

# CITY OF HUMBOLDT

## BYLAW NO. 02/2003

### A BYLAW OF THE CITY OF HUMBOLDT GOVERNING THE PROCEEDINGS OF CITY COUNCIL AND ANY COMMITTEES ESTABLISHED BY CITY COUNCIL FOR THE ADMINISTRATION OF THE BUSINESS OF CITY COUNCIL

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**WHEREAS** it is deemed expedient and in the public interest to regulate and govern the proceedings and business of City Council in the manner set forth herein;

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CITY OF HUMBOLDT ENACTS AS FOLLOWS:**

#### PART I

#### INTERPRETATION

##### Short Title

1. This Bylaw may be cited as **The Procedure Bylaw.**

##### Purpose and Scope

2. (1) The purpose of this Bylaw is to provide for the orderly conduct of the business of City Council and for the proceedings of any committees established by City Council for the better administration of the City.

(2) The Bylaw applies to all proceedings of City Council and any board or committee established by City Council except where, by Bylaw, City Council has established procedures to the contrary for a specific board or committee.

##### Definitions

3. In this Bylaw, in any amending Bylaws, and in any schedules attached hereto, the following words and terms shall have the following meanings unless there is something in the subject matter inconsistent therewith:

- (a) the word “**City**” means the Municipal Corporation of the City of Humboldt or, where the context requires, the geographical area within the city limits of the City of Humboldt;
- (b) the term “**City Administration Bylaw**” means Bylaw No. 01/2003 of the City of Humboldt, as amended from time to time;
- (c) the term “**City Clerk**” means the person appointed as the City Clerk for the City of Humboldt and includes any duly authorized representative or designate of such person;
- (d) the term “**City Council**” means the elected officials of the City of Humboldt;
- (e) the term “**City Hall**” means the administration office of the Municipal Corporation of the City of Humboldt.
- (f) the term “**City Commissioner**” means the person appointed as the City Commissioner for the City of Humboldt and includes any duly authorized representative or designate of such person;
- (g) the word “**Councillor**” means the elected Councillors of the City of Humboldt;
- (h) the term “**Deputy Mayor**” means the Councillor appointed, from time to time, as the Deputy Mayor pursuant to section 7 of this Bylaw;
- (i) the word “**elected**” means the person or persons elected, from time to time, to public office in accordance with *The Local Government Elections Act*;
- (j) the word “**Mayor**” means the elected Mayor of the City of Humboldt;
- (k) the term “**Presiding Officer**” means the Mayor or the member of City Council who may, from time to time, be presiding over any meeting of City Council or a committee of Council, as the case may be;
- (l) the word “**resolution**” means a decision of City Council or a committee:
  - (a) respecting a matter properly before City Council or a committee, as the case may be;
  - (b) properly put before members of City Council or a committee by way of motion; and
  - (c) resulting from a vote of members then present;

- (m) the term “**Standing Committee**” means any of the committees established or continued by Council pursuant to Part V of this Bylaw.

### **Schedules**

4. The following schedule is attached to, and forms part of, this Bylaw:  
Schedule “A” - List of exemptions in Part III of  
*The Local Authority Freedom of Information and Protection of Privacy Act.*

## **PART II PROCEEDINGS OF CITY COUNCIL**

### **City Council**

5. (1) City Council is the governing body of the City of Humboldt and shall exercise the powers and carry out the duties prescribed by law.
- (2) City Council shall consist of the Mayor and six (6) Councillors.
- (3) Subject to any limitations prescribed by law, City Council may delegate or assign its powers and duties as it may be deemed advisable and in the public interest.

### **Mayor**

6. (1) The Mayor shall preside, when in attendance, at all meetings of City Council unless another member of City Council is required or permitted to preside pursuant to *The Cities Act* or other applicable law or the terms of this Bylaw.
- (2) The Mayor is an ex-officio member of all committees established by City Council, unless City Council provides otherwise.

### **Deputy Mayor**

7. (1) City Council shall, at the first meeting after a general election, appoint Councilors as Deputy Mayor and such appointments shall be in consecutive terms of six (6) months or until a successor is appointed.
- (2) The Deputy Mayor shall exercise the authority and carry out the duties prescribed by

law.

### **Regular Meetings of City Council**

8. (1) Subject to subsection (2), all regular meetings of City Council shall:
  - (a) be held every second and fourth Monday of each month;
  - (b) commence at 7:30 p.m.;
  - (c) be held in the Council Chambers at City Hall.
- (2) City Council may, by resolution:
  - (a) alter the date, hour and/or place of any regular meeting of City Council;
  - (b) cancel any regular meeting of City Council.
- (3) Whenever any Monday referred to in Subsection (1)(a) hereof is a Statutory or Public Holiday according to law, the City Council, unless otherwise determined by a resolution passed at a previous meeting shall meet at the same hour and place on the day next following which is not a Statutory or Public Holiday,

### **Special Meetings of City Council**

9. (1) Subject to subsection (2), the Mayor may direct the City Clerk to call a special meeting of City Council whenever:
  - (a) the Mayor deems it expedient and in the public interest to do so; or
  - (b) the Mayor is requested to do so in writing by a majority of Councillors.
- (2) Subject to subsection (3), where a special meeting of City Council is called:
  - (a) all members of City Council shall receive, at least, twenty-four (24) hours notice in writing of the time and place of the meeting and, in general terms, the business to be transacted thereat; and
  - (b) the City Clerk shall post notice of the time and place of the meeting at City Hall at least twenty-four (24) hours prior to the meeting and shall describe, in general terms, the business to be transacted thereat.
- (3) The Mayor may direct the City Clerk to call a special meeting of City Council on less than twenty-four (24) hours notice and without posting notice at City Hall provided that, immediately prior to the beginning of the special meeting, all members of City Council

unanimously agree to do so.

(4) No business, other than that stated in the notice, shall be transacted at any special meeting of City Council unless:

- (a) all members of City Council are present at the meeting; and
- (b) all members of City Council unanimously resolve to do so.

### **Meetings of City Council to be in Public, Exceptions**

10. (1) Subject to the specific provisions of this Bylaw, all meetings of City Council shall be open to the public and every member of the public shall have the right to be present during all City Council meetings unless that person has been expelled for improper conduct.

(2) No act or proceeding of City Council is effective unless it is authorized or adopted at a meeting of City Council, which is open to the public.

(3) City Council may, by resolution, close all or part of a meeting to the public if a matter to be discussed at that meeting is one (1) of the exemptions listed in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.

(4) Where City Council resolves to close a portion of a meeting to the public, all persons shall be excluded from the meeting except:

- (a) the members of City Council;
- (b) the City Commissioner, the City Clerk and such other members of City Administration as the members of City Council may deem appropriate;
- (c) such members of the public as may be allowed to attend by the presiding Officer.

(5) Where City Council resolves to close a portion of a meeting to the public, in addition to the resolution to do so, the City Clerk shall record in the minutes thereto:

- (a) the time the in-camera portion of the meeting commenced and concluded;
- (b) the names of the parties present; and
- (c) the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* relied upon for authority to close the meeting to the public.

### **Long Range or Strategic Planning Meetings**

11. (1) City Council may, at the request of the Mayor, meet for the purposes of long-range or

strategic planning and such meetings shall be closed to the public.

(2) No business may be transacted at a meeting referred to in subsection (1).

(3) No minutes or record of proceedings shall be kept with respect to a meeting referred to in subsection (1).

### **Order of Business**

12. (1) The order of business for every regular meeting of City Council shall be as follows:

1. **Call to Order**, which shall proceed according to section 13 of this Bylaw.
2. **Adoption of the Agenda**
3. **Public Acknowledgements**, during which members of City Council may:
  - (a) acknowledge the passing of persons of significance to the City of Humboldt,
  - (b) make statements respecting recent events of significance to the City of Humboldt;
  - (c) acknowledge persons attending in Council Chambers.
4. **Adoption of Minutes**, during which City Council shall receive, correct, if necessary, and adopt the minutes of the last regular meeting of City Council, together with any special meetings of City Council which have occurred since the last regular meeting.
5. **Delegations and Petitions**, during which Council shall hear delegations and receive petitions in accordance with Section 32, 33, 34, and 35.
6. **Reports of Standing Committees of City Council**, during which City Council shall receive, without debate, the minutes of any meetings of a Standing Committee of City Council which have occurred since the last regular meeting of City Council.
7. **Matters arising from Reports of Standing Committees**, during which City Council may debate, if necessary, and adopt motions arising from the minutes of Standing Committees.
8. **Reports of Advisory and other Committees**, during which City Council shall:
  - (a) receive the minutes of any meeting of an Advisory Committee or other

committee of City Council which has occurred since the last regular meeting of City Council; and

(b) debate any recommendations of such committees that require the approval of City Council.

9. **Passing of Accounts**

10. **Giving Notice**, during which members may provide notice pursuant to section 27 of this Bylaw.

11. **Motions**, during which members shall debate:

(a) motions arising pursuant to section 27 of this Bylaw.

(b) such other matters as may properly come before City Council.

12. **Bylaws**, during which members shall receive and/or consider any bylaws placed before them by City Administration.

13. **Enquiries**, during which members of City Council may ask verbal questions or submit written enquiries pursuant to section 30 of this Bylaw.

14. **Motion to go into Committee of the Whole**, during which City Council may resolve to go into Committee of the Whole to deal with communications, delegations and petitions.

15. **Adjournment**

(1) The City Clerk shall prepare the agenda for every regular meeting of City Council in accordance with the order of business set forth in subsection (1).

(2) The business of City Council shall be taken up in the order in which it stands on the agenda unless otherwise determined by a vote of a majority of members present.

(3) Every regular meeting of Council shall automatically adjourn at the hour of eleven (11:00) o'clock p.m., if in session at that hour, unless otherwise determined by unanimous vote of the members present.

**Call to Order**

13. (1) All meetings of City Council shall be called to Order when a majority of the members of

City Council are present at the hour appointed for that meeting by:

- (a) the Mayor; or
- (b) in the absence of the Mayor, the Deputy Mayor; or
- (c) in the absence of both the Mayor and the Deputy Mayor, the City Clerk.

(2) If any member of City Council, who is to preside at a meeting of City Council, is unable to attend or does not attend within fifteen (15) minutes of the hour appointed for that meeting, the remaining members of City Council may appoint a member present to perform the duties of the absent member of City Council.

### **Quorum**

14. (1) Except as required by The Cities Act or other applicable law, the quorum of City Council shall be a majority of the members of City Council.

(2) No act or proceeding of City Council is valid if it is adopted at any meeting at which a quorum is not present.

### **Absence of Quorum**

15. (1) Unless a majority of the members of City Council are present within thirty (30) minutes of the hour appointed for that meeting, the meeting shall stand adjourned until the next regular meeting of City Council, unless a special meeting is called in the interim.

(2) In the event of an absence of quorum, the City Clerk shall record the names of the members present and the fact that the meeting stood adjourned for want of quorum.

### **Council Proceedings and Voting**

16. (1) All questions, matters and proceedings properly before City Council shall be decided by resolution of members of City Council then present.

(2) All members of City Council present shall vote on all matters properly before City Council, unless the member is required or permitted to abstain from voting pursuant to The Cities Act or any other applicable law.

(3) If a member abstains from voting on a matter, for which that member is not required or permitted to abstain from voting, the member shall be deemed to have voted in the negative.



(4) If there is an equal number of votes for and against a resolution or bylaw, the resolution or bylaw, as the case may be, shall be defeated.

### **Member's Privilege, Re: Speaking**

17. (1) Subject only to the limitations set forth in this Bylaw, all members of City Council shall have the privilege of speaking to any issue properly before City Council.

(2) No member of City Council shall speak:

- (a) except when called upon to do so by the presiding Officer, other than for the purpose of raising a point of order or question or privilege;
- (b) respecting a matter other than the matter or question properly before City Council;
- (c) more than three (3) times with respect to the same question.

(3) All members of City Council shall, when speaking to a matter or question before City Council address the presiding Officer and make all inquiries of and through the presiding Officer.

### **Presiding Officer's Participation in Proceedings or Vote**

18. (1) If the presiding Officer wishes to participate in the debate, he/she shall call upon another member of City Council to temporarily preside over the meeting until he/she resumes the Chair.

(2) The presiding Officer shall vote on all matters properly before City Council unless the member is required or permitted to abstain from voting pursuant to *The Cities Act* or other applicable law.

### **Recorded Vote**

19. (1) Prior to the question being put on a matter, any member of City Council may request that the vote on that matter be recorded.

(2) In the event a member of City Council requests that a matter be recorded:

- (a) the presiding Officer shall, following the question being put, state the name of each member voting for, and each member voting against, the matter; and
- (b) the City Clerk shall record in the minutes the names of each member present and

whether or not each member voted for or against the matter.

### **Preservation of Order**

20. (1) The presiding Officer shall preserve order and decorum during all meetings of City Council and, subject to any appeal to City Council, shall decide all questions of Order or points of privilege.

(2) No member of City Council shall:

- (a) interrupt another member while speaking, except to raise a point of order or question or privilege;
- (b) debate any previous vote of City Council, except for purposes of moving that such vote be amended, rescinded or reconsidered in accordance with the provisions of this Bylaw;
- (c) walk across or out of the room or leave the meeting, when the question has been put;
- (d) speak disrespectfully to members of City Council or of City Administration;
- (e) resist the rule or disobey the decision of the presiding Officer respecting any question of Order or procedure of City Council.

(3) In the event a member of City Council resists or disobeys the decision of the presiding Officer, the presiding Officer may Order that member to leave his/her seat for the remaining part of that meeting.

(4) In the event a member of City Council refuses to leave his/her seat when Ordered to do so by the presiding Officer pursuant to subsection (2), the meeting shall be temporarily adjourned until:

- (a) the member apologizes to City Council for his/her conduct and is permitted to retake his/her seat pursuant to subsection (4); or
- (b) the member voluntarily leaves his/her seat or is removed by a peace officer and Order is restored.

(5) A member that has been Ordered to leave his/her seat by the presiding Officer may request permission to retake his/her seat during the remaining part of that meeting and may do so, by resolution, of the remaining members of City Council.

### **Matters of Order and Privilege**

21. (1) Any member of Council may rise on a point of Order or a question of privilege and, when he/she does so, if the debate is in progress, it shall be suspended and the speaker shall yield the floor until the point of Order or question of privilege, as the case may be, is settled.

(2) The person rising on the point of Order or question of privilege shall state the point of Order or question of privilege, as the case may be, without unnecessary comment and shall then resume his/her seat.

(3) The City Clerk may, at the request of the presiding Officer, provide advice to City Council with respect to any procedural matter, the rights and privileges of members of City Council, or the application or interpretation of the procedures set forth in this Bylaw.

(4) The decision of the presiding Officer shall stand unless reversed by a vote of a majority of members present.

(5) Any member of City Council may appeal the decision of the presiding Officer to a vote of a majority of members present, which decision shall be final and binding.

### **Motions**

22. (1) After a motion has been accepted by the presiding Officer and duly seconded, the motion shall be deemed to be in the position of City Council and may not be altered or amended except in accordance with the provisions of this Bylaw.

(2) Any member of City Council may, at any point in the debate, request that the motion under debate be read by the presiding Officer.

(3) Upon request of a member, the presiding Officer shall read the motion prior to further debate.

(4) The mover of a motion may, prior to the question being put, ask the presiding Officer to alter or correct the wording of the motion in the event it has been improperly or inaccurately recorded.

### **Motions Restricted During Debate On A Matter**

23. When a matter is under debate, no motion shall be received by the presiding Officer except:

- (a) a motion to amend the main motion;
- (b) a motion to amend an amendment;
- (c) a motion to lay the matter on the table and postpone debate;
- (d) a motion to refer the matter for additional information;
- (e) a motion to invoke the procedure known as “closure”.

### **Debate Restricted On Certain Motions**

24. The following motions shall be neither amendable nor debatable:

- (a) a motion to lay the matter on the table and postpone debate, except as to the date or event upon which the matter shall be lifted from the table;
- (b) a motion to refer the matter, except as to whom the matter shall be referred and/or the nature of the additional information to be obtained.
- (c) a motion to invoke the procedure known as “closure”.

### **Procedure, re: amendments to motions**

25. (1) Except as otherwise provided herein, every motion, prior to the question being put, shall be subject to amendment and every amendment shall be subject to further amendment in a like fashion.

(2) An amendment must relate to the original motion and must not alter, in a substantive way, the principle or intent of the original motion.

(3) A sub-amendment must relate to the amendment and must not alter, in a substantive way, the principle or intent of the amendment.

(4) Any number of amendments, as well as sub-amendments, may be offered in succession, provided that not more than one of each may be pending at the same time.

### **Procedure, re: closure of debate**

26. (1) A motion to invoke the procedure known as “closure” may be moved by any member of City Council for the purpose of closing debate.

(2) When a “closure” has been moved and seconded, the presiding Officer shall put it to a vote, without debate, and, if carried, all pending motions respecting the matter, including the

main motion, shall be put to the members, in their proper order, without further debate.

**Procedure, re: consideration of new matters**

27. (1) No motion pertaining to any matter, other than the business of City Council placed on the agenda by the City Clerk, shall be received or open to debate except in accordance with this section.

(2) A member of City Council wishing to introduce a motion, pertaining to a matter other than that provided for in subsection (1), shall provide members of City Council with notice of intention to introduce to do so.

(3) The notice referred to in subsection (2) shall:

- (a) be given at a regular meeting of City Council; and
- (b) summarize the nature of the new business and, in general terms, the motion that the member intends to introduce.

(4) The motion referred to in subsection (2) shall be moved by the member at the next ensuing regular meeting of City Council.

(5) A written copy of the motion referred to in subsection (2) shall be provided to the City Clerk prior to the meeting of City Council at which the member intends to introduce the motion.

(6) City Council may, by motion, supported by not less than two-thirds of the members present, waive the requirements of this section.

**Procedure, re: reconsideration of a question**

28. (1) No question, once decided by City Council, shall be subject to reconsideration except in accordance with this section.

(2) Any question may be reconsidered by City Council if a change has occurred in any material fact relied upon by City Council in deciding the question or in the event new information is made available to members of City Council, which information was not available at the time of City Council's decision.

(3) After a question has been decided, any member in the majority may give notice in writing to the City Clerk within twenty-four (24) hours of his/her desire to bring a motion of

reconsideration before City Council.

(4) In the event the City Clerk receives a notice pursuant to subsection (3), the City Clerk shall promptly advise the City Commissioner and no action shall be taken to carry into effect the main motion until after the motion of reconsideration has been decided by City Council.

(5) At the next ensuing regular meeting of City Council, the main motion shall be placed before members of City Council, together with the member's motion for reconsideration of that question.

(6) During debate on a motion for reconsideration, no debate shall be allowed with respect to the main motion unless and until City Council resolves to reconsider the matter, except for the purpose of the mover of the motion shall give his/her reasons for bringing the motion.

### **Voting on Distinct Propositions**

29. When the motion under consideration contains distinct propositions, the Presiding Officer may, at his/her discretion, direct that a vote be taken with respect to each proposition separately.

### **Enquiries**

30. (1) Under the order of business entitled "Enquiries", members of City Council may:

(a) ask questions of City Administration respecting the affairs of the City of Humboldt, provided that such questions may be answered directly, without research; or

(b) submit questions, in writing, respecting the affairs of the City of Humboldt.

(2) All enquiries submitted pursuant to subsection (1) shall be read by the member, without debate, argument or unnecessary facts.

(3) The City Commissioner shall promptly prepare, or cause the preparation of, an answer to all enquiries submitted pursuant to subsection (1), which information shall be provided by the City Clerk to members of City Council at the next regular meeting of City Council.

### **Rules Applicable Where not Provided for in this Bylaw**

31. In any matter of procedure not provided for in this Bylaw, the proceedings of City

Council shall be guided by *Robert's Rules of Order*, as interpreted in the book written by J. Jeffrey Auer, *Essentials of Parliamentary Procedure*.

### **Communications and Petitions**

32. (1) Every communication, notice of motion, and application seeking action of City Council and all petitions intended for City Council must be received by the City Clerk on or before 12:00 in the afternoon on the Thursday in the week preceding the meeting of Council.

(2) Subject to subsections (1), (3), (4) and (5), the City Clerk shall place all original communications and petitions on the agenda of the next ensuing regular meeting of City Council.

(3) Whenever appropriate and possible, the City Commissioner shall prepare, or cause the preparation of, a report or letter of transmittal for the benefit of members of City Council to accompany all communications and, for the purpose of obtaining such additional information, the City Clerk may delay placing a communication on the agenda of City Council until such information is available unless directed to do otherwise by the Mayor.

(4) No communication or petition shall be placed on the agenda of City Council where:

- (a) the communication does not identify or provide any means of contacting the author;
- (b) with respect to a communication, the purpose of which is to request an opportunity for a delegation to be heard, that communication does not contain a description of the issue or issues to be addressed by the delegation, together with a summary of the action or actions to be requested of City Council by the delegation;
- (c) the communication or petition, as the case may be, contains offensive or disparaging remarks respecting the City of Humboldt, City Council, any member of City Council, any civic official, or any other person;
- (d) the communication or petition is merely for the purpose of providing information without seeking action of City Council, in which case, such communication shall merely be provided by the City Clerk to members of City Council for their information.

(5) Subject to the requirements of *The Cities Act* or any other applicable law, the City Clerk may delay placing a petition on the agenda of City Council for the purpose of determining the sufficiency of that petition.

### **Delegations before Council**

33. (1) No person or delegation shall be heard by Council;

- (a) except, in relation to a matter on the agenda of, and when properly before, City Council;
- (b) notwithstanding subsection (a), by resolution permitting that delegation or person, as the case may be, to address members of City Council;
- (c) after the commencement of debate by members of Council on a motion respecting the matter in question, other than a motion to permit persons or delegates to speak.

(2) Prior to addressing members of City Council, all persons wishing to speak on behalf of themselves or a delegation shall state their name for the record.

(3) Unless the presiding Officer otherwise permits, spokespersons for any one delegation shall be limited to one (1) individual.

(4) The total time allowed for any one delegation to speak to its presentation, exclusive of the time required to answer questions of Council, shall be limited to fifteen (15) minutes.

(5) The spokesperson shall confine comments to the subject matter contained in the original communication to the City Clerk.

### **Delegates May Not Speak Offensively**

34. (1) No person, who has been granted the privilege of addressing members of City Council, shall make offensive or disparaging remarks respecting the City of Humboldt, City Council, any member of City Council, any civic official, or any other person.

(2) In the event of a violation of subsection (1), the presiding Officer shall promptly interrupt the speaker and require an immediate withdrawal of the offending remarks, with suitable apology.

(3) In the event a speaker fails to comply with the requirements of the presiding Officer



pursuant to subsection (2), that person shall not be permitted to continue his/her address to members of City Council and may, by resolution, be expelled from Council Chambers upon such terms and conditions as City Council may deem appropriate.

### **Business Arising From Delegations**

35. Notwithstanding section 27, motions and debate of the business arising from a delegation, may be considered under the **Motions** section of the agenda.

## **PART III COMMITTEE OF THE WHOLE**

### **Proceedings of Committee of the Whole**

36. (1) The Deputy Mayor or Acting Deputy Mayor, as the case may be, shall preside at all meetings of Committee of the Whole.

(2) The rules of procedure provided for in Part II of this Bylaw respecting the proceeding of City Council shall apply, *mutatis mutandis*, to the proceedings of Committee of the Whole, provided, however, that no motion shall require a seconder.

(3) Committee of the Whole shall be called to Order by the presiding Officer upon resolution of City Council to do so.

### **Motion to Rise and Report**

37. On motion of the Committee of the Whole to rise and report, the question shall be decided without debate.

## **PART IV PROCEDURE RESPECTING BYLAWS**

### **Introduction of Bylaws**

38. (1) Every bylaw shall be introduced by the Deputy Mayor or Acting Deputy Mayor, as the case may be, upon resolution of City Council to do so.

(2) No bylaw shall be introduced in blank or in an imperfect form.

(3) No bylaw shall be introduced unless all members of City Council have had an opportunity to review the full text of the proposed bylaw.

### **First reading of a bylaw**

39. (1) A motion to give first reading to a bylaw is not subject to debate.

(2) During first reading of a bylaw, the Deputy Mayor or Acting Deputy Mayor, as the case may be, shall read the title only of the bylaw.

(3) A bylaw is not subject to amendment during first reading.

### **Second reading of a bylaw**

40. (1) A motion to give second reading to a bylaw shall be subject to debate.

(2) During second reading of a bylaw, the Deputy Mayor or Acting Deputy Mayor, as the case may be, shall read the title only of the bylaw.

(3) Amendments to a bylaw may be moved and adopted during second reading.

### **Third reading of a bylaw**

41. (1) A motion to give third reading to a bylaw shall be subject to debate.

(2) During third reading of a bylaw, the Deputy Mayor or Acting Deputy Mayor, as the case may be, shall read the title only of the bylaw.

(3) A bylaw is not subject to amendment during third reading.

(4) No bylaw shall receive more than two (2) readings at the same meeting of City Council except by the unanimous resolution of the members present.

### **Custody of Bylaws**

42. (1) Every bylaw which has been passed by City Council shall be numbered, dated, signed by the Mayor and City Clerk, affixed with the corporate seal, and kept in safekeeping by the City Clerk.

(2) Every bylaw which has been passed by City Council shall be bound with the Minutes of City Council, as a supplement thereto, for the year in which they are passed.

**PART V**  
**STANDING COMMITTEES OF CITY COUNCIL**

**Administration & Protection Committee Established**

43. (1) The Administration & Protection Committee is hereby established comprised of three members of City Council.

(2) City Council shall at the first Council meeting in each year, or in the case of an election year, at the first meeting of Council in the new term, appoint three members of Council to the Administration & Protection Committee.

(3) City Council shall appoint a Chairperson from the members of the Committee and such appointment shall continue for a term of one (1) year or until a successor is appointed.

(4) The Chairperson appointed pursuant to subsection (2) shall preside at all meetings of the Administration & Protection Committee.

(5) Meetings of the Administration & Protection Committee shall be held on the third Monday of every month at 4:30 p.m. or as set by resolution of the Committee, in the Council Chambers.

(6) The rules of procedure provided for in Part III of this Bylaw respecting the proceedings of Committee of the Whole shall apply, *mutatis mutandis*, to the proceedings of the Administration & Protection Committee.

(7) The rules provided for in Section 33 & Section 34 of this Bylaw respecting delegations addressing City Council shall apply, *mutatis mutandis*, to delegations or persons wishing to address members of the Administration & Protection Committee.

**Works & Utilities Committee Established**

44. (1) The Works & Utilities Committee is hereby established comprised of three members of City Council.

(2) City Council shall at the first Council meeting in each year, or in the case of an election year, at the first meeting of Council in the new term, appoint three members of Council to the

Works & Utilities Committee.

(3) City Council shall appoint a Chairperson from the members of the Committee and such appointment shall continue for a term of one (1) year or until a successor is appointed.

(4) The Chairperson appointed pursuant to subsection (2) shall preside at all meetings of the Works & Utilities Committee.

(5) Meetings of the Works & Utilities Committee shall be held on the first Tuesday of every month at 7:30 a.m. or as set by resolution of the Committee, in the Council Chambers.

(6) The rules of procedure provided for in Part III of this Bylaw respecting the proceedings of Committee of the Whole shall apply, *mutatis mutandis*, to the proceedings of the Works & Utilities Committee.

(7) The rules provided for in Section 33 & Section 34 of this Bylaw respecting delegations addressing City Council shall apply, *mutatis mutandis*, to delegations or persons wishing to address members of the Works & Utilities Committee.

### **Leisure Services Committee Established**

45. (1) The Leisure Services Committee is hereby established comprised of three members of City Council.

(2) City Council shall at the first Council meeting in each year, or in the case of an election year, at the first meeting of Council in the new term, appoint three members of Council to the Leisure Services Committee.

(3) City Council shall appoint a Chairperson from the members of the Committee and such appointment shall continue for a term of one (1) year or until a successor is appointed.

(4) The Chairperson appointed pursuant to subsection (2) shall preside at all meetings of the Leisure Services Committee.

(5) Meetings of the Leisure Services Committee shall be held on the third Tuesday of every month at 4:30 p.m. or as set by resolution of the Committee, in the Council Chambers.

(6) The rules of procedure provided for in Part III of this Bylaw respecting the proceedings of Committee of the Whole shall apply, *mutatis mutandis*, to the proceedings of the Leisure Services Committee.

(7) The rules provided for in Section 33 & Section 34 of this Bylaw respecting delegations

addressing City Council shall apply, *mutatis mutandis*, to delegations or persons wishing to address members of the Leisure Services Committee.

### **Limitation of Appointment**

46. A Council member may act as the Chairperson for only one of the following standing committees:

- 1) Administration & Protection Committee
- 2) Works & Utilities Committee
- 3) Leisure Services Committee

### **Meetings of standing committees to be in public, exceptions**

47. (1) Subject to the specific provisions of this Bylaw, all meetings of Standing Committees shall be open to the public and every member of the public shall have the right to be present during such meetings unless that person has been expelled for improper conduct.

(2) Notwithstanding subsection (1), a Standing Committee may, by resolution, close all or part of a meeting to the public if the matter to be discussed is within one (1) of the exemptions listed in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.

(3) Where a Standing Committee resolves to close a portion of a meeting to the public, all persons shall be excluded from the meeting except:

- (a) the members of the Committee;
- (b) the City Commissioner, the City Clerk and such other members of City Administration as the members of the Committee may deem appropriate;
- (c) such members of the public as may be allowed to attend by the Chairperson.

(4) Where a Standing Committee resolves to close a portion of a meeting to the public, in addition to the resolution to do so, the minutes shall state:

- (a) the time the in-camera portion of the meeting commenced and concluded;
- (b) the names of the parties present; and
- (c) the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* relied upon for authority to close the meeting to the public.

(5) Subject to subsection (2), no act or proceeding of a Standing Committee is effective unless it is authorized or adopted at a meeting, which is open to the public.

### **Proceedings of Standing Committees**

48. (1) All questions, matters and proceedings properly before a Standing Committee shall be decided by resolution of members then present.

(2) The minutes of every meeting of a Standing Committees shall be recorded in accordance with the requirements set forth in The Cities Act.

### **Reports of Standing Committees**

49. (1) The minutes of every meeting of all standing committees shall be placed by the City Clerk on the agenda of the next regular meeting of City Council.

(2) No decision made by a Committee shall have any force or effect until approved by separate resolution of Council at a duly constituted meeting of Council.

(3) A motion to receive the minutes of a meeting of a Standing Committee is not subject to debate.

## **PART VI**

### **ADVISORY AND OTHER COMMITTEES**

#### **Advisory and Other Committees**

50. (1) City Council may, by bylaw or resolution, establish any committee or board that it considers desirable for the purpose of providing advice and recommendations to members of City Council respecting the management and operation of any activity of the City.

(2) City Council shall, by bylaw or resolution, set out the constitution, duties, powers and functions of any committee or board established pursuant to subsection (1).

(3) All boards or committees continued pursuant to subsection (3) shall be subject to the requirements of The Cities Act or the provisions of this Bylaw.

#### **Proceedings of Advisory and Other Committees**

51. (1) All questions, matters and proceedings properly before a committee established or

continued pursuant to this Part shall be decided by resolution of members then present.

(2) Subject to any specific powers, duties and authority which may be delegated by bylaw or resolution of City Council, no decision, recommendation or resolution of a board or committee established pursuant to subsection (1) shall be effective unless specifically adopted by resolution of City Council.

(3) The minutes of every committee established or continued pursuant to this Part are to be recorded in accordance with the requirements set forth in The Cities Act.

### **Reports of Advisory and Other Committees**

52. The minutes of every meeting of all advisory and other committees shall be placed by the City Clerk on the agenda of the next regular meeting of City Council.

### **Nominations to Advisory and Other Committees**

53. The City Clerk shall, annually or on such other basis as may be required by City Council, prepare and advertise a list of all boards and committees of City Council, to which members of the public may be appointed, and publicly call for the names of persons interested in being appointed to such boards or committees.

## **PART VII**

### **MISCELLANEOUS**

#### **Limitation of Action by Members**

54. No member of Council shall direct or interfere with the functioning of any department of the City or with the performance of any work carried on by such department except that in the absence of the City Commissioner, the Mayor or Deputy Mayor may act in his stead. Committee chairperson shall direct matters of concern regarding department functions to the City Commissioner.

#### **Suspension of Rules**

55. Subject to any requirements, which may be set forth in *The Cities Act*, any rule of procedure provided for in this Bylaw may be temporarily suspended by motion and affirmative vote of not less than two-thirds of the members present.

**Procedure for Repeal or Amendment of This Bylaw**

56. This bylaw may not be repealed or amended:
- (a) without prior written notice to all members of City Council; and
  - (b) except by motion and affirmative vote by not less than two-thirds of the members of City Council present.

**Bylaws Repealed**

57. Bylaw No. 29/2000 is repealed.

**Coming into Force**

58. This Bylaw comes into force and effect on its passage.

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Mayor: Dennis Korte

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City Clerk: Sandra Pauli

READ a first time the 14<sup>th</sup> day of January, A.D. 2003.  
READ a second time the 14<sup>th</sup> day of January, A.D. 2003.  
READ a third time the 14<sup>th</sup> day of January, A.D. 2003.



## **SCHEDULE “A”**

### **List of Exemptions in Part III of The Local Authority Freedom of Information and Protection of Privacy Act.**

The following information is confidential and the proceedings of City Council or any committee of Council may be held in-camera for the purpose of obtaining or discussing such information:

1. Information obtained in confidence either implicitly or explicitly from another level of government or another local authority.
2. Information, the release of which, could interfere or prejudice law enforcement or any lawful investigation or be injurious to the conduct of existing or anticipated legal proceedings.
3. A record which contains a draft bylaw or resolution.
4. In-Camera agendas or deliberations which include personal information.
5. Records which may contain:
  - (1) advice, proposals, recommendations, analysis or policy options developed by or for a local authority;
  - (2) consultations or deliberations involving officers or employees of the local authority;
  - (3) positions, plans, procedures, criteria or instructions developed for contractual or other negotiations by or on behalf of the local authority;
  - (4) plans that relate to the management of personnel or the administration of the local authority which have not been implemented; and
  - (5) information including proposed plans, policies or projects which may reasonably expect to result in disclosure of a pending policy or Works & Utilities decision.
6. A record which could reasonably be expected to disclose:
  - (1) trade secrets;
  - (2) proprietary information;
  - (3) information obtained through research by an employee, the disclosure of which, could be reasonably expected to deprive the employee of priority of publication;
  - (4) information, the disclosure of which, could reasonably be expected to interfere with contractual or other negotiations;
  - (5) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations;
  - (6) information, the disclosure of which, could reasonably be expected to prejudice the economic interest of the local authority; and

- (7) information, the disclosure of which, could reasonably be expected to result in an undue benefit or loss to a person.
- 7. Third party information, which includes trade secrets of a third party or other information supplied in confidence to a local authority by a third party.
- 8. Records that contain information relating to testing or auditing procedures or details of specific tests to be given or audits to be conducted, the disclosure of which could reasonably be expected to prejudice the use or results of the tests or audits.
- 9. Any record, the disclosure of which could threaten the safety or physical or mental health of an individual.
- 10. Records which contain information, which is subject to solicitor-client privilege.