

BYLAW NO. 376 – 18
Procedural Bylaw
Village of Amisk

Bylaw No. 376-18 of the Village of Amisk in the Province of Alberta.

A bylaw that would provide a procedure for the transaction of business by the council of the Village of Amisk.

Whereas, pursuant to Section 145 of the *Municipal Government Act*, R.S.A 2000, c. M-26, council may adopt bylaws in relation to the establishment and function of council committees and the procedure and conduct of council and council committees; and

Whereas, pursuant to Section 203 of the *Municipal Government Act*, council may by bylaw delegate its powers, duties or functions to a council committee; and

Whereas the *Municipal Government Act* governs the conduct of council, councillors, council committees, municipal organization and administration, public participation and the powers of a municipality;

Therefore, the council of the Village of Amisk enacts:

Title

1. This bylaw is hereby known and referred to as the *Procedural Bylaw*.

Definitions

2. In this bylaw:

- a) "Act" means the *Municipal Government Act*, R.S.A. 2000, c. M-26, any regulations there under, and any amendments or successor legislation thereto;
- b) "adjourn" used in relation to any meeting, except for a public hearing, means to terminate the meeting;
- c) "amend a motion previously adopted" means to bring forward an amendment to a previously successful motion;
- d) "Administrator" means the chief administrative officer of the municipality as defined by the *Act* and duly appointed, or his/her designate;
- e) "Village" means the Village of Amisk;
- f) "committee" means a committee, board or other body established in due course by a council under authority of the *Act*;
- g) "councillor" means a member of council and includes the Chief Elected Official;
- h) "in camera" means a meeting at which only councillors and other persons specified by council may attend;
- i) "member of council" or "council member" shall mean any members except for the Chief Elected Official;
- j) "orders of the day" means a requirement that the Chief Elected Official return to the pre-determined agenda, including adjournment at a pre-determined time, unless a motion to extend the discussion occurring at that time or a motion to extend the meeting is adopted.

- k) "peace officer" means a peace officer as defined in the *Police Act*.
- l) "point of order" means a demand by a member of council that the Chief Elected Official enforce the rules of procedure as adopted;
- m) "point of privilege" means a request made to the Chief Elected Official by a member of council on an matter related to the rights and privileges of councillors and includes:
 - i) the comfort of councillors;
 - ii) the conduct of municipal employees or members of the public in attendance at the meeting;
 - iii) the accuracy of the reports of or related to council's proceedings; and
 - iv) the reputation of council and councillors.
- n) "postpone" means to delay the consideration of any matter, either:
 - i) to later in the meeting
 - ii) to a specified time and/or date
 - iii) until the occurrence of an event; or
 - iv) indefinitely
- o) "public hearing" means a meeting or portion of a meeting that council is required to hold under the *Act* or another enactment for the primary purpose of hearing public submissions;
- p) "public meeting" means a meeting of council or a duly enacted council committee at which members of the public may attend and may be invited to make submissions to council, but which is not a public hearing;
- q) "recess" means a short break in the order of business or agenda item of a meeting with the intent of returning to that order of business or agenda item at the same meeting;
- r) "refer" means to send a pending motion or agenda item to a council committee or administration for investigation and report;
- s) "rescind" means to bring forward to a later meeting a previously successful motion with the intent of revoking the original motion;
- t) "table" means to set a matter aside until a majority decides to address the item again by means of a motion to lift from the table; and
- u) "term" means the length of time that an elected council serves between two consecutive municipal elections.

Applications and Interpretation

- 3.1 This bylaw shall apply to all meetings of council and all meetings of duly constituted council committees.
- 3.2 When applicable to a council committee, it shall apply with all necessary modifications, and
 - a) any reference to the Chief Elected Official shall be treated as a reference to the chair of the council committee;
 - b) any reference to a councillor shall be treated as a reference to a member of the council committee; and
 - c) any reference to council shall be treated as a reference to the committee.

3.3 To the extent that a matter is not dealt with specifically in the *Act* or in this bylaw, council shall have regard primarily to *Roberts' Rules of Order*, but may also invoke other manuals of procedure such as *Bourinot's Rules of Order* when dealing with points of order or privilege, at the discretion of the Mayor.

3.4 The precedence of rules governing the conduct of proceedings and procedures of council shall be:

- a) the *Act*
- b) other provincial legislation as relevant;
- c) this bylaw; and
- d) *Roberts' Rules of Order*

3.5 Council may waive all or part of the provisions of this bylaw for the purpose of a meeting, if the councillors present vote unanimously to do so and the meeting is a duly constituted regular or special meeting of council and/or committee of council.

Organizational Meetings

4.1 Council shall hold an organizational meeting each year not later than two weeks after the first Thursday in October.

4.2 At the organizational meeting, council shall establish, by resolution, for the forthcoming year:

- a) the nomination, selection and appointment of the Chief Elected Official;
- b) the roster for the Deputy Chief Elected Official, on a rotating one (1) year basis as per this bylaw;
- c) the dates, time of commencement and place of the regular council meetings for the following year;
- d) the composition and membership of committees of council duly constituted by resolution of council;
- e) other matters of business council considers of relevance, as determined by the organizational meeting agenda as prepared, disseminated and accepted as per the provisions of this bylaw.

Quorum

5.1 Quorum of council is a majority of councillors.

5.2 If quorum is not achieved within 15 minutes after the time the meeting is scheduled to begin, the Administrator shall record the names of those who are present and the meeting will be adjourned and rescheduled.

5.3 If at any time during a meeting the quorum is lost, the meeting shall be recessed and if quorum is not achieved again within 15 minutes, the meeting shall be deemed to be adjourned.

Duties of the Chief Elected Official

6.1 The Chief Elected Official shall:

- a) be known and referred to as the "Mayor";
 - b) chair council meetings;
 - c) preserve order and decorum in council meetings;
 - d) rule on all questions of procedure;
 - e) have and maintain financial signing authority for the municipality, in conjunction with the Administrator;
 - f) ensure that each member of council who wishes to speak on a debatable motion is granted the opportunity to do so;
 - g) determine the speaking order when two or more members of council or others wish to speak; and
 - h) decide who, aside from members of council, may address council.
 - i) determine and rule on the attendance of councillors at events where said attendance is subject to remuneration.
- 6.2 The Mayor is an ex officio member, by virtue of office, of all council committees, unless a bylaw is enacted to establish a committee which expressly states that the Mayor is not an ex officio member of that committee.
- 6.3 If the Mayor is present at a committee meeting by virtue of office:
- a) the Mayor has all the rights and privileges of the other committee members including the right to make motions and vote; and
 - b) the Mayor shall be counted to determine quorum.

Duties of the Deputy Chief Elected Official

- 7.1 The Deputy Chief Elected Official shall be appointed by majority vote of council at its annual organizational meeting.
- 7.2 The Deputy Chief Elected Official shall be referred to as the Deputy Mayor.
- 7.3 The Deputy Mayor may assume the *ex officio* responsibilities of the Mayor in a committee meeting in the Mayor's absence in this capacity, or upon delegation by the Mayor.
- 7.4 The Deputy Mayor shall chair council meetings when the Mayor is absent or unable to act as Mayor and shall have all the powers and responsibilities of the Mayor under this bylaw during absence or incapacity of the Mayor.
- 7.5 The Deputy Mayor shall have and maintain financial signing authority for the municipality, in conjunction with the Mayor and the Administrator.

Duties of the Chief Administrative Officer

8. The Chief Administrative Officer shall, subject to the Act and the bylaw under which he or she is appointed:
- a) be referred to as the Administrator;
 - b) provide council with information and advice with respect to the operation of the municipality;
 - c) provide the Mayor and council with information and advice on procedural matters in council;
 - d) record or delegate the recording of the meeting of council and provide all relevant and necessary secretariat functions for council meetings;

- e) prepare, compile and present to council for review and consideration an agenda for each regular meeting, in addition to information and additional documentation deemed relevant by or requested of the Administrator;
- f) prepare recommendations for proposed resolutions as per the terms of (e), above, and make them available simultaneously to each councillor; and
- g) assume responsibility for the general operation of the municipality and all accountability for presentation of same to council in a manner which is thorough, open and transparent, to the satisfaction of council.

The Conduct of a Council Meeting

- 9.1 The proposed agenda of each council meeting shall be established, consolidated and disseminated by the Administrator.
- 9.2 The proposed agenda shall include:
 - a) All matters scheduled for that council meeting by prior resolution of council; and
 - b) Such other items of business deemed relevant by the Administrator, in consultation with council.
- 9.3 Any member of council, staff member or member of the public wishing to have an item of business placed on the agenda for distribution to council shall submit same to the Administrator no later than 12:00 p.m. on a date no later than one week prior to the scheduled regular meeting of council. Any such submissions shall contain all content or context deemed relevant or appropriate by the Administrator, so as to enable proper consideration by council.
- 9.4 The first order of business at a council meeting shall be consideration and adoption of the proposed agenda, subject to any amendment that council may approve.
- 9.5 The order of business at a council meeting shall be the order of the items on the adopted agenda.
- 9.6 After adoption of the agenda, council may alter the order of the items on the agenda, by majority vote, for purpose of convenience.
- 9.7 Meetings of council shall commence at a time determined by council resolution at its Organizational Meeting.

Rules Governing Debate

- 10.1 Debate may not occur after a motion is made by a councillor on an item, unless otherwise permitted by the Mayor at his discretion.
- 10.2 A seconder to a motion is not required.
- 10.3 All discussion at a council meeting shall be directed through the Mayor.
- 10.4 The Mayor may participate in debate on any matter before council without relinquishing the chair.
- 10.5 When a member of council wishes to leave the council chambers while a meeting of council is in progress, the time of the member's departure, and return, if any, shall be recorded in the minutes.

- 10.6 If a councillor has a pecuniary interest as defined in the *Act*, that councillor shall state that he/she has a pecuniary interest and the nature of the pecuniary interest and shall leave the room in which the meeting is being held.
- 10.7 Where a councillor has left the meeting under Section 12.6:
- a) the reason for and time of the councillor's departure, and return, if any, shall be recorded in the minutes;
 - b) if council amends the motion before it, council shall recess to allow the Administrator to advise the councillor who has left the meeting of the amendment so that the councillor may determine whether he/she continues to have a pecuniary interest; and
 - c) Council shall not consider any other agenda until the Administrator has advised a councillor who has left the meeting because of a pecuniary interest that there is a new agenda item before the meeting.
- 10.8 In order to ensure that quorum is not lost, the Mayor may recess the meeting briefly if a member of council wishes to leave the meeting but intends to return in a timely fashion.
- 10.9 Subject to the *Act*, no councillor shall leave the council meeting after a question is put to a vote, until the vote is taken.
- 10.10 A member of council who is speaking may be interrupted by the Mayor if:
- a) the member is speaking out of order; or
 - b) the matter being addressed by the member is outside the jurisdiction of council.
- 10.11 A member of council who is speaking may only be interrupted by another councillor on:
- a) a point of privilege; or
 - b) a point of order.
- 10.12 The member of council who is speaking when a point of order or a point of privilege is raised shall cease speaking immediately.
- 10.13 The Mayor may grant permission:
- a) to the council member raising the point to explain the point briefly; and
 - b) to the council member who was speaking to respond briefly; but otherwise a point of order or privilege is not debatable or amendable.
- 10.14 The Mayor must rule on a point of order or privilege and no vote will be taken unless there is a challenge by a member of council to the ruling.
- 10.15 The Mayor may seek advice from the Administrator on a point of order or privilege or to determine whether a matter is within the jurisdiction of the council.

Challenging a Ruling of the Mayor

- 11.1 Any member of council may challenge the ruling of the Mayor on a point of order or privilege and state the terms of the challenge.
- 11.2 When there is a challenge to the ruling of the Mayor, all further debate shall cease until the challenge has been dealt with by council.

- 11.3 If a ruling of the Mayor is challenged, the Mayor shall briefly state the reasons for the Mayor's ruling and then put the question to council.
- 11.4 Council shall decide the challenge, by majority vote, without debate.
- 11.5 The decision of council on the challenge is final.

Maintaining Order in Council Chambers – Council

- 12.1 The Mayor may call to order any member of council who is out of order.
- 12.2 A member of council who is called to order must cease talking or otherwise engaging in the activity specified by the Mayor in the call to order.
- 12.3 When a member of council has been called to order but persists in breaching the order of council, the Mayor may name the member and declare the offence.
- 12.4 The Administrator shall note the offence in the minutes.
- 12.5 If a member of council has been named:
 - a) apologizes to council and withdraws the offensive statement or action, then
 - i) that member may remain and continue to participate in the meeting; and
 - ii) the Mayor may direct that the notation of the offence be removed from the minutes; or
 - b) fails or refuses to apologize and withdraw the offensive statement or action then that member is automatically expelled and must leave council chambers immediately.
- 12.6 A member of council who refuses to leave the council chambers upon the order of the Mayor may be removed by a peace officer.
- 12.7 No member of council shall be expelled for a period greater than the meeting that was in progress at the time of the expulsion.
- 12.8 A member of council who is named may immediately thereafter challenge the ruling of the Mayor, in accordance with procedures for same as defined in this bylaw.

Order in Council Chambers – the Public

- 13.1 Only councillors, the Administrator, and those individuals authorized by the Administrator may be present on the floor of council chambers.
- 13.2 A person not listed above may be present on the floor of council chambers if that person has first received approval from the Mayor.
- 13.3 The Administrator, an employee or consultant authorized by the Administrator may address council from the floor of council chambers.
- 13.4 A person present in the public gallery may only address council with permission of the Mayor.
- 13.5 No person in the gallery or on the floor of council chambers shall cause any disturbance, interrupt any speaker or interfere with the action of council.
- 13.6 The Mayor may call to order any person on the floor or in the gallery who has created a disturbance and may expel that person from council chambers.

- 13.7 An employee or member of the public who refuses to leave council chambers upon the order of the Mayor may be removed by a peace officer.

Rules for Motions

- 14.1 Council shall consider only one motion at a time.
- 14.2 After a motion has been made it may only be withdrawn by the mover.
- 14.3 The following motions are not debatable by council:
- a) to raise a point of privilege;
 - b) to raise a point of order;
 - c) to withdraw a motion;
 - d) to recess or adjourn the meeting; or
 - e) to challenge a ruling of the Mayor.
- 14.4 When a motion has been made and is being considered, no councillor may make any other motion except:
- a) to withdraw the motion;
 - b) to amend the motion;
 - c) to refer the main motion to a council committee, administration, or some other person or group for consideration;
 - d) to postpone consideration of the motion; or
 - e) to table the motion.
- 14.5 If a vote on a motion fails, the same motion shall not be renewed unless:
- a) a general municipal election has been held; or
 - b) six months have passed since the date that the motion was defeated.
- 14.6 Notwithstanding the above, if a motion is defeated, a councillor may introduce a motion calling on council to renew the motion if the councillor who wishes to have council renew a motion provides previous notice by setting out in writing special or exceptional circumstances warranting same and receives concurrence from a two-thirds majority of council.
- 14.7 Any motion may be rescinded by majority vote of council.
- 14.8 No motions may be made when council is sitting *in camera* except a motion authorizing a resumption of the regular session.
- 14.9 No councillor who moved a motion may move an amendment to it, unless no other councillor objects.
- 14.10 Any councillor may move an amendment to any motion.
- 14.11 The Mayor shall allow only:
- a) one amendment to the main motion; and
 - b) one amendment to the amendment.
- 14.12 Council must vote:
- a) on an amendment to the amendment, if any, before voting on the amendment; and
 - b) on any amendment before voting on the main motion.

- 14.13 Council may only debate the merits of an amendment and not the merits of the motions to which the amendment applies when an amendment is on the floor.
- 14.14 Consideration of the main motion shall only occur after any amendments have been considered and voted upon as per the above, and said main motion shall incorporate all amendments as passed prior to consideration for vote.
- 14.15 Any councillor may move to refer any main motion, and any pending amendments, to a council committee or the administration for investigation and report.
- 14.16 A motion may be tabled a majority vote of council to enable council to deal with the matter on a later occasion.
- 14.17 A motion to table takes precedence over all other motions.
- 14.18 A motion may be raised from the table at any time by a majority vote of council, within a year of its tabling after which time it fails by default.
- 14.19 A motion may be postponed, by majority vote of council, for any amount of time council deems appropriate, not to exceed the expiration of the term of the council.

Rules for Bylaws

- 15.1 The Administrator must review the form of each proposed bylaw to ensure that it is consistent with the form of bylaw that council considers acceptable for adoption from time to time.
- 15.2 Each proposed bylaw must include:
 - a) the bylaw number assigned to it by the Administrator; and
 - b) a concise title by which the bylaw may be referred.
- 15.3 The bylaw number and concise title of a proposed bylaw must be included on the agenda of the meeting at which the bylaw is to be introduced.
- 15.4 Bylaws shall be considered and passed in accordance with the relevant provisions of the Act.
- 15.5 No bylaw shall receive third reading at the meeting at which it was introduced, unless a unanimous motion of council allowing consideration of third reading is passed.

Committees of Council

- 16.1 Council shall form as it considers appropriate and provide all requisite recognition to various committees of council, as determined or perpetuated by motion of council, mutual agreement or other legitimate means as defined by the Act.
- 16.2 Membership of council committees shall comprise of members of council, members of the public, or other membership as council, or the committee if so delegated, may deem appropriate.
- 16.3 Membership of council committees shall be determined on an annual basis at the Organizational Meeting of council, unless defined otherwise by

- statute, policy or mutual agreement, or as shortly thereafter as practicable should council choose to table or postpone the appointments in question.
- 16.4 Subject to the *Act*, council committees may consider any matter that council may consider, to be determined by council motion, binding mutual agreement or other means considered legitimate and proper by council.
 - 16.5 Subject to the *Act*, council committees may conduct public meetings, receive delegations and submissions, meet with other municipalities, or otherwise conduct business in means similar to council.
 - 16.6 Council committees shall provide to council briefings, recommendations and other information on their conduct in a format and in accordance to timelines deemed acceptable to council at its sole discretion.
 - 16.7 Council committees shall conduct all business of the committee in accordance with the procedural aspects of this bylaw, when applicable.
 - 16.8 Council committees may move *in camera* in accordance with the *Act*; however no motions may be made while *in camera* save for a motion to resume a regular session of the committee.
 - 16.9 When a council committee considers and provides a formal recommendation to council on a matter delegated it by council, either specifically or in the fulfillment of its mandate, council is obligated to consider and vote on any such recommendations.

Public Hearings

- 17.1 The order of presentation and any time limitations imposed on presenters shall be in accordance with the policy and procedures of public hearings adopted from time to time by council.
- 17.2 The Mayor, or the Administrator, shall inform council of any written submissions and the numbers in favour of and opposed to the matter.
- 17.3 Any person who claims to be affected by the subject matter of the public hearing shall be afforded an opportunity to be heard by the council in person or through an agent.
- 17.4 Any councillor or the public may review the written submission received before the commencement of the public hearing or during the public hearing.
- 17.5 If a public hearing is adjourned, council shall not receive any additional submission in relation to the subject matter until it reconvenes the public hearing.
- 17.6 The public hearing must be closed before council votes on second reading of the bylaw for which the public hearing was convened.
- 17.7 Once the public hearing is closed, council shall not receive any additional information on the proposed bylaw or resolution without reopening the public hearing.
- 17.8 Matters that are related to the same topic may be addressed in the public hearing.

Public Meetings and Non-Statutory Public Hearings

- 18.1 Council may hold public meetings or non-statutory public hearings to solicit input from the public on issues for which a public hearing is not required, at its sole discretion.
- 18.2 Public meetings shall be conducted according to the procedures for public meetings adopted from time to time by council.
- 18.3 Non-statutory public hearings shall be conducted according to the procedures for statutory public hearings adopted from time to time by council.
- 18.4 Council shall hold, on an annual basis, a general meeting to which all ratepayers of the municipality shall be encouraged to attend, and the floor at said meeting shall be open for responsible and relevant comment and participation from all attendees in a fashion deemed in accordance with this bylaw, where applicable, and appropriate at the discretion of the Mayor.

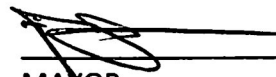
Adjournment of the Meeting

- 19.1 When the Mayor is satisfied that all business and purposes of a meeting have been addressed, the Mayor may adjourn the meeting or request a motion to adjourn the meeting.

Read a first time this 20th day of February A.D., 2018.

Read a second time this 20th day of February A.D., 2018.

Read a third time and finally passed this 20th day of February A.D., 2018.



MAYOR



CAO