

# Procedure Bylaw and Agenda



Alberta Municipal Affairs  
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**Municipal Capacity Building, Municipal Capacity and Sustainability Branch**  
**The Procedure Bylaw and Agenda**  
**Alberta Municipal Affairs**  
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*The contents of this publication are intended to provide general information. Readers should not rely on the contents herein to the exclusion of independent legal advice. All publications of this document prior to October 2017 no longer contain current information.*

**Table of Contents**

**Introduction** ..... 1

**Procedure Bylaw** ..... 1

    Meetings ..... 2

    Public Hearings ..... 3

    Quorum..... 3

    Absences ..... 3

    Delegations ..... 4

    Reports and Correspondence to Council ..... 5

    Electronic Devices ..... 5

    Parliamentary Rules ..... 5

**Agenda**..... 5

    General Information ..... 5

    Agenda Structure ..... 7

    Title and Heading ..... 7

    Acceptance of the Agenda ..... 7

    Adoption of Previous Minutes..... 7

    Public Hearings..... 7

    Delegations ..... 7

    Bylaws ..... 7

    Business ..... 7

    Councillor/Committee Reports ..... 7

    CAO Report and Action List ..... 8

    Financial ..... 8

    Correspondence..... 8

    Confidential Items ..... 8

    Adjournment..... 8

**Sample Agendas** ..... 9

**Sample Request for Decision** ..... 11

**Action List Template**..... 12

## Introduction

The inexplicable, sometimes baffling and misunderstood tools that a municipality develops to govern how business is conducted during formal meetings can be confusing and often daunting. This booklet provides several suggested best practices to be considered when building a procedure bylaw (or rules for meetings) and shows the connection to the agenda. Both are an integral part of efficient council meetings. The procedure bylaw should be different for every municipality as it responds to the unique dynamics. Additionally, it is expected that this document is reviewed at least once every 4 years to coincide with potential representative changes on council, although it can be reviewed as the need arises. It is YOUR rule book for YOUR chambers. Embrace it!

The agenda presented here is a standard format used throughout Canadian municipalities for most meetings, not just council meetings. It is proven to be an effective framework!

The *Municipal Government Act (MGA)* provides very little information about either document. Section 145 of the MGA provides that a municipality may pass a bylaw in relation to the procedure and conduct of council, council committees, and other bodies established by council; however, there is nothing said about the agenda. Both documents are important to the integrity of a municipality's operation and meeting conduct. They also ensure a level playing field for anyone attending council or council committee meetings and consistent treatment of residents if any issues arise in a meeting that requires a standard procedure.

For information on minutes, please [The Preparation of Meeting Minutes for Council](#).

## Procedure Bylaw

### Hierarchy of rules

- ***Municipal Government Act* and any other provincial legislation**
- **Procedure Bylaw**
- **Principle Rules of a Meeting (Robert's Rules)** (not legislated)

As a starting point it is important to note that federal legislation supersedes provincial legislation and the MGA supersedes municipal bylaws. Nothing that is contrary to the legislation can be put in a procedure bylaw, however the legislation can be built on.

So, what should be in the bylaw? Anything that a council believes is necessary to have municipal business dealt with and conducted in a professional, expedient manner.

Like any other bylaw, it must include:

- the corporate title of the municipality,
- a bylaw number,
- a sub-title describing the purpose,
- an enactment phrase,
- a citation,
- any required definitions, and
- an application phrase.

Things to consider:

- Should urgent business be defined?
- What does this bylaw apply to?
- Just council meetings or does it include committees of council, or other bodies established by council?
- Who does it apply to - the public attending those meetings? It should, and it should also be publically posted so that everyone knows the rules.

Generally speaking, a procedure bylaw should include the following subjects:

### **Meetings**

**Organizational meetings** – Section 192 provides when they must be held. It is recommended that all councillors be present!

The agenda for the organizational meeting should include:

- The appointment of mayor or reeve (if necessary), the deputy, and the appointment of council members to committees and other bodies – what is the process for nomination and appointment for these duties? Remember that committees of council must each be created by a separate bylaw!
- Setting the time, dates and place for regular meetings, as section 193, regular meetings, indicates that all council must be present.
- Review and signing of the code of conduct for elected officials.
- The procedure bylaw should also be reviewed at the inaugural organizational meeting.
- A review of pertinent policies, such as remuneration, travel, subsistence and out of pocket expenses to be paid to members and members at large.
- Appoint the chair for meetings of council. This is normally the mayor, but can be any member if desired.
- Signing authorities, and any other necessary appointments (auditor, legal, assessor).

**Regular meetings** – Section 193 provides that regular meetings do not need to be advertised unless changed. Dates of regularly scheduled council meetings are normally established by resolution at the organizational meeting. If not all councillors were present at the organizational meeting, then this can be done at a regular meeting with all councillors present. Things to consider:

- What happens when there is no quorum at a regular meeting? A council can act only by bylaw or resolution in an open meeting with quorum. A special meeting would have need to be called to postpone the regular meeting to the next scheduled meeting date **or** the chief administrative office (CAO) would be at the scheduled meeting, wait the predetermined time to achieve quorum and then complete the minutes indicating that no one was present and that the agenda be moved forward to the next regular meeting.
- How long to you want the meetings to last? Do you need to set a time to adjourn the meetings?
- Will you allow the meeting to be extended?

- Does a resolution to extend require unanimous consent, quorum, two thirds of council consent?
- What happens when the chair is absent, or the chief elected official (CEO)?
- And the deputy Chair?
- Is there a provision for rotation of chairs?

**Special Meetings** – Section 194 states how and who may call a special meeting, when the meeting must be held and the notice requirement. It also states that only items that can be discussed at special meeting are those that are listed on the advertised agenda, unless agreed to by the whole council. Things to Consider:

- Why would a special meeting be required?
- Urgent time sensitive business, or extra time required to complete discussion on a topic?
- Where will notices be posted?

NOTE: It is not always necessary to advertise the agenda; can be held with less than 24 hours leaving no time to advertise.

### **Public Hearings**

Section 230 outlines the public hearing process, section 230(3) indicates that council may establish procedures for the hearing and section 230(6) states that minutes are to be recorded as directed by council. A public hearing must be held during a regular or special council meeting and advertised as per section 606. Public hearing minutes' form part of the council meeting minutes. Things to consider:

- Does it make sense to follow the process and minute taking of a regular council meeting?
- Is more detail required to be recorded at a public hearing?
- How to ensure that everyone is heard?
- What to do with the information, consider section 230(5) passing a resolution to move the bylaw to the open meeting for consideration and then a resolution for one of the three options?

### **Quorum**

Section 167 defines quorum as the majority of all councillors that comprise council. Section 180 indicates that council can only act by resolution or bylaw and section 181 states that neither are valid unless they are passed at a meeting open to the public at which a quorum is present. Things to consider:

- How long to wait for elected officials to arrive before starting the meeting?
- What happens if quorum is lost during the meeting?
- How long to wait for the councillors to return before adjourning the meeting?

### **Absences**

Section 174(1)(d) states that a councillor is disqualified if they are absent from all regular council meetings held during any period of eight consecutive weeks, unless the absence is

authorized by council prior to the end of the eight weeks, or if there is no regular meeting during the eight week period, before the end of the next regular meeting. This does not apply if a bylaw under s 144(1) Maternity and Parental Leave is in effect or if a councillor is away on council business at the direction of council. Things to consider:

- Under what circumstances would council allow a prolonged absence?

### **Electronic Meetings**

Section 199 allows council meetings or council committee meetings to be conducted through electronic means. Appropriate notice must be given and the facilities must allow all participants to watch or hear each other. Things to consider:

- What types of meetings (regular, special or committee) would allow electronic participation?
- What constitutes a valid reason for being unable to attend? Should each councillor be given the discretion to judge validity?
- How many councillors should be allowed to participate electronically in the same meeting (e.g. should a quorum be physically present)? If there is a limit, how are participants chosen?
- If council pays per diem costs for attendance at meetings should electronic meetings be reimbursed at the same rate?
- How many times should a councillor be permitted to participate electronically?
- Should a member who is participating electronically be allowed to join a meeting that is underway – i.e., arrive late?
- Should there be provisions to amend agendas with controversial items to defer the issues when members are participating by electronic means? What would those circumstances be (e.g. certain number of members participating electronically or certain type of issue to be dealt with by council)?
- What about closed meetings? (Get a legal opinion!)
- Should there be a policy about providing information received at the meeting to members participating electronically before voting on the matter?

### **Delegations**

Section 153 states that councillors have specific duties. One of these is to consider the welfare and interests of the municipality as a whole and to bring to council's attention anything that would promote the welfare or interests of the municipality. Section 198 provides the right of the public to be at council meetings. Both of these suggest the importance of allowing citizens to make presentations to council at a meeting. The procedure bylaw is the place to layout the rules for delegations. Things to consider:

- When do they present on the agenda?
- How much time are they given?
- How many delegations per meeting?
- How many times can a delegation come back?
- What type of notice and material are required in advance?

- Is council bound to make a decision on the delegation at the meeting or will council take time to consider the information?

### **Reports and Correspondence to Council**

Most councillors sit on various committees and outside boards. It is then their role to report back to the rest of council anything of note and for the CAO to report to council. This is the place to decide how these reports will be presented in a council meeting. Things to consider:

- How are the reports to be submitted, written or verbal? If written they should be included in the agenda package.
- When do they need to be received by administration?
- Is a request for decision (RFD) required?
- What about the letters and other communications to council? Is each item listed and acknowledged separately?
- Is ALL correspondence – even invitations to events - included?

### **Electronic Devices**

Council may be approached to allow a reporter to record meetings or council might find it inappropriate if a cell phone is used in meetings. Again, the procedure bylaw is the document that should contain the rules that council wishes to apply in these circumstances. Things to consider:

- Are council meetings allowed to be recorded?
- Are allow cell phones in council chambers, in closed meetings?
- What about laptops and tablets that are not council property?

### **Parliamentary Rules**

The purpose of parliamentary rules of order is to help people make group decisions after a full, fair, and free discussion. Rules allow a council to conform to standards established formally through this bylaw, that council will conduct its decision making in a way that is recognized throughout the province. This will ensure that there won't be any surprises for new comers to council meetings.

Council may choose to rely on Roberts Rules or a similar publication, however these rules are normally very formal and may be relaxed to fit your needs. Robert's Rules may still be relied on if an unusual situation arises. Things to consider:

- Do resolutions require a seconder?
- Does the presiding officer leave the chair when making a motion or when participating in discussion?
- When can a motion be reconsidered?
- What types of motions are allowed?

## **Agenda**

### **General Information**

The agenda structure, timelines for input, rules for additions, distribution timelines, etc. should definitely be included in the procedure bylaw! Although the MGA does not outline

the contents of the agenda for council meetings, there are several suggested best practices to consider which will allow meetings to run smoothly and to meet the requirements for council meetings in sections 192 - 200, and 227 – 229.

An agenda is a list of individual items which must be "acted upon" or processed in the order in which they are presented, beginning with the call to order and ending with adjournment. The agenda and information package should be prepared for each meeting of council to ensure that council business is dealt with in an orderly and expedient manner. The procedure bylaw should provide for the cut off time to submit items for the agenda and the time before the meeting the agenda package is to be provided to council.

Ideally, the agenda is distributed to council members, attendees and the recording secretary prior to the meeting, so they will be aware of the items to be discussed, and are able to prepare for the meeting accordingly. As the public should have access to the agenda package at the same time as council, many municipalities also post the agendas for the upcoming meeting on their municipal website.

When an agenda item requires a decision of council, the CAO is charged with ensuring that all information required has been identified and any recommendations provided (if required) be attached to the agenda. This could be in the form of a report or a request for decision (RFD). A RFD includes a background sentence or paragraph, a statement of the problem or issue, any findings or conclusions, any recommendations for action, policy or legislative implications, community response or financial impact, and should list who has prepared or reviewed the information. A sample RFD is attached to this guide.

RFDs for issues that will be discussed in public should be available with the agenda package. RFDs for issues that meet the tests of harm in the *Freedom of Information and Protection of Privacy Act (FOIP)* should only contain information that does not cause harm (nature of issue, recommendation).

Council has the option to change the format of the agenda if they feel it isn't working for them. Some best practices to keep in mind when planning and developing the agenda structure and contents are:

- As a courtesy to the public, hold presentations/delegations at the beginning of the meeting.
- Arrange topics in sections – for example: all bylaw readings under Bylaws; the CAO report, financial reporting, and councillor reports could be included under Reports.
- Confidential items are those items that fall within the parameters of closing the meeting to the public as set out in section 197 of the *MGA* and are normally left until the end of the meeting as a courtesy to the public.

Remember, a separate agenda is required for each kind of meeting – organizational, regular and special.

There can be no amendments to a special meeting agenda unless the whole council is present and the decision to add the item is unanimous.

## **Agenda Structure**

The following sections are based on the sample agenda attached to this guide, and outline the types of information that should be contained under each section.

### **Title and Heading**

The agenda title and heading should be similar to the council meeting minutes in format and should:

- a. State it is an agenda
- b. Name the Municipality
- c. Show the date, time, place and type of meeting for which the agenda is issued.

### **Acceptance of the Agenda**

The agenda for a council meeting is not binding unless it has been adopted by a resolution or motion at the start of the meeting. It may be adopted as presented or with amendments, such as deletions or additions. Things to consider:

- What kinds of additions are allowed?
- Is it an urgent request? It is recommended that items should only be added to the agenda at the meeting if the matter is of an urgent nature.
- Is a RFD required for the additions?

### **Adoption of Previous Minutes**

Section 208(1)(a)(iii) of the *MGA* requires that the minutes of each meeting be adopted by a motion of council at a subsequent meeting of council.

### **Public Hearings**

Section 230 of the *MGA* outlines the public hearing requirements and specifies that a public hearing must be held during a regular or special council meeting.

### **Delegations**

The agenda may provide a specific section for receiving presentations or questions from individuals or delegations. As a courtesy, delegations should be scheduled earlier in the agenda so that members of the public who want to address the council are not kept waiting.

### **Bylaws**

All council members must be given the opportunity to review the full text of a proposed bylaw before being required to vote on it. See [Basic Principles of Bylaws](#) for more information.

### **Business**

This section should identify items of business that require a council decision, and should reference any attached RFD or other supporting information.

### **Councillor/Committee Reports**

Councillors generally report to council on meetings they have attended. The municipality's process for receiving these reports should be included in the procedure bylaw.

## **CAO Report and Action List**

Section 207 outlines the primary responsibilities of the CAO, however other responsibilities are found throughout the MGA. One of these is to advise and inform the council on the operation and affairs of the municipality. Many CAOs use an action list to track and report to council on the status of actions taken on resolutions from previous meetings. The list would normally include any unfinished business which has been raised at a previous meeting which has not been completed. The items would remain on the action list until they are finalized. An action list template is attached to this guide.

## **Financial**

It is the responsibility of the administration to provide council with financial information such as budget to actual comparison reports. Council should have a policy for administration indicating what you need to see, how often and the format required.

## **Correspondence**

Any correspondence that is addressed to council or that should be brought to the attention of council should be listed on the agenda and included in the agenda package.

## **Confidential Items**

Confidential items should be dealt with in a closed portion of the council meeting excluding the public. The agenda should contain a 'Confidential' heading and provide a brief description of the topic and state the section of FOIP that allows the topic to be discussed in a closed meeting. Section 197 provides the requirements and processes that must be followed when excluding the public from a meeting or portion of a meeting. For example, "Personnel – Evaluation - FOIP Section 17" could be used to describe conducting the performance appraisal of a chief administrative officer or "Legal – Arena Project - FOIP Section 27" could describe discussions regarding a pending court case. No bylaw or resolution can be passed at a closed meeting.

The confidential materials would not be included in the distribution of the agenda to the general public. Is there secure system for emailing the agenda packages to council? Remember all members are required to keep in confidence matters discussed in-camera until the item is discussed at a meeting held in public.

## **Adjournment**

A meeting is adjourned when the agenda is finished.

## Sample Agendas

**MUNICIPALITY OF ANYWHERE AGENDA  
REGULAR COUNCIL MEETING  
Tuesday, January 16, 2018**

The regular meeting of the council of the Municipality of Anywhere will be held in the Municipal Office on Tuesday, January 16, 2018, starting at 7:00 pm.

1. CALL TO ORDER
2. ACCEPTANCE OF AGENDA
3. ADOPTION OF THE PREVIOUS MINUTES
4. PUBLIC HEARINGS
  - a. Proposed bylaw to rezone.....
  - b.
5. DELEGATIONS
  - a. John Day to discuss recycling options. 7:40 p.m.
  - b.
6. BYLAWS
  - a. Bylaw 02-18, Establish the procedure and conduct of meetings of council and council committees
  - b.
7. BUSINESS
  - a.
  - b.
8. COUNCILLOR REPORTS
9. CAO REPORT and ACTION LIST
10. FINANCIAL
  - a. Budget to Actual reporting to date
11. CORRESPONDENCE
  - a. Correspondence – accept for information
12. CONFIDENTIAL
  - a. Personnel – Evaluation - FOIP Section 17
  - b. Legal – Arena Project - FOIP Section 27
13. ADJOURNMENT

**MUNICIPALITY OF ANYWHERE AGENDA  
SPECIAL COUNCIL MEETING  
Wednesday, January 17, 2018**

The regular meeting of the council of the Municipality of Anywhere will be held in the Municipal Office on Wednesday, January 17, 2018, starting at 5:00 pm.

1. CALL TO ORDER
2. ACCEPTANCE OF AGENDA
3. BUSINESS
  - a.
4. ADJOURNMENT

## Sample Request for Decision

### MUNICIPALITY OF ANYWHERE

#### Request for Decision (RFD)

**Meeting:** Regular Council

**Meeting Date:** January 16, 2018

**Originated By:**

\_\_\_\_\_, Chief Administrative Officer

**Title:** Bylaw 02-18, PROCEDURE BYLAW

**Agenda Item Number:** 6(b)

#### **BACKGROUND/PROPOSAL:**

Council requires a process to govern procedures at meetings to ensure that council meetings and council committee meetings are effective. The bylaw regulates the conduct of council, councillors and others attending council and council committee meetings.

At the December 19, 2017 council meeting, council passed the following resolution:

MOVED by Councillor Bucks that the Chief Administrative Officer prepare a proposed Procedure Bylaw for the December 19, 2017 regular meeting of council.

#### **DISCUSSION/OPTIONS/BENEFITS/DISADVANTAGES:**

The Municipal Government Act provides the following:

Section 145

A council may pass bylaws in relation to the following:

- a) the establishment and functions of council committees and other bodies;
- b) procedures to be followed by council, council committees and other bodies established by the council.

Proposed Bylaw No.02-18 is presented for first reading.

**COSTS/SOURCE OF FUNDING (if applicable)** Not applicable in any direct way.

#### **RECOMMENDED ACTION:**

1. Council review the proposal and give first reading to the proposed bylaw.
2. Council provide further direction or required changes/amendments.

Reviewed By: **CAO:** \_\_\_\_\_

## Action List Template

ACTION LIST MUNICIPALITY OF: _____				
MONTH	RESOLUTION	ASSIGNED TO	STATUS	DATE COMPLETED