

# **VILLAGE OF ALIX BYLAW 423/16**

**Being a bylaw of the Village of Alix, in the Province of Alberta to regulate the proceedings and conduct of Council and Council Committee meetings.**

**WHEREAS** the Municipal Government Act, S.A. 2000, Chapter M-26, as amended, provides that a Council may pass bylaws in relation to the procedure and conduct of Council, and committees established by Council, and may regulate the conduct of Councillors and members of committees established by Council;

**AND WHEREAS** Council has deemed it necessary to regulate the procedure and conduct at meetings of council and committees established by Council;

**AND WHEREAS** Council has deemed it necessary to regulate procedures for receiving and responding to communications and submissions to Council:

**NOW THEREFORE THE MUNICIPAL COUNCIL OF THE VILLAGE OF ALIX , IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:**

## **1. TITLE**

1.1 This Bylaw may be cited as the "Procedural Bylaw".

## **2. DEFINITIONS**

2.1 In this Bylaw:

(a) "Act" means the Municipal Government Act, S.A., as amended;

(b) "Administrative Inquiry" is a written request from a Member of Council to the Administration, made at a meeting, for the future provision of information and report;

(c) "Administrative Representative" refers to the senior Administration resource person appointed to a Committee by the Chief Administrative Officer;

(d) "Agenda" means the list and order of business items for any meeting of Council, or Committees;

(e) "Bylaw" means a bylaw of the Village;

(f) "Chief Administrative Officer" means the Chief Administrative Officer of the Village of Alix, as appointed pursuant to Bylaw 338/05, whose duties are set out in the Act.

(g) "Chairperson" means the Member elected from among the Members of a Committee to preside at all meetings of the Committee;

(h) "Committee" means a committee, board, commission, authority, task force or any other public body established by Council pursuant to this bylaw;

(i) "Council" means the Mayor and Councillors of the Village of Alix .

(j) "Deputy Mayor" means the Member of Council appointed pursuant to this Bylaw to act as Mayor in the absence or incapacity of the Mayor;

(k) "In-Camera" means a part of the meeting closed to the public at which no resolution or bylaw may be passed, except a resolution to revert to a meeting held in public;

(l) "Mayor" means the Chief Elected Officer of the Village of Alix, as appointed under the Act, whose duties are set out in the Act.

(m) "Member" means a Member of Council duly elected and continuing to hold office, or a Member of a Committee duly appointed by Council;

(n) "Notice of Motion" is the means by which a Member of Council brings business before Council;

(o) "Officer" means the Chief Administrative Officer, Director of Corporate Services, Director of Public Works, Recreation Coordinator, or their delegates, all of whom shall be recorded in the official minutes;

(p) "Point of Information" means a request or statement directed to the Presiding Officer, or through the Presiding Officer to another Member or to the administration, for or about information relevant to the business at hand, but not related to a Point of Procedure;

(q) "Point of Order" means the raising of a question by a Member with the view of calling attention to any departure from this Bylaw or the customary proceedings in debate or in the conduct of Council's business;

(r) "Point of Privilege" means all matters affecting the rights and exemptions of Council collectively or the propriety of the conduct of individual Members and includes but is not limited to, the following;

- (i) the organization or existence of Council,
- (ii) the comfort of Members,
- (iii) the conduct of Administration or members of the public in attendance at the meeting, and
- (iv) the reputation of Members or Council as a whole;

(s) "Point of Procedure" means a question directed to the Presiding Officer to obtain information on a matter of parliamentary law or the rules of Council to assist a Member to:

- (i) make an appropriate motion,
- (ii) raise a Point of Order,
- (iii) understand the procedure, or
- (iv) understand the effect of a motion;

(t) "Presiding Officer" means the Mayor, or in the absence of the Mayor, the Deputy Mayor, or in the absence of the Deputy Mayor any other Member of Council chosen to preside at the meeting;

(u) "Public Hearing" means a meeting of Council convened to hear matters pursuant to the Act;

(v) "Question of Privilege" means raising of a question which concerns a Member, or Council collectively, when a Member believes that another Member has spoken disrespectfully towards them or Council, or when they believe their comments have been misunderstood or misinterpreted by another Member;

(w) "Quorum" is the majority of all Members, fifty (50) percent plus one (1), unless Council provides otherwise in this Bylaw;

(x) "Special Meeting" means a meeting called by the Mayor pursuant to the Act;

(y) "Terms of Reference" means those terms pertinent to the establishment and mandate of a Committee and which are:

(i) in addition to or beyond the parameters of this Bylaw; and

(ii) set out in Schedule 'C' attached to and forming part of this Bylaw.

(z) "Village" means the Corporation of the Village of Alix .

### **3. APPLICATION**

3.1 This Bylaw applies to:

(a) all Council meetings, and

(b) all Committee meetings, except for:

(i) when Council has granted permission to the Committee to establish its own procedures, and

(ii) there shall be no limit to the number of time a member may speak to a question.

3.2 The precedence of the rules governing the procedure of Council is:

(a) the *Municipal Government Act*;

(b) other provincial legislation;

(c) this bylaw, and;

(d) the current edition of *Robert's Rules of Order and Parliamentary Procedure*.

3.3 To the extent that a matter is not dealt with in the *Municipal Government Act* or this Bylaw, Council shall have regard to *Robert's Rules of Order and Parliamentary Procedure*.

3.4 Subject to the appeal process described in this Bylaw, the Presiding Officer or Chairperson shall interpret procedure.

3.5 In the absence of a statutory obligation, any provision of this Bylaw may be temporarily altered or suspended by an affirmative vote of two-thirds of all Members present. A motion to temporarily alter or suspend this Bylaw is not debatable or amendable.

#### **4. ORGANIZATIONAL MEETING**

4.1 Council shall hold an annual Organizational Meeting each year not later than two weeks after the third Monday in October.

4.2 The Chief Administrative Officer shall set the time and place for the Organizational Meeting, the business of the meeting being limited to:

- (a) election of Mayor and Deputy Mayor for the following year; and
- (b) the appointments of Members to Committees which Council is entitled to make; and
- (c) any other business required by the Act, or which Council or the Chief Administrative Officer may direct.

4.3 Until the Mayor has taken the Oath of Office, the Chief Administrative Officer shall Chair the Organizational Meeting.

4.4 Appointments of Council Members to Committees shall be for a term of one year, unless otherwise specified.

#### **5. INAUGURAL MEETING**

5.1 The Organizational Meeting immediately following a general municipal election shall be called the Inaugural Meeting.

5.2 Each Councillor shall take the prescribed Oath of Office as the first order of business at the Inaugural Meeting.

5.3 Until the Mayor has taken the Oath of Office, the Chief Administrative Officer shall Chair the Inaugural Meeting.

#### **6. MEETINGS OF COUNCIL**

6.1 Regular Meetings of Council shall be held in the Council Chambers unless notice is given in accordance with the Act and this Bylaw that the Regular Meeting will be held elsewhere in the community.

6.2 Regular Meetings of Council shall be held on the First and Third Wednesday of every month except for July, August and December when the Meeting shall be held on the first Wednesday of the month only.

6.3 If a Regular Meeting of Council falls on a Statutory Holiday, the meeting will be cancelled.

6.4 Special Meetings may be called, and notice of such Special Meetings shall be given in accordance with the provisions of the Act and this Bylaw.

6.5 A Member who has a pecuniary interest in a matter before Council shall disclose the general nature of the pecuniary interest, and abstain from discussing the matter or voting on the matter, and leave the room until discussion and voting on the matter are concluded, as prescribed in the Act.

## **7. NOTICE OF MEETINGS**

7.1 For all meetings requiring notice, the notice must be:

- (a) issued a minimum of 24 hours prior to the meeting date;
- (b) in writing and specify the time, date, location and purpose of the meeting;
- (c) emailed to each Council or Committee Member; and
- (d) posted at the Village Administration building and on the Village Website.

7.2 Despite Section 7.1, the Mayor may call a Special Meeting of Council, on shorter notice without giving notice to the public, provided two-thirds (2/3) of the whole Council give written consent to holding the Meeting before the Meeting begins.

## **8. CANCELLATION OF MEETINGS**

8.1 A Regular Meeting may be cancelled:

- (a) by a majority of Members at a previously held meeting; or
- (b) with the written consent of a majority, providing twenty-four (24) hours notice is provided to Members and the public; or
- (c) with the written consent of two-thirds (2/3) of the whole Council if twenty-four (24) hours notice is not provided to the public.

8.2 A Special Meeting, called under the initiative of the Mayor, may be cancelled:

- (a) by the Mayor if twenty-four (24) hours written notice is provided to all Members and the public; or
- (b) if less than twenty-four (24) hours notice is provided, the Mayor may cancel with the written consent of two-thirds (2/3) of the whole Council.

8.3 A Special Meeting, requested in writing by a majority of the Members, may be cancelled:

- (a) with the written consent of the requesting Members, if twenty-four (24) hours notice is provided to the Members and the public; or
- (b) if less than twenty-four (24) hours notice is provided, with the written consent of two-thirds (2/3) of the whole Council.

## **9. AGENDA**

9.1 The Agenda shall list the items and order of business for the meeting.

9.2 The Executive Assistant shall ensure copies of the Agenda are:

(a) available for Councillors no later than 3:00 PM on the fourth day before the day on which the meeting is held.

(b) distributed to all Officers who are entitled to receive copies.

9.3 The Executive Assistant shall make the Agenda and all reports and supplementary materials (unless they must or may be withheld under the Act or any other statute dealing with access to information) available on the municipal website to the media and public, but only after they have been provided to the Council Members.

9.4 All submissions for the Agenda of all Public Hearings and Regular Meetings of Council shall be received by the Executive Assistant no later than 4:00 p.m. on the seventh complete day before the day on which the meeting is held.

9.5 Subject to Subsection 9.6 of this Bylaw, only material which has been received in accordance with Subsection 9.4 of this Bylaw shall be considered at the meeting for which the Agenda is prepared.

9.6 If an emergent matter needs to be brought before Council at any meeting the item shall:

(a) be accompanied by a brief explanation from an Officer indicating the reasons for, and the degree of urgency of the item; and

(b) be considered as an addendum to the Agenda.

## **10. COMMUNICATIONS**

10.1 When a person wishes to have a letter or other communication considered by Council, it shall be directed to the Chief Administrative Officer and shall:

(a) be legible and clearly set out the matter and issue and any request made of Council;

(b) be signed by at least one person who provides a printed name and address;

(c) be on paper or in a printable form; and

(d) not be libellous, impertinent or improper.

10.2 If the above requirements are met, the Chief Administrative Officer must:

(a) send a copy of the communication or a summary of it to all Council Members for information;

(b) make reasonable efforts to respond to the person sending the communication to advise that person of any action taken on the subject of the communication; and

(c) if applicable, refer the communication to Administration for a report or a direct response, and inform the Council Members of the referral; or

(d) if it relates to an item already on an agenda, deliver a copy of the communication to Council Members with the agenda or at the meeting; or

(e) take any other appropriate action on the communication, including placing it on the agenda for a Regular Meeting of Council.

10.3 If the requirements are not met the Chief Administrative Officer may file the communication, or dispose of it, unless the Chief Administrative Officer determines the communication to be libellous, impertinent or improper, in which case the Chief Administrative Officer must summarize the communication and inform Council that it is being withheld.

10.4 Council may:

(a) direct that any communication that has been deemed libellous, impertinent or improper and being withheld, be forwarded to Council;

(b) refer any communication to the Administration or a Committee for a report or recommendation;

(c) give other instructions on the communication;

(d) consider motions on the substance of the communication; or

(e) accept the correspondence as information.

## **11. DELEGATIONS**

11.1 A member of the public may request in writing to be included on an Agenda as a delegation. The request must be submitted in writing and shall:

(a) include a summary of the information that will be presented to Council;

(b) not exceed five typewritten pages;

(c) be submitted to the Executive Assistant no later than 4:00 p.m. on the seventh complete day before the day on which the next Council meeting is being held, with the Chief Administrative Officer having discretion to bring forward items submitted late that may be of an emergent nature.

11.2 No person representing an individual shall address Council for more than five (5) minutes, exclusive of the time required to answer questions put to him/her by a Council Member, unless granted a time extension by the majority of Council.

11.3 No person representing a group shall address Council for more than ten (10) minutes, exclusive of the time required to answer questions put to him/her by a Council Member, unless granted a time extension by the majority of Council.

## **12. ORDER OF BUSINESS AT MEETINGS**

12.1 The normal Order of Business for the Regular Meeting of Council shall be as set out in Schedule 'A' except:

(a) when a previous meeting has been adjourned for lack of a quorum and no special meeting has been called to deal with the business of the adjourned meeting, the agenda items from the adjourned meeting must be dealt with before any items on the current agenda; or

(b) when Council alters the Order of Business by a two-thirds (2/3) vote.

### **13. QUORUM**

13.1 When a quorum is present at the time set for commencement of a Council meeting, the Presiding Officer shall call the meeting to order.

13.2 If there is a quorum present at the time set for commencement of a meeting, but the Mayor and Deputy Mayor are absent, the Chief Administrative Officer shall call the meeting to order and shall call for a Presiding Officer to be chosen by resolution.

13.3 If a quorum is not constituted within fifteen minutes from the time set for commencement of a Council meeting, the Chief Administrative Officer shall record the names of all the Members present and adjourn the meeting.

13.4 If a Council meeting is adjourned for:

(a) failure to constitute a quorum; or

(b) due to loss of quorum as a result of a Member leaving the meeting;

the Agenda delivered for that Council meeting shall be considered at the next Regular Meeting of Council unless a Special Meeting is conducted to complete such business.

### **14. ADJOURNMENT**

14.1 A Council Regular Meeting shall adjourn no later than 10:00 pm, if in session at that time, except to conclude the matter under discussion, and Council shall recess and reconvene at 6:00 pm on the next business day unless:

(a) otherwise directed by Council; or

(b) Council, by resolution of a two-thirds (2/3) vote, taken as soon before 10:00 pm as the business permits, agree to an extension of the meeting beyond 10:00 pm.

14.2 A Member may move a motion to adjourn a Meeting at any time, except when:

(a) another Member has the floor;

(b) a call for a vote has been made;

(c) the Members are voting;

(d) Council is In-Camera; or

(e) a previous motion to adjourn has been defeated and no other intervening proceedings have taken place.

14.3 A motion to adjourn shall be put without comment or debate.



14.4 When all items of an approved agenda have been dealt with, the Presiding Officer may adjourn the meeting without requiring a motion or vote by Council.

## **15. RECESS**

15.1 Any Member may move that Council recess for a specific period. After the recess, business will be resumed at the point when it was interrupted. This motion may not be used to interrupt a speaker.

15.2 A motion to recess may be amended only as to length of time, but neither the motion nor the amendment is debatable.

15.3 If no speaker is addressing Council, the Presiding Officer may call a recess for a specific period.

## **16. MINUTES OF COUNCIL**

16.1 The Executive Assistant shall ensure minutes of a Council meeting are prepared and that a copy is distributed to each Member of Council for the next meeting.

16.2 The Presiding Officer shall present the minutes to Council with a request for a motion to confirm the minutes.

16.3 Any Member of Council may make a motion requesting that the Minutes be amended to correct any inaccuracy or omission.

16.4 Minor changes may be made to the minutes to correct errors in grammar, spelling and punctuation or to correct the omission of a word necessary to the meaning or continuity of a sentence. No change shall be allowed which would alter the actual decision made by Council.

16.5 No Member of Council may introduce any extraneous evidence to support a challenge to the accuracy of the minutes unless the evidence has been compiled or made under the direction or control of the Executive Assistant.

16.6 If a Member wishes to challenge the accuracy of the minutes of a previous meeting, the Member must make the challenge known to the Executive Assistant before Council has officially confirmed the minutes.

## **17. CONTROL AND CONDUCT OF COUNCIL MEETINGS**

17.1 Council meetings will be held in public and no person may be excluded except for:

(a) improper conduct; or

(b) Council may, by resolution, meet In-Camera to discuss any matter if a statute authorizes the holding of that meeting in the absence of the public

17.2 Subject to being overruled by a majority vote of Members, which vote shall be taken without debate, the Presiding Officer:

(a) shall maintain order and preserve decorum and may, if necessary, call a Member to order;

(b) shall decide points of order without debate or comment other than to state the relevant section of this Bylaw;

(c) shall determine which Member has a right to speak;

(d) shall ensure that all Members who wish to speak on a motion have spoken and that the Members are ready to vote and shall call the vote; and

(e) shall rule when a motion is out of order.

17.3 When the Presiding Officer wishes to debate or make a motion, he/she shall vacate the Chair and request another Member to take the Chair, in the following order:

(a) Deputy Mayor;

(b) Any other Member of Council. If no other Member of Council is willing to accept the Chair, the Presiding Officer will continue as Chair, however, will be allowed to make a motion and/or debate under the same rights and restrictions as other Members.

17.4 A person who is not a Member or Officer shall not address Council unless they first obtain permission from the Presiding Officer.

17.5 Members of the public gallery during a Council meeting:

(a) shall not address Council without permission;

(b) shall maintain order and quiet; and

(c) shall not applaud or otherwise interrupt any speech or action of the Members, or any other person addressing Council.

17.6 The Presiding Officer may, in accordance with the Act, expel and exclude any person who creates a disturbance or acts improperly.

17.7 When a Member or Officer wishes to speak at a Council meeting they shall obtain the approval of the Presiding Officer before doing so.

17.8 When a Member or Officer is addressing the Presiding Officer every other Member shall:

(a) Remain quiet and seated;

(b) Not interrupt the speaker except on a Point of Order, Point of Procedure or Question of Privilege; and

(c) Not carry on a private conversation.

17.9 When a Member is addressing Council the Member shall:

(a) Not speak disrespectfully of others;

(b) Not shout, raise his/her voice or use offensive language;

(c) Not reflect on any vote of Council except when moving to rescind it and shall not reflect on the motives of the Members who voted on the motion, or the mover of the motion;

(d) Assume personal responsibility for any statement quoted to Council or upon request of Council shall give the source of the information.

17.10 When a Member wishes to leave the Council Chambers while a Meeting of Council is in progress he/she shall rise and await the Presiding Officer's permission before leaving.

17.11 No member shall, subject to the Act, leave the Council Chamber after a question is put to a vote until the vote is taken.

## **18. POINT OF INFORMATION, ORDER, PROCEDURE AND QUESTION OF PRIVILEGE**

18.1 When any Point of Order, Point of Procedure or Question of Privilege arises, it shall be immediately taken into consideration by the Presiding Officer.

18.2 When a Point of Information is raised, the Presiding Officer shall answer the question or direct the question to the appropriate Member or Officer.

18.3 When a Question of Privilege arises, the Presiding Officer shall rule upon the admissibility of the question and if the Presiding Officer rules favorably, the Member who raised the Question of Privilege shall be permitted to pursue the question.

18.4 When the Presiding Officer is called upon to decide a Point of Order or to answer a Point of Procedure, the point shall be stated without unnecessary comment, and the Presiding Officer shall state the rule or authority applicable in the case.

18.5 When the Presiding Officer is of the opinion that any motion is contrary to the rules of Council, he/she shall advise the Members immediately and quote the rule or authority applicable and no argument or comment shall be permitted.

18.6 The decision of the Presiding Officer shall be final unless a challenge is made pursuant to Section 19 of the Bylaw.

## **19. CHALLENGE TO THE RULING OF THE PRESIDING OFFICER**

19.1 When a Member wishes to challenge the ruling of the Presiding Officer, the motion, "That the decision of the Presiding Officer be overruled" shall be made, and the question shall be put immediately without debate.

19.2 The Presiding Officer shall be governed by the vote of the majority of the Members present, and the names of the Members voting shall be recorded in the Minutes.

19.3 If the Presiding Officer refuses to put the question "That the decision of the Presiding Officer be overruled" Council shall request the Deputy Mayor to proceed, in accordance with Section 19.1

19.4 Any resolution carried under the circumstances mentioned in Section 19.3 of this Bylaw, is effectual and binding as if carried under the chairmanship of the Presiding Officer.

## **20. MOTIONS IN COUNCIL**

20.1 A Member who wishes to submit a motion in excess of 25 words shall do so in writing.

20.2 After a motion has been moved, and prior to any vote, it is the property of Council and may not be withdrawn without the consent of a majority of Council.

20.3 Except as specifically provided elsewhere in this Bylaw, the following motions are debatable by Council:

(a) A motion for adoption of, refusal of, or further consideration of a report to Council;

(b) A motion arising out of any matter included in the Agenda;

(c) A motion for amendment to any bylaw or any matter arising directly out of any bylaw properly before Council;

(d) A motion for second reading of a bylaw;

(e) A motion for appointment or dismissal of a committee;

(f) A motion for Council to go In-Camera;

(g) Such other motions made upon routine proceedings as may be required for:

20.3.g.1 The observance of the proprieties of Council,

20.3.g.2 The maintenance of the authority of Council,

20.3.g.3 The appointment or conduct of its Officers,

20.3.g.4 The management of its business,

20.3.g.5 The arrangement of its proceedings,

20.3.g.6 The correctness of its records, or

20.3.g.7 The setting of meeting dates or the days and times of its meetings; or

(h) A motion to postpone.

20.4 When a motion has been made and is being considered, no Member may make any other motion except to:

(a) amend the motion;

(b) refer the main motion to some other group for consideration;

(c) postpone the main motion; or

(d) recess the meeting.

20.5 Except as specifically provided elsewhere in this Bylaw, after a motion has been made, a member may with the consent of Council, change the wording of the motion or agree to a change proposed by another Member if the change does not alter the intention of the motion.

## **21. MOTIONS CONTAINING DISTINCT PROPOSITIONS**

21.1 A motion containing several distinct propositions is not out of order for that reason alone.

21.2 When a motion contains two or more propositions, and when

(a) any member requires; or

(b) the Presiding Officer orders

Council shall vote on each proposition separately.

## **22. MOTIONS OUT OF ORDER**

22.1 Subject to an appeal in accordance with Robert's Rules of Order, it is the duty of the Presiding Officer to determine if a motion or amendment is in order and the Presiding Officer may decline to put a motion before Council if it is out of order or contrary to law.

22.2 The Presiding Officer shall advise Council and shall cite the applicable rule or authority when determining that a motion is out of order.

## **23. AMENDMENTS**

23.1 No amendment shall be made to a motion:

(a) to refer a question to some other body for consideration; or

(b) to adjourn a meeting.

23.2 While a motion is under discussion by Council a Member may not move an amendment which:

(a) does not relate to the subject matter of the main motion; or

(b) is directly contrary to the main motion.

23.3 The Presiding Officer shall allow only one amendment at a time to the main motion and only one amendment to that amendment may be allowed at a time.

23.4 The Presiding Officer shall put amendments to a vote in the reverse order to which they have been moved.

23.5 When all amendments are voted on, the Presiding Officer shall ask for a vote on the main motion, incorporating any carried amendments.

## **24. DEBATE ON MOTIONS**

24.1 No Member may speak more than twice on any motion, except under the following circumstances:

(a) when a Member feels they have been misquoted or misunderstood, they may, after receiving permission from the Presiding Officer, explain a material part of their speech, but may not introduce any new matter and there shall be no debate on the explanation;

(b) when a Member has moved the motion, they may close the debate after all other Members have been given an opportunity to speak;

(c) before the debate has been closed and the vote called, provided no other Member has the floor, a Member may, request that the motion be read aloud or ask a question which:

24.1.c.1 relates directly to the debate,

24.1.c.2 contains no argument, and

24.1.c.3 introduces no new material on the motion.

24.2 Unless Council by a majority vote extends the time, no Member shall speak longer than:

(a) ten minutes on any original motion; or

(b) three minutes on any amendment; or

(c) three minutes for closing debate on an original motion or on an amendment.

24.3 When a Member has closed debate, the Presiding Officer shall declare the motion and ask for a vote.

24.4 When the motion has been declared, no Member shall debate further on the motion or speak, except to request that the motion be read aloud.

## **25. TABLING, POSTPONING AND REFERRING MOTIONS**

25.1 Motions to table any matter are not permitted.

25.2 A motion to postpone any matter shall include in the motion:

(a) a specific time to which the matter is postponed; or

(b) provision that the matter is to be postponed indefinitely.

25.3 A motion to postpone a matter is amendable and debatable.

25.4 Any matter that has been postponed to a particular date, or indefinitely, shall not be considered by Council before the date set, except on a majority vote of the Members present.

25.5 When dealing with subject matters where a Committee has been appointed for that purpose, or an Officer would normally deal with such matters, Council may, without amendment or debate, refer the question to the appropriate body.

25.6 A Member who is moving a referral motion shall be required to include in the motion:

(a) the terms on which the motion is being referred;

(b) the time when the matter is to be returned; and

(c) whatever explanation is necessary as to the purpose of the motion.

## **26. VOTING ON MOTIONS**

26.1 When this Bylaw requires that a motion be made, a bylaw be passed, or any other action be taken by a vote of:

- (a) a simple majority of Council;
- (b) two-thirds (2/3) of Council or any other fraction of Members; or
- (c) all Members,

the requirements shall be interpreted as meaning such majority, fraction or total of the Members who are present, provided the Act, or some other relevant statute does not specify differently.

26.2 A question or motion shall be declared lost when it:

- (a) does not receive the required number of votes; or
- (b) receives an equal division of votes.

26.3 Each Member present shall vote on every motion as prescribed by the Act, unless the Act or other provincial or federal enactment requires or permits the Member to abstain, in which case the Member shall cite the legislative authority for abstaining, and the Chief Administrative Officer shall record the abstention and reasons in the minutes.

26.4 A Member shall not vote on a matter if they are absent from the Council Chambers when the vote is called.

26.5 Any Member, prior to the vote being taken, may ask for a recorded vote and the Chief Administrative Officer shall record the names of those who vote for and those who vote against a motion in the Minutes.

26.6 Votes on all motions must be taken as follows:

(a) the Presiding Officer must declare the motion and call for the vote;

(b) Members must:

26.6.b.1 vote by a show of hands if the electronic or computerized voting system is unavailable;

26.6.b.2 vote verbally if participating by a communication facility;

26.7 After the Presiding Officer declares the result of the vote, Members may not change their vote for any reason.

26.8 When this Bylaw or any other bylaw, regulation or other enactment requires a majority greater than a simple majority to pass a motion on any matter, the motion may not be rescinded or amended by less than the majority required.

26.9 It is only necessary for each Member to vote separately on a recorded vote.

## **27. RECONSIDERING, RESCINDING OR RENEWING A MOTION**

27.1 A Councillor who voted with the prevailing side may move to reconsider a motion only at the same meeting or during any continuation of the meeting at which it was decided.

27.2 A motion to reconsider may not be applied to:

- (a) a vote which has caused an irrevocable action; or
- (b) a motion to reconsider.

27.3 A motion to reconsider is only debatable when the motion being reconsidered is debatable.

27.4 A motion to rescind a motion which has been passed or to renew a defeated motion may be offered subsequent to the meeting at which the motion was passed or defeated if the rescinding or renewal motion is:

- (a) made by a Councillor who voted with the prevailing side;
- (b) brought more than one year after the date of the original motion; or
- (c) brought after a General Election which has taken place since the date of the original motion.

27.5 Notice of Motion to rescind or renew a motion must be given or dispensed with pursuant to the provisions of this bylaw.

27.6 No motion to rescind may be made when:

- (a) a vote has caused an irrevocable action; or
- (b) the question can be reached by reconsidering the motion.

## **28. BYLAWS**

28.1 When a Bylaw is presented to Council for enactment, the Executive Assistant shall publish the number and title of the Bylaw in the Agenda.

28.2 The Executive Assistant shall copy the Bylaw in full and forward it with the Agenda.

28.3 Every Bylaw shall have three readings. Only the title or identifying number must be read at each reading.

28.4 A Bylaw shall be introduced for first reading by a motion that the Bylaw be read a first time.

28.5 Prior to first reading, a Member may ask questions of clarification concerning the Bylaw.

28.6 Council shall vote on the motion for first reading of a Bylaw without amendment or debate.

28.7 A Bylaw shall be introduced for second reading by a motion that it be read a second time.

28.8 After a Member has made a motion for second reading of a Bylaw, Council may:

- (a) debate the substance of the Bylaw; and



(b) propose and consider amendments to the Bylaw.

28.9 A Bylaw shall not be given more than two readings at one Meeting unless the Members present unanimously agree that the Bylaw may be presented to Council for third reading.

28.10 When Council unanimously agrees that a Bylaw may be presented for third reading:

(a) motion for third reading of the Bylaw shall be made;

(b) Council shall vote on the motion without amendment or debate;

(c) the third reading requires no greater majority or affirmative votes than if it had received third reading at a subsequent Meeting.

28.11 Council shall vote on the motion for third reading of a Bylaw without amendment or debate.

28.12 A Bylaw shall be passed when a majority of the Members voting on third reading vote in favor, provided some other applicable Provincial Statute or Bylaw does not require a greater majority.

28.13 In conformance with the Act:

(a) if a Bylaw does not receive third reading within two years from the date of first reading, the previous readings are deemed to have been rescinded; and

(b) if a Bylaw is defeated on second or third reading the previous readings are deemed to have been rescinded.

28.14 The Executive Assistant is designated to consolidate one (1) or more bylaws as deemed convenient and in doing so, must:

(a) incorporate all amendments to the bylaw into one (1) bylaw; and

(b) omit a provision that has been repealed or that has expired.

## **29. NOTICES OF MOTION**

29.1 A Member may make a motion introducing any new matter only if:

(a) Notice is given at a previous regular Council meeting and a legible copy of the content of the notice is made available to the Executive Assistant; or

(b) Council on a two-thirds (2/3) vote waives the requirement for Notice.

29.2 A Notice of Motion must give sufficient detail so that the subject of the motion and any proposed action can be determined, and it must state the date of the meeting at which the motion will be made. A notice must be given without discussion of the matter, but any written copies distributed may include explanatory paragraphs.

29.3 To be placed on the meeting agenda, the Motion on Notice and any supporting documents must be submitted in the form of a Council Report to the Executive Assistant by 4:00 p.m. on the seventh complete day preceding the meeting.

29.4 If a motion is not made at the meeting indicated in the notice, it will appear on the agenda for, and may be made at any of, the next two Regular Meetings. After the third Regular Meeting, it will be removed from the agenda and may only be made by a new Notice of Motion.

### **30. COUNCILLOR REPORTS**

30.1 Each Councillor will be provided a maximum of five (5) minutes for the purpose of providing a verbal update on Committees or community events in which municipal participation has been approved by Council.

30.2 Any action required as a result of a Councillor Report shall be brought forward as a separate business item or Notice of Motion.

### **31. COMMITTEES**

31.1 Council may establish Committees as are necessary or advisable for the orderly and efficient handling of the affairs of the Village and shall establish the Terms of Reference for said Committees as set out in Schedule 'C' attached to and forming part of this Bylaw;

31.2 The Terms of References for Committees may be amended by resolution of Council from time to time, as required.

31.3 When establishing a Committee Council must adopt a Terms of Reference for the Committee that:

- (a) names it;
- (b) establishes membership, purpose and authority;
- (c) sets the term or directs that the committee exists on an on-going basis at the pleasure of Council; and
- (d) allocates any necessary budget or other resources.

31.4 The Executive Assistant will facilitate an annual review by Council of all Committees' Terms of Reference prior to the annual Organizational Meeting and committee appointments.

31.5 Council may appoint, by resolution, Councillors, employees, public-at-large, or other members to Committees in accordance with the approved Terms of Reference. The Committee member selection process is set out in Schedule 'B' attached to and forming part of this Bylaw.

31.6 The Mayor shall be an ex-officio member of all Committees to which Council has the right to appoint members, unless otherwise prohibited by statute or bylaw, and, as such member of the Committee, shall be counted to determine quorum and has all the rights and privileges of the other Committee members including the right to make motions and vote.

31.7 At its first meeting each year, a Committee shall elect a Chairperson and Vice-Chairperson for a one (1) year term from among the Members unless Council designates:

(a) the Chairperson of a Committee; or

(b) the manner in which the Chairperson shall be selected.

31.8 A Member of a Committee can remain in the position of Chairperson for a maximum of three terms of office.

31.9 A Chairperson of a Committee may be removed from office by a vote of a majority of the members of the Committee. No motion to remove the Chairperson shall be in order unless Notice of Motion has been given in writing at a regular meeting of the Committee held at least seven days prior to the meeting at which the motion is considered.

31.10 The Chairperson of a Committee shall preside at every meeting and shall vote on all questions.

31.11 In the absence or inability of the Chairperson to preside over a meeting, the Vice-Chairperson shall preside and shall exercise the same powers, duties and responsibilities that the Chairperson would be entitled to exercise if present.

31.12 In the absence or inability of both the Chairperson and Vice-Chairperson to preside over a meeting, the members present, if they constitute a quorum, shall elect one of the members present to preside for that meeting.

31.13 A Committee shall conduct its meetings in public in accordance with the provisions of the Act.

31.14 Committees shall adhere to the following minimum meeting requirements:

(a) Committees shall establish, on an annual basis, a schedule of regular meetings;

(b) a regular meeting schedule established under this section must be filed with the Executive Assistant a minimum of three (3) clear days prior to the first meeting in the schedule;

(c) the Chairperson may call a meeting of the Committee at any time and must do so if a majority of Committee members so request in writing, including a statement of purpose of the meeting. A Special Meeting requested by Committee members must be held within 14 days after the request is received; and

(d) notice of Committee meetings not approved in the established annual schedule, or cancellation of a previously called meeting, must comply with requirements for Public Notice as set out in this bylaw and be filed with the Executive Assistant a minimum of 48 hours prior to the meeting.

31.15 Minutes must be prepared for all Committee meetings and must:

(a) include all decisions and other proceedings;

(b) include the names of Committee members present at and absent from the meeting;

(c) include any abstentions made under the Municipal Government Act by any member and the reason for abstention;

(d) include the signatures of the Chair and the Recording Secretary; and

(e) be retained in a safe manner and be available upon request. A final copy of minutes must be filed with the Executive Assistant within a minimum of three working days after being confirmed by the Committee.

31.16 When a Committee is of the opinion that a meeting should be held In-Camera, the motion passed to authorize the In-Camera meeting shall include the reason for holding the meeting In-Camera, and the meeting shall be conducted in accordance with the Act.

31.17 Committee meetings shall be open to all Members of Council, but only those Members specifically appointed to that Committee, or appointed ex-officio are entitled to take part in discussion and debate and vote on any matter before the Committee.

31.18 A Member of a Committee who has a pecuniary interest in a matter before the Committee shall disclose the general nature of the interest, and abstain from discussing the matter or voting on the matter, and leave the room until discussion and voting on the matter are concluded, as prescribed in the Act.

31.19 Any member absent from three (3) consecutive regular meetings of a Committee, unless such absence is authorized by resolution of the Committee, will automatically forfeit his/her membership as of the date of the third consecutive meeting absent from. Any member forfeiting his/her membership may be eligible for re-appointment in the future but not for the unexpired portion of the term forfeited.

31.20 No Committee or any member of a Committee has:

(a) power to pledge the credit or course of action of the Village or enter into any agreement on behalf of the Committee or Village;

(b) power to authorize any expenditure to be charged against the Village without prior approval by Council; or

(c) authority to act except as established in the Terms of Reference for the Committee.

31.21 Councillors appointed to a Committee by Council shall be responsible to keep Council informed as to Committee activities.

31.22 A Committee shall report to Council, as required.

31.23 The Chief Administrative Officer shall appoint an Administrative Representative to each Committee who shall:

(a) ensure required notice is given, and accurate minutes are kept, for all Regular and Special Meetings of the Committee;

(b) provide advice, research, information and additional support staff as required by the Committee; and

(c) not be a member of the Committee and may not vote on any matter.

## **32. PUBLIC HEARINGS**

32.1 "Adjourn" used in relation to a Public Hearing, means to take a break in the Public Hearing with the intent of returning to the Public Hearing at another meeting.

32.2 "Close" used in relation to a Public Hearing, means to terminate the Public Hearing.

32.3 At the commencement of a Public Hearing, the Presiding Officer shall:

(a) State the matter to be considered at the hearing;

(b) Ask the Chief Administrative Officer if the Public Hearing has been advertised in accordance with the Municipal Government Act;

(c) Request that staff present a report on the issue at hand;

(d) Request that the Municipal Planning Commission provide their position on the proposed bylaw; and

(e) Allow the applicant, and/or their representative(s), up to twenty (20) minutes to present their position, exclusive of the time required to answer questions put to him/her by a Council Member, unless granted a time extension by Council.

32.4 Any person or group who claims to be affected by the subject matter of the Public Hearing shall be afforded an opportunity to speak in the following order:

(a) The Presiding Officer will call those who have indicated on the sign-in sheet that they wish to speak to the proposed bylaw;

(b) The Presiding Officer will ask if there is anyone present who wishes to make any general comments regarding the proposed bylaw; and

(c) The Presiding Officer will allow an opportunity to all persons to respond to any new information that has arisen.

32.5 If a person is unable to attend a Public Hearing, that person may authorize an individual to speak on his or her behalf. The authorization must:

(a) be in legible writing;

(b) name the individual authorized to speak;

(c) indicate the proposed bylaw to be spoken to; and

(d) be signed by the person giving the authorization.

32.6 The authorized speaker must state the name of the person that the speaker represents and present the written authorization to the Chief Administrative Officer.

32.7 No person representing an individual shall address Council for more than five (5) minutes, exclusive of the time required to answer questions put to him/her by a Council Member, unless granted a time extension by the majority of Council.

32.8 No person representing a group shall address Council for more than ten (10) minutes, exclusive of the time required to answer questions put to him/her by a Council Member, unless granted a time extension by the majority of Council.

32.9 The Mayor will allow staff to make closing comments.

32.10 If there is more than one Public Hearing on the Agenda, the Mayor shall adjourn or close one Public Hearing before opening another Public Hearing.

32.11 If a Public Hearing is adjourned, Council shall not receive any additional submissions in relation to the subject matter unless it re-opens the Public Hearing.

32.12 If a Public Hearing is closed, Council shall not receive any additional submissions from the public in relation to the subject matter, until it has voted on the subject matter of the Public Hearing.

**33. GENERAL**

33.1 That Bylaw #348/06 be repealed in its entirety.

33.2 That this Bylaw comes into effect upon third and final reading.

Read a first time, October 19, 2016

Read a second time, October 19, 2016

Read a third time, October 19, 2016.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Administrative Officer

# **Village of Alix - Procedural Bylaw**

## **Schedule 'A'**

### **ORDER OF BUSINESS AT MEETINGS**

The normal order of business for the regular meeting of Council shall be as follows:

- (a) Call to Order
- (b) Agenda - Amendments and Adoption
- (c) Adoption of Minutes
- (d) Delegations
- (e) Bylaws
- (f) Unfinished Business
- (g) New Business
- (h) Financial Reports
- (i) Committee Reports
- (j) Administrative Reports
- (k) Correspondence and Information
- (l) In-Camera (If Required)
- (m) Adjournment

# **Village of Alix-Procedural Bylaw**

## **Schedule 'B'**

### **COMMITTEE MEMBER SELECTION PROCESS**

The recruitment, selection and appointment process of members to serve on Committees established pursuant to this Bylaw shall be as follows:

1. Member of Council

(a) To be appointed by Council at the annual Organizational Meeting or, if required, during the year;

(b) An alternate to be appointed in the event that the appointed Councillor(s) is unable to attend.

2. Public-at-Large

(a) There will be no automatic succession appointments.

(b) No appointee shall serve more than two (2) consecutive terms, unless provisions are made by Provincial Statutes, and after two (2) consecutive terms will not be eligible for re-appointment until after observing an absence of one (1) full year.

(c) Membership terms will be no longer than three (3) years and will be made in such a manner that the expiry dates of members serving on on-going Committees are staggered.

(d) Committee members should represent a cross section of all community interests, whose mandate is service to the total community.

(e) All public-at-large vacancies on Committees shall be advertised to request formal submission of applications.

(f) Public-at-large member selection will be made from those applicants responding on a timely basis to the advertised need.

(g) A Selection Panel for each Committee will be comprised of the Committee Chairperson, Committee Administrative Representative and the Executive Assistant, with the Human Resources Division providing advice and/or training to the Panel as required.

(h) To be considered, candidates must be a Village resident and a minimum of 18 years of age, unless otherwise specified in the Terms of Reference.

(i) All applicants shall be notified acknowledging receipt of their application.

(j) Upon close of applications, the Selection Panel shall be provided with all applications received for the respective Committee, along with a report from the Administrative Representative outlining any skill sets required on the Committee.

(k) The Selection Panel shall review all applications in a manner deemed appropriate and which may include an interview of the applicant.



(l) The Selection Panel shall submit an appointment recommendation to Council for a decision.

(m) Appointments to be made through a secret ballot vote by Council with the candidate, or candidates, receiving the highest number of votes being appointed by resolution of Council if the majority of Council voted in favor of that candidate.

(n) When Council has appointed members to fill vacancies, all applicants shall be advised of Council's decision.

(o) Appointments will be made at the Regular Meeting held in December each year or, if required, during the year.

### 3. Other Representatives

(a) When a Terms of Reference includes members representing other organizations or groups, they will be invited to appoint a representative.

