

BY-LAW NO. 989

OF THE

TOWN OF ST. PAUL

THE
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NATED

BEING A BY-LAW OF THE TOWN OF ST. PAUL IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEEDINGS IN THE COUNCIL OF TOWN AND IN THE COMMITTEES THEREOF, AND TO DEFINE POWERS AND DUTIES OF THE COUNCIL, THE COMMITTEES AND DESIGNATED OFFICER OF THE TOWN.

WHEREAS, it is necessary to establish rules and provisions to regulate the conduct of business in Council meetings and in Committee meetings, to control and maintain order in Council for the enactment of municipal legislation and to provide for dealing with petitions, remonstrances and submissions to the Council:

NOW THEREFORE, THE COUNCIL OF THE TOWN OF ST. PAUL ENACTS AS FOLLOWS:

1. This By-Law may be cited as "The Procedure By-Law".

Definition and Interpretation

2. (1) In this By-Law

- (a) "Agenda" is the list of items and order of business for any meeting of Council or its committees;
- (b) "Acting Chief Elected Official" is the member selected by Council to preside at any meeting of Council in the absence or incapacity of both the Chief Elected Official and the Deputy Chief Elected Official;
- (c) "By-Law" is a By-Law of the Town;
- (d) "Town" is the Corporation of the Town of St. Paul, where the context so requires, the area included within the boundaries of the Town;
- (e) "Municipal Administrator" is the Chief Administrative Officer appointed by Council pursuant to the Municipal Government Act.
- (f) "Committee" is a committee, board, commission or authority duly appointed by Council;
- (g) "Committee of the Whole" is members of Council present at a meeting of Council sitting in committee;
- (h) "Council" is the Chief Elected Official and Councillors of the Town for the time being elected pursuant to the provisions of the Municipal Government Act whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the Municipal Government Act;

(i) "Deputy Chief Elected Official" is the member who is appointed by Council pursuant to Section 152 to act as Chief Elected Official in the absence or incapacity of the Chief Elected Official.

(j) "Chief Elected Official" is the member of Council duly elected as Chief Elected Official and continuing to hold office;

(k) "Member" is a member of Council duly elected and continuing to hold office, or a member of a committee of Council duly appointed to that committee;

(l) "New Business" is business dealing with a matter which has not been introduced at the same or previous meeting and of which no notice has been given of the intention to present it;

(m) "Point of Information" is a request directed to the Chief Elected Official or presiding member, or through the Chair to another member or to the staff, for information relevant to the business at hand, but not related to a point of procedure;

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(n) "Point of Order" is the raising of a question by a member with the view of calling

attention to any departure from The Procedure By-Law or the customary modes or proceedings in debate or in the conduct of the Council's business;

(o) "Point of Procedure" is a question directed to the Chair to obtain information on a matter of parliamentary law or the rules of the Council bearing on the business at hand in order to assist a member to make an appropriate motion, raise a point of order or understand the parliamentary situation or the effect of a motion;

(p) "Privilege" (point of) refers to all matters affecting the rights and immunities of the Council collectively or the position and conduct of members of Council in their respective character as elected representatives;

"Privilege" (question of) is the raising of a question which concerns a member of

Council, or the Council collectively, when a member believes that another member

has spoken disrespectfully towards him or the Council, or when he believes his comments have been misunderstood or misinterpreted by another member or members;

(q) "Quorum" is the majority of Councillors that comprise the Council and are eligible to vote:

(i) in the case of Council four (4)

(ii) in the case of a standing policy committee two (2)

(iii) all other committees, one half (1/2) of the members so named, plus one (1);

(r) "Special Meeting" is a meeting called by the Chief Elected Official pursuant to Section 194 of the Municipal Government Act;

(s) "Substantive Motion" is any motion except a motion to

(i) extend the time of a meeting,

(ii) refer,

- (iii) amend,
- (iv) table, or
- (v) adjourn;
- (t) "Unfinished Business" is business which has been raised at the same or previous meeting and which has not been completed.

APPLICATION

3. (1) This By-Law applies to
- (a) all meetings of Council, and
 - (b) subject to the provisions of Section 195-196, to all meetings of committees of Council and all commissions, boards and authorities established by Council, unless permission has been granted to them to establish their own procedures.
- (2) When any matter related to proceedings in Council or in the committees thereof arises which is not covered by a provision of this By-Law, the matter shall be decided by reference to
- (a) Rogers', The Law of Canadian Municipal Corporations, and if not covered therein to a reference to
 - (b) Beauchesne's Parliamentary Rules and Forms, and if not covered therein to a reference to
 - (c) Bourinot's Rules of Order.
- (3) In the event of any conflicts between the provisions of this By-Law and those contained in any of the authorities set out above, the provisions of this By-Law shall apply.
- (4) Procedure is a matter of internal regulation and the ruling of the Chief Elected Official, the committee Chairman or other presiding member shall prevail, subject to the appellate jurisdiction of Council or the committee.
- (5) Notwithstanding the above, in the absence of any statutory obligation, any provision of this By-Law may be altered or suspended by resolution of Council, provided two-thirds (2/3) of all the members of Council vote in favour thereof, to deal with a matter under consideration.

STANDING POLICY COMMITTEES AND SPECIAL COMMITTEES

4. Subject to the provisions of the Municipal Government Act, Council may appoint such standing and special committees as are necessary or expedient for the orderly and efficient handling of the affairs of the Town and may establish generally or in detail the

- (a) duties and responsibilities
- (b) composition, and
- (c) duration

of a committee so established

5. (1) Council shall appoint two (2) members of the Council, to each of the following standing policy committees:
(a) Committee on Finance and Budget,
(b) Committee on Legislation,

(2) Each standing policy committee shall study, formulate and recommend policy, and the Chairman of each committee shall submit a written or oral report on its deliberations to the Council for its consideration on matters falling within the respective duties and responsibilities of the committee.

(3) In addition to being responsible for the special committee referred to in Sub-section

(5) each of the standing policy committees has the following duties and responsibilities:
(a) Committee on Finance and Budget is responsible for the current and long-range

fiscal planning for the Town:
(b) Committee on Legislation is responsible for considering and recommending to the Council the enactment of new Town By-Laws and representations concerning desirable changes in legislation enacted by the Government of Canada and the Province of Alberta.

(4) Each of the standing policy committees created pursuant to Section 4 may appoint such special committees as it considers necessary and shall designate the duties, powers and responsibilities of each special committee it appoints.

(5) Each of the special committees appointed by a standing policy committee pursuant

to Subsection (4) shall study, formulate and recommend policy, and the Chairman of each committee shall submit a report in writing on its deliberations to the standing policy committee which appointed it on matters falling within its duties and responsibilities.

(6) At any time, and from time to time a standing policy committee may terminate the existence of any of the said special committees appointed by it, establish new special committees and appoint such number of its members to them as in its discretion seems desirable.

MEETINGS OF COUNCIL

6. Meetings of Council shall be held in the Council Chambers of the Civic Centre unless Council directs, by a two-thirds (2/3) vote of the members present at any regular meeting, that a subsequent meeting is to be held at some other location.

REGULAR MEETINGS

7. (1) Regular meetings shall be held as follows, unless otherwise directed by Council:
(a) on the second (2nd) and fourth (4th) Monday of every month, for all business of Council.
(2) Every regular meeting of Council shall commence at nineteen hundred (19:00) hours in the evening.

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OTHER MEETINGS

8. Notwithstanding anything elsewhere contained in this By-Law, Council by a two-thirds (2/3) vote of the members present at a regular meeting, may direct that a subsequent meeting be held on a day other than a Monday and at a time other than at nineteen hundred hours in the evening at a location other than the Civic Centre.

SPECIAL MEETINGS

9. (1) The Chief Elected Official may call special meetings of Council whenever he considers it appropriate to do so, and he shall within 14 days do so when requested in writing by a majority of Council.
- (2) Written notice of a special meeting stating the time and place at which it is to be held and stating in general terms the nature of the business to be transacted thereat, shall be given to each member not less than twenty-four (24) hours in advance of the meeting.
- (3) The Chief Elected Official may call a special meeting of Council upon such shorter notice, either oral or written, as he considers sufficient, however, no such special meeting may be held until at least two-thirds (2/3) of the members of Council give their consent in writing to the holding of the meeting.
- (4) No business other than that stated in the notice shall be transacted at any special meeting of Council, unless all the members of Council are present, in which case, by unanimous consent, any other business may be transacted.

ORGANIZATIONAL MEETING

10. (1) An organizational meeting of Council shall be held annually, pursuant to Section 192 (1) of the Municipal Government Act.
- (2) The Municipal Administrator shall fix the time and place for the organizational meeting, the business of the meeting being limited to:
- (a) the administration of the oath and the introduction of new members should be the meeting following the general municipal election;
- (b) the appointment of a Deputy Chief Elected Official;
- (c) the appointment of members to act on committees, commissions, boards and other bodies of which Council is entitled to representation; and
- (d) any such other business as agreed to by Council.
- (3) When the Chief Elected Official has been elected at an election immediately preceding the meeting, the Municipal Administrator shall
- (a) take the Chair
- (b) call the meeting to order, and
- (c) preside over the meeting until the oath as prescribed by the Oaths of Office Act has been administered to the Chief Elected Official.

(4) After the Chief Elected Official has taken the oath and assumed the Chair, the Councillors who have been elected at an election immediately preceding the meeting shall take the official oath as prescribed by the Oaths of Office Act.

(5) When the meeting is not preceded by an election the Chief Elected Official, or Deputy Chief Elected Official, shall take the Chair and call the meeting to order.

(6) The Chief Elected Official shall at the annual organizational meeting submit recommendations for the members of Council to be appointed to each of the two (2) standing policy committees, and any other committees as required.

(7) When the members of each committee have been named, each committee shall select a chairperson amongst its members.

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DEPUTY CHIEF ELECTED OFFICIAL/ ACTING CHIEF ELECTED OFFICIAL

11. Council at its organizational meeting in each year shall elect one of its members as

Deputy Chief Elected Official for the six months immediately following the organizational meeting and every six months shall elect a new member until the term expires.

12. In the absence or inability of the Chief Elected Official or Deputy Chief Elected Official

to act,

(a) When a roster of Deputy Chief Elected Officials is established, the next Deputy

Chief Elected Official as Acting Chief Elected Official shall assume the Chair, or

(b) Council may appoint any other member as Acting Chief Elected Official.

AGENDAS

13. (1) The Agenda Committee, shall consist of the Municipal Administrator and the Chief

Elected Official and shall determine the matters that shall be put on the agenda, and

the agenda shall:

(a) list the items and order of business to be conducted at each meeting;

(b) list the By-Laws to be considered at the Council meeting and indicate the readings to be given to each;

(c) refer to the minutes of any previous meeting or meetings which have not already been delivered to the members;

(d) contain the Notices of Motion to be presented to the Council meeting; and

(e) list or contain any other matter or thing which Council or the committee may from time to time direct.

(2) The Municipal Administrator shall ensure copies of the agenda, prepared pursuant to

Subsection (1) are:

(a) delivered or mailed to each member so that it will be received in each case not less than three (3) clear days before the time for commencement of the meeting for which it was prepared.

(b) distributed to all Town officials and heads of Town departments who are entitled to receive copies thereof, and

(c) made available to the general public as required.

(3) (a) All submissions for inclusion in the agenda for regular meetings of Council shall be in the hands of the Municipal Administrator not later than four (4:00) o'clock in the afternoon on the fourth (4th) clear day, immediately preceding the day on which the meeting is held for which the agenda is prepared.

(4) Only that material which has been received by the Municipal Administrator by the time set out in Subsection (3) shall be considered at the meeting for which the agenda is prepared unless Council on a majority vote decides otherwise.

(5) In the event a supplementary agenda of business items is required because of such urgent business to be brought before the Council at any regular meeting, each business item shall, pursuant to Subsection (4),

(a) be accomplished by a brief explanation from the Councillors indicating the degree of urgency of such business item and the reasons therefor, and

(b) be considered an addendum to the agenda.

QUORUM OF COUNCIL

14. (1) A quorum of Council shall consist of the majority of all Councillors that comprise the
the Council under Section 143.
- (2) Where a member of Council abstains from voting he shall be considered as absent.
- (3) If at any meeting the number of members is reduced to less than the number required for a quorum, Council shall stand adjourned.
- (4) An unfinished business remaining at the time of the adjournment due to the loss
of the quorum shall be considered at the next regular meeting of Council or at
a
special meeting called for that purpose.

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COMMENCEMENT OF A COUNCIL MEETING

15. (1) When there are sufficient members present to constitute a quorum at the time set
for the commencement of the meeting or as soon thereafter as a quorum is
present
the Chief Elected Official or in the absence of the Chief Elected Official, the
Deputy
Chief Elected Official, or in the absence of both of them the Acting Chief
Elected
Official shall take the Chair and call the meeting to order.
- (2) If there is a quorum present at the time the meeting should be called to order
and
the Chief Elected Official, Deputy Chief Elected Official and the Councillor who
would be the next Deputy Chief Elected Official as provided in Section 152
are all absent, the Municipal Administrator shall call the meeting to order and
shall call for an Acting Chief Elected Official to be chosen by a resolution of the
meeting.
- (3) If there are not sufficient members assembled at any meeting to constitute a
quorum
within one-half (1/2) an hour from the time set for the commencement of the
meeting,
the Municipal Administrator shall record the names of all the members present
at that time and Council shall be deemed to be adjourned until the next regular
meeting, unless a special meeting is called in the meantime.
- (4) 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 considera-
tion
of the agenda for the subsequent meeting or it shall be the agenda for a spe-
cial
meeting called for that purpose.

16. A Council meeting shall adjourn at the hours of 21:30 Hours in the evening if in session at that time:
(a) except that it may conclude the matter under discussion at that time.

ORDER OF BUSINESS OF MEETINGS

17. (1) Subject to the other provisions of this Section, the order of business for a meeting

shall be the order of the items contained in agenda for that meeting.

- (2) The normal order of business for a regular meeting of Council shall be as follows:

- (a) invocation
- (b) communications and petitions
- (c) confirmation of minutes
- (d) business from the minutes
- (e) council committee reports
- (f) engineer's report
- (g) by-laws
- (h) correspondence
- (i) administrator's notes
- (j) chief elected official (report)
- (k) urgent business
- (l) enquiries & giving notice

- (3) When an alteration of the order of business is desired for the convenience of the meeting, Council may by a two-thirds (2/3) vote make any such alteration of the order of the business but shall not in so doing delete any portion of the business which has been set out in the agenda.

- (4) Notwithstanding the order of business set out in Subsection (2), where the same subject matter appears in more than one place in the same agenda, Council may

- (a) deal with all items related to the matter
- (b) deal with such items as they appear on the agenda, or
- (c) refer the items for consolidation into one report.

CONTROL AND CONDUCT OF COUNCIL MEETINGS

18. (1) Council shall hold its meeting openly and no person shall be excluded therefrom except for improper conduct.

(2) Notwithstanding Subsection (1), Council may, by resolution, go into a Committee

of the Whole meeting, which
(a) may be held in private

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(b) may exclude any person or persons therefrom, and

(c) shall not have the power to pass any resolution except one to revert to

the

open meeting.

(3) Subject to being overruled by a majority vote of members of Council, which vote

shall be taken without debate, the Chief Elected Official or presiding member

(a) shall maintain order and preserve decorum of the meeting;

(b) shall decide points of order without debate or comment other than to state the rule governing;

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

(d) shall ascertain that all members who wish to speak on a motion have

spoken

thereon and that the members are ready to vote by asking the ques-

tion,

"Are you ready for the question?" and shall thereafter require the Mu-

nicipal

Administrator to put the vote;

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

(f) may call a member to order.

(4) The presiding member shall have the same rights and be subject to the same restrictions as to participation in debate as all other members of Council.

(5) A person who is not a member or officer of the Council shall not come within the

bar of the Council Chamber during a sitting of the Council unless he first ob-

tains

permission from the Mayor or presiding member.

(6) Members of the public who constitute the audience in the Council Chamber during

a Council meeting

(a) may not address Council without permission of the Council;

(b) shall maintain order and quiet; and

(c) shall not applaud or otherwise interrupt any speech or action of the

members

of Council, or any other person addressing Council.

(7) The Chief Elected Official or presiding officer may at any meeting cause to be expelled and excluded any person who creates any disturbances or acts im-

properly

during a meeting.

(8) When a member wishes to speak at a Council meeting he shall obtain the approval

of the Chair before doing so.

(9) When a member is addressing the Chair every other member shall

- (a) remain quiet and seated;
- (b) not interrupt the speaker except on a point of order;
- (c) not carry on a private conversation, and
- (d) not cross between the speaker and the Chair.

(10) When a member is addressing the Council he shall

- (a) not speak disrespectfully;
- (b) not use offensive words in referring to any member of the Council, or

to any

official of the Town or member of the public;

- (c) not reflect on any vote of Council except when moving to rescind it and

when

so doing shall not reflect on the motives of the members who voted for

the

motion, or the mover of the motion;

- (d) not shout or immoderately raise his voice or use profane, vulgar or offensive language; and

or

- (e) assume personal responsibility for any statement he quotes to Council

upon request of Council shall give the source of the information.

(11) Where a member wishes to leave the Council Chambers while a meeting of

Council is in progress he shall rise and await the permission of the Chief

Elected

Official or presiding member before leaving his place.

(12) No member shall leave the Council Chamber after a question is put to vote

until

the vote is taken.

(13) A member wishing to make an enquiry for answer at a subsequent meeting

shall put the enquiry in writing and shall prior to or during the meeting hand it to the Municipal Administrator who may read it aloud to the meeting.

POINTS OF ORDER, INFORMATION, ENQUIRY AND QUESTIONS OF PRIVILEGE

19. (1) In this part

- (a) "point of information" is a request directed to the Chief Elected Official presiding member, or through the Chair to another member or to the staff, for information relevant to the business at hand, but not related to a point of procedure;

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Council's
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(b) "point of order" is the raising of a question by a member with the view calling attention to any departure from The Procedure By-Law or the customary modes or proceedings in debate or in the conduct of the business;

(c) "point of procedure" is a question directed to the Chair to obtain information on a matter of parliamentary law or the rules of the Council bearing on the business at hand in order to assist a member to make an appropriate motion, raise a point of order or understand the parliamentary situation the effect of a motion;

(d) "question of privilege" is the raising of a question which concerns a member of Council, or the Council collectively, when a member believes that another member has spoken disrespectfully towards him or the Council, or when he believes his comments have been misunderstood or misinterpreted by another member or members.

(2) Whenever any point or order, point of procedure or question of privilege arises, it shall be immediately taken into consideration.

(3) When a point of information is raised, the Chair shall answer the question or direct the question to the appropriate member of Council or staff: the reply shall be made through the Chair.

(4) Whenever a question of privilege arises, the Chair shall rule upon the admissibility of the question and if the Chair rules favourably, the member who raised the question or privileges shall be permitted to pursue the said question.

(5) When the Chair 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 Chair shall state the rule or authority applicable in the case.

(6) When a point of order is raised or when a member is called to order from the Chair, the member speaking shall immediately be seated and shall remain seated until the Chair shall have decided the point raised.

(7) The member raising a point of order may be granted permission to explain the

- point.
- (8) Whenever the Chair is of opinion that any motion offered to the Council is contrary to the rules of Council, he shall advise the members thereof immediately and quote the rule or authorities applicable and no argument or comment shall be permitted.
- (9) The decision of the Chair shall be final unless a challenge is made pursuant to Section 20, Subsection (1).

CHALLENGE TO THE CHAIR

20. (1) Whenever a member wishes to challenge the ruling of the Chair the motion, "That the decision of the Chair be overruled" shall be made, in which case the question shall be put immediately without debate.
- (2) The Chair shall be governed by the vote of the majority of the members of Council present, and the names of the members of Council voting for or against the motion shall be recorded in the minutes.
- (3) If the Chief Elected Official or presiding member refuses to put the question, "That the decision of the Chair be overruled", the Council shall forthwith request: the Deputy Chief Elected Official, or if the Deputy Chief Elected Official is the presiding member or is absent, the Acting Chief Elected Official to proceed, from the floor if necessary, in accordance with Subsection (1).

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- (4) Any resolution or motion carried under the circumstances mentioned in Subsection (3) is effectual and binding as if carried under the chairmanship of the Chief Elected Official.

CALLING A MEMBER TO ORDER

21. (1) When the Chief Elected Official or presiding member calls a member to order the member shall resume his seat but may afterwards explain his position in making the remark for which he was called to order.
- (2) In the event that a member refuses to resume his seat when called to order the

the Chief Elected Official shall request the Deputy Chief Elected Official or if the Deputy Chief Elected Official is absent or is the unruly member, the Acting Chief Elected Official to move a resolution to remove the unruly member either

ruly (a) for the balance of the meeting
 (b) until a time which shall be stated in the motion, or
 (c) until the member makes an apology acceptable to Council for his unruly behaviour, whichever will be the shortest time.

leave (3) When the majority of Council votes in favour of the resolution the Chief Elected Official or presiding member shall direct the unruly member to leave the Council Chamber and if the member refuses to leave, direct that he be removed by any security officer present in the Council Chamber.

members (4) When Council has directed an unruly member to leave the Council Chamber and the member so directed makes explanation and apology adequate and satisfactory to the Council, it may, by a majority vote of the remaining members present allow the offending member to remain in his place if he has not left it or been removed, or to retake his place.

COMMUNICATION AND PETITIONS

22. (1) Notwithstanding the provisions of the Municipal Government Act respecting petitions, where a person or group of persons wishes to bring any matter to the attention of Council, or to have any matter considered by Council, a letter, petition or other communication shall be addressed to the Municipal Administrator which letter, petition or other communication shall,

(a) be printed, typewritten or legibly written;
 (b) clearly set out the matter at issue and the request made of Council in respect thereof,
 (c) in the case of a letter of communication
 (i) be signed with the correct name of the writer, and
 (ii) contain the correct mailing address of the writer;
 (d) in the case of petition
 (i) be signed by at least two persons,
 (ii) set out the civic address and legal description of each petitioner,
 (iii) indicate the name of a spokesperson, and
 (i) after being filed with the Municipal Administrator no name can be added or deleted from the petition.

- form,
- (2) Where a matter has been considered by Council and dealt with in any final form, subject to the provisions of the Municipal Government Act, no letter, petition or other communication on substantively the same matter shall be considered by Council until there has been a lapse of at least six (6) months from the date Council previously disposed of the matter.
- (3) Notwithstanding Subsection (2), Council by a two-thirds (2/3) vote may again consider a matter at a time earlier than six (6) months.

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- (4) On receipt of a communication intended for Council, the Municipal Administrator may,
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- (a) include it as an item on the agenda for the next regular meeting of Council, in full or in summary form, as he sees fit, or
- with
- (b) refer it to the appropriate standing policy committee, together with any necessary reports from the Town departments.
- (5) Except for reports made to Council by a member attending a meeting or investigating a matter for or on behalf of Council, members shall not present matters for consideration of Council by submitting letters for inclusion in the agenda but shall do so by written enquiry or by Notice of Motion.

PERSONS WISHING TO ADDRESS COUNCIL

23. address
- (1) When a person or a representative of any group of persons wishes to address the Municipal Administrator and Council may on a majority affirmative vote allow the person or representative to address it.
- of
- (2) No person shall address Council for more than ten (10) minutes, exclusive of the time required to answer questions put to him by Council.
- (3) Members of Council shall not ask questions of the Administration until all

delegations have been heard either in support of or in opposition to matters on the agenda, or before Council.

MOTIONS IN COUNCIL

24. (1) A motion is not properly before Council and shall not be considered until it has been specifically presented by a member of Council.
- (2) The Councillor who presented the motion or the Municipal Administrator shall read the motion aloud.
- (3) After motion has been moved it is property of Council and may not be withdrawn without the consent of the majority of Council.
- (4) Council may give permission by majority vote to withdraw any motion before the motion has been put and voted on.
- (5) Except as specifically provided elsewhere in this By-Law, the following motions are debatable by Council:
- (a) a motion arising out of any matter or thing included in the agenda for the Council meeting at which it is debated;
 - (b) a motion concerning any question, matter, subject or thing tabled indefinitely from a previous meeting of Council or tabled for a meeting at which it is discussed;
 - (c) a motion for concurrence in, rejection of , or further reconsideration of a report to Council;
 - (d) a motion arising our of any matter dealt with in respect to Council;
 - (e) a motion for the second reading of a by-law;
 - (f) a motion for the third reading of a by-law;
 - (g) a motion for appointment or dismissal of a committee;
 - (h) a motion for Council to go into Committee of the Whole;
 - (i) a motion for amendment to any by-law properly before Council or any matter arising directly out of any by-law properly before Council;
 - (j) such other motion made upon routine proceedings as may be required for
 - (i) the observance of the proprieties of the Council,
 - (ii)the maintenance of the authority of Council,
 - (iii)the appointment or conduct of its officers,
 - (iv)the management of its business,
 - (v) the arrangement of its proceedings,
 - (vi)the correctness of its records,
 - (vii)the fixing of its meetings or the days and times of its meetings,

or

(viii)the time of the meetings or adjournment thereof.

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- (6) When a motion has been made and is being considered by Council, no member may make any other motion except a motion to
- (a) amend a motion;
 - (b) refer the main question to some other person or group for consideration;
 - (c) table the main question
- (7) A member moving a motion to table any matter whether the matter is contained in a petition, enquiry, motion or other matter before the Council, shall include in the tabling motion.
- (a) the time at the present meeting or the date of a future regular or special meeting to which the matter is to be tabled, or
 - (b) a provision that the matter is to be tabled indefinitely.
- (8) A motion to table a matter shall not be debated except as to the time when Council will again consider the matter.
- (9) A matter which has been tabled indefinitely or to a particular date shall not be again considered by Council before the date set except on a vote of two-thirds (2/3) of the members of Council present and voting on it.
- (10) When dealing with the subject matter of a motion where a committee has been appointed for that purpose, or a Town department or official would normally deal with such matters, Council may refer the question before it to the appropriate committee of Council.
- (11) A motion to refer a matter shall be put immediately without amendment or debate.
- (12) A member of Council 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.
- (13) Notwithstanding Subsection (11), when a motion to refer a matter is made the member making the motion may ask the Chair questions relative to any of those

matters provided in Subsection (12).
(14) Notwithstanding Subsection (11) or anything elsewhere contained in this
By-Law,
a member, after a motion has been made may with the consent of Council
(a) on his own initiative while he is speaking on the same, or
(b) when requested by another member speaking on the motion
change
the wording of the motion or agree to a change proposed by an-
other
member if the alteration does not change the intention of the
motion.

MOTIONS CONTAINING DISTINCT PROPOSITIONS

25. (1) A motion containing several distinct propositions is not out of order for that reason alone.
(2) Where a motion contains two or more propositions and when
(a) a majority of Council so requires, or
(b) the Chief Elected Official or presiding member so orders,
Council shall vote on each proposition separately.

MOTION TO ADJOURN

26. (1) A member may move a motion to adjourn a meeting at any time, except when
(a) another member is in possession of the floor,
(b) a call for a division has been made,
(c) the members are voting,
(d) Council is in Committee of the Whole, or
(e) a previous motion to adjourn has been defeated and no other intermediate proceeding has taken place.
(2) A motion to adjourn shall be put without comment or debate.

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MOTIONS OUT OF ORDER

27. (1) When the Chief Elected Official or other presiding member decides a motion is
out of order he shall so advise Council and shall cite the rule or authority applicable thereto.
(2) Any member of Council may move a motion questioning the ruling of the
Chair,
pursuant to Section 20.

AMENDMENTS

28. (1) Notwithstanding anything elsewhere herein contained, no amendment shall be made to a motion
- (a) to refer a question to some other person or body for consideration,
- (b) to table a question
- (c) to postpone discussion on a matter to a stated time,
- (d) to adjourn a meeting, or
- (e) for the first reading of a by-law.
- (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 principal motion, or
- (b) is directly contrary to the principal motion.
- (3) Where an amendment has been moved to a motion which is under discussion, an amendment to the amendment may be moved but no further amendment may be moved either to the amendment or to the principal question until after the amendment to the amendment is voted upon.
- (4) A member who moved a motion may not move or second an amendment to it.
- (5) The Chief Elected Official or presiding member shall not put the principal motion under debate until all amendments to it have been put and voted upon.
- (6) The Chief Elected Official or presiding member shall put amendments in the reverse order to which they have been moved.
- (7) When all amendments are voted upon, the Chief Elected Official or presiding member shall put the principal motion, incorporating therein any amendments already adopted thereto.
- (8) Notwithstanding the provisions of the Subsection (2), the amendment containing the longest time and/or the largest amounts shall be put first and the shorter time and/or smaller amounts shall be put in the decreasing order until one is passed.

DEBATE ON MOTION

29. (1) No member may speak twice on any motion, except under the following circumstances:

stood, he
Official or
speech

(a) when a member feels he has been misquoted or misunderstood, he may after receiving permission from the Chief Elected Official or presiding member to speak, explain a material part of his

but he may not introduce any new matter and there shall be no debate on the explanation;

motion
to

(b) when a member has moved a substantive motion other than a

(i) to approve or accept a recommendation in a report made

Council,
put
(ii) to appoint or instruct a committee, or
(iii) that the main question before the Council be immediately

to a vote, he may close the debate after all other mem-

bers of
Council have been given an opportunity to speak;

vided
(c) before the debate has been closed and the question called, pro-

vided
bated
no other member has the floor, a member may during the de-

(i) ask a question which
(A) relates directly to the debate,
(B) contains no argument, and

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(C) introduces no new material on the motion, or
(ii) request that the motion or part thereof be read aloud

(2) Unless Council by a majority vote shall extend the time, no member shall speak longer than

(a) five (5) minutes on any original motion before Council, or
(b) three (3) minutes on any amendments to an original motion be-

fore
Council.

(3) When a member has closed debate, the Chief Elected Official or presiding member shall put the motion to a vote.

on
aloud.
(4) When the motion has been declared put, no member shall debate further the question or speak any words except to request that the motion be read

(5) It shall be the duty of the Chief Elected Official or presiding member to determine what motions or amendments are in order, subject to an appeal to

the Council, and decline to put any motion before Council which he deems to be clearly out of order or contrary to law.

VOTING ON MOTIONS

30. (1) Whenever this By-Law requires that a motion be made, a by-law be passed or any other action be taken by a vote of
- (a) a simple majority of Council,
 - (b) two-thirds (2/3) or any other fraction of Council members, or
 - (c) all member of Council,
- the requirements shall be interpreted as meaning such majority, fraction or total of the members of Council who are present and voting on the matter, provided the Municipal Government Act, or some other relevant statute does not specify differently.
- (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.
- (3) Each member of Council present shall vote on every division of every motion before Council, unless
- (a) he is excused from voting by resolution of a majority of Council,
 - (b) pursuant to the Municipal Government Act, he is disqualified from voting by reason of a direct or indirect pecuniary interest, beyond his interest as a taxpayer, which is or may appear to be detrimental to the Town.
- (4) Notwithstanding the provisions of Subsection (3), a member present who refuses or fails to vote on any issue shall be deemed to have voted in the negative and shall be so recorded.
- (5) A member shall not vote on a matter if he is absent from the Council Chamber when the vote is put and
- (6) The names of those who vote for and those who vote against a motion shall be entered in the minutes by the Municipal Administrator when any member of Council calls for a poll of the members or for a recorded vote.
- (7) When a member calls for a recorded vote, the Municipal Administrator shall provide each member with a printed form and direct that each member

- (a) sign his name to the form so provided, and
- (b) indicate on the form whether he is for or against the motion.

(8) The Municipal Administrator shall immediately on completion by the members, collect the forms and shall read the name of each member and the manner in which each has voted.

(9) The Municipal Administrator shall identify, the forms so signed by the members as to the subject matter of the motion and the meeting at which the poll was taken and shall retain the forms until

- (a) the vote has been recorded in the minutes, and
- (b) the minutes have been subsequently confirmed by Council.

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(10) Once the Chief Elected Official has polled the members on a division and has announced the result of a vote on the motion, no member shall change his vote without the unanimous consent of the other members present.

(11) Whenever a statute of the Province of Alberta, a Regulation made thereunder, or this or any other by-law of the Town requires a designated 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 by the statute, Regulation or by-law.

RECONSIDERING AND RESCINDING A MOTION

31. (1) When a member wishes Council to reconsider, alter or rescind any motions already passed or action taken at a previous meeting, subject to subsections (2) and (2.1), and when such matter does not appear on the agenda, he shall

bring the matter before Council by a Notice of Motion which shall

- (a) be given at a regular meeting preceding the meeting at which he wishes Council to reconsider the matter;
- (b) specify the meeting at which he proposes to bring the matter to Council; and
- (c) indicate in the substantive portion of the motion the action which he wishes to propose that Council shall take on the matter.

BY-LAWS

32. (1) Where a committee of Council approved the principles of the subject matter of a proposed by-law it shall refer the matter to Administration with instructions for the preparation of the by-law.
- (2) Unless and until the by-law is approved by Administration as to form, a committee to which a by-law is referred for preparation shall not submit the by-law to Council in final form for enactment.
- (3) Where a by-law is presented to Council for enactment, the Municipal Administrator shall cause the number and short title of the by-law to appear in the agenda in the appropriate place.
- (4) The Municipal Administrator shall cause the by-law to be copied in full and forwarded to the members of Council with the agenda unless a letter or report forwarding the by-law for enactment by Council adequately sets out the substance of the by-law.
- (5) Every by-law shall have three (3) readings.
- (6) A by-law shall be passed when a majority of members present and voting on the third reading in favour of the by-law, provided the Municipal Government Act, some other applicable provincial statute or Town by-law does not require a greater majority.
- (7) A by-law shall be introduced for first reading by a motion that the by-law, specifying its number and short title, be read a first time.
- (8) Where a by-law which is introduced for first reading is not copied in or delivered with the agenda, the Municipal Administrator, if a member so requests, shall read the by-law aloud at length but otherwise only the title and number of the by-law shall be read aloud.
- (9) Council shall vote on the motion for first reading of a by-law without amendment or debate.
- (10) If a member does not elaborate on the subject matter of the by-law or phrase his question so as to set out his opinion for or against the by-law, notwithstanding the provisions of Subsection (9), he may ask a question or questions concerning the by-law.
- (11) A by-law shall be introduced for second reading by a motion that it be read a

second time, specifying the number of the by-law.

- may (12) After a member has made a motion for second reading of by-law, Council
- (a) debate the substance of the by-law; and
 - (b) propose and consider amendments to the by-law.

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- (13) A proposed amendment shall be put to a vote and if carried shall be considered

as having been read a first time and incorporated in the by-law.

- to (14) Council may after first reading of a by-law go into Committee of the Whole
- debate it.

- Council (15) After a motion has been made for second reading of a by-law or after
- member may has gone into Committee of the Whole to debate second reading, a member may
- require all or any portion of the by-law to be read at length.

- (16) The Municipal Administrator shall be responsible for keeping a record of
- (a) any amendments to a by-law passed by Council; and
 - (b) amendments reported by the Committee of the Whole.

- ond (17) When all amendments have been accepted or rejected, a motion for second
- reading of the by-law, as amended, shall be put.

- of (18) A motion for third reading of a by-law shall give the number and short title
- the by-law.

- (19) It shall not be necessary to read a by-law aloud for third reading.

- the (20) A by-law shall not be given more than two readings at one meeting unless
- be members present at the meeting unanimously agree that the by-law may
- received presented to Council for third reading at the same meeting at which it received
- two readings.

- third (21) When Council unanimously agrees that a by-law may be presented for
- reading at a meeting at which it has received two readings, the third reading
- requires no greater majority of affirmative votes to pass the by-law than if it had received third reading at a subsequent meeting.

- vincial (22) When a by-law has been given three readings by Council it
- (a) becomes a municipal enactment of the Town, and
 - (b) is effective immediately unless the by-law or an applicable provincial

statute provides otherwise.

- the
the
the
- (23) After passage, a by-law shall be signed by the Chief Elected Official or by the member presiding at the meeting at which the by-law was passed, and by the Municipal Administrator and shall be impressed with the corporate seal of the Town, pursuant to the provisions of the Municipal Government Act.
- (24) Once a by-law has received first reading it cannot be defeated on the standard motion that it, "Now be read a second (or third) time", but is always open to be placed back on the Council agenda for future consideration.
- (25) All by-laws shall be consolidated and printed by Administration, as required.

MATTERS SUBMITTED TO A VOTE OF ELECTORS

33. (1) Provided a provincial statutory provision does not require a by-law to be submitted at a different time, and subject to Subsection (2), Council shall submit a by-law which is to be submitted to the electorate for voting
- (a) after the by-law has received second reading by Council; and
(b) at the time of the next municipal election.
- (2) Notwithstanding the provisions of Subsection (1), a by-law may be submitted before the next municipal election if
- (a) it is a money by-law;
(b) it is a by-law for an expenditure required for a project which must be paid for prior to the next municipal election; or
(c) Council by a vote of two-thirds of the members deems for some other sufficient reason that a by-law should be submitted to the electorate earlier.
- (3) When
- (a) a by-law which is to be submitted to the electorate has been read a second time as provided for in Subsection (1), or
(b) a resolution has been passed directing a matter to be submitted to the electorate and determining the manner in which it is to be submitted.
- the by-law shall not again be debated in Council until after the electorate has voted on it.

NOTICES OF MOTION

34. (1) A member shall not make a motion introducing a new matter for consideration of Council if he has not given notice at a previous regular meeting of Council that he intends to do so.
- (2) Subsection (1) shall not be construed as preventing a motion on any subject matter discussed or dealt with pursuant to an item appearing on the agenda for the meeting at which it is discussed or preventing a motion on a question of privilege.
- (3) Notwithstanding Subsection (1), Council may on a two-thirds (2/3) vote waive the requirement for Notice contained in this Section.
- (4) A Notice of Motion and the substance thereof shall be
- (a) in writing
 - (b) presented at a regular meeting of Council, and
 - (c) placed on the agenda for the next regular meeting.
- (5) If the motion is one for which no Notice is required or if Council has waived the requirement of Notice pursuant to Subsection (3), either the member making the motion or the Municipal Administrator shall reduce the motion to writing before it is considered by Council.
- (6) Notwithstanding the provisions of this Section, a member wishing to make a Notice of Motion instead of introducing it as provided in Subsections (4) and (5), may reduce the motion to writing and forward it to the Municipal Administrator with the request that it be discussed with the Chief Elected Official.
- (7) Upon receipt of a Notice of Motion pursuant to Subsection (6), the Municipal Administrator, after discussion with the Chief Elected Official shall refer the Notice of Motion
- (a) directly to the appropriate standing policy committee established pursuant to Section 5, or
 - (b) to the Councillors for their views as to the most effective method of dealing with the subject matter, and shall include the Notice of Motion on the agenda for the next regular meeting of Council.

ENQUIRIES

35. (1) Unless an enquiry from a member specifies that he wishes the enquiry and the answer to appear on a subsequent Council agenda, the appropriate Councillor to whom the enquiry is directed shall send or give the answer directly to the member making the enquiry and neither the enquiry nor the answer shall appear in the Council agenda.
- (2) When the enquiry of a member involves a written answer to be given at a future meeting and it appears to the Councillors that the cost to the Town which would be incurred by reason of
- (a) time of Town employees which must be taken from performance of their regular duties or overtime which must be worked,
 - (b) the need to hire additional employees, or
 - (c) the necessity of obtaining and paying for the information from other than Town employees, is likely to be more than One Hundred Dollars (\$100.00) and no appropriation has been made for such expenditure in the budget of any department the Councillors shall report the anticipated cost to Council before undertaking the enquiry.
- (3) When the Councillors have reported to Council pursuant to Subsection (2), Council may
- (a) direct that the Administration proceed with the investigation necessary to answer the enquiry; and
 - (b) provide in a supplementary budget or otherwise for the payment of the costs thereof.
- (4) Notwithstanding anything else contained in this Section or elsewhere in this by-law, the subject matter of an enquiry is not debatable until the reply to the enquiry has been made or presented to Council.
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- (5) Notwithstanding the other provisions of this Section, a member of Council wishing to obtain information or to make an enquiry may instead of following the procedure set out in Subsection (1), reduce the enquiry to writing and

enquiry forward the same to the Municipal Administrator with a request that the
be discussed with the Chief Elected Official.
(6) Upon receipt of an enquiry and a request pursuant to Subsection (5), the
Municipal Administrator, after discussion with the Chief Elected Official,
may refer the enquiry to the
(a) appropriate standing policy committee,
(b) Councillors for a reply, or
(c) Councillors and to the appropriate department of the Town for a
report to be made either
(i) to the appropriate standing policy committee,
(ii) to Council, or
(iii) direct to the member who made the enquiry.

COMMITTEE OF THE WHOLE

36. (1) Subject to the provisions of Section 19, Subsection 2, Council may upon
the passing of a motion, go into Committee of the Whole to discuss any mat-
ter. ter.
(2) The Chief Elected Official shall be the Chairman of the meeting of Council
sitting as Committee of the Whole, unless otherwise determined by Council.
(3) The Chief Elected Official, or the member presiding during the meeting of
Committee of the Whole, shall
(a) maintain order in the Committee of the Whole, and
(b) report the proceedings of the Committee of the Whole.
(4) The rules of order for the conduct of a meeting of Council shall apply to a
meeting of the Committee of the Whole except that
(a) a member may speak more than once to any question.
(5) When Council is in Committee of the Whole a member may at any time
move that the Committee rise and report, which motion is not debatable.
(6) A member at any time may move that the Committee of the Whole rise
without reporting, which motion is debatable and takes precedence over any other
motion.
(7) Notwithstanding Subsection (6) when the Committee of the Whole deems
it necessary to suspend its meeting for any reason before the matter re-
ferred to it has been decided but desires to continue debate on the matter at a later
time, the Committee may, by resolution, decide that the Committee of the Whole
shall rise and the matter may be tabled until such time as Council shall

determine.

- (8) When Council sitting as Committee of the Whole resolves to rise without reporting, the Chief Elected Official or presiding member shall resume the Chair and shall proceed with the next item of business on the Council agenda.

COMMITTEES

- 37. (1) The membership of a committee shall be as provided for in the enabling legislation or as directed by Council.
- (2) The Chief Elected Official shall be an ex-officio member of all committees to which Council has the right to appoint members pursuant to the Municipal Government Act, and when in attendance, he shall possess all the rights, privileges, powers, and duties of other members, whether elected or appointed.
- (3) Each committee shall select one of its members to be the Chairman unless Council designates
 - (a) the Chairman of a committee, or
 - (b) the manner in which the Chairman shall be selected.

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- (4) The Chairman of any committee may be removed by a vote of a majority of the committee, but no motion to remove him shall be in order unless notice of the motion shall have been given in writing at a regular meeting of the committee held a least seven (7) days prior to the meeting at which the motion is considered.
- (5) A quorum of a standing policy committee shall consist of both members appointed to that committee.
- (6) A quorum required for a meeting of a committee other than a standing policy committee as provided in Subsection (5), shall be determined on the number of members specifically named to the committee only, and shall consist of one half (1/2) of the members so named, plus one (1).
- (7) Notwithstanding Subsections (6) and (7), the Chief Elected Official if present

- ing
at a committee meeting in his ex-officio capacity, shall be counted in making up the quorum.
- (8) When a committee is meeting, and the vote is called, if the quorum is lost the meeting shall stand adjourned.
- (9) Any unfinished business remaining at the time of the adjournment shall be considered at the next regular meeting of the committee or at a special meeting called for that purpose.
- (10) Meetings of committees shall be open to other members of Council who may take part in any discussion or debate, but only those members appointed to the committee, including the Chief Elected Official in his ex-officio capacity, shall be entitled to vote.
- (11) Meetings or parts thereof may be held in private on a vote of the members.
- (12) The Chairman shall preside at every meeting and shall have a vote on all questions.
- (13) In the absence of the Chairman one of the other members shall be elected to preside and shall discharge the duties of the Chairman during the meeting, or until the arrival of the Chairman at such meeting.
- (14) The business of committees shall be conducted in accordance with the rules governing the procedure of Council except for the following:
speak
 (a) there shall be no limit to the number of times a member may
 to a question.
 (b) the committee decision shall be that of the majority of the members present and voting on the question.
- (15) The Municipal Administrator shall not record the names of the members voting, however, an individual member may ask that the minutes record his opposition.
- (16) Each committee shall report to Council and no action of any committee shall be binding on the Town unless
tee
 (a) power to take such action is expressly conferred on the committee by legislation or resolution of Council, or
 (b) Council has considered the report of the committee and adopted

same.

(17) A special committee shall cease to exist on the submission of its final report.

MUNICIPAL ADMINISTRATOR

38. (1) Council shall by by-law appoint a Municipal Administrator to carry out the powers, duties and functions of the position of Chief Administrative Officer.

(2) The Municipal Administrator shall

- (a) ensure that the minutes of regular meetings and special meetings of Council and committees are recorded in the English language, without note or comment.
- (b) enter in the minutes of every meeting the names of the members present at the meeting;

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(c) ensure that the

(i) minutes of each meeting are confirmed at a subsequent meeting of the Council, and

(ii) last page of the minutes of each meeting is signed by the

Chief

Elected Official and the Municipal Administrator. In the

absence

of the Chief Elected Official signed by the Deputy Chief

Elected

Official.

(d) transcribe into a suitable register and have custody of all by-

laws

and, having seen to their proper completion, preserve and keep

safe

the originals thereof;

(e) take charge of and keep on record all other books, paper, ac-

counts,

plans, map, correspondence and any other documents commit-

ted to

his charge by Council and deliver them, to his successor or

such other

person as Council may designate upon his ceasing to hold office;

(f) have custody of the corporate seal of the Town; and

- (g) carry out such other duties as may be required of the Municipal Administrator under any statute and any other duties imposed by Council.

MINUTES OF COUNCIL

- 39. (1) The Municipal Administrator shall prepare the minutes of each Council meeting and shall distribute a copy to each member of Council for the next meeting.
- (2) The Chief Elected Official shall present the minutes to the Council with a request for a motion to confirm the minutes.
- (3) The minutes of the previous meeting shall not be read aloud unless requested by a majority of the members.
- (4) Any member of Council may make a motion requesting that the minutes be amended to correct any inaccuracy or omission.

CORPORATE SEAL

- 40. (1) The Municipal Administrator shall have custody of the corporate seal in accordance with the Municipal Government Act.
- (2) The corporate seal shall only be used under the direction of the Municipal Administrator as prima facie evidence that the Town has assented to those documents to which the seal is affixed.
- (3) The seal shall be affixed to the following documents:
 - (a) all by-laws of the Town signed by the Chief Elected Official or presiding member and the Municipal Administrator;
 - (b) debentures issued by the Town and signed by the Chief Elected Official;
 - (c) certificates or registration of debentures signed by the Municipal Administrator or other designated officer;
 - (d) contracts signed by the Chief Elected Official and Municipal Administrator or other persons authorized by Council to sign on its behalf;
 - (e) papers certified by the Municipal Administrator as being true copies of original documents held in his office; and
 - (f) such other papers or documents which in the opinion of the Municipal Administrator warrant the seal to be affixed.

41. This By-Law shall repeal By-Law #823 upon final passing.

READ a first time this 23rd day of October, A.D., 1995.

READ a second time this 13th day of November, A.D., 1995.

READ a third time this 13th day of November, A.D., 1995.

John Trefanenko Mayor

Wayne C. Horner Municipal
Administrator