



**TOWN OF CLARESHOLM
PROVINCE OF ALBERTA
BYLAW #1804**

A Bylaw of the **Town of Claresholm to deal with procedure and the transaction of business by the Council of the Town of Claresholm in the Province of Alberta.**

WHEREAS Section 145 of the *Municipal Government Act*, RSA 2000, Chapter M-26 permits the Council to pass bylaws respecting the procedure and conduct of Council;

AND WHEREAS the Council deems it necessary and appropriate to repeal and replace the existing Procedural Bylaw No. 1731;

NOW THEREFORE, THE COUNCIL OF THE TOWN OF CLARESHOLM, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, ENACTS AS FOLLOWS:

SECTION 1 TITLE AND PURPOSE OF BYLAW

- 1.1 This Bylaw may be cited as the **“PROCEDURAL BYLAW.”**
- 1.2 The purpose of this bylaw is to establish rules to follow in governing the meetings of the Council of the Town of Claresholm.

SECTION 2 DEFINITIONS

- 2.1 In this Bylaw, unless the context otherwise requires:
 - a) **“Act”** is the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, or any legislation in replacement or substitution thereof.
 - b) **“Acting Mayor”** is the Member selected by Council to preside at any Meeting of Council in the absence or incapacity of both the Mayor and the Deputy Mayor or in the case where the Mayor and/or Deputy Mayor choose to step down.
 - c) **“Administration”** means the Chief Administrative Officer (CAO), and through him/her the Directors, Designated Officers and employees of the Town of Claresholm.
 - d) **“Agenda”** is the list of items and order of business for any meeting of Council or its committees.
 - e) **“Bylaw”** is a bylaw of the Town of Claresholm.
 - f) **“Chair”** is the person who has been given authority to direct the conduct of a meeting, including the appointed head of a committee; the Mayor, or in the absence of the Mayor, the Deputy Mayor, or in the absence of both, the Acting Mayor, or in the absence of all three, any other member chosen to preside over a meeting.
 - g) **“Challenge”** is an appeal of a ruling of the Chair.
 - h) **“Chief Administrative Officer”** means a municipal official appointed by Council to the position of Chief Administrative Officer or, in his/her absence, the person appointed as Acting Chief Administrative Officer;
 - i) **“Closed Session”** means when the assembly has closed that portion of the meeting to the public in accordance with one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act* to discuss an item privately.
 - j) **“Committee”** is any board, committee, or commission or other body to which Council may appoint, but excluding Committee of the Whole.
 - k) **“Committee of the Whole”** is Members of Council present at a meeting of Council sitting in committee.
 - l) **“Council”** is the municipal Council of the Town of Claresholm.
 - m) **“Councillor”** is a Member of Council, including the Mayor, duly elected and continuing to hold office.

- n) “**Deputy Mayor**” is the Councillor, who is appointed by Council at the Organizational Meeting, to act as Mayor in the absence or incapacity of the Mayor.
- o) “**Electronic Communications**” means any electronic or digital technology, including but not limited to telephone, video conferencing, or other internet-based applications, that enable remote attendance and participation in Council or committee meetings, as approved by the CAO.
- p) “**Ex-officio**” means membership by virtue of one's office and/or where appointed by Council; ex-officio members do not form part of the quorum when not present and when present, they may vote unless specifically excluded from voting by resolution or, by bylaw of the Act.
- q) “**General Municipal Election**” is an election held in the Town to elect the Members as described in the Local Authorities Election Act, as amended, or any legislation in replacement or substitution thereof.
- r) “**In Camera**” means when the assembly goes in private to discuss an item.
- s) “**Inaugural Meeting**” is the Organizational Meeting immediately following a General Municipal Election.
- t) “**Mayor**” is the Member duly elected as Mayor and continuing to hold office, and is the Presiding Officer at all meetings of Council.
- u) “**Member**” is the Mayor or a Councillor.
- v) “**Organizational Meeting**” is the meeting held as described in Section 4, including the Inaugural Meeting.
- w) “**Parliamentary Inquiry**” is a request for information from the Chair about a parliamentary procedure that does not require a formal ruling.
- x) “**Peace Officer**” is a duly appointed member of the RCMP, a Community Peace Officer or a Bylaw Enforcement Officer.
- y) “**Point of Order**” is a demand that the Chair enforce the rules of procedure.
- z) “**Point (or Question) of Privilege**” is a request made to the Chair or Council on any matter related to the rights and privileges of Council, individual Councillors or Town Administration which include the:
- i. organization or existence of Council;
 - ii. comfort of Councillors;
 - iii. conduct of Town officials, employees or members of the public in attendance at the meeting;
 - iv. accuracy of the report of Council proceedings;
 - v. reputation of Councillors or Council; and
 - vi. reputation of Town Administration.
- aa) “**Postpone**” is to delay the consideration of any matter, either to a definite time on the agenda or a later position on the agenda.
- bb) “**Previous Question**” is a motion to end debate and vote on the motion under debate.
- cc) “**Public Hearing Meeting**” is a meeting of Council which is convened to hear representations on matters in accordance with Section 230 of the Act, or such matters that Council decides should be the matter of a public hearing.
- dd) “**Put**” is when the Presiding Officer calls for a vote or 'put the question to vote.' The Chair asks “Are you ready for the question?”
- ee) “**Quorum**” is a majority of those Members elected and serving on Council, including the Mayor, for clarity, this number is currently four. A quorum of Council may be achieved even if a council member or multiple council members attend the meeting through electronic communications as defined by Section 199 of the Municipal Government Act.
- ff) “**Recording Secretary**” is the person appointed to this position by the CAO.
- gg) “**Special Resolution**” is a resolution passed by a two-thirds majority of all Councillors or two-thirds of all members of a committee.
- hh) “**Standing Committee**” is a policy committee, consisting wholly of Members appointed by Council, but excluding Committee of the Whole.
- ii) “**Table**” is a motion to delay consideration of any matter indefinitely in order to deal with

more pressing matters.

jj) “**Town**” is the corporation of the Town of Claresholm.

kk) “**Two-Thirds Vote**” is a vote by two-thirds of Members present at the meeting and entitled to vote on the motion.

ll) “**Unfinished Business**” is business which has been raised at the same or a previous meeting and which has not been completely dealt with.

mm) “**Website**” means the Town of Claresholm official website: www.claresholm.ca.

SECTION 3 INTERPRETATION AND APPLICATION

3.1 Rules for Interpretation

The marginal notes and heading in this Bylaw are for reference purposes only.

3.3 Council Proceedings

When any matter relating to proceedings in Council or in the Committees arises, which is not covered by a provision of this Bylaw, the matter shall be decided by reference to *Roberts Rules of Order*.

3.4 Paramount Rules

If the provision in any other Bylaw conflict with the rules in this Bylaw, this Bylaw shall prevail.

SECTION 4 ORGANIZATION OF COUNCIL

4.1 Inaugural Meetings

Council must hold its Inaugural Meeting no later than two (2) weeks after each General Municipal Election at the time and place fixed by the CAO. At this meeting:

- a) All members of Council must take the Oath of Office;
- b) All members of Council must take the Code of Conduct Oath;
- c) the seating of the Councillors may be determined by lot for the term of office of the Council;
- d) in case the seat of any Councillor becomes vacant by reason of death, resignation or otherwise, the member elected to fill the place shall occupy the seat in the Council Chamber;
- e) rotation schedules for the position of Deputy Mayor shall be determined by alphabetical order of last name, with a four-month term to be served twice over the course of the full Council term;
- f) all other matters required for the operation of the Town must be dealt with.

4.2 Organizational Meetings

An Organizational Meeting of Council must be held annually, according to Section 192 of the Act. At this meeting, Council must establish:

- a) the regular Council Meeting dates;
- b) the appointment of Members to Committees which Council is entitled to make;
- c) will deal with any other business described in the notice of the Meeting.

SECTION 5 MEETINGS OF COUNCIL

5.1 Meetings

- a) Regular Meetings of Council shall be established at the Inaugural Meeting.
- b) Statutory or Non-Statutory Public Hearings may be held on regularly scheduled Council Meeting dates or such other dates as may be determined for operational purposes;
- c) The time and date of the regular meeting of Council and the meeting location may be changed by a resolution of Council carried two-thirds (2/3) of all Members of Council.
- d) Any scheduled regular meeting of Council may be cancelled by resolution of Council carried by two-thirds (2/3) of all Members of Council.
- e) Council meetings may be conducted through electronic communications as prescribed within Section 199 of the Act with allowance for public participation.
 - i. Despite the above, Councillors shall attend Council meetings at the meeting location if they are able.

5.2 Adjournment

All meetings of Council will be limited to four (4) hours, unless determined by the majority of Council present.

5.3 Quorum & Lack of Quorum

As soon after the hour of meeting as there is a quorum present, the Mayor shall take the chair and the Members shall be called to order.

- a) In case the Mayor or Deputy Mayor is not in attendance within fifteen (15) minutes after the hour appointed, the CAO shall call the meeting to order until an Acting Mayor shall be chosen, who shall preside during the meeting until the arrival of the Mayor or Deputy Mayor.
- b) If a quorum is not present in half an hour after the time appointed for the meeting of Council, or within half an hour of the time appointed for the meeting to reconvene after a recess or other adjournment, the CAO or his/her designate shall call the roll and record the names of the Members present and the Council meeting shall then stand absolutely adjourned until the next regular meeting, unless a special meeting is duly called in the meantime.
- c) Whenever a vote on any matter before Council or a Committee cannot be taken because of loss of a quorum, the quorum resulting from:
 - i. the excusing of a Member or Members of Council voting on a resolution of Council, or
 - ii. the disqualification of a Member or Members from voting,
 then the matter shall be the first business to be proceeded with and disposed of at the next regular meeting of the Committee or Council. If a quorum is lost for any reason other than the aforementioned reasons, the meeting is adjourned.

5.4 **Permission to Leave**

When a Member wishes to leave the Council Chamber while a meeting of Council is in progress, they shall rise and await the permission of the Mayor before leaving their place.

5.5 **Special Meetings**

Special Meetings may be held in accordance with the provisions of the Act and attended by electronic communications.

5.6 **Order of Business**

The order of business at a meeting is the order of the items on the agenda except:

- a) When a previous meeting has been adjourned for lack of quorum and no special meeting has been called to deal with the business of the adjourned meeting, the agenda items from the adjourned meeting must be dealt with before any items on the current agenda; and
- b) When Council alters the order of business for the convenience of the meeting by a two-thirds (2/3) vote; and
- c) When the same subject matter appears in more than one place on an agenda and Council decides, on motion, to deal with all items related to the matter at the same time.

5.7 **Agenda Format**

The Agenda orders the business for a meeting and will be followed as set out in Schedule "A" of this Bylaw. Schedule "A" of this Bylaw may be amended by resolution of Council.

5.8 **Agenda Submission Deadline**

All Agenda items must be received in writing by the CAO by 4pm on the Thursday prior to the Council meeting for inclusion to the Agenda for the following meeting. In the case where a General Holiday falls on the Monday that a Council meeting would fall, the Council meeting will be held on the Tuesday and the deadline for agenda submission remains the Thursday prior to the meeting.

5.9 **Agenda Distribution**

The CAO or his/her designate will provide copies of the Agenda and all reports and supplementary materials (Agenda Package) for distribution to Council and the public on the Town's website no later than 4:00pm on the Friday of the week preceding the regular Council meeting.

5.10 **Adoption of Agenda**

Council must vote to adopt the Agenda prior to transacting other business and may:

- a) add new items to the Agenda by a unanimous vote of Council; or
- b) delete any matter from the Agenda by unanimous vote.

5.11 **Preparation of Minutes**

The CAO or his/her designate must prepare all Council Minutes which will include:

- a) all decisions and other proceedings;
- b) the names of the Councillors present and absent from the Meeting;
- c) the names of the Councillors present using the electronic participation platform;
- d) any declarations of pecuniary interest made under the Act by any Councillor or any resolutions excusing a Councillor from voting; and

the signatures of the Presiding Officer and the CAO.5.12

Adoption of Minutes

- a) The CAO or his/her designate shall prepare the Minutes of each Council meeting and shall distribute a copy to each Member for the next meeting.
- b) The Mayor shall present the Minutes to Council with a request for a motion to accept the Minutes.

- c) The Minutes of a previous meeting shall not be read aloud unless requested by a majority of the Members.
- d) Any Member may make a motion requesting that the Minutes be amended to correct any inaccuracy or omission.
- e) Only minor changes may be made to correct errors in grammar, spelling, and punctuation or to correct the omission of a word necessary to the meaning or continuity of a sentence; but no change shall be allowed which would alter or affect in a material way the actual decision made by Council.
- f) No Member may introduce any extraneous evidence to support a challenge to the accuracy of the Minutes unless the evidence has been compiled or made under the direction or control of the CAO.
- g) If a Member wishes to challenge the accuracy of the Minutes of a previous Meeting, the Member must make the challenge known to the CAO before Council has officially confirmed the Minutes.

5.13 Electronic Meetings

- a) Meetings will be livestreamed and may be conducted using the electronic participation platform if:
 - i. notice is given to the public on the Town’s website of the meeting, including the way in which it is to be conducted;
 - ii. the public is able to participate, watch, and listen to the meeting at the place or by the means specified in that notice; and
 - iii. all the meetings’ participants are able to watch and hear each other.
- b) Mayor and Councillors may participate in Council and committee meetings using the electronic participation platform if:
 - i. the Member is in a location outside of Claresholm for any reason; or
 - ii. the Member is located in Claresholm but is unable to attend a meeting for medical reasons of the Member or for the care of an immediate family member.
- c) A Member intending to attend a meeting using the electronic participation platform shall notify the CAO in advance of the start of the meeting.
- d) Members may attend Council and committee meetings using the electronic participation platform up to six (6) times per year after which Council approval will be required.
- e) Members attending closed session meetings using the electronic participation platform must be visible at all times to ensure attendance accuracy.
- f) Members participating in a meeting conducted using the electronic participation platform are deemed to be present at the meeting.
- g) When the Mayor attends a meeting using the electronic participation platform, the role and duties of chair may be reassigned to the Deputy Mayor.

5.14 Recordings

Regular Council Meetings will be recorded through video or audio services and be available in perpetuity on the Town’s website and/or YouTube Channel.

5.15 Presenting a Motion

A Member may make a motion and then the idea is discussed.

5.16 Style and Presentation of Motion

- a) A motion should be worded in a concise, unambiguous and complete form appropriate to such a purpose. It cannot employ language that is not allowed in debate.
- b) A Member making a motion embodying something that had just been said by the Chair or another Member in informal consultation during a Meeting should avoid statements such as “I so move” and have the CAO or his/her designate recite the complete motion that he/she offers.
- c) A motion should not be offered if its only effect is to propose that the assembly refrain from doing something. The same result can be accomplished by adopting no motion at all.
- d) A motion to reaffirm a position previously taken by adopting a new motion or resolution is not in order. Such a motion serves no useful purpose because the original motion is still in effect.

5.17 Recommendations are not Motions

A Motion must be made on any Agenda item before it is discussed. A recommendation in a report does not constitute a Motion until a Councillor has expressly moved it.

5.18 Withdrawal

Once a Motion has been moved and stated by the Chair, it is in the possession of Council, and may not be withdrawn without unanimous consent of all Councillors present at the meeting.

5.19 Urgent Business

- a) A Member may move to discuss a matter of urgent public importance without prior notice.
- b) A Motion to bring a matter before Council as Urgent Business is subject to the following conditions:
 - i. The matter proposed for discussion must relate to a genuine emergency, calling for immediate and urgent consideration;
 - ii. The Motion must not involve discussion of a matter which has been discussed previously in the same meeting;
 - iii. The Motion must not raise a Question of Privilege.

5.20 Repeating Motions

A Motion, which has been superseded or withdrawn may be repeated unless it has been ruled out of order because it is improper.

5.21 Put by the Chair

All motions must be put by the Chair before a vote is taken.

5.22 Types of Motions

a) Motion to (*Lay on the Table or Motion to Table*)

- i. This motion allows the assembly to lay the pending question aside temporarily when something else of immediate urgency has arisen in such a way that there is no set time for taking the matter up again;
- ii. It is considered to be resumed at the will of the majority and in preference to any new questions that may then be competing with it for consideration.

By adopting the motion to *Lay on the Table*, a majority has the power to halt consideration of a question immediately without debate. This must be done prior to the vote on the original motion under discussion. If a motion to table is not dealt with prior to the motion to adjourn, then the motion dies and cannot be brought up at a subsequent meeting.

b) Motion to (*Take from the Table*) is required to bring forward, a motion that has been *Laid on the Table* previously. This motion is not in order until some other business has taken place prior to it being made. If the motion is not removed from the table prior to adjournment of the meeting, then the motion is lost. If discussion is to take place at the next meeting, it has to be under a new motion.

- iii. Any Member may move to take a motion from the table, provided no other motion is on the floor.
- iv. A tabled motion is brought back with all of the motions connected with it, exactly as it was when laid on the table.
- v. The motion to *Take from the Table* is not debatable or amendable and requires only a majority vote.
- vi. If a motion to take a motion from the table is defeated, it may only be made again after other business has intervened.
- vii. A motion may be taken from the table at any regular meeting, but not at a special meeting unless prior notice is given.

5.23 Amendments

An amendment proposed to a motion must be relevant to its subject matter and must not propose a direct negative of the motion.

5.24 Amendments to Amendments

Only one amendment to a motion may be before the meeting at any time, but an amendment to the amendment may be before the meeting at the same time. The amendment to the amendment must be voted on before the amendment.

5.25 Debatability of Amendments

Councillors may debate the merits only of the amendment, not the merits of the motion it is applied to.

5.26 Cannot Amend Own Motion

A Member cannot amend his or her own motion.

5.27 Referral Motions

A Member may move to refer any motion to a Committee, Administration or Committee of the Whole for investigation and report, and the motion to refer:

- a) will preclude all further amendments to the motion;
- b) is debatable; and
- c) may be amended only as to the body or membership of the body to which the motion is referred and the instructions on the referral.

5.28 Report from Referral

When a response to a referral is before Council, the motion under consideration will be the motion which was referred, including any amendments made prior to the referral.

- 5.29 **Referrals Refused by the Chair**
The Chair may refuse to accept a motion to refer that would have the effect of defeating the motion to which it applies (for example, due to time constraints).
- 5.30 **Limiting or Ending Debate**
Any motion to limit or end debate:
a) cannot be debated;
b) must be passed by a two-thirds (2/3) vote; and
c) may only be amended as to the limit to be placed on debate.
- 5.31 **Motion for the Previous Question**
a) If the Previous Question is moved, the Chair must state that the Previous Question has been moved and immediately take the vote on the motion for the Previous Question.
b) Unless a Motion to Postpone is made, when a Motion for the Previous Question is carried, the motion to which it applies must be put without further debate or amendment.
- 5.32 **Motions Disallowed**
If a motion is contrary to the rules and privileges of Council, the Chair may refuse to accept it and must cite the rule or authority applicable without other comments.
- 5.33 **Privileged Motions**
The following motions are privileged motions and may, if the Chair determines that they are of overriding importance, interrupt the debate on another motion:
a) a Point of Privilege;
b) a Motion to excuse a Councillor from voting;
c) a Motion to Recess;
d) a Motion to Adjourn; and
e) a Motion to fix the time to adjourn.
- 5.34 **Point of Privilege**
A Member may raise a Point of Privilege to remedy any pressing situation at any time. The Chair must immediately decide whether to accept the Point of Privilege. If accepted, it must be dealt with immediately.
- 5.35 **Motion on Point of Privilege**
If a motion is made resulting from an accepted Point of Privilege, it is not debatable or amendable.
- 5.36 **Point of Order**
A Point of Order, which requires immediate attention, may interrupt a speaker and is not debatable or amendable. The Chair must rule on a Point of Order and no vote will be taken unless there is a Challenge to the Ruling.
- 5.37 **Motion to Challenge**
a) Any ruling of the Chair may be challenged.
b) A Motion to Challenge may be made only at the time of the ruling, whether or not another speaker has the floor.
c) A Motion to Challenge is debatable unless it relates to decorum, the priority of business or an un-debatable pending motion.
d) If a motion is made to challenge, 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.
e) 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.
f) Unless there is a two-thirds (2/3) vote against it, the ruling of the Chair will be upheld.
- 5.38 **Recess**
a) Any Member may move that Council recess for a specific period. After the recess, business will be resumed at the point when it was interrupted. This motion may not be used to interrupt the speaker.
b) A motion to recess may be amended only as to length of time, but neither the motion nor the amendment are debatable.
- 5.39 **Adjournment**
a) A Motion to Adjourn is not debatable or amendable.
b) Council will take up a motion pending at the time of adjournment as the first item under unfinished business at the next meeting.
- 5.40 **Adjournment of Regular Meeting or Public Hearing**

A motion to adjourn a Regular Meeting or a Public Hearing requires a majority vote.

5.41 Objection of Consideration of a Motion

The purpose of an “Objection to the Consideration of a Motion” is to enable Council to avoid a particular original main motion when it would be undesirable or inappropriate for the motion to come before them, and may be dealt with in the following manner:

- a) A Member may move to object to the consideration of the main motion prior to any debate on the motion and the Chair must state the question “Will the motion be considered?”
- b) A motion to object to the consideration of a motion is not debatable or amendable. The motion objected to will be heard unless there is a two-thirds (2/3) vote against hearing it.
- c) If Council passes a motion to object to the consideration of a motion, the motion objected to may be brought before Council only by renewal.

5.42 Dividing Motions into Parts

A Member may request that a motion be divided if it contains parts which stand as complete propositions. Council must then vote separately on each proposition.

5.43 Motions Previously Considered

Once Council has dealt with any matter, a motion that would have a similar result may not be made unless Council has agreed to reconsider the motion.

5.44 Reconsidering Motions

A Member who voted with the prevailing side may move to reconsider a motion only at the same meeting or during any continuation of the meeting at which it was decided.

5.45 Reconsideration not Allowed

- a) A motion to reconsider may not be applied to:
 - i. any vote which has caused an irrevocable action; or
 - ii. a motion to reconsider.
- b) A motion to reconsider is only debatable when the motion being reconsidered is debatable.

5.46 Rescinding and Renewing Motions

A motion to rescind a motion which has been passed, or to renew a defeated motion, may be offered subsequent to the meeting at which the motion was passed or defeated if the rescinding or renewal motion is:

- a) brought more than six (6) months after the date of the original motion; or
- b) brought after a General Municipal Election which has taken place since the date of the original motion.

5.47 Notice of Rescission or Renewal

Notice of a motion to rescind or renew a motion must be given or dispensed with pursuant to the provision of this Bylaw.

5.48 Rescission not Allowed

No motion to rescind may be made when:

- a) a vote has caused an irrevocable action; or
- b) a decision has been made to rescind or reconsider motion.

SECTION 6 VOTING

6.1 Motion Carried

A motion will be carried when a majority of Members present at a meeting vote in favour of the motion, unless otherwise specified in this Bylaw.

6.2 Recording of Votes

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.

6.3 Tie Vote

A motion is defeated when the vote is tied.

6.4 Failure to Vote

Each Member present must vote on every motion as outlined in the Act, unless the Act, or any other Provincial or Federal enactment, requires or permits the Member to abstain, in which case the Member must cite the legislative authority for abstaining, and the abstention and reasons must be recorded in the minutes.

6.5 Loss of Quorum

If a motion cannot be voted on because there would be no quorum due to:

- a) a Member being excused from voting; or
- b) any abstention allowed or required by statute;
- c) then the matter will be dealt with as unfinished business and proceeded with at the next regular meeting of Council. If Council is unable to achieve quorum at any meeting on an issue due to the pecuniary interest of a Member or Members, then Council must ask the Minister of Municipal Affairs for an order or direction under the Act.

6.6 Voting Procedures

Votes on all motions must be taken as follows:

- a) Members must be in the designated Council seat when the motion is put;
- b) the Chair must put the motion;
- c) Councillors must vote by a show of hands if attending in person; or
- d) Councillors must vote verbally by stating “for” or “against” the motion if participating by electronic participation platform; and
- e) the Chair must declare the result of the vote.

6.7 No Change to Vote

After the Chair declares the result of a vote, no Council Members may change their vote for any reason.

6.8 Silence Once Question is Put

From the time the question is put by the Chair, until the result of the vote is declared, Members must be silent and must not leave their seats.

SECTION 7 RULES GOVERNING DEBATE

7.1 Order of Speakers

The Chair will determine the speaking order when two or more Members wish to speak, subject to a challenge.

7.2 Addressing the Chair

Members must address the Chair when speaking.

7.3 Interruptions

Members, who have been assigned their turn to speak, may only be interrupted by other Members, including the Chair:

- a) when a Member is discussing a subject and no motion is on the floor;
- b) when a Member has exceeded the five (5) minute time limit to speak;
- c) by a Point of Privilege;
- d) by a Point of Order;
- e) by an objection to the consideration of a motion; or
- f) by a Challenge.

7.4 Councillor Called to Order

A Member who is called to order must immediately stop talking but must be given an opportunity to Challenge before debate is closed. Council will decide the Challenge without debate.

7.5 Prohibited Acts

Members must not:

- a) speak disrespectfully of the Sovereign or any of the Royal Family, or of the Governor General or of the Lieutenant Governor, or of any Member of any other governing body in Canada or Council or Administration;
- b) use offensive words in Council Chambers, or against Council or any Members or Administration;
- c) discuss a vote of Council, unless to move to reconsider, renew or rescind;
- d) break the rules of Council or disturb the proceedings; or
- e) disobey the decision of the Chair or of the Council or any question of order, practice or interpretation.

7.6 Request to Have Motion Considered

A Member may require that the motion being considered be read at any time during debate, but must not interrupt the speaker.

7.7 Number of Speeches

Unless otherwise provided in this Bylaw, Members may speak only once on any motion; however the Presiding Officer may give permission to speak again.

- 7.8 **Time Limits**
Each Member may speak for only five (5) minutes:
a) by asking questions on a motion;
b) in debate on a motion;
c) by asking questions on an amendment;
d) in debate on an amendment; and
e) in reply, when the Councillor is the mover of the motion;
unless Council gives permission, by a two-thirds (2/3) vote, to speak for an additional five (5) minutes.
- 7.9 **Opportunity to be Heard**
Each Member will be given an opportunity to speak to a motion before it is put to a vote, unless a motion is passed to limit or end debate.

SECTION 8 DUTIES OF THE CHAIR

- 8.1 **Chair to Maintain Order**
The Chair must preserve order and decorum and decide all questions of procedure.
- 8.2 **Citing Reasons for Decisions**
When the Chair makes a decision on a question of procedure, he or she must provide a reason for the decision.
- 8.3 **Leaving Chair**
If the Chair wishes to leave the chair for any reason, he or she must provide a reason for the decision.

SECTION 9 DISCIPLINARY PROCEDURES

- 9.1 **Calling Councillors to Order**
The Chair may call to order any Member who is out of order.
- 9.2 **Naming a Councillor for an Offense**
When a Member has been warned about breaches of order but continues to engage in them, the Chairman may name the Councillor by stating his or her name and declaring the offense. The CAO must note the offense in the minutes.
- 9.3 **Disturbance or Inappropriate Behaviour by Public**
Behaviour of the public, during the proceedings of Council:
a) no person shall, other than the CAO or his/her designate, record the proceedings;
b) no person shall allow a cellular telephone to ring or talk on a cellular telephone while attending a Council meeting;
c) no person shall address Council without permission of the Chair;
d) all persons to maintain order and quiet;
e) no person shall applaud or otherwise interrupt any speech or action of the Members, or any other person addressing Council.
f) When granted permission to address Council, shall not use offensive words or speak disrespectfully of Council, any Member, or Administration, the Sovereign or any member of the Royal Family, or of the Governor General or the Lieutenant General or of any member of any other governing body in Canada.
g) The Chair may, at any meeting, expel and exclude any person who creates any disturbance or acts improperly. A person who refuses to leave is guilty of an offense and the Chair may order a Peace Officer to remove the person and charge them under this Bylaw.
- 9.4 **Member Interference**
No Member shall have the power to direct or interfere with the performance or work of any employee of the Town. The employee shall be subject only to their Supervisor. Nothing in the foregoing shall in any way interfere with or restrict the right of a Member of Council to seek formal information from any officer or employee of the Town through the office of the CAO.
The only employee under direct supervision of Council is the CAO.

SECTION 10 PUBLIC & PRIVATE MEETINGS

- 10.1 **Public Meetings**
Except as provided in the Act, Council and Council Committee Meetings will be held in public and no person may be excluded except for improper conduct.

10.2 **In Camera or Closed Session Meetings**

Councils and Council Committees may close all or part of their meeting to the public if a matter to be discussed is within one of the exceptions to disclosure in Division Two (2) of Part One (1) of the *FOIPP Act*.

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 held in public.

SECTION 11 BOARDS, COMMISSIONS & COMMITTEES

11.1 **Ex Officio**

a) The Mayor shall be an ex officio Member of all Committees to which Council has the right to appoint members pursuant to the Act, and as such shall have all the powers and privileges of any Member of the same, including the right to vote upon all questions to be dealt with by the Committee.

b) Notwithstanding subsection (a) the Mayor may be a member of a board, commission, and subdivision authority or development authority established under Part 17 of the Act only if the Mayor is appointed in his or her personal name.

11.2 **Membership**

The membership of a Board, Commission or Committee shall be as provided for in the enabling legislation or as directed by Council.

11.3 **Chair**

a) Each Committee shall select one of its members to be the Chair unless Council designates:

- i. The Chair of a Committee; or
- ii. The manner in which the Chair shall be selected.

b) The Chair shall preside at every meeting and shall vote on all questions.

c) Members of Council shall not chair any external boards or committees except in the instance where the board or committee is comprised of only elected officials. Internal boards or committees may be chaired by members of Council.

11.4 **In Camera**

When a Committee established by Council is of the opinion that a meeting is to be held In Camera, the motion which is passed to authorize the In Camera meeting shall include the reason for holding the meeting In Camera, and the meeting may only be held in accordance with Section 197(2), (2.01), (2.1) and (3) of the Act.

11.5 **Business of Committees**

The business of committees shall be conducted in accordance with the Act and within the rules governing the procedures of Council.

11.6 **Organizational Meeting Appointments**

a) At the Organizational Meeting at the beginning of the term of office of the new Council, and annually thereafter, the Mayor shall recommend to the full Council the membership of each Standing Committee and Committee.

b) The Mayor shall request all Members of Council to submit their preference for membership on Standing Committees and shall take these into consideration in arriving at recommendations for Council's ratification. The recommendations of the Mayor shall be put before the full Council for ratification.

SECTION 12 SPECIAL COMMITTEES

12.1 **Appointment of Special Committees**

Subject to the Act, Council may appoint any Special Committees as are necessary or advisable for the orderly and efficient handling of the affairs of the Town and may establish generally or in detail the:

- a) duties and responsibilities;
- b) composition; and
- c) duration of a Committee.

SECTION 13 BYLAWS

13.1 **Title and Bylaw Number**

All proposed bylaws must have a bylaw number assigned by the CAO and a concise title indicating the purpose of the bylaw.

13.2 **Filing of Bylaws**

The CAO shall keep on file, correct copies of all bylaws approved or defeated in Council including all amendments, if any.

13.3 First Reading

- a) A bylaw, appearing upon the Council Agenda when listed as ready for first reading, shall be introduced by a Member moving “The Bylaw No. (quoting the Bylaw number) be given first reading.
- b) Council shall vote on the motion for first reading of a bylaw without amendment or debate.
- c) After first reading, a Member may ask a question concerning the bylaw.

13.4 Amendments

Any amendments to a bylaw, which are carried prior to the motion for second reading being put, will be considered to have been given first reading and will be incorporated into the proposed bylaw. If amendments to the proposed bylaw have been carried, the Chair must put the question that “Bylaw No. (specifying the bylaw number), as amended, be given second reading”.

13.5 Second Reading

After first reading has been given, any Councillor may move that “Bylaw No. (specifying the proposed bylaw number) be read a second time”.

13.6 Three Readings

Every bylaw shall receive three readings before the Mayor or Deputy Mayor and the CAO signs it. If a bylaw fails to receive unanimous consent for third reading, it shall remain on the agenda to be dealt with at the next regular meeting of Council.

13.7 Number of Readings Allowed at a Meeting

- a) A bylaw shall not be given more than two readings at one meeting unless the Act permits three readings in one meeting and unless Members present unanimously agree that the bylaw may be presented to Council for third reading.
- b) When Council unanimously agrees that a bylaw may be presented for third reading:
 - i. a motion for third reading of the bylaw shall be made;
 - ii. Council shall vote on the motion without amendment or debate.

13.8 Signing and Sealing Bylaws

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

13.9 Amendment and Repeal

Once a bylaw has been passed, it may only be amended or repealed by another bylaw.

13.10 Requirements for Written Communications

Every written communication intended for Council or a Committee which reaches the CAO must:

- a) be legible and coherent;
- b) be signed by at least one person who provides a printed name and address;
- c) not be libelous, impertinent or improper;
- d) be on paper; and/or
- e) be sent by email with proper email signature or identification.

13.11 Processing of Communications

If the requirements are met, the CAO must:

- a) Place it on the agenda of the next regular meeting of Council once he/she is assured that there is sufficient information available to allow Council to render a decision.
- b) If, in the CAO's opinion, the communication requires action, then he/she may refer the item directly to the proper Town employee with instructions for a report to Council at the earliest reasonable opportunity; or
- c) If, in the Mayor's opinion, the matter contained in the communication is impertinent, improper or libelous, he/she shall advise the originator of the communication that it is not being sent forward and shall advise Council at the first regular meeting after receipt of such communication:
 - i. that it is being withheld; and
 - ii. the name and address of the sender; and
 - iii. the general subject thereof.
- d) If, however, Council decides by a two-thirds (2/3) vote of members present that a communication withheld from it deserves action, then the matter may be dealt with at that meeting.

- 13.12 **Communication Referred**
Communication received by the Council may be referred to a Committee of Council or to Administration for a report, or may otherwise be dealt with as directed by Council.
- 13.13 **Delegations**
- a) Notwithstanding any provision of this Bylaw, Council shall grant a fair hearing to persons entitled, under provincial legislation, to make verbal submissions to Council.
 - b) A person wishing to make representations directly to Council shall so advise the CAO in writing by 4:00pm on the Thursday prior to the Council meeting date.
 - c) Delegations may appear by electronic participation platform if requested by 4:00pm on the Thursday prior to the Council meeting date.
 - d) At the place in the Agenda for the hearing of delegations, the Mayor or Deputy Mayor shall call each item in order as it is listed on the agenda.
 - e) Each item shall be introduced by a Member of Administration or the Mayor or Deputy Mayor or a Councillor.
 - f) No person, whether a Member of a statutory or non-statutory delegation, shall address Council upon any matter for more than fifteen (15) minutes, exclusive of the time required to answer the questions put by Council. Delegations that exceed the recommended fifteen (15) minutes may be given a discretionary amount of time by the Chair to adequately make their presentation.
 - g) In questioning delegations, whether statutory or otherwise, Members will ask only those questions which are relevant to the subject of the hearing and will avoid repetition. Delegations speaking to the subject will be restricted to the subject matter only.
 - h) Delegations at regular meetings of Council are to be limited to a maximum of two, or in circumstances approved by the Mayor where it is felt that an item would be urgent, to a maximum of three.
 - i) Decisions arising from delegation requests will be addressed at the next regular Council meeting.

SECTION 14 PUBLIC HEARINGS

- 14.1 **Public Hearings**
When the Municipal Government Act, or any other act, requires Council to hold a public hearing, the public hearing must be held, unless another enactment specifies otherwise:
- a) before second reading of the bylaw, or
 - b) before Council votes on the resolution.
- 14.2 **Procedure for a Public Hearing**
Any person or group of persons acting on behalf of anyone who claims to be affected by a proposed item may participate in a Public Hearing Meeting in one (1) of the following ways:
- a) pre-register to speak if using the electronic participating system;
 - b) speak in person at a time when the Chair asks for submissions from the public; or
 - c) provide a written submission prior to the meeting; and the following will apply:
 - d) the administration will introduce the topic of the Public Hearing;
 - e) persons will be allowed five (5) minutes to speak; those in favor will speak first, followed by those opposed, followed by those who feel they are affected by the topic of the hearing;
 - f) after a person has spoken, any Member may ask that speaker relevant questions;
 - g) any Member may ask the administration relevant questions after all persons who wish to speak have been heard.
 - h) any Councillor may then move that “the Public Hearing be adjourned”.
- 14.3 **When No Speaker Present**
If a person is unable to attend a hearing, that person may authorize an individual to speak on his or her behalf. The authorization must:
- a) be in writing;
 - b) name the individual authorized to speak;
 - c) indicate the proposed topic to be spoken to; and
 - d) be signed by the person giving the authorization.
- 14.4 **Statement of Authorization**
The authorized speaker must state the name of the person that the speaker represents and must present the written authorization to the CAO or his/her designate.
- 14.5 **Representing More Than One Person**
If an authorized speaker represents more than one person, the speaker will be allowed only five (5) minutes to speak unless Council decides otherwise.

SECTION 15 RECORDING

15.1 Livestream

It is the practice of the Town to operate in an open and transparent environment, making as much information available to the public as possible, while maintaining the individual privacy of public in attendance. To this end it is the practice of the Town to live stream Council meetings on the Town website and to provide archived video of these meetings on the website and/or the Town’s YouTube Channel for later viewing.

15.2 Prohibited Use of Recording Devices

The use of cameras, and/or audio or video recording devices by external users during any public meeting of Council is prohibited. Violation of this guideline will result in the offending party being removed from the meeting immediately.

SECTION 16 SEVERABILITY

16.1 It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 17 REPEAL OF PREVIOUS BYLAW

17.1 Bylaw No. 1731, the “Procedural Bylaw” and any amendments thereto, are hereby repealed.

SECTION 18 PASSAGE OF BYLAW

18.1 This Bylaw shall come into effect upon passage of Third Reading.

Read a first time in Council this 14 day of April 2025 A.D.

Read a second time in Council this 28 day of April 2025 A.D.

Read a third time in Council and passed in Council this 28 day of April 2025 A.D.

Brad Schlossberger, Mayor

Abe Tinney, CAO