

## VILLAGE OF FORESTBURG

### BYLAW 2:2020

#### **A BYLAW OF THE VILLAGE OF FORESTBURG, IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEEDINGS OF COUNCIL OF THE VILLAGE OF FORESTBURG.**

**WHEREAS** it is necessary to establish rules and provisions to regulate the conduct of business in Council meetings, to control and maintain order in Council for the enactment of municipal legislation and to provide for the dealing with petitions and submissions to Council;

**NOW THEREFORE** pursuant to Division 1 of the Municipal Government Act, RSA 2000, Chapter M-26.1, as amended, the Council of the Village of Forestburg, in the Province of Alberta, enacts as follows:

#### **1. NAME**

1.1 This bylaw may be cited as "The Procedure Bylaw".

#### **2. DEFINITIONS**

- 2.1 "Act" means the Municipal Government Act, RSA 2000, Chapter M-26.1, as amended.
- 2.2 "Agenda" means the list of items and order of business of any meeting of Council.
- 2.3 "Bylaw" means a bylaw of the Village of Forestburg.
- 2.4 "Chair" means the Mayor or presiding officer in the absence of the Mayor.
- 2.5 "Chief Administration Officer (CAO)" means the individual appointed by Council to exercise general control and management of the affairs of the Village of Forestburg for the purpose of ensuring the efficient and effective operations of the Village and its departments.
- 2.6 "Committee of the Whole" means the entire membership of council present, sitting in a deliberative rather than a legislative capacity, for informal debate and preliminary consideration of matters awaiting legislative action.
- 2.7 "Council" or "Councillor" means the duly elected councillors of the Village of Forestburg pursuant to the Local Authorities Election Act and includes the Mayor and Deputy Mayor.
- 2.8 "Deputy Mayor" means the member of Council duly elected by the Councillors from among their own number at the annual organization meeting pursuant to Section 152.1 of the Act to act as Mayor in the absence or incapacity of the Mayor.
- 2.9 "Mayor" means the member of Council duly elected to his/her office by the Councillors from among their own number at the annual organizational meeting pursuant to Section 150 of the Act.
- 2.10 "New Business" means business dealing with a matter which has not been introduced at the same or previous meeting and of which no notice has been given of the intention to present it.
- 2.11 "Old Business" means business which has been raised at the same or previous meeting and which has not been completed.
- 2.12 "Point of Order" means the raising of a question by a Councillor with the view of calling attention to any departure from the Procedure Bylaw or the customary mode of proceedings in debate or in the conduct of Council's business.

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- 2.13 "Point of Privilege" means all matters affecting the rights and immunities of the Council collectively or the position and conduct of members of Council in their respective character as elected representatives.
- 2.14 "Point of Procedure" means a question directed to the chair to obtain information on a matter of parliamentary law or rules of the Council bearing on the business at hand in order to assist a Councillor to make an appropriate motion, raise a Point of Order or understand the parliamentary situation or the effect of the motion.
- 2.15 "Question of Privilege" means the raising of a question which concerns a member of Council, or the Council collectively when a member believes that another member has spoken disrespectfully towards him/her or the Council, or when the Councillor believes his/her comments have been misunderstood or misrepresented by another Councillor or Councillors.
- 2.16 "Quorum" means the minimum number of Council members that must be present at any Council meeting to make the proceedings of that meeting valid, in the case of Council this would be three (3) members.
- 2.17 "Special Meeting" means a meeting convened by the Mayor when required to do by the Mayor or a majority of Council, pursuant to Section 194(1) of the Act.
- 2.18 "Village" means the Village of Forestburg.

### **3. APPLICATION**

- 3.1 This bylaw applies to:
- a. All meetings of Council; and,
  - b. Boards and authorities established by Council, unless permission has been granted to them to establish their own procedures
- 3.2 Any matter of meeting conduct, which is not herein provided for, shall be determined in accordance with the Act or Roberts' Rules of Order, in that order. In the event of any conflict between the provisions of this bylaw and those contained in any of the authorities set out above, the provisions of this bylaw shall apply.

### **4. ROLE AND PHILOSOPHY OF COUNCIL**

- 4.1 Council shall provide good, responsible and fair municipal governance to the citizens of the Village of Forestburg and each member of Council shall fulfill the duties and expectations of the position as a member of council in a diligent and faithful manner.
- 4.2 Members of Council shall conduct themselves in accordance with the ethical guidelines of conduct for elected local government officials as set out in Bylaw 8:2016 Council Code of Conduct as amended or replaced from time to time.
- 4.3 It shall be the role of Council to develop and adopt such policies as may be necessary to govern the Village in a responsible and fair manner and it shall be the duty of the CAO to carry out and fulfill the requirements of Council's policies and directives.
- 4.4 Members of Council shall not attempt to direct the operation and administration of the Village except where provided by this bylaw and interaction with Village personnel shall be through the CAO.

### **5. ORGANIZATIONAL MEETING**

- 5.1 The following procedures are governed by Section 192 of the Act and are provided for information only:
- a. An organizational meeting of Council shall be held annual, not later than two (2) weeks after the 3<sup>rd</sup> Monday in October.
  - b. The CAO shall fix the time and place for the organizational meeting;
  - c. The business of the meeting immediately following the general municipal election to be limited to:
    - i. The administration of the oath to all Councillors and the introduction of new members;
    - ii. Election of Mayor and administration of the Oath of Office;
    - iii. Election of the Deputy Mayor and administration of the Oath of Office;
    - iv. The reading of Bylaw 8:2016 Council Code of Conduct and the administration of the Annual Statement of Commitment to the Council Code of Conduct Policy for Members of Council;
    - v. The appointment of members to act on committees, boards and other bodies on which Council is entitled to representation; and
    - vi. Setting of meeting day, time and location.
  - d. The business of the meeting immediately following a by-election to be limited to:
    - i. The administration of the oath to all newly elected Councillors and the introduction of new members;
    - ii. The reading of Bylaw 8:2016 Council Code of Conduct and the administration of the Annual Statement of Commitment to the Council Code of Conduct Policy for Members of Council to any newly elected member;
    - iii. In the event the position of Mayor or Deputy Mayor becomes vacant due to a resignation from either Council or from the position:
      - a. Election of Mayor and administration of Oath of office; and/or
      - b. Election of Deputy Mayor and administration of the Oath of Office.
    - iv. The appointment of members to act on committees, boards and other bodies on which Council is entitled to representation which have been vacated by the resignation of a Councillor; and
    - v. Setting of meeting day, time and location.
- 5.2 At every organizational meeting requiring the election of the Mayor, the CAO shall:
- a. Take the chair;
  - b. Call the meeting to order;
  - c. Preside over the meeting until the oath as prescribed by the Oaths of Office Act, has been administered to the Mayor.

## 6. MEETINGS

- 6.1 The following procedures are governed by Section 194 of the Act and are provided for information only:

- a. Regular Council meetings shall be set at the organizational meeting each year or at a regular council meeting at which all the Councillors are present.
  - b. A special meeting may be called by the Mayor or by a majority of Council with the following provisions:
    - i. Written notice of a special meeting stating the time and place at which it is to be held and stating in general terms the nature of the business to be transacted there at, shall be given to each Councillor. Notice must be given to the council member or an adult person at the residence or place of business of the Councillor not less than twenty-four (24) hours prior to the meeting.
    - ii. The Mayor may call a special meeting of Council upon such shorter notice, either verbally or in writing, as the Mayor considers sufficient, if at least two-thirds of members of Council give their written consent to hold the meeting.
    - iii. No business other than that stated in the notice shall be transacted at any special meeting of the Council, unless all members of Council are present and by unanimous consent agree to transact any other business.
- 6.2 The following procedures are governed by Section 197 of the Act and are provided for information only:
- a. The Council shall hold their meetings openly and no person shall be excluded therefrom except for improper conduct.
  - b. The Chair at any meeting may cause to be expelled or excluded any person who creates any disturbance or acts improperly during the meeting.
  - c. Council may, by resolution, go in camera at a regular meeting. An in-camera meeting:
    - i. May exclude any person or persons therefrom; and,
    - ii. Council shall not have the power to pass any resolution except one to revert to the open meeting.
- 6.3 Subject to being overruled by a majority vote of members of Council, which vote shall be taken without debate, the Chair:
- a. Shall maintain order and preserve decorum at the meeting;
  - b. Shall decide points of order without debate or comment other than to state the rule governing;
  - c. Shall determine which member has the right to speak;
  - d. Shall ascertain that all members who wish to speak on a motion have spoken thereon and that all members are ready to vote by asking the question: "Are you ready for the question?";
  - e. Shall rule when a motion is out of order;
  - f. May call a member to order.
- 6.4 Members of the public who constitute the audience in the council chamber during a council meeting:
- a. Shall not address Council without permission of Council;
  - b. Shall maintain order and quiet;

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- c. Shall not applaud or otherwise interrupt any speech or action of the members of Council, or any other person addressing Council.

6.5 When a Councillor is addressing the Chair, every Councillor shall:

- a. Remain quiet and seated;
- b. Not interrupt the speaker except on point of order; and,
- c. Not carry on a private conversation.

6.6 When a Councillor is addressing the Council, he/she shall:

- a. Not reflect on any vote of Council except when moving to rescind, and when so doing, shall not reflect on the motives of the Councillors who voted for the motion, or the mover of the motion;
- b. Not shout nor immoderately raise his/her voice or use profane, vulgar or offensive language; and,
- c. Assume personal responsibility for any statement he/she has made to Council, or upon request of the Council, shall give the source of the information.

## 7. VOTING

7.1 The following procedures are governed by Section 182 of the Act and is provided for information only:

- a. As per Section 183(1) of the Act:
  - i. A Councillor present must vote on a matter put to a vote at the meeting unless the councillor is required or permitted to abstain from voting under this or any other enactment.
  - ii. The Council must ensure that each abstention and the reasons for the abstention are recorded in the minutes of the meeting.
- b. A question or motion shall be declared defeated when it:
  - i. Does not receive the required number of votes; or,
  - ii. Receives an equal division of votes.
- c. A member shall not vote on a matter if he or she is absent from the council chamber when the vote is put and the decision has been made to take a recorded vote.
- d. When a member of Council calls for a recorded vote, the names of those who vote for and those who vote against a motion shall be entered in the minutes by the CAO.

## 8. GENERAL RULES OF COUNCIL

- 8.1 The time of regular meetings shall be determined at the organizational meeting.
- 8.2 If there is no quorum present within half an hour after the time appointed for the meeting of Council, the CAO shall, for the purpose of remuneration, take down the names of those members present, and the Council shall stand absolutely adjourned until the next meeting, unless a special meeting is called.
- 8.3 As soon after the hour of meeting that a quorum is present, the Mayor shall take the chair and call the members to order.

- 8.4 In the case of the absence of the Mayor, the Deputy Mayor shall take the chair.
- 8.5 In the case of the absence of both the Mayor and the Deputy Mayor, the remaining members of Council, duly forming a quorum, shall appoint one individual to take the chair.
- 8.6 No smoking shall take place in the council chamber.

## **9. PROCEEDINGS AT COUNCIL MEETINGS**

- 9.1 Unless otherwise specified in this bylaw, the order of business for a regular meeting of Council shall be contained in the agenda for the meeting, which shall be prepared by the CAO. Copies of all background information pertaining to issues requiring action shall be included in the agenda package, which shall be available to members of Council at least two (2) days prior to a regular meeting.
- 9.2 The order of business shall be as set out in Policy A.4.2 Agenda Formation Policy as amended or replaced from time to time.
- 9.3 The order of business shall apply unless Council otherwise determined by a two-thirds (2/3) majority vote of members present, and the vote upon a matter of priority of council business shall be decided without debate.

## **10. LETTERS AND PETITIONS**

### **10.1 Request for Action by Council**

- a. A person or group of persons wishing to bring any matter to the attention of Council or to have a matter considered by Council must provide a letter or other communication addressed to the CAO and such letter or other communication shall:
  - i. Be printed, typed or legibly written;
  - ii. Clearly set out the matter at issue and the request made of Council in respect thereof, including a request to speak to Council if this is what is wished;
  - iii. Be signed with the correct name of the writer; and,
  - iv. Contain the correct mailing address or email address of the writer.
- b. When a communication contains a request for an appearance to address Council, the CAO shall schedule a time on the agenda for the petitioner. Each person or group of persons shall not speak for more than ten (10) minutes unless the time is extended by a majority vote of Council.

### **10.2 Petitions**

- a. Sections 231 through 234 of the Act set out the requirements of all parties in regard to submission, receipt and action taken on petitions.
- b. Prohibited petitions include:
  - i. financial administration;
  - ii. assessment of property;
  - iii. taxation;
  - iv. planning and development;
  - v. road closures;

- vi. intermunicipal collaboration;
  - vii. necessary local sewer improvements; and
  - viii. private connections to water and sewer improvements.
- c. A petition must include:
- i. The printed surname and printed given names or initials of the petitioner;
  - ii. The signature of the petitioner;
  - iii. The street address of the petitioner or the legal description of the land on which the petitioner lives;
  - iv. The telephone number and email address of the petitioner;
  - v. The date on which the petitioner signed the petition;
  - vi. The signature of an adult witness next to each petitioner's signature.
- d. Be received by the CAO not later than:
- i. 15 days after the advertisement regarding issues related to financial administration;  
or
  - ii. 60 days after the advertisement for all other matters.

**11. DELEGATIONS**

- 11.1 Council shall hear all delegations who have brought their items of business onto the agenda, or who have contacted the CAO in person or by phone no later than 12:00 noon on the day of the meeting. No delegation may speak for more than ten (10) minutes.
- 11.2 All rules of Council in this bylaw shall apply to each and every member of the delegation.

**12. MOTIONS AND PUTTING QUESTIONS OR RESOLUTIONS IN COUNCIL**

- 12.1 A motion of Council does not need to be seconded.
- 12.2 No motion is required to adjourn the meeting if all agenda items have been dealt with.
- 12.3 The Mayor or the CAO shall read the motion aloud if requested.
- 12.4 No motion introducing any new matter, other than a matter concerning an item on the agenda, a question or privilege or bringing up petitions, reports, delegations, representations, shall be accepted and discussed unless prior notice of same has been given at a previous meeting of the Council held at least five (5) days before the moving of such motion; or unless such notice shall be dispensed with by two-thirds (2/3) vote of Council, taken without debate.
- 12.5 After a motion is read or stated by the Mayor or other presiding officer, it shall be deemed to be in the possession of Council, but may be withdrawn at any time before debate or decision with the permission of Council.
- 12.6 A motion to defer, until it is decided, shall preclude all amendments to the main question. Such a motion is debatable.
- 12.7 When a motion has been made and is being considered by Council, no member may make any other motion except a motion to:
- a. Amend a motion;

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- b. Refer the main questions to some other person or group for consideration;
- c. Table the main question;
- d. Adjourn the meeting.

12.8 After any question is finally put to the Chair, no member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared. The decision of the Chair as to whether the question has been finally put, shall be conclusive.

12.9 A motion to adjourn the Council or the debate shall always be in order.

12.10A Councillor may move a motion to adjourn a meeting at any time except when:

- a. Another member is in possession of the floor;
- b. A call for a decision has been made;
- c. The members are voting;
- d. A previous motion to adjourn has been defeated and no other intermediate proceeding has taken place.

12.11 A motion to rescind an action of Council may be offered at any time subsequent to the meeting at which the original motion was passed:

- a. Any Councillor may make the motion to rescind;
- b. Notice of the rescinding motion shall be given in the usual manner;
- c. A majority vote of all the members of Council is necessary for the passage of a motion to rescind.

12.12 Unless otherwise specifically provided in this bylaw, the following motions are debatable by Council:

- a. A motion arising out of any matter or thing included in the agenda for the Council meeting at which it is debated;
- b. A motion concerning any matter or thing tabled indefinitely from a previous meeting of the Council, or tabled for the meeting at which it is discussed;
- c. A motion for adopting of, rejection or, referral back or further consideration of a report to the Council, or a motion arising out of any matter dealt with in a report to the Council;
- d. A motion for a previous question;
- e. A motion for the second reading, or a motion for the third reading of a bylaw;
- f. A motion for amendment to any bylaw properly before the Council, or to any matter arising directly out of any bylaw properly before the Council;
- g. Such other motion made upon routine proceedings of Council may be necessary for conducting the business of the Council and the observance of its priorities.

12.13 General provisions regarding motions:

- a. When the Chair decides a motion is out of order, he/she shall so advise Council and shall cite the rule of authority applicable thereto.
- b. Any member of Council may move a motion questioning the ruling of the Chair.



- c. Whenever any matter of privilege arises, it shall be immediately taken into consideration.
- d. Members shall always take their places when any vote is called for, and shall remain in their places until the Chair has declared the result of the question.

### **13. AMENDMENTS**

- 13.1 Every amendment must be relevant to the question on which it is proposed. Any amendment offered which raises a new question can only be considered on a distinct motion after notice.
- 13.2 All amendments shall be put in the reverse order in which they were moved; and every amendment shall be decided upon or withdrawn before the main question is put to a vote. Only one amendment to the main motion at one time shall be allowed and only one sub-amendment shall be allowed to an amendment at one time.
- 13.3 No member of Council may move to amend his/her own motion.
- 13.4 A sub-amendment should not enlarge the scope of the amendment, but should deal with matters not covered by either the original motion or the amending motion.
- 13.5 An amendment proposing a direct negative to the original motion is out of order.

### **14. BYLAWS**

- 14.1 Where a bylaw is presented to the Council for enactment, the CAO shall cause the number and short title to appear on the agenda in the appropriate place.
- 14.2 The CAO shall cause the bylaw to be copied in full and forwarded to the members of Council with the agenda.
- 14.3 Every bylaw shall have three (3) readings.
- 14.4 A bylaw shall be passed when it receives 3<sup>rd</sup> reading and is signed.
- 14.5 A bylaw shall be introduced for the first reading by a motion that the bylaw, specifying its number and short title, be read for a first time.
- 14.6 Council shall vote on the motion for first reading of a bylaw without amendment or debate.
- 14.7 If a member does not elaborate on the subject matter of the bylaw, or phrase his/her question so as to set out his/her opinion for or against the bylaw, that member may ask a question concerning the bylaw.
- 14.8 A bylaw shall be introduced for second reading by a motion that it be read a second time, specifying the number of the bylaw and short title.
- 14.9 After a member has made a motion for second reading of a bylaw, the Council may:
  - a. Debate the substance of the bylaw; and,
  - b. Propose and consider amendments to the bylaw.
- 14.10A proposed amendment shall be put to a vote and if carried shall be considered as having been read for a first time and incorporate in the bylaw.
- 14.11 Council may after first reading of a bylaw go into Committee of the Whole to debate it:
  - a. Council may enter "Committee of the Whole" to allow for Council to have a free discussion on the bylaw without closing the meeting to the public; and

14.12 After a motion has been made for second reading of a bylaw or after Council has gone into committee of the whole to debate second reading, a member may require all or any portion of the bylaw to be read at length.

14.13 The CAO shall be responsible for keeping a record of:

- a. Any amendments to a bylaw passed by Council; and,
- b. Amendments reported by the committee of the whole.

14.14 When all amendments have been accepted or rejected, a motion for second reading of the bylaw, as amended, shall be put.

14.15 A motion for third reading shall give the number and short title of the bylaw.

14.16 The following procedures are governed by Section 187 of the Act and are provided for information only:

- a. A bylaw shall not be given more than two readings at one meeting unless the members present at the meeting unanimously agree that the bylaw may be presented to Council for third reading at the same meeting at which it has received two readings.
- b. When Council unanimously agrees that a bylaw may be presented for third reading at a meeting at which it has received two readings, the third reading requires no greater majority of affirmative votes to pass the bylaw than if it has received third reading at a subsequent meeting.

14.17 When a bylaw has been given three readings and is signed it:

- a. Becomes a municipal enactment of the Village; and,
- b. Is effective immediately unless the bylaw or an applicable provincial statute provides otherwise.

14.18 After passage, a bylaw shall be signed by the individual who chaired the meeting at which the bylaw was passed and the CAO.

14.19 Once a bylaw has received first reading but has not received second or third reading within two (2) years of first reading, it can be placed back on the Council agenda for future consideration.

14.20 The first reading of a bylaw is rescinded if the bylaw is defeated on second or third reading.

## **15. BYLAWS REQUIRING PUBLIC HEARINGS**

15.1 Certain bylaws related to land use issues and borrowing issues require a public hearing after first reading.

15.2 As per Section 184 of the Act, a Councillor:

- a. Must abstain from voting on the bylaw or resolution if the councillor was absent from all of the public hearings; and,
- b. May abstain from voting on the bylaw or resolution if the Councillor was only absent from a part of the public hearing.

## **16. SEVERABILITY**

16.1 Should any provision of this bylaw be invalid, then such provision shall be severed and the remaining bylaw shall be maintained.

**17. REPEAL AND/OR REPLACE**

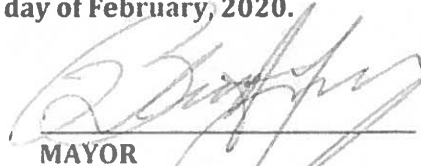
17.1 Bylaw 5:2017 is hereby repealed.

**READ A FIRST TIME this 6<sup>th</sup> day of February, 2020.**

**READ A SECOND TIME this 6<sup>th</sup> day of February, 2020.**

**CONSENT FOR THIRD AND FINAL READING GRANTED this 6<sup>th</sup> day of February, 2020.**

**READ A THIRD AND FINAL TIME this 6<sup>th</sup> day of February, 2020.**



A handwritten signature in black ink, appearing to read "D. Duffin", is written over a horizontal line.

**MAYOR**



A handwritten signature in black ink, appearing to read "Debra P. Hilt", is written over a horizontal line.

**CHIEF ADMINISTRATIVE OFFICER**