

BYLAW NO. 57/2022

**A BYLAW OF FOOTHILLS COUNTY
IN THE PROVINCE OF ALBERTA
TO PROVIDE RULES GOVERNING THE PROCEEDINGS OF COUNCIL, COUNCIL
COMMITTEES AND OTHER BODIES ESTABLISHED BY COUNCIL**

WHEREAS Section 145 (b) of the *Municipal Government Act, R.S.A. 2000 Chapter M-26 and amendments thereto* authorizes council to pass bylaws to regulate the procedure and conduct of council, council committees, and other bodies established by council, the conduct of councillors and the conduct of members of council committees and other bodies established by council;

NOW THEREFORE, the council of the Foothills County enacts as follows:

TITLE

1. This bylaw' shall be known as, and may be cited as the Meeting Procedure Bylaw of Foothills County.

DEFINITIONS

2. In this bylaw:
 - (1) "Act" means the *Municipal Government Act*, RSA 2000, Chapter M-26 and amendments thereto or legislation substituted therefore(MGA).
 - (2) "Ad Hoc" committee means a particular type of committee which is formed to deal with a particular issue and disbanded after the issue is resolved.
 - (3) "Acting Chief Elected Official (CEO) and Deputy Chief Elected Official (DCEO) means the councillors who are appointed by resolution of council from time to time to act as CEO in the absence or incapacity of the CEO or DCEO;
 - (4) "Administration" means the Chief Administrative Officer or an employee accountable to the CAO employed by Foothills County;
 - (5) "Agenda" is the list of terms and orders of business for any meeting;
 - (6) "Additions to the Agenda" is a list of items to be considered as part of the "Agenda" for council's consideration;
 - (7) "Audio Recordings" are recordings of council meetings produced at council's discretion, solely as an administrative aid for use by the recording secretary in confirming, if necessary, the minutes of council meetings prior to the adoption of such minutes by council. Once the minutes have been adopted, these recordings will be erased.
 - (8) "Bylaw" is a bylaw of Foothills County;
 - (9) "Chair" means the Reeve, Deputy Reeve or presiding officer who presides over council and/or committee meetings;
 - (10) "Chief Administrative Officer" (otherwise referred to as the "CAO") means the person appointed by council into the position of CAO pursuant to the *Municipal Government Act*;
 - (11) "Chief Elected Official" (otherwise referred to as the CEO) means the Reeve;
 - (12) "Closed meeting" means all or part of the council or council committee meeting that is closed to the public if a matter to be discussed is within one of the exceptions to the disclosure in Division 2 of Part 1 of the *Freedom of Information and Privacy Act* (FOIP);
 - (13) "Code of Conduct" means the Foothills County Code of Conduct for

members of council, council committees and other bodies established by the council as outlined in bylaw 30/2017 as amended from time to time;

- (14) "Confidential Items" means items will be dealt with in a closed portion of the council meeting excluding the public;
- (15) "Council" means the Chief Elected Official (CEO) and councillors of the Foothills County, duly elected pursuant to the provisions of the *Local Authorities Election Act*, as amended from time to time, whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the *Municipal Government Act*;
- (16) "Council Meeting" means an organizational meeting, regular meeting and special meeting of council;
- (17) "Councillor" means a duly elected member of council, including the Reeve;
- (18) "Electronic Means" means an electronic or telephonic communication method that enables all persons attending a meeting to hear and communicate with each other during the course of the meeting";
- (19) "Electronic Recording" is a recording that contains machine generated and readable, as opposed to human-generated and readable, information. This includes audio and/or video recordings;
- (20) "Emergent Business" means a time sensitive matter that requires council's or a committee's immediate and urgent consideration;
- (21) "*Freedom of Information and Protection of Privacy Act* (FOIP)" is the Freedom of Information and Protection of Privacy Act, TSA 2000, Chapter F-25 as amended from time to time;
- (22) "General Election" means an election held for all the members of council to fill vacancies caused by the passage of time in accordance with the *Local Authorities Election Act* (LAEA);
- (23) "Meeting" shall mean an organizational meeting, regular or special meeting of council or committee;
- (24) "Member" means a member of council, duly elected and continuing to hold office;
- (25) "Member at Large" means a member of the public appointed by council to a committee;
- (26) "Minutes" means the written record of a meeting held in accordance with the *Municipal Government Act*;
- (27) "Motion" is a proposal for action by council or committee;
- (28) "Municipal Government Act" means the *Municipal Government Act*, RSA 2000, Chapter M-26 and amendments thereto or legislation substituted therefore;
- (29) "Organizational Meeting" shall mean a meeting of council held in accordance with Section 192 of the *Municipal Government Act*;
- (30) "Orientation Training" means mandatory councillor training;
- (31) "Pecuniary Interest" means a pecuniary interest within the meaning of the *Municipal Government Act*, Section 170;
- (32) "Point of Information" means a request by a member directed through the chair to another member or to administration for information relevant to the business at hand but not related to a point of procedure;
- (33) "Point of Order" means a demand by a member that the chair enforce the rules of procedure and takes precedence over any other motion;
- (34) "Point of Privilege" means a request made by a member to the chair or council on any matter related to the rights and privileges of council or individual councillors and includes the
 - a) organization and existence of council;
 - b) comfort of members; and
 - c) conduct of employees or members of the public in attendance at the

meeting;

- (35) "Point of Procedure" means a question made to the chair to assist a member to:
 - a) make an appropriate motion;
 - b) raise a point of order;
 - c) understand the procedure; or
 - d) understand the effect of a motion.
- (36) "Postpone" means a motion to delay consideration of any matter to a future meeting of council or committee;
- (37) "Quorum" means the majority of all the councillors that comprise the council under section 143, or other such provisions as outlined under section 167(1) of the *Municipal Government Act*;
- (38) "Recording Secretary" means the individual responsible for taking the minutes at all scheduled council meetings and other meetings as assigned;
- (39) "Table" means a motion to delay consideration of any matter until later in the meeting.

3. **APPLICATION**

- (1) This bylaw' applies to all council and committee meetings and shall be binding on all councillors and committee members;
- (2) Notwithstanding paragraph 3(1), where the terms of reference give permission to a committee to establish its own meeting procedure, if there is conflict between the committee's established meeting procedures and this bylaw, that committee's established meeting procedures will have precedence over this bylaw for the purposes of that committee's meetings.

4. **INTERPRETATION**

- (1) When any matter relating to meeting proceedings is not addressed in this bylaw', the matter shall be decided by reference to the most current edition of Roberts Rules of Order, if applicable;
- (2) Procedure is a matter of interpretation by the Chief Elected Official (CEO) or the committee chair;
- (3) In the event of a conflict between the provisions of this bylaw' and Roberts Rules of Order, the provisions of this bylaw' shall apply;
- (4) This bylaw' may be waived by a Special Resolution if the resolution is passed by at least two-thirds of the members in attendance;
- (5) In all cases throughout this bylaw', reference to "he" or "she" shall mean males and females equally.

5. **ROLE OF THE CHIEF ELECTED OFFICIAL (CEO)**

- (1) The Chief Elected Official (CEO), when present, shall preside as chair over all meetings of council;
- (2) In the absence, incapacity, or inability of the CEO or Deputy CEO to act, council members will elect from among themselves a chair for the day to act as CEO. This Member shall be referred to as "Acting CEO" for the duration of the meeting;
- (3) Unless otherwise provided in a bylaw, the CEO shall be an ex-officio Member of all committees;
- (4) The CEO has all the rights and privileges of other committee members.

6. **ROLE OF THE CHAIR**

- (1) The chair shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on Points of Order, replying to Points of Procedure and deciding on all questions relating to the orderly procedure of the meeting, subject to challenge by a councillor of any ruling by the chair;
- (2) The chair shall make reasonable efforts, including the calling of a recess, to ensure all councillors in attendance at a meeting are present while a vote is being taken, unless a councillor is excused from voting in accordance with the *Municipal Government Act* or this bylaw;
- (3) The chair may invite persons to come forward from the audience to speak with the permission of council if it is deemed to be within the best interests of the issue being discussed, the public, and the conduct of good business.

7. **ROLE OF THE CHIEF ADMINISTRATIVE OFFICER (CAO)**

- (1) The Chief Administrative Officer (CAO), and in accordance with the *Municipal Government Act* and in accordance with bylaw' 36/2020, which created the position of CAO, is required to advise and inform council in writing of its legislative responsibilities and ensure that the Municipality's policies and programs are implemented as well as to advise council on the operation and affairs of the Municipality;
- (2) Where the Chief Administrative Officer or a person designated by the CAO provides information referred to in Section 153(d) to a councillor, the information must be provided to all other councillors as soon as is practicable.

8. **ORGANIZATIONAL MEETING**

- (1) An organizational meeting of council shall be held annually, as required by the *Municipal Government Act*;
- (2) The Chief Administrative Officer (CAO), or his/her designate, shall fix the time, date and place of the organizational meeting;
- (3) Agenda – organizational meeting Agenda shall be restricted to:
 - a) The administration of Oath of Office;
 - b) The election of Chief Elected Official (CEO) and Deputy Chief Elected Official (CEO) annually;
 - c) The establishment of council committees and Board;
 - d) The establishment of councillors' appointments to committees and Board;
 - e) The establishment of meeting dates for the year;
 - f) Other business as required by the *Municipal Government Act*, or which council or the CAO may direct;
 - g) Acknowledge the Procedure bylaw;
- (4) Oath of Office – At the organizational meeting, the CAO shall:
 - a) Call the meeting to Order;
 - b) In accordance with the *Municipal Government Act*, on an Election year, the CAO would prescribe the Oath of Office on all seven of the councillors as the first order of the day, followed by the Oath of Office for the CEO and Deputy CEO at all organizational meetings;
 - c) Preside over the meeting until the CEO has been elected and has taken the Oath of Office as CEO.
- (5) **Nominations**
 - a) If only one nomination is received for the position of Chief Elected Official (CEO), that nominee shall be declared elected by acclamation by the Chief Administrative Officer (CAO);

- b) Where there is more than one nomination for CEO, the CAO shall request that voting be done by secret ballot;
- c) Once the CEO has been declared and has taken the Oath of Office, he/she shall assume the chair;
- d) The CEO shall then call for nominations for Deputy CEO for the year and the same voting procedure would apply as for the CEO; and the CAO would prescribe the Oath of Office;
- e) All members of council hold office from the beginning of the organizational meeting following the General Election until immediately before the beginning of the organizational meeting following the next General Election, in accordance with the *Local Authorities Election Act*;
- f) The appointment of councillors and members at large to committees are done so on an annual basis.
- g) Councillors shall be appointed to committees through the process of nomination. If more than one councillor is nominated for a position, voting shall be done by secret ballot. Where there is more than one position available on a committee, and the number of councillors nominated to fill the positions exceed the number of positions, voting by secret ballot will be done separately for each available position.

9. **ORIENTATION TRAINING**

- (1) All Councillors must undergo orientation training within ninety (90) days of taking his/her oath of office following a municipal election or by-election;
- (2) Orientation training will be arranged by the Chief Administrative Officer (CAO) or his/her delegate and will include the following:
 - a) Topics as required under Section 201.1(2) of the *Municipal Government Act* include the role of Municipalities in Alberta, Municipal organization and functions, key Municipal Plans, Policies and projects, roles and responsibilities of council and councillors, the Municipality's code of conduct, roles and responsibilities of the chief administrative officer and staff, budgeting and financial administration, the Municipality's Public Participation Policy, any other topic prescribed by the regulations;
 - b) Additional topics to reflect local circumstances that the CAO or council deems appropriate.

10. **REGULAR COUNCIL MEETINGS**

- (1) As per the *Municipal Government Act*, the date and time of all regular council meetings shall be established by resolution at the organizational meeting;
- (2) Council may change the time, date or location of any of its meeting by Special Resolution;
- (3) If council changes the date, time or place of a scheduled regular meeting, the Municipality must give at least 24 hours notice of the change to any councillor not present at the meeting at which the change was made and to the public;
- (4) Council meetings, public hearings and meetings will be held in council chambers;
- (5) Councillors are expected to participate in meetings in-person unless there is a clear need for electronic participation. Members may participate in a meeting electronically in accordance with this bylaw;

11. **MEETING BY ELECTRONIC MEANS**

- (1) Council meetings, public hearings and committee meetings will be conducted whenever possible utilizing electronic means, including video

conferencing and telephone conferencing applications (such as Zoom or Microsoft Teams) in accordance with Section 199 of the *Municipal Government Act*;

- (2) The identity of each councillor attending the meeting utilizing electronic means will be confirmed through visual confirmation when utilizing video conferencing applications, or if utilizing telephone conferencing applications, by stating his or her name for the record;
- (3) Methods by which members of the public may access the meeting and make submissions will be in accordance with Foothills County's public hearing procedure;
- (4) Public notice of council meetings, public hearings and committee meetings will be posted on Foothills County's website and advertised in accordance with Section 606 of the *Municipal Government Act*;
- (5) When required by the *Municipal Government Act*, information in respect to the meeting will be made publicly available by electronic means before and during the meeting;
- (6) Council meetings shall be recorded and livestreamed to the public with the exception of closed sessions. Recordings will be managed in accordance with the County's Records Retention Bylaw 209/2000 and amendments thereto;

12. **ORDER OF BUSINESS**

- (1) The order of business for council meetings shall be the order of items contained on the agenda for that meeting, except where the chair deems the order should be altered;
- (2) Immediately after a meeting is called to order with a quorum present, the chair shall call for a motion to adopt the agenda.

13. **ADDRESS TO AND RECOGNITION OF CHAIR**

- (1) The address to the chair shall be "Mr. Chair" or "Madam Chair" and no person shall be permitted to speak unless and until he or she has been recognized by the chair;
- (2) When two or more councillors wish to speak to a matter, the chair shall decide who is entitled to speak.

14. **SPECIAL MEETINGS**

- (1) Special meetings may be called by the CEO in accordance with the *Municipal Government Act*.

15. **COMMITTEES**

- (1) The Chief Administrative Officer, or his/her designate, shall place an advertisement in its local newspaper, for at least two weeks, inviting applications for committee vacancies which will be required to be filled that year;
- (2) All appointments of council and members-at-large to committees are at the discretion of council;
- (3) Committee meetings will be conducted whenever possible utilizing electronic means in accordance with Section 199 of the *Municipal Government Act* and as outlined within this bylaw'.

16. **PROVIDING NOTICE OF MEETINGS**

- (1) Notice of council meeting and council committee meetings are deemed to be given by posting on the Municipality's website at least 24 hours in advance of the meeting.

17. **CANCELLATION OF COUNCIL AND SPECIAL MEETINGS**

A council meeting may be cancelled:

- (1) by a majority of members at a previously held meeting; or
- (2) by council resolution stating the reason why the meeting has been cancelled.

18. **AGENDA PREPARATION**

- (1) An agenda for council meetings shall be prepared by the Chief Administrative Officer or his/her designate;
- (2) All agenda materials shall be submitted to the Chief Administrative Officer or his/her designate by 12:00 p.m. (noon) on the Tuesday prior to the following week's regular scheduled meeting of council;
- (3) The Agenda shall be distributed to members of council by email and/or paper copy by 4:30 p.m. on the Wednesday before the related council meeting;
- (4) Emergent Issues may be added to an Agenda by resolution passed by unanimous agreement of council.

19. **MEETING MINUTES OF COUNCIL**

- (1) The Chief Administrative Officer or his/her designate shall ensure that minutes of each council meeting are distributed to each member of council.
- (2) Once adopted, a Councillor may make a motion requesting that the minutes be amended only to correct an inaccuracy or omission;
- (3) Audio recordings of Council meetings are solely for the use of the Recording Secretary. Once the minutes have been adopted, these recordings will be erased.
- (4) Meeting minutes shall reflect whether a councillor was in attendance at the meeting in person or by way of electronic means.

20. **TEMPORARY ABSENCE**

- (1) If a councillor arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, the meeting minutes shall reflect such absence.

21. **PUBLIC HEARINGS**

- (1) The chair shall declare the public hearing in session and shall outline Public Hearing Procedures;
- (2) The Municipal Manager, Chief Administrative Officer (CAO) or department representative shall introduce the proposal before council and outline its intended purpose;
- (3) The chair shall request those who wish to make presentations to identify themselves. A person who does not identify him or herself will not be given the opportunity to speak. The chair shall then open the floor to public presentations;
- (4) Verbal and written presentations shall be made as per the procedures adopted for public hearings;
- (5) Council shall limit questions to clarification on the applicants' or publics' input and shall not enter into debate during a Public Hearing;
- (6) Following public presentations, the chair shall close the Public Hearing;
- (7) Debate concerning matters raised at the Public Hearing shall take place at a regular council meeting following the Public Hearing.

22. **CLOSED MEETINGS OF COUNCIL**

- (1) A Member may make a motion to move into a closed meeting of council which must:
 - a) be in accordance with the *Freedom of Information and Protection of Privacy Act* (FOIP); and,
 - b) include the reason for the closed meeting of council, reference to the applicable item on council's Agenda and the applicable Section of the *Freedom of Information and Protection of Privacy Act* (FOIP).
- (2) Council or committee has no power during a Closed meeting to pass any bylaw or resolution apart from the resolution necessary to revert back to an open meeting.

23. **FOR AND AGAINST MOTION**

- (1) Before speaking to a motion duly on the floor, a councillor should state whether he or she is speaking for or against the motion;
- (2) A councillor may speak to a motion more than once but shall not be heard the second time until any other councillor who wishes to speak has done so once;
- (3) The person who moved the motion may have the privilege of closing the debate or speaking last after everyone has had a fair chance to be heard;
- (4) Where the chair vacates the chair, for any reason, he/she shall not take back control of the meeting until the item under discussion is complete or a vote taken.

24. **AMENDING OR SUBSTITUTE MOTIONS**

- (1) A councillor may move to amend a motion that is on the floor. The amended motion is discussed and voted upon in the usual procedure;
- (2) A councillor may suggest a friendly amendment to a motion that has been made by another member of council with the intent of either improving the statement or increasing the chances of the motion's adoption. The friendly amendment may be discussed and may be accepted by the mover of the main motion without having to be voted upon, providing no objections to the amendment are heard from the floor;
- (3) If many amendments are made to a motion and the wording becomes cumbersome or unclear, then a substitute motion may be made. Before accepting a substitute motion for discussion, the chair shall call a vote on whether to accept a substitute motion or not. If this motion passes, then the substitute motion is discussed and voted upon in the usual procedure;
- (4) A councillor may request that his or her motion be withdrawn. The chair then asks the councillors if there are any objections to withdrawing the motion. If there are none, the chair declares the motion withdrawn. If any councillor objects, then another councillor may move a motion to allow the councillor to withdraw his/her motion.

25. **DIVISION OF A MOTION**

- (1) Where a motion under consideration contains distinct propositions which are not of necessity related to each other, the vote upon each proposition shall be taken separately when any councillor so requests or when the chair so directs.

26. **TO REFER A MOTION**

- (1) A motion may be referred to a committee or to administration by the council to perform some special task, secure more information, investigate a solution and bring back a report or a recommendation to a council meeting.

27. **RECORDED VOTE**

- (1) Before a vote on a motion is taken by council, a councillor may request that the vote be recorded;
- (2) When a vote is recorded, the meeting Minutes must show the names of the councillors present and whether each councillor voted for or against the motion.

28. **TO RECONSIDER THE VOTE**

- (1) A motion may be made at the same meeting, to reconsider the vote on a motion previously on the floor. The effect of this motion is to place the original question on the floor, in the position it occupied before debate closed and it was voted on. This motion, which may be debated, is in order only at the same meeting and must be made by a councillor who voted on the prevailing side. No motion may be twice reconsidered.

29. **CLOSING DEBATE**

- (1) Upon a reasonable opportunity for discussion of a motion (the main motion), a councillor may move that debate be closed. This motion to close debate is not debatable. If the motion to close debate is passed by at least two-thirds majority of council, the main motion must be put to a vote.

30. **COMMITTEE REPORTS**

- (1) During a regular meeting of council, members shall present a report of all duly appointed committee meetings attended since their previous meeting of council;
- (2) Committee reports may be presented either verbally or in written form.

31. **BYLAW NO. 51/2020 AND ANY AMENDMENTS THERETO ARE HEREBY RESCINDED UPON THIS BYLAW COMING INTO EFFECT.**

32. **THIS BYLAW SHALL HAVE EFFECT ON THE DATE OF ITS THIRD READING.**

First Reading: October 26, 2022



Reeve



Chief Administrative Officer

Second Reading: December 21, 2022



Reeve



Chief Administrative Officer

Third Reading: December 21, 2022



Reeve



Chief Administrative Officer

PASSED IN OPEN COUNCIL assembled at the Town of High River
In the Province of Alberta this 21st day of December, 2022.