

## **BYLAW 1746-96**

BEING A BYLAW OF THE TOWN OF STETTLER, IN THE PROVINCE OF ALBERTA TO REGULATE THE PROCEEDINGS OF COUNCIL MEETINGS.

Pursuant to Section 145 of the Municipal Government Act, Statutes of AB, 1994 Chapter M-26.1, the Council of the Town of Stettler duly assembled enacts as follows:

This Bylaw may be cited as the Council Procedure Bylaw.

The Council hereby establishes the following rules and regulations for the order and conduct in which all Council meetings shall transact its business.

The appropriate sections of the Municipal Government Act also apply to the conduct of all meetings.

### **1. COMMITTEES**

#### **a. SPECIFIC COMMITTEES**

##### Committee of the Whole

The purpose of the meeting is to allow Council to review , discuss and recommend changes to Town Council on programs, policies and bylaws.

The Committee of the Whole is hereby established with the following guidelines:

- (1) The Mayor (or in his absence the Deputy Mayor) will preside at the meetings.
- (2) The meetings will be held on the second Tuesday of each month starting at 4:30 p.m. and shall not run beyond 7:00 p.m.
- (3) An agenda will be prepared for all meetings.
- (4) Actions of the Committee must be by resolution and ratified at a Council Meeting.
- (5) Minutes will be kept of all proceedings.
- (6) Written reports shall be prepared for Council's consideration. Further input may also be provided by the senior managers or other advisors. A quorum must be present to hold a meeting.

##### Other Community Boards & Committees

- (1) Council may appoint members to other Committees or Boards of other organizations and/or may establish their own special Committees as required.
- (2) When establishing a special Committee, Council shall establish the scope and duration of the Committee's function.

It shall be the duty of the Chairman of each Committee, or in the case of his illness or absence from the Town, it shall be the duty of the Town Manager to summon a special meeting of any such Committees whenever requested in writing to do so by a majority of members of any such Committee.

**b. APPOINTMENT AND ORGANIZATION OF COMMITTEES**

All Committees shall be appointed on a motion of a member by consent of a majority of the members present at a meeting of the Council, and any member of the Council may be placed on a Committee notwithstanding the absence of any such member at the time of his being named upon such Committee. The Mayor shall be an ex-officio member of all Committees and shall have all the powers and privileges of any member of the same including the right to vote upon all questions to be dealt with by such Committee.

- (1) In any case where a member of a Committee is absent from the Town or is otherwise unable to attend meetings of the Committee of which he is a member, the Mayor may appoint a member of Council to such Committee to attend the meetings of the Committee concerned.
- (2) The member so appointed by the Mayor shall, during the term of such appointment, have all the powers, rights and duties as a member of the Committee concerned as if appointed by Council thereto.

**c. GENERAL DUTIES OF COMMITTEES, BOARDS AND COMMISSIONS**

The general duties of all Committees, Boards and Commissions shall be as follows:

- (1) To report to Council on a regular basis, or whenever desired by Council, or as often as the interests of the Town may require, on all matters connected with the duties imposed on them respectively and to recommend such action by the Council in relation thereto as may be deemed necessary.
- (2) To cause to be prepared and introduced into Council all Bylaws as may be necessary to give effect to such of their recommendations as are adopted by Council.
- (3) To consider and report on any and all matters referred to them by Council, the Mayor or Town Manager.

**d. LIMITATION OF POWERS OF COMMITTEES, BOARDS OR COMMISSIONS**

No action of any Committee, Board or Commission, unless power to take such action is expressly conferred on the Committee, Board or Commission, shall be binding on the Town unless and until the same has been reported to Council by such Committee, Board or Commission and such report has been adopted by the Council.

**e. LIMITATION OF ACTION BY MEMBERS**

No member of the Council shall have the power to direct or interfere with the performance of any work for the Town of Stettler and any employee shall be subject only to his Supervisor. Nothing in the foregoing shall in any way interfere or restrict the right of a Member of Council to seek minor information from any officer or employee of the Town without going through the office of the Town Manager, although the Town Manager must be kept informed of matters of this nature.

**2. AGENDAS FOR COUNCIL MEETINGS**

- (1) The agenda for each regular and special meeting shall be prepared by the Secretary-Treasurer and submitted together with copies of all pertinent correspondence, statements and reports to each member of Council at least two days prior to each regular meeting.
- (2) Any member of Council, Town Official or any other person wishing to have an item of business placed on the agenda, shall make the submissions to the Secretary-Treasurer not later than 12:00 noon on the Thursday of the week prior to the meeting. The submission shall contain adequate information to the satisfaction of the Secretary-Treasurer to enable Council to deal with the matter.
- (3) No item of business shall be considered by the Council if the item has not been placed on the agenda unless members of Council present by a two-thirds majority vote agree to the item being placed on the agenda. The Mayor, any Councillor or the Town Manager shall be given an opportunity to state why an item shall receive consideration on the agenda because of its emergent nature before the motion is put to a vote.
- (4) The Secretary-Treasurer may delegate any duties outlined in this bylaw to a recording secretary but shall accept all responsibilities of the duties.
- (5) If a member of Council arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, it shall be so recorded in the minutes.

**3. GENERAL RULES OF COUNCIL**

- (1) Council shall, at its organizational meeting of each year, establish the days and times of its regular meetings. If a regular meeting falls on a holiday, the meeting shall be held on the next day following, not being a holiday. Regular Council meetings shall be held the first and third Tuesdays of each month unless changed by motion of Council.
- (2) Regular meetings of Council shall commence at the hour of 6:30 p.m. and shall adjourn not later than 10:30 p.m. if in session at that hour unless members of Council present, by a two-thirds majority vote, agree to an extension of time.
- (3) As soon after the hour of the meeting as there shall be a quorum present, the Mayor shall take the chair and call the meeting to order.
- (4) After the Mayor or other Presiding Officer has called the meeting to order, minutes of the preceding meeting shall be confirmed as presented via resolution of Council.
- (5) In 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 Secretary-Treasurer shall call the meeting to order and a Chairman shall be chosen by the Councillors present who shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor. A quorum of Council shall be a majority of those members elected and serving on Council, including the Mayor.

- (6) If there is no quorum present within half an hour after the time appointed for a regular meeting of Council, the Secretary-Treasurer shall record the names of the members of Council who are present and the meeting shall be absolutely adjourned until the next regular meeting unless a special meeting has been duly called in the meantime. Notice of adjournment should be posted on the outside door of access to the Council Chambers.
- (7) The Secretary-Treasurer shall record in the minutes each time a member of Council excuses himself by reason of pecuniary interest.
- (8) Voting on all matters shall be done by raising of the hand in such a clear manner that they may be easily counted by the Presiding Officer.
- (9) On any vote on a particular matter, all votes shall be recorded as in favor, against or abstained.
- (10) If a member is personally interested in the question, provided such interest is resolvable into a personal pecuniary profit, or is peculiar to that member, and not in common with the interest of the citizens at large, the member shall, in such case, report his status to Council, shall not vote, and leave the Council Chambers. In all other cases every member who is present in the Council Chambers when the question is put shall vote thereon unless the Council shall excuse him by adopting a motion formally made to that effect.
- (11) Whenever a vote on any order, resolution or question before Council or Committee cannot be taken because of loss of a quorum, the loss of quorum resulting from:
  - (a) the excusing of a member or members of Council from voting by resolution of Council, or
  - (b) the disqualification of a member or members of Council from voting.

Then the order, resolution or question shall be the first business to be proceeded with and disposed of at the next meeting of such Committee or Council, under the particular order of business. If a quorum is lost for any reason other than the aforementioned reasons in (a) and (b), the meeting is at an end.
- (12) The Mayor or Presiding Officer shall preserve order and decorum and shall decide questions of order subject to an appeal to the Council by resolution and the decision of the Presiding Officer shall be final unless reversed or altered by a majority vote of members present without debate.
- (13) When the Mayor or Presiding Officer is called on to decide a point of order or practice, he shall state the rule of authority applicable to the case.
- (14) Every member wishing to speak to a question or motion shall address himself to the Mayor or Presiding Officer.
- (15) During the review of minutes, reports, communications or other papers, and when a member or any other person is addressing the Council, silence shall be observed and no one shall be allowed to disturb the meeting.

- (16) A member 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 Mayor or other Presiding Officer shall be adhered to.
- (17) No member shall:
- (a) speak disrespectfully of The Sovereign, or any of the Royal Family, or of the Governor General, or the Lieutenant-Governor, or persons administering the Government of Canada or of this Province;
  - (b) use offensive or profane words in or against the Council or against any member thereof;
  - (c) speak except upon the question in debate;
  - (d) reflect upon any vote of the Council except for the purpose of moving that such a vote be rescinded;
  - (e) resist the rules of the Council, or disobey the decision of the Mayor or of the Council on any question or order or practice upon the interpretation of the rules of the Council, and in case any member shall so resist or disobey, he may be ordered by the Council by a majority vote to leave his seat for that meeting, and in case of his refusing to do so, he may on order of the Mayor, Deputy Mayor or other Presiding Officer, be removed therefrom by the Police, but in case of ample apology being made by the offender, he may by vote of the Council without debate be permitted forthwith to take his seat.
- (18) Any member 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 while speaking.

The Presiding Officer will give each member who wishes to speak, an opportunity to do so before putting the question.

- (19) All motions shall be recorded by the Secretary-Treasurer and read on request. The Chairman of the meeting cannot make a motion. A motion submitted to Council does not require a seconder. A motion shall be deemed to be in possession of the Council, but may be withdrawn at any time before decision or amendment with the permission of all the members of Council present.
- (20) No motion shall be made that is substantially the same as one on which the judgment of the meeting has already been expressed during the same meeting.
- (21) Whenever the Mayor or other Presiding Officer is of the opinion that a motion offered to Council is contrary to the rules and privileges of Council, he shall apprise the members thereof immediately, before putting the question, and shall cite the rule or authority applicable to the case without argument or comment.
- (22) When a motion has been made and is being considered by the Council, no other motion may be made and accepted, except:
- (a) a motion to refer the main question to some other person or group for consideration;
  - (b) a motion to amend the main question;

- (c) a motion to table the main question;
  - (d) a motion to table the main question to some future time;
  - (e) a motion to adjourn the meeting, provided that a motion to table shall not be debated except as to the time when the matter will again be considered.
- (23) 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 Mayor or other Presiding Officer so directs.
- (24) After any question is finally put by the Mayor or other Presiding Officer, no member 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 Mayor or the Presiding Officer as to whether the question has been finally put shall be conclusive.
- (25) (a) A motion to reconsider shall not be allowed unless a majority of the members of Council present agree.
- (b) No reconsideration shall be allowed on motion of adjournment.
- (c) No question shall be reconsidered more than once at any one meeting of Council.
- (26) (a) A motion to rescind an action of Council may be offered at any time subsequent to the original motion.
- (b) Any member of Council may make the motion to rescind.
- (c) A majority vote of 2/3 of the members of Council is necessary for the passage of a motion to rescind.
- (27) (a) A motion to refer cannot be amended but can be debated.
- (b) A motion to adjourn Council shall always be in order.
- (28) Whenever any matter of privilege arises, it shall be immediately taken into consideration.

#### **4. AMENDMENTS**

- (1) 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.
- (2) An amendment proposing a direct negative is out of order.
- (3) 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 shall be allowed on a main motion or to an amendment at one time.
- (4) There shall be no amendments to any motions for the appointment of any person to any office.

**5. ORDER OF PROCEEDINGS IN THE COMMITTEE OF THE WHOLE**

The rules of the Council shall be observed in Committee of the Whole, as far as may be applicable.

**REGULATIONS FOR CONDUCTING BUSINESS IN COMMITTEE**

The business of Council Committees shall be conducted under the following regulations and subject to the rules governing procedure in the Council.

- (a) The Chairman shall preside at every meeting.
- (b) The name of the Chairman shall appear upon all reports and recommendations made by the Committee.
- (c) In the absence of the Chairman, the alternate Council member shall preside.
- (d) The minutes of the transaction of every Committee shall be accurately entered in a book to be provided for that purpose.
- (e) When a division takes place on any question and the question may be put to a vote, the votes of the members shall be recorded.
- (f) No report or recommendation to do with any matter or thing shall be recognized as emanating from any Committee unless it is in writing, nor unless it bears the name of the Chairman or Acting Chairman and refers to the minutes of the Committee under which it is issued.
- (g) The Secretary-Treasurer or a person designated by the Committee Chairman shall record the minutes of the Committee.
- (h) Any Council member not a member of a Committee shall have the right to attend Committee meetings with the right of debate, but not to make motions or to vote.

**6. COMMUNICATIONS INTENDED FOR COUNCIL**

- (1) Every written communication reaching the Secretary-Treasurer or the Town Manager and intended for Town Council shall be fairly written or printed on paper and shall be signed by at least one person whose address is also shown.
- (2) When a communication intended for Town Council is received by the Secretary-Treasurer or Town Manager he shall place it on the agenda of the next regular meeting of Council once he is assured that there is sufficient information contained therein to allow Council to render a decision.
- (3) If Council decides by a majority of members present that a communication sent to it deserves immediate action then the matter may be dealt with at that Council meeting.
- (4) Any type of communication received by the Council may be referred to a Committee of Council or may be referred to the Town Manager for report.
- (5) Notwithstanding any provision of this Bylaw, the Council will grant a full and fair hearing to persons entitled by law to make oral submissions to Council.

- (6) Council shall hear only one formal delegation at any one meeting of Council, unless the Mayor deems that a further delegation is of an emergent nature. Delegations heard within the Citizen's Forum shall not be considered a formal delegation with regard to the one delegation per meeting limit. Delegations shall be restricted to a fifteen minute time limit unless Council allows otherwise. All rules of Council in this Bylaw shall apply to each and every member of the delegation.
- (7) A person wishing to make representation directly to Council shall so advise the Secretary-Treasurer or Town Manager in writing not less than five days prior to the Council meeting date.
- (8) The Mayor may allow informal delegations during a defined time period of the Council meeting, to be known as the "Citizen's Forum".
- (9) Informal Citizen's Forum delegations shall be brief in nature (maximum 5 minutes in length). The Mayor may allow the delegation additional time if deemed necessary or may alternatively request the individual to appear before a future Council meeting as a formal delegation.
- (10) Informal Citizen's Forum delegations shall abide by all the rules of delegations contained within this bylaw with the following exceptions:
  - (a) Prior notice of attendance by the delegation is not necessary, but is encouraged.
  - (b) Normally all informal Citizen's Forum delegations will be restricted to 5 minutes or less.
- (11) In questioning delegations whether statutory or otherwise, members of Town Council will ask only those questions which are relevant to the subject of the hearing and will avoid repetition. Delegations speaking to the subject will be restricted to speaking to the subject matter only.
- (12) 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 offense and liable on conviction to the penalties provided in the General Penalty Bylaw of the Town of Stettler and shall be subject to removal from the Council Chambers by the Police.
- (13) Council may adjourn from time to time to a fixed future date any regular or special meeting of Council which has been duly convened but not terminated. The object of adjourning is to finish the business which the meeting was called to transact in the first place but which has not been completed.
- (14) Any matter of meeting conduct which is not herein provided for shall be determined in accordance with "Robert's Rules of Order", most current edition.

**7. BYLAWS**

- (1) When a proposed Bylaw is read in Council, the Secretary-Treasurer shall certify the reading and the date of the readings on the face thereof. When a Bylaw has been read a third time and finally passed, the Secretary-Treasurer shall keep on file correct copies thereof including amendments, if any.

- (2) A Bylaw appearing upon the Council agenda when listed as ready for first reading shall be introduced by a member moving "That Bylaw No. (quoting Bylaw No.) be read a first time". After first reading, the Bylaw may be debated, referred or tabled. If a Bylaw fails to receive first reading, then it may be struck from the agenda.
- (3) All amendments to a Bylaw made in Committee of the Whole shall be reported by the Chairman to the Council. After a report has been received, the proposed Bylaw shall be open to debate and amendment by the Council.
- (4) Every Bylaw shall have three distinct and separate readings before it is finally passed; but not more than two readings shall be had at one meeting of the Council except by the unanimous vote of the members present thereat.
- (5) Every Bylaw shall be read a third time before it is signed by the Mayor or Deputy Mayor. If a Bylaw fails to receive third reading, it shall remain on the agenda to be dealt with at the next regular meeting of Council.
- (6) 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 Secretary-Treasurer be securely deposited by the Secretary-Treasurer.
- (7) Every Bylaw which has passed the Council shall immediately after being sealed with the seal of the Town and signed by the Mayor and the Secretary-Treasurer be securely deposited by the Secretary-Treasurer.
- (8) This Bylaw shall not be repealed, amended or suspended, except so far as the terms thereof themselves permit, unless it is repealed, amended or suspended:
  - (a) By a Bylaw unanimously passed at a regular or special meeting of the Council at which all the members thereof are present, or
  - (b) By a Bylaw passed at a regular meeting of Council, pursuant to a notice in writing given and openly announced at the next preceding meeting of the Council and setting out the terms of the substantial effect of the proposed Bylaw.

Bylaw 1724-95 is hereby repealed.

READ a first time this 20th day of February, A.D. 1996.

READ a second time this 20th day of February, A.D. 1996.

READ a third time and finally passed this 20th day of February, A.D. 1996.

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Mayor

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Secretary-Treasurer

