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**Town of Bowden – Province of Alberta
Policy Document (02 -2020)
MINUTES OF COUNCIL MEETINGS POLICY**

1 INTRODUCTION

This document outlines the Town of Bowden policy for the recording of minutes of Regular Council Meetings and Council Committee Meetings in accordance with section 208(1) and section 208(2) of the Municipal Government Act, RSA2000, Chapter M-26 (as amended over time).

2 PURPOSE

The purpose of this policy is to:

- i. assist Councillors and Town Administration in the procedures necessary to maintain accurate and useful records of meetings in accordance with the requirements of the MGA
 - ii. provide practical guidance to both Council and Administration on how to run and record meetings with a view to achieve consistency of procedures
 - iii. satisfy the legislative compliance requirements of the Town of Bowden 2020 Municipal Accountability Review Report with regard to the reporting of Council meetings
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3 DEFINITIONS

CAO (Chief Administrative Officer)

Is the person appointed by the Council into the position of Chief Administrative Officer for the Town of Bowden in accordance with the MGA (or his / her designate) and is the administrative head of the Municipality.

Council

Means the duly elected Municipal Council of the Town of Bowden.

Meetings

Means open public meetings of Council or Council Committee held in accordance with sections 192 to 200 of the Municipal Government Act, RSA2000, Chapter M-26 (as amended over time).

MGA

Means the Municipal Government Act, RSA2000, Chapter M-26 (as amended over time).

Minutes

Means to accurately record the decisions, actions, motions and recommendations of a meeting

Municipality

Means the Town of Bowden

Town

Means the municipal corporation of the Town of Bowden its administrative staff, or authorized persons.

Words (interpretation)

- i. “may” is to be construed as permissive and empowering
- ii. “must” is to be construed as imperative
- iii. “shall” is to be construed as the same as imperative
- iv. “should” is to be construed as a recommended

4 GENERAL INFORMATION

4.1

Minutes are important Council documents as they form the legal record of council’s decisions and in doing so provide authorization for Administration to practically implement those decisions.

Minutes are therefore a public record that provide open and transparent disclosure of councils’ actions and decisions.

Council direction to Town Administration (via the CAO) shall be enacted by Council resolution.

4.2

Section 208 of the Municipal Government Act applies, is reproduced as follows:

208 (1)

The chief administrative officer must ensure that:

*(a) minutes of each **council meeting***

- (i) are recorded in the English language,*
- (ii) include the names of the councillors present at the council meeting,*
- (iii) are given to council for adoption at a subsequent council meeting, and*
- (iv) are recorded in the manner and to the extent required under section 230(6) when a public hearing is held*

(b) all bylaws, minutes of council meetings and other records and documents of the municipality are kept safe

(c) the Minister is sent a list of all the councillors and any other information the Minister requires within 5 days after the term of the councillors begins

(d) the council is advised in writing of its legislative responsibilities under this Act.

208 (2)

*Subsection (1) applies to the chief administrative officer in respect of **council committees** that are carrying out the powers, duties and functions delegated to them by the council.*

5 CONTENT OF MINUTES

5.1

Council meeting minutes should be structured to facilitate ease of reference by recording a simple form of sequential events.

5.2

The minutes of Council and Council Committee meetings must record the;

- i. full name of the municipality
- ii. type of meeting (Regular Council Meeting / Special Council Meeting / Council Committee Meeting)
- iii. hour, date and place of the meeting
- iv. names of all council members (present and absent)
- v. name of the meeting Chair
- vi. names of Town Administration staff (including their titles) attending in an official capacity and the name of the person who is recording the minutes
- vii. names of any delegates (including their titles) and the organization(s) they represent

5.3

Section 208 of the Municipal Government Act states that the minutes must be recorded without note or comment in order to ensure minutes remain objective and impartial (a record of discussions might be informative however it could also be subjective because not all aspects of the discussion may be captured or given equal weight).

5.4

There should be a;

- i. minute for every item on the Agenda for that meeting.
- ii. motion for every item on the Agenda for that meeting.

5.5

The minutes should record correspondence items that are relative to the meeting agenda or which are influential to the outcome of a council decision.

Inquiries, complaints, and other information brought to the attention of Council should generally be included in the minutes (by including these documents, the minutes acknowledge Council's recognition and attention to a specific matter).

5.6

Each item on the Agenda that deals with anything that has arisen since the last Council meeting should be accompanied with a "*Request for Decision*" (RFD) document providing background information and / or options to Council in order that they are able to make an informed decision on a matter and pass a resolution.

Administration should within the RFD prepare suggested alternative choices of the anticipated resolution.

Each item on an RFD should be dealt with by resolution and recorded in the minutes.

5.7

The minutes should record that a quorum was maintained as required by legislation (a quorum is necessary to transact business at a municipal council meeting).

Section 167 of the MGA defines a quorum as, "*the majority of all the councillors that comprise the council under section 143 of the MGA*", unless there is a vacancy on council.

If a member arrives late, their arrival time should be recorded in the minutes at the precise location of the order of business as well as in the attendance summary in the heading. Early departures should be recorded in the same manner.

By recording attendance activities, the minutes provide evidence that a quorum has been maintained.

5.8

The minutes must record any additions / deletions to the minutes of the last recorded meeting and the adoption of the minutes of the last meeting.

Section 208 of the MGA requires, *"that the minutes of each council meeting are given to council for adoption at a subsequent council meeting"*.

The previous meeting's minutes should be distributed with the agenda package for the next meeting. This provides council members with the opportunity to review the contents in advance of the meeting.

After reviewing the previous minutes, Councillors may ask for an amendment to the minutes.

A resolution to amend the minutes of a meeting must precede the resolution to adopt the minutes.

5.9

The minutes should record all resolutions and motions made and a record as to whether or not each resolution or motion was either carried or defeated.

Section 180 (1) of the MGA states that, *"a council may only act by resolution or bylaw"*

Resolutions and motions (their proposal, discussion, amendment, and passing) are one of the most important tasks undertaken by a council. They are legislative decisions.

Where a resolution creates an action for Administration the resolution must provide clear direction in order that there is no ambiguity or need to guess or interpret the intent. The resolution must be accurately recorded within the minutes.

It is recommended that during meetings resolutions are read back by the person recording the minutes. If all those present in a meeting verify the spoken read back resolution this will assist in ensuring that the resolution is accurately transcribed.

5.9

The passing of all bylaws.

Section 187 (1) of the MGA states that, *"each proposed bylaw must have 3 distinct and separate readings"*.

The minutes of a Council meeting must accurately record this.

Section 187 (4) of the MGA states that, *"a proposed bylaw must not have more than 2 readings at a council meeting unless the councillors present **unanimously** agree to consider third reading"*

The minutes of a Council meeting must show that a resolution to proceed to a third reading is unanimously carried.

5.10

The minutes must document recorded votes.

Section 185 of the MGA states, *“that a councillor may request that a vote be recorded and when a vote is recorded, the minutes must show the names of the councillors present and whether each councillor voted for or against the proposal or abstained”*.

The minutes of a Council meeting must therefore accurately record this.

Section 185.1 (1) of the MGA states, *“a secret ballot must be held if requested by any councillor present at the meeting and that a vote by secret ballot must be confirmed by a resolution of Council”*.

The minutes of a Council meeting must accurately record this.

5.11

The minutes must record if any Councillor abstained from voting.

Section 183 of the MGA states, *“that a councillor attending a council meeting must vote on a matter put to a vote at the meeting unless the councillor is required or permitted to abstain from voting under this or any other enactment. The council must ensure that each abstention and the reasons for the abstention are recorded in the minutes of the meeting”*.

The minutes of a Council meeting must accurately record this requirement.

5.12

The minutes must record the disclosure of pecuniary interests

Section 172 (1) of the MGA states, *“that a councillor must disclose the general nature of the pecuniary interest prior to any discussion on the matter and must leave the room in which the meeting is being held until discussion and voting on the matter are concluded”*

and

“abstain from voting on any question relating to the matter”.

The minutes of a Council meeting must therefore accurately record the:

- i. Councillors' pecuniary interest
- ii. general nature of the pecuniary interest
- iii. Councillors' abstention from voting.

Section 172 (6) of the MGA states, *“that if a councillor has disclosed a pecuniary interest at a council committee meeting and council considers a report of the committee in respect of which the councillor disclosed a pecuniary interest, the councillor must also disclose the pecuniary interest at the (regular) council meeting”*.

The minutes of a Council meeting must accurately record this.

5.13

The minutes should record the motion and time when a Council Meeting or Council Committee meeting is moved “in camera” – ie, into a private (non-public) meeting private.

Section 197 (3) of the MGA states, *“when a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting of council or council committee held in public”*.

Section 197 (4) of the MGA states, “before closing all or any part of a meeting to the public a council or council committee must by resolution approve, (a) the part of the meeting to be closed and (b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act the part of the meeting is to be closed”.

Exception to disclose under Part 1 Division 2 of the Freedom of Information and Protection of Privacy Act, RSA2000, Chapter F-25 (as amended over time) includes information that;

- i. Section 16 is harmful to the business interests of a third party
- ii. Section 17 is harmful to personal privacy (including Town employees)
- iii. Section 18 is harmful to individual or public safety
- iv. Section 19 are confidential evaluations
- v. Section 20 is harmful to law enforcement
- vi. Section 21 is harmful to intergovernmental relations
- vii. Section 22 are cabinet and treasury board confidences
- viii. Section 23 are local public body confidences
- ix. Section 24 is deemed to be advice from officials
- x. Section 25 is harmful to economic and other interests of a public body
- xi. Section 26 on testing procedures, tests and audits where disclosure could prejudice tests or results
- xii. Section 27 is deemed to be privileged information
- xiii. Section 28 is harmful to the conservation of heritage sites
- xiv. Section 29 is or will be made available to the public with 60 days

The minutes of a Council meeting must accurately record:

- i. a resolution to approve the meeting to move “in camera”
- ii. the basis under the FOIP Act for holding a private meeting (ie, the relevant Section of the FOIP Act, as stated above, sections 16 to 29)
- iii. the resolution to revert to a public meeting
- iv. the start and end time in which the meeting was held “in camera”

5.14

Section 197 (6) of the MGA states, “where a council allows one or more persons to attend the closed part of a meeting the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend”.

The minutes of a Council meeting must accurately record the,

- i. name of the person(s) attending the closed meeting
- ii. the reason for their attendance

6 SIGNING OF MINUTES

6.1

Section 213 of the Municipal Government Act applies, reproduced as follows:

*Minutes of council meetings must be signed by
(a) the person presiding at the meeting, and
(b) a designated officer.*

*When council has delegated a power, duty or function to a council committee, the minutes of a council committee meeting that deal with the power, duty or function must be signed by
(a) the person presiding at the meeting, and
(b) a designated officer.*

6.2

The designated officer for the purpose of signing Council and Council Committee meeting minutes is the CAO.

6.3

It is recommended that the original minute document should be signed by both the Mayor and the CAO immediately following the resolution for adoption (if no amendments are required).

6.4

It is recommended that in order to ensure the integrity of the original minute document this should be initialed by either the Mayor or the CAO on all pages of the document.

7 RETENTION OF MINUTES

7.1

Council minutes are a legal document and must be preserved indefinitely.

7.2

A paper copy of the signed Council Minutes should be retained and filed within the Administration office.

7.3

Safeguards must exist in order that copies of minutes are duplicated electronically.

Electronic copies of the signed minutes of Council meetings must be made and filed in the appropriate electronic folder in the Town's data server.

7.4

Electronic copies of the signed Council Minutes must be published on the Town's web site.

8 DESTRUCTION OF MINUTES

8.1

Section 214 of the Municipal Government Act applies, reproduced as follows:

A council may authorize the destruction of the original bylaws and minutes of council meetings if the originals have been recorded on microfiche or on another system that will enable copies of the originals to be made.

A council may pass a bylaw respecting the destruction of other records and documents of the municipality.

A bylaw under subsection (2) must provide that if an individual's personal information will be used by the municipality to make a decision that directly affects the individual, the municipality must retain the personal information for at least one year after using it so that the individual has a reasonable opportunity to obtain access to it.

9 SUPPLEMENTARY INFORMATION

9.1

Schedules attached to this policy:

Schedule A Example Wording of Minutes

9.2

Any amendments to this policy can only be made during the hearing of a Regular Council Meeting and through subsequent passing of motion and resolution.

Policy Specifics

Policy Number	02 / 2020
Policy Title	Minutes of Council Meetings
Supersedes / Revokes	All previous Town of Bowden policies and procedures that make reference to the recording of Council minutes
Date Passed (Council Meeting)	10th August 2020
Council Resolution #	7(b)
Date Effective	10th August 2020
Policy Review Date	Annually (every January)



AUG 11 2020

Minutes of Council Meetings Policy SCHEDULE A

EXAMPLE WORDING OF MINUTES

A1 Confirmation of Agenda

Moved by Councillor *****

That with the Agenda for todays meeting be amended as follows to include (or remove) item reference (*insert text here*).

MOTION CARRIED

A2 Adding Items to an Agenda

Moved by Councillor *****

That Council agrees to add consideration of the matter of (*insert text here*) to the Agenda of ** / **.

MOTION CARRIED

A3 Amendment to Minutes of Previous Council Meeting

Moved by Councillor *****

That the Minutes of the Regular Council Meeting held on ** / ** / ** be approved subject to the following amendment (*insert text here*)

MOTION CARRIED

A4 Confirmation of Minutes

Moved by Councillor *****

That the Minutes of the Regular Council Meeting held on ** / ** / ** be adopted as transcribed and presented.

MOTION CARRIED

A5 Adoption of Resolutions / Motions

Moved by Councillor *****

That with respect to (*insert text here*) the following motion be adopted:

(transcribe the exact wording of the motion passed here)

For example:

- i. that Council direct Administration to report back no late than **/**/** on (*insert text here*)
- ii. that Council agrees to (*insert text here*)

MOTION CARRIED

A6 Councillor Recorded Votes

Moved by Councillor *****

Now therefore it is resolved that with respect to *(insert text here)* Council resolve by recorded vote to *(insert text here)*

Recorded Vote (For) 2 *(add names)*
Recorded Vote (Against) 5 *(add names)*

MOTION DEFEATED

A7 Bylaws

(i)
Moved by Councillor ***** that:

Bylaw **/**** is introduced and receives first reading of Council

MOTION CARRIED

(ii)
Council requested that Administration conduct amendments to the first reading of Bylaw ** / **** as recorded.

MOTION CARRIED

(iii)
Bylaw ** / **** received second reading of Council.

MOTION CARRIED

or
Council requested that Administration conduct amendments to the second reading of Bylaw ** / **** as recorded.

MOTION CARRIED

(iv)
Council gave consideration and authorization to read Bylaw ** / **** a third time

MOTION CARRIED UNANIMOUSLY

(vi)
Bylaw ** / **** received third and final reading of Council as read by all Councillors present and is passed accordingly and made effective once duly signed.

MOTION CARRIED

A8 Pecuniary Interest

Councillor ***** declared a pecuniary interest with regard to *(insert text here)* of the nature that *(insert text here)*

Councillor ***** abstained from discussion and voting

Councillor ***** left the Council meeting at ** / **pm and returned at ** / **pm

A9 In Camera Meetings

(i)
Moved by Councillor ***** that:

Council agrees to enter into an "in camera" meeting of Council at ** / ** pm and hereby agrees to exclude all members of the public and excluded / included staff members to discuss the following:
(insert text here)

eg; Planning Matter refence FOIP Act Part 1 Division 2 Section 19 confidential evaluations

MOTION CARRIED

(ii)
The following persons were in attendance for all "in camera" matters discussed:

All members of Council present at the Regular Council Meeting of ** / **
Chief Administrative Officer, Greg Skotheim
Municipal Planning Officer, A N Other

(iii)
Moved by Councillor ***** that:

Council agrees to return to an open meeting of Council at 00 / 00 pm.

A10 Adjournment

Moved by Councillor ***** that:

This Council meeting is concluded and be adjourned at 00.00 pm.

MOTION CARRIED