

The Summer Village of Poplar Bay

BYLAW NO. 256

Procedural Bylaw

A BYLAW OF THE SUMMER VILLAGE OF POPLAR BAY, IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEEDINGS OF COUNCIL OF THE SUMMER VILLAGE OF POPLAR BAY AND TO DEFINE CERTAIN DUTIES OF THE COUNCIL.

WHEREAS Section 145 of the *Municipal Government Act*, being Chapter M26 of the Revised Statutes of Alberta, 2000 as amended, provides that Council may make rules and regulations for called meetings, governing its proceedings and the conduct of its members;

AND WHEREAS the Council of the Summer Village of Poplar Bay, in the Province of Alberta, consider it desirable to adopt a procedural bylaw;

NOW THEREFORE the Council of the Summer Village of Poplar Bay hereby enacts as follows:

Section 1 – Title

This bylaw may be cited as the “The Procedural Bylaw”.

Section 2 – Purpose

The purpose of this bylaw is to identify procedures for Council and Board and Committee meetings, conduct, and decision making. This bylaw also provides a means for individuals to address Council.

Section 3 – Definitions

In this bylaw, unless the context otherwise requires:

- (a) “Act” means the *Municipal Government Act* being Chapter M26 of the Revised Statutes of Alberta, 2000 as amended, or repealed and replaced;
- (b) “Acting Mayor” is the Deputy Mayor selected by Council to preside at any meeting of Council in the absence or incapacity of the Mayor;
- (c) “Agenda” means the agenda for a Regular or Special Council Meeting.
- (d) “CAO” means the Chief Administrative Officer of the Summer Village;
- (e) “Council” means the Mayor, Deputy Mayor and Councillor of the Summer Village;

- (f) "Deputy Mayor" means the member who is appointed by Council at the annual Organizational Meeting, to act as Mayor in the absence of or incapacity of the Mayor;
- (g) "Mayor" means the member who is appointed by Council at the annual Organizational Meeting;
- (h) "Member" means a member of Council, duly elected and continuing to hold office;
- (i) "Quorum" means the majority:
 - (i) of the valid, subsisting members of Council, or
 - (ii) in the case of the Committee, Board, Commission or other organized and recognized group, a majority of the members thereof.
- (j) "Summer Village" means the corporation of the Summer Village of Poplar Bay, in the Province of Alberta and, where the context so requires, means the area included within the boundaries of the Summer Village and its property;
- (k) "Public Hearing" is a meeting of council which is convened to hear matters pursuant to the *Municipal Government Act*;
- (l) "Special Meeting" is a meeting called by the Mayor or CAO pursuant to the *Municipal Government Act*.

Section 4 – Application

- (a) This Bylaw applies to all meetings of Council and all meetings of Boards and Council Committees.

Section 5 – Agenda

- (a) The agenda shall list the items and order of business to be conducted at the meeting.
- (b) The CAO shall ensure copies of the Agenda are:
 - (i) Delivered so that they will be received in each case not less than 48 hours prior to the commencement of the meeting for which they were prepared;
 - (ii) Distributed to all Council members; and
 - (iii) Made available to the general public as required.

- (c) Only that material which has been received by the time of the delivery of the agenda shall be considered at the meeting for which the Agenda is prepared, unless Council approves an amended agenda.
- (d) If supporting materials do not arrive before the agenda is delivered, they may be added to the agenda before it is approved by Council.

Section 6 – Organizational Meetings

- (a) An organizational meeting of Council shall be held annually, prior to the 31st of August, according to Section 192 of the *Municipal Government Act*.
- (b) The CAO, in conjunction with the Mayor, shall set the time and place for the organizational meeting. The business of the meeting shall be limited to:
 - (i) The administration of the oath and the introduction of members should the meeting follow the general municipal election or by-election;
 - (ii) The appointment of the Mayor and the Deputy Mayor;
 - (iii) The appointment of members to committees and boards which Council is entitled to make; and
 - (iv) Any other business required by the *Municipal Government Act*, or which Council or the CAO may direct.
- (c) At the organizational meeting, the CAO shall:
 - (i) Take the chair;
 - (ii) Call the meeting to order;
 - (iii) Ensure that the official oath as prescribed by the Oaths of Office Act has been administered to every member of Council; and
 - (iv) Preside over the meeting until the oath as prescribed by the Oaths of Office Act has been administered and the Mayor has been appointed.
- (d) Council at its organizational meeting shall appoint members of the various other Commissions, Committees, Boards and other bodies which are within Council's jurisdiction.

Section 7 – Committees

- (a) The membership of a Committee shall be provided for by the enabling bylaw.
- (b) The Mayor or any member of Council can be a member of all committees to which Council has the right to appoint members, pursuant to the *Municipal Government Act*, and he shall be counted in making up the quorum, if present.

- (c) Each Committee shall select one of its members to be the Chairman unless Council designates:
 - (i) The Chairman of a committee; or
 - (ii) The manner in which the Chairman shall be selected.
- (d) Meetings of Committees shall be open to members of Council, who may take part in any discussion or debate, but only those members specifically named or appointed ex-officio to the Committee shall be entitled to vote.
- (e) When a Committee established by Council is of the opinion that a meeting is to be held in-camera, the motion which is passed to authorize the in-camera meeting shall include the reason for holding the meeting in-camera. The meeting may only be held in accordance with Section 197(2) of the *Municipal Government Act*.
- (f) The Chairman shall preside at every meeting and shall vote on all questions; in the absence of the Chairman the Vice-Chairman shall preside.
- (g) The business of Committees shall be conducted in accordance with the rules governing the procedures of Council except for the following:
 - (i) There shall be no limit to the number of times a member may speak to a question;
 - (ii) The Committee's decision shall be that of the majority of the members voting.
- (h) The Recording Secretary shall not record the names of the members voting, however, an individual member may ask that the minutes record his opposition.

Section 8 – Meetings of Council

- (a) Every regular meeting of Council shall commence no earlier than when the meeting is called to order.
- (b) Council may cancel any meeting but the Mayor must inform the CAO in writing.
- (c) Special Council meetings may be called in accordance with Section 194 of the *Municipal Government Act*.
- (d) Attendance is required at all Council meetings. In extenuating circumstances, Council members may attend and be counted present via conference call in instances where they are unable to be physically present.

Section 9 – Order of Business at Meetings

- (a) Subject to the other provisions of this Section, the order of business for a meeting shall be the order of the items contained in the Agenda.
- (b) The normal order of business for the Regular Meeting of Council shall be as follows:
 - (i) Call to order
 - (ii) Adopt/Amend Agenda
 - (iii) Adoption of Minutes
 - (iv) Delegates
 - (v) Bylaws and Policies
 - (vi) Council and CAO Reports
 - (vii) Business
 - (viii) Financial Reports
 - (ix) Correspondence
 - (x) In-Camera (as required)
 - (xi) Adjournment
- (c) When a change in the order of business is desired, it shall be done by adoption of the amended agenda.
- (d) A member who has a pecuniary interest in a matter before Council shall disclose the general nature of the pecuniary interest in accordance with Section 172 of the *Municipal Government Act*.
- (e) The CAO will submit a preliminary agenda to Council, members of Council are to advise the CAO of any additional items.

Section 10 – Start of a Council Meeting

- (a) When there are sufficient members present to form a quorum at the time set for the start of the meeting or as soon thereafter as a quorum is present, the Mayor shall take the chair and call the meeting to order.
- (b) If there are not sufficient members assembled at any meeting to constitute a quorum within thirty (30) minutes from the time set for the start of the meeting the Chair shall consider the meeting cancelled and it will be rescheduled by the CAO.
- (c) When Council is unable to meet for want of a quorum, the agenda delivered for that meeting shall be considered at the next Regular Meeting prior to the consideration of the agenda for the subsequent meeting or it shall be the agenda for a special meeting called for that purpose.

Section 11 – Control and Conduct of Council Meetings

- (a) Council shall hold its meeting openly and no person shall be excluded except for improper conduct.
- (b) Council may, by resolution, go in-camera, which:
 - (i) May be held in private, subject to Section 197 of the *Municipal Government Act*; and
 - (ii) May exclude any persons.
- (c) Subject to being overruled by a majority vote of members, which vote shall be taken without debate, the Mayor:
 - (i) Shall maintain order and preserve decorum and may, if necessary, call a member to order;
 - (ii) Shall decide points of order without debate or comment other than to state the relevant section of the Bylaw;
 - (iii) Shall determine which member has a right to speak;
 - (iv) 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
 - (v) Shall rule when a motion is out of order.
- (d) The Mayor shall have the same rights and be subject to the same restrictions as to participation in debate as all other members.
- (e) The members of the public during a Council meeting:
 - (i) Shall not address Council without permission;
 - (ii) Shall maintain order and quiet; and
 - (iii) Shall not applaud or otherwise interrupt any speech or action of the members, or any other person addressing Council.
- (f) The Mayor may at any meeting expel and exclude any person who creates any disturbance or acts improperly.
- (g) No member shall, subject to the provisions of Section 172 of the *Municipal Government Act*, leave the Council chamber after a question is put to a vote until the vote is taken.

Section 12 – Minutes of Council

- (a) The CAO or designate shall prepare the minutes of each council meeting and shall distribute a copy to each member of council for the next meeting.
- (b) The CAO or designate shall present the minutes to Council for adoption.
- (c) Any member of Council may make a motion requesting that the minutes be amended to correct any inaccuracy or omission.

Section 13 – Tabling or Postponing Motions

- (a) A matter which has been postponed indefinitely or to a particular date shall not be considered by Council before the date set except on a majority vote by the members present.

Section 14 – Motions Out of Order

- (a) It is the duty of the Mayor to determine what motions or amendments are in order, and decline to put any motion before Council which he deems to be clearly out of order or contrary to law.
- (b) When the Mayor decides a motion is out of order he shall advise Council and shall cite the applicable rule or authority.

Section 15 – Voting on Motions

- (a) When this Bylaw requires that a motion be made, a bylaw be passed or any other action be taken by a vote of:
 - (i) A simple majority of Council, or
 - (ii) All members

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

- (b) A question or motion shall be declared lost when it:
 - (i) Does not receive the required number of votes; or
 - (ii) Receives an equal division of votes.
- (c) Each member present shall vote on every division of every motion as outlined in Section 183 of the *Municipal Government Act*, unless that Act, or any 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 CAO shall record the abstention and reasons in the minutes.

- (d) A member shall not vote on a matter if he is absent from the Council Chamber when the vote is called and the decision is made to take a recorded vote.
- (e) Any member may ask for a recorded vote.
- (f) A motion does not need to be seconded.
- (g) 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.

Section 16 – Reconsidering and Rescinding a Motion

- (a) When a member wishes Council to reconsider, alter or rescind any motion already passed or action taken at a previous meeting, and when the matter does not appear in the Agenda, he shall bring the matter before Council by a Notice of Motion which shall:
 - (i) Be given at a Regular Meeting preceding the meeting at which he wishes Council to reconsider the matter;
 - (ii) Specify the meeting at which he proposes to bring the matter to Council; and
 - (iii) Indicate in the substantive portion of the motion the action which he proposes that Council take on the matter.
- (b) If notice of motion was not given, Council may, on a majority vote waive the requirement for notice contained in this section.
- (c) Notwithstanding the other provisions of this Section, no motion made or action taken by Council shall be reconsidered unless:
 - (i) It is a motion made or an action taken at the same meeting; or
 - (ii) It is a motion made or an action taken at a meeting held six (6) months or more before its reconsideration; or
 - (iii) Council by not less than a vote of majority approves reconsideration of a motion made or an action taken less than six (6) months before its reconsideration.
- (d) A member may move to reconsider a matter considered at the same meeting and if a majority of the members vote for reconsideration, the matter may again be dealt with at the same meeting.

Section 17 – Presiding Officer Rules

- (a) In all cases not provided for in the proceedings of Council or in Committee, the decision of the Mayor or other presiding officer shall be final and accepted without debate.

Section 18 – Motion to Move In-Camera

- (a) Council may upon the passing of a motion, move in-camera to discuss any matter.
- (b) The rules of order for the conduct of a meeting of council shall apply to a meeting in-camera.
- (c) When Council is of the opinion that a meeting of Council is to be held in-camera, the motion which is passed to authorize the in-camera meeting shall include the reason for holding the meeting in-camera, and the meeting may only be held in-camera in accordance with Section 197(2) of the *Municipal Government Act*.

Section 19 – Motions in Council

- (a) The Recording Secretary shall read the motions as presented.
- (b) Motions are debatable by Council.
- (c) Unless Council by a majority vote extends the time, no member shall speak longer than five (5) minutes on any original motion.
- (d) When a motion has been made and is being considered, no member may make any other motion except to:
 - (i) Amend the motion; or
 - (ii) Table or postpone the motion.
- (e) When a member feels he has been misquoted or misunderstood, he may, after receiving permission from the Mayor, explain a material part of his speech but he may not introduce any new matter and there shall be no debate on the explanation;
- (f) When the motion has been declared put, no member shall debate further on the motion or speak, except to request that the motion be read aloud.

Section 20 – Bylaws

- (a) Every Bylaw shall have three readings.

- (b) Every proposed bylaw should be introduced on a motion specifying in general terms its intent. When a proposed bylaw is read in Council, the CAO shall certify the reading and the date of the reading on the face thereof.
- (c) A bylaw appearing upon a Council Agenda when listed as ready for first reading shall be introduced by a member “that Bylaw No. (quoting the bylaw number) be 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.
- (d) A bylaw shall receive second reading by a member making a motion “that Bylaw No. (quoting the bylaw number) now be read a second time”. The bylaw shall then be open to debate and amendment before it is ordered for a third reading.
- (e) Every bylaw shall be read a third time before it is signed by the Mayor or Deputy Mayor.
- (f) Unless the members present at a meeting unanimously agree that a bylaw may be presented to Council for a third reading at the same meeting at which it has received two readings, the bylaw shall not be given more than two readings at one meeting.
- (g) If Council unanimously agrees that a bylaw may be presented for a third reading at a meeting at which it has received two readings, the third reading requires no greater a majority of affirmative votes to pass the bylaw than if it had received a third reading at a subsequent meeting.
- (h) 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 CAO shall retain the original of every bylaw on file and properly record any amendments thereto, and the CAO shall retain them when a bylaw has been read a third time and finally passed.
- (i) Every bylaw which has passed Council shall immediately after being sealed with the seal of the Corporation, signed by the Mayor and CAO, be securely held by the CAO.

Section 21 – Persons Wishing to Address Council as a Delegation

- (a) A person, or a representative of a delegation, or a group of persons who wish to bring any matter to the attention of the Council or have any matter addressed by Council in person shall submit a signed letter outlining the matter to be discussed, including any material to be presented, to the CAO no less than close of business five (5) days before the date of the scheduled meeting.
- (b) The CAO shall confirm the agenda date and time slot with the person, or representative of a delegation, or group of persons.

- (c) No person shall address Council for more than ten (10) minutes, unless approved by Council.

Section 22 – Severability

- (a) Should any section or part of this bylaw be found to have been improperly enacted, then such section or part shall be regarded as being severable from the rest of this bylaw and the bylaw remaining after such severance shall be effective and enforceable as if the section found to be improperly enacted had not been enacted as part of this bylaw.

Section 23 – Repeal

- (a) THAT Bylaw 184 and all amendments thereto are hereby rescinded.

Section 24 – Coming into Force

This Bylaw shall come into force and effect upon final passing.

Read a first time this 17th day of August, 2018.

Read a second time this 17th day of August, 2018.

Given unanimous consent to proceed to third reading this 17th day of August 2018

Read a third and final time this 17th day of August, 2018.

**Mayor Fraser Hubbard
Summer Village of Poplar Bay**

**Sylvia Roy, C.A.O.
Summer Village of Poplar Bay**