

Village of Hay Lakes

By-Law 06-2011

A by-law of the Village of Hay Lakes to regulate the procedure and conduct of Council and Council Committee Meetings.

WHEREAS GIVEN THAT Council of the Village of Hay Lakes considers it expedient and desirable for effective governance to regulate the procedure and conduct of council, councilors and others attending council and council committee meetings in the Village of Hay Lakes;

NOW THEREFORE the Council of the Village of Hay Lakes, in the Province of Alberta, duly assembled, enacts the follow:

CITATION

1. This bylaw may be cited as the "Procedures By-Law" and Committees

INTERPRETATIONS

2. In this by-law,
 - a. "Agenda" means order of business, program of a business meeting;
 - b. "CAO" means the chief administrative officer or his/her delegate, for the Municipality;
 - c. "CEO" means the Mayor or Reeve (*what ever the case may be*);
 - d. "Committee" means a committee of councils that is a standing committee, special committee, or a council committee
 - e. "Committee of the Whole" means a meeting that permits Council to function informally and freedom of debate where decisions are referred to a regular meeting;
 - f. "Delegation" means any person that has permission of council to appear before council or a committee of council to provide pertinent information and views about the subject before council or council committee;
 - g. "Emergent items" shall be considered as those items of an emergency 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 council;
 - h. "Ex-officio" by right of office, a member to all boards and committee in the absence of the appointed or alternate member;
 - i. "Lay on the table" means a pending question is set aside temporarily when something more urgent has arisen;
 - j. "Member" means a councilor or persons at large appointed by council to a committee of council;
 - k. "Meetings" means meetings of council and council committees;
 - l. "Motion" means to move a formal suggestion in a meeting and the resolution of same (the act or result of).....;
 - m. "Municipality" means the Municipality of Hay Lakes, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality;
 - n. "Orders of the day" means agenda for the meeting;

- o. "Point of order" means a demand by a member that the Chair enforce the rules of procedure;
- p. "Point of privilege" means a request made to the Chair or Council on any matter related to the rights and privileges of Council or individual councilors and includes the organization or existence of council, comfort of members, conduct of employees or members of the public in attendance at the meeting, or.....;
- q. "Postpone" means to delay the consideration of any matter either to a definite time when further information is to be obtained or indefinitely;
- r. "Previous question" means a motion to end debate and vote on the motion under debate;
- s. "Rescind" means to repeal, cancel or revoke;
- t. "Reconsider a motion/resolution passed at the same meeting" allow a motion to be brought back by a member who voted with the prevailing side;
- u. "Reconsider a motion/resolution passed at a subsequent meeting" means 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;
- v. "Special resolution" means a resolution passed by a two-thirds majority of all members;
- w. "Table" means 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 (or may mean to table to a time certain);
- x. "Vote by raising hand" means each member present shall indicate a vote by raising his/her hand when the question is call by the chairman for either "those in favor" or " those opposed";
- y. "Withdraw a motion" permits a member to remove a question from consideration even after the motion has been restated by the chair;
- z. Any reference to a named act is a reference to an Act of the Legislature of Alberta, as amended from time to time;
- aa. Where a by-law references a Village staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is know by;
- bb. The precedence of rules governing the procedure and of Council and Council Committee is:
 - The Municipal Government Act;
 - Other provincial legislation; and
 - This by-law

APPLICABLE

3. This by-law applies to all members attending meetings of council and committees established by council of the Municipality.

SEVERABILITY

4. If any portion of this by-law is declared invalid by a court or competent jurisdiction, then the invalid portion must be severed and the remainder of the by-law is deemed valid.

MEETINGS

5. Council shall appoint Members to act as deputy mayor and acting mayor at each annual organizational meeting.

6. Council committees shall elect a chair and vice-chair from among their Members at the first regular meeting following an annual organizational meeting of Council, unless Council designated the chair or the manner in which the chair shall be selected.
7. The chair of a Council Committee may be removed by a majority vote of the Members of the Council Committee.
8. Regular meetings of Council shall be held in the council chambers at the municipal office unless notice is given in accordance with the Municipal Government Act that they will be held elsewhere.
9. The regular meetings of Council shall be established by a resolution of council at a council meeting at which all the councilors are present.
10. Regular meetings of council shall begin at 7:00pm and shall not exceed four hours in length unless the Members present unanimously consent to an extension. If an extension is not approved, any remaining agenda items will be considered at the next regular meeting or at a special meeting called to complete the business.
11. Special meetings of Council shall be established as required in accordance with the provisions of the Municipal Government Act and the public shall be given notice.
12. The meetings of Council Committees shall be established by resolution of each committee and the public must be given notice as required by the provisions of the Municipal Government Act.
13. If quorum is not present within thirty (30) minutes after the time fixed for a meeting, the CAO shall record the names of the members present and the meeting shall stand adjourned until the next meeting.
14. If a meeting is adjourned for failure to constitute a quorum or for loss of quorum during a meeting, the Agenda for that meeting will be considered at the next meeting or at a special meeting called to complete the business.
15. If quorum is present within thirty (30) minutes after the time fixed for a meeting, but the mayor, deputy mayor and acting mayor are absent (or, in the case of Council Committee or other body, the chair and vice-chair are absent or have not yet been appointed), the CAO shall call the meeting to order and shall call a Presiding Officer to be chosen by resolution.
16. A Member may attend a council meeting via electronic or other communication facility in accordance with the Municipal Government Act. Any costs associated with this form of meeting attendance shall be borne by the Village.

CONDUCT OF MEETINGS

17. Each member or delegate, as the case may be, shall address the chair but shall not speak until recognized by the chair.
18. The Presiding Officer shall determine the order of speakers.
19. The Presiding Officer may, in accordance with the Municipal Government Act, expel and exclude any person who creates a disturbance or acts improperly.
20. Any Member wishing to leave a meeting that is in progress may only do so with permission of the Presiding Officer.
21. No member shall leave a meeting after a question has been put to vote, until the vote is taken.
22. The Presiding Officer may, at his/her discretion, step down from the chair for the purpose of making a motion and/or taking part in the debate, in which case the deputy mayor or acting mayor shall be called by him/her to act as Presiding Officer until the motion is decided or debate is completed.
23. Any decision of the Presiding Officer with respect to meeting conduct may be appealed through a motion decided by a majority of Members present.

24. The Presiding Officer with the approval by resolution of the members may authorize a person in the public gallery to address members only on the topic being discussed at that time and within the time limits specified by the presiding officer.
25. A resolution does not require a seconder.
26. A resolution may be withdrawn at any time before voting subject to no objection from any member, as the case may be.
27. The following resolutions are not debatable by members:
 - a. adjournment
 - b. to take a recess
 - c. question of privilege
 - d. point of order
 - e. to limit debate on a matter before members
 - f. postpone/table the matter to a time certain
28. Where a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member so requests or when the presiding chair so directs.
29. Whenever the presiding officer is of the opinion that a motion is contrary to the rules and privileges of council, he/she shall inform the member thereof immediately, before putting the question, and shall cite his/her reasons applicable to the case without argument or comment.
30. In all cases not provided for in the proceedings of the council, a two-thirds majority of council shall determine to uphold the ruling of the presiding officer or not as the case may be.

DELEGATIONS

31. A person or a representative of any delegations or group or persons who wish to bring matter to the attention of council, or who wish to have any matter considered by council shall address a letter or other written communication to the council outlining the subject to be discussed. The letter shall be signed by the correct name of the writer; the address of the writer, and delivered or mailed to the CAO. The letter must arrive at least at 1:00pm on a business day at least five (5) days immediately preceding the meeting at which it is to be presented. If the person wished to appear before council on the matter it shall be stated in the letter.
32. Delegates shall be granted a maximum of fifteen (15) minutes to present the matter outlined in the letter. The chairman may, with consent of the majority of the members present, extend the time.
33. Public submissions regarding any unresolved matter that has been the subject of a public hearing shall not be included on the Agenda or otherwise considered.
34. In the case of a public hearing,
 - a. Written submission and notices of verbal submissions received in accordance with **section 31** will be included in the Agenda.
 - b. Written submissions received after the deadline established in **section 31** but before the close of the public hearing will be distributed to Council and included in the record of the meeting.
 - c. Once any verbal submissions included in the Agenda have been heard, the Presiding Officer will allow any other person present who wishes to speak an opportunity to do so.
 - d. A summary of any verbal presentation will be recorded in the minutes.

35. If a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy, the Presiding Officer shall ensure that any part of the meeting during which that matter will be discussed is closed to the public through a motion. The minutes shall include the reason for closing the meeting.

ORDER OF BUSINESS

36. The order of business at a meeting is the order of the items on the agenda except:
- a. When the same subject matter appears in more than one place on the agenda and council decides, by motion, to deal with all items related to the matter at the same time.
 - b. Council decides not to deal with an item on the agenda and no motion is made about it.

AGENDA

37. Prior to each meeting, the CAO shall prepare a statement of the order of business to be known as the "Agenda" of all matters to be brought before council. To enable the CAO to do so, all documents and notice of delegation intended to be submitted to the council shall be received by the CAO no later than 1:00pm on a business day at least seven (7) days before the meeting. The agenda shall be forwarded to the Mayor seven (7) days before the meeting for his review and approval. The Mayor shall approve and/or amend the agenda and return to the CAO no later than noon four (4) days before the meeting.
38. The CAO shall place at the disposal of each member, a copy of the agenda and all supporting materials not later than 4:30pm four (4) days before the meeting.
39. Where the deadlines in **section 37** are not met, the agenda and support materials shall be deemed to be acceptable when the agenda is adopted at the meeting.
40. The business intended to be dealt with shall be stated in the agenda in the following order where applicable:
1. Call to order
 2. Adoption of agenda
 3. Delegations
 4. Honorarium Submissions
 5. Adoption of the previous minutes
 6. Public Hearings
 7. By-laws
 8. New Business
 9. Committee Reports
 10. Chief Administrative Officer and Action List
 11. Financial
 12. Correspondence
 13. Confidential Items
 14. Adjournment
41. The order of business established in **section 40** may be altered by majority consent of the Members present at a meeting.
42. An item may be deleted from the Agenda by unanimous consent of the Members present.
43. Standing Committees of Council shall be established and governed by policy or bylaw approved by council. Where appropriate authority is delegated to a Standing Committee, such committee and its mandate shall be established by by-law.

MINUTES

44. Minutes of meetings shall be recorded in accordance with the Municipal Government Act.
45. Unless otherwise authorized by this or another by-law, by statute, or by unanimous consent of Members present, discussion, questions, and debate shall not be recorded in the minutes.
46. Minutes of a meeting shall be adopted by motion at the following regular meeting, regardless of whether or not the same Members were present. Wherever possible, the motion to adopt minutes shall be made by a Member who was present at the meeting where the minutes were taken.
47. Any member may request a correction to the minutes before they are adopted. Corrections are deemed adopted when the motion to adopt the minutes has carried.
48. Approved minutes shall be signed by the Presiding Officer and the recording secretary who were present at the meeting where the minutes were taken, wherever practicable. Where not practicable, the minutes shall be signed by the current Presiding Officer and recording secretary.
49. In the event a Council Committee is disbanded, the minutes of the final meeting shall be approved by the Presiding officer, and signed by the Presiding officer and recording secretary.

MOTIONS

50. Council may discuss an item on the agenda, including asking questions of administration, before a motion is made, for the purposes of determining what, if any, motion should be made in relation to the item.
51. A motion may be withdrawn by the Member that made the motion at any time before voting, subject to no objection from any Member present. Motions withdrawn in this manner shall not be recorded in the minutes.
52. A friendly amendment, or a change in wording that enhances and strengthens the original motion, may be proposed and adopted if no Members present object. Only the motion as amended by the friendly amendment will appear in the minutes.
53. After a motion has been made and is being considered, no other motion may be made except for:
 - a. A motion to amend the motion on the table; or
 - b. A motion to defer the main motion to some other group for consideration; or
 - c. A motion to postpone the main motion to a definite time either later in the meeting or until the next regularly scheduled meeting; or
 - d. A motion to postpone a main motion indefinitely.
54. Amending motions must relate to the subject matter of the motion under discussion. The Presiding Officer shall allow only one amendment at a time to the main motion and only one amendment to that amendment may be allowed at a time.
55. A motion to refer a main motion to some other group for consideration may include a definite time that that motion will be returned to Council.
56. When a motion contains more than one distinct proposition, Council shall vote on each proposition separately if a Member so requests or the Presiding Officer so directs.
57. A motion for first reading of a by-law is not debatable.
58. A motion may be made to reconsider a previous motion provided that:
 - a. the Member making the motion to reconsider:

- i) originally voted with the prevailing side;
 - ii) was not present at the time the previous motion was made and voted on, or
 - iii) was not a Member at the time the previous motion was made and voted on, and
 - b. the previous motion:
 - i) has not been acted upon to the extent that the Village has undertaken or become subject to any liability or obligations, or
 - ii) was not a motion for a reading of a by-law.
59. When a motion has been made, all discussions shall be restricted to the subject of the motion except when:
- a. A Member believes that a rule or procedure pertaining to the conduct of the meeting has been violated; or
 - b. A Member requires more information about a rule or procedure before proceeding with debate or making a motion; or
 - c. A Member believes that comfort, dignity, safety or reputation of the organization or an individual is at stake.
60. Any matters brought forward under **section 59** shall be considered immediately and ruled upon by the Presiding Officer.

VOTING

- 61. Unless otherwise stipulated in a Village by-law or by statute, all votes shall be decided by a majority vote of Members present.
- 62. Any question receiving a tie vote is defeated.
- 63. A Member may vote against his or her own motion.
- 64. Unless a provincial or federal statute requires or permits a Member to abstain from voting, all Members present shall vote. If a member excuses him or herself from voting in accordance with the requirements of a federal or provincial statute, the abstention and reason for it shall be recorded in the minutes.
- 65. Motions will be recorded in the minutes as “carried” or “defeated”.
- 66. Where the mayor is authorized by the Municipal Government Act to be a Member of a Council committee, the Mayor shall be entitled to vote on all questions considered by the committee.

COUNCIL COMMITTEES

- 67. In accordance with the Municipal Government Act, Council may pass by-laws establishing and determining the functions of Council Committees.
- 68. Unless otherwise stipulated in a statute or in a by-law passed further to **section 67**,
 - a. Council shall appoint Members to Council Committees when the committee is initiated, and after that at each annual organizational meeting.
 - b. The term of membership on a committee or other body may not exceed three years, and there is no limit to the number of terms that may be served consecutively.
 - c. Village employees may serve as advisors and provide administrative assistance to Council Committees, but may not serve as voting Members
 - d. Council may terminate the appointment of a Member of a Council Committee through a majority vote.
- 69. Unless otherwise authorized by statute or by-law, Council Committees are charged only with making recommendations to Council. Recommendations shall

be made by motion at Council Committee meetings and submitted to a subsequent Council agenda for consideration, in a form determined by the Council Committee.

70. The provisions of the Municipal Government Act regarding pecuniary interest shall apply to Members of Council Committees.

ENACTMENT / TRANSITION

71. If any clause in this by-law is found to be invalid, it shall be severed from the remainder of the by-law and shall not invalidate the whole by-law.
72. By-law 04-2010 is repealed upon this by-law coming into force.
73. This by-law comes into force when it receives third reading and is signed by the Mayor and the Village Administrator or designates.

Read a first time this 5th day of December, 2011.

Read a second time this 5th day of December, 2011

Read a third time by unanimous consent of Council this 5th day of December, 2011.



CEO (Mayor or Reeve)



Chief Administrative Officer