



## BY-LAW No. A770

### A BY-LAW OF THE VILLAGE OF CONSORT IN THE PROVINCE OF ALBERTA TO REGULATE THE PROCEDURES OF COUNCIL

**WHEREAS** the Municipal Government Act, being Chapter M-26, R.S.A., 2000, as amended, provides that a Council of a Municipality may pass Bylaws in relation to the establishment and functions of Council, Council Committees and other Bodies, the procedure and conduct of Council, the procedure and conduct of Council Committees and other bodies established by the Council, the role and conduct of Councillors and Mayor, and generally for the transaction of its business; and

**WHEREAS** the Council of the Village of Consort deems it expedient to make such rules and regulations;

**NOW THEREFORE**, under the authority of the Municipal Government Act RSA 2000, Chapter M-26, the Council of the Village of Consort duly assembled enacts as follows:

#### **Part 1 - Title**

##### **1. TITLE**

This Bylaw may be cited as the "**Procedure Bylaw**".

#### **Part 2 – Purpose and Definitions**

##### **2. PURPOSE**

The purpose of this bylaw is to establish rules to follow in governing the Village of Consort.

##### **3. DEFINITIONS**

The following words and phrases mean:

**Act** the Municipal Government Act, R.S.A.2000, c. M-26, as amended or repealed and replaced from time to time;

##### **Administration**

The general operation of the Village of Consort, including without limiting the generality of the foregoing, personnel, financial and other related matters as permitted by the Act;

**Agenda** the agenda for a Regular or Special or Standing Committee meeting of Council as prepared by administration;

**Bylaw** a Bylaw of the Village of Consort;

**CAO** the Chief Administrative Officer appointed by the Council of the Village of Consort;

**CEO** the Mayor of the Village of Consort;

**Chair** the person who has been given authority to direct the conduct of a meeting including the appointed head of a Committee;

**Challenge** an appeal of a ruling of the Chair;

- Committee** a committee of Council that is either a Standing Committee, Special Committee, or a Council Committee, that is carrying out a power, duty or function delegated to it by Council, but excluding Committee of the Whole;
- Committee of the Whole**  
A procedural device that permits Council to function informally and freedom of debate where discussions are referred to a regular meeting for decision; (a procedural device that permits Council greater freedom of debate ;)
- Council** the municipal Council of the Village;
- Council Committee**  
Any committee, board or other body established by Council under the Municipal Government act, unless Council decides that this bylaw does not apply to any particular Council Committee;
- Delegation** the person that will appear before Council or a Committee of Council to provide pertinent information and views about the subject before Council or Council Committee;
- Deputy Mayor**  
The deputy chief elected official appointed by Council as provided for in the Municipal Government Act;
- Emergent Items**  
Items of an emergent nature that cannot be left until the next meeting or require immediate attention. When the nature of an emergent item is in question, its acceptance for the agenda shall be determined by a majority vote of the Council;
- Employee** those persons employed full-time, part-time, casually, seasonally, on contract, or as a volunteer, by and for the Village of Consort;
- Ex-officio** by right of office, a member to all boards and committees in the absence of the appointed or alternate member;
- General Municipal Election**  
An election held in the Village to elect the members of Council as described in the Local Authorities Elections Act;
- Lay on the Table**  
A pending question is set aside temporarily when something more urgent has risen;
- Mayor** the member elected by the Council to act as the Chief Elected Officer of the Village of Consort, whose duties are set out in the Municipal Government Act and who presides at council meetings;
- Member** a member of Council;
- Meeting** meeting of council and council committees;
- Motion** to move a formal suggestion in a meeting and the resolution of same;
- Municipality** the municipality of the Village of Consort, a municipal corporation of the Province of Alberta and includes the area contained with the boundaries of the Municipality;
- New Business**  
Business dealing with a matter which has been introduced at the same meeting;
- Orders of the Day**  
The order of business and time schedule for a meeting of Council or a Standing Committee as set out in the appropriate part of Schedule "A";

**Organizational Meeting**

The meeting held as described in Section 8;

**Person** includes a corporation;

**Point of Order** A demand that the Chair enforce the rules of procedure;

**Point or Question of Privilege**

A request made to the Chair or Council on any matter related to the rights and privileges of Council or individual Council Members which includes the:

- i. Organization or existence of Council
- ii. Comfort of the Council members
- iii. Conduct of Village Officials, employees or members of the public in attendance at the meeting;
- iv. Accuracy of the reports of Council's proceedings;
- v. Reputation of Council Members or Council; and
- vi. Conduct of Councillors;

**Policy** a statement of the Village's intention in certain areas of its responsibility for guidance when action is being taken in those areas;

**Postpone** delaying the consideration of any matter either to a definite time, for example when further information is likely to be obtained, or indefinitely;

**Presiding Officer**

The Mayor, or in the absence of the Mayor, the Deputy Mayor, or Chairperson charged with maintaining order and proceeding of a meeting;

**Previous Question or Call for the Question**

A motion to end debate and vote on the motion under debate;

**Procedure** instructions on how to carry out the intent of a Village policy;

**Reconsider a motion/resolution passed at a subsequent meeting**

A motion may be brought back only if the motion has not been acted upon and requires a two-thirds vote without notice, or a majority vote of all members who voted with the prevailing side and are present or have been notified;

**Rescind** to repeal, cancel or revoke;

**RCMP** Royal Canadian Mounted Police;

**Special Resolution**

A resolution passed by a two-thirds majority of all Council members or two-thirds of all members of a Committee;

**Standing Committee**

A committee set by Council on a permanent basis to deal with matters that constantly come before Council;

**Table** a motion to delay consideration of any matter in order to deal with more pressing matters; which does not set a specific time to resume consideration of the matter;

**Task Force Committee**

A committee established by Council for a specific, immediate or temporary task and upon completion of the project or task the committee is dissolved;

**Terms of Reference**

A written statement that defines the composition, term, objectives and mode of operation of a Committee of Task Force;

**Two-Thirds Vote**

A vote by two-thirds of Council Members present at the meeting and entitled to vote on the motion;

**Village**

means the Corporation of the Village of Consort;

**Village Official**

An official appointed by Council, including the CAO, any designated officers appointed under the Municipal Government Act or any of their delegates;

**Vote by Raising Hand**

Means each member present shall indicate a vote by raising his/her hand when the question is called by the Mayor/Chairman for either "those in favour" or "those opposed";

**Withdraw a Motion**

Means that it permits a member to remove a question from consideration even after the motion has been restated by the Mayor/Chair.

**Part 3 – Interpretation and Application**

**4. Rules for Interpretation**

The marginal notes and headings in this Bylaw are for reference purposes only.

**5. Application**

This Bylaw applies to all members attending meetings of council and committees established by the Council of the Municipality.

**6. Suspension of the Rules**

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

- a) The provisions about statutory hearings; and
- b) The provisions for amending or repealing this Bylaw.

**7. Paramount Rules**

If the provisions in any other bylaw conflict with the rules in this bylaw, this bylaw will prevail.

**Part 4 – Organization of Council**

**8. Organizational Meetings**

An Organizational Meeting must be held in October in each year.

At this meeting

- a) Council must:
  - i. Elect the Mayor for the coming year;
  - ii. Elect the Deputy Mayor for the coming year;
  - iii. Establish the dates and times and places for regularly scheduled Council meetings and Standing Committee meetings provided all Council Members are present;
  - iv. Appoint Council members to committees and
  - v. Appoint representatives to external organizations.
- b) In the case of the first meeting following a General Municipal Election;
  - i. Every member of Council must take the Oath of Office;
  - ii. The Returning Officer must report.

**Part 5 - Meetings**

**9. Time, Date and Location of Meetings**

Council will hold regular meetings on the dates established at the Organizational Meeting. If a regular Council meeting falls on a statutory holiday, the meeting will take place on the next business day.

#### **10. Regular Meeting**

Regular Council Meetings will begin at 6:00PM and adjourn by 11:00PM, unless Council passes a motion to extend the meeting by a Two-thirds vote.

#### **11. Meeting Place**

Regular Council meetings and Public Hearing meetings will be held in the Council chambers.

#### **12. Changing Time, Date and Location**

Council may change the time, date or location of any meeting by Special Resolution and a Committee may change the time, date or location of any of its meetings if at least 24 hours' notice of the change is given:

- a) In writing to all Council Members; and
- b) To members of the public by posting a notice of the change at the entrance to the meeting's original location and in any matter directed by resolution of Council.

#### **13. Cancellation**

Council may cancel any meeting and a Committee may cancel any of its meetings if notice is given as set out in section 12.

#### **14. Notice of Committee Meetings**

The CAO will post, in a place in the municipal office which is accessible to the public and on the website, a monthly schedule of Committee meetings as scheduled at the Organizational Meeting, and will give any other notice of these meetings as directed by Council.

#### **15. Special Meetings**

The Mayor may call a special council meeting at any time and must do so if a majority of Council Members so request by a written notice which includes a statement for the purposes of the meeting. A special meeting requested by Council Members must be held within 14 days after the request is received by the Mayor.

#### **16. Notice of Committee Meetings and Cancellation**

Notice of the Committee meetings scheduled by Council at the Organizational Meeting need not be provided to any Council Member. Subject to Section 15, any standing committee may schedule additional meetings, by resolution, but must give notice in writing to all Council Members. Any committee may cancel a meeting by special resolution but must give notice of the cancellation as set out in section 13.

#### **17. Notice of Special Meetings**

- a) Notice in writing specifying the time, date, location and purpose of a special meeting must be delivered or emailed to each Council Member at least 24 hours before the special meeting, the CAO will post a notice of the meeting in a place in the Village office which is accessible to the public and give any other notice to the public as directed by Council.
- b) Special Council Meetings will be held on the date and at the time and location specified in the notice of the special meeting. If a matter is not specified in the notice of the Special Council Meeting, it may not be dealt with unless all Council Members are present and Council passes a motion, by majority vote, to deal with the matter.

#### **18. Shorter Notice of Special Meetings**

Despite Section 17, the Mayor may call a special Council meeting on shorter notice and without providing notice to the public provided all Council Members are notified of the meeting and two-thirds of Council Members give written consent to holding the meeting before the meeting begins.

#### **19. Quorum Requirements**

Quorum is a majority of Council Members.

## **20. Commencement Proceedings**

As soon as there is a quorum after the time for commencement of a Council meeting the Presiding Officer must take the chair and begin the meeting.

## **21. When no Quorum**

If there is no quorum within half an hour after the time set for the meeting, the Recording Secretary will record the names of the Council Members present and the meeting will be adjourned to the time of the next regular Council meeting. The agenda for the adjourned meeting will be dealt with at the beginning of the next regular meeting, unless a special meeting is called before or after the next regular Council meeting to deal with the business of the adjourned meeting.

## **22. Order of Business**

The 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 a 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;
- b) When Council alters the order of business for the convenience of the meeting by a two-thirds vote; and
- c) When the same subject matter appears in more than one place on an agenda and Council decides, on motion, to deal with all items related to the matter at the same time. Council need not deal with any item on the agenda if no motion is made about it.

## **23. Call for Orders of the Day**

A motion calling for Orders of the Day (requiring Council to adhere to its schedule) is not debatable or amendable.

## **Part 6 – Agendas and Records of Meetings**

## **24. Agenda Format**

The agenda orders the business for a meeting and will follow the appropriate order of business set out in Schedule "A".

## **25. Agenda Distribution**

- a) The CAO will deliver paper copies of the agenda and reports to each Councillor's residence or electronically via email to each Councillor's personal email address no later than 5PM on the Friday prior to each regularly scheduled Council meeting. Agendas, reports and supplementary materials that are received too late to be included with the agenda or that are intended for special Council meetings will be made available as soon as reasonably possible.
- b) The CAO will post copies of the agenda and all reports and supplementary materials (unless they must and may be withheld under the Municipal Government Act or any bylaw dealing with access to information) available to all Village Officials, Department Heads, media representatives and to the Village website, but only after they have been delivered to the Council Members internal email box.

## **26. 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 special resolution; or
- b) Delete any matter from the agenda by unanimous vote.

## **27. Preparation of Minutes**

The Recording Secretary must prepare all Council, Standing and Special Committee minutes which will include;

- a) All decisions and other proceedings;
- b) The names of the Council Members present at and absent from the meeting;

- c) Any abstention pursuant to a declaration of pecuniary interest made under the Municipal Government Act by any Council Member and any other abstention permitted by statute; and
- d) The signatures of the Presiding Officer and the CAO or designate.

**28. Adoption of the Minutes**

The minutes of each meeting must be circulated prior to the meeting at which they are to be adopted. If there are errors or omissions, Council must;

- a) Pass a motion to amend the minutes; and
- b) Adopt the minutes as amended, and if there are no errors or omissions, Council must adopt the minutes as circulated.

**Part 7 – Inquiries and Responses**

**Division 1 – Inquiries at Council**

**29. Inquiry**

Any Council Member may make an Inquiry through the Presiding Officer to any Village Official.

**30. Direction to Abandon Inquiry**

If a Village Official reports that the financial or other resources required to answer the Inquiry are substantial and will affect that Village Official's budget, Council may by two-thirds vote direct the Administration to abandon the inquiry.

**Division 2 – Inquiries at Standing Committees**

**31. Inquiry at Appropriate Committee**

An Inquiry may only be made at a Standing Committee if it primarily relates to the business dealt with by that Standing Committee

**32. Any Council Member May Attend**

Any Council Member may attend any Standing Committee meeting to make an Inquiry to any Village Official related to the business dealt with by that Standing Committee. If a Council Member is unable to attend the appropriate Standing Committee meeting, he or she may submit an Inquiry in writing to the Chair of that Standing Committee who must then read it into the record of the meeting.

**33. Verbal Response**

A Village Official may verbally answer an Inquiry at the Standing Committee meeting at which it is made. Any Council Member may request that the response be submitted to the Standing Committee in writing.

**Division 3 – Instructions to Employees**

**34. Interference by Council Members**

Council Members must not direct or interfere with the performance of any work for the Village without specific direction from Council or a Standing or Special Committee.

**35. Orders to Employees**

Council or a Standing or Special Committee may give instructions to any Village employee through the CAO, but Council Members must not give direct instructions to Village employees without specific direction from Council or a Standing or Special Committee.

**Part 8 - Motions**

**36. Notice of Motion**

A Council Member may make a motion introducing any new matter only if;

- a) Notice is given at a previous regular Council meeting; or
- b) A legible copy of the content of the notice is made and available to the CAO by 12:00 Noon on the Wednesday preceding a regular Council meeting; or

- c) Council passes a Special Resolution dispensing with notice.

**37. Detailed Notice of Motion**

A notice of motion must give sufficient detail so that the subject of 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.

**38. 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 regular meetings. After the third regular meeting, it will be removed from the agenda and may only be made by a new notice of motion.

**39. Style and Presentation of Motion**

- a) All motions must be concise and unambiguous and must either be given in writing or dictated to the CAO.
- b) No motion bringing a new matter before Council may be made while any other motion is pending.

**40. Recommendations are not Motions**

A motion must be made on any agenda item before it is discussed. A recommendation in a report does not constitute a motion until a Council Member has expressly moved it.

**41. Stating Motions**

All motions must be stated by the Chair prior to debate unless the motion appeared in the agenda.

**42. 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 Council Members present at the meeting.

**43. Put by the Chair**

All motions must be put by the Chair before a vote is taken.

**44. Postpone Indefinitely**

- a) A motion to postpone indefinitely is debatable and debate may deal with the merits of the motion being postponed.
- b) A motion postponed indefinitely may only be brought back after:
  - i. More than one year from the date of the postponement;
  - ii. A General Municipal Election; or
  - iii. A Special Resolution is passed allowing it to be brought back.

**45. Postpone to a Definite Time**

- a) A motion to postpone to a definite time may be made at any time during debate. The motion to postpone to a definite time is only debatable as to advisability of the postponement and is amendable only as to the time specified.
- b) If a motion is postponed to a definite time, it will take priority over all on the unfinished business at that item, but it may not be brought back before that time without a Special Resolution.

**46. Amendments**

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

**47. Debatability of Amendments**

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



**48. Cannot Amend Own Motion**

A Council Member may not amend his or her own motion.

**49. Referral Motions**

A Council Member may move to refer any motion to the appropriate Council Committee or the administration for investigation and report, and the motion to refer

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

**50. 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.

**51. Referrals Refused by the Chair**

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

**52. Limiting or Ending Debate**

Any motion to limit or end debate,

- a) Cannot be debated;
- b) Must be passed by a two-thirds vote; and
- c) May only be amended as to the limit to be placed on debate.

**53. Motion to Table**

A motion may be tabled to enable Council to deal with other more pressing matters. A motion that has been tabled may be brought back at any time by a majority vote and when brought back, it will take precedence over other motions.

**54. 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.

**55. 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 call for Order of the Day;
- b) A point of Privilege;
- c) A motion to recess;
- d) A motion to adjourn; and
- e) A motion to fix the time to adjourn...

**56. Point of Privilege**

A Council Member 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.

**57. Motion on Point of Privilege**

A motion is made resulting from an accepted Point of Privilege; it is not debatable or amendable.

**58. Recess**

- a) Any Council Member may move that Council recess for a specific period. After the recess, business will be resumed at the point when it was interrupted. This motion may not be used to interrupt a speaker.
- b) A motion to recess may be amended only as to length of time, but neither the motion nor the amendment is debatable.

### **59. 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 meeting.

### **60. Adjournment of Regular Meeting**

A motion to adjourn a regular meeting or Public Hearing Meeting requires a majority vote, unless the Order of Business provides for a later adjournment and business remains unfinished, in which case a two-thirds vote is required.

### **61. Adjournment of Special Meeting**

A motion to adjourn a special meeting of Council requires a majority vote. If the motion fails, another motion to adjourn may only be made after further business has intervened.

### **62. Chair May Adjourn**

The Chair may adjourn a meeting without a motion to adjourn.

### **63. 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.

### **64. Motion to Challenge**

- a) Any ruling of the Chair on Parliamentary procedure 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 is debatable unless it relates to decorum, the priority of business or an undebatable pending motion.
- d) 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.
- e) 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.
- f) Unless there is two-thirds vote against it, the ruling of the Chair will be upheld.

### **65. Dividing Motions Into Parts**

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

### **66. Motions Previously Considered**

Once Council has dealt with any matter, a motion that would have a similar result may not be made.

## **Part 9 - Voting**

### **67. Motion Carried**

A motion will be carried when a majority of Council Members present at a meeting vote in favour of the motion, unless otherwise specified in this Bylaw.

### **68. Tie Vote**

A motion is lost when the vote is tied.

### **69. Loss of Quorum (Abstention)**

If a motion cannot be voted on because there would be no quorum due to abstention allowed or required by statute, then the matter will be dealt with as unfinished business and proceeded with at the next regular meeting of Council. If Council is unable to achieve quorum at any meeting on an issue due to allowable abstentions, then Council must ask the Minister of Municipal Affairs for an order under the Municipal Government Act.

### **70. Voting Procedures**

Votes on all motions must be taken as follows:

- a) Council Members must be in their designated Council seat when the motion is put;
- b) The Chair must put the motion;
- c) Council Members must vote by show of hands;
- d) The Chair must declare the result of the vote.

**71. No Change to Vote**

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

**72. Silence Once Question is Put**

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

**Part 10 – Rules Governing Debate**

**73. Order of Speakers**

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

**74. Address Presiding Officer**

Council Members must address the Chair when speaking.

**75. Prohibited Acts**

Council Members must not:

- a) Speak disrespectfully of the Sovereign or any of the Royal Family, or of the Governor General or of the Lieutenant Governor, or of any member of any governing body in Canada or Council;
- b) Use offensive words in Council Chambers, or against Council or any Council Member;
- c) Discuss a vote of Council, unless to move to reconsider, renew or rescind;
- d) Disobey the decision of the Chair or of the Council on any question or order, practice or interpretation.

**76. Request to Have Motion Considered**

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

**77. Opportunity to be Heard**

Each Council Member 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.

**Part 11 – Duties of the Chair**

**78. Chair to Maintain Order**

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

**79. Citing Reasons for Decisions**

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

**80. Leaving the Chair**

If the Chair wishes to leave the chair for any reason, he/she must call on the Deputy Mayor to preside.

**81. Granting Permission to Approach Council**

Anyone who is not a Council Member is not allowed to approach or to speak to any Council Member without the Chair's permission.

**Part 12 – Disciplinary Procedures**

**82. Calling a Council Member to Order**

That Chair may call to order any Council Member who is out of order.

**83. Naming a Council Member for an Offence**

When a Council Member has been warned about breaches of order but continues to engage in them, the Chair may name the Council Member by stating his/her name and declaring the offence. The Recording Secretary must note the offence in the minutes.

**84. Effect of Naming a Council Member**

If a Council Member who has been named:

- a) Apologizes and withdraws any objectionable statements;
  - i. That Council Member may remain and continue participating in the meeting;
  - ii. The Chair may direct that the notation of the offence be removed from the minutes;
- b) If that Council Member fails or refuses to apologize, then that Council Member must immediately leave Council Chambers and Council must vote on a motion to expel that Council Member.

A motion to expel must be decided without debate.

**85. Removal of Council**

If a Council Member has been expelled pursuant to Section 84, that Council Member must leave Council Chambers immediately. The Chair may order the RCMP to remove an expelled Council Member if that Council Member does not leave voluntarily.

**86. Disturbance by Public**

The Chair may order any member of the public who disturbs the proceedings of Council by words or actions to be expelled. A person who refuses to leave is guilty of an offence and the Chair may order the RCMP to remove the person.

**Part 13 – Public and Private Meetings**

**87. Public Meetings**

Council and Council Committee meetings will be held in public and no person may be excluded except for improper conduct.

**88. Private Meetings**

Council or Committee may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 Part 1 of the Freedom of Information and Protection of Privacy Act.

**89. No Resolutions in Private**

The only resolution that can be passed in a private Council or Committee meeting is a resolution to revert to a public meeting.

**Part 14 – Committee of the Whole**

**90. Motion to Form Committee of the Whole**

Any Council Member may move that Council resolve into Committee of the Whole to consider any matter.

**91. Chair of Committee of the Whole**

The Mayor will chair the Committee of the Whole

**92. Rules of Procedure in Committee of the Whole**

Procedures in Committee of the Whole only differ from Council's in that

- a) Council Members may speak more than once,
- b) These meetings are less formal than council meetings

- c) The only motions permitted are:
  - i. To adopt reports or recommendations and to recommend amendments
  - ii. To amend its own reports or recommendations
  - iii. To rise without reporting
  - iv. To rise and report, or
  - v. To revert from a private meeting to a public meeting.

**93. Rise and Report**

A motion to rise and report may be made at any time and must be decided without debate. Any matter which has not been decided will be considered lost.

**94. Rise Without Reporting**

A motion to rise without reporting is always in order and takes precedence over any other motion when Council is in Committee of the Whole. Debate is allowed and if the motion to rise without reporting is passed by a two-thirds vote, the motion that was on the floor is lost, the Presiding Officer will take the chair and the Council meeting will resume.

**95. Adopting Recommendations**

Any Council Member may move to adopt the recommendations of the Committee of the Whole and debate will only be allowed on any amendments proposed by Committee of the whole.

**Part 15 – Council Committees**

**Division 1 - General**

**96. Standing Committees**

The standing committees of Council are established as provided in Schedule "B"

**97. Appointing Special Committees**

Council may appoint special committees of one or more Council Members to undertake specific tasks.

**98. Appointing Council Committees**

Council may appoint Council Committees comprised of Council Members, Village employees, or any other individuals to investigate and report to Council or a Standing Committee about any matter.

**99. Council Responsibilities on Appointing Committees Task Forces**

When any Special Committee or Council Committee is appointed, Council must:

- a) Name it;
- b) Establish Terms of Reference;
- c) Establish the term of appointment, or direct that the special committee or Task Force exists at the pleasure of Council;
- d) Establish requirements for reporting to Council or a Standing Committee; and
- e) Allocate any necessary budget or other resources.

**100. Membership of Standing Committees**

The Terms of Reference of the Standing Committees of Council are as stated in Schedule "B".

**101. Quorum**

Quorum of any Committee is a majority of members.

**102. Mayor Ex-Officio Member**

The Mayor is a member by virtue of office, of all committees, unless Council has decided that the Mayor is an actual member of a particular committee. If the Mayor is a member by virtue of office and is present at a Committee meeting, the Mayor must be counted to determine quorum and has all of the rights to make motions and vote.

**103. Authority of Standing Committees**

- a) All committees are advisory to Council unless authority to exercise or perform any power or duty is specifically delegated by Council.
- b) Council Committees
  - i. May refer matters to other committees;
  - ii. May refer matters to Administration, through the CAO, for a report and may provide direction on the presentation of the report;
  - iii. May receive reports for information purposes. Reports received for information may be forwarded to Council at the discretion of the Committee and must be forwarded to Council if required by any other bylaw, policy or statute.
  - iv. Will submit recommendations to Council on any action of decision recommended on any matter within its jurisdiction;
  - v. May not appropriate, expend or direct the expenditure of any money not provided for in budget approved by Council.
- c) Committees have the responsibility of analyzing all matter placed before them and submitting recommendations to Council on ways and means of dealing with these matters. In appropriate cases, Committees may submit matters to Council without recommendation.
- d) Committee actions are not binding on the Village unless power to take such action has been specifically delegated to a Committee by Council.

**Division 2 – Committee Appointments**

- a) A member of Council may be appointed to a Committee even if the member is absent from the meeting at which the appointment is made.
- b) The first named member on any committee is its Chairman and the second named member its vice-chairman unless otherwise specified.
- c) The Mayor will recommend to Council appointments to committees and appointments of representatives to external organizations unless otherwise specified in this bylaw.
- d) The Mayor will base recommendations for appointments on the following considerations in the order listed:
  - i. The best interests of the Village
  - ii. The convenience of members
  - iii. The competence of members
  - iv. Willingness to serve
  - v. The desires expressed by members.
- e) The Mayor’s recommendations will be in the form of a nominating list which will be considered by Council Committee of the Whole in private. The nominating list may be amended by a majority vote. The nominating list, as amended, will be submitted to Council in a public session for approval.
- f) The Mayor and the Chair (or one Councillor) of the Committee with vacancies of public members may conduct interviews of applicants for appointment.
- g) The Mayor may appoint any member to take the place of any member of a Committee who is unable to attend a meeting of that Committee.

**Division 3 – Procedural Rules for Committees**

**104. Rules governing Debate in Committee**

Unless otherwise stated, the following rules apply to committees

- a) Informal discussion of a subject is permitted when no motion has been made.

**105. Council Rules to Supplement Committee Rules**

Unless specific rules for Committee procedures exist, Committees must follow the procedural rules of Council.

**Part 16 – Bylaws**

**106. 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.

**107. Notice of Proposed Bylaw**

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

**108. First Reading**

A proposed bylaw must be introduced at a Council meeting by a motion that "Bylaw number (specify the number assigned by the CAO) be read for the first time". Council may hear an introduction of the proposed bylaw from administration.

Council will vote on the motion for the first reading without amendment or debate.

**109. Second Reading**

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

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

- a) Debate the substance of the bylaw;
- b) Proposed and consider amendments to the bylaw.

**110. Third Reading**

After second reading has been given, any Council Member may move that "Bylaw number (specifying the bylaw number) be read a third time and finally passed".

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:

- a) Debate the substance of the bylaw;
- b) Propose and consider amendments to the bylaw.

**111. 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 Council Members must be given an opportunity to review the full context of the amendments, and
- b) The Chair must put the question that "Bylaw Number (specify the bylaw number), as amended, be given third reading".

**112. Number of Readings Allowed at a Meeting**

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

**113. Failure of a Reading**

If any reading of a proposed bylaw fails"

- a) Any previous readings are rescinded, and
- b) First reading of a proposed bylaw may not be dealt with again.

Subject to the Land Use Bylaw, failure of any reading of a proposed bylaw will not preclude the introduction of another proposed bylaw with similar terms and effects.

**114. Signing and Sealing of Bylaws**

The Mayor or Presiding Officer must sign and the CAO or designate must sign and seal the bylaw as soon as reasonably possible after the third reading is given.

**115. 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.

## **Part 17 – Statutory and Non-Statutory Hearings**

### **Division 1 – Non-Statutory Hearings**

#### **116. Persons Wishing to Address Council**

- a) If a person wishes to speak to Council or a Committee on any matter for which a hearing is not required by statute, that person must notify the CAO in writing and must state the reason for the request to speak. After receiving the request to speak the CAO will place the matter on the Council or appropriate Committee agenda under the delegation portion of the agenda.
- b) A person may only address at any other time during a meeting if the Councillors present unanimously agree.

#### **117. Council Consideration of Request**

Council may:

- a) Determine whether to hear the person or an individual authorized to speak for the person pursuant to Section 127;
- b) Hear the person and refer the matter to a Committee or Administration; or
- c) Consider a motion on the subject matter of the presentation in accordance with the Order of Business.

#### **118. Committee Consideration of Request**

A Committee must hear any person referred to it by Council. A Committee may refuse to hear a person making a direct request to be heard by that Committee.

#### **119. Procedural Rules for Non-Statutory Hearings**

The following procedures will apply to non-statutory hearings before Council or any Committee:

- a) A person will be allowed five minutes to speak to the matter;
- b) No more than two spokespersons will be heard on behalf of any delegation;
- c) The time allowed to speak may be extended:
  - i. To 10 minutes by the Chair
  - ii. Beyond 10 minutes by majority vote
- d) After a person has spoken, any Council or Committee Member may ask that speaker relevant questions; and
- e) Any Council or Committee Member may ask the Administration relevant questions after all persons granted permission to speak have spoken.

### **Division 2 – Statutory Hearings**

#### **120. Statutory Hearings**

- a) All statutory hearings must be conducted during a regular or special Council meeting.
- b) The date, time and location of a statutory hearing must be established by resolution of Council.

#### **121. Time for a Statutory Hearing on a Bylaw**

The statutory hearing on any proposed bylaw or resolution must be held before:

- a) Second reading of the bylaw; or
- b) Council votes on the resolution.

#### **122. Rules for Statutory Hearings**

To begin a statutory hearing, the Chair must ask if anyone is present to speak to the proposed bylaw or resolution.

#### **123. When Speaker Present**

If a person indicates that he/she is present to speak to the proposed bylaw or resolution, the following procedures will apply;

- a) The Administration will introduce the proposed bylaw or resolution;
- b) The Chair will inform Council on the number and nature of written submissions;



- c) Persons will be allowed five minutes to speak, those in favour first, followed by those opposed;
- d) After a person has spoken, any Council Member may ask that speaker relevant questions;
- e) Any Council Member may ask Administration relevant questions after all persons who wish to speak have been heard;
- f) Council must allow an opportunity to all persons to respond to any new information that has arisen; and
- g) The Chair may then close the hearing.

**124. When no Speaker Present**

- a) If no one is present to speak to a proposed bylaw which requires a statutory hearing;
  - i. Council may hear an introduction of the matter from the Administration;
  - ii. The Chair will inform Council on the number and nature of written submissions;
  - iii. Any Council Member may ask Administration relevant questions, and
  - iv. The Chair may close the hearing.
- b) After the close of the statutory hearing Council may debate the proposed bylaw or resolution in accordance with the Order of Business and may;
  - i. Pass the bylaw or resolution;
  - ii. Make any necessary amendments to the bylaw or resolution and pass it without further advertisement of hearing.

**125. Abstention**

A Council Member who was absent for all of a public statutory hearing on a proposed bylaw or resolution must not vote. A Council Member who was absent for part of a statutory hearing may choose not to vote. If a Council Member does not vote, the abstention must be recorded.

**Division 3 - Representatives**

**126. Written Authorization to Speak for Another**

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

- a) Be in writing;
- b) Name the individual authorized to speak;
- c) Indicate the proposed bylaw to be spoken to, and
- d) Be signed by the person giving the authorization.

**127. Statement of Authorization**

The authorized speaker must state the name of the person that the speaker represents and must present the written authorization to the CAO.

**128. Representing More than one Person**

Notwithstanding that an authorized speaker represents more than one person; he/she will be allowed only five minutes to speak. The time allowed to speak may be extended:

- a) To 10 minutes by the Chair;
- b) Beyond 10 minutes by majority vote.

**Part 18 - Communications**

**129. Requirements for Written Communications**

Any written communications intended for Council or a Committee which reaches the CAO must:

- a) Be legible and coherent;
- b) Be signed by at least one person who provides a printed name and address;
- c) Be on paper; and
- d) Not be libelous, impertinent or improper.

**130. CAO to Process Communications**

If the requirements of Section 129 are met, the CAO must;

- a) Refer the communication to the Administration for a report or a direct response, and inform the Council Members of the referral;

- b) If it relates to an item already on the agenda, deliver a copy of the communication to Council Members with the agenda or at the meeting;
- c) Send a copy of the communication or a summary of it to all Council Members for information; or
- d) Take any other appropriate action on the communication.

**131. Disposal of Communications**

If the requirements of Section 129 are not met the CAO may:

- a) File the communication, or dispose of it;
- b) Unless the CAO determines the communication to be libelous, impertinent or improper, in which case the CAO must summarize the communication and inform Council that it is being withheld.

**132. Advise Communicator**

The CAO must make reasonable efforts to respond to the person sending the communication and to advise that person of any action taken on the subject of the communication.

**133. Debate on Communications**

Council may"

- a) Direct that any communication being withheld under Section 131 be forwarded to Council;
- b) Refer any communication to the Administration or a Committee for a report or recommendation; or
- c) Give other instructions on the communication;
- d) Consider motions on the substance of the communication.

**134. Petitions**

Any matter required to be brought to Council by way of petition must be supported by a petition that complies with the Municipal Government Act or other applicable legislation.

**Part 19 – Amendment and Repeal**

**135. Amending or Repealing this Bylaw**

To amend or repeal this Bylaw, Council must:

- a) Unanimously pass a bylaw at a regular or special meeting of Council at which all Council Members are present; or
- b) Pass a bylaw at a regular meeting of Council following written notice of motion openly announced at a meeting of Council held at least five days prior to presentation of the bylaw for first reading.

**136. Severability**

Despite that any section or sections of this bylaw, or any part or parts thereof, may be found by any court of law to be invalid or illegal that section or sections or part or parts thereof, shall be deemed to be severable, and all other sections of this bylaw, or parts thereof, are separate and independent there from and enacted as such.

**137.** This Bylaw will come into force on the date of third and final reading.

Read a first time this 14 day of November, 2011.

Read a second time this 28 day of November, 2011.

Read a third and final time this 14 day of December, 2011.

Signed by the Chief Elected Official and Chief Administrative Officer this 14 day of December 2011

Original Signed by Mayor  
\_\_\_\_\_  
Mayor

Original signed by CAO  
\_\_\_\_\_  
Chief Administrative Officer



**BY-LAW No. A770**

**VILLAGE OF CONSORT  
PROCEDURE BYLAW  
ORDERS OF THE DAY  
SCHEDULE "A"**

**Regular Council Meeting**

1. Call to Order
2. Adoption of Agenda
3. Adoption of previous minutes
4. Public Hearings
  - a) Call to Order
  - b) Introduction by Administration
  - c) Presentations/submissions
  - d) Close Public Hearing
  - e) Business arising from the Hearing
5. Delegations
6. Financial Reports
7. Bylaws
8. New Business
9. CAO & Staff Reports
10. Correspondence for Information
11. Discussion Period
12. In-Camera
13. Adjournment



**BY-LAW No. A770**

**VILLAGE OF CONSORT  
PROCEDURE BYLAW  
STANDING COMMITTEES  
SCHEDULE "B"**

**1. STANDING COMMITTEES OF COUNCIL**

- a) Transportation Committee
- b) Emergency Services Committee
- c) Utilities Committee
- d) Disaster Services Committee

**2. AUTHORITY**

Standing Committees will study all matters placed before them and make recommendations to Council on ways and means of dealing with these matters.

**3. MEMBERSHIP AND DUTIES OF STANDING COMMITTEES**

**Membership**

The Transportation Committee will consist of two (2) members of Council.

**Duties**

- a) The Transportation Committee will deal with policy matters and programs for transportation within the Village of Consort.
- b) Has responsibility for the following functions:
  - i. Snow removal
  - ii. Public Works
  - iii. Streets and sidewalks
  - iv. Grass Cutting
  - v. Fleet Management
- c) Deals with any other matters referred to it by Council.

**Membership**

The Emergency Services Committee will consist of two (2) members of Council.

**Duties**

- a) The Emergency Services Committee will deal with policy matters and programs for emergency services within the Village of Consort.
- b) Has responsibility for the following functions:
  - i. Crime Prevention
  - ii. Medical Clinic
  - iii. Seniors
  - iv. Enforcement Services
  - v. Fire Protection
  - vi. RCMP
  - vii. Emergency Management
  - viii. Doctor Retention and Recruitment
- c)
- d) Deals with any other matters referred to it by Council.

**Membership**

The Utilities Committee will consist of two (2) members of Council.

**Duties**

- a) The Utilities Committee will deal with policy matters and programs for the provision of utilities to the residents of the Village of Consort.
- b) Has responsibility for the following functions:
  - i. Water
  - ii. Sewer
  - iii. Waste Management
  - iv. Power
  - v. Gas
- c) Deals with any other matters referred to it by Council.

**Membership**

The Disaster Services Committee will consist of three (3) members of Council, with one member being appointed as Deputy Director of Disaster Services.

**Duties**

- a) The Disaster Services Committee will deal with policy matters and programs for the protection of persons, property and services within the Village of Consort.
- b) Has responsibility for the following functions:
  - i. Emergency management
  - ii. Emergency Operations Centre
  - iii.
- c) Deals with any other matters referred to it by Council.



**BY-LAW No. 770**

**VILLAGE OF CONSORT  
PROCEDURE BYLAW**

**Terms of Reference for External Boards, Committees and Commissions  
SCHEDULE "C"**

1. The purpose of appointing representatives to external boards, committees or authorities is to ensure that Council as a whole is informed of committee, board or authority business on behalf of the Village of Consort.
2. Annually, at the Organizational Meeting, Councillors will be appointed to serve on various house and external committees, boards or authorities.
3. Councillors serving on committees, boards or authorities shall represent the interest of the whole Village and shall keep Council informed of committee, board or authority business.
4. Following the appointment of the Mayor, Councillor or member-at-large to a committee, board or authority the CAO shall advise the committee, board or authority of the appointment and of the following:
  - a) That the secretary of the committee, board or authority shall forward to the Village of Consort a copy of the minutes of that committee, board or authority so that they may form a part of correspondence for information for Council. A copy of these minutes shall be forwarded as soon after the meeting being held as UNAPPROVED MINUTES.
  - b) That where the Mayor or a Councillor is appointed to a committee, board or authority, they shall not be expected to act as advocate for the committee, board or authority. For significant issues such as funding requests, long term planning issues these should be presented to the Village of Consort by the Chair, or their designate of the committee, board or authority.
5. Councillors shall provide reports of their attendance to these committees, boards or authorities meetings in order to keep the Council updated on the affairs of the different committee, boards or authorities.
6. Council Members appointed by Council resolution to represent the Village on any committee, board or authority does not have unlimited authority to act without Council approval on any matter. Council Members appointed in such positions are representatives of Council only and must report to the Council of any committee, board or authority action.
7. Any committee, board or authority requesting funding shall before December 1<sup>st</sup> each year prepare a budget and an estimate of the money required during the ensuing fiscal year to operate and manage the committee, board or authority.
  - a) The budget and the estimate of the money shall be forthwith submitted to the CAO of the municipality;
  - b) Council may approve the estimate under section 7a) in whole or in part.
8. As soon after as the audited financial statements for the respective committees, boards or authorities have been prepared a copy of such documents shall be given to the CAO for information for Council at a subsequent council meeting.