

# BYLAW NO. 413-18

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## A BYLAW IN THE TOWN OF PONOKA IN THE PROVINCE OF ALBERTA TO REGULATE THE PROCEEDINGS OF COUNCIL

WHEREAS pursuant to the Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26 as amended or replaced from time to time, Council may pass a Bylaw respecting the procedure and conduct of Council;

AND WHEREAS Council of the Town of Ponoka deems it necessary to pass a Bylaw establishing a procedures Bylaw;

NOW THEREFORE COUNCIL OF THE TOWN OF PONOKA DULY ASSEMBLED ENACTS AS FOLLOWS:

### SHORT TITLE

This Bylaw shall be called the “*Council Procedures Bylaw*.”

### DEFINITIONS

In this Bylaw, unless the context otherwise requires:

1. “*Act*” shall mean the Municipal Government Act, Statutes of Alberta, 2000, Chapter M-26, as amended or replaced from time to time.
2. “*Acting Mayor*” shall mean the member selected by Council to preside at any meeting of Council.
3. “*Administrative Inquiry*” shall mean a written request from a Member of Council to the Administration, for the future provision of information and report.
4. “*Bylaw*” shall mean a Bylaw of the Town of Ponoka.
5. “*Chairperson*” or Chair shall mean the person presiding at meetings of Council or in the case in which the Mayor assigns a member of Council to conduct the meeting at his/her request it shall mean that person who is assigned to conduct the meeting while the Mayor remains the person presiding at the meeting.
6. “*Chief Administrative Officer (CAO)*” shall mean the person appointed as Manager of the Town of Ponoka and whatsoever subsequent title may be conferred on him or her by Council or Statute, and includes any person who holds this position in an acting capacity.
7. “*Committee of the Whole*” shall mean a committee comprised of all members of Council who are in attendance.

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8. “*Council*” shall mean the Council of the Town of Ponoka.
9. “*Delegation*” shall mean a person or group of persons wishing to appear before the Council to address a specific matter.
10. “*Deputy Mayor*” shall mean the member who is appointed pursuant to the Municipal Government Act to act as Mayor in the absence or incapacity of the Mayor.
11. “*In Camera*” shall mean a meeting not open to the public due to the matter(s) to be discussed are within one of the exceptions to disclosure as outlined in the *Freedom of Information and Protection of Privacy Act*.
12. “*Mayor*” shall mean the Chief Elected Official elected in accordance with the Municipal Government Act.
13. “*Member*” shall mean a member of Council.
14. “*Notice of Motion*” is the means by which a Member of Council brings business before Council.
15. “*Person*” shall include an individual, partnership, corporation, trustee, executor, or administrator.
16. “*Point of Information*” shall mean a request directed to the Mayor, or through the Chair to another member or to staff, for information relevant to the business at hand, but not related to a point of procedure.
17. “*Point of Order*” shall mean the raising of a question by a member to call attention to any departure from the Procedure Bylaw.
18. “*Point of Procedure*” shall mean a question directed to the Chair to obtain information on a matter of parliamentary law or the rules of Council 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 parliamentary situation or the effect of a motion.
19. “*Public Forum*” shall mean the portion of the meeting where a person or group may address Council for a maximum of 2 minutes to bring items to Council’s attention. The total time allocated per meeting for public forum shall be 10 minutes. If the Public Forum requires more time, the individual may request to be scheduled into the ‘presentations’ portion of the next scheduled meeting.
20. “*Public Hearing*” shall mean a meeting of Council convened to hear matters pursuant to the *Municipal Government Act*, any other Act, and any other matter at the direction of Council.
21. “*Privilege*” shall mean a raising of a question which concerns a member of Council, or the Council

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collectively when a member believes that another member has spoken disrespectfully towards him or the Council, or when he or she believes his or her comments have been misunderstood or misinterpreted by another member or members.

22. "*Quorum*" shall mean a majority of those members elected and serving on Council.
23. "*Town*" shall mean the Town of Ponoka.
24. "*Written Notice*" shall mean letter, email, or facsimile.

### GENERAL

25. This Bylaw shall govern the proceedings of Council.
26. When any matter relating to the proceedings of Council is not addressed in this Bylaw, reference shall be made in accordance with the *Municipal Government Act*; and then, Roberts Rules of Order.
27. In the event of conflict between the provisions of this Bylaw and Roberts Rules of Order, the provisions of this Bylaw shall apply.
28. Any provision of this Bylaw may be repealed, amended or varied and additions made by a two-thirds vote, provided notice of proposed amendments has been given at a preceding regular meeting.
29. Notwithstanding the above, and in the absence of any statutory obligation, any provision of this Bylaw may be waived by motion of Council, provided two-thirds of all the members vote in favor thereof, to deal with a matter under consideration.
30. In the absence of or in the inability of the Mayor or Deputy Mayor to act Council shall appoint any other member as Acting Mayor as provided by the *Act*.

### PUBLIC CONDUCT

31. Members of the public and media who constitute the audience in the Council Chamber during a Council meeting shall:
  - a) not address Council without Council permission;
  - b) not use offensive words or unparliamentary language;
  - c) not interrupt a member while speaking;
  - d) maintain order and quiet;
  - e) not applaud or otherwise interrupt any speech or action of the members, or any other person addressing Council; and
  - f) refrain from wearing headwear, unless for ethnic/religious reasons, in Council Chambers.

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32. A member of the public who persists in a breach of this section, after having been called to order by the Chairperson may, at the discretion of the Chair, be ordered to leave Council Chambers.
33. Should the member of the public refuse to leave Council Chambers, the Mayor may request his or her removal by the police.

### QUORUM

33. As soon as there is a quorum of Council after the hour fixed for the meeting, the Chairperson shall take the Chair and call the members to order.
34. In the case that both the Mayor and Deputy Mayor are not in attendance within fifteen (15) minutes after the scheduled meeting time and a quorum is present, the Chief Administrative Officer or designate shall call the meeting to order and call for a Chairperson to be chosen by motion.
35. Unless a quorum is present within 30 minutes after the time appointed for the Council meeting, the Council 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. The Chief Administrative Officer shall record the names of the members present at the expiration of the 30 minute time limit and such record shall be appended to the next Agenda.

### NOTICE OF MEETINGS

36. Section 196(2) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 states: Notice of a Council or Council Committee meeting to the public is sufficient if the notice is given in a manner specified by Council. The Town of Ponoka's Notice of Council or Council Committee meetings will be posted on the bulletin board as a minimum requirement in the front entrance of Town Hall as well as on the Town's website.

### INAUGURAL MEETING

37. The Organizational Meeting immediately following a General Municipal Election shall be called the Inaugural Meeting.
38. During the Inaugural Meeting the Chief Administrative Officer shall:
  - a) take the Chair;
  - b) call the meeting to order;
  - c) preside over the meeting until the oath, prescribed by the *Oaths of Office Act*, has been administered to the Mayor.
39. After the Mayor has taken the oath and assumed the Chair, the Councillors who have been elected at an election, immediately preceding the meeting, shall take the official oath as prescribed by the *Oaths of Office Act*.

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## ORGANIZATIONAL MEETING

40. An Organizational Meeting of Council shall be held annually pursuant to the *Act*.
41. The Chief Administrative Officer shall fix the time and place of the Organizational Meeting.
42. The Agenda for the Organizational Meeting shall be restricted to:
  - a) the administration of the oath and the introduction of new members, should the meeting follow the General Municipal Election;
  - b) the establishment of the regular meeting dates for Council and its standing committees;
  - c) the appointment of members to act on committees, boards and other bodies on which Council is entitled to representation;
  - d) appointment of the Deputy Mayor;
  - e) and any such other business as is required by the *Act*.

## REGULAR MEETINGS

43. The time and date of regular meetings of Council shall be established by motion at the annual Organizational Meeting.
44. In the case where a regular meeting conflicts with a General Holiday, the regular meeting shall be held on the first working day thereafter.

## IN CAMERA MEETINGS

45. Council may, by motion, go into an In Camera meeting to consider a matter that is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act, which meeting:
  - a) may be held in private;
  - b) may exclude any person or persons therefrom; and shall not have the power to pass any motion except one to revert to the open meeting.
46. Councillors are to keep in confidence matters discussed in private at a Council or Council Committee meeting until discussed at a meeting held in public.

## SPECIAL MEETINGS

47. The Mayor may call special meetings of Council whenever he or she considers it expedient to do so.
48. Written notice of a special Council 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 thereat, shall be provided to the members not less than 24 hours in advance of the meeting.

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49. The Mayor may call a special meeting of Council upon such shorter notice, either oral or written, as he or she considers sufficient, however no such special meeting may be held until at least two-thirds of the members of Council give their consent in writing to the holding of the meeting.
50. No business other than that stated in the notice shall be transacted at any special meeting of Council, unless all the members of Council are present, in which case, by unanimous consent, any other business may be transacted.
51. Where a special meeting is requested by a majority of Council, the Mayor shall call such meeting within 14 days of the date on which the request in writing was delivered to the Mayor or Chief Administrative Officer.
52. The Chief Administrative Officer shall place at the disposal of each member a copy of the agenda and supporting material as soon as possible after the call of a special meeting but not less than 24 hours in advance of the meeting, except in those circumstances where less than 24 hours notice is given for a meeting.

### MEETINGS THROUGH ELECTRONIC COMMUNICATIONS

53. A meeting may be conducted by means of electronic or other communication facilities if:
  - a) Notice is given to the public of the meeting, including the way in which the meeting is to be conducted.
  - b) The facilities enable the public to watch and listen to the meeting at a place specified in that notice and a designated officer is in attendance at that place; and
  - c) The facilities enable all of the meeting's participants to watch or hear each other.
54. Councillors participating in a meeting held by means of a communication facility are deemed to be present at the meeting.

### COMMITTEE OF THE WHOLE

55. The Committee is an informal working committee whose purpose is to review and study pertinent Town matters and to more fully explore issues, or review complex matters.
56. The Committee shall consist of all members of Council and the Chairperson shall be the Mayor.
57. Agenda items shall be determined by Council, Mayor or CAO.
58. All items for the Agenda shall be delivered in writing to the CAO by noon on Tuesday of the week preceding the meeting.



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59. The CAO shall place at the disposal of each member a copy of the agenda and all supporting material no later than 4:00 p.m. on the Friday preceding the meeting.
60. No formal minutes will be prepared for these meetings.
61. The Committee shall not have any formal decision making power and for any items that require decisions; these matters will be referred to Council or a Council Board or Committee with decision-making authority.
62. The Committee shall conduct its meetings in public unless Section 197(2) of the MGA applies. The agenda will be posted on the Town website.

### COUNCIL AGENDA

63. The Agenda shall be prepared by the Chief Administrative Officer or designate in conjunction with the Mayor.
64. All items for the Agenda shall be delivered in writing to the Chief Administrative Officer by noon on the Monday of the week preceding the meeting of Council.
65. At the discretion of the Chief Administrative Officer, additional agenda items, reports and supplementary materials that are of very high priority, are time sensitive and are received too late to be included in the agenda may be made available for consideration of Council as an additional agenda item. This information will be delivered to Council members in paper or electronic format as soon as possible. Despite the urgency of any proposed additional item, an item will only be added to the agenda when there is sufficient information available for Council to make a decision.
66. The Chief Administrative Officer shall place at the disposal of each member a copy of the agenda and all supporting materials no later than 4:00 p.m. on the Wednesday of the week prior to the regular meeting.
67. The business of Council will be stated in the agenda in the following order:
  - (a) Call to Order
  - (b) Approval of the Agenda
  - (c) Approval of Minutes
  - (d) Public Hearings
  - (e) Delegations/Presentations
  - (f) Public Forum
  - (g) Unfinished Business
  - (h) New Business
  - (i) Chief Administrative Officer's Report
  - (j) Council Reports

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- (j) Correspondence
- (k) Information Items
- (l) Notices of Motion
- (m) Adjournment
- (n) In Camera (as required)

68. The order of business established above shall apply unless Council otherwise determines by a majority vote of the members present, and the vote upon a matter of priority of Council business shall be decided without debate.

### PUBLIC HEARINGS

69. 'Adjourn' used in relation to a Public Hearing, means to take a break in the Public Hearing with the intent of returning to the Public Hearing at another meeting.

70. 'Close' used in relation to a Public Hearing, means to terminate the Public Hearing.

71. At the commencement of a Public Hearing, the Chairperson shall:

- a) state the matter to be considered at the hearing;
- b) inform those present of the procedure, which shall be followed in hearing the respective submissions; advise those members of the public in attendance who wish to speak in favour of or opposed to the Bylaw to include their name and address on the sign-in sheet. A copy of the rules of procedure for public hearings will also be made available to the public.
- c) ask the Chief Administrative Officer if the Public Hearing has been advertised in accordance with the *Act*;
- d) request that the administrative staff present a report on the issue at hand;
- e) allow the applicant, and/or their representative(s), up to twenty (20) minutes to present their position, exclusive of the time required to answer questions put to the applicant by a Council member, unless granted a time extension by Council.

72. Any person or group who claims to be affected by the subject matter of the Public Hearing shall be afforded an opportunity to speak or provide written submissions in the following order:

- a) The Chairperson will read out each written submission in favour of the matter being considered.
- b) The Chairperson will call on each person who is in favour of the matter being considered.
- c) The Chairperson will read out each written submission opposed to the matter being considered.
- d) The Chairperson will call on each person who is opposed to the matter being considered.

73. If a person is unable to attend a Public Hearing, that person may authorize an individual to speak on his or her behalf. The authorization must:

- a) be in legible writing;
- b) name the individual authorized to speak;

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- c) indicate the proposed matter being considered to be spoken to; and
  - d) be signed by the person giving the authorization.
74. The authorized speaker must state the name of the person that the speaker represents and provide written authorization to the Chief Administrative Officer.
75. All speakers shall adhere to the timeframes as set out in the 'Rules of Procedure for Public Hearings'.
76. The Chairperson will allow staff to make closing comments.
77. The Chairperson will allow the applicant to make closing comments.
78. If there is more than one Public Hearing on the Agenda, the Chairperson shall adjourn or close one Public Hearing before opening another Public Hearing.
79. If a Public Hearing is adjourned, Council shall not receive any additional submissions in relation to the subject matter unless it re-opens the Public Hearing.
80. If a Public Hearing is closed, Council shall not receive any additional submissions from the public in relation to the subject matter, until it has voted on the subject matter of the Public Hearing.
81. An outline of the Rules of Procedure shall be provided in written form to any person who indicates that he will make written submission, and further there shall be printed copies of the same available to those in attendance at the Hearing.
82. Any member of Council who has not attended a Public Hearing for a Bylaw or motion, is not eligible to vote on said Bylaw or motion.

### DELEGATIONS & PRESENTATIONS

83. A delegation wishing to address the Council:
- a) may send a letter or other correspondence to the Chief Administrative Officer stating clearly and legibly the matter or issue to be discussed. Such letter or correspondence shall be included with the Agenda;
  - b) will be limited to 15 minutes per delegation unless by the unanimous consent of the Councillors present the 15 minute period of time is extended;
  - c) The Delegations and Presentations portion of the meeting shall last for a maximum of thirty (30) minutes, unless the majority of Council members present agree to extend the time.
  - d) Sections 31 and 32 outlining the provisions for Public Conduct shall apply to all presentations to Council.
84. The Delegations and Presentations portion of the Council meeting shall provide

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an opportunity for any person or representative of any delegation who wishes to bring any matter to the attention of Council, provided they have submitted information in accordance with this Bylaw and their submission has been distributed to Council along with the agenda package.

85. Delegation from the same party or parties, or for the same matter as a previous delegation, held within the previous six months, shall not be allowed to appear before Council unless, in the opinion of the Mayor and CAO, new and compelling information comes to light which would warrant the delegation within the six-month period.
86. Any delegation wishing to address Council, regarding a matter which is the subject of a public hearing, may attend at the Council Chambers at the Public Hearing and shall be heard.
87. Notwithstanding the provisions of the Act respecting petitions, where a person or group of persons wishes to bring any matter to the attention of Council or to have any matter considered by Council, a letter, petition or other communication shall be addressed to the Chief Administrative Officer, which letter, petition or other communication shall:
  - a) be printed, typewritten or legibly written;
  - b) clearly set out the matter at issue and the request made of Council in respect thereof;
  - c) in the case of a letter or communication, be signed with the correct name of the writer and contain the correct mailing address of the writer;
  - d) in the case of a petition, be prepared and presented in accordance with the Act or other Provincial Statute.
88. When a member of the public wishes to ask questions or make brief presentations to Council on matters of public interest or concern, they are encouraged to register in advance with the Chief Administrative Officer or designate. Persons who have registered in advance will be placed on the agenda in accordance with Section 84, and will be given priority in addressing Council over those who have not. Those who have not registered in advance will be given the opportunity to address Council if time permits under the Public Forum portion of the Council agenda.
89. When a delegation requires a Council decision, Council shall not make a decision at the same meeting in which the request is received. The request shall appear on the agenda for the next regular Council meeting, at which time Council shall:
  - a) refer the request to administration or a committee for further research, review and recommendation;
  - b) accept the request as information only; or
  - c) make a decision on the request.

### PUBLIC FORUM

90. Public Forum provides an opportunity for members of the public to ask questions or make brief presentation to Council on matters of public interest or concern and must relate to items on the agenda at hand. Public Forum will be allocated a maximum of 15 minutes on each Regular Council Agenda, but may be extended at the discretion of the Chair. Individual presentations

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shall be limited to a maximum of three (3) minutes.

91. All persons wishing to address Council will be required to give their name, topic of concern and whether there has been any previous contact with a member of Council or Administration regarding the matter. Sections 31 and 32 outlining the provisions for Public Conduct shall apply to all representations to Council.
92. Members of the public who wish to speak on the same matter addressed within the previous six months, shall not be allowed to speak again on the matter within this time period unless, in the opinion of the Mayor and CAO, new and compelling information comes to light which would warrant further discussion within the six-month period.
93. In the event that all persons who expressed an interest to speak at a meeting during Public Forum cannot be heard, they will be invited to attend and appear before the next regular Council Meeting.
94. Council will not entertain submissions from the public on issues that are before the Subdivision and Development Appeal Board, a Statutory Public Hearing; or, any other public consultation/communication process.
95. Dependent on the complexity and nature of items raised during Public Forum, Council may refer to administration for review and follow-up.

### COUNCIL REVIEW OF ORDERS ISSUED UNDER THE MUNICIPAL GOVERNMENT ACT – SECTION 545/546

96. In this section, the following terms have the following meanings:
  - a) “Appellant” means the person who received a written order under Section 545 or 546 of the *Municipal Government Act*;
  - b) “Order to Remedy” means an order issued under Section 545 or Section 546 of the *Municipal Government Act*;
  - c) “Staff” means a designated officer of the Town of Ponoka or an employee of the Town of Ponoka that has been delegated the responsibility to issue an Order to Remedy.
97. Upon receipt of a written request pursuant to Section 547 of the *Municipal Government Act*, the Chief Administrative Officer will schedule a Council Review at a Regular Council Meeting as soon as practicable after ensuring that all parties have sufficient time to prepare for the Council Review.
98. Written materials, videos, and slide presentations received as submissions from the Appellant and Staff must be submitted not less than seven (7) calendar days prior to the Council Review and will be distributed as part of the Council Agenda.

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99. The Appellant is entitled to appear before Council, in person or by an authorized agent, and to be represented by legal counsel.
100. The rules of evidence in judicial proceedings do not apply to a Council Review and evidence may be given in any manner Council considers appropriate.
101. The procedure in a Council Review is as follows:
  - a) The Chair will open the Council Review, introduce members of Council, Staff and the Appellant or their representative;
  - b) The Chair will describe the Council Review process and deal with any preliminary matters;
  - c) The Appellant will be invited to make opening remarks and presentation (maximum of ten (10) minutes) followed by questions to the Appellant by Councillors;
  - d) Staff will be invited to make opening remarks and presentation (maximum of ten (10) minutes) followed by questions to the Staff by Councillors;
  - e) The Appellant will be invited to make a rebuttal (maximum of five (5) minutes) followed by questions to the Appellant by Councillors;
  - f) Staff will be invited to make a rebuttal (maximum of five (5) minutes) followed by questions to the Staff by Councillors; and
  - g) The Appellant will be invited to make closing remarks (maximum of five (5) minutes) followed by questions to the Appellant by Councillors.
102. If the Appellant fails to attend the Council Review despite having been given notice, Council may proceed with the Council Review in the absence of the Appellant.
103. At the conclusion of the Council Review, Council may confirm, vary, substitute or cancel the Order to Remedy.

### NOTICE OF MOTION

104. A Notice of Motion must be used to introduce a new matter for consideration by Council at the next meeting, which does not appear on the agenda.
105. A *Notice of Motion* may be received by the Chief Administrative Officer prior to the closing of the meeting. In this event, the member shall read the Notice of Motion which shall be recorded in the minutes and shall form part of the agenda for the subsequent meeting.
106. A Notice of Motion must be in writing and contain sufficient detail so that the subject of the motion and any proposed action can be determined, and it must state the date of the meeting at which the motion will be made. A notice must be given without discussion of the matter, but any written copies distributed may include explanatory paragraphs or supporting material.

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107. A member who hands a written Notice of Motion to the Chief Administrative Officer to be read at any regular meeting need not necessarily be present during the reading of the Notice.
108. If a motion is not made at the meeting indicated in the notice, it will be removed from the Agenda and may only be made by a new Notice of Motion.

### CHAIRPERSON

109. The Chairperson shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal by any member of Council from any ruling of the Chair.

### MEMBER DEBATING

110. A member wishing to speak on a matter before the meeting should indicate his or her intentions by raising his or her hand and, being recognized by the Chair, should not speak more than once until every member has had the opportunity to speak, except:
  - a) in the explanation of a material part of the speech which may have been misunderstood; or
  - b) in reply, to close debate, after everyone else wishing to speak has spoken, provided that the member presented the motion to the meeting.
111. Supplementary questions or a series of questions relating to the matter before the meeting may be raised by the member, but each such question requires the consent of the Chair.
112. Through the Chairperson, a member may ask:
  - a) for an explanation of any part of the previous speaker's remarks; and
  - b) questions to obtain information relating to the minutes presented to the meeting, or to any clause contained therein, at the commencement of the debate on the minute or clause.
113. All questions or debate shall be directed through the Chair.

### PROHIBITIONS

114. A member shall not:
  - a) use offensive words or unparliamentary language or conduct in Council;
  - b) disobey the rules of the Council or decision of the Chairperson or of Council on questions of order or practice, or upon the interpretation of the rules of Council;
  - c) leave his or her seat or make any noise or disturbance while a vote is being taken and the result is declared;
  - d) enter the Council Chamber while a vote is being taken;
  - e) interrupt a member while speaking, except to raise a point of order or question of privilege.

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115. A member who persists in a breach of Section 112(a), after having been called to order by the Chairperson, may at the discretion of the Chair be ordered to leave his or her seat for the duration of the meeting.
116. At the discretion of the Chair, the member may resume his or her seat following an apology.
117. Should the individual refuse to leave his or her seat, the Mayor may request his or her removal by the police.
118. A member who wishes to leave the meeting of Council, without intent to return prior to adjournment, shall so advise the Chairperson and the time of departure shall be recorded in the Minutes.

### ADMINISTRATIVE INQUIRY

119. All questions or administrative inquiries from Council should be directed through the Chief Administrative Officer.
120. No member of the Council shall have the power to direct or interfere with the performance of any work for the corporation. This shall in no way however, interfere with or restrict the right of a Councillor to seek information through the Chief Administrative Officer.
121. The Chief Administrative Officer may approve a meeting of a Councillor with a member of staff, through an appointment only, but the information gathered must be presented/distributed to all members of Council.
122. All questions or inquiries from Council members to the Administration should be made in writing to ensure clarity and completeness of the request. Such inquiries should be directed through the Chief Administrative Officer for review and distribution to the appropriate department or individual for response.
123. Once the Chief Administrative Officer acquires the response(s) to an administrative inquiry, it will be distributed to all members of Council for information, regardless of who submitted the inquiry.

### QUESTIONS OF PRIVILEGE

124. A member who desires to address Council upon a matter which concerns the rights or privileges of the Council collectively, or of him or herself as a member thereof, shall be permitted to raise such question of privilege. A question of privilege shall take precedence over other matters. While the Chairperson is ruling on the question of privilege, no one shall be considered to be in possession of the floor.



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## POINTS OF ORDER

125. A member who desires to call attention to a violation of the rules of procedure shall ask leave of the Chairperson to raise a point of order with a concise explanation and shall attend the decision of the Chairperson upon the point of order. The speaker in possession of the floor when the point of order was raised shall have the right to the floor when debate resumes.
126. A member called to order by the Chairperson shall immediately vacate the floor until the point of order is dealt with, and shall not speak again without the permission of the Chairperson unless to appeal the ruling of the Chair.

## APPEAL RULING

127. The decision of the Chairperson shall be final, subject to an immediate appeal by a member of Council.
128. If the decision is appealed, the Chairperson shall give concise reasons for his ruling and Council, without debate, shall decide the question. The ruling of Council shall be final.

## MOTIONS

129. Every motion, when moved and presented to the Chairperson is the property of Council; a motion may only be withdrawn with the unanimous consent of Council. A motion does not require a seconder.
130. Any member may require the motion under discussion to be read at any time during the debate, except when a member is speaking.
131. The mover of a motion must be present when the vote on the motion is taken.
132. When a matter is under debate, no motion shall be received other than a motion to:
  - a) Fix the time for adjournment;
  - b) Adjourn;
  - c) Withdraw;
  - d) Table;
  - e) Call the question (that the vote must now be taken);
  - f) Postpone to a certain time or date (only debatable for time and date);
  - g) Refer;
  - h) Amend;
  - i) Postpone indefinitely;

which order shall be the order of precedence

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133. The Chief Administrative Officer or designate shall record all motions in writing before being debated or voted upon.
134. When speaking to a motion, a member shall state whether he or she is for or against the motion before entering upon the substance of his or her remarks.
135. No motion shall be offered that is substantially the same as one that has already been expressed during the same meeting.
136. Where a matter under consideration contains several distinct propositions, a member may request; or the Chairperson may direct, that each proposition be made as a separate motion.
137. After the Chairperson has called the vote, no member shall speak to the motion nor shall any other motion be made until after the result of the vote has been declared.
138. Voting on all motions shall be done by clearly raising the hand so that the Chairperson may easily count them. After the Chairperson has counted the vote, he or she shall declare whether it was "carried", "carried unanimously" or "defeated". Except where provided for in this Bylaw or by the applicable legislation, a majority vote of the members present who are eligible to vote, shall decide a motion or question before the Council.
139. A motion relating to a matter not within the jurisdiction of the Council shall not be in order.
140. A "*Motion to Table*" may be made when a member wishes Council to decline to take a position on the main question. A motion to table may only be made when there is a motion on the floor. The motion is not debatable and when passed, may only be resurrected by a "*Motion to Raise from the Table*."
141. A "*Motion to Refer*" shall require direction as to the person or group to which it is being referred and is debatable.
142. A "*Motion to Postpone Indefinitely*" must include a reason for postponement and is debatable.
143. Amendment:
  - a) 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 so as to change the basic intent or meaning of the main motion. The Chairperson shall rule on disputes arising from amendments.
  - b) An amendment proposing a direct negative is out of order.
  - c) No member shall move to amend his or her own motion.
  - d) The amendment shall be voted upon. If any amendment is carried, the main motion, as amended, shall be put to the vote, unless a further amendment is proposed.

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- e) Nothing in this section shall prevent other proposed amendments being read for the information of the members.
144. Reconsideration:
- a) After a motion has been voted upon, and before moving to the next item on the agenda, any member who voted with the prevailing side may move for reconsideration and shall state the reason therefore.
  - b) Reconsideration shall then be open to debate, voted upon, and shall require the votes of a majority of members present to pass.
  - c) If a *Motion for Reconsideration* is moved at a subsequent meeting by a member who voted with the prevailing side, it shall be preceded by a Notice of Motion and shall require a majority vote for the members present to carry.
  - d) If a Motion to Reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion calls for a future definite date. Debate on the matter to be reconsidered shall proceed as though it had not previously been voted upon.
  - e) Debate on a Motion for Reconsideration must be confined to reasons for or against reconsideration.
  - f) A notice for reconsideration of any decided matter shall not operate to stop or delay action on the decided matter, unless the Council by a majority vote of the members present shall so direct.
  - g) A motion that has been approved for reconsideration and passes automatically suspends the previous motion.
145. Rescinding Motions:
- a) A Motion to Rescind a previous motion may be accepted by the Chair under special circumstances; and, if passed by a majority vote of the members present, the previous motion referred to would be declared null and void.
  - b) A Motion to Rescind a previous motion may be offered at any time subsequent to the meeting at which the original motion was passed.
  - c) Notice to rescind a motion shall be a notice of motion or the inclusion of the item on an agenda delivered to the members of Council before the meeting.

### VOTING

146. When a Motion to Close Debate and Take the Vote is presented, it shall be put to a vote without debate and, if carried by a two-thirds vote of the members present, the motion and any amendments thereto shall be submitted to a vote immediately without further debate.
147. When the Chairperson, 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 such motion or amendment.
148. A member who disagrees with the announcement made of the result of a vote may immediately

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object to the declaration and the vote shall be retaken.

149. Every member present, including the Mayor or Chairperson, shall vote on every matter, unless:
- a) in a specific case, the member is excused by motion of the Council from voting; or
  - b) disqualified from voting by reason of pecuniary interest;

and the name of each member present and whether the member voted against the matter shall be recorded in the minutes.

150. A member who has a reasonable belief that he or she has a pecuniary interest as defined in the Municipal Government Act in any matter before Council, shall so declare and disclose his or her interest and shall abstain from debate and voting on the matter and shall remove him or herself from Council Chambers until the matter is concluded. The minutes shall indicate the declaration disclosure, the time at which the member left the room and the time the member returned. A member whose pecuniary interest arises due to the paying of the bills shall not be required to leave the Council Chambers.

### THE VOTE

151. Any Bylaw or motion on which there is an equality of votes shall be deemed to be decided in the negative.

### ADJOURNMENT

152. A Motion to Adjourn the meeting shall be in order except:
- a) when a member is in possession of the floor; or
  - b) when it has been decided that the vote now be taken; or
  - c) during the taking of a vote.
153. Council shall adjourn after meeting for 4 hours unless otherwise determined by a majority vote of the members present.
154. The proceedings of Council shall terminate after 5 hours unless such proceedings are extended past that hour with the unanimous consent of all members present

### BYLAWS

155. Where a Bylaw is presented to Council for enactment, the Chief Administrative Officer shall cause the number and short title of the Bylaw to appear on the Agenda.
156. A Bylaw shall be introduced for first reading by a motion that the Bylaw, specifying its number and short title, be read a first time.

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157. When a Bylaw is not subject to a statutory public hearing:
- a) Council shall vote on the motion for first reading of a Bylaw without amendment or debate;
  - b) A member may ask a question or questions concerning the Bylaw, provided such questions do not indicate the member's opinion for or against the Bylaw;
  - c) A Bylaw shall be introduced for second reading by a motion that it be read a second time, specifying the number of the Bylaw;
  - d) After a motion for second reading of the Bylaw has been presented, Council may debate the substance of the Bylaw and propose and consider amendments to the Bylaw;
  - e) A proposed amendment shall be put to a vote and if carried, shall be considered as having been incorporated in the Bylaw at second reading;
  - f) The Chief Administrative Officer or designate shall be responsible for keeping a record of any amendments to the Bylaw passed by Council.
  - g) When all amendments have been accepted or rejected, a motion for second reading of the Bylaw shall be placed.
  - h) A motion for third reading shall be introduced specifying the number of the Bylaw, and the Bylaw, upon being passed, shall be signed by the Chairperson and Chief Administrative Officer and sealed.
158. A Bylaw which requires a statutory public hearing shall be presented on a motion for first reading.
- a) Council may at this point:
    - i. debate the substance of the Bylaw, and
    - ii. propose and consider amendments to the Bylaw.
  - b) A proposed amendment shall be put to a vote and if carried shall be considered as having been incorporated into the Bylaw at first reading.
  - c) When all amendments have been dealt with, the motion for first reading of the Bylaw shall be placed.
  - d) Following the public hearing, a motion for second reading may be placed and further amendments presented.
  - e) Those members of Council who have not attended the Public Hearing for said Bylaw are not eligible to vote on second and third readings of the Bylaw.
  - f) A motion for third reading shall be introduced specifying the number of the Bylaw, and the Bylaw upon being passed, shall be signed by the Chairperson and Chief Administrative Officer and sealed.
159. 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 received two readings.
160. 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 had received third reading at a subsequent meeting.
161. A Bylaw shall be passed when a majority of the members present vote in favor of third reading,

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provided that any applicable provincial statute does not require a greater majority.

162. A Bylaw which has been defeated at first or second reading may be subject to a motion to reconsider and Section 139 shall apply.
163. When a Bylaw is defeated at third reading, the first reading and second readings are deemed to be rescinded and the Bylaw is not eligible for reconsideration.
164. When a Bylaw has been given three readings by Council, it is:
  - a) a municipal enactment of the Town; and
  - b) effective immediately unless the Bylaw or an applicable provincial statute provides otherwise.

### BOARDS AND COMMITTEES

165. The Council shall appoint Council representatives to such Committees, Boards and Commissions as required by legislation, agreement or bylaw as they deem necessary. Unless an addition is required mid-term, these appointments shall be made on an annual basis at the Organizational Meeting.
166. The Council may make appointments to a Committee at any time, providing that the Council has adopted a motion or Bylaw specifying the Terms of Reference of the Committee.
167. Appointed Councillors shall keep the rest of the Council informed of the Board/Committee actions by providing regular activity highlights through their Councillor reports.

### MINUTES

168. The Chief Administrative Officer or his or her designate shall:
  - a) attend all regular and special meetings of the Council and shall record in the minutes all motions, decisions and other proceedings of the Council. The minutes should contain mainly a record of what was done at the meeting, not what was said by the members. The minutes should never reflect any opinion, favorable or otherwise, on anything said or done.
  - b) enter in the minutes of every meeting the names of the members of the Council present at the meeting;
  - c) ensure that the minutes of each meeting are confirmed at a subsequent meeting of the Council;
  - d) Minor changes may be made to the minutes to correct errors in grammar, spelling and punctuation or to correct the omission of a word necessary to the meaning or continuity of a sentence. No change shall be allowed which would alter the actual decision made by Council.
  - e) If a Member wishes to challenge the accuracy of the minutes of a previous meeting, the Member must make the challenge know to the Chief Administrative Officer before Council

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- has officially confirmed the minutes.
- f) ensure that the last page of the minutes of each meeting is signed by the Mayor or presiding officer and Chief Administrative Officer.

169. The Chief Administrative Officer may delegate any duties to the Recording Secretary, but the Chief Administrative Officer shall accept all responsibilities of the Recording Secretary.

## EFFECTIVE DATE

170. Bylaw No. 359-16 is hereby repealed.

171. This Bylaw shall come into effect upon third and final reading.

First Reading:	September 24, 2018
Second Reading:	September 24, 2018
Third & Final Reading:	September 24, 2018

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DEPUTY MAYOR

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CHIEF ADMINISTRATIVE OFFICER