

**VILLAGE OF EDGERTON
COUNCIL CODE OF CONDUCT AND PROCEDURE
BYLAW #07-20**

A BYLAW REGARDING THE PROCEDURE AND CONDUCT OF COUNCIL

WHEREAS pursuant to the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, a municipality must pass bylaws to regulate the procedure and conduct of Council and the conduct of Council Members;

NOW THEREFORE the Council of the Village of Edgerton, in the Province of Alberta, duly assembled, does hereby enact:

PART 1 - TITLE AND DEFINITIONS

1.1 TITLE

This bylaw shall be known as the "Council Code of Conduct Bylaw".

1.2 GENERALITY IMPLIED

Wherever the singular or masculine is used throughout this bylaw, the same shall be construed to mean the plural or feminine respectively where applicable.

1.3 DEFINITIONS

For the purpose of this bylaw:

- (1) "Act" means the Municipal Government Act, R.S.A. 2000, Chapter M-26 as amended;
- (2) "Acting Mayor" means the Council Member elected by Council to preside at any meeting of Council in the absence or incapacity of both the Mayor and Deputy Mayor;
- (3) "Agenda" means the business for a Council Meeting;
- (4) "Audio Recording" means the recording of Council Meetings created solely as an administrative aid for the Chief Administrative Officer in confirming, if necessary, the meeting of Council;
- (5) "Chairperson" means the person presiding at the Meetings of Council;
- (6) "Chief Administrative Officer" means the Chief Administrative Officer appointed by Council in accordance with the Act or a designate authorized by them;
- (7) "Council" means the Council of the Village of Edgerton;

- (8) "Council Member" means an elected member of Council, including the Mayor and Deputy Mayor;
- (9) "Deputy Mayor" means the Council Member who is elected by council, yearly at the organizational meeting;
- (10) "Mayor" means the Chief Elected Official for the Village of Edgerton chosen by council at the organizational meeting yearly;
- (11) "Meeting" means an organizational, regular, special meeting of Council, or defined by the Act;
- (12) "Member" means an elected Member of Council;
- (13) "Minutes" means the written record of a Meeting recorded in the English language without note or comment;
- (14) "Organizational Meeting" means a meeting of Council held in accordance with the Act;
- (15) "Person" means an individual, partnership, association, body corporate, trustee, executor, administrator or legal representative;
- (16) "Point of Order" means a statement from a Council Member to call attention to any departure from the Code of Conduct Bylaw;
- (17) "Point of Procedure" means a question by a Council Member directed to 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 Council Member make an appropriate motion, raise a Point of Order or understand the parliamentary situation or the effect of a motion;
- (18) "Public Hearing" means a meeting of Council held for the purpose of hearing matters as prescribed by the Act or other legislation;
- (19) "Quorum" means the majority of all Council Members that comprise the Council. If there is vacancy on Council that is not required to be filled in accordance with the Act, a quorum shall consist of the majority of the remaining Council Members that comprise Council;

- (20) "Recorded Vote" means that prior to the vote on a motion, a Council Member has called for the Minutes to record which Council Members voted for or against the motion or abstained;
- (21) "Village" means the Village of Edgerton, a municipal corporation in the Province of Alberta, and the corporate boundaries, and all-encompassing the Village of Edgerton.

PART 2 - APPLICATION AND INTERPRETATION

- 2.1 This bylaw shall govern all Actions and Meetings of Council, Public Hearings and any other meetings directed by Council.
- 2.2 When any matter relating to the proceedings of Council is not addressed in this bylaw reference shall be made to Roberts Rules of Order, which rules, if applicable will apply.
- 2.3 In the event of a conflict between the provisions of this bylaw and Roberts Rules of Order, the provisions of this bylaw will apply.
- 2.4 In the event of a conflict between the provisions of this bylaw and Provincial Regulations, the Provincial Regulations will supersede this bylaw.

PART 3- ROLE OF COUNCIL MEMBERS

- 3.1 Each Council Member covenants and agrees to discharge faithfully and to the best of their ability, knowledge, and skills the duties and responsibilities referred to herein in the best interest of the Municipality. The Council Members further covenant and agree that they will commit no actions that will bring discredit to the municipality. The Council members also agree they are the ambassador of the municipality wherever they may be and as such will conduct themselves in a manner becoming to them and the municipality. Each member covenants to follow every aspect of this Council Code of Conduct Bylaw, Bylaws, and Village policies.
- 3.2 Each Council member will communicate information to the public, media, or others in a truthful factual manner when stating it is coming from the Village. Once a decision of Council is reached each council member will adhere to the decision whether they agree with it or not.
- 3.3 Each Council member will be respectful to staff and other members of Council.
- 3.4 Each Council member will not only be respectful to the public, but to the best of their abilities, teach and explain any decision.

- 3.5 No Council member will use their influence on staff to achieve an outcome.
- 3.6 No Council member will use their influence to gain any monetary or other value from individuals, companies, or organizations.
- 3.7 No Council member will authorize use of municipal services or assets unless instructed to by the majority of council in a properly held regular or special council meeting.
- 3.8 Each council member is expected to attend all council and board/committee meetings that they represent council on. In the event that they cannot be physically present to attend a board/committee meeting they are to advise the Mayor and the Mayor may assign an alternate. In the event that they are cannot be physically present to attend a council meeting, their attendance through an electronic form of communication is expected and accepted (e.g. phone call, skype call, etc.).

PART 4 - ROLE OF THE MAYOR

- 4.1 When present the Mayor shall preside as Chairperson for all Meetings of Council.
- 4.2 In the absence, incapacity, or inability of the Mayor or Deputy Mayor to act, the remaining council members will elect a chair by majority vote. This Council Member shall be referred to as Acting Mayor for the duration of that Meeting.
- 4.3 Unless otherwise provided in a bylaw, the Mayor shall be ex-officio Member of all Committees of Council and they shall have all of the rights and privileges of the other committee members.
- 4.4 The position of Mayor is voted on annually at the Organizational meeting.

PART 5 - ROLE OF THE CHAIRPERSON

- 5.1 The Chairperson shall preside over the conduct of the Meeting, including the preservation of good order and decorum, ruling on Points of Order, replying to Points of Procedure and deciding on all questions relating to the orderly procedure of the meeting, subject to an appeal by a Council Member from any ruling of the Chairperson.
- 5.2 The Chairperson may invite Person(s) to come forward from the audience to speak with the permission of Council if it is deemed to be in the best interests of the issue being discussed, the public, and or the conduct of good business.

PART 6 - ROLE OF THE DEPUTY MAYOR

- 6.1 The position of Deputy Mayor shall be voted on at the annual organizational meeting.

- 6.2 Their role is to fill in for the Mayor and their duties when the Mayor is not in attendance of a meeting.

PART 7 - CONFIDENTIAL INFORMATION

- 7.1 Council members will not divulge any confidential information at any time. If a member does they are subject to any punishments outlined in this bylaw, the laws of Alberta, or the judicial system.

PART 8 - PECUNIARY INTEREST

- 8.1 A Council Member who believes that they have a pecuniary interest in a matter before Council shall:

- (a) Disclose the general nature of the pecuniary interest;
- (b) Abstain from voting on any question relating to the matter; and
- (c) Adhere to the provisions of the Act.

- 8.2 A Council Member who has a pecuniary interest in a matter before Council is not considered part of the Quorum for that portion of the Meeting.

- 8.3 The Meeting Minutes shall record the Council Member's abstention and their disclosure of a pecuniary interest.

PART 9 - DISCIPLINE OF COUNCIL MEMBERS AND COMPLAINT PROCESS

- 9.1 Breach of any part of this bylaw can result in discipline of the council member
- 9.2 There must be a written complaint by a person older than 18 years old which outlines the breach of the council member as a first step. This should be received at the Village Office. This complaint must be about a breach of THIS Bylaw only.
- 9.3 Once a written complaint is received it will be heard at the next meeting, the remaining council will make a ruling on the breach. The council may punish the breach with the following:
- a letter of reprimand which outlines the breach addressed to the council member
 - a request that the councilor issue a letter of apology
 - publication of a letter of reprimand or request for apology and the council member's response
 - a requirement to attend some form of training
 - suspension or removal of the appointment of a council member from some or all council committees and bodies to which council has the right to appoint members

- reduction or suspension of remuneration as defined in section 275.1 of the Act corresponding to a reduction in duties, excluding allowance for attending council meetings.

SECOND OPTION IS AS SOON AS WRITTEN COMPALINT IS RECEIVED IT GOES TO ARBITRATOR.

9.4 Any ruling on a breach can be appealed in writing to: the Mayor, Deputy Mayor, or majority of council within 30 days of the party being noticed. If there is an appeal an independent arbitrator will be hired to give ruling on the item in question. The costs will be incurred by the municipality. If there was a reduction in remuneration for the council member meetings will be tracked and if the applicant is successful in their appeal all meetings will be back paid with the appropriate remuneration rate.

PART 10 - Council Orientation and Training

10.1 After each election the municipality will offer training to the members of council. This training will be free for council members and costs incurred by council members to attend can be reimbursed by regular village policies.

10.2 Attendance for Council Orientation and Training is not mandatory but is strongly encouraged.

10.3 Council can also authorize training, conventions, conferences, or events for members at any regular or special council meeting.

PART 11 - ORGANIZATIONAL MEETING

11.1 An Organizational Meeting of Council shall be held annually as required by the Act.

11.2 The Chief Administrative Officer or their designate shall fix the time, date and place of the Organizational Meeting.

11.3 The Chief Administrative Officer shall call the meeting to order and shall preside over the meeting until the Mayor has taken the Oath of Office, along with every Member of Council present has made and subscribed to the Oath of Office. Upon completion of the oaths being administered, the Mayor will assume the chair.

11.4 The order of business at the Organizational Meeting shall be stated in the Agenda as follows:

- (a) Call to Order;
- (b) Nominations for Mayor;
- (c) Nominations for Deputy Mayor;
- (d) Oath of Office;
- (e) Meeting Dates;
- (f) Banking Information for the Village;
- (g) Council Portfolios;

- (h) Citizen Appointments;
- (i) Remuneration/Fee Schedule
- (j) Agreement List Review;
- (k) Council Code Of Conduct Review;
- (l) Adjourn.

The above noted order of business shall apply unless Council otherwise passes a resolution to amend and/or change the Agenda for that Meeting.

- 11.5 All Members of Council hold office from the beginning of the Organizational Meeting following a general election until immediately before the beginning of an Organizational Meeting following the next general election, in accordance with the Local Authorities Election Act.

PART 12 - REGULAR MEETINGS

12.1 The date and time of all regular Council Meetings shall be established by resolution at the Organizational Meeting.

12.2 If a regular meeting falls on a statutory holiday, Council may by resolution re-schedule the date and time for the Meeting.

12.3 Council Meetings and Public Hearings will be held in Council Chambers.

12.4 Council can by resolution make changes to the date, time or place of a regular scheduled meeting by following the regulations laid out in the Act.

12.5 The Chief Administrative Officer or their designate will post the date and time of the Meetings established by Council as per the Act.

PART 13 - SPECIAL MEETINGS

13.1 Special Meetings may be called by the Mayor in accordance with the provisions of the Act.

PART 14 - CANCELLATION OF MEETINGS

14.1 A Regular Meetings may be cancelled:

- (a) By the majority of Council Members at a previously held Meeting; or
- (b) By any regulation outlined in the Act.

PART 15 - RECORDED VOTE

- 15.1 Before a vote on a motion is taken by Council, a Council Member may request that the vote be recorded.
- 15.2 When a vote is recorded, the Meeting Minutes must show the names of the Council Members present and whether each Council Member voted for or against the motion or abstained.

PART 16 - AUDIO RECORDINGS

- 16.1 Audio recordings, when equipment is available, of the Council Meetings are made for the purpose of aiding in the preparation of the Minutes by the Chief Administrative Officer or their designate.
- 16.2 The Chief Administrative Officer or their designate shall keep an audio recording of a Council Meeting for a period of sixty (60) days following the approval of the Minutes after which it shall be erased.
- 16.3 Audio recordings are subject to the Freedom of Information and Privacy Act as long as the recordings are in the Village's control or custody. If access is requested prior to the recording being erased, the Chief Administrative Officer cannot erase the recording until the matter relating to the access has been completed.
- 16.4 The Chief Administrative Officer or their designate shall supervise access to the recordings.
- 16.5 No one is entitled to make any changes to the recordings. Recordings may only be transcribed if required by the Chief Administrative Officer in connection with any litigation, audit or investigation being undertaken.

PART 17 - CORPORATE SEAL

- 17.1 The Chief Administrative Officer or their designate shall have custody of the corporate seal.
- 17.2 The corporate seal shall be used under the direction of the Chief Administrative Officer or their designate as prima facie evidence the Village has assented to those documents to which the seal has been affixed.

Part 18 - CALL TO ORDER AND QUORUM

- 18.1 As soon as there is a Quorum of Council Members, after the time fixed for the Meeting, the Chairperson shall take the chair and call the meeting to order.

- 18.2 In the case of when the Mayor or Deputy Mayor is not in attendance within fifteen (15) minutes after the time fixed for a Meeting and quorum is present, the council remaining will elect a chair for the meeting.
- 18.3 If a quorum is not present within twenty (20) minutes after the time fixed for a Regular or Special Meeting, the Chief Administrative Officer shall record the names of the Members of Council in attendance and the Council shall stand adjourned until the next Regular or Special Meeting.
- 18.4 In the event a quorum is lost after the Meeting has been called to order, the Meeting shall be suspended until a Quorum is obtained. If Quorum is not obtained within twenty (20) minutes, the Meeting shall stand adjourned until the next scheduled Meeting date or until a Special Meeting is called to deal with the matters intended to be dealt with at the adjourned meeting.

PART 19 - PRESENTATIONS TO COUNCI

- 19.1 A person or a representative of any delegation or group of persons who wish to bring any matter to the attention of Council, or wishes to have any matter considered by Council shall address a letter or other communication to Council outlining the subject to be discussed. The letter shall be typewritten or legibly written, signed by the correct name and full mailing address of the writer, delivered or mailed to the office of the Chief Administrative Officer so that it arrives seven (7) days before the date scheduled for the Meeting at which it is to be presented and not be libelous, impertinent or improper. If he or she wishes to appear before Council it shall be so stated in the letter.
- 19.2 Delegations shall be granted a maximum of fifteen (15) minutes to present the matter outlined in their letter. Where the Chairperson determines that additional time should be granted to the delegation, additional time shall be granted in the length specified by the Chairperson.
- 19.3 Delegations who have not submitted a written letter may be granted by the Chairperson a brief opportunity to outline the matter they wish to present to Council and following that outline, the Chairperson shall determine if the delegation is to be granted time to present the matter outlined.
- 19.4 Delegations that request a presentation and then fail to show up will not be granted another audience with Council unless Part 20 RECONSIDERATION 20.2 is satisfied.

PART 20 – RECONSIDERATION

- 20.1 Where a matter has been discussed, debated and voted upon, Council shall not hear, discuss, or consider the matter again until six (6) months has elapsed from the date Council previously disposed of the matter.
- 20.2 Notwithstanding 20.1, Council by two-thirds ($\frac{2}{3}$) majority vote of Council may again consider the matter at an earlier time than the time set.

Part 21 - GENERAL PROVISIONS OF MOTIONS

- 21.1 A motion shall be worded in a concise, unambiguous and complete form appropriate to its purpose with motions containing a negative statement being avoided whenever possible.
- 21.2 A motion that has been moved does not require to be seconded.
- 21.3 A motion may be withdrawn at any time before voting, subject to there being no objection from a Council Member. Once a motion is withdrawn, the effect is the same as if it had never been made.
- 21.4 The Chairperson will not call the question on any motion until Council is completely satisfied that it is clear on how the motion reads.
- 21.5 When a motion has been made and is being considered, no Council Member may make another motion except to:
- (a) Amend the motion;
 - (b) Amend the amendment to the motion;
 - (c) Refer the main motion for consideration;
 - (d) Table the motion; or
 - (e) Move a motion which has Privilege, that is:
 - (i) A motion to recess;
 - (ii) A motion to adjourn;
 - (iii) A motion to set the time for adjournment; or
 - (iv) A motion to raise a Point of Privilege.

PART 22 - VOTING ON MOTIONS

- 22.1 A Council Member has one vote on motions, bylaws, policies, or any other action at a Meeting in which the Council Member is present.
- 22.2 A Council Member attending a Meeting **MUST** vote on all matters put to a vote at the Meeting unless the Council Member is required or permitted to abstain from voting on the matter under the provisions of the Act or this bylaw or any other enactment. The Meeting Minutes shall record each abstention and the reason for the abstention.
- 22.3 No Council Member shall change their vote on a motion.

- 22.4 Each Council Member shall vote by a clear manner that they may be easily counted by the Chairperson, unless a secret ballot is requested by a Council Member present in accordance with the Act.
- 22.5 A motion shall be declared lost when it:
- (a) Does not receive the required number of votes; or
 - (b) Receives a tie vote.
- 22.6 When a motion contains two (2) or more recommendations, a Council Member may request or the Chairperson may order, prior to the vote being called, that each proposition shall be voted on separately.
- 22.7 After a motion has been put to a vote by the Chairperson, no Council Member shall speak to the question, nor shall any other motion be made until the results of the vote have been declared.

PART 23 - POINT OF ORDER

- 23.1 A Council Member who desires to call attention to a possible violation of the meeting rules and procedures shall ask leave of the Chairperson to raise a Point of Order.
- 23.2 When leave is granted by the Chairperson, the Council Member shall state the violated Point of Order with a concise explanation and shall abide by the decision of the Chairperson regarding the Point of Order.
- 23.3 A Council Member called to order by the Chairperson shall immediately relinquish the floor until the Point of Order is dealt with and shall not speak again without the permission of the Chairperson except to appeal the decision of the chair.
- 23.4 The speaker in possession of the floor when the Point of Order was raised shall have the right to the floor when debate resumes.

PART 24 - CONDUCT IN MEETINGS

- 24.1 Members of the public during a Meeting shall:
- (a) Address Council with the permission of the Chairperson;
 - (b) Maintain order and remain quiet;
 - (c) Not interrupt a speech of a Council Member or other Person addressing Council.
- 24.2 The Chairperson may order a member of the public who disturbs or acts improperly at a Meeting by words or actions to be expelled.

PART 25 - CONDUCT OF COUNCIL MEMBERS IN MEETINGS

- 25.1 A Council Member wishing to speak at a Meeting shall obtain the approval of the Chairperson before speaking.
- 25.2 When a Council Member is addressing the Chairperson, every other Council Member shall:
- (a) Remain quiet and seated;
 - (b) Not interrupt the speaker, except to raise a Point of Order;
 - (c) Not carry on a private conversation; and
 - (d) Not cross between the speaker and Chairperson.
- 25.3 A Council Member addressing the Meeting shall:
- (a) Not use offensive words in referring to a Council Member, or to an official of the Village or member of the public;
 - (b) Shall not reflect on the motives of the Council Members who voted on a motion or the mover of the motion;
 - (c) Not shout, use an immoderate tone of voice, profane, vulgar or offensive language, break the rules of Council, nor disturb the proceedings; and
 - (d) Assume personal responsibility for a statement quoted and upon request of a Council Member, shall give the source of the information.
- 25.4 No Council Member shall leave the Meeting after a question is put to a vote until the vote has been taken.
- 25.5 A Council Member must be seated, remain seated and be silent from the time the vote is called for until the vote is declared.
- 25.6 Members of Council will Conduct themselves in accordance with all Provincial Legislation.
- 25.7 Council members will work with colleagues in the spirit of cooperation.

PART 26- CALLING A COUNCIL MEMBER TO ORDER

- 26.1 When the Chairperson calls a Council Member to order, the Council Member speaking shall remain silent until the Chairperson has ruled that the Council Member may explain the action resulting in the Call to Order.

PART 27 - BOARDS AND COMMITTEES

- 28.1 Council will set at the organizational meeting each year which boards will be eligible for council reimbursement.
- 28.2 Council will insure that there is proper representation on boards with requisitioning rights
- 28.3 Council will set the reimbursement rates at the organizational meeting

- 28.4 The Village will NOT reimburse council members for sitting on Sub-committees, executive committees, or other special groups UNLESS approval is given by motion at a council meeting to allow for such action

PART 28 – REPORTS

- 29.1 For a Council member to receive reimbursement for any meeting a report must be given to council at a regular meeting.
- 29.2 Reports must be given in writing and be included in the meeting package to qualify as a report.
- 29.3 All reports must be submitted electronically in an editable form to administration no less than **SIX (6)** days before the regular meeting. Any meeting that occurs within those days will be eligible for the next round of reports.
- 29.4 Council will include the following on the report: Name, Name of Board or Committee, Date of meeting, Time of meeting, Location of meeting, and a high level synopsis of the events that occurred. Remember each board or committee meeting should have minutes and if more information is required the minutes of that meeting can be requested.
- 29.5 If possible the report will be sent in a Microsoft word document with standard margins, and should be in Times New Roman size 12 Font. Headings and titles can be underlined for identification purposes.
- 29.5 An example of the report will be given to any council members who requests one

PAR 29 - MEETING PACKAGE

- 30.1 The meeting package will be prepared by administration and sent electronically to council at least **FOUR (4)** days before the regular meeting. Exceptions are special meetings which will follow all regulations outlined in the Act.

PART 30 – IMPLEMENTATION

- 31.1 This bylaw shall repeal any and all bylaws prior in regards to council and codes of conduct or procedures. This bylaw shall come into full force and effect upon passing of the third reading.

Read a FIRST time this _____ day of _____, 2020.

Read a SECOND time this _____ day of _____, 2020.

Read a THIRD and FINAL time with UNANIMOUS consent this _____ day of _____, 2020.

MAYOR

CHIEF ADMINISTRATIVE OFFICER