

TOWN OF CARDSTON

The Procedural Bylaw

BYLAW NO. 1571

A BYLAW OF THE TOWN OF CARDSTON, IN THE PROVINCE OF ALBERTA, TO DEAL WITH PROCEDURE AND THE TRANSACTING OF BUSINESS BY THE COUNCIL AND COMMITTEES OF COUNCIL.

WHEREAS the Municipal Government Act (Statutes of Alberta, 1994, Chapter M-26.1) and amendments thereto, deal with meetings of Council, this ByLaw provides for the regulation of the proceedings of Council and the Committees thereof;

NOW THEREFORE, the Council of the TOWN OF CARDSTON, duly assembled, enacts as follows:

PART I

TITLE

This ByLaw shall be known at the "Council Procedure ByLaw" of the TOWN OF CARDSTON.

PART II

GENERAL RULES OF COUNCIL

1. Regular meetings of Council shall be held on the second and Fourth Tuesday of each month, or on such other day as Council decides. A meeting of a Committee of Council may be called at the discretion of the Mayor and/or Municipal Administrator by providing not less than two (2) days notice to the Council.
2. The regular monthly meeting of Council shall commence at 6:00 o'clock P.M. and adjourn at 9:00 o'clock P.M., if in session at that hour, unless otherwise determined by a unanimous vote of the members present. Such a motion passed while in Council may extend the time of adjournment to not later than 11:00 o'clock P.M.
3. If there is no quorum present within half an hour after the time appointed for the meeting of Council, the Municipal Administrator shall call the roll and take down the names of the members present. The Council shall stand absolutely adjourned until the next meeting unless a special meeting is duly called in the meantime.
4. As soon after the hour of the meeting start time as there shall be a quorum present, the Mayor shall take the chair and call the members to order.
5. In the case where the Mayor or Deputy Mayor are not in attendance within fifteen minutes after the hour appointed for a meeting, and a quorum is present, the Municipal Administrator shall call the meeting to order. The Councillors present shall choose a Chairman, by resolution, to preside during the meeting until the arrival of the Mayor or Deputy Mayor.
6. The Mayor or other presiding officer shall preserve order and decorum and decide questions of order, subject to an appeal to the Council and the decision of the Mayor or other presiding officer shall be final unless reversed or altered by a majority vote of the members present, without debate. This requires a simple majority of Council.

Councillors must not

- (a) speak disrespectfully of the Sovereign, the Governor General, the Lieutenant Governor, or of Council or any other governing body in Canada
- (b) use offensive words during Council or Committee meetings or against Council, any Councillor or any other person
- (c) discuss a vote of Council after the vote has been taken, unless to move to reconsider, renew or rescind
- (d) break the rules of Council or disturb the proceedings, or
- (e) disobey the decision of the Chair or of the Council on any question of order, interpretation or practice
- (f) at Council or committee meetings, influence or communicate with any municipal employees except the Municipal Administrator or administrative personnel involved with committees of which they are members; any other communication or inquiries must be through the Mayor, Deputy Mayor or Municipal Administrator

The Chair must preserve order and decorum and decide all questions of procedure. When the Chair makes a decision on a question of procedure, he or she must give a reason for the decision.

The Chair may call to order any Councillor who is out of order.

A Councillor who is called to order must immediately stop talking, but must be given an opportunity to challenge the decision of the Chair before debate is closed. Council will decide the challenge without debate.

If a Councillor has been warned about breaches of order but continues to engage in them, the Chair may name the Councillor by stating his or her name and declaring the offence. The Municipal Administrator must note the offence in the minutes.

If a Councillor who has been named

- (a) apologizes and withdraws any objectionable statement then he or she may remain and continue to participate in the meeting and the Chair may direct that the notation of the offence be removed from the minutes, or
- (b) fails or refuses to apologize, then he or she must immediately leave the meeting room and if he or she does not leave voluntarily, Council must vote on a motion to expel without debate.

If a Councillor who has been expelled refuses to leave the meeting room, the Chair may request the Royal Canadian Mounted Police to remove the expelled Councillor.

The Chair may order any member of the public who disturbs the proceedings of Council or any Committee by words or actions to be expelled. If the person refuses to leave voluntarily, the Chair may request the Royal Canadian Mounted Police to remove the person.

- 7. When the Mayor or other presiding officer is called upon to decide a point of order or practice, the point shall be stated without unnecessary comment, and the Mayor or other presiding officer shall cite the rule or authority applicable to the case.

8. Every member wishing to speak to a question or motion shall address the Mayor or other presiding officer only.
9. When two or more members wish to speak to a matter, the Mayor or other presiding officer shall decide who is entitled to speak, but a motion may be made that any person who is addressing the chair "**be now heard**" or "**do now speak**" and such a motion shall be put without debate.
10. Any member may require the question or motion under discussion, or any portion thereof, to be heard at any time during debate, but not so as to interrupt a member while speaking.
11. No member shall speak more than once to the same question without leave of the Council, except to ask a question or in explanation of a material part of his speech which may have been misconstrued, and in doing so he is not to introduce a new matter. A reply is allowed to a member who has made a substantive motion, but not to any member who had moved an amendment, the previous question or any instruction to a committee, and no member without the leave of Council shall speak to the same question, or in reply, for longer than ten minutes.

PART III

PROCEEDINGS AT MEETINGS

- I. (a) Unless otherwise specified in the ByLaw the order of business for a regular meeting of Council shall be contained in the Agenda for the meeting, which shall be prepared by the Municipal Administrator in conjunction with the Mayor. Council agenda material shall be provided to members of Council by 4:30 P.M. on the Friday prior to the meeting. Those wishing to have any item of business placed on the Agenda shall make the submissions to the secretary not later than 12 Noon on the Thursday of the week prior to the meeting.
- (b) The Order of Business in the Agenda shall be as follows:
 1. Call to Order
 2. Opening Prayer
 3. Additions and Adoption of Agenda
 4. Delegations
 5. Adoption of Minutes
 6. Business Arising
 7. Requests for Decisions
 8. Financial Report
 9. Committee and Other Reports
 10. Questions
 11. Correspondence
 12. Confidential Items
 13. Adjourn

(c) The Order of Business established in the foregoing paragraph shall apply unless Council has otherwise determined by a two-thirds majority vote of the members present, and the vote upon a matter of priority of Council business shall be decided without debate.

(d) Notwithstanding the standard order of business, the Mayor and appropriate Committee may arrange for all items dealing with a particular subject to be grouped together on the agenda of any individual meeting.

(e) **Adoption of Agenda;** Council must vote to adopt the agenda prior to transacting any other business and may:

1. add new items to the agenda by a 2/3 majority vote, or,
2. delete any matter from the agenda by unanimous vote

(f) **Adoption of Minutes:** The minutes of each meeting must be circulated to each member of Council prior to the meeting at which they are to be adopted. Debate on the minutes of a previous meeting is limited to ensuring that the minutes are accurate. If there are errors or omissions, Council must:

1. pass a motion to amend the minutes; and
2. adopt the minutes as amended, and if there are no errors or omissions, Council must adopt the minutes as circulated.

(g) **Delegations:** After a person has spoken as a delegation, any Councillor may through the Mayor or other presiding officer, ask that person or the Municipal Administrator relevant questions but may not debate the matter or the answers. Delegations will be scheduled on 10 minute intervals unless more time is required by a decision of the Municipal Administrator prior to preparation of the agenda or by a majority decision of council at the council or committee meeting

The presentation by a delegation may only be:

1. received as information without debate,
2. referred without debate to a Committee or the Municipal Administrator for a report, or
3. debated if by a 2/3 majority vote a resolution is passed to allow a motion to be made without notice

(h) **Inquiries:** any Councillor may make a request for information to be provided to Council on any matter within the municipality's jurisdiction.

The Municipal Administrator or other management personnel will provide an answer to the inquiry at the next Council meeting or, if that is not possible will provide a progress report indicating when the answer to the inquiry may be expected.

II.

(a) A person or a representative of any delegation or group of persons, who wishes to bring any matter to the attention of 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.

(b) The letter shall be typewritten or legibly written, signed by the correct name of the writer and delivered or mailed to the office of the Municipal Administrator so that it arrives no later than 12:00 Noon on the Thursday immediately preceding the meeting at which it is to be represented and it shall contain the full mailing address of the writer. If he or she wishes to appear before Council it shall be so stated in the letter.

(c) When a communication contains a request for an appearance to address the Council, the Council by resolution may hear the person, refer him to a Committee or, if the Council deems the matter to be urgent, deal with it at once but such person shall not speak for more than ten (10) minutes unless the time is extended by a majority vote of the Council.

(d) No person or group shall appear as a delegation to Council on the same or on a related subject, unless specifically requested by Council to do so.

III.

- (a) When a group or a person wishes to present to the Council a petition on any matter within its jurisdiction the petition must be typewritten or legibly written, clearly set out the matter at issue, be signed by at least two (2) persons, and the signature of the petitioners shall be according to Part 7 or the **Municipal Government Act** and indicate if a representative wishes to address the Council on the subject matter of the petition.
- (b) Before considering a petition, the Council shall first refer it to any appropriate committee but if the petition concerns a matter which the Council deems urgent, or a personal grievance of the petitioner, the Council may consider and may, if it deems the urgency of the matter so requires, take immediate action thereon.

IV.

When a person or representative of a delegation or group wishes to address the Council on a matter which is not on the agenda, the Council may refer the matter to any appropriate Committee, appoint a special Committee to deal with the matter, or deal with the matter itself at the meeting, if approved by a 2/3 majority vote of Council.

PART IV

MOTIONS AND PUTTING QUESTIONS ON RESOLUTIONS IN COUNCIL

1. After a motion is read or stated by the Mayor or other presiding officer, it shall be deemed to be in the possession of the Council, but may be withdrawn at any time before debate or decision with the permission of the Council.
A motion to refer, until it is decided, shall preclude all amendments to the main question.
2. A motion is not required to be seconded.
3. When a motion is regularly before the meeting, it may be:
 - a) debated, i.e. may be spoken on
 - b) amended, i.e. modified by a subsidiary motion
 - c) approved, i.e. carried
 - d) negated i.e. defeated
 - e) withdrawn, i.e. withdrawn at the request of the maker with the permission of all members of Council present
 - f) laid on the table, i.e. laying a pending question aside temporarily
 - g) referred, i.e. turning the question over to a Committee or as Council decides, for study
 - h) postponed, i.e. postponed to a certain time, a means of avoiding a direct vote until a later time
 - i) adjourned, i.e. a motion to close the meeting or adjourning to another place and time to continue the meeting, OR
 - j) the previous question may be moved, i.e. a motion may be made to close debate and amendment of a pending motion so that it will come to an immediate vote.

4. The previous question, until it is decided, shall preclude all amendments and debate of the main motion and shall be put forthwith without debate in the form; "*That the main question be now put*", and if this question is resolved in the negative, then the main motion is superseded and the next item of business or motion must be submitted to Council. This requires a 2/3 majority.
5. No motion shall be offered that is substantially the same as one on which judgement of the meeting has already been expressed during the same meeting.
6. A motion to adjourn the Council or the debate shall always be in order but no second motion to the same effect shall be made until after some intermediate proceedings have been had.
7. (a) Unless otherwise specifically provided in this ByLaw the following motions are debatable by the Council:
 - (i) A motion arising out of any matter or thing included in the agenda for the Council meeting at which it is debated.
 - (ii) A motion concerning any matter or thing tabled indefinitely from a previous meeting of the Council or tabled for the meeting at which it is discussed.
 - (iii) A motion for adoption of, rejection of, referral back, or further consideration of a report to the Council, or a motion arising out of any matter dealt with in a report to the Council.
 - (iv) A motion for the previous question.
 - (v) A motion for the second reading, or a motion for the third reading of a ByLaw.
 - (vi) A motion for the appointment or dismissal of a Committee, or referral to a Committee of any matter before the Council.
 - (vii) A motion for the Council to go into Council Committee of the Whole, (In Camera)
 - (viii) A motion for amendment to any ByLaw properly before the Council, or to any matter arising directly out of any ByLaw properly before the Council.
 - (ix) Such other motion made upon routine proceedings of Council as may be necessary for conducting of the business of Council and the observance of its properties.
8. 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 postpone the main question to some future time.
 - (e) A motion for the previous question.
 - (f) 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.
 - (g) A motion to extend the meeting.

(h) A motion of privilege or order

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.

After the Mayor or other presiding officer finally puts any question, 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 other presiding officer as to whether the question has been finally put shall be conclusive.

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 shall appraise the members thereof immediately, before putting the question, and shall cite the rule or authority applicable to the case without argument or comment.

Whenever any matter of privilege arises, it shall be immediately taken into consideration.

PART V

ORDER OF PROCEEDINGS IN CAMERA

1. The rules of the Council shall be observed In Camera as far as may be applicable.
2. Where a majority of the members of Council present is of the opinion that it is in the public interest to go into In Camera any Councillor or Councillors may, by prior motion, be excused, if appropriate pursuant to regulations of the **MGA** or the ***Freedom of Information and Protection of Privacy Act***.
3. Council moving In Camera may by resolution exclude or include any person or persons from the meeting.
4. A Council meeting In Camera has no power to pass any resolution or ByLaw apart from the resolution necessary to revert back to an open meeting.

PART VI

READING OF PROPOSED BYLAWS AND PROCEEDINGS THEREON

1. When a proposed ByLaw is read in Council, the Municipal Administrator shall certify the reading and the date of the reading on the face thereof. When a ByLaw has been read a third time and finally passed, the Municipal Administrator shall keep on file correct copies thereof, including amendments, if any.
2. A ByLaw appearing upon the Council Agenda when listed as read for first reading shall be introduced by a member moving "***that ByLaw (quoting the name of the bylaw) be now read a first time.***" After first reading, the ByLaw may be debated, referred or laid over. If a ByLaw fails to receive First reading, then it may be struck from the agenda.
3. 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 Municipal Administrator shall retain the original of every ByLaw on file and properly record amendments thereto.
4. Every ByLaw, which has passed the Council, and signed by the Mayor and the Municipal Administrator, and dated as to the day of the signatures, shall be securely deposited by the Municipal Administrator.

PART VII

APPOINTMENT AND ORGANIZATION OF COMMITTEES OF COUNCIL

1. All committees and special committees shall be appointed on a motion of a member of Council by consent of a majority of the members present at the annual organizational meeting of Council.
2. At each organizational meeting following a general municipal election Council shall establish by ByLaw those Statutory Committees that from time to time are required and by Resolution the following Council Committees:
 - The Committee of the Whole – consisting of all members of Council
 - The Administration Committee – consisting of three Councillors and the Mayor, the Municipal Administrator and the Director of Administration
 - The Operations Committee – consisting of three Councillors and the Mayor, the Municipal Administrator, and the Director of Operations.
 - One of the three Councillors will be chosen as Chairman of the committee and serve for one year and a rotational basis for the remaining two councillors shall follow, each serving one year.
 - Any member of the Council or resident 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 the Mayor, as such member of the committees, 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 committees. Ex-officio status is not conferred on any other elected official.
3. Each Committee shall meet at dates and times to be recommended by each committee and approved by Council.
4. A special committee may be appointed at any time by Council or by the Mayor acting upon the instruction of Council, provided only that a motion has been adopted specifying the matters to be dealt with by the committee, and including the term of the committee.
5. At the first organizational meeting following the general municipal election a Resolution is to be placed before Council for the appointment and election of the Deputy Mayor. This Resolution will establish that the Deputy Mayor serves at the pleasure of Council and can be removed without reason or cause by a majority vote. The election of Deputy Mayor will be according to a rotational system whereby all Councillors are granted an opportunity to serve in that capacity.

PART VIII

REGULATIONS FOR CONDUCTING BUSINESS IN COMMITTEE

1. The business of committees and special committees shall be conducted in accordance with the rules governing procedure in the Council, or as provided by committee bylaw.
 - (a) The Chairman shall preside at each meeting and shall vote on all motions submitted, and upon an equal vote the motion shall be defeated.
 - (b) In the absence of the Chairman, and unless another has been appointed by the Mayor or the Council, one of the other members

shall be elected to preside and shall discharge the duties of the Chairman during the meeting, or until the arrival of the Chairman.

2. The general duties of the Committees of Council shall be as follows:
 - (a) To review all matters connected with the duties imposed upon each such committee and to recommend such action by the Council as it deems necessary within its terms of reference.
 - (b) To observe, unless otherwise specifically permitted, the rules prescribed by the ByLaws of the Council.
 - (c) The reports of all committees shall be made to the Council prior to the same being given to the public.
3. It shall be the duty of the Municipal Administrator to give notice of all meetings to all members of each committee and such other persons whose presence is desired, and to attend, or cause to be attended by an assistant, all meetings of the committees, and to ensure the recording of minutes, reports and requests of all such meetings.

PART IX

RULES OF PROCEDURE

In all cases not provided for in the proceedings of the Council or in Committee, the Council by vote shall determine the procedure of Council.

This Bylaw shall take effect and come into force as of the date of the Final reading thereof and Bylaw 1545 shall be rescinded on that date.

Read a first time this 29 day of April, 2008

Read a second time this 29 day of April, 2008

Read a third and final time this 29 day of April, 2008

Signed by the Mayor or deputy mayor and the Municipal Administrator this 13 day of June, 2008

TOWN OF CARDSTON



Mayor



Municipal Administrator