding Officer shall present minutes to Council with a request for a motion to confirm the minutes.

12.3 Any member of Council may make a motion requesting that the Minutes be amended to correct any inaccuracy or omissions at any future time by giving previous notice and receiving a majority vote on the amendment, or without notice and receiving a majority vote in favour of the correction.

12.4 Minor changes may be made to the minutes by Administration without Council approval to correct errors in grammar, spelling and punctuation or to correct the omission of a word necessary to the meaning or continuity of a sentence. No change by Administration may be made which would alter a decision made by Council.

13.0 CONTROL AND CONDUCT OF COUNCIL MEETINGS

13.1 Council meetings will be held in public and no person may be excluded from the meeting except for:

- a) improper conduct; or
- b) when, by resolution, Council moves into a Closed meeting to discuss any matter if a statute authorizes the holding of that meeting in the absence of the public.

13.2 Subject to being overruled by a majority vote of Members, which vote shall be taken without debate, the Presiding Officer:

- a) shall maintain order and preserve decorum and may, if necessary, call a Member to order;
- b) shall decide points of order without debate or comment other than to state the relevant section of this Bylaw, subject to an appeal made in accordance with section 15.3 of this bylaw.
- c) shall determine which Member has the floor;
- d) shall ensure that all Members who wish to speak on a motion have spoken and then call the question.

13.3 No person shall address Council or otherwise speak aloud unless they have first obtained the floor from the Presiding Officer. Any Council member may appeal the Presiding Officer's decision and the matter shall then be put to a vote with the majority vote prevailing.

13.4 Citizens in the viewing gallery during a Council meeting:

- a) shall remain quiet and maintain order throughout the duration of the meeting; and
- b) shall not applaud or otherwise interrupt any speech or action of a Member, or any other person addressing Council.

13.5 The Presiding Officer may, in accordance with the Act, expel and exclude any person who creates a disturbance or acts improperly.

- 13.6 When a Member or Officer is addressing the Presiding Officer, every other Member shall;
- a) remain quiet and seated;
 - b) not interrupt the speaker except on a Point of Order or Point of Procedure; and
 - c) not carry on private conversations.
- 13.7 When a Member is addressing Council the Member shall not speak disrespectfully of others, shout, raise their voice or use offensive language.
- 13.8 No member shall, subject to the Act, leave the Council Chambers after a question has been called, and before the question has been put to a vote. At that time, the Member shall leave the Council Chambers if they have received permission from the Presiding Officer.
- 13.9 A member who leaves the Council Chambers due to a conflict of interest must openly declare the matter by briefly stating the nature of the conflict which shall be recorded in the minutes.

14.0 CLOSED MEETINGS

- 14.1 Any Council member may move that Council move into a Closed meeting to consider matters that fall within one of the exceptions to disclosure under the Freedom of Information and Protection of Privacy Act (FOIPP). In all cases, the applicable section of the FOIPP Act shall be identified prior to resolving into any Closed meeting.
- 14.2 Procedures during Closed meetings differ only from Regular meetings insofar that the only motions permitted are:
- a) to revert to a meeting held in public; or
 - b) to propose a recess.

15.0 POINT OF ORDER

- 15.1 When a Point of Order is raised by any member, it shall be immediately taken into consideration by the Presiding Officer who may consult with appropriate Senior Management Staff prior to making a decision.
- 15.2 The decision of the Presiding Officer shall be final unless a challenge is made pursuant to Section 15.3 of this Bylaw.
- 15.3 When a Member wishes to challenge a procedural ruling of the Presiding Officer, the motion, "That the decision of the Presiding Officer be overruled" must be made immediately following the ruling, and the question shall be put immediately without debate.
- 15.4 The Presiding Officer's decision shall be either upheld or overturned by a majority of the Members present.

16.0 MOTION IN COUNCIL

- 16.1 Except as specifically provided elsewhere in this Bylaw, the following motions are debatable by Council:
- a) a motion for adoption of, refusal of, or further consideration of a report to Council;
 - b) a motion arising out of any matter included or proposed to be

- included on the Agenda;
- c) a motion for amendment to any Bylaw or any matter arising directly out of any Bylaw presented before Council;
- d) a motion for a second reading of a Bylaw;
- e) a motion for appointment or dismissal of a Committee;
- f) a motion for Council to go into a Closed meeting;

16.2 After a motion has been made but before it has been stated by the Chair, a member may change its wording or withdraw it completely. Once the motion has been stated by the Chair it becomes the property of the Council and only with the consent of a majority of Council may the mover change the wording of their motion or agree to a change proposed by another Member.

17.0 VOTING ON MOTIONS

17.1 A question or motion shall be declared defeated when it does not receive the required number of votes.

17.2 Each Member present shall vote on every motion as prescribed by the Act, unless the Act or other provincial or federal enactment requires or permits the Members of Council to abstain.

17.3 Votes on all motions must be taken as follows:

- a) the Presiding Officer must declare the motion and call for the vote;
- b) the Presiding Officer must declare the results of the vote verbally.

17.4 After the Presiding Officer declares the result of the vote, Members may not change their vote for any reason, unless immediately after the result of the vote has been announced the member requests and is granted, by unanimous consent, the right to do so.

17.5 If a member wishes to have the minutes of the meeting show who voted for and against a motion (a recorded vote), the member shall state this prior to the vote being taken.

18.0 RECONSIDERING AND RESCINDING A RESOLUTION

18.1 A Councillor who voted with the prevailing side may move to reconsider the resolution only at the same meeting at which the vote on the motion took place.

18.2 A motion to rescind a resolution, may be proposed at any meeting subsequent to the meeting at which the motion was passed, by any member, regardless of how they voted, by a majority vote with notice, or by a majority vote when notice has not been given.

18.3 A motion to rescind may not be applied to a resolution that has led to an irrevocable action that has already occurred.

19.0 BYLAWS

19.1 Every Bylaw shall have three readings before it is considered adopted. Only the title of the Bylaw and Bylaw number must be read at each reading.

19.2 A Bylaw shall not be given more than two readings at a Meeting,

unless the Members present unanimously agree that the Bylaw may be considered for third reading, except in circumstances where the Bylaw requires provincial approval or that a Public Hearing be held after first reading and prior to adoption.

- 19.3 After first reading, a Member may ask a question concerning the Bylaw.
- 19.4 After a member has made a motion for second reading of a Bylaw Council may:
 - a) debate the substance of the proposed Bylaw; and
 - b) propose and consider any amendments to the Bylaw that they may have.
- 19.5 A proposed amendment shall be put to a vote and if carried, shall be considered as having been incorporated into the Bylaw.
- 19.6 When all amendments have been accepted or rejected the motion for the second reading of the Bylaw as amended, shall be put.
- 19.7 After Council votes affirmatively for a third reading of any Bylaw it becomes a municipal enactment of the County, and is effective immediately once it has been signed by the Chief Elected Official and the CAO, unless the Bylaw provides for a future effective date.
- 19.8 After adoption of a Bylaw, the Bylaw shall be signed by the Reeve or by the member presiding at the meeting at the time at which it was passed, and by the CAO, and shall be impressed with the corporate seal of the County.
- 19.9 Where prescribed by provincial statute requiring a Bylaw to be submitted to the electorate for voting, Council shall follow the requirements as set out in the relevant statutes.
- 19.10 After a Bylaw submitted to the electorate for voting has received its first reading by Council, it shall not again be debated in Council before the electorate has voted on it.

20.0 COMMITTEES

- 20.1 Subject to the provisions of the Act, Council may create Committees as deemed necessary and expedient for the orderly and efficient handling of the affairs of the County and may also:
 - a) state the duties, responsibilities and purposes of a Committee by way of approving Terms of Reference; and
 - b) Appoint members to the Committee by resolution requiring a majority vote.
- 20.2 Each Standing or Select Committee shall select its own Chairperson.
- 20.3 In accordance with the Act, the Reeve is an ex-officio member of all committees.
- 20.4 The CAO or designate is a non-voting member of all committees.
- 20.5 If directed by Council, any member attending a meeting of an external governing body as a County Council representative, must vote in accordance with Council's direction, if any has been given.

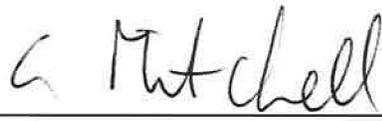
20.6 A committee may make a recommendation to Council who may then accept, reject or amend the recommendation as they deem appropriate.

This Bylaw shall come into effect upon third and final reading thereof, and hereby repeals previous Bylaw No. 19-041.

GIVEN first reading, as amended, this 1st day of October 2020.



Reeve

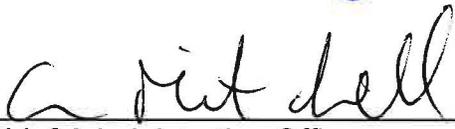


Chief Administrative Officer

GIVEN second reading this 1st day of October 2020.



Reeve

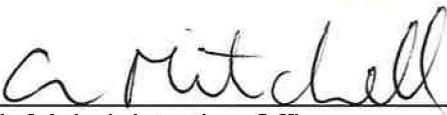


Chief Administrative Officer

GIVEN third reading this 1st day of October 2020.



Reeve



Chief Administrative Officer