



## **TOWN OF MANNING, ALBERTA**

### **BY-LAW 831-16**

## **COUNCIL PROCEDURE BYLAW**

A By-law of the Town of Manning, in the Province of Alberta for the purpose of regulating the proceedings of council meetings and the transacting of business by council for the municipality pursuant to the provisions of the Municipal Government Act, Chapter M26, and Revised Statutes of Alberta 2006.

**WHEREAS** Council of the Town of Manning, in the Province of Alberta, has the authority under section 145 of the Municipal Government Act, Chapter M26, and Revised Statutes of Alberta 2006, to pass bylaws in relation to the establishment and functions of council committees and other bodies

**AND WHEREAS** Council of the Town of Manning, in the Province of Alberta, has the authority under section 154(1)(a) of the Municipal Government Act, Chapter M26, and Revised Statutes of Alberta 2006, to pass a bylaw to appoint another person to preside when in attendance at a council meeting;

**AND WHEREAS** Council of the Town of Manning may pass bylaws in relation to the procedure and conduct of council, council committees and other bodies established by council, the conduct of councillors and the conduct of members of council committees and other bodies established by the council;

**NOW THEREFORE PURSUANT** to provisions of the Municipal Government Act, Chapter M-26, the Town of Manning Council, duly assembled, hereby enacts as follows:

### **SEVERABILITY**

If any provision of this by-law is declared invalid because of any word, phrase, clause, sentence, paragraph or section of this by-law or any documents which form part of this by-law or an application thereof to any person or circumstance is declared invalid, the remaining provisions shall not be affected thereby, but shall remain in force.

### **SECTION 1 – SHORT TITLE**

This By-law may be cited as the “Council Procedure Bylaw”.

### **SECTION 2 – DEFINITIONS**

- 2.1 “Act” means the Municipal Government Act (MGA) Chapter M26, and Revised Statutes of Alberta 2006.
- 2.2 “Administration” means the employees of the Town of Manning.
- 2.3 “Agenda” means the list of items and order of business for regular or special meetings of council.
- 2.4 “Chair” or “Chairperson” means the person presiding over council or council committee meetings.

- 2.5 "Chief Administrative Officer or CAO" means the person appointed to that position by council under the provision of the MGA, section 205.
- 2.6 "Committee" means a committee created by council under section 145 of the MGA to provide advice and make recommendations to council.
- 2.7 "Council" means the members of council of the Town of Manning elected pursuant to the provisions of the Local Authorities Election Act.
- 2.8 "Delegation" means any person or persons having formally requested to appear before council, or a council committee to provide pertinent information and views regarding a subject before council or a committee.
- 2.9 "In Camera" means the portion of the meeting at which only members of council and other persons designated by council may attend.
- 2.10 "Mayor" means the Chief Elected Official or presiding officer of the Town of Manning.
- 2.11 "Member" means a member of council duly elected and continuing to hold office, or where the context requires, a member of a council committee appointed by council.
- 2.12 "Municipality" means the Corporation of the Town of Manning.
- 2.13 "Presiding Officer" means the Councillor appointed as Chairperson, or in the absence of the Chairperson, any other member of council chosen to preside at the meeting.
- 2.14 "Public Hearing" means a meeting of council convened to hear matters pursuant to the Act.
- 2.15 "Quorum" means the majority of all members, being fifty (50) percent plus one (1) unless council provides otherwise in this bylaw.

### **SECTION 3 – ORGANIZATIONAL MEETING**

- 3.1 Council shall hold an Organizational Meeting not later than two (2) weeks after the third Monday in October each year.
- 3.2 The Chief Administrative Officer shall set the time and place for the Organizational Meeting, and the business of the meeting shall be limited to:
  - 3.2.1 The appointments of councillors and members to committees;
  - 3.2.2 Establishing regular meeting dates of council for the year;
  - 3.2.3 Selection of Deputy Mayor by council resolution;
  - 3.2.4 Establishing a roster of Deputy Mayors for the four year council term;
  - 3.2.5 A review of council per diem rate, and travel expense allowances.

### **SECTION 4 – REGULAR AND SPECIAL MEETINGS**

- 4.1 The date and time of regular council meetings shall be scheduled for the second and fourth Wednesday of any given month commencing at 5:15PM at the Town's Administration Office.
- 4.2 If there are changes to the date or time of a regular meeting, the town must give at least twenty-four (24) hours' notice of the change to all members

and post the notice in a public place. Posting a public notice in the front foyer of the Town's Administration Office is sufficient notice to the public if administration is unable to advertise the change in the local newspaper.

- 4.3 All meetings will be open to members of the public, except for "In Camera" portions of the meeting.
- 4.4 Council has the authority to move "In Camera" pursuant to Section 197(2) of the MGA for the purpose of:
  - 4.4.1 Protecting the Town, its operations, economic interests and delivery of its mandate from harm that could result from the release of certain information;
  - 4.4.2 To comply with Division Two of Part One of the Freedom of Information and Protection of Privacy Act.
- 4.5 Matters which may be discussed "In Camera" include the following:
  - 4.5.1 Wages, salary and other personnel matters;
  - 4.5.2 Any information regarding contract negotiations;
  - 4.5.3 The acquisition, sale, lease or exchange of land;
  - 4.5.4 Matters involving litigation, or the discussion of legal advice provided to the Town;
  - 4.5.5 Matters concerning RCMP investigations or confidential reporting;
  - 4.5.6 Information pertaining to the Town's accounting practises.

## **SECTION 5 – QUORUM**

- 5.1 When a quorum is present at the time set for commencement of a council meeting, the Chair shall call the meeting to order.
- 5.2 If there is a quorum present at the time set of commencement of a council meeting, but the Chair is absent, the CAO shall call the meeting to order and shall call for a Presiding Officer to be chosen as Chair by resolution.
- 5.3 If quorum is not constituted within fifteen (15) minutes from the time set for commencement of a council meeting, the CAO shall record the names of all the members present and adjourn the meeting.
- 5.4 In the event that a quorum is lost after a meeting is called to order, the meeting shall be suspended until quorum is obtained. If quorum is not obtained within fifteen (15) minutes, the meeting shall stand adjourned.

## **SECTION 6 – PUBLIC HEARINGS**

- 6.1 Persons interested in speaking at a Public Hearing should register with the Recording Secretary prior to the Public Hearing.
- 6.2 The Chair shall declare the Public hearing in session and shall outline the Public Hearing Procedures.
- 6.3 The Chair may call upon the CAO to introduce the Bylaw or Resolution, and to briefly state the intended purpose.

- 6.4 The CAO shall advise council of any third party officially applying for the Bylaw or Resolution.
- 6.5 Immediately following the introduction of the Bylaw or Resolution, any Councillor who has pecuniary interest in the Bylaw or Resolution for which the Public Hearing is being held shall declare this interest and shall be excused from the table.
- 6.6 Any presentations by the Town, its staff, or agents shall follow the introduction of the Bylaw or Resolution.
- 6.7 The Chair shall request those who wish to make presentations to identify themselves so that their names may be recorded in the Minutes.

## **SECTION 7 – AGENDAS FOR COUNCIL MEETINGS**

- 7.1 The agenda for each regular council meeting shall be prepared by the CAO or designate and provided together with copies of all pertinent correspondence, statements, and reports to each member of council at least four (4) calendar days prior to the meeting.
- 7.2 Any council member, municipal official, or any other person wishing to have an item of business placed on the agenda for a regular council meeting, shall make a submission to the CAO not later than 12:00 noon on the Wednesday of the week prior to the meeting. The submission shall contain adequate information to the satisfaction of the CAO to enable council to consider the matter.
- 7.3 Council shall consider no item of business unless the item has been placed on the agenda, either in the manner described in section 7.2, above or as added to the agenda approved by a vote at the meeting.
- 7.4 When the CAO receives a request for presentation to the council, the CAO shall place the individual or group on the council agenda.
- 7.5 The general order of business on the agenda shall be as follows, unless a council vote is agreed to change the order;
  - (1) Call to Order
  - (2) Adoption of the Agenda
  - (3) Adoption of the Minutes
  - (4) Presentations
    - 1. Delegations
  - (5) Chief Administrative Officer Report
  - (6) Councilor Reports
    - 1. Mayor
    - 2. Deputy Mayor
    - 3. Councilor
    - 4. Councilor
    - 5. Councilor
    - 6. Councilor
    - 7. Councilor
  - (7) Business
    - 1. Unfinished Business
    - 2. New Business
  - (8) Information/Correspondence
  - (9) Matters relating to Presentations
  - (10) Strategic Priorities
  - (11) Next meeting Date
  - (12) Adjournment

## **SECTION 8 – PRESENTATIONS OR DELEGATIONS**

- 8.1 Presentations at a council meeting shall provide:
  - 8.1.1 An opportunity for individuals to appear as a formal delegation (i.e. they have submitted information in accordance with section 7.2 of this bylaw and their submission has been included in the agenda package);
  - 8.1.2 An opportunity for members of the public to make brief presentations to council on a matter of public interest or concern.
- 8.2 As a guideline, the recommended time allotment for all presentations at a council meeting is fifteen (15) minutes, subject to the discretion of the Chairperson.
- 8.3 All persons wishing to address council will be required to give their name, topic of concern and whether there has been any previous contact with a member of council or administration regarding the matter.
- 8.4 When individuals wish to appear before council as a Registered Presenter, their information will be submitted in accordance with section 7.2 and their presentation to council shall be limited to ten (10) minutes, followed by questions from council members.
- 8.5 When a member of the public wishes to ask questions or make a brief presentation to council on matters of public interest or concern, they will be provided an opportunity to speak during the Unregistered Presentation portion of the meeting. Time permitting each presenter will be provided with a maximum of five (5) minutes, followed by questions from council members.
- 8.6 Council will not entertain submissions from the public on issues that are before the Municipal Planning Committee, Subdivision and Development Appeal Board, the courts, or require a statutory Public Hearing.
- 8.7 A response to each speaker's comments or concerns will be provided through one or more of the following:
  - 8.7.1 A resolution of council at the meeting, or
  - 8.7.2 Referral of the matter to administration for review and recommendation at a subsequent time, depending on the significance of the issue and the time required to adequately research the matter.

## **SECTION 9 – MEETING PROCEDURES**

- 9.1 Council meetings shall adjourn at 9:00PM (if in session at that hour), unless the members of the council present, by a 2/3 majority vote, agree to extend the time.
- 9.2 Every person wishing to speak during a council meeting shall address their comments through the Chair. No person shall be permitted to speak unless and until the Chair has granted that person permission.
- 9.3 A meeting may be adjourned by a motion or by declaration of the Chair. A declaration by the Chair to adjourn a meeting may be appealed through a motion decided by a majority of members.

## SECTION 10 – MOTIONS

- 10.1 The time limit for speaking shall be set at three (3) minutes and the number of times that a member may speak on the same motion or matter will be twice.
- 10.2 After a motion is made, it may be withdrawn by the mover at any time prior to a vote is taken or an amendment is made.
- 10.3 The CAO or Recording Secretary shall record all motions in writing before the motion is debated or put to a vote.
- 10.4 The Chair shall reference all motions before they are debated or voted upon.
- 10.5 No motion shall be offered that is substantially the same as one that has already be expressed during the same meeting.
- 10.6 Where a matter under consideration contains several distinct propositions, a member may request, or the Chair may direct, that each proposition be made as a separate motion.
- 10.7 After the Chair has called the vote, no member shall speak to the motion nor shall any other motion be made until after the result of the vote has been declared.
- 10.8 Voting on all motions shall be done by clearly raising on hand so that the Chair may easily count them. After the Chair has counted the vote, he/she shall declare whether it was “carried” or “defeated”. If the vote results in a tie, the motion will be considered defeated.

## SECTION 11 – MOTIONS BEFORE COUNCIL

- 11.1 When a motion has been made and is being considered by the council, no other actions may be considered except:
  - 11.1.1 A motion to **refer** to some other party for consideration;
  - 11.1.2 A motion to **withdraw** or **amend** the motion;
  - 11.1.3 A motion to **table** or **postpone** to a future date;
  - 11.1.4 A motion to **adjourn** the meeting;
  - 11.1.5 A motion of privilege, an incidental or a subsidiary motion.
- 11.2 A motion to refer, adjourn, postpone or to table, until it is voted upon, shall preclude all amendments to the main motion. A motion to refer or postpone is debatable, while a motion to table is not. A motion to adjourn is not debatable.
- 11.3 Each motion to amend or motion to amend an amendment to a motion:
  - 11.3.1 Must be relevant to the motion on which it is proposed. Any amendment that raises a new question can only be considered as a new distinct motion;
  - 11.3.2 Must not propose a direct negative which would be considered out of order;
  - 11.3.3 Must be decided upon or withdrawn before the main question is put to a vote. Only one amendment at a time to the main motion shall be

allowed; and only one amendment to an amendment shall be allowed at one time.

11.3.4 Shall not be moved by the original mover of the motion or the amendment;

11.3.5 Must not enlarge the scope of the amendment (an amendment to an amendment), but should only deal with matters not covered by the original amendment;

11.3.6 Shall only be sub-amended one time. A request for a second amendment to an amendment would require the current motion to be defeated and a new motion to be moved.

11.4 A motion to **reconsider** a motion shall:

11.4.1 Only be made at the same meeting the motion was decided;

11.4.2 Only be made by a member who voted with the prevailing side of the motion involved;

11.4.3 Not be proposed more than once for a specific motion at any one meeting of council;

11.4.4 Be decided by a majority of the members of council present;

11.4.5 Not be allowed on a motion of adjournment.

11.5 A motion to **rescind** a previous motion of council may:

11.5.1 Be made by any member of council and offered at any time subsequent to the meeting at which the original motion was passed;

11.5.2 The previous motion has not been acted upon to the extent that the Town has undertaken or become subject to any liability or obligation or was not a motion for a reading of a bylaw.

11.6 A motion that will address a bylaw for first reading shall be decided without amendment or debate, but motions for subsequent readings are debatable.

## **SECTION 12 – MEMBER CONDUCT**

12.1 No member shall:

12.1.1 Use offensive words in or against the council;

12.1.2 Speak to a subject, except upon the question in debate;

12.1.3 Reflect upon any vote of the council except for the purpose of moving that such a vote be rescinded or reconsidered; or

12.1.4 Resist the rules of council or disobey the decision of the Chair or of the council on any question of order or practise or upon the interpretation of the rules of the council. If any member shall so resist or disobey, they may be ordered by a majority vote of council to leave their seat for that meeting and should they refuse to do so, the Chair may request that they be removed by law enforcement. Should the offender provide an ample apology, they may, by majority vote of council (without debate), be permitted to return to their seat.

- 12.2 The council may adjourn from time to time to a fixed future date, any special meeting of council that has been duly convened, but not terminated.
- 12.3 No member of council shall have the power to direct or interfere with the performance of any work of the Corporation. Council members may seek information through the office of the CAO but may not give direction.

**SECTION 13 – REPEAL**

This By-law hereby repeals By-law #808-13, 829-15

**SECTION 14 – EFFECTIVE DATE**

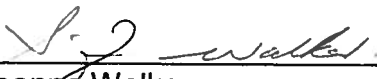
This By-law shall come into effect the date upon third and final reading.

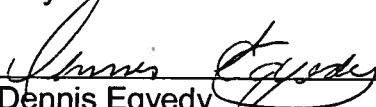
READ A FIRST TIME this 24<sup>th</sup> day of February, 2016

READ A SECOND TIME this 24<sup>th</sup> day of February, 2016

Moved and passed unanimously that the “Council Procedure Bylaw”, be presented for third and final reading.

READ A THIRD AND FINAL TIME this 24<sup>th</sup> day of February, 2016

  
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Sunni-Jeanne Walker  
Mayor

  
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Dennis Egyedy  
Chief Administrative Officer