
REPORT NAME

Council Procedures Bylaw 08-25 - draft

RECOMMENDATION

That Council gives first reading to Council Procedures Bylaw 08-25 as presented.
That Council gives second reading to Bylaw 08-25.
That Bylaw 08-25 be given all three readings by unanimous consent of the Council members present.
That Council gives third and final reading to Bylaw 08-25.

Options (if available):

That Council provides alternate direction to administration.

IMPLICATIONS

Reason: There is no financial impact.

Authority: (MGA section/bylaw/policy number): *Municipal Government Act*, section 145

Amount of funding required: n/a

Funding source: n/a

BACKGROUND

Legislative Services was tasked to update the current Procedures bylaw (04-21) in response to recent changes to the *Municipal Government Act (MGA)*. This bylaw establishes the process and procedures for the order and conduct that both Council and Council committee meetings will follow.

Notable updates in the bylaw are:

1. Several of the sections have been re-ordered to provide a clean flow for easy reading and reference.
2. Section 2 – Definitions
 - a) **Add 'closed session'** – the MGA changed the wording from 'in-camera' to 'closed session' in 2019 and still requires the closed part of a meeting to be conducted in accordance with the appropriate section of Division 1, Part 2 of the *Freedom of Information and Protection of Privacy (FOIP) Act*. This change is reflected in section 4.5 of this bylaw.
 - b) **Add 'County', 'Delegation' and 'General Election'** – clarification.
 - c) **Add 'Electronic means'** – this is the most recent change in the MGA. Section 199(2.1), now requires that all municipalities must provide for the public to participate electronically in public hearings held under *Part 17 – Planning and Development* of the MGA. This requirement, by bylaw, has to be passed within six months from the coming into force of this subsection (passed on Oct. 31, 2024). The provision of this requirement is outlined in section 8 of this bylaw.

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Reviewed by: Renee Klimosko, Deputy County Manager

Date: 03/25/25

3. Section 4 – Meetings

- a) This section was changed from ‘Council and committee appointments’ to ‘Meetings’.
- b) The order of meeting types was changed, putting the Organizational Meeting first.
- c) An additional paragraph was added under section 4.1 that outlines the business for the Organizational Meeting.
- d) Section 4.3 was updated by defining who can call a Special meeting (the Mayor), and a paragraph was added to specify notice for a Special meeting.
- e) Section 4.5 was changed from ‘In-camera’ to ‘Closed session’ in compliance with section 197 of the MGA.
- f) Section 4.6 has additional wording to comply with requirements under section 199 of the MGA, which states:
*‘(3) A bylaw under subsection (2) or (2.1) must
(b) require the identity of each councillor attending the meeting to be confirmed by a method authorized by the bylaw,’*

4. Section 5 – Council and Council Committee Appointments

Section 5.2(a) changed four-year ‘period’ to ‘term’.

5. Section 8 – Public Participation by electronic means

- a) **New** - to address the requirements of section 199 of the MGA, specific to public hearings held under *Part 17 – Planning and Development* of the MGA.
- b) Anyone wishing to participate electronically is required to register by the specified deadline. This will allow administration appropriate time to set-up and provide an invitation through the Microsoft Teams platform.

6. Section 10 – Duties of the Mayor

Previously section 14, this was changed from ‘Chair’ to ‘Mayor’ and more detail provided to clearly outline the duties.

7. Section 11 – Duties of the Deputy Mayor

New - provision for coverage at meetings in the Mayor’s absence through the duties of the Deputy Mayor.

8. Section 12 - Agendas

- a) **New** - Section 12.4, Late submissions: provision for allowing late submission agenda items.
- b) **New** - Section 12.5, Adoption of the agenda: clarification of adopting an agenda.
- c) **New** - Section 12.6, Order of business: provision of order in which the meeting is conducted and allows for changing the order if deemed appropriate.

9. Section 13 - Quorum

New – addition of the minimum number of councillors (4) to form a quorum.

10. Schedule A – Regular Council Meeting Agenda Category List

New – agenda category list, also states that a category(ies) may be removed at the discretion of the County Manager or designate (*if there are no items under a specific category, it will be removed*).

There are other small changes throughout the bylaw which do not change the intent.

Draft Council Procedures Bylaw 08-25 is presented for Council discussion and consideration of three readings.

Municipal Government Act amendment considerations

Administration did research on a recent amendment to the *MGA* regarding the ability of a councillor to abstain from a vote because of disclosure of a conflict of interest or perceived conflict of interest to see if the amendment would have an impact the Council Procedures Bylaw 08-25 section 16 *Requirement to vote*.

No changes to section 16 *Requirement to vote* were considered as sections 172, 172.1 (**new**) and 183 of the *MGA* outlines the parameters of when a councillor is required or permitted abstain from voting.

Although section 172 – ‘*Disclosure of pecuniary interest*’ remains unchanged, section 172.1 ‘*Disclosure of conflict of interest or perceived conflict of interest*’ was added to the *MGA* (attachment 3). Under this section, if a councillor believes there may be a conflict or perceived conflict of interest, the councillor may disclose the general nature of the conflict or perceived conflict of interest **prior to or during any discussion on the matter**. This section also allows the councillor who made the disclosure to do any one or more of: a) abstain from voting; b) abstain from discussion, and c) leave the room until discussion and voting are concluded.

In section 183(1) of the *MGA* (attachment 4), ‘*A councillor attending a council meeting must vote on a matter put to a vote at the meeting unless the councillor is **required or permitted** to abstain from voting under this or any other enactment.*’ All abstentions and reasons to abstain must be recorded in the meeting minutes.

ATTACHMENTS

1. Council Procedures Bylaw 08-25 - draft
2. Council Procedures Bylaw 08-25 – red line version
3. *MGA*, section 172.1 – Disclosure of conflict of interest or perceived conflict of interest
4. *MGA*, section 183 – Requirement to vote and abstentions