



**TOWN OF BOW ISLAND
BYLAW NO. 2021:11
COUNCIL PROCEDURAL BYLAW**

PURPOSE:

Regulating the procedures and conduct of Council and Council Committee Meetings.

WHEREAS: Council of the Town of Bow Island has the authority under the Municipal Government Act, R.S.A. 2000 c-M-26, and related amendments, to enact bylaws respecting the establishment of Council Committees, Procedure and Conduct of Council, Council Committees, and the Conduct of Councilors and Members of Council Committees; and

WHEREAS: Council of the Town of Bow Island considers it expedient and desirable for effective governance to regulate the procedure and conduct of Council, Councilors and others attending Council and Council Committee Meetings in the Town of Bow Island.

NOW THEREFORE: The Council of the Town of Bow Island enacts as follows:

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TITLE

- 1.1 This Bylaw may be cited as the "**Council Procedural Bylaw**" and applies to all Members attending Meetings of Council and Committees established by Council of the Municipality.

DEFINITIONS

In this Bylaw;

- 2.1 "**Act**" shall mean the Municipal Government Act, R.S.A. 2000 Chapter M-26, and related amendments;
- 2.2 "**ad hoc**" shall mean an organization, committee, or commission created for a specific task;
- 2.3 "**Agenda**" shall mean the list of items and order of business for any meeting;
- 2.4 "**Amend**" shall mean a Motion to add context or details to currently debated Motion;
- 2.5 "**Bylaw**" shall mean a Bylaw of the Town of Bow Island;
- 2.6 "**C.A.O.**" shall mean the person appointed to the position of Chief Administrative Officer by the Council of the Town of Bow Island and include any person that the Chief Administrative Officer may appoint as his/her designate for purposes of carrying out his/her responsibilities under this Bylaw and further includes any persons that may be appointed to act in the absence of the Chief Administrative Officer.
- 2.7 "**Chair**" shall mean the person presiding and conducting meetings;
- 2.8 "**Committee**" shall mean a Committee created by Council (such as at the annual Organizational Meeting) that is either a Standing Committee, Special Committee, *ad hoc* Committee, or external Council Committee;
- 2.9 "**Committee of the Whole**" shall mean a Committee consisting of all Members of Council. A meeting of the Committee of the Whole may be held *in closed session* (in private) or in public sessions depending on the issue being discussed;
- 2.10 "**Council**" shall mean the Mayor and Members of Council of the Town of Bow Island elected pursuant to the provisions of the *Local Authorities Election Act*;
- 2.11 "**ex officio**" shall mean by right of office, the Mayor is a Member of all Council Committees and all bodies to which Council has the right to appoint Members. Unless the named Member or alternate to the Committee, the Mayor does not have voting privileges;



- 2.12 "Delegation" shall mean any person or persons having permission of Council to appear before Council, or a Committee of Council to provide pertinent information and views about the subject before Council or Council Committee;
- 2.13 "Deputy Mayor" shall mean the Member of Council who is appointed pursuant to the Act to act as Mayor in the absence or incapacity of the Mayor;
- 2.14 "Closed Session" shall mean a session which is held *in private* (closed to the public) and may include specific persons invited to attend by the Chair, Council or the Committee. All discussions *in closed session* are deemed as confidential, and no motions can be made;
- 2.15 "Mayor" shall mean the Chief Elected Official for the Town;
- 2.16 "Member" shall mean a Councilor or Member at Large, appointed by Council to a Committee of Council;
- 2.17 "Member at Large" shall mean a Member of the public appointed by Council to a Committee of Council;
- 2.18 "Meetings" shall mean meetings of Council and Council Committees;
- 2.19 "Motion" shall mean an action presented by a Councilor or Member of a Committee and made through the Chair that requests some consideration of action by Council or Committee. For a Motion to be structurally complete, it is required to address the who, what, when, where and why questions;
- 2.20 "Person" shall include an individual, partnership, association, body corporate, trustee, executor, administrator, or legal representative;
- 2.21 "Question of Privilege" shall mean a 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 he/she believes comments have been misunderstood or misinterpreted by another Member or Members.
- 2.22 "Quorum" is a majority (50% + 1) of those Members elected and serving on Council;
- 2.23 "Recess" shall mean a non-debatable action for a temporary break of Council/Committee business; any Member may request a recess through the Chair;
- 2.24 "Recording Secretary" shall mean the person assigned to record minutes of the meeting;
- 2.25 "Town" shall mean the Town of Bow Island;



- 2.26 **“Urgency” or “emergent items”** (*in reference to Addendums Section 25.7 of this Bylaw*) If an item (Addendum – addition to the agenda) is to be added to a previously distributed Agenda, then the Addendum shall pass a test of ‘Urgency’. If the Addendum is time-sensitive or where failure to provide immediate action may cause financial or other distress to the Municipality, Council or a Committee, then the Chair may authorize the addition of the Addendum to the Agenda. All additions must be supported by written background information.

GENERAL

- 3.1 In accordance with the *Act*, the municipal office shall be the Town of Bow Island Administration Office located at 502 Centre Street, Bow Island, Alberta.
- 3.2 Council of the Town of Bow Island shall consist of seven (7) elected officials.
- 3.3 At the Organizational Meeting following the date of the general Election, and annually thereafter, not later than two weeks after the third Monday in October, Council Members shall elect one of its elected officials as Deputy Mayor.
- 3.4 Responsibilities of the Mayor are established in the *Act*.
- 3.5 When the Mayor, through illness, absence or other cause, is unable to perform the duties of this office, or when the office is vacant, the Deputy Mayor has all the powers and shall perform all the duties of the Mayor during the Mayor’s inability or absence.
- 3.6 When both the Mayor and Deputy Mayor, through illness, absence or other cause, are unable to perform the duties of the office, the Council may appoint a temporary Acting Mayor or Chair as per the *Act*.
- 3.7 The Deputy Mayor who has been appointed to their office by the Council may resign their appointments while retaining their seats on the Council.
- 3.8 When the office of Mayor or Deputy Mayor become vacant by death, resignation, forfeiture or otherwise, the Council shall forthwith elect one of the Councillors to fill the position for the remainder of the term of office and in accordance with the *Act*.
- 3.9 The Mayor and Members of Council may be paid remuneration, travel, subsistence and out of pocket expenses that may be set by the Council and outlined in Council Policies.
- 3.10 General duties of Councilors and the Mayor are established in the *Act*.
- 3.11 The Council of the Town is responsible for:
- 3.11.1 developing and evaluating the policies and programs of the Town;
 - 3.11.2 carrying out the powers, duties and functions expressly given to it under the *Act* or any other enactment.
- 3.12 Council may only act by resolution or bylaw.



CODE OF CONDUCT

- 4.1 The Town of Bow Island has adopted a Code of Conduct for Members of Council and Council Committees. Said members are required at the beginning of the term to review and acknowledge the Code of Conduct by way of signature.

SEVERABILITY

- 5.1 If any portion of this Bylaw is declared invalid by a Court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the Bylaw shall be deemed valid.

MEETINGS

Organizational Meetings

- 6.1 An Organizational Meeting of Council shall be held annually not later than two weeks after the 3rd Monday in October, as per the *Act*.
- 6.2 The Councilors shall take the Oath of Office upon being elected. By right of this office and taking of the Oath, the Councilor is a Commissioner for Oaths.
- 6.3 The Agenda of the Organizational Meeting shall be restricted to:
- 6.3.1 Establishing regular meeting dates for Council for the next twelve months and all Members of Council must be present;
 - 6.3.2 Establishing any *ad hoc* Council Committees;
 - 6.3.3 Selection of Deputy Mayor by election of elected Councilors; by either show of hands or secret ballot. The voting method shall be determined by show of hands;
 - 6.3.4 Appointment of Councilors as Members and alternates to Council Boards and Committees and *ad hoc* Council Committees;
 - 6.3.5 Appointment of Members at Large to any agencies, committees, boards to which Council has the right to appoint Members;
 - 6.3.6 Any such other business as is required by the *Act*;
 - 6.3.7 Referring to Section 6.3.2 and 6.3.4 of this Bylaw, the Mayor will lead Council through the Boards & Committees list. If a Councilor wishes to be the representative or alternate on a particular board or committee, they must verbally indicate their desire when that board or committee is being addressed. In the case of two or more Councilors wishing to be the representative or alternate to a board or committee, a vote of Council shall be taken, by either show of hands or secret ballot. The voting method shall be determined by show of hands.



Regular Council Meetings

- 7.1 Notice of regularly scheduled meetings, as per Section 6.3.1, do not need to be advertised.
- 7.2 Attendance by Councilors is required as pursuant to the Act.
- 7.3 If Council changes the date, time or place of a regularly scheduled meeting, the Town shall give at least 24 hours notice of the change
 - 7.3.1 to any Member of Council not present at the meeting at which the change was made, and such notice shall be in accordance with Section 196(1) of the *Act*; and
 - 7.3.2 to the public and such notice shall be by means of posting a notice on the front door of the Municipal Office and noting the change on the Town website.
- 7.4 The time for Regular Council Meetings shall be determined at the annual Organizational Meeting.
- 7.5 Recording of Regular Council meetings is not permitted unless a resolution has been passed by Council to allow this to take place.
- 7.6 All meetings shall be held in public excepting "Closed Session".
- 7.7 A cancellation or change of date, time or place of a regular Council Meeting must be done by resolution of Council.

Special Meetings

- 8.1 Special Meetings shall be held as per section 194 of the *Act*.
 - 8.1.1 The Mayor may call a special meeting whenever the Mayor considers it appropriate to do so.
 - 8.1.2 The Mayor calls a Special Meeting by giving at least 24 hours' notice in writing to each Councillor and the public stating the purpose of the meeting and the date, time and place at which it is to be held.



Meetings Through Electronic Communications

- 9.1 A Council meeting or committee meeting may be conducted by means of electronic or other communication facilities if;
- 9.1.1 notice is given to the public of the meeting, including the way in which it is to be conducted,
 - 9.1.2 the facilities enable the public to watch or listen to the meeting at a place specified in that notice and a designated officer is in attendance, and
 - 9.1.3 the facilities enable all the meeting's participants to watch or hear each other.

Committee Meetings

- 10.0 Standing Council Committees are created by a Bylaw.
- 10.1 The times for the beginning of Council Committee meetings shall be set by Motion by the Council Committee.
- 10.2 Standing Council Committees shall be established and governed by a Bylaw approved by Council. Where appropriate authority is delegated to a Standing Committee, such Committee and its mandate shall be established by Bylaw.
- 10.3 The Mayor shall be deemed to be an *ex officio* Member of all Committees of Council.
- 10.3.1 When attending a Committee, which the Mayor has not been specifically assigned as a representative, the Mayor shall have a right to vote only when an appointed Member of Council assigned to that Committee is absent and the Mayor has been asked, either formally or informally, to be the representative or alternate.
 - 10.3.2 Staff may be asked to participate as advisors to Committees of Council. Unless otherwise specified in the Terms of Reference of a Committee, advisors are not voting Members.
- 10.4 **Council Committee Chairs:**
- 10.4.1 For Committees of Council, the position of Chair shall be selected by vote of the Members appointed by Council, which shall include Members at Large appointments.
 - 10.4.2 Where the Town and another Municipality share representation on the Council Committee or Boards, the Members shall select the Chair by a vote of the Members.



10.5 ***ad hoc* Committees:**

- 10.5.1 Council may create an *ad hoc* Committee by Motion to be formed to address a single issue or matter. An *ad hoc* Committee shall be deemed as temporary.
- 10.5.2 The *ad hoc* Committee shall be advised of their mandate by Council at the time of creation, and Council shall appoint the Members.
- 10.5.3 The *ad hoc* Committee will provide regular written reports to Council at least once a month and Council shall determine, with each report, whether there is a need for the *ad hoc* Committee to continue to exist.
- 10.5.4 *ad hoc* Committee's, though temporary in nature, shall operate as other committees, being public meetings, with minutes kept, and same procedures followed as Standing Committees.

10.6 Alternates: The Mayor may temporarily appoint any Council Member to take the place of any Member or alternate of the Council Committee who is unable to attend a meeting of that Council Committee. Council Committee Alternates must be appointed during the Organizational Meeting.

10.7 Council Committees shall meet at the call of the Chair, and have a written agenda, but notice must be provided to Committee Members and the Public pursuant to the requirements of this Bylaw and the Act.

10.8 All Council Committees are advisory to Council unless authority to exercise or perform any power or duty has been specifically delegated by a Council Bylaw.

10.9 The basic responsibilities of a Council Committee are as follows:

- 10.9.1 to analyze all matters placed before them and submit written recommendations to Council on ways and/or means of dealing with these matters;
- 10.9.2 to receive written reports for information purposes. Written reports received for information may be forwarded to Council at the discretion of the Council Committee, and must be forwarded to Council if required under any policy, bylaw or statute;
- 10.9.3 to refer matters to Administration, through the C.A.O, for research and to provide direction on the preparation of written reports;
- 10.9.4 to submit recommendations to Council on any action or decision recommended on any matter within the jurisdiction of the Council Committee;



- 10.9.5 in appropriate cases, to submit matters to Council without recommendations;
 - 10.9.6 not to appropriate, expend, commit, or direct the expenditure of any money not provided for in the budget and authorized in Committee mandate and Bylaw by Council;
 - 10.9.7 not to bind its actions on the Town unless power to take such action has been specifically delegated to the Committee by Council in a Bylaw;
 - 10.9.8 not to give direct instructions to any Town employee except through the C.A.O. In the event that the C.A.O. is unreachable the Mayor/Deputy Mayor give direct instructions to Town employees.
- 10.10 All Council Board and Committee Members must follow the procedural rules of Council as set out in this Bylaw.
- 10.11 All Committees created by Council shall be reviewed annually at the Organizational Meeting.

External Committees:

- 10.12 External agencies, boards, commissions, and committees refer to an agency, board, commission or committee not created by Council and shall be made in reference to in this Bylaw as External Committees.
 - 10.12.1 Councillors will review the appointment chart for External Committees annually at the Organizational Meeting;
 - 10.12.2 Council may add an External Committee by Motion during a Regular Council Meeting.
 - 10.12.3 Councillors will be appointed, along with alternates, to the External Committees at the Organizational Meeting annually;
 - 10.12.4 Each External Committee shall *elect its own Chair*;
 - 10.12.5 Councillors serving on External Committees shall represent the interest of the whole Town and shall keep Council informed of Committee business with written reports and provide an update during the Council External Committee Report portion of the Regular Council Meeting;
 - 10.12.6 Councillors appointed to an External Committee who are directed motion of the External Committee to attend an event apart from the scheduled meeting, in support of that External Committee do so under the External Committee Budget;



10.12.7 Following the appointment of the Mayor, Councillor or Member-at-Large to an External Committee, the C.A.O. shall advise the External committee of the appointment and the following:

10.12.7.1 the Member to the External Committee, shall forward to the Town of Bow Island a ratified copy of the minutes, of any board that holds meetings monthly, within 30 days of each meeting, along with the dates and locations of any scheduled future meetings, and

Standing Committees:

10.13 The following Standing Committees shall have members appointed annually at the Organizational Meeting:

Fire Department Liaison Committee:
3 Council Members, CAO

Bylaw Review Committee:
3 Council Members, CAO, Bylaw Enforcement Officer

Budget/ Capital Committee:
4 Council Members, CAO, 2 staff members

Inter Municipal Liaison Committee:
All Council Members, CAO

Municipal Airport Committee:
3 Council Members, CAO

Emergency Management Committee:
1 Council Member, Director of Emergency Management, Deputy Director of Emergency Management, CAO

Emergency Management Agency:
Director of Emergency Management, Deputy Director of Emergency Management, CAO, 1 additional member

Recreation Advisory Board:
1 Council Member, 6-8 members at large

Tourism Committee:
1 Council Member, 5-9 members at large

10.13.1 The Fire Department Liaison Committee shall deal with matters related to the Fire Department and any other duties referred to it by Council.

10.13.2 The Bylaw Review Committee shall deal with matters related to legislation and any other duties referred to it by Council.

10.13.3 The Budget/ Capital Committee shall deal with matters related



to finance, capital purchases, asset management, and any other duties referred to it by Council.

- 10.13.4 The Inter Municipal Liaison Committee shall deal with items of mutual concern with neighboring municipalities.
- 10.13.5 The Municipal Airport Committee shall deal with matters relating to the Bow Island Airport and any other duties referred to it by Council.
- 10.13.6 The Safety Committee shall deal with matters relating to Health and Safety, and any other duties referred to it by Council.
- 10.13.7 The Emergency Management Committee and Agency, Recreation Advisory Board, and Tourism Committee shall deal with matters as specified in respective Bylaws, and any other duties referred to it by Council.

Closed Sessions

- 11.1 Council recognizes that Section 198 of the *Act* provides for the public to be present at meetings, and it is the intent and desire of Council to remain open, accountable and transparent to the public.
- 11.2 Closed Sessions shall only be permitted for matters determined in Sections 16 through 29 of the *Freedom of Information and Protection of Privacy Act*.
 - Section 16: Disclosure harmful to business interests of a third party.
 - Section 17: Disclosure harmful to personal privacy.
 - Section 18: Disclosure harmful to individual or public safety.
 - Section 19: Confidential evaluations.
 - Section 20: Disclosure harmful to law enforcement.
 - Section 21: Disclosure harmful to intergovernmental relations.
 - Section 22: Cabinet and Treasury Board confidences.
 - Section 23: Local public body confidences.
 - Section 24: Advice from officials.
 - Section 25: Disclosure harmful to economic and other interests of a public body.
 - Section 26: Testing procedures, tests and audits.
 - Section 27: Privileged information.
 - Section 28: Disclosure harmful to the conservation of heritage sites etc.
 - Section 29: Information that is or will be available to the public.
- 11.3 Whenever Council or a Committee meets “in closed session” the C.A.O., or designate, shall be present. An exception is provided when Council meets to discuss the C.A.O. annual performance.
- 11.4 After the Closed Session meeting discussions are completed, any members of the public outside the meeting room must be notified the meeting is now open and be given reasonable time to return to the meeting room before the meeting continues.

Public Hearings



- 12.1 Public Hearings are required when:
- 12.1.1 a proposed bylaw to adopt an intermunicipal development plan
 - 12.1.2 a proposed bylaw to adopt a municipal development plan
 - 12.1.3 a proposed bylaw to adopt an area structure plan
 - 12.1.4 a proposed land use bylaw, or
 - 12.1.5 a proposed bylaw amending a statutory plan or land use bylaw
- 12.2 The conduct of any statutory Public Hearing shall be governed by this Bylaw.
- 12.3 Wherever possible, persons interested in speaking at a Public Hearing should register with the Recording Secretary or submit their questions and concerns in writing prior to the Public Hearing.
- 12.4 The Chair shall declare the Public Hearing in session and shall outline the Public Hearing Procedures.
- 12.4.1 The Chair may call upon the C.A.O. or Department Manager to introduce the Motion or Bylaw, and to briefly state the intended purpose.
 - 12.4.2 Public Hearing presentations are followed by:
 - 12.4.2.1 those speaking in favour;
 - 12.4.2.2 those speaking against; and
 - 12.4.2.3 follow-up questions from Members;
 - 12.4.2.4 Motions.
- 12.5 Where applicable, the C.A.O. shall advise of any third party officially applying for the Bylaw or Motion (For example, as in proposed Bylaws to amend the Land Use Bylaw).
- 12.6 Immediately following the introduction of the Bylaw or Motion, any Member who has pecuniary interest in the Motion or Bylaw for which the Public Hearing is being held shall declare this interest and shall be excused from the table.
- 12.7 Upon leaving the table, the Member has the same rights as any other person attending the Public Hearing and may stay in attendance at the Public Hearing and make presentations. However, when the matter reviewed at the Public Hearing comes before Council for deliberation, the Member must adhere to all clauses of Section 30 of this Bylaw pertaining to Pecuniary Interest.
- 12.8 The Chair shall request those who wish to make presentations to identify



themselves so that their names can be recorded in the minutes. A five (5) minute time limit is given per presentation unless otherwise determined by the Chair.

- 12.9 Members, who are absent for the whole of the Public Hearing, are not entitled to vote on the matter.

MEETING PROCEDURES

Quorum

- 13.1 As soon as there is a Quorum of Members of Council after the hour fixed for the meeting, the Chair shall call the meeting to order; in the case of the Mayor or Deputy Mayor not in attendance within fifteen (15) minutes after the hour appointed for the meeting and a quorum is present, the C.A.O. shall call the meeting to order and a Chairman shall be chosen by the Councillors present who shall preside during the meeting until the arrival of the Mayor or Deputy Mayor. The Recording Secretary shall record the arrival and departure of Council Members at meetings should a Member of Council arrive late at a meeting or depart prior to the completion of the meeting.
- 13.2 Unless a Quorum is present within fifteen (15) minutes after the time appointed for the meeting, the meeting shall stand adjourned until the next regular meeting date or until a Special Meeting is called to deal with the matters intended to be dealt with at the adjourned meeting.
- 13.3 The Recording Secretary shall record the names of the Members of Council present at the expiration of the fifteen (15) minute time limit and such record shall be appended to the next Agenda.
- 13.4 The only action that can legally be taken in the absence of Quorum is to fix the time in which to adjourn (if more than fifteen (15) minutes is being allowed), adjourn, recess, or to take measures to obtain a Quorum.
- 13.5 In the event that Quorum is lost after a meeting is called to order, the meeting shall be suspended until Quorum is obtained. If Quorum is not obtained within fifteen (15) minutes, the meeting shall stand adjourned.

CONDUCT OF MEETINGS

Public Conduct

- 14.1 Members of the public who constitute the audience in the Council Chamber during a Council meeting and Public Hearing shall:
- 14.1.1 maintain order and quiet;
- 14.1.2 not applaud or otherwise interrupt any speech or action of the



Members, or any other person addressing Council;

14.1.3 all personal electronic devices need to be on vibrate or turned off.

14.2 A Member of the public who persists in a breach of 14.1 above, after having been called to order by the Chair may, at the discretion of the Chair be ordered to leave Council Chambers.

Members Conduct

15.1 Each Member or delegate, as the case may be, shall address the Chair but shall not speak until recognized by the Chair.

15.2 The Chair, with the approval by Motion of the Members, may authorize a person in the public gallery to address Members only on the topic being discussed at that time and within the time limits specified by the Chair.

15.3 The preparation and distribution of minutes of Council and Committees shall be the responsibility of the C.A.O. and may be delegated to a Recording Secretary (see Section 209 of the Act).

15.4 A Member shall not:

15.4.1 use offensive words or unparliamentary language;

15.4.2 be under the influence of drugs or alcohol;

15.4.3 disobey the rules of Council or decisions of the Chair or of Members on questions of Order or Practice, or upon the interpretation of the rules of Council;

15.4.4 leave their seat or make noise or disturbance while a vote is being taken and the result is declared;

15.4.5 enter the Council Chambers while a vote is being taken;

15.4.6 interrupt a Member while speaking, except a Point of Order or Question of Privilege;

15.4.7 all personal electronic devices need to be on vibrate or tuned off.

15.5 A Member who wishes to leave the meeting of Council, without intent to return prior to adjournment, shall so advise the Chair and the time of departure shall be recorded in the minutes.



Rules of Debate

- 16.1 In Council, a Councillor wishing to speak on a matter that has been brought before Council shall indicate their intention by raising their hand to be recognized by the Chair, and shall not speak more than once until every Member of Council has had the opportunity to speak except:
 - 16.1.1 in the explanation of the material part of the speech which may have been misunderstood; or
 - 16.1.2 in reply, to close debate, after everyone else wishing to speak has spoken, provided that the Member of Council presented the Motion to the meeting.
- 16.2 Through the Chair, a Member of Council may ask questions of another Member of Council or Staff on a Point of Information relevant to the business at hand.
- 16.3 All questions or debate shall be directed through the Chair.
- 16.4 Members shall:
 - 16.4.1 refrain from the use of offensive words or language, or name calling in the meeting;
 - 16.4.2 adhere to the rules of the meeting or decision of the Chair or of the Members on questions of order or practice; or upon the interpretation of the rules of the meeting;
 - 16.4.3 not leave their seat or make any noise or disturbance while a vote is being taken and the result is declared;
 - 16.4.4 not interrupt a Member while speaking, except to raise a Point of Order or Question of Privilege;
 - 16.4.5 not have side conversations with other Members.

MOTIONS

- 17.1 A Motion is put to the floor for a vote after discussion.
 - 17.1.1 A Motion shall not require a seconder.
- 17.2 A Motion may be withdrawn at any time before voting, subject to no objection from any Member, as the case may be.
- 17.3 Any Member may require the Motion to be read at any time during the debate, except when a Member is speaking.



- 17.4 A mover of a Motion must be present when the vote on the Motion is taken. If a Motion cannot be voted on before the meeting is adjourned, the Motion shall be deemed as lost.
- 17.5 When a Motion is under debate, no Motion shall be received other than a Motion to:
- 17.5.1 WITHDRAW: When the mover wishes to withdraw the Motion, or substitute a different one in its place. *Note: Once the Motion is withdrawn, the effect is the same as if the Motion had never been made and no record of the motion will be recorded in the minutes;*
 - 17.5.2 TABLE: When a Member(s) requires additional information or wants to have a time or date for the issue to be brought back. This Motion is non-debatable and the vote is called;
 - 17.5.3 POSTPONE: Shall mean a motion to delay consideration of any matter to a definite time.
 - 17.5.4 CALL THE QUESTION: A vote must now be taken and discussion has closed;
 - 17.5.5 REFER: Generally used to send a pending question to a Committee, department or selected persons so that the question may be carefully investigated and put into better context for Council to consider, and should include direction as to the Person or Group to which it is being referred;
 - 17.5.6 AMEND:
 - 17.5.6.1 Only one amendment at a time shall be presented to the main Motion. When the amendment has been disposed of, another may be introduced. All amendments must relate to the matter being discussed in the main Motion and shall not so substantially alter the Motion as to change the basic intent or meaning of the main Motion. The Chair shall rule on disputes arising from amendment.
 - 17.5.6.2 The amendment shall be voted upon and, if any amendment is carried, the main Motion, as amended, shall be put to vote, unless a further amendment is proposed.
 - 17.5.6.3 Nothing in this section shall prevent other proposed amendments from being read for the information of the Members.



- 17.5.6.4 When the Motion under consideration contains distinct propositions, the vote upon each proposition shall, at the request of any Member, be taken separately.
- 17.5.7 **RESCIND:** Motion to Rescind is a Motion that may be accepted by the Chair only if the action of the motion has not commenced. If passed by a majority vote of the Members present, the previous Motion referred to would be declared null and void.
- 17.5.8 **NOTICE OF MOTION:** should be used to give notice by a Member when an extended period of time is advisable prior to considering a subject.
- 17.5.7.1 A Notice of Motion shall be recorded in the minutes and shall form part of the Agenda for the subsequent or future meeting as requested.
- 17.5.9 The following Motions are **NON-DEBATABLE** by Members:
- 17.5.9.1 ADJOURNMENT;
 - 17.5.9.2 CALL THE QUESTION;
 - 17.5.9.3 LIMIT DEBATE on a matter before Members;
 - 17.5.9.4 POINT OF ORDER;
 - 17.5.9.5 QUESTION OF PRIVILEGE;
 - 17.5.9.6 TABLE;
 - 17.5.9.7 TAKE A RECESS.
- 17.5.10 The wording of a Motion may be either **POSITIVE or NEGATIVE** in presentation. (eg: "... Council shall support ..." or "... Council shall not support ...")
- 17.5.11 **DEFEATED:** When a Motion is defeated by Council the Motion shall not be brought back to the table for a period of six (6) months from the date the Motion was defeated unless there is a reconsidering motion where information relevant to the defeated motion may change the result.

POINTS OF INFORMATION, ORDER, PROCEDURE AND QUESTION OF PRIVILEGE

- 18.1 When a Point of Information or Order, Point of Procedure, Question or Privilege arises, it shall be considered immediately.
- 18.1.1 **"Point of Information"** shall mean a question or request directed through the Chair to another Member or to staff for information relevant to the business at hand but not related to the Point of Procedure;
 - 18.1.2 **"Point of Order"** shall mean the raising of question directed to the Chair to call attention to any departure from the Procedure Bylaw;



- 18.1.3 **“Point of Procedure”** shall mean a question directed to the Chair to obtain information of a matter of the rules of the Town bearing on the business at hand in order to assist a Member to make an appropriate Motion, raise a point of order, or understand the situation or the effect of a Motion;

QUESTION OF PRIVILEGE

- 19.1 A Member who desires to address Council upon a matter which concerns the rights or privileges of the Council collectively shall be permitted to raise such Question of Privilege. While the Chair is ruling on the Question of Privilege, no one shall be considered to be in possession of the floor.

APPEAL RULING

- 20.1 The decision of the Chair shall be final, subject to an immediate appeal by a Member. If the decision is appealed, the Chair shall give concise reasons for his/her ruling and Council, without debate, shall set aside the question. The ruling of Council shall be final.

POINT OF ORDER

- 21.1 The Chair shall preserve order and decide upon any Points of Order.
- 21.2 A Member who desires to call attention to an infraction of procedure shall raise a Point of Order to the Chair. When the Member has been acknowledged, the Member shall state the Point of Order with a concise explanation and shall accept the decision of the Chair upon the Point of Order.
- 21.3 The speaker in possession of the floor, when the Point of Order was raised, shall retain in the right to the floor when debate resumes.
- 21.4 A Member called to order by the Chair shall immediately vacate the floor until the Point of Order is dealt with and shall not speak again without the permission of the Chair unless to appeal the ruling of the Chair.
- 21.5 The decision of the Chair shall be final, subject to an immediate appeal by a Member of the meeting.
- 21.6 If a decision of the Chair is appealed (Section 20.1 of this Bylaw), the Chair shall provide concise reasons for the ruling and the Members shall, without debate, decide the question. Decision of the Members shall be final.

VOTING ON A QUESTION

- 22.1 Every Member of Council present, including the Mayor, shall vote on every matter at a Council or Committee Meeting at which they are present, unless they are required to or permitted to abstain from voting under this or any other Bylaw, Act, or other legislation. (Ref: Section 174(f) of the Act.)



- 22.1.1 The Mayor shall read out the Motion for clarity before a Call for Question takes place.
- 22.2 When a Motion that a vote be taken (Call for Question) is presented, it shall be put to a vote without debate and, if carried by a majority vote of the Members present, the Motion and any amendments thereto shall be submitted to a vote immediately without further debate.
- 22.3 A Member present at a meeting shall make a request for a recess if, for any reason, the Member may be away from the Meeting during a time when a vote on a matter is imminent, unless that Member is excused from the voting pursuant to this Section.
- 22.4 Voting shall be completed simultaneously by raising of the hand after the Chair has called for those "In Favor" and those "Opposed" to the Motion.
- 22.5 When a Chair, having ascertained that no further information is required, commences to take a vote, no Member shall speak to, or present another Motion, until the vote has been taken on the current Motion or amendment, and the decision announced by the Chair.
- 22.6 Any Member who disagrees with the announcement made concerning the result of a vote may immediately object to the declaration, and the Chair shall call for the vote a second and final time. The determination of the Chair shall be final.
- 22.7 Whenever the Chair is of the opinion that a Motion is contrary to the rules and Privileges of Council, the Chair shall inform the Member thereof immediately, before Calling the Question, and shall cite reasons applicable to the case without argument or comment.
- 22.8 In all cases not provided for in the proceedings of the Council, a two-thirds (2/3) majority of Council shall determine to uphold the ruling of the Chair, or not, as the case may be.
- 22.9 If a vote of Council is requested to be a RECORDED VOTE by a Member then the Recording Secretary shall enter a Recorded Vote in the Minutes. The request for a recorded vote must be made prior to the call for the question.
- 22.10 If there is a TIE VOTE for or against a Motion or Bylaw, then the Motion or Bylaw is defeated.

ADJOURNMENT OF MEETINGS & ADJOURNMENT TIME

- 23.1 If all items on the Agenda have been addressed, the Chair shall simply state that the Agenda has been completed, note the time to the Recording Secretary, and call the meeting adjourned, without a Motion from the Members.



- 23.2 Should the Agenda NOT be completed, a non-debatable Motion to adjourn the meeting can be presented, but it must be supported by two-thirds majority (2/3) of the quorum;
- 23.3 Unless otherwise determined pursuant to the provisions of this Bylaw, Adjournment Time is:
- 23.3.1 at the conclusion of the Agenda as adopted by Council; or
- 23.3.2 at 9:30 PM if a meeting is in session at that hour.
- 23.4 Notwithstanding the provisions in Section 23.3 of this Bylaw, Council may, by a unanimous Motion of Members present, agree to an extension of the meeting time.
- 23.5 Unless there has been a Unanimous Motion passed within the prescribed time extending the meeting beyond 9:30 PM, all matters of business which appear on the Agenda for the Meeting, and which have not been dealt with by that time, shall be deemed to be postponed until the next Regular or Special Meeting.

DUTIES OF THE CHAIR

- 24.1 The Chair shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on Points of Order, replying on Point of Procedure, and deciding on questions relating to the orderly procedure of the meeting, subject to an appeal by any Member from any ruling of the Chair.
- 24.2 Any Member at any time, through the Chair, can request a short recess between Agenda items, at any meeting. The Chair shall make reasonable efforts, including calling for a recess, to ensure all Members in attendance at a meeting are present while a vote is being taken, unless a Member is excused from voting in accordance with the *Act* or this Bylaw.
- 24.3 The Chair should provide every Member the opportunity to speak on a discussed item.
- 24.4 A Member, through the Chair, may invite persons forward from the audience to speak with the permission of the Council or Committee, if it is deemed to be within the best interests of the issue being discussed, the public, and the conduct of good business.
- 24.5 In the absence or inability of the Mayor or Deputy Mayor to act as Chair of the Meeting, Council shall appoint a Councillor as Acting Mayor or Chair as provided by the Section 152(3) of the *Act*.
- 24.6 The Chair shall be expected to participate in debate and vote, without relinquishing the Chair.



AGENDA and ORDER OF BUSINESS

- 25.1 The Agenda is a document used by Council or a Committee, therefore although the duty to collate the Agenda may be delegated, Council or the Committee shall have final determination as to what will or will not be included on the Agenda.
- 25.2 Prior to each meeting, the C.A.O. shall cause to be prepared a statement of the order of business to be known as the “Agenda” of all matters to be brought before Council. To enable the C.A.O. to do so, all documents and notice of delegation intended to be submitted to the Council shall be received by the C.A.O. no later than 4:30 p.m. on the fourth (4) calendar day before the meeting (e.g. Thursday 4:30 p.m. for Monday evening meeting)
- 25.3 The C.A.O. shall place at the disposal of each Member a copy of the Agenda and all supporting materials no later than 4:30 PM, three (3) calendar days before the meeting. (e.g. Friday 4:30 p.m. for Monday evening meeting)
- 25.4 The business intended to be dealt with shall be stated in the Agenda.
- 25.5 The order of business established in Section 25.4 of this Bylaw shall apply unless altered by the Chair with no objection from Members, or otherwise determined by a majority vote of the Members present, and the vote upon a matter of priority of business shall be decided without debate.
- 25.6 Where the deadline in Sections 25.2 and 25.3 of this Bylaw are not met, the Agenda and supporting materials shall be deemed to be acceptable by Council when the Agenda is adopted at any Council meeting.
- 25.7 Addendums:
- 25.7.1 Council may consider the Urgency of any item(s) proposed to be added only with supporting written documentation, or proposed to be deleted, before voting to adopt the Agenda “As Amended”.
- 25.7.2 During the course of the meeting, should a Member of Council deem that an item be added to the Agenda for Council’s consideration, the Member shall propose the Addendum by Motion, after which the Chair shall rule on the urgency:
- 25.7.2.1 If the Chair rules that the Motion stand, the Chair shall add the item to the end of the pertinent section of the Agenda.
- 25.7.2.2 If the Chair rules that the Motion does not meet the test of Urgency, or no written supporting documentation is presented, the item shall be tabled and added to the next Agenda.



- 25.8 The order of business at a meeting is the order of the items on the Agenda except:
- 25.8.1 When the same subject matter appears in more than one place on the Agenda and Council decides, by Motion, to deal with all items related to the matter at the same time;
 - 25.8.2 When Council decides not to deal with an item on the Agenda and tables the matter to a subsequent meeting.

SCHEDULED DELEGATIONS

- 26.1 A person or a representative of any delegation or group of persons who wish to bring any matter to the attention of Council, or who wish to have any matter considered by Council, shall address a letter (or other written communication) together with the provided form "Request to Appear before Council". The letter shall be signed in the correct name of the writer; the address of the writer, and delivered (by hand, mail, fax, or email) to the C.A.O.. The letter must arrive by noon at least three (3) business days immediately preceding the meeting at which it is to be presented. If the person wishes to appear before Council on the matter it shall be stated in the letter.
- 26.2 Scheduled Delegates shall be granted a maximum of fifteen (15) minutes to present the matter outlined in the letter. Where the Chair determines that additional time shall be granted to a delegation, the length of the extension shall be specified, and the Chair may limit the time.
- 26.3 Matters of confidential nature, as referred to in Section 10 of this Bylaw, shall not be discussed during Public Presentations to Council.
- 26.4 Information presented by a person or group shall relate only to the subject matter for which the presentation was originally requested.
- 26.5 Each person or group will be given an opportunity to make a public presentation only once in respect to a given issue. Council or the Committee may waive this restriction if it is of the view that there have been significant new developments in respect of the issue or if sufficient time has elapsed such that Council, or the Committee, is prepared to consider the issue again.
- 26.6 Extensions of time limits for any verbal presentations during the Public Presentation to Council or the Committee may be granted by consent of Council or the Committee, based on one or more of the following:
- 26.6.1 The issue or Bylaw under discussion is deemed by Council or the Committee to be contentious or complex and the allotted time is not sufficient, in the opinion of Council or the Committee, to give the matter due consideration;



26.6.2 The granting of an extension of time will not prejudice the rights of other presenters to their allotted presentation time as prescribed by this Bylaw.

26.7 Where a Delegation requests support from Council, requiring a Motion of Council, Council shall first refer the matter to Administration, who shall bring back more information and a recommendation at a subsequent meeting so that Council can make an informed decision.

26.7.1 Where a Delegation requests correspondence in regards to clarifying the topics of the Delegation, Council will direct Administration to compile the necessary information and prepare correspondence for the Delegation to be signed by the Chairperson. Once a decision by Council has been made on a topic from a Delegation, Council is not obligated to hear the matter again.

Role of Management in Regards to Delegations

27.1 Administration will schedule the delegation in consultation with the Chair.

27.2 Administration will notify the delegation of the time and place of the meeting they wish to attend.

27.3 The C.A.O. shall explore the reasons why the delegation wishes to attend and provide Members and committee Members with all back up information for their perusal prior to the arrival of the delegation.

Role of Chairperson in Delegations

28.1 If there is more than one Member in the delegation, the Chair shall request that the delegation appoint a spokesperson and inform the spokesperson that all questions and comments be addressed to the Chair.

28.2 The Chair shall ensure that all points of this Bylaw are followed by Members, Committee Members and Administration.

28.3 Comments of intent by the Chair, Members or Committee Members in the presence of the delegation shall not be made.

28.4 The Chair shall ensure that the delegation restricts its presentation to the issue.

28.5 After Council or the Committee has obtained all the information from the Delegation, the Chair shall dismiss the delegation to allow Council or the committee to discuss the matter. If

28.5.1 more information is required; or



28.5.2 if time constraints on the agenda do not allow to discuss the topic, the item will be tabled to the next meeting.

28.6 The Chair may request the Council or Committee to go into “*Closed Session*” to discuss the issue if the matter falls within the privacy issues.

Role of the Councillor or Committee Member in Delegations

29.1 Members of Council or the Committee shall notify the C.A.O. of any delegations wanting to make a presentation to Council or the Committee and ensure the delegation arranges a meeting date with the C.A.O.

29.2 Members of Council or the Committee may question the delegation to clarify the issue; however, shall not debate the issue with the delegation.

29.3 Members of Council or the Committee shall not criticize staff, government employees or other Council or Committee Members while the delegation is present.

29.4 No comments or motions of intent will be entertained until the delegation has been dismissed from the table. The persons making up the delegation may remain in the Council Chambers, but may not participate in any further discussion.

PECUNIARY INTEREST

30.1 Members of Council who reasonably believe that they have a pecuniary interest (as defined in the *Act*, Part 5, Division 6, Sections 169 -173) in any matter before Council, any Committee of Council, or any Board, Commission, Committee or Agency to which they are appointed as a representative of Council, shall, if present, declare and disclose the general nature of the pecuniary interest prior to any discussion of the matter, abstain from discussions, or voting on any questions relating to the matter, and shall where required by the act, remove themselves from the room until the matter is concluded.

Note: It is the responsibility of each Member to determine and/or declare whether they have a pecuniary interest, not other Members of Council or Administration.

30.2 The minutes shall indicate the declaration of disclosure, the time at which the Member of Council left the room, and the time the Member of Council returned.

30.3 Prior to the meeting, if a Member of Council is unsure of whether or not they may be in a ‘*conflict of interest*’ (pecuniary) situation with regard to an upcoming issue or vote, the Member shall be encouraged to discuss the matter with the C.A.O.



- 30.4 Prior to the meeting and after discussing the issue with the C.A.O. (as per Section 30.3 of this Bylaw), a Councillor may wish to seek a legal opinion at their own expense to determine whether or not there is a conflict of interest situation with regard to the upcoming issue or vote.
- 30.5 If the matter with respect to which the Councillor has a pecuniary interest in a payment of an account for which funds have previously been committed, it is not necessary for the Councillor to leave the room.
- 30.6 If the matter with respect to which the Councillor has a pecuniary interest is a question on which the Councillor as an elector or property owner has the right to be heard by the Council,
- 30.6.1 it is not necessary for the Councillor to leave the room, and
- 30.6.2 the Councillor may exercise the right to be heard in the same manner as a person who is not a Member of the Council.
- 30.7 If a Councillor is temporarily absent from a meeting when a matter in which the Councillor has a pecuniary interest is introduced, the Councillor shall immediately on returning to the meeting, or as soon thereafter, as the Councillor becomes aware the matter has been considered, disclose the general nature of the Councillors interest in the matter.

BYLAW PROCEDURES

- 31.1 Where a Bylaw is presented to a meeting for enactment, the C.A.O. or designate shall cause the number, short title and brief description of the Bylaw to appear on the Agenda.
- 31.1.1 As per Section 187 of the *Act*, all Bylaws shall have three distinct and separate readings. The Motion to move a Bylaw for consideration shall be the first reading.
- 31.1.2 As per Section 187(4) of the *Act* any proposed Bylaw must not have more than two (2) readings at a Council Meeting unless the Councillors present unanimously agree to consider third reading, which requires a Motion of Council.
- 31.2 The following shall apply to the passage of a Bylaw:
- 31.2.1 A Bylaw shall be introduced for first reading by a Motion that it be read a first time specifying the number and short name of the Bylaw;
- 31.2.2 After a Motion for first reading of the Bylaw has been presented, Members may debate the substance of the Bylaw, and propose and consider amendments to the Bylaw;



- 31.2.3 Any proposed amendments shall be put to vote, if required, and, if carried, shall be considered as having been incorporated into the Bylaw at first reading.
- 31.2.4 When all amendments have been accepted or rejected, the Chair shall Call the Question on the Motion for first reading of the Bylaw.
- 31.2.5 When a Bylaw is subject to a statutory Public Hearing, A Public Hearing date and time shall be established prior to proceeding to second reading.
- 31.2.6 When a Bylaw must receive approval of a Minister of the Crown, it must be forwarded for such approval prior to proceeding to second reading.
- 31.2.7 All aspects of the passage of a Bylaw at first reading shall apply to second or third reading of any Bylaw.

BYLAW AND POLICY APPEAL

- 32.1 When a Bylaw or Policy is defeated by Council, the Bylaw or Policy shall not be available for review by Council for a period of six (6) months from the date the Bylaw or Policy being defeated unless there is a reconsidering motion where information relevant to the defeated motion may change the result.

EFFECTIVE DATE

- 33.1 Bylaw 2019:07 is hereby repealed.
- 33.2 This Bylaw comes into effect upon the final passing and proper signature thereof.

Read a First Time this 25th day of October, 2021.

Read a Second Time this 25th day of October, 2021.

Read a Third Time and passed this 25th day of October, 2021.

Mayor

CAO