

**MUNICIPAL DISTRICT OF FAIRVIEW NO. 136
PROVINCE OF ALBERTA**

Bylaw No. 967/COUNCIL/2021

**A BYLAW OF THE MUNICIPAL DISTRICT OF FAIRVIEW NO. 136 IN THE
PROVINCE OF ALBERTA FOR THE PURPOSE OF REGULATING THE
PROCEDURE AND CONDUCT OF COUNCIL AND COUNCIL COMMITTEE
MEETINGS**

WHEREAS: Council of the Municipal District of Fairview No. 136 has the authority under section 145 of the Municipal Government Act, R.S.A. 2000 c.M-26, and related amendments, to enact bylaws respecting the establishment of Council Committees, Procedure and Conduct of Council, Council Committees, and the Conduct of Councillors and Members of Council Committees; and

WHEREAS: Council of the Municipal District of Fairview No. 136 considers it expedient and desirable for effective governance to regulate the procedure and conduct of Council, Councillors and others attending Council and Council Committee Meetings in the Municipal District of Fairview No. 136;

NOW THEREFORE: the Council of the Municipal District of Fairview No. 136, duly assembled hereby enacts as follows:

1.0 CITATION

- 1.1 This Bylaw may be cited as the "Council Procedural Bylaw" and applies to all Members attending Meetings of Council and Committees established by Council of the Municipality.

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2.0 DEFINITIONS

2.1 In this Bylaw,

- 2.1.1 "Act" shall mean the Municipal Government Act, R.S.A. 2000 c.M-26, and related amendments thereto;
- 2.1.2 "Acting Reeve" means a Councillor, selected by Council, to preside at a Meeting in the absence or incapacity of both the Reeve and Deputy Reeve;
- 2.1.3 "*ad hoc*" shall mean an organization, committee, or commission created for a specific task.
- 2.1.4 "Adjourn" means to end a meeting;
- 2.1.5 "Administration" means the general operations of the Municipal District of Fairview No. 136; including all personnel, financial and other related resources, as permitted by the *Municipal Government Act*;
- 2.1.6 "Agenda" shall mean the list of items and order of items of business for any Meeting;
- 2.1.7 "Amend" shall mean a Motion to add or delete context or details to currently debated Motion;
- 2.1.8 "Business Day" shall mean a full regularly scheduled working day for the Administration Office. In reference to Delegations (Sections 30 and 31 of this Bylaw), full business days allow for the correlating and copying of information to be included in Council Packages;
- 2.1.9 "Bylaw" shall mean a Bylaw of the Municipal District of Fairview No. 136;
- 2.1.10 "Call the Question" shall mean immediately terminating debate and calling for a vote. This is a non-debatable Motion;
- 2.1.11 "CAO" shall mean the Chief Administrative Officer, or duly appointed delegate, for the Municipality.

- 2.1.12 "CEO" shall mean the Chief Elected Officer as defined in the MGA, which shall be the Reeve unless otherwise determined by Council;
- 2.1.13 "Chair" shall mean the person presiding and conducting meetings;
- 2.1.14 "Closed" shall mean a session which is held *in private* (closed to the public) and may include specific persons invited to attend by the Chair, Council or the Committee. All discussions in a "Closed" session are deemed as confidential and no motions can be made in a "Closed" session.
- 2.1.15 "Council Committee" shall mean a Committee, board, commission or other body established by Council under the *Municipal Government Act*;
- 2.1.16 "Committee of the Whole" shall mean a committee consisting of all Members of Council. A meeting of the Committee of the Whole may be held "Closed" or in public session depending on the issue being discussed;
- 2.1.17 "Council" shall mean all Members of Council of the Municipal District of Fairview No. 136 elected pursuant to the provisions of the *Local Authorities Election Act*;
- 2.1.18 "Councillor" shall mean a Member of Council elected to represent the Municipal District of Fairview No. 136;
- 2.1.19 "*ex officio*" shall mean by right of office, the CEO is a member of all Council Committees and all bodies to which Council has the right to appoint members. Unless the named member or alternate to the Committee, the CEO does not have voting privileges;
- 2.1.20 "Delegation" shall mean any person or persons that are appearing before Council or a committee of Council to address a specific matter.
- 2.1.21 "Deputy Reeve" shall mean the Member of Council who is appointed pursuant to the Act to act as Reeve (CEO) in the absence or incapacity of the Reeve (CEO);
- 2.1.22 "*Freedom of Information and Protection of Privacy Act*" means *Freedom*

of Information and Protection of Privacy Act, RSA 2000, Chapter F-25, as amended thereto, also known as FOIP;

- 2.1.23 "General Election" means an election held in the Municipal District of Fairview No. 136 to fill vacancies caused by the passage of time, as described in the Local Authorities Election Act R.S.A. 2000 c. L-21;
- 2.1.24 "Local Authorities Election Act" means *Local Authorities Election Act, R.S.A. 2000, c.L-21;*
- 2.1.25 "Member" shall mean a Councillor, or Member at Large, appointed by Council to a board, commission or other body established by Council under the Municipal Government Act;
- 2.1.26 "Member at Large" shall mean a member of the public appointed by Council to a board, commission or other body established by Council under the Municipal Government Act;
- 2.1.27 "Meetings" shall mean meetings of Council, a committee, board, commission or other body established by Council under the Municipal Government Act;
- 2.1.28 "Minutes" are the record of decisions of a Meeting recorded in the English language;
- 2.1.29 "Motion" shall mean a proposal or proposition made at a Meeting and submitted for consideration, debate and vote and to be decided upon;
- 2.1.30 "*Municipal Government Act*" means *Municipal Government Act, R.S.A. 2000, c. M-26 and amendments thereto also known as MGA;*
- 2.1.31 "Municipality" shall mean the Municipal District of Fairview No. 136, a municipal corporation of the Province of Alberta having jurisdiction under the Municipal Government Act and other applicable legislation and includes the area contained within the boundaries of the Municipality;
- 2.1.32 "Notice of Motion" is the means by which a Councillor brings business before Council to be brought back at a future meeting.
- 2.1.33 "Organizational Meeting" means the Meeting held as described in Section

192 of the *Municipal Government Act*;

- 2.1.34 "Pecuniary Interest" means a pecuniary interest within the meaning of the *Municipal Government Act*;
- 2.1.35 "Person" shall include an individual, partnership, association, corporation, trustee, executor, administrator or legal representative;
- 2.1.36 "Point of Information" means a question or request to a Council Member or Administration for information relevant to the business at hand but not related to a Point of Procedure;
- 2.1.37 "Point of Order" means the raising of a question directed to the Chair to call attention to any departure from this Procedural Bylaw;
- 2.1.38 "Point of Procedure" shall mean a request made to the Chair to obtain information on a matter of parliamentary law or the rules of Council bearing on the business at hand in order to assist a Member to make an appropriate motion, raise a point of order or understand the parliamentary situation or the effect of the motion;
- 2.1.39 "Postpone" means to delay the consideration of any matter either, to a definite time when further information is likely to be obtained or indefinitely;
- 2.1.40 "Public Hearing" means; to hear matters pursuant to the *Municipal Government Act, or any other Act*, or other matters which Council directs be considered at a Public Hearing.
- 2.1.41 "Quorum" is a majority (3 of 5) of those members elected and serving on Council;
- 2.1.42 "Recess" shall mean an intermission or break within a Meeting that does not end the Meeting, and after which proceedings are immediately resumed at the point where they were interrupted. Any member may request a recess through the chair;
- 2.1.43 "Recording Secretary" shall mean the person assigned to record minutes of the meeting;

- 2.1.44 "Reeve" shall mean the Chief Elected Official (CEO) for the Municipality;
- 2.1.45 "Regular Council Meeting" means a Council Meeting scheduled at the annual Organizational Meeting;
- 2.1.46 "Rescind" means to retract a motion or to repeal a motion;
- 2.1.47 "Special Meeting" is a Meeting called by the Reeve in accordance with the *Municipal Government Act* and amendments thereto and this Bylaw;
- 2.1.48 "Table" means to lay on the table or to set aside temporarily;
- 2.1.49 "Unfinished Business" is business on the Agenda at the same or a previous Meeting and which is not completed;
- 2.1.50 "Urgent Business" is a time sensitive matter which requires Council's immediate and urgent consideration and call for prompt action.

3.0 GENERAL

- 3.1 In accordance with Section 204 of the *Act*, the municipal office shall be the Municipal District of Fairview No. 136 Administration Office located at 10957-91st Avenue, Fairview, Alberta.
- 3.2 Council of the Municipal District of Fairview No. 136 shall consist of five (5) elected officials.
 - 3.2.1 At the Organizational Meeting following the date of the general election, and annually thereafter, not later than two weeks after the third Monday in October, Council shall elect, by secret ballot, one of its elected officials as Reeve and designate each of the remaining elected officials as Deputy Reeve for a 3 month term.
 - 3.2.2 The CEO shall be referred to as the Reeve.
 - 3.2.3 Responsibilities of the Reeve are established in Part 5, Division 3, Duties, Titles, and Oaths of Councillors of the *Act*.

- 3.2.4 When the Reeve, through illness, absence or other cause, is unable to perform the duties of this office, or when the office is vacant, the Deputy Reeve has all the powers and shall perform all the duties of the Reeve during the Reeve's inability or absence.
- 3.2.5 When both the Reeve and Deputy Reeve, through illness, absence or other cause, are unable to perform the duties of the office, the Council may appoint a temporary Acting Reeve or Chair as per Section 152(3) of the Act.
- 3.2.6 A Reeve and Deputy Reeve who have been appointed to their offices by the Council may resign their appointments while retaining their seats on the Council.
- 3.2.7 When the office of Reeve or Deputy Reeve becomes vacant by death, resignation, forfeiture or otherwise, the Council shall forthwith elect one of the Councillors to fill the position for the remainder of the term of office and in accordance with Section 162 of the Act.
- 3.2.8 The Reeve and members of Council may be paid the remuneration, travel, subsistence and out of pocket expenses that may be set by the Council and outlined in Council Policies.
- 3.3 General duties of Councillors and the Reeve are established in Part 5, Division 3, Duties, Titles, and Oaths of Councillors of the Act.
- 3.4 The Council of the Municipality is responsible for:
 - 3.4.1 developing and evaluating the policies and programs of the Municipality.
 - 3.4.2 ensuring that the powers, duties and functions of the Municipality are appropriately carried out.
 - 3.4.3 carrying out the powers, duties and functions expressly given to it under the MGA or any other enactment.

- 3.5 The Council of the Municipality will not exercise a power or function or perform a duty that is by this or another enactment or by bylaw specifically assigned to the CAO or a designated officer.
- 3.6 These duties and roles of Councillors as established in this bylaw may only be amended, repealed or suspended by a bylaw passed at a regular or special meeting of Council at which time all Council must be present.

4.0 SEVERABILITY

- 4.1 If any portion of this Bylaw is declared invalid by a Court of competent jurisdiction, then the invalid portion shall be severed, and the remainder of the Bylaw shall be deemed valid.

10.0 MEETINGS

11.0 Organizational Meetings

- 11.1 An Organizational Meeting of Council shall be held annually not later than two weeks after the 3rd Monday in October, as per Section 192 of the *Act*.
- 11.2 The Councillors shall take the Oath of Office upon being elected, as per Section 156 of the *Act*. By right of this office and taking of the Oath, the Councillor is a Commissioner for Oaths.
- 11.3 The Agenda of the Organizational Meeting shall be restricted to:
 - 11.3.1 Establishing regular meeting dates for Council for the next twelve months, and all members of council must be present;
 - 11.3.2 Establishing any *ad hoc* Council Committees;
 - 11.3.3 Selection of the Reeve, by secret ballot, and Deputy Reeve by election of elected Councillors;
 - 11.3.4 Appointment of Councillors as members and alternates to Council Boards, Commissions, Committees and other bodies established by

Council including *ad hoc* Council Committees;

- 11.3.5 Appointment of Members at Large to any agencies, committees and boards to which Council has the right to appoint members;
- 11.3.6 Any such other business as is required by the Act.
- 11.3.7 Annual appointment of professionals including but not limited to Assessor, Auditor, Legal Advisor and Engineer.
- 11.3.8 Referring to Section 11.3.2 and 11.3.4 of this Bylaw, the Reeve will lead Council through the Boards & Committees list. If a Councillor wishes to be the representative or alternate on a particular board or committee, they must verbally indicate their desire when that board or committee is being addressed. In the case of two or more Councillors wishing to be the representative or alternate to a board or committee, a vote of Council shall be taken, by either show of hands or secret ballot. The voting method shall be determined by show of hands.
 - 11.3.8.1 Should a Councillor dispute or disagree with an appointment recommendation, Council as a whole shall debate the appointment and, by majority vote, complete the final determination.

12.0 Regular Council Meetings

- 12.1 Notice of regularly scheduled meetings, as per Section 11.3.1, need not be advertised.
- 12.2 If Council changes the date, time or place of a regularly scheduled meeting, the Municipality shall give at least 24 hours' notice of the change:
 - 12.2.1 To any Member of Council not present at the meeting at which the change was made, and such notice shall be in accordance with Section 196(1) of the Act; and
 - 12.2.2 To the public, and such notice shall be by means of posting a Notice on the front door of the Municipal Office and noting the change on the Municipal website.
- 12.3 The time for Regular Council Meetings shall be 9:00 A.M.

13.0 Special Meetings

- 13.1 Special Meetings shall be held as per Section 194 of the *Act*.

14.0 Committee Meetings

- 14.1 Council Committees are created by a Bylaw of Council as per section 145(a) of the *Act*.
- 14.2 The times for the beginning of Council Committee meetings shall be set by the Council Committee.
- 14.3 Standing Council Committees shall be established and governed by a policy or Bylaw approved by Council. Where appropriate authority is delegated to a Standing Committee, such Committee and its mandate shall be established by Bylaw.
- 14.4 The Reeve shall be deemed to be an *ex officio* member of all Committees of Council. The Reeve cannot be a member to a committee if the Reeve is not appointed in the personal name.
- 14.4.1 When attending a Committee, which the Reeve has not been specifically assigned as a representative, the Reeve shall have a right to vote only when an appointed Member of Council assigned to that Committee is absent and the Reeve has been asked, either formally or informally, to be the representative or alternate.
- 14.4.2 Staff may be asked to participate as advisors to Committees of Council. Unless otherwise specified in the Terms of Reference of a Committee, advisors are not voting members.
- 14.5 Council Committee Chairs:
- 14.5.1 For Committees of Council, the position of Chair shall be selected by vote of the members appointed by Council, which shall include Members at Large appointments.
- 14.5.2 Where the Municipality and another municipality share

representation on the Council Committee or Board, the Members shall select the Chair by a vote of the members.

14.6 *ad hoc* Committees:

14.6.1 Council may create an *ad hoc* Committee by Bylaw as per Section 145(a) of the *Act*, to be formed to address a single issue or matter. An *ad hoc* Committee shall be deemed as temporary, with a lifespan of no more than twelve (12) months after creation.

14.6.2 The *ad hoc* Committee shall be advised of their mandate by Council at the time of creation, and Council shall appoint the Members.

14.6.3 The *ad hoc* Committee will provide regular written reports to Council at least once a month and Council shall determine, with each report, whether there is a need for the *ad hoc* Committee to continue to exist.

14.6.4 Should the term of the *ad hoc* Committee come to an end, or Council determine that the work of the *ad hoc* Committee should continue, Council may choose to:

14.6.4.1 Extend the life of the *ad hoc* Committee for an additional twelve (12) months by amending the original Bylaw; or

14.6.4.2 Convert the *ad hoc* Committee to a Standing Committee of Council, by Bylaw, with a long-term mandate.

14.6.5 *ad hoc* Committee's, though temporary in nature, shall operate as other committees, being public meetings, with minutes kept, and same procedures followed as Standing Committees.

14.7 Alternates: The Reeve may temporarily appoint any Council Member to take the place of any member or alternate of the Council Committee who is unable to attend a meeting of that Council Committee. Council Committee Alternates must be appointed during the Organizational Meeting.

14.8 Council Committees shall meet at the call of the Chair, and have a written

agenda, but notice must be provided to Committee Members and the Public pursuant to the requirements of this Bylaw and the Act.

14.9 All Council Committees are advisory to Council unless authority to exercise or perform any power or duty has been specifically delegated by a Council Bylaw.

14.10 The basic responsibilities of a Council Committee are as follows:

- 14.10.1 to analyze all matters placed before them and submit written recommendations to Council on ways and/or means of dealing with these matters;
- 14.10.2 to receive written reports for information purposes. Written reports received for information may be forwarded to Council at the discretion of the Council Committee, and must be forwarded to Council if required under any policy, bylaw or statute;
- 14.10.3 to refer matters to Administration, through the CAO, for research and to provide direction on the preparation of written reports;
- 14.10.4 to submit recommendations to Council on any action or decision recommended on any matter within the jurisdiction of the Council Committee;
- 14.10.5 in appropriate cases, to submit matters to Council without recommendations;
- 14.10.6 not to appropriate, expend, commit, or direct the expenditure of any money not provided for in the budget and authorized in Committee mandate and Bylaw by Council;
- 14.10.7 not to bind its' actions on the Municipality unless power to take such action has been specifically delegated to the Committee by Council in a bylaw;
- 14.10.8 not to give direct instructions to any Municipal employee except through the CAO.

- 14.11 All Council Board and Committee members must follow the procedural rules of Council as set out in this Bylaw.
- 14.12 All Committees created by Council shall be reviewed annually at the Organizational Meeting.
- 14.13 External agencies, boards, commissions, and committees refer to an agency, board, commission or committee not created by Council and shall be made in reference to in this bylaw as External Committees.
 - 14.13.1 Councillors will review the appointment chart for External Committees annually at the Organizational Meeting.
 - 14.13.1.1 Council may add an External Committee by Motion during a Regular Council Meeting in accordance to Section 14.13.4 of this bylaw.
 - 14.13.2 Councillors will be appointed, along with alternates, to the External Committees at the Organizational Meeting annually.
 - 14.13.3 Each External Committee shall *elect its own Chair*.
 - 14.13.4 Councillors serving on External Committees shall represent the interest of the whole Municipality and shall keep Council informed of Committee business with the options for written reports or verbal updates and provide an update during the Council Committee Report portion of the Regular Council Meeting.
 - 14.13.5 Councillors appointed to an External Committee that are Motioned by that External Committee to attend an event apart from the scheduled meeting, in support of that External Committee do so under the External Committee Budget.
 - 14.13.6 Following the appointment of the Reeve, Councillor or member-at-large to an External Committee, the CAO shall advise the External committee of the appointment and the following:
 - 14.13.6.1 that the secretary to the External Committee, shall forward to the Municipal District of Fairview No. 136 a copy of the minutes, of any board that holds meetings monthly, within 15

days of each meeting, along with the dates and locations of any scheduled future meetings; and that where the Reeve or a Councillor is appointed to the External Committee they shall not be expected to act as an advocate for the External Committee; and significant issues such as funding requests and long-term plans should be presented to the Municipal District of Fairview No. 136 Council by the Chair, or their designate of the External Committee.

- 14.13.7 If an appointed Councillor is unable to attend an External Committee meeting, they shall contact the alternate member to attend, thereby ensuring that the Municipal District is represented at all meetings.

15.0 "Closed" Sessions

- 15.1 Council recognizes that Section 198 of the Act provides for the public to be present at meetings, and it is the intent and desire of Council to remain open, accountable and transparent to the public.
- 15.2 "Closed" sessions shall only be permitted 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 Act*.
- 15.3 Whenever Council or a Committee meets in a "Closed" session, the CAO, or designate, shall be present. An exception is provided when Council meets to discuss CAO annual performance.
- 15.4 Council must not make motions or vote at a "Closed" session except on a motion to revert to a Public Meeting.

16.0 Public Hearings

- 16.1 The conduct of any statutory Public Hearing shall be governed by this Bylaw.
- 16.2 Wherever possible, persons interested in speaking at a Public Hearing should register with the Recording Secretary prior to the Public Hearing.

- 16.3 The Chair shall declare the Public Hearing in session and shall outline the Public Hearing Procedures.
- 16.4 The Chair may call upon the CAO or Department Manager to introduce the Motion or Bylaw, and to briefly state the intended purpose.
- 16.5 Where applicable, the CAO shall advise of any third party officially applying for the Bylaw or Motion (For example, as in proposed Bylaws to amend the Land Use Bylaw).
- 16.6 Immediately following the introduction of the Bylaw or Motion, any Member of Council who has pecuniary interest in the Motion or Bylaw for which the Public Hearing is being held shall declare this interest and shall be excused from the table.
- 16.7 Upon leaving the table, the Council Member becomes a member of the public and has the same rights as any other person attending the Public Hearing and may stay in attendance at the Public Hearing and make presentations. However, when the matter reviewed at the Public Hearing comes before Council for deliberation, the Member must adhere to all clauses of Section 40 of this Bylaw pertaining to Pecuniary Interest.
- 16.8 Any presentation by Municipal staff or agents shall follow the introduction of the Bylaw or Motion.
- 16.9 The Chair shall request those who wish to make presentations to identify themselves so that their names can be recorded in the minutes.

20.0 MEETING PROCEDURES

21.0 Quorum

- 21.1 As soon as there is a Quorum of Members of Council after the hour fixed for the meeting, the Chair shall call the meeting to order; in the case of the Reeve or Deputy Reeve not in attendance within fifteen (15) minutes after the hour appointed for the meeting and a quorum is present, the CAO shall call the meeting to order and a Chairman shall be chosen by the Councillors present who shall preside during the meeting until the arrival of the Reeve or Deputy Reeve. The Recording Secretary shall record the arrival and departure of Council members at meetings should a member of Council arrive late at a meeting or depart prior to the completion of the meeting.

- 21.2 Unless a Quorum is present within fifteen (15) minutes after the time appointed for the meeting, the meeting shall stand adjourned until the next regular meeting date or until a Special Meeting is called to deal with the matters intended to be dealt with at the adjourned meeting.
- 21.3 The Recording Secretary shall record the names of the Members of Council present at the expiration of the fifteen (15) minute time limit and such record shall be appended to the next Agenda.
- 21.4 The only action that can legally be taken in the absence of Quorum is to fix the time in which to adjourn (if more than fifteen (15) minutes is being allowed), adjourn, recess, or to take measures to obtain a Quorum.
- 21.5 In the event that Quorum is lost after a meeting is called to order, the meeting shall be suspended until Quorum is obtained. If Quorum is not obtained within fifteen (15) minutes, the meeting shall stand adjourned.

22.0 Conduct of Meetings

- 22.1 Each member or delegate, as the case may be, shall address the Chair but shall not speak until recognized by the Chair.
- 22.2 The Chair, with the approval by Motion 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 Chair.
- 22.3 The preparation and distribution of minutes of Council and Committees shall be the responsibility of the CAO and may be delegated to a Recording Secretary as per Section 209 of the Act.

23.0 Motions

- 23.1 A Motion is put to the floor for a vote after discussion.
- 23.1.1 A Motion shall NOT require a seconder.
- 23.2 A Motion may be withdrawn at any time before voting, subject to no objection from any member, as the case may be.

- 23.3 Any Member may require the Motion to be read at any time during the debate, except when a Member is speaking.
- 23.4 A mover of a Motion must be present when the Vote on the Motion is taken. If a Motion cannot be voted before the meeting is adjourned, the Motion shall be deemed as lost.
- 23.5 When a Motion is under debate, no Motion shall be received other than a Motion to:
- 23.5.1 **WITHDRAW:** When the mover wishes to withdraw the Motion or substitute a different one in its place. *Note: Once the Motion is withdrawn, the effect is the same as if the Motion had never been made and no record of the motion will be recorded in the minutes;*
 - 23.5.2 **POSTPONE:** When a Member(s) requires additional information or wants to have a time or date for the issue to be brought back. This Motion is non-debatable and the vote is called;
 - 23.5.3 **CALL THE QUESTION:** That a vote must now be taken and discussion has closed;
 - 23.5.4 **REFER:** Generally used to send a pending question to a Committee, department or selected persons so that the question may be carefully investigated and put into better context for Council to consider - and should include direction as to the Person or Group to which it is being referred;
 - 23.5.5 **AMEND:**
 - 23.5.5.1 Only one amendment at a time shall be presented to the main Motion. When the amendment has been disposed of, another may be introduced. All amendments must relate to the matter being discussed in the main motion and shall not so substantially alter the Motion as to change the basic intent or meaning of the main motion. The Chair shall rule on disputes arising from amendment.
 - 23.5.5.2 The amendment shall be voted upon and, if any amendment is carried, the main motion, as amended, shall be put to

Vote, unless a further amendment is proposed.

23.5.5.3 Nothing in this section shall prevent other proposed amendments from being read for the information of the Members.

23.5.5.4 When the Motion under consideration contains distinct propositions, the Vote upon each proposition shall, at the request of any Member, be taken separately.

23.6 **Motion to Rescind** is a Motion that may be accepted by the Chair only if the action of the motion has not commenced. If passed by a majority vote of the Members present, the previous Motion referred to would be declared null and void.

23.7 **Notice of Motion** should be used to give notice by a member when an extended period of time is advisable prior to considering a subject.

23.7.1 A Notice of Motion shall be recorded in the minutes and shall form part of the Agenda for the subsequent or future meeting as requested.

23.8 The following Motions are non-debatable by Members:

23.8.1 - ADJOURNMENT;

23.8.2 - CALL THE QUESTION;

23.8.3 - LIMIT DEBATE on a matter before members;

23.8.4 - POINT OF ORDER;

23.8.5 - QUESTION OF PRIVILEGE;

23.8.6 - TABLE;

23.8.7 - TAKE A RECESS.

23.9 The wording of a Motion may be either POSITIVE or NEGATIVE in presentation. (ie: "... Council shall support ..." or "... Council shall not support

...")

23.10 When a Motion is defeated by Council the Motion shall not be brought back to the table for a period of six (6) months from the date the Motion was defeated unless there is a reconsidering motion where information relevant to the defeated motion may change the result.

24.0 Rules of Debate

24.1 In Council, a Councillor wishing to speak on a matter that has been brought before Council shall indicate their intention by raising their hand to be recognized by the Chair, and shall not speak more than once until every Member of Council has had the opportunity to speak except:

24.1.1 in the explanation of the material part of the speech which may have been misunderstood; or

24.1.2 in reply, to close debate, after everyone else wishing to speak has spoken, provided that the Member of Council presented the Motion to the meeting.

24.2 Through the Chair, a Member of Council may ask questions of another Member of Council or Staff on a Point of Information relevant to the business at hand.

24.3 All questions or debate shall be directed through the Chair.

24.4 Members shall:

24.4.1 refrain from the use of offensive words or language, or name calling in the meeting;

24.4.2 adhere to the rules of the meeting or decision of the Chair or of the Members on questions of order or practice; or upon the interpretation of the rules of the meeting;

- 24.4.3 not leave their seat or make any noise or disturbance while a vote is being taken and the result is declared;
 - 24.4.4 not interrupt a Member while speaking, except to raise a Point of Order or Question of Privilege;
 - 24.4.5 not pass between a Member who is speaking and the Chair.
- 24.5 A Member who wishes to leave the meeting prior to the adjournment shall so advise the Chair and the time of the departure shall be noted in the minutes.

25.0 Point of Order

- 25.1 The Chair shall preserve order and decide upon any Points of Order.
- 25.2 A member who desires to call attention to an infraction of procedure shall raise a Point of Order to the Chair. When the Member has been acknowledged, the Member shall state the Point of Order with a concise explanation and shall accept the decision of the Chair upon the Point of Order.
- 25.3 The speaker in possession of the floor, when the Point of Order was raised, shall retain the right to the floor when debate resumes.
- 25.4 A Member called to order by the Chair shall immediately vacate the floor until the Point of Order is dealt with and shall not speak again without the permission of the Chair unless to appeal the ruling of the Chair.
- 25.5 The decision of the Chair shall be final, subject to an immediate appeal by a Member of the meeting.
- 25.6 If a decision of the Chair is appealed (Section 25.5 of this Bylaw), the Chair shall provide concise reasons for the ruling and the Members shall, without debate, decide the question. Decision of the Members shall be final.

26.0 Voting on a Question

- 26.1 Every Member of Council present, including the Reeve, shall vote on every matter at a Council or Committee Meeting at which they are present, unless they are required to or permitted to abstain from voting under this or any other Bylaw, Act, or other legislation. (Ref: Section 174(f) of the Act.)

- 26.1.1 The Recording Secretary shall read out the Motion for clarity before a Call for Question takes place.
- 26.2 When a Motion that a Vote be taken (Call for Question) is presented, it shall be put to a vote without debate and, if carried by a majority vote of the Members present, the Motion and any amendments thereto shall be submitted to a vote immediately without further debate.
- 26.3 A Member present at a meeting shall make a request for a recess if, for any reason, the Member may be away from the Meeting during a time when a Vote on a matter is imminent, unless that Member is excused from the voting pursuant to this Section.
- 26.4 Voting shall be completed simultaneously by raising of the hand after the Chair has called for those 'In Favour' and those 'Opposed' to the Motion.
- 26.5 When a Chair, having ascertained that no further information is required, commences to take a Vote, no Member shall speak to, or present another Motion, until the Vote has been taken on the current Motion or amendment, and the decision announced by the Chair.
- 26.6 Any Member who disagrees with the announcement made concerning the result of a Vote may immediately object to the declaration, and the Chair shall call for the Vote a second and final time. The determination of the Chair shall be final.
- 26.7 Whenever the Chair is of the opinion that a Motion is contrary to the rules and privileges of Council, the Chair shall inform the Member thereof immediately, before Calling the Question, and shall cite reasons applicable to the case without argument or comment.
- 26.8 In all cases not provided for in the proceedings of the Council, a three-fifths (3/5) majority of Council shall determine to uphold the ruling of the Chair, or not, as the case may be.
- 26.9 If a vote of Council is requested to be a Recorded Vote by a Member then the Recording Secretary shall enter a Recorded Vote in the Minutes. The request for a recorded vote must be made prior to the call for the question.
- 26.10 If there is a tie of votes for and against a Motion or Bylaw, then the Motion or Bylaw is defeated.

- 26.11 CAO shall advise Council whenever expert advice is required or requested.
- 26.12 Council, and all individual councillors, shall ensure that all advice, including engineering advice, staff advice, and recommendations/advice from administration is considered and that if the advice is not going to be followed Council must document as part of the minutes the reasons for not following such advice.

27.0 Adjournment of Meeting & Adjournment Time

- 27.1 If all items on the Agenda have been addressed, the Chair shall simply state that the Agenda has been completed, note the time to the Recording Secretary, and Call the Meeting Adjourned, without a Motion from the Members.
- 27.2 Should the Agenda NOT be completed, a non-debatable Motion to adjourn the meeting can be presented, but it must be supported by two-thirds majority (66%) of the quorum;
- 27.3 Unless otherwise determined pursuant to the provisions of this Bylaw, Adjournment Time is:
 - 27.3.1 at the conclusion of the Agenda as adopted by Council; or
 - 27.3.2 at Four thirty in the evening (4:30 PM) if a meeting is in session at that hour.
- 27.4 Notwithstanding the provisions in Section 27.3 of this Bylaw, Council may, by a Unanimous Motion of Members present, agree to an extension of the meeting time. A vote to extend the time of the meeting beyond Four thirty in the evening (4:30 PM) must be taken not later than Four o'clock in the evening (4:00 PM).
- 27.5 Unless there has been a Unanimous Motion passed within the prescribed time extending the meeting beyond the Four thirty in the evening (4:30 PM) all matters of business which appear on the Agenda for the Meeting, and which have not been dealt with by that time, shall be deemed to be postponed until the next Regular or Special Meeting.

28.0 Duties of the Chair

- 28.1 The Chair shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order, replying to Point of Procedure, and deciding on questions relating to the orderly procedure of the meeting, subject to an appeal by any Member from any ruling of the Chair.
- 28.2 It shall be the discretion of the Chair, whether or not upon the request of any Member, to call for a short recess between Agenda items, at any meeting. The Chair shall make reasonable efforts, including calling for a recess, to ensure all members in attendance at a meeting are present while a vote is being taken, unless a member is excused from voting in accordance with the *Act* or this Bylaw.
- 28.3 The Chair may invite persons forward from the audience to speak with the permission of the Council or Committee, if it is deemed to be within the best interests of the issue being discussed, the public, and the conduct of good business.
- 28.4 In the absence or inability of the Reeve or Deputy Reeve to act as Chair of the Meeting, Council shall appoint a Councillor as Acting Reeve or Chair as provided by the Section 152(3) of the *Act*.
- 28.5 The Chair shall be expected to participate in debate and vote, without relinquishing the Chair.

30.0 AGENDA AND ORDER OF BUSINESS

- 30.1 The Agenda is a document used by Council or a Committee, therefore although the duty to collate the Agenda may be delegated, Council or the Committee shall have final determination as to what will or will not be included on the Agenda.
- 30.2 Prior to each meeting, the CAO shall cause to be prepared 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 noon on the fourth (4th) business day before the meeting.

- 30.3 The CAO shall place at the disposal of each Member a copy of the Agenda and all supporting materials no later than 4:30 PM, three (3) calendar days before the meeting.
- 30.4 The business intended to be dealt with shall be stated on the Agenda in the manner as displayed in Schedule "A" attached.
- 30.5 The order of business established in Section 30.4 of this Bylaw shall apply unless altered by the Chair with no objection from members, or otherwise determined by a majority vote of the members present, and the vote upon a matter of priority of business shall be decided without debate.
- 30.6 Where the deadline in Sections 30.2 and 30.3 of this Bylaw are not met, the Agenda and supporting materials shall be deemed to be acceptable by Council when the Agenda is adopted at any Council meeting.
- 30.7 Addendums:
 - 30.7.1 Council may consider the Urgency of any item(s) proposed to be added only with supporting written documentation, or proposed to be deleted, before voting to adopt the Agenda "As Amended".
 - 30.7.2 During the course of the meeting, should a member of Council deem that an item be added to the Agenda for Council's consideration, the Member shall propose the Addendum by Motion, after which the Chair shall rule on the urgency:
 - 30.7.2.1 If the Chair rules that the Motion stand, the Chair shall add the item to the end of the pertinent section of the Agenda.
 - 30.7.2.2 If the Chair rules that the Motion does not meet the test of Urgency, or no written supporting documentation is presented, the item shall be tabled and added to the next Agenda.
- 30.8 The order of business at a meeting is the order of the items on the Agenda except:

- 30.8.1 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;
- 30.8.2 When Council decides not to deal with an item on the Agenda and tables the matter to a subsequent meeting.

31.0 Scheduled Delegations

- 31.1 A person or a representative of any delegation or group of persons who wish to bring any matter to the attention of Council, or who wish to have any matter considered by Council, shall address a letter (or other written communication as set out in Policy # 11-D-1) to Council or CAO outlining the subject to be discussed. The letter shall be signed in the correct name of the writer; the address of the writer, and delivered (by hand, mail, fax, or email) to the CAO. The letter must arrive by noon at least four (4) business days immediately preceding the meeting at which it is to be presented. If the person wishes to appear before Council on the matter it shall be stated in the letter. This will apply to delegations appearing to Council and Council Committees.
- 31.2 Scheduled Delegates shall be granted a maximum of fifteen (15) minutes to present the matter outlined in the letter. Where the Chair determines that additional time shall be granted to a delegation, the length of the extension shall be specified, and the Chair may limit the time.
- 31.3 Delegations that have not submitted a letter in accordance with Section 31.1 of this Bylaw may be granted a brief opportunity to outline the matter they wish to present to Council, and following that outline, the Reeve or other presiding officer shall determine if the delegation is to be granted time under Section 31.2 of this Bylaw.
- 31.4 Matters of confidential nature, as referred to in Section 15 of this Bylaw, shall not be discussed during Public Presentations to Council.
- 31.5 Information presented by a Person or Group shall relate only to the subject matter for which the presentation was originally requested.
- 31.6 Each Person or Group will be given an opportunity to make a public presentation only once in respect to a given issue. Council or the Committee may waive this restriction if it is of the view that there have been

significant new developments in respect of the issue or if sufficient time has elapsed such that Council, or the Committee, is prepared to consider the issue again.

31.7 Extensions of time limits for any verbal presentations during the Delegation presentation to Council or the Committee may be granted by consent of Council or the Committee, based on one or more of the following:

31.7.1 The issue or Bylaw under discussion is deemed by Council or the Committee to be contentious or complex and the allotted time is not sufficient, in the opinion of Council or the Committee, to give the matter due consideration;

31.7.2 The granting of an extension of time will not prejudice the rights of other presenters to their allotted presentation time as prescribed by this Bylaw.

31.8 Where a Delegation requests support from Council, requiring a Motion of Council, Council shall first refer the matter to Administration, who shall bring back more information and a recommendation at a subsequent meeting so that Council can make an informed decision.

31.8.1 Where a Delegation requests correspondence in regards to clarifying the topics of the delegation, Council will direct Administration to compile the necessary information and prepare correspondence for the Delegation to be signed by the Chairperson. Once a decision by Council has been made on a topic from a delegation, Council is not obligated to hear the matter again.

31.8.2 Where a Delegation appears in front of Council or Committee to provide information, the CAO will prepare a letter of thank you to be signed by the Chairperson.

32.0 Public Delegations

32.1 As part of the Council Agenda, the Reeve shall also call for and recognize any Public Delegations. Public Delegations may or may not be scheduled (as per Section 31 of this Bylaw), and may request an opportunity to outline the matter they wish to present to Council or a Committee at a meeting, and following that outline, the Reeve or other presiding officer shall determine if the delegation is to be granted time under Section 31.2 of this Bylaw.

- 32.2 A Public Delegation may be recognized by the Chair and granted a maximum of five (5) minutes to present their matter.
- 32.3 A Public Delegation shall follow guidelines in Sections 31.4, 31.5, 31.6, 31.7 and 31.8 as outlined in this bylaw.
- 32.4 Council and Council Committees will hear no more than three delegations in total, being Scheduled or Public.

33.0 Role of Management in Regards to Delegations:

- 33.1 Administration will schedule the delegation in consultation with the Reeve.
- 33.2 Notify the delegation of the time and place of the meeting they wish to attend.
- 33.3 Delegations will be scheduled at least 15 minutes after the start of the meeting.
- 33.4 Delegations will be scheduled at least 15 minutes apart. More time may be required for more complex issues.
- 33.5 The CAO shall explore the reasons why the delegation wishes to attend and provide council and committee members with all back up information for their perusal prior to the arrival of the delegation.
- 33.6 The Administration involved may question the delegation to clarify the issue; however, shall not debate the issue with the delegation or the committee.

34.0 Role of Chairperson in Delegations

- 34.1 The Chairperson reserves the right to accept delegations to the Council or Committee meeting.
- 34.2 The Chairperson shall notify the Chief Administrative Officer of any delegations wanting to make a presentation to the committee and ensure the delegation arranges a meeting date with Chief Administrative Officer.
- 34.3 If there is more than one member in the delegation, the Chairperson shall request that the delegation appoint a spokesperson and inform the spokesperson that all questions and comments be addressed to the chair.

- 34.4 The Chairperson shall ensure that all points of this policy are followed by the committee members and Administration.
- 34.5 The Chairperson may question the delegation to clarify the issue; however, shall not debate the issue with the delegation or committee members.
- 34.6 The Chairperson shall not criticize staff, government employees or the committee members while the delegation is present.
- 34.7 The Chairperson should direct all questions to the delegation's spokesman.
- 34.8 Comments of intent in the presence of the delegation shall not be made.
- 34.9 The Chairperson shall ensure that the delegation restricts its presentation to the issue.
- 34.10 After Council or the committee has obtained all the information from the Delegation, the Chairperson shall dismiss the delegation to allow Council or the committee to discuss the matter.
- 34.11 The Chairperson may request Council or the committee to go into a Closed Session to discuss the issue if the matter falls within the privacy issues to close a meeting.

35.0 Role of the Councillor or Committee Member in Delegations:

- 35.1 Members of Council or the Committee shall notify the Chief Administrative Officer of any delegations wanting to make a presentation to Council or the committee and ensure the delegation arranges a meeting date with the Chief Administrative Officer.
- 35.2 Members of Council or the Committee may question the delegation to clarify the issue; however, shall not debate the issue with the delegation or the committee.
- 35.3 Members of Council or the Committee shall not criticize staff, government employees or other Council or committee members while the delegation is present.

- 35.4 No comments or motions of intent will be entertained until the delegation has been dismissed from the table. The persons making up the delegation may remain in the Council Chambers but may not participate in any further discussion.

40.0 **PECUNIARY INTEREST**

- 40.1 Members of Council who reasonably believe that they have a pecuniary interest as per Sections 169-173 of the Act in any matter before Council, any Committee of Council, or any Board, Commission, Committee or Agency to which they are appointed as a representative of Council, shall, if present, declare and disclose the general nature of the pecuniary interest prior to any discussion of the matter, abstain from discussions, or voting on any questions relating to the matter, and shall where required by the act, remove themselves from the room until the matter is concluded.

Note: It is the responsibility of each Member to determine and/or declare whether they have a pecuniary interest, not other members of Council or Administration.

- 40.2 The minutes shall indicate the declaration of disclosure, the time at which the Member of Council left the room, and the time the Member of Council returned.
- 40.3 Prior to the meeting, if a Member of Council is unsure of whether or not they may have a pecuniary interest with regard to an upcoming issue or vote, the Member shall be encouraged to discuss the matter with the CAO.
- 40.4 Prior to the meeting and after discussing the issue with the CAO (as per Section 40.3 of this Bylaw), a Councillor may wish to seek a legal opinion at their own expense to determine whether or not there is a conflict of interest situation with regard to the upcoming issue or vote.
- 40.5 If the matter with respect to which the Councillor has a pecuniary interest is a payment of an account for which funds have previously been committed, it is not necessary for the Councillor to leave the room.
- 40.6 If the matter with respect to which the Councillor has a pecuniary interest is a question on which the Councillor as an elector or property owner has the right to be heard by the Council,

- 40.6.1 it is not necessary for the Councillor to leave the room, and

40.6.2 the Councillor may exercise the right to be heard in the same manner as a person who is not a member of the Council.

40.7 If a Councillor is temporarily absent from a meeting when a matter in which the Councillor has a pecuniary interest is introduced, the Councillor shall immediately on returning to the meeting, or as soon thereafter as the Councillor becomes aware that the matter has been considered, disclose the general nature of the Councillor's interest in the matter.

50.0 BYLAW PROCEDURES

50.1 Where a Bylaw is presented to a meeting for enactment, the CAO or designate shall cause the number, short title and brief description of the Bylaw to appear on the Agenda.

50.1.1 As per Section 187 of the Act, all Bylaws shall have three distinct and separate readings. The Motion to move a Bylaw for consideration shall be the First Reading.

50.2.2 As per Section 187(4) of the Act any proposed bylaw must not have more than 2 readings at a council meeting unless the councillors present unanimously agree to consider third reading, which requires a motion of council.

50.2 The following shall apply to the passage of a Bylaw:

50.2.1 A Bylaw shall be introduced for First Reading by a Motion that it be Read a First Time specifying the number and short name of the Bylaw;

50.2.2 After a Motion for First Reading of the Bylaw has been presented, Members may debate the substance of the Bylaw, and propose and consider amendments to the Bylaw;

50.2.3 Any proposed amendments shall be put to vote, if required, and, if carried, shall be considered as having been incorporated into the Bylaw at First Reading.

50.2.4 When all amendments have been accepted or rejected, the Chair shall Call the Question on the Motion for First Reading of the Bylaw.

- 50.2.5 When a Bylaw is subject to a statutory Public Hearing, a Public Hearing date and time shall be established prior to proceeding to second reading.
- 50.2.6 When a Bylaw must receive approval of a Minister of the Crown, it must be forwarded for such approval prior to proceeding to Second Reading.
- 50.2.7 All aspects of the passage of a Bylaw at First Reading shall apply to Second or Third Reading of any Bylaw.

60.0 BYLAW AND POLICY APPEAL

- 60.1 When a Bylaw or Policy is defeated by Council the Bylaw or Policy shall not be available for review by Council for a period of six (6) months from the date the Bylaw or Policy being defeated unless there is a reconsidering motion where information relevant to the defeated motion may change the result.

70.0 REPEAL

- 70.1 This Bylaw repeals Bylaw No. 937/COUNCIL/2017 and any amendments thereto.

80.0 EFFECTIVE DATE

- 80.1 This Bylaw comes into effect upon the final passing and proper signature thereof.

Read a first time this 12 day of October, 2021.

Read a second time this 12 day of October, 2021

Read a third time and passed this 12 day of October, 2021.

Bylaw No. 967/COUNCIL/2021
Procedural Bylaw

Municipal District of Fairview No. 136

Municipal District of Fairview No. 136



(Reeve)



Chief Administrative Officer

Schedule "A"

Agenda Format

1. CALL TO ORDER
2. ADOPTION OF AGENDA
3. ADOPTION OF MINUTES
4. FINANCE
5. STAFF REPORTS
6. COUNCILLOR CONCERNS
7. DELEGATIONS
8. DEVELOPMENT AND SUBDIVISIONS
9. COMMITTEE AND BOARD REPORTS
10. UNFINISHED BUSINESS
11. NEW BUSINESS
12. INFORMATION ITEMS
13. NEXT MEETING
14. CLOSED SESSION
15. ADJOURNMENT