

## **BYLAW # 712**

### **VILLAGE OF LOUGHEED**

#### **PROVINCE OF ALBERTA**

A BYLAW TO REGULATE THE PROCEEDINGS OF COUNCIL AND TO DEFINE CERTAIN DUTIES OF COUNCIL, THE COMMITTEE/SPECIAL TASK FORCES, AND CERTAIN OFFICERS OF THE VILLAGE OF LOUGHEED IN THE PROVINCE OF ALBERTA

Pursuant to the provisions of the Municipal Government Act, WHEREAS Statutes of Alberta 2000, Chapter M-26.1 as amended, a Council may pass bylaws respecting the procedure and conduct of Council, Council committee/special task forces, and the conduct of the members thereto; and to define the duties of the Chief Administrative Officer and designated officers with respect to Council and Council Committee/special task force meetings;

The Municipal Council of the Village of Lougheed in the Province of Alberta, duly assembled, hereby enacts as follows:

THEREFORE

#### **1. TITLE**

This Bylaw may be called the "Council Procedural Bylaw".

#### **2. DEFINITIONS**

- (a) In this Bylaw, words meaning male persons include female persons.
- (b) "Agenda" is the list of items and order of business for any meeting of Council or its committee/special task forces.
- (c) "Bylaw" is a bylaw of the Village of Lougheed.
- (d) "Chief Administrative Officer" means the person duly appointed by Council; and may be referred to as "the C.A.O." in this bylaw.
- (e) "Clerk" shall be the designated officer attending at the Council Meeting; and to whom the Chief Administrative Officer has delegated certain responsibilities to, pertaining to Council meetings and minutes.
- (f) "Committee/special task force" shall refer to the following:
  - any other board, committee/special task force, commission, task force, or other body appointed by Council to perform an advisory function to Council; but does not include the Committee of the Whole.
- (g) "Committee of the Whole" is the Members of Council present at a meeting of Council.
- (h) "Delegation" shall be one or more persons who have formally requested, and been granted, an audience with Council at a regular Council meeting, in accordance with this bylaw.
- (i) "Ex-officio" means membership by virtue of one's office and/or where appointed by Council.
- (j) "Motion to Accept as Information" is a motion which is made for the purpose of acknowledging the particular item, report or recommendation under consideration and of having the item, report or recommendation placed in the records of Administration for future reference with no additional action being taken at the present time.
- (k) "New Business" shall be any matter appearing before Council for the first time on an Agenda that requires a decision of Council.

- (l) “Person” shall refer to any Member of Council or Committee/special task force member, any member of Village of Loughheed Administration, any delegation addressing Council, any member of the media and any member of the public present at a meeting.
- (m) “Point of Information” is a request or statement directed to the Mayor or through the Mayor to another Member of Council or to the Administration, for or about information relevant to the business at hand, but not related to a Point of Procedure.
- (n) “Point of Order” is the raising of a question by a Member of Council with the view of calling attention to any departure from the Procedure Bylaw or the customary proceedings in debate or in the conduct of Council’s business.
- (o) “Point of Privilege” refers to all matters affecting the rights and exemptions of Council collectively or the position and conduct of Members of Council in their respective character as elected representatives.
- (p) “Point of Procedure” is a question directed to the Mayor to obtain information on a matter of parliamentary law or the rules of Council regarding the business at hand in order to assist a Member of Council to make an appropriate motion, raise a point of order or understand the parliamentary situation or the effect of a motion.
- (q) “Presiding Officer” means the Mayor; or in the absence of the Mayor, the Deputy Mayor; or in the absence of the two, any other Member of Council chosen to preside at the Meeting from those Members of Council present.
- (r) “Public Hearing” is a Meeting of Council which is convened to hear matters pursuant to:
  - the Municipal Government Act (the “MGA”);
  - any other Act;
  - any other matter that Council directs may be considered at a Public Hearing.
- (s) “Public Question Period” is a period set aside prior to the commencement of the regular Council meeting, for the purpose of allowing members of the Gallery to ask questions to Council on any municipal matter.
- (t) “Question of Privilege” is the raising of a question which concerns a Member of Council collectively, when a Member of Council believes that another Member of Council has spoken disrespectfully towards her/him or Council, or when she/he believes her/his comments have been misunderstood or misinterpreted by another Member of Council.
- (u) “Special Meeting” is a meeting called by the Mayor pursuant to the Municipal Government Act.
- (v) “Unfinished Business” is business which was on the Agenda at the same or a previous meeting and which was not completed.

## SECTION 1 - MEETINGS OF COUNCIL

**1.1** The Council shall meet on the second Thursday of each month at the hour of 7:00 o’clock in the evening at the Village Office, excepting when:

- (a) the second Thursday of any month shall be a holiday, or
- (b) the majority of the members of Council present at the preceding meeting decide against holding the meeting on the second Thursday of the next month, or
- (c) the Mayor, because of an emergency situation, decides that the meeting should not be held on the second Thursday of that month,

Then the regular meeting for such month shall be on the ***third Thursday*** of that month at the same time and place.

- 1.2 Within four weeks of, and at the first meeting after an election, the Council shall first administer the required oaths, if not previously administered, and appoint one of their number to be Mayor, and one to be Deputy Mayor and after the said administration of oaths and appointment, the further business of the meeting shall then be proceeded with according to the order of business hereinafter provided.
- 1.3 The Chief Administrative Officer shall record the time of 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.
- 1.4 If a quorum is not present within thirty (30) minutes after the time fixed for regular or special meetings, the Chief Administrative Officer shall record the names of the members present, and the Council shall stand adjourned until the next regular or special meeting.
- 1.5 At every meeting, as soon as there is a quorum, the Mayor, if in attendance, shall take the chair.
- 1.6 In the case the Mayor or Deputy Mayor is not in attendance within fifteen minutes after the hour appointed for a meeting and a quorum is present, the Chief Administrative Officer 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 Mayor or Deputy Mayor.
- 1.7 The Council shall not sit later than eleven o'clock at night, unless otherwise determined by a two-thirds vote of the members present

## **SECTION 2 - CONDUCT OF MEETINGS**

- 2.1 Every delegate to Council and each member of Council shall address the chair, but shall not speak until recognized by the chair.
- 2.2 The Presiding Officer may, upon request of a member of Council authorize a person in the public gallery to address Council, only on the topic being debated at that time in the meeting and within time limits specified by the Presiding Officer.
- 2.3 Resolutions do not require to be seconded. A resolution may be withdrawn by the mover at any time before voting, subject to there being no objection from any other member of Council.
- 2.4 The following resolutions are not debatable by Council.
  - a) Adjournment.
  - b) Take a Recess.
  - c) Question of Privilege.
  - d) Point of Order.
  - e) Limit Debate on the Matter before Council.
  - f) Division of a Question.
  - g) Table the Matter to Another Meeting.
- 2.5 Procedures for public hearings shall be established by policy approved by Council.

## **SECTION 3 CONDUCT OF BUSINESS**

- 3.1 The Presiding Officer shall preserve order, decorum, and decide questions of procedure subject to an appeal to the Council; and the decision of the Presiding Officer shall be final unless reversed by a majority vote of the members present without debate.
- 3.2 When any Point of Order, Point of Procedure, or Question of Privilege arises, it shall be immediately taken into consideration. When the Presiding Officer is called upon to decide a Point of Order, Point of Procedure, Question of Privilege or practice, the point shall be stated without unnecessary comment, and the Presiding Officer shall cite the rule or authority applicable to same.

- 3.3** When a Point of Information is raised, the Presiding Officer shall answer the question or direct the question to the appropriate Member of Council or the Administration.
- 3.4** When a Point of Order is raised or when a Member of Council is called to order by the Presiding Officer, the Member of Council speaking shall immediately cease speaking until the Presiding Officer decides the point in question.
- 3.5** The Presiding Officer shall give each Member of Council who wishes to speak on an item, an opportunity to do so before calling the question. No Member of Council shall speak without first being recognized by the Presiding Officer; and being granted the floor. No Member of Council shall speak twice to the same item, without the leave of Council, except to make an inquiry or an explanation of a part of her/his speech that may have been misconstrued; and no Member of Council shall speak twice without every other Member of Council having first received their opportunity to speak. No Member of Council shall speak to the same question or in reply for longer than five (5) minutes.
- 3.6** Every Member of Council and every member of Administration present at the meeting in speaking to any question or motion shall address himself only to the Presiding Officer. When a member of Council is addressing Council, he/she shall: not speak disrespectfully of Her Majesty-the Queen, her Official Representatives or her Government; not use offensive, disrespectful, or unkind words in referring to any Member, or to any official or staff member of the Village or any member of the Public; not reflect on any vote of Council except when moving to rescind it and shall not reflect on the motives of the Members who voted on the motion, or the mover of the motion; not shout or immoderately raise her/his voice or use profane, vulgar or offensive language; assume personal responsibility for any statement she/he quotes to Council or upon request of Council shall give the source of the information. The Presiding Officer may rule any Member of Council out-of-order for failing to observe any of the above-noted restrictions; and any Member of Council so ruled out-of-order shall immediately cease to speak.
- 3.7** When two or more Members of Council desire to speak to a matter, the Presiding Officer shall establish the priority.
- 3.8** A Member of Council called to order shall immediately cease to speak, but may afterwards explain, and the Council, if appealed to, shall decide the same without debate; if there be no appeal, the decision of the Presiding Officer shall be complied with. During the reading of the Minutes, reports, communications or other papers, and when a Member of Council or any other person is addressing Council, silence shall be observed and no person shall be allowed to disturb the meeting.
- 3.9** Any Member of Council may require the question, or motion under discussion to be read at any time during the debate, but not so as to interrupt a Member of Council while speaking.
- 3.10** All motions shall be made in writing before being debated or put from the Chair. Before debate and upon request by any Member of Council, the motion shall be read by the Clerk. After a motion is read by the Clerk, it shall be deemed to be in possession of Council, but may be withdrawn at any time before decision or amendment with the permission of all the Members of Council present.
- 3.11** Whenever the Presiding Officer is of the opinion that a motion offered to Council is contrary to the rules and privileges of Council, she/he shall apprise the Members of Council thereof immediately, before putting the question, and shall cite the rule or authority applicable to the case without argument or comment, unless otherwise decided by a two-thirds majority vote of the members present.
- 3.12** No motion shall be offered on items that are not on the Council or Committee/special task force agenda as adopted. Members of Council wishing to introduce motions at a meeting shall do so by Notice of Motion for a future regular meeting.
- 3.13** No motion shall be offered that is subsequently the same as one on which the judgment of the meeting has already been expressed during the same meeting.

- 3.14** A Motion to Refer any matter, until it is decided, shall preclude all amendments to the main question. Further, said motion to refer is open to debate, but only as to whether or not to refer. A member of Council making a Motion to Refer shall be required to include in the motion: The terms on which the matter is being referred; the time when the matter is to be returned; and whatever explanation is necessary as to the purpose of the motion.
- 3.15** A Member of Council moving a Motion to Table any matter shall include in the tabling motion: The time at the Present Meeting or the date of a future meeting to which the matter is to be tabled; or a provision that the matter is to be tabled indefinitely. A Motion to Table a matter shall not be put forward until every Member of Council has had an opportunity to speak on the item; and will not be debated thereafter, except as to the time when Council will again consider the matter.
- 3.16** When the question under consideration contains distinct propositions, upon the request of any Member of Council, the vote upon each proposition shall be taken separately. If the vote is taken upon each proposition, it then becomes unnecessary to vote upon the whole question.
- 3.17** A motion to rescind an action of Council may be offered at any time subsequent to the meeting at which the original motion was passed, upon service of a Notice of Motion by the Member of Council intending to seek the rescinding of the motion. Any Member of Council may make the motion to rescind; a majority vote of 2/3 of the Members of Council is necessary for the passage of a motion to rescind.
- 3.18** A Member of Council may move a Motion to Adjourn a meeting at any time, except when:
- Another Member of Council has the floor;
  - A call for a vote has been made;
  - The Members of Council are voting;
  - Council is in camera;
  - A previous Motion to Adjourn has been defeated, and no other intermediate proceedings have taken place.
- A Motion to Adjourn shall be put without comment or debate; and a Motion to Adjourn cannot be reconsidered.
- 3.19** After any question is finally put by the Presiding Officer, no Member of Council shall speak to the question nor shall any other motion be made until after the result of the vote has been declared. The decision of the Presiding Officer as to whether the question has been finally put may be subject to appeal, subject to confirmation by the Members of Council of the question being finally put. After the Presiding Officer has declared the vote, no change of vote can be made except by the unanimous consent of the Members of Council who were present when the vote was put.
- 3.20** If any Member of Council wishes to have a Recorded vote, the request for a recorded vote must be made prior to the vote being taken. The Presiding Officer shall directly ask every Member in turn how they wish to vote on the matter at hand.
- 3.21** Every amendment must be relevant to the question on which it is proposed. Any amendment offered which raises a new question can only be considered on a distinct motion after notice.
- 3.22** All amendments shall be put in the reverse order to that in which they are moved; and every amendment shall be decided upon or withdrawn before the main question is put to a vote. Only one amendment to the main motion at one time shall be allowed, and only one sub-amendment shall be allowed to an amendment at one time.
- 3.23** A sub-amendment should not enlarge the scope of the amendment, but should deal with matters not covered by the amending motion.
- 3.24** An amendment proposing a direct negative to the original motion is out of order.

#### **4. BYLAWS**

- 4.1** A Bylaw appearing on the Council Agenda when listed as ready for first reading shall be introduced by a Member of Council moving "...that first reading be given to Bylaw (quoting the

Bylaw number)". Council may then discuss or debate the bylaw prior to the vote for first reading. If a Bylaw fails to receive first reading, it may be struck from the Agenda.

- 4.2 A Bylaw shall be introduced for second reading by a Member of Council proposing a motion that "...second reading be given to Bylaw (quoting the Bylaw number)". After a Member of Council has made a motion for second reading of a Bylaw, Council may: debate on the substance of the Bylaw; and propose and consider amendments to the Bylaw. When all amendments have been accepted or rejected, the vote for second reading of the bylaw, as amended, shall be taken.
- 4.3 A Bylaw shall be introduced for third reading by a Member of Council proposing a motion "...third reading be given to Bylaw (quoting the Bylaw number)". After a Member of Council has made a motion for third reading of a Bylaw, Council may: debate on the substance of the Bylaw; and propose and consider amendments to the Bylaw. When all amendments have been accepted or rejected, the vote for third reading of the Bylaw, as amended, shall be taken.
- 4.4 Every Bylaw which has passed the Council shall, as soon as reasonably possible after third reading, be signed by the Presiding Officer and the CAO, sealed with the Corporate Seal, and be deposited with the CAO for safe storage.
- 4.5 Every Bylaw of general application shall be printed or otherwise duplicated so as to be available to all interested parties; other bylaws shall be recorded and filed as well as amendments thereto and the CAO shall retain the original of every bylaw on file and properly record amendments thereto.

## **SECTION 5 - DELEGATIONS**

- 5.1 A person or a representative of any delegation or group of persons who wishes to bring any matter to the attention of the Council, or who wishes to have any matter considered by the Council shall address a letter or other communication to the Council outlining the subject to be discussed. The letter shall be typewritten or legibly written, signed by the correct name of the writer, delivered or mailed to the office of the Chief Administrative Officer so that it arrives before 1:00 p.m. on the Wednesday immediately preceding the meeting at which it is to be presented, and it shall contain the full mailing address of the writer. If the writer wishes to appear before Council it shall be so stated in the letter.
- 5.2 Delegations shall be granted a maximum of five (5) minutes to present the matter outlined in their letter. Where Presiding Officer determines that additional time shall be granted to a delegation, additional time shall be granted in the length specified by the Presiding Officer.
- 5.3 Notwithstanding Section 5.2, where the Presiding Officer determines that sufficient time has been granted to a delegation to present the matter outlined in their letter, the Presiding Officer may limit the length of time granted to the delegation.
- 5.4 Delegations who have not submitted a letter in accordance with Section 5.1 may be granted by the Presiding Officer a brief opportunity to outline the matter they wish to present to Council, and following that outline, the Presiding Officer shall determine if the delegation is to be granted time under Sections 5.2 and 5.3 to present the matter outlined.

## **SECTION 6 - AGENDA AND ORDER OF BUSINESS**

- 6.1 Prior to each regular meeting, the Chief Administrative Officer shall prepare a statement of the order of business to be known as the "Agenda" of all business to be brought before the Council at such meeting, and to enable the Chief Administrative Officer to do so, all documents and notices of delegation intended to be submitted to the Council shall be received by the Chief Administrative Officer not later than 1:00 p.m. the Wednesday before the regular meeting.
- 6.2 The Chief Administrative Officer shall place at the disposal of each member of Council, a copy of the Agenda and all supporting materials not later than 4:30 p.m., the day before the regular meeting.
- 6.3 Where the deadlines in Sections 6.1 or 6.2 are not met, the Agenda and supporting materials shall be deemed to be acceptable by Council when the Agenda is adopted at the regular meeting.

**6.4** The business of the Council intended to be dealt with shall be stated in the agenda in the following order:

1. Call to Order.
2. Agenda
3. Adoption of the previous minutes.
4. Business arising out of the minutes.
5. Public Hearings
6. Delegations.
7. By-laws.
8. Finance
9. Old Business.
10. Councillor Reports
11. New Business.
12. Correspondence
13. Confidential Items
14. Adjournment.

**6.5** The order of business established in the foregoing paragraph shall apply unless altered by the Presiding Officer without objection by a member of Council, 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.

**6.6** The Chief Administrative Officer is authorized to publish the order of business of any Council or Committee meetings in advance of the meeting and prior to the adoption of the Order of Business, and at the discretion of the Chief Administrative Officer, to release to the public or the media all, or any portions of the prepared Agenda materials.

## **SECTION 7 – MINUTES**

**7.1** The unadopted minutes of Council shall be not be published.

**7.2** Minutes of the proceedings of every meeting of the Council shall be drawn up and fairly entered by the Clerk in a book kept for that purpose and such book shall be properly indexed.

**7.3** Such minutes shall:

- (a) contain all resolutions and motions passed, with the names of the movers, and shall
- (b) mention reports, petitions and other papers submitted to the Council by their respective titles only, or by a brief description of their purpose, except accepted reports, which shall be entered at length

**7.4** Unless objection is taken to the minutes, when read, they shall be deemed approved and shall be signed by the Mayor. If any objection is made thereto the member making it shall state his grounds without comment, and if the Council acquiesces the minutes shall be amended accordingly. If all the members do not acquiesce in the proposed amendment, a motion must be made to amend the minutes in accordance with the objection, which shall then be debatable.

## **SECTION 8 – GENERAL**

**8.1** Standing Committees of Council shall be established and governed by bylaw and policy approved by Council. Where procedures for Standing Committees are not defined in policy, this bylaw shall apply.

**8.2** In all cases not provided for in the proceedings of the Council the "Revised Roberts Rule of Order" shall be followed and in such cases the decision of the Presiding Officer shall be final and accepted without debate.

- 8.3** Members of Council shall subscribe to the Village of Lougheed Code of Conduct for Councillors and the Alberta Urban Municipalities Association Ethical Guidelines of Conduct for Members of Council. In addition to these Guidelines, Members of Council shall refrain from uttering malicious or libellous comments with respect to each other or members of Administration, either in Council Chambers or in the community at large. A breach of this Section of the Bylaw by any Member of Council may place himself or herself in the position of censure by Council.
- 8.4** No Member of Council shall resist the rules of Council, or disobey the decision of the Presiding Officer and Council on any question of order or practice or upon the interpretation of the rules of Council; and in case any Member of Council shall so resist or disobey, she/he may be ordered by Council by a majority vote to leave her/his seat for that meeting; and in case of her/his refusing to do so, she/he may on order of the Presiding Officer, be removed there from by the Police, but in the case of ample apology being made by the offender, she/he may by vote of Council without debate be permitted forthwith to take her/his seat.
- 8.5** No Member of Council shall have the power to direct or interfere with the performance of any work for the Village, and the Officer in charge shall be subject only to her/his superior officer (if any) and to the Council, or to a Committee/special task force (while acting in the capacity and not otherwise) to which the Council may in any case give authority in that behalf. Nothing in the foregoing shall in any way interfere or restrict the right of a Councillor to seek information from any officer or employee of the Village through the office of the Chief Administrative Officer.
- 8.6** Any member of the public who, while in the Council Chambers, interrupts and disturbs the proceedings of Council by words or actions and who, when so requested by the Presiding Officer, refuses to end such interruption or to leave the Council Chambers if so requested, shall be guilty of an offence and shall be subject to removal from the Council Chambers by the Police. The Presiding Officer at any meeting may cause to be expelled and excluded any person who has been guilty of improper conduct.

This Bylaw comes into force on the day it is finally passed.

Read a first time this 12 day of August, A.D., 20 10 .

Read a second time this 12 day of August ,A.D., 20 10 .

Read a third time and finally passed this 12 day of August, A.D., 2010.

Village of Lougheed

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Mayor

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Chief Administrative Officer