

## BYLAW 12-22

### A BYLAW TO DEAL WITH PROCEDURE AND THE TRANSACTION OF BUSINESS BY THE MUNICIPAL COUNCIL OF THE TOWN OF OKOTOKS IN THE PROVINCE OF ALBERTA

**WHEREAS**, by virtue of the power conferred on it by the *Municipal Government Act*, M-26, RSA 2000, the Council of the Town of Okotoks, in the Province of Alberta duly assembled, enacts as follows:

#### **SECTION 1 - SHORT TITLE**

- 1.1 This bylaw may be cited as the Town of Okotoks "Procedure Bylaw".

#### **SECTION 2 - PURPOSE AND DEFINITIONS**

##### **2.1 Purpose**

The purpose of this bylaw is to establish rules to follow in governing the Town of Okotoks **Council and Committee meetings**.

##### **2.2 Definitions**

The following words and phrases mean:

- a. *Act* – the *Municipal Government Act*, M-26, RSA 2000, or any legislation in replacement or substitution thereof;
- b. *Administration* – the Chief Administrative Officer and through the Chief Administrative Officer, the Directors, Managers, and employees of the Town of Okotoks;
- c. *Acting Mayor* – the Councillor appointed if the Mayor's office becomes vacant;
- d. *Acting Deputy Mayor* – the Councillor appointed by Council at the Inaugural Meeting to preside at any meeting of Council in the absence, ineligibility, or incapacity of both the Mayor and the Deputy Mayor. The Acting Deputy Mayor is the next Councillor in the current Deputy Mayor Rotation schedule;
- e. *Agenda* – the list of items and order of business for any meeting of Council or its Committees;
- f. *Chair* – the person who has been given authority to direct the conduct of a meeting including the appointed head of a Committee;

- g. Challenge – an appeal of a ruling of the Chair;
- h. Chief Administrative Officer (CAO) – the person appointed to the position of the chief administrative officer for the Town of Okotoks, within the meaning of the *Act and the Town of Okotoks' CAO Bylaw*;
- i. Closed Session – when the assembly has closed that portion of the meeting to the public in accordance with one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act* to discuss an item privately;
- j. Committee – any board, committee, commission, task force, or other body to which Council may appoint members;
- k. Consent Agenda – a list of items which may include reports presented for information, first reading of bylaws, and minute adoption.
- l. Council – the Mayor and Councillors of the Town of Okotoks duly elected pursuant to the provisions of the *Local Authorities Election Act*, **as amended, or any legislation in replacement or substitution thereof**;
- m. Councillor – a member of Council, including the Mayor, duly elected and continuing to hold office;
- n. Deputy Mayor – the Councillor appointed by Council at the Inaugural Meeting to preside at any meeting of Council in the absence, ineligibility, or incapacity of the Mayor, as per the current Deputy Mayor Rotation schedule;
- o. Ex-officio – membership by virtue of one's office and/or where appointed by Council; ex-officio members do not form part of the Quorum when not present and when present, does form part of the Quorum and may vote unless specifically excluded from voting by resolution or bylaw;
- p. General Municipal Election – an election held in the Town to elect the Councillors as described in the *Local Authorities Election Act*, as amended, or any legislation in replacement or substitution thereof;
- q. Inaugural Meeting – the Organizational Meeting immediately following a General Municipal Election as described in Subsection 4.1 of this bylaw;
- r. Mayor – the Councillor duly elected as the Chief Elected Official and continuing to hold office, and is the Chair at all meetings of Council;
- s. Member – a Councillor, including the Mayor, or an appointed member of a Committee of Council;

- t. Organizational Meeting – the meeting held as described in Subsection 4.2 of this bylaw, including the Inaugural Meeting;
- u. Parliamentary Inquiry – a request for information from the Chair about parliamentary procedure that does not require a formal ruling;
- v. Point of Order – a demand that the Chair enforce the rules of procedure;
- w. Point (or Question) of Privilege – a request made to the Chair or Council on any matter related to the rights and privileges of Council, individual Councillors or Administration which include the:
  - i. Organization or existence of Council;
  - ii. Comfort of Councillors;
  - iii. Conduct of Administration or members of the public in attendance at the meeting;
  - iv. Accuracy of the reports of Council's proceedings;
  - v. Reputation of Councillors or Council; and
  - vi. Reputation of Administration;
- x. Postpone – to delay the consideration of any matter either to a definite time (for example when further information is likely to be obtained), or indefinitely;
- y. Public Hearing Meeting – a meeting of Council, which is convened to hear representations on matters in accordance with Section 230 of the Act and the procedures under Section 17 of this bylaw;
- z. Put – when the Chair calls for a vote or 'puts the question to vote'. The Chair asks "Are you ready for the question?"
- aa. Quorum – a majority of Members appointed and serving on Council or a Committee, including the Mayor;
- bb. Secunder – a Councillor who makes a formal statement of support for a suggestion made by another Councillor during a meeting to allow a discussion or vote;
- cc. Special Resolution – a resolution passed by a two-thirds majority of all Councillors or two-thirds of all members of a Committee;
- dd. Table – a motion to delay consideration of any matter indefinitely in order to deal with more pressing matters, which does not set a specific time to resume consideration of a matter;
- ee. Town – the Corporation of the Town of Okotoks;

- ff. Two-Thirds (2/3) Vote – a vote by two-thirds of ~~Councillors~~ **Members** present at the **Council or Committee** meeting and entitled to vote on the motion.

### **SECTION 3 - INTERPRETATION AND APPLICATION**

#### **3.1 Rules for Interpretation**

The headings in this bylaw are for reference purposes only.

#### **3.2 Suspension of Rules**

Council may suspend any provision of this bylaw by Special Resolution except:

- a. the provisions about ~~statutory~~ **public** hearings; and
- b. the provisions for amending or repealing this bylaw.

#### **3.3 Council Proceedings**

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

#### **3.4 Paramount Rules**

If the provision in any other bylaws conflicts with the rules in this bylaw, this bylaw will prevail.

### **SECTION 4 - ORGANIZATION OF COUNCIL**

#### **4.1 Inaugural Meetings**

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

- a. ~~the Returning Officer must report;~~ **all Councillors must sign the Code of Conduct Bylaw;**
- b. all Councillors must take the oath of office;
- c. the seating of the Councillors excepting that of the Mayor shall be determined by lot for a term through to a following Organizational Meeting of Council;

- d. ~~in case the seat of any Councillor become vacant by reason of death, resignation or otherwise, the Councillor elected to fill the place shall occupy that seat in the Council Chamber;~~
- e. d. rotation schedules for the position of Deputy Mayor shall be determined by the Mayor for the term of the Council; and
- f. e. all other matters required under Subsection 4.2 must be dealt with.

## 4.2 Organizational Meetings

- a. An Organizational Meeting of Council must be held annually, according to Section 192 of the *Act*. At this meeting, Council must establish:
  - i. Regular Council Meeting dates;
  - ii. the appointment of Councillors to Committees ~~which Council is entitled to make~~ (preferences which are established through submissions to the Mayor for consideration) as per the established Committees Bylaw and the recommendations of the Mayor shall be Put before the full Council for ratification;
  - iii. the seating of Councillors, excepting that of the Mayor, shall be determined by lot for a term through to a following Organizational Meeting of Council; andwill deal with any other business described in the Notice of the Meeting.
- b. In case the seat of any Councillor becomes vacant by reason of death, resignation or otherwise, the Councillor elected to fill the place shall occupy that seat in the Council Chamber.

## SECTION 5 - MEETINGS OF COUNCIL

### 5.1 Meetings

- a. Regular Council Meetings shall be held on the second and fourth Monday of each month, except for one meeting in July, August, and December. Where a Regular Council Meeting falls on a holiday, the meeting shall be held the next day. All Regular Meetings will commence at 2:00 p.m. beginning immediately with a Closed Session until 3:00 p.m., at which time the public portion of the meeting will commence. Meetings will be held in the Council Chamber or other location as determined by the CAO.
- b. Public Hearings will begin at 7:00 p.m. on the same days as Regular Council Meetings and will be held in the Council Chamber or other

location as determined by the CAO.

- c. ~~The date and time of the Regular Meeting of Council may be changed by 2/3 Vote of all Councillors provided changes are made at the Council Meeting prior to or 14 days in advance of the date of the Regular Meeting of Council.~~ The date and time of the Regular Council Meeting may be changed provided changes are made and posted by the Thursday (or four days) prior to the Regular Council Meeting.
- d. Any scheduled Regular Council Meeting may be cancelled by 2/3 Vote of all Councillors.
- e. When it is necessary to continue the meeting beyond the relevant day the meeting will be continued at 6:00 p.m. on the day following the said day, unless otherwise determined by a 2/3 Vote of all Councillors.

## **5.2 Meetings Prior to a General Election**

When Council establishes the annual schedule of meetings, Council will not schedule Regular Council Meetings between the close of the nomination period and the Inaugural Meeting.

## **5.3 Adjournment**

On the day of a Regular Council Meeting, Council shall adjourn at 9:45 P.M. in the evening if in session at that hour, unless otherwise determined by a 2/3 Vote of all Councillors present. A motion to extend the time of the meeting beyond 9:45 P.M. may be made and passed while in Council.

## **5.4 Quorum**

- a. A Quorum of Council will be a majority of Councillors elected and serving on Council, including the Mayor.
- b. Subject to Subsection 5.4(a) of this bylaw, as soon after the hour of meeting as there is a Quorum present, the Mayor shall take the Chair and the Councillors shall be called to order.
- c. In case the Mayor or Deputy Mayor is not in attendance within fifteen minutes after the hour appointed, the Acting Deputy Mayor shall preside during the meeting until the arrival of the Mayor or Deputy Mayor.
- d. Whenever a vote on any matter before Council or a Committee cannot be taken because of loss of Quorum, resulting from the disqualification of a Member or Members from voting, then the matter shall be the first business to be proceeded with and disposed of at the next Regular Meeting of the Committee or Council. If Quorum is lost for any reason

other than the aforementioned reason, the meeting is adjourned.

### **5.5 Permission to Leave**

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

### **5.6 Special Meetings**

- a. The Mayor may call a special meeting at any time and must do so if a majority of Councillors so request in writing in accordance with the *Act*.
- b. Notice in writing specifying the time, date, location and general nature of the business to be transacted must be provided to each Councillor at least 24 hours prior to the special meeting.

### **5.7 Order of Business**

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

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

## **SECTION 6 - AGENDAS AND RECORDS OF MEETINGS**

### **6.1 Agenda Format**

The Agenda shall list the items or order of business to be conducted at a meeting as set out in Schedule "A".

### **6.2 Agenda Package Distribution**

- a. The CAO will make copies of the Agenda and all reports and supplementary materials for distribution to Council in electronic format on the Town of Okotoks website no later than the Thursday before each

Regular Council Meeting.

- b. The CAO shall ensure that the revised Council Agenda package is provided for public viewing on the Town of Okotoks website no later than 72 hours after each meeting of Council and that any revision to the documents originally provided be clearly marked.

### **6.3 Adoption of Agenda**

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

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

### **6.4 Recording of Minutes**

The CAO must ensure that all Council minutes are recorded which will include:

- a. all decisions and other proceedings;
- b. the names of the Councillors present and absent from the meeting;
- c. the names of Councillors, Administration, and other persons present during Closed Sessions;
- d. any declarations of pecuniary interest made under the *Act* by any Councillor; and
- e. the signatures of the Chair and CAO.

### **6.5 Adoption of Minutes**

- a. The CAO shall ensure the minutes of each Regular Council Meeting are prepared and shall include a copy in the Agenda package for the next Regular Council Meeting.
- b. The Mayor shall present the minutes to Council with a request for a motion to adopt the minutes.
- c. The minutes of a previous meeting shall not be read aloud unless requested by a majority of Councillors.
- d. Any Councillor may make a motion requesting that the minutes be amended to correct any inaccuracy or omission.



- e. Only minor changes may be made to correct errors in grammar, spelling, and punctuation or to correct the omission of a word necessary to the meaning or continuity of a sentence; but no change shall be allowed which would alter or affect in a material way the actual decision made by Council.
- f. No Councillor may introduce any extraneous evidence to support a Challenge to the accuracy of the minutes unless the evidence has been compiled or made under the direction or control of the CAO.
- g. If a Councillor wishes to Challenge the accuracy of the minutes of a previous meeting, the Councillor must make the Challenge known to the CAO before Council has officially confirmed the minutes.

## **6.6 Electronic Meetings**

- a. Meetings may be conducted through electronic or telephone services if:
  - i. notice is given to the public of the meeting, including the way in which it is to be conducted;
  - ii. the public is able to watch or listen to the meeting at a place specified in that notice; and
  - iii. all the meetings' participants are able to watch or hear each other.
- b. Members attending Closed Session meetings electronically must be visible at all times to ensure attendance accuracy.
- c. Councillors participating in a meeting conducted through electronic or telephone services are deemed to be present at the meeting.

## **6.7 Recordings**

Council meetings will be recorded through video or audio services and be available in perpetuity on the Town of Okotoks' website.

# **SECTION 7 - INQUIRIES AND RESPONSES**

## **7.1 Inquiries**

- a. Councillor inquiries may be presented with a maximum of two (2) inquiries per Councillor per meeting, by verbal inquiry.
- b. Administration may respond verbally and immediately following an inquiry, or
  - i. Administration may provide a written response at the next Regular Council Meeting, or

- ii. Administration may request that a response be provided at a future time.
- c. Should a response to an inquiry require more than four (4) hours of administrative time, a Council resolution to proceed must be provided at the next Regular Council Meeting.

## **SECTION 8 - MOTIONS**

### **8.1 Notice of Motion**

A Councillor may make a motion introducing any new matter only if:

- a. Notice is given at a Council Meeting held at least seven (7) days before the Regular Council Meeting at which the motion is proposed to be made and a written copy of the content of the notice is made available to the CAO; or
- b. Council passes a Special Resolution waiving notice.

### **8.2 Detailed Notice of Motion**

A notice of motion must give 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 notice of motion is proposed to be made. A notice must be given without discussion of the matter, but any written copies distributed may include explanatory paragraphs and must have a Secunder prior to the meeting at which it is proposed to be discussed.

### **8.3 Delay in Presenting Motion**

If a motion is not made at the meeting indicated in the notice, it will appear on the Agenda for, and may be made at any of, the next two (2) Regular Council Meetings. After the third (3<sup>rd</sup>) Regular Council Meeting, it will be removed from the Agenda and may only be made by a new Notice of Motion.

### **8.4 Style and Presentation of Motions**

- a. All motions must be concise and unambiguous.
- b. No motion bringing a new matter before Council may be made while any other motion is in the possession of Council.

### **8.5 Recommendations are Not Motions**

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

## **8.6 Withdrawal**

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

## **8.7 Urgent Business**

- a. A Councillor may move to discuss a matter of urgent public importance without prior notice.
- b. A motion to discuss a matter of urgent public importance must have a Seconder.
- c. A motion to bring a matter before Council as Urgent Business is subject to the following conditions:
  - i. The matter proposed for discussion must relate to a genuine emergency, calling for immediate and urgent consideration;
  - ii. The motion must not involve discussion of a matter which has been discussed previously in the same meeting, excepting questions raised during Public Delegations; and
  - iii. The motion must not raise a Question of Privilege.
- d. When a Councillor has made a motion to waive notice to bring a matter before Council as Urgent Business, the Mayor shall rule upon the admissibility of the matter.

## **8.8 Put by the Chair**

The Chair must Put all motions before a vote is taken.

## **8.9 Motions to Postpone**

- a. Motions to Postpone are debateable and debate may deal with the merits of the motion being Postponed.
- b. Motions to Postpone may only be brought back or reconsidered at a meeting of Council held six (6) months or more from the date of Postponement, or
- c. A Special Resolution is passed allowing it to be brought back.

## **8.10 Amendments**

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

## **8.11 Friendly Amendments**

After debate on a main motion has begun, the Councillor making the motion may, with general consent, make minor changes to the wording or agree to a minor change proposed by another Councillor.

## **8.12 Amendments to Amendments**

- a. Only one amendment to a motion may be before the meeting at any time, but an amendment to the amendment may be before the meeting at the same time. The amendment to the amendment must be voted on before the amendment.
- b. An amendment to an amendment must be relevant to the amendment. When an amendment is to make a change to numbers, the longest time, largest sum or largest quantity must be Put first.

## **8.13 Debatability of Amendments**

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

## **8.14 Cannot Amend Own Motion**

A Councillor may not amend their own motion.

## **8.15 Referral Motions**

A Councillor may move to refer any motion to a Committee, Administration, or for investigation and report, and the referral motion:

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

## **8.16 Report from Referral**

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

### **8.17 Referrals Refused by the Chair**

The Chair may refuse to accept a referral motion that would have the effect of defeating the motion to which it applies (for example, due to time constraints).

### **8.18 Limiting or Ending Debate**

Any motion to limit or end debate:

- a. cannot be debated;
- b. must be passed by a 2/3 Vote; and
- c. unless a motion to Postpone is made, when a motion limiting or ending debate is carried, the motion to which it applies must be Put without further debate or amendment.

### **8.19 Take from the Table**

- a. Any Councillor may move to take a motion from the Table, provided no other motion is on the floor.
- b. A Tabled motion is brought back with all of the motions connected with it, exactly as it was when laid on the Table.
- c. The motion to take from the Table is not debatable or amendable and requires only a majority vote.
- d. If a motion to take a motion from the Table is defeated, it may only be made again after other business has intervened.
- e. A motion may be taken from the Table at any Regular Council Meeting, but not at a special meeting unless prior notice was given.
- f. If a question is not taken from the Table:
  - i. Within six (6) months after the date that it was Tabled; or
  - ii. Prior to the General Municipal Election held after it was Tabled.

It may not be taken from the Table but may be made only as a new motion.

### **8.20 Motions Disallowed**

If a motion is contrary to the rules and privileges of Council, the Chair may refuse to accept it and must cite the rule or authority applicable without other comment.

## **8.21 Privileged Motions**

The following motions are privileged motions and may, if the Chair determines that they are of overriding importance, interrupt the debate on another motion:

- a. a Point of Privilege;
- b. a motion to recess;
- c. a motion to adjourn; and
- d. a motion to fix the time to adjourn.

## **8.22 Point of Privilege**

A Councillor may raise a Point of Privilege to remedy any pressing situation at any time. The Chair must immediately decide whether to accept the Point of Privilege. If accepted, it must be dealt with immediately.

## **8.23 Motion on Point of Privilege**

If a motion is made resulting from an accepted Point of Privilege, it is not debatable or amendable.

## **8.24 Point of Order**

A Point of Order, which requires immediate attention, may interrupt a speaker and is not debatable or amendable. The Chair must rule on a Point of Order and no vote will be taken unless there is a Challenge.

## **8.25 Motion to Challenge**

- a. Any ruling of the Chair may be Challenged.
- b. A motion to Challenge may be made only at the time of the ruling, whether or not another speaker has the floor.
- c. A motion to Challenge must have a Seconder.
- d. A motion to Challenge is debatable unless it relates to decorum, the priority of business, or an undebatable pending motion.
- e. If a motion is made to Challenge, the Chair must state the question "Is the ruling of the Chair upheld?" and may participate in debate on the Challenge without leaving the Chair.

- f. If the Chair refuses to Put the question on a Challenge, the person who would preside if the individual occupying the Chair were absent must Put the question to Council.
- g. Unless there is a 2/3 Vote against it, the ruling of the Chair will be upheld.

## **8.26 Recess**

Any Councillor may call for a recess at the discretion of the Chair. After the recess, business will be resumed at the point when it was interrupted. A recess may not be used to interrupt a speaker.

## **8.27 Adjournment**

- a. A motion to adjourn is not debatable or amendable.
- b. Council will take up a motion pending at the time of adjournment as the first item under unfinished business at the next Regular Council Meeting.

## **8.28 Notices of Motion Given Prior to Adjournment**

Before Putting the motion for adjournment, the Chair must allow an opportunity for any notices of motion to be given.

## **8.29 Adjournment of Regular Meeting**

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

## **8.30 Objection of Consideration of a Motion**

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

- a. A Councillor may move to object to the consideration of the main motion prior to any debate on the motion and the Chair must state the question "Will the motion be considered?"
- b. A motion to object to the consideration of a motion is not debatable or amendable. The motion objected to will be heard unless there is a 2/3 Vote against hearing it.
- c. If Council passes a motion to object to the consideration of a motion, the motion objected to may be brought before Council only by renewal in accordance with Subsection 8.36 of this bylaw.

### **8.31 Dividing Motions into Parts**

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

### **8.32 Motions Previously Considered**

Subject to Subsections 8.33 and 8.38 of this bylaw, once Council has dealt with any matter, a motion that would have a similar result may not be made.

### **8.33 Reconsidering Motions**

A Councillor can only introduce a motion asking Council to reconsider a matter dealt with in a previous motion if:

- a. The motion is made at the same meeting or within two meetings or six weeks, whichever is the shortest length of time, from the passing of the motion at which the original matter was considered and is moved by a mover who voted with the prevailing results; or
- b. the Councillor provides a notice in writing to Council prior to the meeting at which it is to be reconsidered, in which the Councillor sets out what special or exceptional circumstances warrant Council considering the matter again; and

the motion to which it is to apply has not already been acted upon.

### **8.34 Reconsideration Motion Passed**

If a motion to reconsider is passed, the original motion is on the floor.

### **8.35 Reconsideration Not Allowed**

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

### **8.36 Rescinding and Renewing Motions**

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



- a. brought more than six (6) months after the date of the original motion; or
- b. brought after a General Municipal Election that has taken place since the date of the original motions; or
- c. brought more than one (1) month after the date of the original motion when the original motion was defeated by a tie vote.

### **8.37 Notice of Rescission or Renewal**

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

### **8.38 Rescission Not Allowed**

No motion to rescind may be made when:

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

## **SECTION 9 - VOTING**

### **9.1 Motion Carried**

A motion will be carried when a majority of Councillors present at a meeting vote in favour of the motion, unless otherwise specified in this bylaw. When a motion is carried unanimously, it shall be recorded as such.

### **9.2 Tie Vote**

A motion is defeated when the vote is tied.

### **9.3 Failure to Vote**

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

### **9.4 Loss of Quorum**

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

- a. a Councillor(s) declaring a pecuniary interest; or

- b. any abstention allowed or required by statute;

Then the matter will be dealt with as unfinished business and proceeded with at the next Regular Council Meeting. If Council is unable to achieve Quorum at any meeting on an issue due to the pecuniary interest of Councillors, then Council must ask the Minister of Municipal Affairs for an order or direction under the *Act*.

## **9.5 Voting Procedures**

Votes on all motions must be taken as follows:

- a. Councillors must be in their designated Council seat when the motion is Put;
- b. the Chair must Put the motion;
- c. Councillors must use the approved electronic or computerized voting system if it is available;
- d. vote by a show of hands if the electronic or computerized system is unavailable; or
- e. vote verbally by stating “for” or “against” the motion if participating by telephone; and
- f. the Chair must declare the result of the vote.

## **9.6 No Change Vote**

After the Chair declares the result of a vote, Councillors may not change their vote for any reason.

## **9.7 Silence Once Question is Put**

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

# **SECTION 10 - RULES GOVERNING DEBATE**

## **10.1 Order of Speakers**

The Chair will determine the speaking order when two or more Councillors wish to speak, subject to Challenge.

## **10.2 Interruptions**

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

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

## **10.3 Debate**

Councillors, including the Mayor, may enter debate once a motion is on the floor.

## **10.4 Mayor Entering Debate**

The Mayor may enter debate only after all Councillors have completed debate.

## **10.5 Councillor Called to Order**

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

## **10.6 Request to Have Motion Considered**

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

## **10.7 Number of Speeches**

Unless otherwise provided in this bylaw, Councillors may speak only once on any motion; however, the Chair may give permission to speak again.

## **10.8 Time Limits**

Each Councillor may speak for five (5) minutes:

- a. by asking questions on a motion;

- b. in debate on a motion;
- c. by asking questions on an amendment;
- d. in debate on an amendment; and
- e. in reply, when the Councillor is the mover of the motion;

unless Council gives permission, by a 2/3 Vote, to speak for an additional five (5) minutes.

## **10.9 Opportunity to Be Heard**

Each Councillor will be given an opportunity to speak to a motion before it is Put to a vote, unless a motion is passed to limit or end debate.

## **SECTION 11 - DUTIES OF THE CHAIR**

### **11.1 Chair to Maintain Order**

The Chair must preserve order and decorum and decide all questions of procedure.

### **11.2 Citing Reasons for Decisions**

When the Chair makes a decision on a question of procedure, except a Parliamentary Inquiry, they must provide a reason for the decision.

## **SECTION 12 - DISCIPLINARY PROCEDURES**

### **12.1 Calling a Councillor to Order**

The Chair may call to order any Councillor who is out of order.

### **12.2 Naming a Councillor for an Offense**

When a Councillor has been warned about breaches of order but continues to engage in them, the Chair may name the Councillor by stating his or her name and declaring the offense. The CAO must note the offense in the minutes.

### **12.3 Effect of Naming a Councillor**

If a Councillor who has been named:

- a. apologizes and withdraws any objectionable statement, then:

- i. that Councillor may remain and continue participating in the meeting, and
  - ii. the Chair may direct that the notation of the offense be removed from the minutes;
- b. if that Councillor fails or refuses to apologize, Council must vote on a motion to expel that Councillor. A motion to expel must be decided without debate and, if passed, that Councillor must immediately leave the Council Chamber.

#### **12.4 Removal of Councillor**

If a Councillor has been expelled pursuant to Subsection 12.3 of this bylaw, that Councillor must leave the Council Chamber immediately. The Chair may request removal of an expelled Councillor if that Councillor does not leave voluntarily.

#### **12.5 Disturbance by Public**

The members of the public during the proceedings of Council:

- a. shall not address Council without permission of the Chair;
- b. shall maintain order and quiet;
- c. shall not applaud or otherwise interrupt any speech or action of the Councillors, or any other person addressing Council; and
- d. when granted permission to address Council, shall not use offensive words or speak disrespectfully of Council, any Councillor, or Administration.

#### **12.6 Expel a Public Member**

The Chair may at any meeting expel and exclude any person who creates any disturbance or acts improperly. A person who refuses to leave is guilty of an offense and the Chair may order law enforcement to remove the person.

#### **12.7 Councillor Interference**

No Councillor shall have the power to direct or interfere with the performance of any work for the Corporation **Town**. Employees shall be subject only to their supervisor (if any) and to the CAO. Nothing in the foregoing shall in any way interfere with or restrict the right of a Councillor to seek formal information from any member of Administration through the office of the CAO.

## **SECTION 13 - PUBLIC AND CLOSED MEETINGS**

### **13.1 Agenda Review Process**

The agenda review process will be conducted as per Schedule “B”.

### **13.2 Public Meetings**

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

### **13.3 Closed Session Meetings**

Council may by resolution move into a Closed Session and while in a Closed Session, Council may not pass any resolutions other than to revert to the public meeting.

### **13.4 Consent Agenda**

- a. The Consent Agenda is part of the Agenda as outlined in Schedule “A”.
- b. The recommendation in the Agenda report for the Consent Agenda portion of a meeting is moved and voted upon without debate as one (1) item regardless of the number of reports included.
- c. If a Councillor wishes to debate an item included in the Consent Agenda, a request to exempt the item must be made before the Mayor Puts the vote.

## **SECTION 14 - STANDING AND SPECIAL COMMITTEES**

### **14.1 Appointment of Committees**

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

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

### **14.2 Committee Procedures**

The business of all Committees shall be conducted under the rules governing procedure in Council, except where the same conflict with the following rules:

- a. the Chair shall preside at every meeting and shall vote on all questions submitted, and in case of equal division, the question shall be lost. In the absence of the Chair, the Deputy Chair shall preside or in the absence of both, the Committee shall appoint a Chair from among the members present.
- b. the CAO shall record the minutes of the Committee.
- c. the minutes of the transactions of every Committee shall be accurately recorded as a record of the Town.
- d. No report or recommendation dealing with any matter or thing shall be recognized as emanating from any Committee unless it is in writing, has been certified correct by the CAO, or designate, and refers to the minutes of the Committee under which it is issued.
- e. Any Councillor, who is not a member of a Committee, shall have the right to attend Committee meetings with the right of debate, but may not make motions or vote.

## **SECTION 15 - BYLAWS**

### **15.1 Title and Bylaw Number**

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

### **15.2 Notice of Proposed Bylaw**

The bylaw number and the short title of a proposed bylaw must be included on the Agenda and the CAO must provide all Councillors with a copy of the proposed bylaw prior to any motion for first reading.

### **15.3 First Reading**

- a. A proposed bylaw must be introduced at a Regular Council Meeting by a motion that "Bylaw Number (specify the number assigned by the CAO) be read a first time".
- b. Bylaws requiring a Public Hearing, excluding Road Closure Bylaws, shall be given first reading at a Council Meeting at least one Council Meeting prior to the scheduled Public Hearing date.
- c. Council shall vote on the motion for first reading of a bylaw without amendment or debate.

#### **15.4 Second Reading**

After first reading has been given, any Councillor may move that “Bylaw Number (specifying the proposed bylaw number) be read a second time”.

#### **15.5 Amendments**

After a motion for second reading has been made, Council may:

- a. debate the substance of the bylaw;
- b. propose and consider amendments to the bylaw.

#### **15.6 Three Readings**

- a. After second reading has been given, any Councillor may move that “Bylaw Number (specifying the proposed bylaw number) be read a third time and passed”.
- b. When a bylaw is being considered for third reading and the bylaw received first and second reading at a previous meeting or meetings, after a motion for third reading, Council may:
  - i. debate the substance of the bylaw;
  - ii. propose and consider amendments to the bylaw.

#### **15.7 Amendment Prior to Third Reading**

Any amendments to the bylaw which are carried prior to the motion for third reading being Put will be considered to have been given first and second reading and will be incorporated into the proposed bylaw. If amendments to the proposed bylaw have been carried:

- a. all Councillors must be given an opportunity to review the full text of the amendments; and
- b. the Chair must Put the question that “Bylaw Number (specifying the proposed bylaw number) as amended, be given third reading”.

#### **15.8 Number of Readings Allowed at a Meeting**

Council may not give a bylaw more than two readings at a meeting unless all Councillors present at the meeting vote unanimously in favour of allowing a third reading at that meeting.



### **15.9 Failure of a Reading**

If any reading of a proposed bylaw fails, any previous readings are rescinded.

### **15.10 Effective Date**

A bylaw is effective from the beginning of the day it is given third reading and signed, unless the bylaw or any applicable statute provides for another effective date.

### **15.11 Signing and Sealing Bylaws**

The Mayor or Chair and CAO present at the meeting must sign and seal the bylaw as soon as reasonably possible after third reading is given.

### **15.12 Amendment and Repeal**

Once a bylaw has been passed, it may only be amended or repealed by another bylaw made in the same way as the original bylaw unless another method is specifically authorized by statute.

## **SECTION 16 - DELEGATIONS**

### **16.1 Delegations**

- a. Notwithstanding any provision of this bylaw, Council shall grant an opportunity to persons entitled, under Provincial legislation, to make submissions to Council; and may from time to time invite persons or organizations to present information.
- b. Delegations will be received during a Regular Council Meeting at the Delegations session at approximately 3:00 p.m. or 6:00 p.m. by prior arrangement through the CAO or as otherwise agreed by Council.
- c. In questioning delegations, Councillors will ask only those questions which are relevant to the subject and will avoid repetition.
- d. Delegations speaking to the subject will be restricted to the subject matter only.

### **16.2 Public Delegations**

Persons, or persons representing an organization, wishing to speak to, or ask a question of Council shall be permitted to do so under the following guidelines:

- a. the person's name, organization (if applicable), and subject matter are to be provided to the CAO in advance of the meeting or listed on the form

provided in the Council Chamber, or other appropriate location, prior to 3:00 p.m.;

- b. at the place on the Agenda for the hearing of Public Delegations, the Chair shall call each delegation in order as it is listed;
- c. those presenting during the Public Delegations session shall address Council for no more than five (5) minutes;
- d. a subject is to be in the form of a question or request;
- e. Councillors may ask questions of the presenter with regard to the subject only;
- f. a Councillor or Administration may verbally answer the question or request during the question period if possible;
- g. if an immediate answer is not available, the person will be given a reply through Administration or as Council may determine, as soon as available.

### **16.3 Requested Delegations**

Delegations presenting at a Regular Council Meeting at the request of Council or Administration will follow the following guidelines:

- a. arrangements for delegations to present to Council shall be made not less than five (5) days prior to the Regular Council Meeting date;
- b. at the place on the Agenda for the hearing of Requested Delegations, the Chair shall call each delegation in order as it is listed on the Agenda;
- c. a member of Administration may introduce the delegation.

## **SECTION 17 - PUBLIC HEARING MEETING**

### **17.1 Public Hearing**

When the *Act* or any other legislation requires Council to hold a Public Hearing on a proposed bylaw or resolution, the public hearing must be held unless another enactment specifies otherwise:

- a. before second reading of the bylaw; or
- b. before Council votes on the resolution.

## 17.2 Time for a **Public** Hearing on a Bylaw

~~If a person indicates their presence to speak to the proposed bylaw, then the following procedures will apply:~~ Any person or group of persons or persons acting on behalf of anyone who claims to be affected by a proposed bylaw may speak to the matter, and the following procedures will apply:

- a. the Administration will introduce the proposed bylaw;
- b. the person will be allowed five (5) minutes to speak; ~~those in favour will speak first, followed by those opposed;~~
- c. after a person has spoken, any Councillor may ask that speaker relevant questions;
- d. any Councillor may ask Administration relevant questions after all persons who wish to speak have been heard;
- e. Council must allow an opportunity to all persons to respond to any new information that has arisen; and
- f. any Councillor may then move that "The **Public** Hearing on Bylaw Number (specifying the proposed bylaw number) be closed".

## 17.3 **Public Hearing Participation**

In addition to attending a Public Hearing in-person, members of the public may participate in Public Hearings in the following ways:

- a. **Written Participation**
  - i. Provide a written submission for inclusion in the Council Agenda. The submission must be received by 12:00 P.M. on the Wednesday preceding the Public Hearing.
  - ii. Written submissions received after the Wednesday 12:00 P.M. deadline up until 7:00 P.M. on the day of the Public Hearing will be summarized by Administration, noted during the Public Hearing, and provided to Council in full.
- b. **Electronic Participation**
  - i. Provide a request to appear live at the Public Hearing via videoconference.
  - ii. Provide a pre-recorded video of an oral presentation.

Live or pre-recorded virtual presentation requests must be received by 12:00 P.M. on the day of the Public Hearing.

#### **17.4 Representing More Than One Person**

If an authorized speaker represents more than one person, the speaker will be allowed only five (5) minutes to speak unless Council decides otherwise.

### **SECTION 18 - SEVERABILITY**

#### **18.1 Severability**

It is the intention of Council that each provision of this Bylaw should be considered as being separate and severable from all other provisions. Should any clause or provision of this Bylaw be found to have been improperly enacted, then such clause or provision shall be regarded as being severable from the rest of this Bylaw and that the Bylaw remaining after such severance shall remain effective and enforceable.

Bylaw 42-17 and any amendments thereto are hereby repealed upon this Bylaw coming into effect.

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

READ A FIRST TIME this      day of      , 2022

READ A SECOND TIME this      day of      , 2022

READ A THIRD TIME AND PASSED this      day of      , 2022

---

Mayor

---

Chief Administrative Officer

**SCHEDULE "A"**  
**COUNCIL AGENDA**

1. CALL TO ORDER
2. ADOPTION OF AGENDA
3. CLOSED SESSION
4. DELEGATIONS (3:00 P.M.) OR (6:00 P.M. by prior arrangement)
  - 4.1 REQUESTED DELEGATIONS
  - 4.2 PUBLIC DELEGATIONS
5. MOTION(S) ARISING FROM CLOSED SESSION
6. CONSENT AGENDA
  - MINUTES OF PREVIOUS MEETING
  - BUSINESS ITEMS FOR INFORMATION
  - FIRST READING BYLAWS
  - RESPONSES TO COUNCILLOR INQUIRIES AND SUGGESTIONS
  - CORRESPONDENCE FOR INFORMATION
  - BOARD AND COMMITTEE MINUTES
  - DISCLOSURE OF CLOSED SESSION ITEMS
7. ~~CHIEF ADMINISTRATIVE OFFICER'S REPORT~~
8. 7. BUSINESS ITEMS FOR ACTION
9. 8. BYLAWS
10. 9. NOTICES OF MOTION
11. 10. MOTIONS RE NOTICES
12. 11. CORRESPONDENCE FOR ACTION

13. ~~12.~~ COUNCILLOR INQUIRIES AND SUGGESTIONS
14. ~~13.~~ COUNCILLOR REPRESENTATIVE REPORTS
15. ~~14.~~ ~~STATUTORY / NON-STATUTORY~~ **PUBLIC** HEARING(S) (7:00 P.M.)
16. ~~15.~~ BYLAWS / BUSINESS RELATING TO HEARING(S)
17. ~~RESPONSES TO COUNCILLOR INQUIRIES AND SUGGESTIONS~~
18. ~~16.~~ ADJOURNMENT

## **SCHEDULE “B”**

### **AGENDA REVIEW PROCESS MEETING**

#### **Purpose**

The purpose of the agenda review process is to review and manage the items proposed for consideration by Council to ensure meeting agendas are:

- consistent with Council’s Strategic Priorities ensuring that important issues are constantly kept in the forefront of Council.; and
- the business of Council is being dealt with fairly and expeditiously.

At each agenda review process meeting, the CAO will present a list of items proposed to be included on the agendas for upcoming Council and Governance and Priorities Committee (GPC) meetings.

#### **Procedure**

The agenda review process will take place monthly to review the proposed agenda items and may:

1. assign or reassign items to an agenda for an upcoming Council or GPC meeting;
2. direct that an item be discussed at a specific time on an agenda or recommend an item be postponed or directed to a different meeting;
3. do any other thing necessary to appropriately manage upcoming agendas;
4. confirm matters to be discussed on the Consent Agenda;
5. estimate the time for each Agenda item or to determine a specific time for items to be discussed.

If an agenda review meeting is cancelled, the CAO will set the agendas for any upcoming Council or GPC meetings that were to be reviewed at the agenda review meeting.

#### **Membership**

The agenda review process meeting participants will include the Mayor, Deputy Mayor, CAO, and the Legislative & Policy Services Manager. If the Mayor or Deputy Mayor is unable to attend, the Acting Deputy Mayor and/or the next Councillor on the current Deputy Mayor Rotation Schedule (or next in line as per availability) will attend.