

PROPOSED

PFC2019-0591
Attachment 2

BYLAW NUMBER 24M2019

BEING A BYLAW OF THE CITY OF CALGARY TO AMEND BYLAW 35M2017, THE PROCEDURE BYLAW

WHEREAS Council has considered PFC2019-0591 and considers it necessary to amend Bylaw 35M2017, the Procedure Bylaw;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CALGARY ENACTS AS FOLLOWS:

1. Bylaw 35M2017, the Procedure Bylaw, as amended, is hereby further amended.
2. In section 24:
 - (a) the word “and” at the end of subsection 24(e) is deleted;
 - (b) the “.” at the end of subsection 24(f) is deleted and replaced with “; and”;
and
 - (c) the following is added after subsection 24(f) as subsection 24(g):
 - “(g) at a *Closed Meeting*, ensure that only the matters that are approved to be discussed at the *Closed Meeting* are discussed.”
3. The following is added after section 29 as section 29.1:
“Remote Participation

29.1 A *Member* may participate in *Council* or *Council Committee* meetings remotely, in accordance with the procedures set out in Appendix F.”
4. The following is added after subsection 31(3) as subsection 31(4):
 - “(4) To facilitate the efficiency of *Council Committee* meetings, the *Chair* in consultation with the *City Clerk*, may direct that multiple speakers make their submissions in a single panel.”
5. Subsection 36(2) is deleted and replaced with the following:
 - “(2) The *City Clerk* must attend all meetings of *Council* and *Council Committees* in keeping with the *City Clerk*’s duties as set out in the *City Clerk Bylaw*, and is the parliamentary advisor for meetings of *Council* and *Council Committees* for the purpose of providing procedural advice to the *Chair*. The *City Clerk* must:
 - (a) inform the *Chair* when *Council*’s or a *Council Committee*’s discussion goes beyond the subject matter of the report or item before it; and

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(b) maintain any confidential items, reports or documents.”

6. Section 48 is deleted and replaced with the following:

“48. *Council – Regular meetings*

- Call to order;
- Opening remarks;
- Recognitions;
- Question period;
- Confirmation of agenda;
- Confirmation of minutes;
- Consent agenda;
 - Deferrals and Procedural requests, and
 - Briefings;
- Postponed reports (*includes related/supplemental reports*);
- Items from Officers, Administration and Committees;
 - Officer of Council reports,
 - Administration reports, and
 - Committee reports;
- Items directly to *Council*;
 - Bylaw tabulations, and
 - Miscellaneous business;
- Urgent business;
- Confidential items;
 - Consent agenda,
 - Items from Officers, Administration and Committees,
 - Urgent business;
- Administrative Inquiries; and
- Adjournment.”

7. Section 49 is deleted and replaced with the following:

“49. *Council - Combined meetings*

- Call to order;
- Opening remarks;
- Recognitions;
- Question period;
- Confirmation of agenda;
- Confirmation of minutes;
- Consent agenda (*Omnibus Motion*);
 - Deferrals and Procedural requests, and
 - Briefings;
- Begin Public Hearing Portion*
- Planning matters for public hearing;
 - Calgary Planning Commission Reports, and

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- Other reports and postponements for public hearing (including non-statutory);
- Planning matters not requiring public hearing;
 - Calgary Planning Commission reports,
 - Other reports and postponements not requiring public hearing, and
 - Bylaw tabulations (related to planning matters);

Begin Regular Portion

- Postponed reports (*includes related/supplemental reports*);
- Items from Officers, Administration and Committees;
 - Consent agenda items selected for debate,
 - Officer of Council reports,
 - Administration reports, and
 - Committee reports;
- Items directly to *Council*;
 - Bylaw tabulations, and
 - Miscellaneous business;
- Urgent business;
- Confidential items;
 - Consent agenda items selected for debate,
 - Items from Officers, Administration and Committees, and
 - Urgent business;
- Administrative Inquiries;
- Adjournment.”

8. Section 50 is deleted and replaced with the following:

“50. *Council – Public Hearing meetings*

- Call to order;
- Opening remarks;
- Question Period;
- Confirmation of agenda;
- Consent agenda (*Omnibus Motion*)
 - Deferrals and Procedural requests, and
 - Briefings;
- Planning matters for public hearing;
 - Calgary Planning Commission reports, and
 - Other reports and postponements for public hearing (including non-statutory);
- Planning matters not requiring public hearing;
 - Calgary Planning Commission reports,
 - Other reports and postponements not requiring public hearing, and
 - Bylaw tabulations (related to planning matters);
- Postponed reports (*includes related/supplemental reports*);
- Items directly to *Council*;
- Urgent business;
- Adjournment.”

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9. Section 51 is deleted and replaced with the following:

“51. *Council – Special meetings*

- Call to order;
- Opening remarks;
- Confirmation of agenda;
- Items from Officers, Administration and Committees;
- Confidential items;
- Adjournment.”

10. The following is added after section 51 as section 51.1:

“51.1 *Council – Strategic meetings*

- Call to order;
- Opening remarks;
- Question period;
- Confirmation of agenda;
- Items from Officers and Committees;
- Confidential items;
- Adjournment.”

11. Section 52 is deleted and replaced with the following:

“52. *Council Committee – Regular meetings*

- Call to order;
- Opening remarks;
- Confirmation of agenda;
- Confirmation of minutes;
- Consent agenda;
 - Deferrals and Procedural requests, and
 - Briefings;
- Postponed reports (*includes related/supplemental reports*);
- Items from Officers, Administration and Committees;
- Items directly to Committee;
 - Referred reports,
 - *Council Member Motions*;
- Urgent business;
- Confidential items;
 - Items from Officers, Administration and Committees, and
 - Urgent business; and
- Adjournment.”

12. Section 53 is deleted.

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13. Section 60 is deleted and replaced with the following:
 - “60. (1) *Administration* must respond to questions asked during *question period* verbally at the meeting.
 - (2) Despite subsection (1), where *Administration* is unable to respond to a question during *question period*, the question will be treated as an *Administrative Inquiry* and will follow the process set out in section 75.”
14. Subsection 62(2) is deleted.
15. Section 67 is deleted and replaced with the following:
 - “67. (1) Recognitions may be added to the agenda of a *Regular* or *Combined* meeting of *Council* by the *City Clerk*, in accordance with Policy CP2018-02.
 - (2) Recognitions may be scheduled for a specific time of the day, regarding their placement within the order of business, subject to *Council's* approval of the agenda. The time which the recognition is scheduled must be noted on the agenda and, at the appointed time, any matter under discussion must be temporarily laid on the table (tabled) and be resumed upon conclusion of the scheduled recognition.”
16. Sections 69(2) and (3) are deleted and replaced with the following:
 - “(2) Briefings which have been directed by a *Council Committee* to be considered by *Council* must be placed on the *Council consent agenda*.
 - (3) A *Council consent agenda* may also include:
 - (a) reports where all the report recommendations were approved by Committee, regardless of whether the approval at Committee was unanimous;
 - (b) confidential reports where all recommendations were approved by Committee, regardless of whether the approval at Committee was unanimous. The *omnibus motion* for a *consent agenda* containing confidential reports may be adopted prior to moving into a *Closed Meeting*;
 - (c) deferral requests; and
 - (d) procedural requests.
 - (4) For the purposes of subsection (3):
 - (a) a deferral request is a request from *Administration* for an item, that *Council* has previously directed be brought to a *Council* meeting by a

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specific date, to be deferred to a later date. For a deferral request:

- (i) a written report is not required; and
- (ii) the request for deferral must be included in the item title, and must specify the meeting and date in which the item will be brought before *Council*;

and

- (b) a procedural request is a request to address a non-contentious procedural issue, such as a change to a recess time or length, and includes a change to the *Council* calendar. For a procedural request:
 - (i) a written report is not required; and
 - (ii) the nature of the request must be included in the item title.”

17. Subsection 77(c) is deleted and replaced with the following:

“(c) questions of clarification from *Members* to *Administration*. At *Council* meetings, questions of clarification are limited to three minutes for each *Member*, not including responses from *Administration*. There is no limit for questions of clarification at *Council Committee* meetings.”

18. Section 79 is deleted and replaced with the following:

“Adjournment

79. (1) No motion is needed to close a meeting. The *Chair* will adjourn by declaration: “Be it as there is no further business, this meeting is adjourned.”
- (2) If still in session, all meetings of *Council* and *Council Committees* must recess at 9:30 p.m. whether or not the order of business is complete.”

19. Sections 82 and 83 are deleted and replaced with the following:

“82. Before holding a *Closed Meeting*, *Council* or a *Council Committee* must, in a meeting held in public, adopt a motion to go into a *Closed Meeting*, and the motion must include:

- (a) the title of each item to be discussed; and
- (b) the listing of specific section(s) under Part 1, Division 2 of the *FOIP Act* which provides the legislative authority to discuss the item(s) in a *Closed Meeting*.

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83. (1) The following persons may attend a *Closed Meeting* of *Council* or of a *Council Committee* unless *Council* or the *Council Committee* directs otherwise:
- (a) members of *Administration*, as deemed necessary by the *City Manager*; and
 - (b) members of a *Member's* staff.
- (2) *Council* or a *Council Committee*, prior to going into a *Closed Meeting*, may by resolution authorize persons, other than members of *Administration* and members of a *Member's* staff who are authorized to attend pursuant to subsection (1), to attend specific items that will be discussed at the *Closed Meeting*. The names of the proposed participants must be submitted to the *City Clerk* prior to the meeting.
- (3) *Council* or a *Council Committee* when holding a *Closed Meeting* may at any time direct that a person, other than a *Member*, leave the *Closed Meeting*.
- 83.1 (1) For all confidential items, *Administration* must recommend a date by which the item should be reviewed for consideration of public release.
- (2) For confidential items which *Council* has directed be reviewed by a specific date:
- (a) the *City Clerk* shall:
 - (i) post the title of the item and the review date on *The City's* website; and
 - (ii) forward the item to the General Manager of the responsible department no later than 30 days prior to the date specified by *Council*;
 - (b) the General Manager of the responsible department shall either:
 - (i) direct that the item be posted to *The City's* website or
 - (ii) set a new date for the item to be reviewed.
- (3) For confidential items which a General Manager has set a new review date pursuant to subsection (2)(b)(ii):

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- (a) the *City Clerk* shall post the revised review date on *The City's* website; and
 - (b) the procedure set out in subsections (2)(a) and (b) will be followed for the revised review date.
 - (4) Where *Council* has directed that a confidential item be reviewed by a specific date, *Council* may subsequently change that date and such a change does not require a reconsideration."
20. The following is added after subsection 84(2) as subsection 84(3):
- "(3) Despite section 77(c), there are no limits on the length of a *Member's* questions or discussion at a *Closed Meeting*."
21. The following is added after subsection 86(4) as subsections 86(5) and (6):
- "(5) To facilitate the efficiency of a public hearing, the *Chair*, in consultation with the *City Clerk*, may direct that multiple speakers make their submissions in a single panel. Each speaker in the panel will be permitted to speak for five minutes, and *Council* will not ask questions until the entire panel has made their submissions, at which time each *Member* will have five minutes to ask questions of the entire panel.
- (6) Items of considerable interest may be scheduled for a specific time, at the discretion of the *Chair* in consultation with the *City Clerk*."
22. In subsection 98(e) the words "*notice of motion*" are deleted and replaced with "*Council Member Motion*".
23. Section 106 is deleted and replaced with the following:
- "Briefings**
106. (1) A report from *Administration*:
- (a) that does not seek any direction from *Council*;
 - (b) from which no action will result; or
 - (c) which is intended to highlight information of interest to *Council*;
- shall be identified as a "Briefing".
- (2) For Briefings:
- (a) the Briefing must be placed on the *Consent Agenda* of the

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appropriate *Council Committee*;

- (b) no motion or resolution is necessary to address the Briefing; and
- (c) the Briefing must not be forwarded to *Council*.

- (3) Despite subsection (2)(c), a *Council Committee* may, on a motion, direct that the Briefing be forwarded to *Council*. Such Briefing must be placed on the *Consent Agenda of Council*."

24. Section 113 is deleted and replaced with the following:

"C – Council Member Motion"

- 113. (1) A *Member*, wishing to introduce a *Council Member Motion* for consideration, must provide the *Council Member Motion* electronically or by other means to the *City Clerk*.
- (2) The *City Clerk* must place the *Council Member Motion* on the next PFC agenda for which the submission deadline has not passed.
- (3) Despite subsection 113(2), a *Council Member Motion* may be brought as *Urgent Business* to a *Council* meeting in accordance with section 65; however, such an item may only be added to the agenda by *Two-thirds vote*."

25. In subsection 115(3), the words "*notice of motion*" are deleted and replaced with "*Council Member Motion*".

26. Section 116 is deleted and replaced with the following:

"E – Reconsidering Motions"

- 116. (1) A motion which:
 - (a) is the same or substantially the same as; or
 - (b) raises an issue which was raised by;a motion that was previously considered by *Council* or a *Council Committee* may be considered out of order by the *Chair*, in consultation with the *City Clerk*.
- (2) Despite subsection (1), a *Member* may make motion described in subsection (1) if *Council* or a *Council Committee* votes for reconsideration of the original motion in accordance with the following:

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Situation	Adopted Motion or Bylaw Reading	Defeated Motion
<p>Reconsider motion and original motion are <u>at the same meeting.</u></p> <p>Reconsider revisits the original motion in its entirety.</p>	<p>Step 1: Reconsideration may only be moved by a <i>Member</i> who voted in favour of the motion or bylaw reading.</p> <p>Step 2: If reconsideration is adopted (by <i>majority vote</i>), the original vote is canceled, and the motion or bylaw reading is once again before <i>Council</i> for debate.</p> <p>See Notes 1, 2 and 3 below.</p>	<p>Step 1: Reconsideration may only be moved by a <i>Member</i> who voted against the motion.</p> <p>Step 2: If reconsideration is adopted (by <i>majority vote</i>), the original vote is canceled, and the motion is once again before <i>Council</i> for debate.</p> <p>See Notes 1 and 3 below.</p>
<p>Reconsider motion is made at a <u>subsequent meeting</u> as the original vote.</p> <p>Reconsider may revisit all or a portion of the original motion.</p>	<p>Step 1: Reconsideration may be moved by any <i>Member</i>. The reconsideration must make clear whether the original motion is to be reconsidered in full or in part. The motion to reconsider-something-previously-adopted is debatable.</p> <p>Step 2: If full or partial reconsideration is adopted (by <i>two-thirds vote</i>), only the portion(s) of the motion reconsidered are again before <i>Council</i> for debate.</p> <p>See Note 2 below.</p>	<p>Any <i>Member</i>, regardless of how he or she voted on a defeated motion, can bring back the motion under the procedures for introducing a <i>Council Member Motion</i> (see section 113).</p> <p>If the reconsideration is moved within 12 months of the original motion, a <i>two-thirds vote</i> is required.</p> <p>If the reconsideration is moved more than 12 months of the original motion, a <i>majority vote</i> is required.</p>
<p>Note 1: A motion to reconsider is debatable only when the motion being reconsidered is debatable.</p>		

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Note 2: An adopted motion may only be reconsidered if it has not been acted upon in a manner that is impossible to reverse or modify, and does not attempt to interfere with a contractual liability. The *Chair*, in consultation with *Administration*, shall make such determination.

Note 3: Any reading of a proposed bylaw may be reconsidered. However, a bylaw that has received three readings and has been signed in accordance with section 213 of the *MGA*, may not be reconsidered.”

27. Section 117(1) is deleted.

28. Section 119 is deleted and replaced with the following:

“Voting Style

119. (1) Voting at *Council* and *Committee* meetings may be captured using an electronic voting system.
- (2) When all votes have been placed, the tally shall be displayed in the meeting room; however, a vote is not final until the *Chair* announces the result of the vote.
- (3) If the electronic voting system is not available, voting shall be by voice.
- (4) Despite subsections (1) and (3), if three or more *Members* indicate their opposition to a motion during an electronic vote or a voice vote, a *Roll Call Vote* must be taken.
- (5) At any time prior to commencing a vote by voice, a *Member* may request a *Roll Call Vote* or a *Recorded Vote*.”

29. In **APPENDIX B – ROLE OF COUNCIL COMMITTEES:**

- (1) section B.4 is deleted and replaced with the following:

“B.4 The mandate of the Gas, Power and Telecommunications Committee is to monitor and participate as necessary in regulatory proceedings only to protect the interests of the City of Calgary. To provide oversight in the fields of telecommunication regulation and City Rights-of-Way agreements and bylaws.”;

and

- (2) section B.8 is deleted and replaced with the following:

“B.8 PFC may:

- (a) make final decisions at the Committee level within its mandate

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where City of Calgary policy exists;

- (b) accept Briefings;
- (c) refer reports to *Administration*;
- (d) refer reports to *Council* or a *Council Committee*;
- (e) refer reports to *Council* for policy direction or policy review; and
- (f) create and be responsible for sub-committees and approve their terms of reference.”

30. In **APPENDIX D: SECONDARY MOTIONS:**

- (1) section D.2(3) is deleted; and
- (2) section D.3(2) is deleted and replaced with the following under the headings indicated:

The motion	The usage	The process
“(2) Appeal (RONR section 24)	A <i>Member</i> who disagrees with the <i>Chair’s</i> ruling can appeal it.	<ul style="list-style-type: none">• The <i>Member</i> explains the basis for their appeal.• The <i>Chair</i> puts the appeal to a vote immediately and without debate: “<i>Shall the ruling of the Chair be upheld?</i>”• A <i>Two-thirds</i> vote against the <i>Chair’s</i> ruling is required to override a ruling on a motion that requires a <i>Two-thirds</i> vote. A <i>Majority</i> vote against the <i>Chair’s</i> ruling is required for other rulings.”

31. In **APPENDIX E – DEFINITIONS:**

- (1) the following is added after section E.17 as section E.17.1:

“E.17.1 “*Council Member Motion*” means a submission made by one or more *Members* of *Council* intended to provide notice of a proposed resolution for *Council’s* consideration where the resolution:

- (a) raises a significant issue affecting all or part of The City of Calgary; or
- (b) directs *Administration* to undertake a significant amount of work in order to respond.”

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- (2) section E.36 is deleted;
- (3) in section E.51, the words “or *Council Committee*” are deleted;
- (4) the following is added after section E.51 as section E51.1:

“E51.1 “*Strategic*” meeting of *Council* means a meeting of *Council* that provides a forum for high-level strategic discussion; this includes an annual planning session. *Administration*, external experts and other professionals will provide industry research, practices and procedures to support *Council’s* strategic discussion.”

32. The following is added after Appendix E as Appendix F:

“APPENDIX F – REMOTE PARTICIPATION AT MEETINGS

- F.1. A “*Remote Member*” is defined as a *Member of Council* who intends to attend a *Council* or *Council Committee* meeting remotely.
- F.2. Remote participation is available when a *Member of Council* is unable to attend a *Council* or *Committee* meeting.
- F.3. A request from a *Member of Council* for remote participation should be received by the *City Clerk* at least one week in advance for inclusion in the agenda, so that notice of the remote participation is provided to the other *Members of Council* and to the public.
- F.4. In consultation with the *City Clerk*, the *Chair* can determine a limit to the number of *Remote Members* in a meeting.
- F.5. Remote participation will only be used in the following meetings:
 - (a) *Regular, Strategic, and Public Hearing* meetings of *Council*; and
 - (b) *Council Committee* meetings where the *City Clerk’s Office* provides legislative services. These are:
 - (i) Standing Policy Committees:
 - 1. Community and Protective Services;
 - 2. Planning and Urban Development;
 - 3. Transportation and Transit; and
 - 4. Utilities and Corporate Services.
 - (ii) Audit Committee;
 - (iii) Priorities and Finance Committee;

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- (iv) Intergovernmental Affairs Committee;
 - (v) Gas, Power and Telecommunications Committee;
 - (vi) Calgary Planning Commission; and
 - (vii) any additional committees where Council are members.
- F.6 Remote participation is prohibited in *Closed Meetings*.
- F.7 Remote participation will only be used in the following locations:
 - (a) Council Chamber;
 - (b) Calgary Power Reception Hall;
 - (c) Legal Traditions Boardroom;
 - (d) Electric Light Committee Meeting Room; and
 - (e) other locations as determined by the *City Clerk*.
- F.8 A *Remote Member* is deemed to be present at the meeting, but does not count towards *Quorum*. *Quorum* must be met with those *Members of Council* physically present in the meeting location.
- F.9 The *Remote Member* retains all other rights and privileges as stated in the Procedure Bylaw.
- F.10 The time a *Remote Member* joins and leaves the meeting will be noted in the minutes.
- F.11 Speaking:
 - (a) The speaking queue for the *Remote Member* may be determined as either first or last in queue.
 - (b) If the *Remote Member* wants to be moved in the speaking queue, he/she can message the *Chair* or the *City Clerk*.
- F.12 Voting:
 - (a) Voting will follow the procedure outlined in the Procedure Bylaw.

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- (b) The *Clerk* may administer the vote on behalf of the *Remote Member*, if necessary."

33. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME ON _____

READ A SECOND TIME ON _____

READ A THIRD TIME ON _____

MAYOR

SIGNED ON _____

CITY CLERK

SIGNED ON _____