

TOWN OF PENHOLD
BYLAW NO. 795/2021

COUNCIL PROCEDURE BYLAW

Being a Bylaw of the Town of Penhold in the Province of Alberta, to provide for the orderly proceedings of Council meetings and the transacting of business by Council of the Town of Penhold.

WHEREAS the Section 145(b) of the ***Municipal Government Act***, RSA 2000, Chapter M-26, as amended (the "**Act**") states that Council may pass bylaws in relation to the establishment and functions of Council committees and others bodies;

AND WHEREAS the Council of the Town of Penhold wishes to establish procedures to be followed by Council, Council committees and other bodies established by the Council;

AND WHEREAS Council has a bylaw which provides a standard, familiar format for Council meetings and to make it clear for members of Council, staff, the media and the public to understand the decision making process.

NOW THEREFORE, the Council of the Town of Penhold, in the Province of Alberta duly assembled enacts as follows:

SECTION 1: TITLE AND PURPOSE

- 1.1 This Bylaw may be cited as the "Council Procedure Bylaw".
- 1.2 The purpose of this Bylaw is to establish rules to follow in governing the meetings of the Council and Committees of the Town of Penhold.
- 1.3 The federal legislation supersedes provincial legislation and the MGA supersedes municipal bylaws.
 - a) Hierarchy of rules
 - Municipal Government Act and any other provincial legislation
 - Procedure Bylaw
 - Principle Rules of a Meeting (Robert's Rules) (not legislated)

SECTION 2: DEFINITIONS

- 2.1 Except as otherwise provided herein, words in this Bylaw shall have the meanings prescribed in the ***Municipal Government Act***:
 - a) "**Agenda**" is the items of business of a meeting and the associated reports, bylaws or other documents;

- b) **"Chair"** means the Mayor, Deputy Mayor or other person who has authority to preside over a meeting;
- c) **"CAO"** means the Chief Administrative Officer of the Town within the meaning of the Municipal Government Act, or his/her designate;
- d) **"Closed Session"** means a meeting which is conducted without the public in attendance; this would be determined if a matter to be discussed is within one of the exceptions to disclosure as per the Freedom of Information and Protection of Privacy Act;
- e) **"Council"** means the municipal Council of the Town of Penhold;
- f) **"Councillor"** means a member of Council who is duly elected and continues to hold office;
- g) **"Delegation"** means any person that has permission of Council to appear before Council or a Committee of Council to provide pertinent information and view about the subject before them;
- h) **"Deputy Mayor"** means the member of Council appointed pursuant to this Bylaw to act as Mayor in the absence or incapacity of the Mayor;
- i) **"Mayor"** means the Chief Elected Official of the Town within the meaning of the Municipal Government Act and is a member of Council;
- j) **"Member"** means a member of Council duly elected and continuing to hold office, or a member of a Committee duly appointed by Council;
- k) **"Minutes"** means the record of decisions of any meeting;
- l) **"Municipality"** means the Town of Penhold, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the municipality.
- m) **"MGA"** means the Province of Alberta Municipal Government Act and any amendments thereto.
- n) **"Person"** means any person, firm, partnership, association, corporation, company or organization of any kind.

- o) **"Public Hearing"** means a public meeting of Council convened to hear matters on a proposed bylaw or resolution; matters pursuant to the Municipal Government Act, or any other Act, or any other matter at the direction of Council.
- p) **"Quorum"** means the minimum number of members that must be present at a meeting for business to be legally transacted;
- q) **"Rescind"** means to repeal, cancel, or revoke;
- r) **"Special Resolution"** means a resolution passed by a two-thirds majority of all members;
- s) **"Table"** means a motion to delay consideration of any matter and sets the date for reconsideration of the matter to resume;
- t) **"Withdraw a Motion"** permits a member to remove a question from consideration even after the motion has been restated by the Chair.

SECTION 3: GENERAL

1. This Bylaw shall govern all meetings of Council, public hearings and any other meetings as may be directed by Council.
2. Standing Committees of Council shall be established and governed by policy or bylaw approved by Council. Where appropriate authority is delegated to a Standing Committee, such committee and its mandate shall be established by bylaw.
3. In the absence of any statutory obligation to the contrary, the strict application of this Bylaw may be waived if approved by a vote of the majority of Council.
4. A motion to waive any provision of this Bylaw may be brought at any time, and if accepted, the resolution waiving the strict application of the Bylaw will only be effective for the meeting during which it was passed.
5. The precedence of the rules governing the procedure of Council is:
 - i. The Province of Alberta Municipal Government Act
 - ii. Other Provincial Legislation
 - iii. Town of Penhold Council Code of Conduct
6. The Mayor, when present, shall preside as Chair over all meetings of Council, unless otherwise provided for in this Bylaw.

7. The Deputy Mayor shall Chair Council meetings when the Mayor is absent or unable to act as Mayor and shall have the powers and responsibilities of the Mayor under this Bylaw.
8. In the absence or inability of the Mayor and Deputy Mayor to act, the next Councillor scheduled to be Deputy Mayor on the roster shall assume the Chair of Council and shall have the powers and responsibilities of the Mayor under this Bylaw.
9. As a rule the Chair does not make any motions, but shall be able to voice what he/she sees as a useful motion and seek someone to move the motion.
10. Direction to administration by Council shall be limited to Council as a whole directing the CAO only.

SECTION 4: DEPUTY MAYOR

1. At the Organizational Meeting, Council shall review and appoint the upcoming year's list of Deputy Mayors to act as Mayor in the absence or incapacity of the Mayor.
2. Council can by resolution, at a Council meeting, make changes to the Deputy Mayor schedule.

SECTION 5: MEETINGS – Organizational

1. When the Mayor has been elected at an election immediately preceding the organizational meeting the CAO shall call the meeting to order and shall preside over the meeting until every member of Council present has made and subscribed the official oath prescribed by the Oath of Office Act.
2. The Organizational Meeting shall be held on the fourth (4th) Monday in October of each year, unless otherwise authorized by resolution of Council.
3. It is recommended that all Councillors be present.
4. The CAO shall have available for each member of Council and the public, a copy of the Organizational Meeting Agenda and all supporting materials no later than 12 noon no less than three (3) days before the date on which the Organizational Meeting is scheduled.
5. At the Organizational Meeting Council will set the dates, times and place for the next twelve month period for the regularly scheduled Council meetings.
6. If a meeting date falls on a statutory holiday, the meeting shall be scheduled for the following day which is not a statutory holiday, unless otherwise set by resolution of Council.

7. Council can, by resolution, make changes to the date, time or place of a regularly scheduled meeting, provided that at least twenty-four (24) hours notice of the change is given to any Councillor not present at the meeting at which the change was made and give notice to the public.
8. The order of business at the organizational meeting shall be stated in the agenda in the following order:
 1. Call to order
 2. Adoption of the agenda
 3. Deputy Mayors Appointment(s) for the next twelve month period
 4. Date, Time and Location of Regular Council meetings for the next twelve month period
 5. Date, Time and Location of the Council Workshop meetings for the next twelve month period
 6. Signing authorities
 7. Appointment of Town Auditor
 8. Appointments of Council Members to Authorities, Boards, Commissions and Committees
 9. Items of Business: review pertinent policies, such as remuneration, travel, subsistence and out of pocket expenses to be paid to members and members at large
 10. Adjournment
9. The order of business established in the foregoing paragraph shall apply unless Council otherwise determines by a majority vote of the members of Council present, and the vote upon a matter of priority of Council business shall be decided without debate.

SECTION 6: MEETINGS – Regular

1. As a rule, regular Council meetings are held the second (2nd) Monday at 6 p.m. and the fourth (4th) Monday at 6 p.m., of each month, notwithstanding any deviations as established at the Organizational meeting.
2. Notice of regularly scheduled meetings need not be given.
3. At a meeting at which all of Council is present, Council shall by resolution, decide to hold regularly scheduled Council meetings on specific dates, times and place for the next twelve month period.
4. If a member is unable to attend a regular Council meeting Council may decide to place equipment in Council Chambers to allow participation of the meeting through electronic communications.

(Section 199 of the MGA states: 199(2) Councillors participating in a meeting held by means of a communication facility are deemed to be present at the meeting.)

5. If Council changes the date, time or place of a regularly scheduled meeting, the municipality must give at least 24 hours' notice of the change
 - a) to any Councillors not present at the meeting at which the change was made, and;
 - b) to the public.
6. The CAO shall have available for each member of Council and the public, an electronic copy of the regular meeting agenda and all supporting materials no later than 12 noon no less than three (3) days before the date on which the regular Council meeting is scheduled.
7. The business of the Council intended to be dealt with shall be stated in the agenda in the following order:
 1. Call to order
 - 1.1) Added Items
 - 1.2) Adoption of the agenda
 2. Adoption of previous minutes
 3. Business arising out of the minutes
 4. Public Hearings
 5. Presentations and Delegations
 6. Reports
 - 6.1) Financial Reports
 - 6.2) CAO Report
 - 6.3 – 6.6) Staff Reports
 7. New Business
 8. Outstanding Business
 9. Reports from Council boards and committees
 10. Bylaw(s)
 11. Correspondence and Information
 12. Council Round Table Reports - verbal
 - 12.1) Request for action/follow up
 - 12.2) Notice of motion: A request that has financial implications to the current year budget that will be brought back to the next regular Council meeting for deliberation and decision.
 13. Questions from the Gallery (at Chair Discretion)
 14. Closed Session
 15. Adjournment
8. The order of business established in the foregoing paragraph shall apply unless Council otherwise determines by a majority vote of the members of Council present.

SECTION 7: MEETINGS - Special Council Meetings

1. The chief elected official
 - a) may call a special Council meeting whenever the official considers it appropriate to do so, and
 - b) must call a special Council meeting if the official receives a written request for the meeting, stating its purpose, from a majority of the Councillors.
2. A special Council meeting called under subsection (1)(b) must be held within 14 days after the date that the Chief Elected Official receives the request or any shorter period provided for by bylaw.
3. The Chief Elected Official calls a special Council meeting by giving at least 24 hours' notice in writing to each Councillor and the public stating the purpose of the meeting and the date, time and place at which it is to be held.
4. A special Council meeting may be held with less than 24 hours' notice to all Councillors and without notice to the public if at least 2/3 of the whole Council agrees to this in writing before the beginning of the meeting.
5. No matter other than that stated in the notice calling the special Council meeting may be transacted at the meeting unless the whole Council is present at the meeting and the Council agrees to deal with the matter in question.

SECTION 8: MEETINGS – Closed Session

1. As per Section 197 (2) of the MGA Councils and Council committees may close all or part of their meetings to the public 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*.
2. Resolutions or bylaws cannot be passed while in a closed session. Any decisions must be made at a meeting open to the public.
3. Under the MGA, Councillors are required to keep in confidence matters discussed in private (closed session) at a Council meeting.



SECTION 9: QUORUM

1. The CAO (or as designated by the CAO) 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.
2. If a quorum is not present within fifteen (15) minutes after the time appointed for the meeting of Council, the CAO will take down the names of the members present and the meeting will be adjourned until the next regular meeting.
3. If at any time during a meeting the quorum is lost, the meeting will be recessed and if a quorum is not achieved again within fifteen (15) minutes the meeting will be deemed to be adjourned.
4. In the case that the Mayor or Deputy Mayor is not in attendance within fifteen (15) minutes after the hour appointed for a meeting and a quorum is present, the CAO shall call the meeting to order and a Chairperson shall be chosen by the Councillors present who shall preside during the meeting until the arrival of the Mayor or Deputy Mayor.
5. If a Council meeting is adjourned for failure to constitute a quorum or due to loss of quorum the agenda for that meeting shall be considered at the next scheduled Council meeting, unless a special meeting is conducted to complete such business.
6. Special meetings of Council shall be established as required by Council according to the provisions of the MGA and the public shall be given notice.

SECTION 10: ATTENDANCE

1. Council attendance is required as pursuant to the MGA.
2. Under the MGA Section 174(1)(d) states that a Councillor is disqualified from Council if they are absent from all regular Council meetings held during any period of eight consecutive weeks, unless the absence is authorized by Council prior to the end of the eight weeks, or if there is no regular meeting during the eight week period, before the end of the next regular meeting. This does not apply if a bylaw under s 144.1(1) Maternity and Parental Leave is in effect or if a Councillor is away on Council business at the direction of Council by a motion of Council.

SECTION 11: CANCELLATION OF MEETINGS

1. Council meetings may be cancelled by resolution or bylaw:
 - a) By a majority of Council, by resolution, at a previous meeting; or

- b) With written or oral consent of a majority, provided twenty-four (24) hours notice is provided to Council and the public.
- 2. Special Meetings may be cancelled by resolution or by bylaw:
 - a) By the Mayor if twenty-four (24) hours written notice is provided to Councillors and the public; or,
 - b) If less than twenty-four (24) hours notice is provided, the Mayor may cancel with the written or oral consent of two-thirds (2/3) of the Councillors.

SECTION 12: CONDUCT OF MEETINGS

1. Every delegate to Council and each member of Council shall address the Chair, but shall not speak until recognized by the Chair.
2. The Mayor or other presiding officer may, upon request of a member of Council, authorize a person in the public gallery to address Council, but only on the topic being debated at that time in the meeting and with time limits specified by the Mayor or other presiding officers.
3. A motion may be withdrawn at any time before voting, subject to there being no objection from any member of Council.
4. The following motions are not debatable by Council:
 - a) Adjournment
 - b) Take a Recess
 - c) Point of Order
 - d) Table the Matter to another Meeting
5. Where a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member of Council so requests or when the Mayor or other presiding officer so directs.
6. A motion shall be worded in a concise, unambiguous, and complete form appropriate to its purpose.
7. Motions containing a negative statement shall be avoided whenever possible.
8. Whenever the Mayor or other presiding officer is of the opinion that a motion is contrary to the rules and privileges of the Council, he/she shall apprise the member of Council immediately. He/she shall cite the rule or authority applicable to the case without argument or comment, unless otherwise decided by a two-thirds (2/3) majority vote of the members of Council present.

SECTION 13: DELEGATIONS

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 and/or completion of "Presentation to Council" form located on Town of Penhold website or provided by administration. 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 at least at 1 p.m. in the afternoon at least three (3) business days before the date scheduled for the meeting at which it is to be presented, and it shall contain the full mailing address and contact information of the writer. If he or she wishes to appear before Council, it shall be so stated in the letter.
2. Delegations shall be granted a maximum of ten (10) minutes to present the matter outlined in their letter. Where the Mayor or other presiding officer determines that additional time shall be granted to a delegation, additional time shall be granted in the length specified by the Mayor or other presiding officer.
3. Where the Mayor or other presiding officer determines that sufficient time has been granted to a delegation to present the matter outlined in their letter, the Mayor or other presiding officer may limit the length of time granted to the delegation.
4. Delegations who have not submitted a written letter may be granted by the Mayor or other presiding officer a brief opportunity to outline the matter they wish to present to Council, and following that outline, the Mayor or other presiding officer shall determine if the delegation is to be granted time to present the matter outlined.

SECTION 14: PUBLIC HEARING

1. Council shall hold a public hearing when the MGA or another enactment requires Council to hold a public hearing on a proposed bylaw or resolution or any other matter at the direction of Council. The public hearing shall be held before second reading of a proposed bylaw or before Council votes on a resolution.
2. Council shall by resolution set a time, date and location of a public hearing.
3. Unless otherwise approved by resolution of Council, the following shall represent the procedure to conduct a public hearing:
 - a. The Chair of a public hearing shall declare the public hearing open.
 - b. A background shall be given on the proposed bylaw or resolution.
 - c. Presentations shall be limited to five (5) minutes.
 - d. Persons speaking will be given an opportunity to speak only once.
 - e. Order of presentations shall be as follows:
 - i. Those in support
 - ii. Those opposed

- iii. Those deemed affected
- f. Council shall not allow cross examination of persons giving information and it will not be necessary for the persons giving information to verify his or her qualifications.
- g. For clarification purposes, Council may ask questions of the speakers after each presentation.
- h. No verbal or written submissions shall be received after the hearing has been deemed closed.
- i. The Chair of a public hearing shall declare the public hearing closed.

Where there are no persons present as delegations, the hearing procedure shall eliminate c, d, e, f, g as listed above.

- 4. After the close of the public hearing Council may pass the bylaw or resolution; make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or; Council can defeat the bylaw or resolution.

SECTION 15: MINUTES

- 1. All minutes of Council meetings shall be recorded in the English language, without note or comment.
- 2. The names of the Councillors present at the meetings shall be recorded as present; the names of the Councillors absent shall be recorded as absent.
- 3. The minutes of each Council meeting shall be presented to Council for adoption at the next Council meeting.
- 4. The name of any Councillor leaving or joining the meeting shall be recorded along with the time the Councillor left or joined the meeting.
- 5. The CAO & Legislative Assistant, or his/her designate, is responsible for recording the minutes of Council and responsible for causing the minutes to be prepared.

SECTION 16: VOTING

- 1. A Councillor has one (1) vote each time a vote is held at a Council meeting at which a Councillor is present.
- 2. A Councillor attending a Council meeting is required to vote on a matter put to a vote, unless the Councillor is required or permitted to abstain from voting under the MGA or any other enactment.
- 3. If a Councillor abstains from voting, the reasons for the abstention shall be recorded in the minutes of the meeting.

4. A Councillor shall abstain from voting on a bylaw or resolution if the Councillor was absent from all or part of the public hearing.
5. A Councillor may request that a vote be recorded prior to the call for the vote by the chair.
6. If the vote is unanimously carried or opposed, it shall be recorded as such; if the vote is split and approved by majority it shall be recorded as carried.
7. If there are an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.

SECTION 17: ENACTMENT

1. This Bylaw shall come into force and effect when it receives third and final reading and is duly signed.
2. This Bylaw hereby repeals Bylaw 767/19.

Read a first time this 25th day of January, 2021.

Read a second time this 25th day of January, 2021.

Read a third and final time; and passed this 25th day of January, 2021.



Mayor Mike Yargeau

Rick Binnendyk, Chief Administrative Officer