BY-LAW No. A-840

A BY-LAW OF THE VILLAGE OF CONSORT IN THE PROVINCE OF ALBERTA TO REGULATE THE PROCEDURES OF COUNCIL MEETINGS AND THE TRANSACTION OF BUSINESS BY COUNCIL FOR THE MUNICIPALITY

WHEREAS, it is Council's desire to establish and follow a process and procedure of municipal governance that reflects an open, transparent government where decisions are made after all information has been provided; and

WHEREAS, the *Municipal Government Act*, being Chapter M-26, as amended, provides that a Council of a Municipality may pass Bylaws in relation to the procedures of Council and Council committees and the conduct of elected officials and members of Council committees; and

The Council of the Village of Consort hereby establishes the following rules and regulations for the order and conduct in which the business of all Council meetings shall be transacted.

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

1.1 TITLE

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

Part 2 –Purpose and Definitions

2.1 PURPOSE

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

2.2 DEFINIITONS

The following words and phrases mean:

"Act" means the *Municipal Government Act*, R.S.A.2000, c. M-26, as amended or repealed and replaced from time to time;

"Administration" Means the employees of the Municipality of Consort;

"Agenda" means the agenda for Regular or Special meetings of Council prepared pursuant to Part 9 of this bylaw;

"Bylaw " means a Bylaw of the Village of Consort;

"CAO" means the Chief Administrative Officer appointed by the Council to that position under the provisions of the *Municipal Government Act*;

"Council" means the municipal Council of the Village;

"Council Committee"
Means any committee, board or other body established by Council under the *Municipal Government Act*;

"Delegation" means 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"
Means the member who is elected pursuant to the Act to act as Mayor in the absence or incapacity of the Mayor;

"Electronic Communications"
Shall mean that members of Council may attend a Council of general management committee through electronic communications. This can include using a telephone with the use of the speaker, via personal computer, or other means as technology advances;

"Emergent Items"
Means 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" means those persons employed full-time, part-time, casually, seasonally, on contract, or as a volunteer, by and for the Village of Consort;

"Ex-officio" means by right of office, a member to all boards and committees in the absence of the appointed or alternate member;

"General Management Committee"
Shall refer to members of Council and administrative leadership team;

"In-Camera" means the portion of the meeting at which only members of Council and other persons designated by Council may attend;

"Mayor" shall mean the Chief Elected Official or Presiding Officer of the Village of Consort elected by the Council to act as the Mayor, whose duties are set out in the Municipal Government Act and who presides at council meetings;

"Member" means a member of Council duly elected and continuing to hold office, or where the context requires, a member of a Council committee appointed by Council;

"Municipality"
Means the Corporation of the Village of Consort;

"Notice of Motion"
Is the means by which a member of Council brings business before Council that is not on the approved agenda;

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

"Postpone" means 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"
Means the Mayor, or in the absence of the Mayor, the Deputy Mayor, or Chairperson charged with maintaining order and proceeding of a meeting;

"Public Hearing"
Means a meeting of Council convened to hear matters pursuant to the Act;

"Rescind" to repeal, cancel or revoke;

"Quorum" means the majority of all members, being fifty (50) percent plus one (1) unless Council provides otherwise in this bylaw;

"Special Meeting"
Means a meeting called by the Mayor pursuant to the Act.

Part 3 – Interpretation and Application

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

3.2 Application
This Bylaw applies to all members attending meetings of Council, General Management Committee, and Council Committees as identified.

3.3 Suspension of the Rules
In the absence of statutory obligation, any provision of this bylaw may be temporarily altered or suspended by an affirmative vote of two-thirds of all members present. A motion to temporarily alter or suspend this bylaw is not debatable or amendable.

3.4 Words importing the masculine gender only, include the feminine gender whenever the context so requires and vice-versa.

3.5 Words importing the singular shall include the plural or vice-versa whenever the context so requires.

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

Part 4 – Organizational Meeting

4.1 Organizational Meetings
Council shall hold an Organizational Meeting not later than two weeks after third Monday in October each year.

4.2 The CAO shall set the time and place for the Organizational Meeting, the business of the meeting shall be limited to:

a) Council must:
   i. Elect the Mayor for the coming year;
   ii. Elect the Deputy Mayor for the coming year;
   iii. Appoint Council members to committees and
   iv. 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.
c) Any other business required by the MGA, or which Council or the CAO may direct.
d) Appointments of Council members to committees shall be for a term of one year, unless otherwise specified and reviewed at the Organizational Meeting.

Part 5 – Regular and Special Meetings

5.1 Time, Date and Location of Meetings

The date and time of regular Council meetings regular are held on the 2nd and 4th Mondays of every month except the month of July, August and December whereby only one Council meeting will be held on the 2nd Monday. If a regular Council meeting falls on a statutory holiday, the meeting will take place on the next business day.

5.2 Regular Meeting

Regular Council Meetings shall commence at 7:00PM and adjourn by 11:00PM, unless Council passes a motion to extend the meeting by a Two-thirds vote.

5.3 Meeting Place

Regular Council meetings and Public Hearing meetings will be held in the Council chambers of the municipal office at 4901 – 50 Avenue.

5.4 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 post the notice in a public office
b) Posting a public notice in the front foyer of the Municipality's Administration Office or on the social media platform is sufficient notice to the public if administration is unable to advertise the change in the local paper or post it on the Village website.

5.5 Meetings are Open to the Public

All meetings will be open to members of the public, except for In-Camera portions of the meeting.

5.6 In-Camera Meetings

Council has the authority to move "In-Camera" pursuant to Section 197(2) of the MGA for the purposes of:

a) Protecting the municipality, its operations, economic interests and delivery of its mandate from harm that could result from the release of certain information;
b) To comply with Division Two of Part One of the *Freedom of Information and Protection of Privacy Act*.

5.7 Matters which may be discussed In-Camera, include the following:

a) Personal privacy including wages, salary and other personnel matters such as confidential evaluations;
b) Business interests of a third party, any information regarding contract negotiations;
c) The acquisition, sale, lease or exchange of land;
d) Matters involving litigation, or the discussion of legal advice provided to the Municipality;
e) Matters concerning RCMP investigations or confidential reporting; and
f) Information pertaining to the Village's accounting practices;
g) Intergovernmental relations;

h) Privileged information;
i) Conservation of Heritage sites;
j) Advice from officials;
k) Individual or public safety;
l) Economic/other interests of public body;
m) Testing procedures, tests and audits.

Part 6 - Quorum

6.1 When Quorum is present at the time set for commencement of a Council meeting, the Mayor shall call the meeting to order.

6.2 If there is a quorum present at the time set of commencement of Council meeting, but the Mayor and Deputy Mayor are absent, the CAO shall call the meeting to order and shall call for a Presiding Officer to be chosen by resolution.

6.3 If quorum is not constituted within fifteen (15) minutes from the time set for commencement of a Council meeting, the CAO shall record the names of all the members present and adjourn the meeting.

6.4 Whenever a vote on a motion before Council cannot be taken because of a loss of quorum resulting from:
a) The declaration of pecuniary interest or conflict of interest; or
b) From a Councillor or Mayor not being present for all or part of a Public Hearing;
Then the motion shall be the first order of business to be proceeded with and disposed of at the meeting of Council under that particular order of business.

6.5 If a quorum is lost for any other reason than those aforementioned in section 6.4, the meeting is adjourned.

Part 7 – Meeting Through Electronic Communications

7.1 Council members may attend a Council meeting by means of electronic communication. Acceptable alternatives include: through the use of a telephone (with speaker on), ensuring that dialogue is available for both parties, through the use of a personal computer, or other means as technology advances.

7.2 A Council member may attend regular or special Council meetings by means of electronic communication a maximum of three (3) times per calendar year, unless otherwise approved by Council.

7.3 A Council member shall be permitted to attend a meeting using electronic communication if that location is able to support its use, ensuring that all Council members participating in the meeting are able to communicate effectively.

7.4 A Council member attending a meeting via electronic communications is deemed to be present at the meeting for whatever period of time the connection via electronic communications remains active.

7.5 The Mayor, Deputy Mayor or Presiding Officer shall announce to those in attendance at the Council meeting that a Council member is attending the meeting by means of electronic communications.

7.6 When a vote is called, Council members attending the meeting by means of electronic communications shall be asked to state their vote after all other Council members present at the meeting have cast their votes by a show of hands.

7.7 When a Council member attends an In-Camera session, they will be required to confirm that they have attended the In-Camera session alone in keeping with the definition in this

bylaw of "In-Camera" by providing a statutory declaration of affidavit sworn or declared before the CAO or Commissioner for Oaths prior to the next regular Council meeting.

Part 8 – Cancellation of Meetings

8.1 A regular meeting may be cancelled:

a) By a vote of the majority of members at a previously held meeting; or
b) With written consent of a majority of members, providing twenty-four (24) hours' notice is provided to members of the public; or
c) With written consent of two-thirds (2/3) members of Council if twenty-four (24) hours' notice is not provided to the public.

8.2 A special meeting of Council may be cancelled:

a) By the Mayor if twenty-four (24) hours written notice is provided to all members and the public, or;
b) By the Mayor, with written consent of two-thirds (2/3) of the members, if less than twenty-four (24) hours' notice is provided to all members.

Part 9 – Agendas for Council Meetings

9.1 The agenda for each regular Council meeting shall be prepared by the CAO or designate and provided together with copies of all pertinent correspondence, statements and reports to each member of Council by Friday prior to the meeting on Monday of the following week.

9.2 Any Council member, Municipal official, or any other person wishing to have an item of business placed on the agenda for a regular Council meeting, shall make the submission to the CAO not later than 12:00 noon on the Wednesday of the week prior to the meeting. The submission shall contain adequate information to the satisfaction of the CAO to enable the Council to consider the matter.

9.3 When the CAO receives a request for presentation to the Council, he/she shall place it on the Council agenda. If the communication is considered administrative in nature, the originator will be notified of the administrative follow-up by the CAO.

9.4 The general order of business on the agenda shall be as follows; however, the actual order may be adjusted by Council as necessary;

a) Call to Order
b) Modification to or Adoption of Agenda
c) Presentations or Delegations
d) Public Hearings
e) Adoption of Minutes
f) Unfinished Business
g) New Business
h) Bylaws
i) Financial Reports
j) Correspondence
k) CAO Report
l) Discussion Period (Council Reports & Notices of Motion)
m) In-Camera
n) Adjournment

Part 10 – Council Meetings

10.1 The CAO may delegate any duties relating to Council to other administrative personnel, but shall remain responsible for the performance of those duties.

10.2 If a member of the Council arrives late, leaves before the meeting is adjourned, or is

temporarily absent from the meeting, it shall be so recorded in the minutes.

10.3 The CAO or designate shall record in the minutes, each time a member of the Council is absent, and each time a member of Council refrains from discussion and voting by reason of absence or pecuniary interest as well as the general nature of the pecuniary.

Part 11 – Presentations

11.1 The presentations portion of Council meeting shall provide:

a) An opportunity for individuals to appear as a formal delegation (i.e. they have submitted information in accordance with Section 9.2 of this bylaw and their submission has been included in the agenda package distributed to Council); and
b) An opportunity for members of the public to ask questions or make brief presentations to Council on matter of public interest or concern.

11.2 As a guideline, the recommended total time allotment for all presentation at a Council meeting (registered and unregistered presentation) is thirty (30) minutes, subject to the discretion of the Presiding Officer.

11.3 All persons wishing to address Council will be required to give their name, topic of concern and whether there has been any previous contact with a member of Council of Administration regarding the matter.

11.4 When individuals wish to appear before the Council as a Registered Presentation, their information will be submitted in accordance with section 9.2 of this bylaw and their presentation to Council shall be limited to ten (10) minutes, followed by questions from Council members. When individuals wish to appear before Council during a Public Hearing, their appearance shall be limited to ten (10) minutes.

11.5 In the event that all persons who expressed an interest to speak at a Council meeting cannot be heard within the allotted amount of time for Presentations, they will be invited to attend and appear before the next regular Council Meeting; otherwise a time extension beyond the 30 minutes is subject to the discretion of the Presiding Officer.

11.6 Council will not entertain submissions from the public on issues that are before the Subdivision and Development Appeal Board, the courts, or require a statutory Public Hearing.

11.7 A response to each speaker's comment/concerns will be provided through one or more of the following:

a) A resolution of Council at the meeting; or
b) Referral of the matter to the Administration for review and recommendation at a subsequent time, depending on the significance of the issue and the time required to adequately research the matter.

Part 12 – General Rules of Council

12.1 Council meeting shall adjourn at 11:00PM (if in session at that hour), unless the members of the Council present, by a 2/3 majority vote, agree to extend the time.

12.2 Every person wishing to speak during a Council meeting shall address their comments through the Mayor. The Mayor shall be addressed as "Your Worship," and no person shall be permitted to speak unless and until the Mayor has granted that person permission.

12.3 A meeting may be adjourned by a motion or by declaration of the Mayor. A declaration by the Mayor to adjourn a meeting may be appealed through a motion decided by a majority of members.

12.4 Council or council committee meetings may be filmed or recorded by accredited media on permission of Council.

Part 13 - Motions

13.1 The time limit for speaking shall be set at 3 minutes and the number of times that a member may speak on the same motion or matter will be twice.

13.2 **A motion of Council does not require a seconded, a mover is sufficient**.

13.3 After a motion is made, it may be withdrawn by the mover at any time before a vote is taken or an amendment is made.

13.4 The CAO or designate shall record all motions in writing before the motion is debated or put to a vote.

13.5 The Mayor shall reference all motions before they are debated or voted upon.

13.6 No motion shall be offered that is substantially the same as one that has already been expressed during the same meeting.

13.7 Where a matter under consideration contains several distinct propositions, a member may request, or the Mayor may direct, that each proposition be made as a separate motion.

13.8 After the Mayor, has called the vote, no member shall speak to the motion nor shall any other motion be made until after the result of the vote has been declared.

13.9 Voting on all motions shall be done by clearly raising one hand so that the Mayor may easily count them. When using electronic communications, the Mayor will ask whether the member is voting for or against the motion. After the Mayor has counted the vote, he/she shall declare whether it was "carried", "carried unanimously" or "defeated". Except where provided for in this bylaw or by applicable legislation, a majority vote of the members present, who are eligible to vote, shall decide a motion or question before the Council. **If the vote results in a tie; the motion will be considered defeated.**

Part 14 – Motions Before Council

14.1 When a motion has been made and is being considered by the Council, no other actions may be considered except:

a) A motion to *refer* to some other party for consideration, or to *withdraw* the motion;
b) A motion to *amend* the motion;
c) A motion to *table* the motion (the motion remains pending in order to address another urgent matter at that meeting);
d) Motion to *postpone* the motion to a future date (not beyond the third month from when it was presented);
e) A motion to *adjourn* the meeting; and/or, any necessary resultant motion to postpone shall not be debated except to determine the time when the matter will be reconsidered; or,
f) A motion of privilege, an incidental or a subsidiary motion.

14.2 A motion to refer, adjourn, postpone or to table, until it is voted upon, shall preclude all amendments to the main motion. A motion to refer or postpone is debatable, while a motion to table is not. A motion to adjourn is not debatable unless stated in section 14.1(e) above.

14.3 Each motion to amend or motion to amend an amendment to a motion;

a) Must be relevant to the motion on which it is proposed. Any amendment that raises a new question can only be considered as a new distinct motion.
b) Must not propose a direct negative which would be considered out of order;
c) Must be decided upon or withdrawn before the main motion is put to a vote. Only one amendment at a time to the main motion shall be allowed; and only one amendment to an amendment shall be allowed at one time;
d) Shall not be moved by the original mover of the motion or the amendment;
e) Must not enlarge the scope of the amendment (an amendment to an amendment), but should only deal with matters not covered by the original amendment;
f) Shall only be sub-amended one time. A request for a second amendment to an amendment would require the current motion to be defeated and a new motion to be moved.

14.4 A motion to *reconsider* a motion shall:

a) Only be made at the same meeting the motion was decided;
b) Only be made by a member who voted with the prevailing side of the motion involved;
c) Not be proposed more than once for a specific motion at any one meeting of Council;
d) Be decided by a majority of the members of Council present; and
e) Not be allowed on a motion of adjournment.

14.5 A motion to *rescind* a previous motion of Council may;

a) Be made by any member of the Council; and
    i. Be offered at any time subsequent to the meeting at which the original motion was passed;
    ii. Be passed by:
        1. A vote of 2/3 of the members of Council (who hold office at the time) when the motion is without notice; and
        2. A simple majority of the members of Council present when notice has been given. Notice shall be through a Notice of Motion or the inclusion of the item on an agenda delivered to the members of council before the meeting.
b) The previous motion has not been acted upon to the extent that the Municipality has undertaken or become subject to any liability or obligation; or
c) Was not a motion for reading of a bylaw.

14.6 A motion that will address a bylaw for the first reading shall be decided **without amendment or debate, but motions for subsequent reading are** debatable. Each bylaw shall be read a first, second, and third time before being signed by the Mayor and CAO. Unanimous agreement is required to have the third reading at the same meeting.

Part 15 – Notice of Motion

15.1 Council members may bring forward notices of motion as an item on the agenda of a regular Council meeting. Once the Notice of Motion is stated, it will be recorded in the meeting's minutes.

15.2 A written copy of the Notice of Motion shall be provided to the CAO prior to the meeting's adjournment.

15.3 The Notice of Motion will be placed on the next regular Council meeting agenda that the elected official who made the Notice of Motion is present, to vote whether the matter will proceed.

15.4 Once approved by Council, a Notice of Motion given at a regular Council meeting will be addressed in a time frame not beyond the end of the third month from when it was presented, unless Council directs differently.

15.5 A Notice of Motion cannot be made at a special Council meeting.

15.6 A motion on Notice is not debatable until a Council member moves the motion.

Part 16 – Miscellaneous

16.1 No member shall:

a) Use offensive words in or against the Council;
b) Speak to a subject, except upon the question in debate;
c) Reflect upon any vote of the Council except for the purpose of moving that such a vote be rescinded or reconsidered; or
d) Resist the rules of Council or disobey the decision of the Mayor or the Council on any question of order or practice or upon the interpretation of the rules of the Council. If any member shall so resist or disobey, they may be ordered by a majority vote of the Council to leave their seat for that meeting and should they refuse to do so, the Mayor may request that they be removed by law enforcement. Should the offender provide an ample apology, they may, by majority vote of the Council (without debate) be permitted to return to their seat.

16.2 The Council may adjourn from time to time to a fixed future date, any special meeting of Council that has been duly convened, but not terminated. The object of adjourning is to finish the business for which the meeting was called, but which has not been completed.

16.3 No member of the Council shall have the power to direct or interfere with the performance of any work of the Corporation. Council members may seek information through the office of the CAO as established in the Communications Protocol.

Part 17 – Petitions

17.1 Statutory petitions will be submitted to the CAO and will be processed in accordance with the *MGA*.

17.2 On receipt of a non-statutory petition, the CAO may do the following:

a) Include it as an item on the agenda for the next regular meeting of Council in full or summary form;
b) Refer it to Administration for a report to Council or appropriate Council committee; circulate it to the members of Council individually as information if it does not require any further action by Council.

Part 18 – Deputy Mayor

18.1 The Council at its Organizational Meeting in each year, or as required shall elect from its members, Deputy Mayor to serve for a one-year term until the next organizational meeting the following year.

Part 19 –Committees and Boards

19.1 The Council shall appoint Council representatives to such committees, boards and commissions as required by legislation, agreement or bylaw as they deem necessary. Unless an immediate appointment is required mid-term, these appointments shall be made on an annual basis at the Organizational Meeting.

19.2 The Council may make appointments to a committee at any time, providing that the Council has adopted a bylaw or resolution specifying the terms of reference of the

committee. Terms of reference as stated and attached to this bylaw as Schedule "A" if the board, committee or commission is being delegated budgetary responsibilities; whereas adoption through resolution may be used for other committees.

19.3 It shall be the duty of the Chairman of each board or committee (or his designate), to summon members for meetings.

19.4 The Mayor shall be an ex-officio member of all Council committee and bodies which Council has a right to appoint members under the *MGA*. (Does not apply to certain committees, e.g. SDAB, ARB, etc.)

19.5 Appointed Council members **shall** keep the rest of the Council informed on the actions of committees or boards to which they are appointed by Council, by providing regular activity highlights through their Councillor's reports and statements.

Part 20 - Communications

20.1 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.

20.2 If the requirements of Section 20.1 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.

20.3 If the requirements of Section 20.1 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.

20.4 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.

Part 21 - Severability

21.1 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.

Part 22 – Coming in To Force and Repeal

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

22.2 That Bylaw A-801 now is repealed.

Read a first time this 27 day of November, 2017.

Read a second time this 27 day of November,

2017.

Read a third and final time this 27 day of November, 2017.

Signed by the Chief Elected Official and Chief Administrative Officer this 27 day of November 2017

Mayor

Chief Administrative Officer