

BY-LAW #2005-07
VILLAGE OF BEISEKER
Province of Alberta

BEING A BY-LAW OF THE VILLAGE OF BEISEKER TO REGULATE THE
PROCEDURE & CONDUCT OF COUNCIL AND COUNCIL COMMITTEE
MEETINGS

WHEREAS pursuant to the Municipal Government Act, the Village of Beiseker Council considers it expedient and desirable for effective governance to regulate the procedure and conduct of Council, Councillors and others attending Council and Council Committee meetings in the Village of Beiseker;

NOW THEREFORE the Council of the Village of Beiseker, hereby ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the "Procedural By-Law".

Definitions

2. In this Bylaw:
 - (a) "Act" shall mean the Municipal Government Act;
 - (b) "Agenda" shall mean the list of items and orders of business for any meeting of Council as prepared by the Chief Administrative Officer;
 - (c) "By-Law" is a by-law of the Village of Beiseker;
 - (d) "CAO" means the Chief Administrative Officer or his/her delegate for the municipality;
 - (e) "Council" shall mean the Mayor and Councillors of the Village of Beiseker for the time being elected pursuant to the provisions of the Municipal Government Act whose term is not expired, who have not resigned and who continue to be eligible to hold office as such under the terms of the Municipal Government Act;
 - (f) "Mayor" is the member of Council duly appointed to office pursuant to Section 150(2) of the Municipal Government Act;
 - (g) "Deputy Mayor" is the member of Council duly appointed to office pursuant to Section 152 of the Municipal Government Act, to act as Mayor in the absence or incapacity of the Mayor;
 - (h) "Councillor" is a member of Council duly elected pursuant to the Local Authorities Election Act and continuing to hold office;
 - (i) "Point of Information" is a request directed to the Mayor or presiding member or through the Chair to another member or to the staff for information relevant to the business at hand, but not related to a point of procedure;
 - (j) "Point of Order" is the raising of a question by a member to call attention to any departure from the Procedure Bylaw or customary proceedings of debate or conduct of Council's business;

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- (k) “Point of Procedure” is a question directed to the Mayor or president member or through the Chair to obtain information on a matter of parliamentary law or the rules of Council bearing on the business at hand in order to assist a member to make an appropriate motion, raise a point of order or understand the parliamentary situation or the effect of a motion;
- (l) “Public Hearing” is a meeting of Council held in accordance with Section 230 of the Municipal Government Act;
- (m) “Quorum” is a majority of those members elected and serving on Council eligible to vote, in the case of Village Council - three (3);
- (n) “Recorded Vote” is the calling for the yeas and nays of all members by any member of Council;
- (o) "Resolution" means a motion made in Council;
- (p) “Special Purpose Body” is a committee, board, commission or authority duly appointed by Council;
- (q) "Special Meeting" is a meeting called pursuant to Section 194 of the Municipal Government Act;
- (r) “Village” is the Corporation of the Village of Beiseker.

Application

- 3. This By-Law shall apply to all members attending meetings of Council and Council Committees established by Council of the municipality.
- 4. When any matter relating to the proceedings of Council is not addressed in this By-Law, reference shall be made to Robert’s Rules of Order, which rule(s) if applicable apply.
- 5. In the event of a conflict between the provision of this By-Law and Robert’s Rules of Order, the provisions of this By-Law shall apply.
- 6. (a) Any provision of this By-Law may be repealed, amended or varied and additions may be made by a two-thirds vote, provided that notice of proposed amendments has been given at a preceding regular meeting;
- (b) Notwithstanding the above, and in the absence of any statutory obligation, any provision of this By-Law may be waived by resolution of Council, provided two-thirds of all the members of Council vote in favour thereof, to deal with a matter under consideration.

Severability

7. If any portion of this By-Law is declared invalid by a Court of competent jurisdiction, then the invalid portion must be severed and the remainder of the By-Law is deemed valid.

Quorum

8. As soon as there is a quorum of Council after the hour fixed for the meeting, the Chairman shall take the Chair and call the members to order.
9. If a quorum is not present within thirty (30) minutes after the time fixed for the meeting, the CAO shall record the names of the members present and the meeting shall stand adjourned until the next meeting.

Meetings

10. Regular meetings of Council shall be established by resolution of Council at its annual Organizational Meeting;
11. In the case where a regular meeting conflicts with a statutory holiday, the regular meeting shall be held on the first working day thereafter.
12. Every regular meeting of Council shall commence at 7:00 p.m. in the Council Chambers.
13. The meetings of Council Committees shall be established by resolution of each committee and the public must be given notice or advertised as required by the provisions of the Municipal Government Act.

Special Meetings

14. The Mayor may call special meetings of Council whenever he/she considers it expedient to do so.
15. Written notice of a special meeting stating the time and place at which it is to be held and stating in general terms the nature of the business to be transacted thereat shall be provided to the members not less than twenty-four (24) hours in advance of the meeting.
16. The Mayor may call a special meeting of Council upon such shorter notice, either oral or written, as he/she considers sufficient, however no such special meeting may be held until at least two-thirds of the members of Council give their consent in writing to the holding of the meeting.
17. No business other than that stated in the notice shall be transacted at any special meeting of Council, unless all the members of Council are present, in which case, by unanimous consent, any other business may be transacted.
18. Where a special meeting is requested by a majority of Council, the Mayor shall call such meeting within fourteen (14) days of the date on which the request in writing was delivered to the Mayor.

Organizational Meeting

19. The Annual Organizational Meeting of Council shall be held in accordance with Section 192 of the Municipal Government Act as follows:

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- (a) The CAO shall fix the time and place of the Organizational Meeting;
- (b) The CAO shall take the chair by calling the meeting to order, administering the Oaths of Office to all Councillors, recording the election/appointment of the Mayor, administering his/her Oath of Office and shall then turn the chair over to the Mayor;
- (c) the election/appointment of the Deputy Mayor and the administration of his/her Oath of Office;
- (d) the Administration of the oath and the introduction of new members, should the meeting follow the General Municipal Election;
- (e) the establishment of the regular meeting dates for Council;
- (f) when the meeting is preceded by the General Municipal Election, the appointment of Council members to the special purpose bodies established by Council or other special bodies on which Council has representation;
- (g) when the meeting is not preceded by the General Municipal Election, the appointment of Council members to the special purpose bodies established by Council or other special bodies which Council has representation;
- (h) any such other business as is required by the Municipal Government Act.

Agenda

20. Prior to each meeting, the CAO shall prepare a statement of the order of business known as the "Agenda" of all matters to be brought before Council. To enable the CAO to do so, all documents and notice of delegation(s) intended to be submitted to the Council shall be received by the CAO no later than 12 noon on the Friday or the last business day preceding the meeting of Council, unless a specific procedure stipulates otherwise. All Agenda items shall contain adequate information to the satisfaction of the CAO to enable Council to deal with the matter.
21. The CAO shall place at the disposal of each member a copy of the Agenda and all supporting materials no later than 5:00 p.m. on the Friday or last business day preceding the meeting of Council.
22. No item of business shall be considered by Council if the item has not been placed on the Agenda unless the 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 CAO 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.

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23. The business intended to be dealt with shall be stated in the Agenda in the following order where applicable:
- (a) Call to Order
 - (b) Adoption of Agenda
 - (c) Adoption of the previous Minutes
 - (d) Financial Statement
 - (e) Delegations
 - (f) Business Arising From the Minutes
 - (g) Public Works Items
 - (h) Accounts for Approval
 - (i) New Business
 - (i) Councillor Reports
 - (ii) Administrator's Report
 - (iii) By-Law Officer's Report
 - (j) Correspondence
 - (k) By-Laws
 - (l) In Camera Items
 - (m) Adjournment
24. The order of business established in Section 23 shall apply unless altered by the presiding officer with no objection from members, or otherwise determined by a majority vote of the members present, and the vote upon a matter of priority of business shall be decided without debate.

Chairman

25. The Mayor shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal by any member of Council from any ruling of the Chair.
26. When the Mayor wishes to participate in the debate on a question or motion properly before Council, he shall vacate the Chair and request the Deputy Mayor or Acting Mayor to assume the Chair.

Conduct of Meetings

25. Each member or delegate, as the case may be, shall address the presiding officer, but shall not speak until recognized by the presiding officer.
26. The presiding officer with the approval by resolution of the members, may authorize a person in the public gallery to address members only on the topic being discussed at that time within the time limits specified by the presiding officer.
27. A resolution does not require a seconder.
28. A resolution may be withdrawn at any time before voting subject to no objection from any member, as the case may be.

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29. The following resolutions are not debatable by members:
- (a) adjournment;
 - (b) to take a recess;
 - (c) question of privilege;
 - (d) point of order;
 - (e) to limit debate on a matter before members;
 - (f) on division of a question;
 - (g) postpone the matter to a time certain;
 - (h) to table the matter.
30. A member shall not:
- (a) use offensive words or unparliamentary language in Council.
 - (b) disobey the rules of the Council or decision of the presiding officer or of Council on questions of order or practice, or upon the interpretation of the rules of Council;
 - (c) leave his/her seat or make any noise or disturbance while a vote is being taken and the result is declared;
 - (d) enter the Council Chamber while a vote is being taken;
 - (e) interrupt a member while speaking, except to raise a point of order or question of privilege;
 - (f) pass between a member who is speaking and the presiding officer.
31. (a) A member who persists in a breach of the foregoing section, after having been called to order by the presiding officer may at the discretion of the presiding officer be ordered to leave his seat for the duration of the meeting;
- (b) At the discretion of the presiding officer, the member may resume his seat following an apology.
32. A member who wishes to leave the meeting of Council prior to adjournment shall so advise the presiding officer and the time of departure shall be noted in the Minutes.

Points of Order

33. (1) A member who desires to call attention to a violation of the rules of procedure shall ask leave of the Chairman to raise a point of order. When leave is granted, the member shall state the point of order with a concise explanation and shall attend the decision of the Chairman upon the point of order. The speaker in possession of the floor when the point of order as raised, shall have the right to the floor when debate resumes;

- (2) A member called to order by the Chairman shall immediately vacate the floor until the point of order is dealt with, and shall not speak again without the permission of the Chairman unless to appeal the ruling of the Chair.

Appeal Ruling

34. (1) The decision of the Chairman shall be final, subject to an immediate appeal by a member of Council.
- (2) If the decision is appealed, the Chairman shall give concise reasons for his ruling and Council, without debate, shall decide the question.

Motions

35. Every motion, when moved and presented to the chairman is the property of Council; a motion may only be withdrawn with the unanimous consent of Council.
36. Any member may require the motion under discussion to be read at any time during the debate, except when a member is speaking.
37. (1) The mover of a motion must be present when the vote on the motion is taken;
- (2) When a matter is under debate, no motion shall be received other than a motion:
- (a) to table (postpone indefinitely),
 - (b) that the vote now be taken (question),
 - (c) to refer,
 - (d) to defer,
 - (e) to amend,

which order shall be the order of precedence.

38. A motion relating to a matter not within the jurisdiction of the Council shall not be in order.

Motions (Refer)

39. A motion to refer shall require direction as to the person or group to which it is being referred and is debatable.

Motions (Defer)

40. A motion to defer must include a reason for deferral and is debatable.

Motions (Table)

41. A motion to table (postpone indefinitely) may be made when a member of Council declines to take a position on the main question. The motion is not debatable and when passed may be resurrected by a motion to "raise from the table".

Motions (Amendment)

42. (1) Only one amendment at a time shall be presented to the main motion and only one amendment shall be presented to the amendment; when the amendment to the amendment has been disposed of, another may be introduced and when an amendment has been decided, another may be introduced. In this latter case, the amendment to the main motion shall not be withdrawn until the amendment to the amendment has been withdrawn or defeated. The amendment shall be similar in import to the question which it is proposed to amend, but with sufficient variance to constitute a new question;
- (2) The amendment to the amendment, if any, shall be voted upon first and if no other amendment to the amendment is presented, the amendment shall be voted upon; if any amendment is carried, the main motion as amended shall be put to the vote;
- (3) Nothing in this section shall prevent other proposed amendments being read for the information of the members.

Motions (Separation)

43. When the question under consideration contains distinct propositions, the vote upon each proposition shall, at the request of any member, be taken separately.

Motions (Reconsideration)

44. (1) After a motion has been voted upon, and before moving to the next item on the Agenda, any member who voted with the prevailing side may move for reconsideration;
- (2) Reconsideration shall then be open to debate, voted upon and shall require the votes of a majority of members present to pass;
- (3) If a motion for reconsideration is moved at a subsequent meeting by a member who voted with the prevailing side, it shall be preceded by a notice of motion and shall require a two-thirds vote of the members present to carry;
- (4) No matter shall be reconsidered more than once in the same calendar year.
45. If a motion to reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion calls for a future definite date; debate on the matter to be reconsidered shall proceed as though it had not previously been voted upon.
46. Debate on a motion for reconsideration must be outlined to reasons for or against reconsideration.
47. A notice of motion for reconsideration of any decided matter shall not operate to stop or delay action on the decided matter unless the Council by a two-thirds (2/3) vote of the members present shall so direct.

Voting (Question)

48. When a motion that the vote now be taken (question) is presented, it shall be put to a vote without debate and if carried by a two-thirds vote of the members present, the motion and any amendments thereto shall be submitted to a vote immediately.
49. When the Chairman having ascertained that no further information is required, commences to take a vote, no member shall speak to or present another motion until the vote has been taken on such motion, amendment or amendment to the amendment.

Voting (Conflict)

50. A member who has any direct or indirect interest in a matter which is before Council shall so declare and shall abstain from debate and voting on the matter.

Voting (Refusal)

51. Each member present at a meeting of Council shall vote when the vote is taken on a matter, unless prohibited from so doing by statute; a member present refusing to vote shall be deemed as voting in the negative.

Voting (Tie Vote)

52. A motion shall be declared lost when it does not receive the required number of votes or receives an equal division of votes.

Voting (Recorded Vote)

53. When a member requests a recorded vote, all members present, unless prohibited by statute, shall vote in alphabetical order, except the Mayor who shall vote last. The names of those who voted for and others who voted against, shall be noted in the Minutes. The CAO shall announce the results.
54. A member who disagrees with the announcement made of the result of a vote may immediately object to the declaration and the vote shall be retaken by the CAO.

Delegations

55. A person or a representative of any delegation or group of persons who wish to bring any matter to the attention of Council, or who wish to have any matter considered by Council, shall address a letter or other written communication to the Council outlining the subject to be discussed. The letter shall be signed by the correct name of the writer, the address of the writer and delivered or mailed to the CAO. The letter must arrive no later than 12 noon on a business day at least three (3) days immediately preceding the meeting at which it is to be presented. If the person wishes to appear before Council on the matter, it must be stated in the letter.

56. Delegates shall be granted a maximum of fifteen (15) minutes to present the matter outlined in the letter. Where the presiding officer determines that additional time shall be granted to a delegation, the length of extension shall be specified and the presiding officer may limit the time.

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57. Delegations that have not submitted a letter in accordance with Section 56 may be granted a brief opportunity to outline the matter they wish to present to Council, and following that outline, the presiding officer and members shall determine if the delegation is to be granted time under Section 43 to present the matter outlined.

By-Laws

58. (1) Where a By-Law is presented to Council for enactment, the CAO shall cause the number and short title of the Bylaw to appear on the Agenda.
- (2) When third reading of a By-Law is not received within two years of the date of first reading, all previous readings are deemed to be rescinded.

By-Laws (General)

59. A Bylaw shall be introduced for first reading by a motion that the By-Law, specifically its number and short title, be read a first time.
60. When a By-Law is not subject to a statutory public hearing;
- (1) Council shall vote on the motion for first reading of a By-Law without amendment or debate;
- (2) a member may ask a question or questions concerning the By-Law, provided such questions do not indicate the member's opinion for or against the By-Law.
- (3) a By-Law shall be introduced for second reading by a motion that it be read a second time, specifying the number of the By-Law;
- (4) after a motion for second reading of the By-Law has been presented, Council may:
- (a) debate the substance of the By-Law, and
- (b) propose and consider amendments to the By-Law;
- (5) a proposed amendment shall be put to a vote and if carried shall be considered as having been incorporated in the By-Law as second reading;
- (6) when all amendments have been accepted or rejected, a motion for second reading of the By-Law shall be placed.

By-Laws (Statutory Hearings)

61. (1) A By-Law which has been initiated by a group or individual exercising statutory rights and which requires a public hearing shall be introduced by a motion for first reading which shall be voted upon without amendment and if carried, a public hearing date be established;
 - (2) Following the public hearing, a motion for second reading may be presented and Council may:
 - (a) debate the substance of the By-Law and
 - (b) propose and consider amendments to the By-Law;
 - (3) A proposed amendment shall be put to a vote and if carried shall be considered as having been incorporated into the By-Law at second reading;
 - (4) When all amendments have been dealt with, the motion for second reading of the By-Law shall be placed.
62. (1) Except for By-Laws identified in Section 61, a By-Law which requires a statutory public hearing shall be presented on a motion for first reading. Council may at this point:
 - (a) debate the substance of the By-Law, and
 - (b) propose and consider amendments to the By-Law;
 - (2) A proposed amendment shall be put to a vote and if carried shall be considered as having been incorporated into the By-Law at first reading;
 - (3) When all amendments have been dealt with, the motion for first reading of the By-Law shall be placed;
 - (4) Following the public hearing, a motion for second reading may be placed and further amendments presented.

By-Laws (Three Readings)

63. A By-Law shall not be given more than two readings at one meeting unless the members present at the meeting unanimously agree that the By-Law may be presented to Council for third reading at the same meeting at which it received two readings.
64. When Council unanimously agrees that a By-Law may be presented for third reading at a meeting at which it was received two readings, the third reading requires no greater majority of affirmative votes to pass the By-Law than if it had received third reading at a subsequent meeting.

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65. A By-Law shall be passed when a majority of the members present vote in favor of third reading, provided that any applicable provincial statute does not require a greater majority.

By-Laws (Reconsideration)

66. (1) A By-Law which has been defeated at first or second reading may be subject to a motion to reconsider and Section 41 shall apply.
- (2) When a By-Law is defeated at third reading, the first reading and second reading are deemed to be rescinded and the By-Law is not eligible for reconsideration.
67. When a By-Law has been given three readings by Council it is:
- (1) A municipal enactment of the Village; and
- (2) effective immediately unless the By-Law or an applicable provincial statute provides otherwise.
68. After passage, a By-Law shall be signed by the Mayor or by the member presiding at the meeting at which the By-Law was passed, and by the Village CAO and shall be impressed with the corporate seal of the Village.

Adjournment

69. A motion to adjourn the Council shall be in order except:
- (1) when a member is in possession of the floor; or
- (2) when it has been decided that the vote be now taken; or
- (3) during the taking of a vote; and
- (4) no second motion to adjourn shall be in order until an intermediate proceeding has taken place.
70. (1) Council shall adjourn at the hour of 11:00 P.M., if in session at that hour unless otherwise determined by a majority vote of the members present;
- (2) The proceedings of Council shall terminate at the hour of 12:00 midnight, unless such proceedings be continued past that hour with the unanimous consent of all members present.

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71. Members shall not leave their places on adjournment until the Chairman vacates the Chair.

This By-Law shall come into full force and effect upon third and final reading.

READ A FIRST TIME THIS ____ day of _____, AD. 2005.

READ A SECOND TIME THIS ____ day of _____, A.D. 2005.

READ A THIRD TIME AND FINALLY PASSED, this ____ day of _____, A.D. 2005.

SIGNED BY THE CEO & CAO THIS ____ DAY OF _____, A.D. 2005.

MAYOR

MUNICIPAL ADMINISTRATOR