

# Memorandum

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Date: November 19, 2024  
Submitted by: Legislative Services Division  
Subject: Council Procedure Bylaw – Housekeeping Updates

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As required by the *Community Charter*, the City's Council Procedure Bylaw sets out the procedures of governance, order, and administration with regards to Council meetings.

## **Housekeeping Update #1: Public Hearing start times on Regular meeting days**

The *Community Charter* also requires that the City annually adopt a Regular Council meeting schedule (date and time). Public Hearings are called as needed and are typically, but not exclusively, held on the first Tuesday of each month.

At a recent regular meeting, it came to light that there were conflicting clauses in the Council Procedure Bylaw related to the scheduling of Public Hearings on the same evening as Regular meetings.

Public Hearings have the potential to be long meetings as the length of time is determined by the volume of persons wishing to speak. It is typical for municipalities to call a Special meeting "immediately following the Public Hearing which commences at [insert time]". Per the *Community Charter*, Special meetings are meetings other than Regular meetings. As Council is not permitted to consider new information between the close of a Public Hearing and third reading, it is typical for Special meetings to be called immediately following a Public Hearing in order to consider third reading and/or adoption of the bylaw that was the subject of the Public Hearing.

Special meetings do not have a time limit; however, pursuant to section 33(1) the Council Procedure Bylaw sets a three-hour time limit for Regular meetings.

From time to time, Public Hearings may be scheduled on the same days as Regular Council meetings. Section 5(1)(b) of the Council Procedure bylaw was written with the intent of allowing a Regular meeting to be called to order in the same way that Special meetings scheduled immediately following a Public Hearing are called to order.

## **Time and Location of Meetings: Section 5(1)(b)**

*Regular Council Meetings must:*

*begin generally, but not exclusively, at 7:00pm and if needed, immediately following a Public Hearing;*

*Earlier start times for Regular meetings and Public Hearings will be applied when circumstances, determined by the Mayor and/or staff require them (including but not limited to: high volume of business, special presentation(s), or a large Public Hearing is anticipated);*

With respect to calling Regular meetings to order, sections 14(1) implies that Regular meetings should be called to order “as soon after the time specified for a Council meeting”, or it may be interpreted as 20 minutes per section 14(2). The “time specified” is 7:00pm per Council’s adopted annual schedule of council meetings

Though section 5(1)(b) specifically speaks to the occasions when a Public Hearing needs to be scheduled on the same evening as a Regular meeting, this language appears to conflict with sections 14(1) and (2) and it is recommended that it be amended for clarity.

**PROPOSED CHANGE:** Staff are proposing the following additions to section 14 (outlined in red) in order to address this error:

### **Calling Meeting to Order: Sections 14 (1) and (2)**

- 14(1) *With the exception of Regular meetings held on the same night as a Public Hearing, as soon after the time specified for a Council meeting as there is a quorum present, the Mayor, if present, must take the Chair and call the Council meeting to order; however, where the Mayor is absent, or where the Mayor wishes not to preside over a Standing Committee meeting for which they are the Chair, the Councillor designated as the Member responsible for acting in the place of the Mayor in accordance with section 10 must take the Chair and call such meeting to order.*
- 14(2) *With the exception of Regular meetings held on the same night as a Public Hearing, if a quorum of Council is present but the Mayor or the Councillor designated as the Member responsible for acting in the place of the Mayor under section 10 does not attend within 20 minutes of the scheduled time for a Council meeting;*
- (a) the Corporate Officer or their designate must call to order the Members present; and*
- (b) the Members present must choose a Member to preside at the meeting.*

It is also important to note that, as it currently stands, the Council Procedure Bylaw’s three-hour limit for Regular meetings could mean that there is a risk, when a Public Hearing is scheduled on a Regular meeting night, that Council may not complete the business of the Regular agenda if the meeting is not extended past the three hours. The proposed amendment will address this issue as well.

### **Housekeeping Update #2: Public Notice Posting Place**

As websites and technology can be subject to unanticipated issues (ie: loss of internet, the website or server does not work), listing the website as an official public notice posting place poses a vulnerability to the City issuing notice. As such, it is proposed that the website be removed from the definition of “public notice posting place”. It is important to note that staff will continue to post to the website regardless even though it will not be officially defined as a “public notice posting place”.

### **Housekeeping Update #3: Public Input and “Public Hearings not held”**

As the Province has indicated instances where a Public Hearing must not be held, this also means that Public Input is not permitted with respect to that matter. This has been reflected in an amendment under section 18(4).

### **Housekeeping Updates #4: Order of Business for Art at Council and Delegations**

As artists and delegations are external persons scheduled on the Council agendas, a change to section 17(1) to consider Art at Council and Delegations immediately following adoption of the agenda is proposed in order to provide more certainty to the timing of these items. Currently, these items are considered following public input, which has meant, at times, that presenters have had to wait for an extended period of time prior to their item being considered.

### **Housekeeping Updates #5: General Updates**

Other general housekeeping amendments to add further clarity to conducting Council's business at meetings is outlined in tracked changes.

### **Next Steps**

The recommended amendments will be scheduled for three readings at an upcoming Regular meeting. If Council wishes to make any further amendments to the Bylaw, resolutions are requested and those updates will also be brought forward at that time.

**THAT the memo November 19, 2024 from the Legislative Services Division regarding Council Procedure Bylaw – Updates be received for information.**

Attachment(s)

1. Council Procedure Bylaw No. 3393 with tracked changes

## Report Approval Details

Document Title:	Council Procedure Bylaw - Housekeeping Updates.docx
Attachments:	- Attachment 1 - Council Procedure Bylaw No. 3393 with tracked changes.pdf
Final Approval Date:	Nov 13, 2024

This report and all of its attachments were approved and signed as outlined below:

Angie Parnell, General Manager of Corporate Services - Nov 12, 2024

Anna Mathewson, City Manager - Nov 13, 2024