

# BYLAW NO. 1903

## OF THE TOWN OF FORT MACLEOD IN THE PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF FORT MACLEOD, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE ORDERLY PROCEEDINGS OF COUNCIL AND COUNCIL COMMITTEES

WHEREAS pursuant to Section 145 of the *Municipal Government Act* a council may pass bylaws in relation to the following:

- a) the establishment and functions of council committees and other bodies;
- b) the procedure and conduct of council, council committees and other bodies established by the council, the conduct of councillors and the conduct of members of council committees and other bodies established by the council.

NOW THEREFORE the Council of the Town of Fort Macleod, duly assembled, enacts:

### 1. TITLE

- 1.1 This bylaw may be cited as "The Procedural Bylaw".

### 2. DEFINITIONS

#### 2.1 In this Bylaw:

- a) "Acting Mayor" means the Councillor, selected by Council, to preside at a meeting in the absence or incapacity of both the Mayor and the Deputy Mayor
- b) "Administrative Inquiry" is a request by a Councillor to the CAO for the future provision of information;
- c) "CAO" means the Chief Administrative Officer, as defined by the *Municipal Government Act*;
- d) "Chair" means the person authorized to preside over a meeting, determined in accordance with section 5;
- e) "Council" means the municipal council of the Municipality;
- f) "Council Committee" means any committee, board or other body established by Council by bylaw under the *Municipal Government Act*;
- g) "Councillor" means a member of Council who is duly elected and continues to hold office and includes the Mayor;

- h) "Deputy Mayor" means the Councillor appointed by Council to act as the Mayor when the Mayor is unable to perform the duties of the Mayor, or if the office of Mayor is vacant;
- i) "General Election" means an election held in the Town of Fort Macleod to elect the members of Council, as described in the *Local Authorities Election Act*;
- j) "In-Camera" means a meeting or portion of a meeting of Council or a Council Committee without the presence of the public where the matter to be discussed is within one of the exceptions to disclosure in Division 2, of Part 1 of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25;
- k) "Inaugural Meeting" means the Organizational Meeting immediately following the General Election;
- l) "Mayor" means the chief elected official of the Municipality;
- m) "Member" includes a Councillor and a member of a Council Committee who is not a Councillor;
- n) "Municipality" means the Town of Fort Macleod;
- o) "*Municipal Government Act*" means the *Municipal Government Act*, RSA 2000, c M-26, as amended;
- p) "Non-statutory Public Hearing" is a pre-advertised public hearing that is convened at the direction of Council, in its discretion, in relation to a specified matter, in a case where Council is not otherwise required to hold a hearing under the *Municipal Government Act* or another enactment;
- q) "Organizational Meeting" means the meeting held as described in section 6.3 and 6.4 and includes the Inaugural Meeting;
- r) "Pecuniary Interest" means a pecuniary interest within the meaning of the *Municipal Government Act*;
- s) "Point of Order" means a demand that the Chair enforce the rules of procedure;
- t) "Postpone" or "Postponed" means to delay action on a pending motion either:
  - (i) to a definite day, meeting, or hour, or until after a certain event; or
  - (ii) indefinitely.
- u) "Public Hearing" includes a Statutory Public Hearing and Non-statutory Public Hearing;
- v) "Question of Privilege" means a request or motion made to the Chair, unrelated to the business on the floor, which affects the comfort, dignity, safety, or reputation of Council, a Council Committee or individual Members, some examples of which include requests related to heating, lighting, noise or other disturbances in Council Chambers, conduct of members of the public or fellow Members;



- w) "Quorum" means the minimum number of Members that must be present at a meeting for business to be legally transacted;
- x) "Statutory Public Hearing" is an advertised public hearing that Council is required to hold under the *Municipal Government Act* or another enactment;
- y) "Table", "Lay on the Table" or "Tabled" means to temporarily delay consideration of any matter, which does not set a specific time to resume consideration of the matter; and
- z) "Two-Thirds Vote" means a vote by at least two-thirds of Members present at the meeting and entitled to vote on the motion.

### **3. APPLICATION AND INTERPRETATION**

#### *General Rules*

- 3.1 The procedures contained in this Bylaw shall be observed in respect of Council meetings.
- 3.2 The procedures contained in sections 5, 7 to 9, 12 to 14, 18 to 22 and 26 of this Bylaw shall apply in respect of Council Committee meetings, subject to the following exceptions:
  - a) discussion may take place in the absence of a motion;
  - b) the number of times that a Member may speak on an item is not limited, provided that subsequent statements are either responsive to new issues raised by other Members or contain information not contained in the Member's original statement;
  - c) no time limit shall apply to Members' speeches;
  - d) the Chair is permitted to participate in debate and discussion; and
  - e) The Proceedings of the Committee of the Whole will not be recorded, except the report to Council respecting the recommendations of the Committee of the Whole.
- 3.3 To the extent that a procedural matter is not dealt with in the *Municipal Government Act* or this Bylaw, the matter will be determined by referring to the most recent version of *Bourinot's Rules of Order*.
- 3.4 Subject to any statutory obligation to the contrary, Council or a Council Committee may temporarily suspend any provision of this Bylaw by a Two-Thirds Vote.
- 3.5 A resolution suspending any provision of this Bylaw as provided for in Section 3.4 is only effective for the meeting during which it is passed.

#### **4. METHOD BY WHICH COUNCIL MAY ACT**

- 4.1 Council may only act by resolution or bylaw.
- 4.2 Where Council or the Municipality is required or authorized under the *Municipal Government Act* or any other enactment or bylaw to do something by bylaw, it may only be done by bylaw.
- 4.3 Where Council is required or authorized under the *Municipal Government Act* or any other enactment or bylaw to do something by resolution or to do something without specifying that it be done by bylaw or resolution, it may be done by either bylaw or resolution.

#### **5. CHAIR**

##### *Chair of Council and Committee of the Whole Meetings*

- 5.1 In the case of a Council meeting or Committee of the Whole meeting, the Chair shall be
  - a) the Mayor; or
  - b) if the Mayor is absent, or otherwise unable to preside, the Deputy Mayor; or
  - c) if both the Mayor and Deputy Mayor are absent, or otherwise unable to preside, the next Councillor, in order of priority as set out in the Deputy Mayor Roster, if one has been created pursuant to Section 6.4(d).

##### *Chair of Other Committee Meetings*

- 5.2 In the case of a Council Committee meeting, other than a meeting of the Committee of the Whole, the Chair shall be the person appointed as Chair in accordance with the process set out in the Committee's governing bylaw, or the person appointed as Chair at the Committee's annual organizational meeting, where no other process for appointment of the Chair is provided for in the Committee's bylaw.

#### **6. COUNCIL MEETINGS**

##### *Inaugural Meeting*

- 6.1 Council must hold its Inaugural Meeting not later than two weeks after the third Monday in October following the General Election.
- 6.2 At the Inaugural Meeting:
  - a) all Councillors must take the official oath prescribed by the *Oaths of Office Act*;
  - b) Council must confirm the Council Chambers seating arrangements of Councillors; and
  - c) all other matters required by section 6.4 must be dealt with



### *Organizational Meetings*

- 6.3 An Organizational Meeting must be held not later than two weeks after the third Monday in October each year.
- 6.4 At the Organizational Meeting, Council must:
- a) establish a Deputy Mayor;
  - b) appoint Members to Council Committees;
  - c) conduct other business as identified within the agenda for the Organizational Meeting; and
  - d) may establish an Acting Mayor roster for the forthcoming year.

### *Regular Council Meetings*

- 6.5 Regular Council meetings are held on the second and fourth Monday of each month in the Council Chambers at the Town Office, commencing at 7:00 p.m. (In the case of a scheduled in camera section to start prior to the regular meeting please see section 20.)
- 6.6 When the date of a regular meeting of Council falls on a holiday, the meeting shall take place on the Tuesday immediately following the holiday, unless otherwise set by Council by resolution.
- 6.7 Council may, by resolution, establish other regular Council meeting dates as may be required from time to time.
- 6.8 Council may, by resolution passed at a meeting preceding the affected regularly scheduled meeting, change the date, time or place of a regularly scheduled meeting.
- 6.9 Notice of a change in date, time or place of any meeting of Council will be provided at least twenty-four (24) hours prior (unless extenuating circumstances) to the meeting to:
- a) any Councillors not present at the meeting at which the change was made, in accordance with the *Municipal Government Act*; and
  - b) to the public by:
    - (i) posting a notice in the Town Office; and
    - (ii) posting a notice on the Municipal website; or
    - (iii) posting a notice to various Municipal social media outlets.
- 6.10 Council may cancel any meeting if notice is given in accordance with section 6.9.

### *Special Meetings*

- 6.11 The Mayor may call a special Council meeting at any time and must do so if a majority of Councillors make a request in writing stating the purpose of the meeting.
- 6.12 A special Council meeting requested by Councillors must be held within fourteen (14) days after the request is received.
- 6.13 Written notice of a special Council meeting, stating the purpose of the meeting, and the date, time and place at which it is to be held, must be given at least twenty-four (24) hours in advance and in accordance with section 6.9.
- 6.14 A special Council meeting may be held with less than twenty-four (24) hours' notice to all Councillors and without notice to the public if a least two-thirds of the whole Council agrees to this in writing before the beginning of the meeting.
- 6.15 No matter other than that stated in the notice calling the special Council meeting may be transacted at the meeting unless the whole Council is present at the meeting and the Council agrees to deal with the matter in question.

## **7. COUNCIL COMMITTEES**

### *Council Committees*

- 7.1 Members of Council Committees shall be appointed by Council at the Organizational Meeting, as contemplated by section 6.4.
- 7.2 In the event that a vacancy arises within a Council Committee, or a new council Committee is created, Council may appoint Members to fill the vacancy(ies), or populate the newly created Council Committee(s), as the case may be, prior to the next Organizational Meeting.
- 7.3 Notwithstanding s.154(2) of the *Municipal Government Act*, the Mayor shall not be a Member of a Council Committee unless Council has expressly appointed the Mayor as a Member of that Council Committee, and the Mayor shall not attend Council Committee meetings unless authorized to do so by Council.
- 7.4 Notice of a Council Committee Meeting will be provided, at least twenty-four (24) hours prior to the meeting, to the Members in accordance with the *Municipal Government Act* and to the public by:
  - a) posting a notice in the Town Office; and
  - b) posting a notice on the Municipal website.

### *Committee of the Whole*

- 7.5 A Council Committee to be known as Committee of the Whole is hereby established.
- 7.6 The membership of the Committee of the Whole shall consist of all members of Council.



- 7.7 The function of the Committee of the Whole is to allow for discussions, in a more informal manner, of significant items, including but not limited to matters that may require a substantial amount of time to analyze and consider, in order to bring recommendations to Council for final consideration and decision.
- 7.8 Regular Committee of the Whole meetings are held on the third Tuesday of each month in the Council Chambers at the Town Office at 7:00 p.m.
- 7.9 The Committee of the Whole may, by resolution, change the date, time or place of a regularly scheduled meeting.
- 7.10 Notice of a regularly scheduled Committee of the Whole Meeting, and a change in date, time or place, of any meeting of the Committee of the Whole, will be provided in accordance with section 7.4.
- 7.11 No bylaw, nor any resolution respecting a matter reserved to Council, shall be passed by the Committee of the Whole.

## **8. ELECTRONIC RECORDING OF MEETINGS**

- 8.1 An official electronic recording of public portions of Council meetings may be made.
- 8.2 A Member shall not electronically record any portion of a meeting, unless the recording is authorized by a majority of Members present at that meeting.
- 8.3 Public attendees of Council and Council Committee meetings shall not be permitted to electronically record the meetings.
- 8.4 Any individual Member that electronically records a meeting, or portion thereof, shall, within twenty-four (24) hours following the completion that meeting, provide a complete copy of the electronic recording to the CAO.
- 8.5 There shall be no record kept of any portion of a meeting that is held In-Camera.
- 8.6 In the event that a meeting, or portion thereof, is recorded, either officially or by an individual Member, all persons present at the meeting shall be informed of the recording, prior to the recording commencing.
- 8.7 Any recording made of a Council or Council Committee Meeting is a record of the Municipality, and its collection, use, disclosure, retention and destruction shall be governed by the provisions of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25, and any applicable bylaws and policies of the Municipality.

## **9. MEETINGS THROUGH ELECTRONIC COMMUNICATIONS**

- 9.1 A meeting may be conducted by means of electronic or other communication facilities if:
  - a) notice is given to the public of the meeting, including the way in which the meeting is to be conducted;

- b) the facilities enable the public to watch or listen to the meeting at a place specified in that notice and a designated officer is in attendance at that place; and
- c) the facilities enable all the meeting's participants to watch or hear each other.

9.2 Members participating in a meeting held by means of electronic or other communication facilities are deemed to be present at the meeting.

## **10. PUBLIC HEARINGS**

10.1 Public Hearings will be held in conjunction with a regular Council meeting. However, a special Council meeting for the purpose of holding a Public Hearing may be called.

10.2 A Statutory Public Hearing on any proposed bylaw or resolution must be held before:

- a) second reading of the bylaw, or
- b) Council votes on the resolution.

10.3 The procedure for a Public Hearing is as follows, in sequence:

- a) The Chair will declare the Public Hearing open and outline the purpose of the Public Hearing, the process to be followed and any preliminary matters;
- b) Administration will introduce the proposed item, followed by questions of clarification from Council;
- c) If applicable, the applicant(s) will be invited to identify themselves and make verbal presentations, followed by questions by Council;
- d) Presentations from the public, in the following order:
  - (i) those speaking in favour,
  - (ii) those speaking against, and
  - (iii) any other person desiring to speak to the matter, and
  - (iv) follow up questions from Members;
- e) Questions of the Administration from Members; and
- f) motions.

10.4 All individuals speaking at the Public Hearing shall state their name, who they represent, if applicable, and shall be subject to a five (5) minute limit for their presentation. No individual shall speak more than once per agenda item.

10.5 Notwithstanding Section 10.4, the applicant(s), if applicable, shall be entitled to speak for ten (10) minutes.



- 10.6 If written submissions were received, administration will read the written submissions into the record or, where determined to be appropriate by administration, administration may provide a report on the number of written submissions received and a general overview of the contents of the written submissions;
- 10.7 If applicable, the applicant(s) will be entitled to provide a final five (5) minute verbal submission, followed by questions by Council;
- 10.8 At the conclusion of the business of the Public Hearing, the Chair shall declare the Public Hearing closed, or call for continuance and establish a date for reconvening the Public Hearing, and recess the Public Hearing.
- 10.9 At the discretion of the Chair, the time limits for speaking and presentations may be extended to ensure that all interested parties have had a fair and equitable opportunity to express their views.
- 10.10 The use of slides, maps, videos and other similar materials is permitted and these, along with written submissions, become the property of the Municipality as exhibits to the hearing.
- 10.11 The Chair is hereby authorized to make any other decisions or determinations with respect to the process or rules of order for the Public Hearing.
- 10.12 The minutes of a Council meeting during which a Public Hearing is held must contain the names of the speakers and a summary of the nature of representations made at the Public Hearing.

## **11. COUNCIL REVIEW HEARINGS**

- 11.1 In this section, the following terms have the following meanings:
  - a) "Enforcement Order" means an order issued under section 545 or section 546 of the *Municipal Government Act*;
  - b) "Review" means a review by Council of an Enforcement Order in accordance with section 547 of the *Municipal Government Act*;
  - c) "Staff" means a designated officer of the Municipality or an employee of the Municipality that has been delegated the responsibility to issue an Enforcement Order.
- 11.2 A request for a Review must be submitted in writing and provide the following information:
  - a) the name of the applicant requesting the Review;
  - b) the address of the property to which the Enforcement Order relates;
  - c) the reasons for the request to Review the Enforcement Order;
  - d) daytime contact telephone number of the applicant requesting the Review; and
  - e) an address to which documents relating to the Review may be delivered.

- 11.3 Upon receipt of a request for a Review received within the time limits set out at Section 547 of the *Municipal Government Act*, the Review will be scheduled to be addressed at a Regular Council Meeting, unless Council determines that a Special Meeting should be held.
- 11.4 The applicant may attend as a delegation to the Council meeting, to speak to the Review. The applicant's presentation shall be limited to ten (10) minutes, unless Council elects to allow additional time.
- 11.5 The applicant may appear in person, by an authorized agent, or may be represented by legal counsel.
- 11.6 The rules of evidence in judicial proceedings do not apply to a Review and information may be given in any manner Council considers appropriate.
- 11.7 If the applicant fails to attend the Review despite having been given notice, Council may proceed with the Review in the absence of the applicant.
- 11.8 At the conclusion of the Review, Council may confirm, vary, substitute or cancel the Enforcement Order.
- 11.9 Council may go In-Camera to deliberate but the resolution respecting Council's decision must be made in public.
- 11.10 The CAO shall cause a notice of the decision of Council to be delivered or mailed to the appellant at the address provided to the CAO within fifteen (15) calendar days after the conclusion of the Review.
- 11.11 Service is presumed to be effected under section 11.10:
  - a) seven (7) calendar days from the date of mailing if the document is mailed in Alberta to an address in Alberta; or
  - b) subject to (a), fourteen (14) calendar days from the date of mailing if the document is mailed in Canada to an address in Canada;
  - c) unless the document is returned to the sender other than by the addressee, or the document was not received by the addressee, the proof of which lies on the addressee.

## **12. QUORUM**

- 12.1 Quorum for Council is a majority of Councillors, and for Council Committees is a majority of Members of the Council Committee, unless specified otherwise by this or any other bylaw, or the *Municipal Government Act*.

### *No Quorum*

- 12.2 If there is no Quorum within fifteen (15) minutes after the time set for the meeting, the names of the Members present shall be recorded and the meeting may be adjourned.



### *Lost Quorum*

- 12.3 If at any time during a meeting Quorum is lost, the meeting will be recessed and if Quorum is not achieved again within fifteen (15) minutes, the meeting will be deemed to be adjourned.

## **13. COMMENCEMENT OF MEETINGS**

- 13.1 As soon as there is a Quorum after the time for commencement of a meeting, the Chair shall begin the meeting.

## **14. DUTIES OF THE CHAIR**

### 14.1 The Chair:

- a) opens meetings;
- b) Chairs meetings;
- c) preserves order in meetings, and may call to order any Member who is out of order;
- d) decides all questions of procedure;
- e) ensures that each Member who wishes to speak on a debatable motion is granted the opportunity to do so;
- f) states and puts to a vote all questions that legitimately come before Council or the Council Committee as motions;
- g) ensures that official delegations to Council Meetings or Committee meetings are provided their opportunity to address Council or the Committee and do not exceed the time limit allotted for the delegation's presentation; and
- h) declares meetings adjourned when Council or the Council Committee so votes or, where applicable, at the time appointed for adjournment, or at any time in the event of an emergency.

## **15. AGENDA (FOR REGULAR COUNCIL MEETING)**

### *Preparation of Agenda*

- 15.1 The agenda for each Council meeting shall be approved by the Mayor and the CAO a minimum of 5 days prior to the meeting.

### *Agenda Delivery*

- 15.2 The CAO will distribute the agenda to the regular designated address of Councillors not less than forty-eight (48) hours prior to a regular Council meeting, and not less than twenty-four (24) hours prior to a special Council meeting, except for a special Council meeting called pursuant to Section 194(4) of the *Municipal Government Act*.

### *Late Submissions*

- 15.3 Reports and supplementary materials related to items on the agenda and that are received too late to be included with the agenda package will be made available as soon as reasonably possible.
- 15.4 Additional agenda items, reports and supplementary material that are time sensitive and received too late to be included on the agenda may be made available for consideration of Council as an additional agenda item and will be delivered to Councillors in paper or electronic format as soon as possible.
- 15.5 The CAO will make copies of the agenda available to the public after distribution to Council, unless these must or may be withheld under the *Municipal Government Act* or other legislation.

### *Adoption of the Agenda*

- 15.6 Council must vote to adopt the agenda prior to transacting other business and may:
  - a) add new items to the agenda by a Two-Thirds Vote; and
  - b) delete any item from the agenda by a Two-Thirds Vote.
- 15.7 The agenda of an adjourned meeting will be dealt with at the beginning of the next regular meeting unless a special Council meeting is called to deal with the business of the adjourned meeting.

## **16. ORDER OF BUSINESS**

### *Order of Business*

- 16.1 The order of business for each Council meeting shall be as follows:
  - a) Call to Order;
  - b) Approval of Agenda;
    - 1) Consent Agenda
      - A) Council Meeting Minutes
      - B) Correspondence and Information Items
      - C) Financials
    - 2) Regular Agenda
  - c) In Camera (as required);
  - d) Moment of Reflection;
  - e) For the Good of Council
  - f) Delegations;



- g) Public Hearings;
- h) Consideration of Delegations and Public Hearings;
- i) Unfinished Business;
- j) New Business;
- k) Administrative Reports;
- l) Committee Reports;
- m) In Camera (as required);
- n) Adjournment.

*Deviation from Order of Business*

- 16.2 There may be a deviation from the order of business by majority vote of the Councillors present, without debate.
- 16.3 Please see section 20 for in camera matters. No vote is needed to add in camera items to the agenda.

**17. MINUTES**

- 17.1 The CAO, or his or her designate, will prepare minutes for all Council meetings, which shall include:
  - a) the names of Councillors and members of administration present at meetings;
  - b) a brief description of the subject matter discussed for each agenda item;
  - c) all decisions and other proceedings;
  - d) the names of staff or members of the public who speak to an item;
  - e) any abstentions made under the *Municipal Government Act* by a Councillor and the reason for the abstention;
  - f) the nature of any additions to, or deletions from, the agenda; and
  - g) the signatures of the Chair and the CAO.
- 17.2 Minutes shall be recorded with a high level of professionalism and organization, and without the addition of notes, comments or context.
- 17.3 The minutes of all meetings shall be circulated to all Members prior to the meeting at which they are to be approved.

17.4 Administratively, minor changes may be made to the minutes to correct errors in grammar, spelling, and punctuation, or to correct the omission or addition of a word necessary to the meaning or continuity of a sentence. No changes shall be allowed which would alter the actual decision made by Council.

## **18. PROCEEDINGS**

### *Discussion Directed through Chair*

18.1 All discussion at a meeting must be directed through the Chair who will be addressed as "Mister/Madam Chair".

### *Absence from Proceedings*

18.2 When a Councillor has a Pecuniary Interest in a matter before Council or a Council Committee the Councillor must, if present, disclose the general nature of the Pecuniary Interest prior to any discussion on the matter, abstain from voting on any question relating to the matter and, subject to the *Municipal Government Act*, abstain from any discussion of the matter and leave Council Chambers, or other meeting location, until discussion and voting on the matter are concluded.

### *Speaking to Motions*

18.3 A Councillor may not speak unless and until recognized by the Chair.

18.4 Unless permitted by the Chair, a Councillor may only speak twice on any motion, once in debate and once to ask questions.

### *Time Limit*

18.5 Each Councillor may speak for only five (5) minutes, unless otherwise permitted by the Chair.

### *Interruption of Speaker*

18.6 A Member who is speaking may only be interrupted by another Member:

- a) by a Question of Privilege; or
- b) by a Point of Order.

18.7 A Member who is speaking when a Question of Privilege or a Point of Order is raised must cease speaking immediately.

18.8 The Chair may grant permission:

- a) to the Member raising a Question of Privilege or a Point of Order to explain the Question or Point briefly; and
- b) to the Member who was speaking to respond briefly.



but otherwise a Question of Privilege or Point of Order is not debatable or amendable.

#### *Ruling on Proceedings*

- 18.9 The Chair will rule on a Question of Privilege or Point of Order.
- 18.10 The Chair may seek advice on a Question of Privilege or Point of Order to determine whether a matter is within the jurisdiction of Council or the Council Committee, as the case may be.

#### *Challenging a Ruling*

- 18.11 Any ruling of the Chair may be challenged.
- 18.12 A motion to challenge may be made only at the time of the ruling, whether or not another speaker has the floor.
- 18.13 A motion to challenge is debatable unless it is related to decorum, the priority of business, or an undebatable pending motion.
- 18.14 If a motion to challenge is made the Chair must state the question "Is the ruling of the Chair upheld?", and may participate in debate on the challenge without leaving the Chair.
- 18.15 If the Chair refuses to put the question on a challenge, the person who would preside if the individual occupying the Chair were absent must put the question to Council or the Council Committee, as the case may be.
- 18.16 Council or the Council Committee will decide the challenge by voting and the decision of Council or the Council Committee is final.
- 18.17 The names of the Members present and whether each member voted for or against the challenge must be recorded in the minutes of the meeting.

### **19. MOTIONS**

#### *Consideration of Motions*

- 19.1 Unless otherwise determined by the Chair, no matter may be debated or voted on unless it is in the form of a motion.
- 19.2 A Member may move a motion whether or not the Member intends to support it.
- 19.3 Once a motion has been moved and stated by the Chair, it is in the possession of Council or the Council Committee, and may only be withdrawn with the consent of a majority of the Members present at the meeting.
- 19.4 All motions shall be presented in a manner that will allow Council or the Council Committee to take a positive action. Negative motions are prohibited.
- 19.5 When required to do so by the *Municipal Government Act*, Council or the Council Committee will provide reasons why a motion was defeated.

### *Motions to the Main Motion*

- 19.6 When a motion is made and is being considered, no Member may make another motion except to:
- a) amend the motion;
  - b) amend any amendment to the motion;
  - c) refer the main motion for consideration;
  - d) Table the motion;
  - e) Postpone the motion; or
  - f) move a privileged motion.

### *Privileged Motions*

- 19.7 The following motions are privileged motions:
- a) a motion to recess;
  - b) a motion to adjourn;
  - c) a motion to set the time for adjournment; and
  - d) a Question of Privilege.

### *Motion to Recess*

- 19.8 Any Member may move that Council or the Council Committee recess for a specific period.
- 19.9 After a recess, business will be resumed at the point where it was interrupted.

### *Amending Motions*

- 19.10 A Member may not amend a motion or make an amendment which:
- a) does not relate to the subject matter of the main motion; or
  - b) is contrary to the main motion.
- 19.11 Only one amendment to the main motion and only one amendment to that amendment are allowed.
- 19.12 The main motion will not be debated until any proposed amendments to it have been debated and voted on.



19.13 When all proposed amendments have been voted on, the main motion, incorporating any amendment that has been adopted by Council or the Council Committee, will be debated and voted on.

*Motion to Refer*

19.14 A Councillor may move to refer any motion to the appropriate Council Committee or administration for investigation and report, and the motion to refer:

- a) precludes all further amendments to the motion;
- b) is debatable only as to the desirability of referring the main motion, the terms or instructions of the referral and the time required to carry out the investigation or review; and
- c) may be amended only as to the body to which the motion is referred and the instructions on the referral.

*Motion to Limit or End Debate*

19.15 Any motion to limit or end debate of another motion:

- a) cannot be debated;
- b) must be passed by a Two-Thirds Vote; and
- c) may only be amended as to the limit to be placed on debate.

*Motion to Table*

19.16 A motion to Table another motion:

- a) cannot be debated;
- b) takes precedence over any other motion connected with the motion being Tabled; and
- c) may be raised from the Table at any time by a majority vote of Council or the Council Committee.

19.17 A Tabled motion is brought back with all of the motions connected with it, exactly as it was when Tabled.

*Motion to Postpone*

19.18 A motion to Postpone another motion:

- a) takes precedence over any other motion connected with the motion being Postponed;
- b) can only be debated as to the time or date; and
- c) cannot be amended.

### *Reconsideration of Motions*

- 19.19 If a motion is voted on by Council or a Council Committee, the same matter dealt with in the motion cannot be reconsidered unless:
- a) a General Election has been held;
  - b) six (6) months has passed since the date that the motion was considered; or
  - c) a motion to reconsider, where less than six (6) months has passed since the date that the motion was considered, is approved by Two-Thirds Vote prior to reconsideration.
- 19.20 A Member may introduce a motion asking Council or the Council Committee to reconsider a matter dealt with in a previous motion providing:
- a) the motion is made at the same meeting of Council at which the original matter was considered and is moved by a Member who voted with the prevailing result; and
  - b) the motion to which it is to apply has not already been acted upon.
- 19.21 If a motion to reconsider is passed the original motion is on the floor.

## **20. IN CAMERA**

- 20.1 All Agendas must be approved in a public forum prior to Council motioning to go in Camera.
- 20.2 Section 197 of the MGA states that Council and Council Committees must conduct their meetings in public unless the matter to be discussed is within the one of the exceptions to disclosure in Division 2 Part 1 of the Freedom of Information and Protection of Privacy (FOIPP) Act (Sections 16 to 29).

### *Motion to go In-Camera*

- 20.3 A Member may move that Council or a Council Committee convene In-Camera if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*.
- 20.4 A Councillor moving that Council or a Council Committee convene In-Camera shall identify the specific *Freedom of Information and Protection of Privacy Act* exception(s) to disclosure that, in the Councillor's view, may be applicable in the circumstances.

### *In-Camera Meeting*

- 20.5 All In-Camera meetings will be held without the presence of the public unless invited by Council or the Council Committee.
- 20.6 No bylaw or motion will be passed at an In-Camera meeting except for a motion to revert to a meeting to be held in public.



## **21. NOTICE OF MOTION**

- 21.1 A Member wishing to introduce a new matter for consideration must submit a notice of motion in writing to the CAO a minimum of forty-eight (48) hours prior to deadline for completing the agenda under Section 15.1.
- 21.2 A notice of motion received in accordance with Section 21.1 shall be added to the agenda for the next regular Council meeting.
- 21.3 The requirements for submitting a notice of motion under Section 21.1 may be waived by a Two-Thirds Vote, where Council is of the opinion that the matter is of an urgent nature and should be considered at the Council meeting at which the matter is raised.

## **22. VOTING**

### *Requirement to Vote*

- 22.1 Each Member present must vote on every motion, unless the Member is required or permitted to abstain from voting under the *Municipal Government Act* or another enactment.
- 22.2 A Member who abstains from voting must state the reason for his or her abstention.
- 22.3 Council or the Council Committee, as the case may be, must ensure that each abstention and the reasons for the abstention are recorded in the minutes of the meeting.

### *Voting Procedure*

- 22.4 Votes on all motions must be taken as follows:
- a) except for a meeting conducted through electronic or other communication facilities, Members must be in their designated seat when the motion is considered;
  - b) the Chair puts the motion to a vote;
  - c) Member vote by a show of hands or other method agreed to by Council or the Council Committee; and
  - d) the Chair declares the result of the vote.
- 22.5 Unless otherwise specified in the *Municipal Government Act* or this Bylaw, a motion is carried when a majority of Members present at a meeting vote in favor of the motion.

### *Declaring Results of a Vote*

- 22.6 After the Chair declares the result of the vote, Members may not change their vote for any reason.
- 22.7 A question on the results of a vote may be resolved by the Chair immediately calling for a revote on the motion.

### *Recording Votes*

- 22.8 Before a vote is taken by Council, a Councillor may request that the vote be recorded. 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.

### *Tie Votes*

- 22.9 A motion is lost when the vote is tied.

## **23. BYLAWS**

### *Basic Requirements*

- 23.1 All proposed bylaws must have:
- a) a bylaw number assigned by the CAO; and
  - b) a concise title indicating the purpose of the bylaw.
- 23.2 Councillors will be provided the opportunity to review a copy of the proposed bylaw, in its entirety, prior to any motion for first reading.
- 23.3 Councillors will be provided the opportunity to review the proposed bylaw, and any amendments passed after first reading, prior to any motion for third reading.

### *Introducing a Bylaw*

- 23.4 A proposed bylaw must be introduced at a Council meeting by a motion that the bylaw be read a first time, and the motion must be voted on without amendment or debate.
- 23.5 Council may hear an introduction of the proposed bylaw from administration.
- 23.6 After first reading has been given, subject to the requirements of the *Municipal Government Act*, any Councillor may move that the bylaw be read a second time.
- 23.7 Council may not give a bylaw more than two readings at a meeting unless all Councillors present at the meeting vote unanimously in favour of allowing a third reading at that meeting.

### *Amendments to Bylaws*

- 23.8 Any amendments to the bylaw which are carried prior to the motion for third reading being put will be considered to have been given first and second readings and will be incorporated into the proposed bylaw.

### *Defeated Bylaws*

- 23.9 The previous readings of a proposed bylaw are rescinded if the proposed bylaw:
- a) does not receive third reading within two years after first reading; or



- b) is defeated on second or third reading.

#### *Effective Date*

23.10 A bylaw is effective from the beginning of the day it is signed unless the bylaw or any applicable statute provides for another effective date.

#### *Bylaws Signed and Sealed*

23.11 The Mayor and the CAO must sign and seal the bylaw as soon as reasonably possible after third reading is given.

23.12 Once a bylaw has been passed, it may only be amended or repealed by another bylaw made in the same way as the original bylaw, unless another method is specifically authorized by the *Municipal Government Act* or another enactment.

### **24. ADMINISTRATIVE INQUIRIES**

#### *Verbal or Written Administrative Inquiries*

24.1 Any Councillor may make an Administrative Inquiry through the Chair:

- a) verbally, if the Councillor does not require a written response; or
- b) in writing, if the request requires a written response.

#### *Submission of Administrative Inquiries*

24.2 Administrative Inquiries may be submitted:

- a) at any regular meeting of Council; or
- b) for inclusion on the agenda of a Council meeting; or
- c) outside a regular Council meeting if the response to the Inquiry is of a routine nature and is not a substantive task.

#### *Response to Administrative Inquiries*

24.3 Administrative Inquiries made at a Council meeting will be responded to at the next meeting of Council following the meeting at which the Inquiry was submitted, unless:

- a) the financial or other resources required to answer the Inquiry are substantial and a decision of Council or the CAO is required to approve such allocation of resources; or
- b) additional time is required to prepare the response or compile the requested information.

- 24.4 Administrative Inquiries made outside a Council meeting will be responded to within two (2) weeks from the date the Inquiry was submitted, unless:
- a) the financial or other resources to answer the Inquiry are substantial and a decision of Council or the CAO is required to approve such allocation of resources; or
  - b) additional time is required to prepare the response or compile the requested information.
- 24.5 Councillors will be advised as to when the response to an Administrative Inquiry will be provided.
- 24.6 A Councillor who requested an Administrative Inquiry may request that the Inquiry be abandoned.

## **25. COMMUNICATIONS TO COUNCIL**

### *Delegations at Council Meetings*

- 25.1 Requests for an appointment to make a presentation to Council must be delivered to the CAO and must:
- a) be in writing and received at least fourteen (14) calendar days prior to the date of the Council meeting at which they request to appear;
  - b) be legible;
  - c) clearly identify the reason or purpose of the appointment and provide sufficient background information to allow for an understanding of the matter being presented;
  - d) identify the individual or primary contact for a group or organization; and
  - e) include contact information, including the current mailing address and daytime telephone number(s), of the individual or organization.
- 25.2 If the standards set out in section 25.1 are not met, the CAO may file the communication without any action being taken.
- 25.3 If the CAO determines that the presentation is within the governance authority of Council, and that the delegation will be allowed, the CAO shall:
- a) include the matter on the relevant agenda for future consideration by Council; and
  - b) inform the primary contact person for the delegation of the date, time and location of their appearance before Council, and of the rules set out in sections 25.5 and 25.6.
- 25.4 If the CAO determines that the proposed presentation is not within the governance authority of Council, the CAO will:
- a) refer the communication to administration for a report or a direct response and provide a copy of the original correspondence and the referral to the Councillors; and



- b) take any other appropriate action on the communication.
- 25.5 Subject to Section 26.2, approved delegations shall have fifteen (15) minutes to make their presentation.
- 25.6 Approved delegations shall deliver any written materials that are relevant to their presentation to the Town Office no later than 5 business days prior to the date of their appearance before Council.
- 25.7 Council may choose to delay Considerations of Delegations to the following regular Council meeting if required.

*Written Communication to Council*

- 25.8 Any written communication intended for Council received by the Town shall be forwarded to the CAO and:
- a) must be legible and coherent;
  - b) must clearly identify the writer and the writer's contact information;
  - c) must be on paper or in an electronic, printable format; and
  - d) not be defamatory, impertinent or improper.
- 25.9 If the standards set out in section 25.7 are not met, CAO may file the communication, or dispose of it, unless the CAO determines the communication to be defamatory, impertinent or improper, in which case the CAO shall summarize the communication and inform Council that it is being withheld.
- 25.10 Council may direct that any communication withheld under this section be forwarded to members of Council.
- 25.11 If the CAO determines the communication is within the governance authority of Council, the CAO shall include it as an item on the agenda for the next regular Council meeting in either full or summary form, except where received less than 5 business days from the date of the next regular Council meeting, in which case it shall be included as an agenda item for the following regular Council meeting.
- 25.12 If the CAO determines the communication is not within the governance authority of Council, the CAO will:
- a) refer the communication to administration for a report or a direct response and provide a copy of the original correspondence and the referral to the Councillors; and
  - b) take any other appropriate action on the communication as the CAO determines appropriate.

## **26. CONDUCT IN COUNCIL MEETINGS**

### *Public Conduct*

- 26.1 During a Council or Council Committee meeting members of the public shall maintain order and quiet, and shall not:
- a) approach or speak to Council or the Council Committee unless part of an approved delegation and at the time allotted for that approved delegation to address Council;
  - b) interrupt a discussion or action of Council or the Council Committee, or another person addressing Council or the Council Committee;
  - c) bring into the Council chambers or Council Committee meeting room any food or beverage; or
  - d) otherwise disturb the proceedings before Council by words or actions, or other improper conduct.,
- 26.2 The Chair may order a member of the public who acts in a manner contrary to section 26.1 to be expelled.
- 26.3 Any person who refuses to leave, when expelled by the Chair pursuant to section 26.2 is guilty of an offence and liable to a fine of no less than \$200.00 and no more than \$10,000.00.
- 26.4 The Chair may request the Royal Canadian Mounted Police or a duly authorize Community Peace Officer or Bylaw Enforcement Officer to remove an expelled member of the public if that person does not leave voluntarily.

### *Councillor and Council Committee Member Conduct*

- 26.5 During a Council or Council Committee Meeting, Members must not:
- a) attack or question the motives of another Member, speak disrespectfully, or use offensive words or gestures;
  - b) address Members without permission of the Chair;
  - c) carry on a private conversation;
  - d) break applicable procedural rules or disturb the proceedings;
  - e) during the meeting, leave the meeting location without first rising and being acknowledged by the Chair;
  - f) leave their seat or make any noise or disturbance while a vote is being taken or the result declared;
  - g) make dilatory motions intended to obstruct the proceedings or thwart the will of Council or the Council Committee; or



- h) disobey the decision of the Chair on any question of order, practice or interpretation.

*Cell Phones and Personal Electronic Devices*

- 26.6 During a Council or Council Committee meeting cell phones and personal electronic devices shall be turned off or set on a mode that will not be a disruption to the meeting.

*Food and Drink in Council Chambers*

- 26.7 During a Council or Council Committee, Members and employees of the Municipality may have a non-alcoholic beverage at their seats, but no food is permitted in Council Chambers, or other location where the meeting is being held.

*Breach of Conduct*

- 26.8 The Chair may call to order any Member who is out of order.
- 26.9 The Member who is called to order must cease talking or otherwise engaging in the activity specified by the Chair in the call to order.
- 26.10 If a Member persists in a breach of order, after having been called to order, the Chair may declare the offence and name the offending Member.
- 26.11 Subject to section 26.12, the name of the offending Member and offence declared by the Chair shall be noted in the minutes.
- 26.12 If a Member who has been named by the Chair under section 26.10 apologizes for the offense and, if applicable, withdraws any objectionable statements, the Member may continue to participate in the meeting, and the Chair may, in that event, direct that the notation of the declaration of the offence and naming of the Member be removed from the minutes.
- 26.13 If a Member who has been named by the Chair under section 26.10 refuses to apologize for the offence, the other Members who are present shall vote, without debate, on whether to expel the Member for the remainder of the meeting.
- 26.14 A Member who has been expelled from a meeting by Council or a Council Committee, must leave the Council Chamber, or other location where the meeting is being held, immediately.
- 26.15 The Chair may request the Royal Canadian Mounted Police or a duly authorize Community Peace Officer to remove and expelled Member if that Member does not leave voluntarily.

**27. GENERAL**

- 27.1 Bylaw No. 1851, Bylaw No. 1863 and Bylaw No.1869, the *Procedure Bylaw*, and amended, are repealed.
- 27.2 This Bylaw will come into force and effect on the final day of passing and signature thereof.

Read for a first time this 27<sup>th</sup> day of January, 2020

Read for a second time this 23<sup>rd</sup> day of March, 2020

Read a third time and passed this 23<sup>rd</sup> day of March, 2020

  
\_\_\_\_\_  
Mayor  
\_\_\_\_\_  
Chief Administrative Officer