

**CORPORATION OF THE VILLAGE OF BARNWELL
IN THE
PROVINCE OF ALBERTA**

BYLAW 07-19

A BYLAW OF THE VILLAGE OF BARNWELL, IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEEDINGS OF COUNCIL MEETINGS AND THE TRANSACTING OF BUSINESS BY COUNCIL FOR THE MUNICIPALITY.

WHEREAS, pursuant to the Municipal Government Act, R.S.A. 2000, Chapter M-26, and amendments thereto, Council may pass bylaws in relation to the procedure and conduct of Council and committees established by Council, and may regulate the conduct of Councillors and members of committees established by Council; and

WHEREAS, the Council of the Village of Barnwell considers it desirable for open and effective governance to regulate the procedure and conduct of Council, Councillors and others attending Council and Council Committee meetings in the Village of Barnwell;

NOW, THEREFORE THE Council of the Village of Barnwell, duly assembled, enacts as follows

1. TITLE

This Bylaw may be cited as the "Council Procedural Bylaw"

2. DEFINITIONS

In this Bylaw:

"Act" means the *Municipal Government Act (MGA)*, RSA 2000 Chapter M-26 and regulations made under the MGA as amended;

"Administration" means the employees of the Village of Barnwell;

"Agenda" means the list and order of business items for any meeting of Council or authorized Council Committees;

"CAO" means the Chief Administrative Officer or their delegate, for the Village of Barnwell;

"Chair" means the Member of Council, or an authorized Council Committee, acting as the presiding officer of the meeting;

"Closed Session" means a meeting that permits Council, or an authorized Council Committee, to function informally and with freedom of debate, in accordance with the *Freedom of Information and Protection of Privacy Act*, provided that any and all decisions are to be referred to a regular or special meeting of Council;

"Council" means the duly elected Councillors of the Village of Barnwell;

“Deputy Mayor” means the member of Council duly elected by the Councillors of the Village of Barnwell from among their own number at the annual organizational meeting pursuant to Section 152.1 of the Act to act as Mayor in the absence of incapacity of the Mayor;

“Delegation” means a person that has the permission of Council to appear before Council, or before a committee of Council, to provide pertinent information and views about a subject before Council or committee of Council;

“Electronic Communications” means suitable electronic methods to participate in the live (real-time) meeting, allowing members to participate in discussion, debate, resolutions, and voting;

“Mayor” means the member of Council duly elected to his/her office by the Councillors from among their own number at the annual organizational meeting pursuant to Section 150 of the Act;

“Member” means a Councillor or a person at large appointed by Council to a committee of Council;

“Point of Order” means the raising of a question by a Member with the view of calling attention to any departure from this Bylaw or the customary proceedings in debate or in the conduct of business;

“Presiding Officer” means the Mayor, or in absence of the Mayor, the Deputy Mayor, or in the absence of the Deputy Mayor the acting Mayor or Chair;

“Public Discussion” means the portion of a meeting where a person or group may address Council;

“Public Hearing” means a meeting of Council convened to hear matters pursuant to the Act

“Regular Meeting” means a reoccurring scheduled meeting of Council, or an authorized Council Committee, pursuant to the Act and as described in the Bylaw;

“Quorum” is the majority of all members, being fifty (50) percent plus one (1) unless Council provides otherwise in the bylaw.

“Secretary” means the person appointed to the position as delegated by the CAO for the Village of Barnwell

“Tabled Motion” means to delay consideration of any matter until a specified time, either at another time in the meeting or at another meeting. The resolution to table is not debateable, nor amendable.

3. APPLICATION AND GOVERNANCE

This Bylaw applies to Regular Meetings, Special Meetings, Public Hearings, Organizational Meetings, Council Committee meetings and Closed Session.

The precedence of the rules governing the procedures of Council is:

- a) *The Municipal Government Act*
- b) Other Provincial Legislation; and
- c) This Bylaw

In the absence of statutory obligation, any concern about the procedure of process of a Council meeting may be decided upon and approved by a majority vote of all members present.

Notwithstanding any other provision in this Bylaw, Council may by a special majority recorded vote (2/3 of all Councillors in attendance at the meeting), temporarily suspend, waive or alter any provision of this Bylaw for any particular matter or any particular Council meeting, providing that at all times Council acts and individual Councillors act in accordance with the *Municipal Government Act* and any other applicable legislation.

4. ORGANIZATIONAL MEETING

- a) In accordance with Section 192(1) of the Act, Council shall hold an Organizational Meeting not later than two weeks after the third Monday in October each year. It is recommended that all councillors are present.
- b) The CAO shall set the date, time and place for the Organizational Meeting. The business of the meeting shall be limited to:
 - i. Appointment of the Mayor
 - ii. Appointment of the Deputy Mayor
 - iii. The appointments of members to Boards, Committees and/or Commissions which Council is entitled to make;
 - iv. Setting the time, dates and place for regular meetings if all councillors are present.
 - v. Review of pertinent bylaws and policies, such as Code of Conduct, Procedural Bylaw and remuneration
 - vi. Any other business required by the Act, or which Council or the CAO may direct.
- c) Appointments of Council members to committees shall be for a term of one year, unless otherwise specified and reviewed at the Organizational Meeting.

5. REGULAR AND SPECIAL MEETINGS

- a) All Regular Meeting of the Council of the Village of Barnwell shall be held in the Village of Barnwell Council Chambers, located at 612 Heritage Road, unless otherwise agreed to by a majority of Council.
- b) Regular Meetings shall be held on the third Thursday of each month and shall commence at 6:00 p.m. and adjourn at 9:00 p.m. if in session at that hour, unless otherwise determined by a majority vote of the members present.

- c) If there are changes to the date and time of a Regular Meeting, the Village of Barnwell must give at least twenty-four (24) hours notice of the change to all members and post the notice of the change in the front foyer of the Village of Barnwell office.
- d) All meetings will be open to the members of the public, except for the Closed Meeting portions of the meeting.
- e) Council and Council Boards, Committees and Commissions may conduct all or part of their meetings closed to the public if a matter to be discussed is within one of the categories of information referred to in the *Freedom of Information and Protection of Privacy Act*, being chapter F-25 of the Revised Statutes of Alberta 2000, and amendments hereto.
- f) Council shall state the purpose and time in the resolution to move into Closed Session.
- g) In accordance with the *Municipal Government Act*, where Council, or an authorized Council Committee closes all or part of a meeting to the public, the Council or authorized Committee, may allow one or more other persons to attend, as it considers appropriate, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend.
- h) When extenuating circumstances arise and a Council resolution or bylaw is required, Council may, with the required signing of a waiver, hold a Special Meeting as per the *Municipal Government Act*, Section 194.
- i) A Special Meeting of Council may be called whenever the Mayor considers it appropriate to do so and must be called if the Mayor receives a written request for the meeting, stating its purpose, from a majority of the councillors.
- j) 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. The object of adjourning is to finish the business for which the meeting was called, but which has not been completed.

6. QUORUM

- a) When Quorum is present at the time set for commencement of a Council meeting, the Mayor/Chair shall call the meeting to order.
- b) If there is no quorum present within fifteen (15) minutes after the time appointed for the meeting of Council, the Chief Administrative Officer shall record the names of all the members present and advise that the Council shall stand adjourned until the next meeting, unless a Special Meeting is duly called in the meantime.
- c) If there is a quorum present at the time of commencement of Council meeting, but the Mayor and Deputy Mayor are absent, the CAO shall call the meeting to order and shall call for a Presiding Officer to be chosen by resolution, who shall preside during the meeting until the arrival of the Mayor or Deputy Mayor.

7. PUBLIC HEARINGS

- a) At the commencement of a Public Hearing, the Chair shall:
 - i. State the matter to be considered at the meeting.
 - ii. Request that Administration present a report on the matter at hand
 - iii. Allow any delegation involved in the matter and/or their representatives up to ten (10) minutes to present their position. This time does not include the time necessary to answer question put forth by Council. This time may be extended by Council.
- b) Following the presentations, Council shall allow time for anyone from the gallery, who wishes to do so, speak in favor or against the proposed bylaw. Persons speaking must state their name, address, and if they are speaking for themselves or on behalf of a group or organization.
- c) No person may speak longer than 5 minutes exclusive of the time required to answer questions of Council. This time limit may be extended by Council.
- d) Following the time allowed for all persons to speak, Council may close the public hearing.

8. MEETING THROUGH ELECTRONIC COMMUNICATIONS

- a) Council members, who are unable to attend meetings in person, may attend a Council meeting by means of electronic communication services.
- b) A Council member may attend regular or special Council meetings by means of electronic communication services a maximum of three (3) times per calendar year, unless otherwise approved by Council.
- c) A Council member shall be permitted to attend a meeting using electronic communication if that location is able to support its use, ensuring that all Council members participating in the meeting are able to communicate effectively.
- d) A Council member attending a meeting via electronic communications is deemed to be present at the meeting for whatever period of time the connection via electronic communications remains active.
- e) The Mayor, Deputy Mayor or Presiding Officer shall announce to those in attendance at the Council meeting that a Council member is attending the meeting by means of electronic communications.
- f) When a vote is called, Council members attending the meeting by means of electronic communications shall be asked to state their vote only after all other Council members present at the meeting have cast their votes by a show of hands.
- g) When a Council member attends a Closed Meeting by means of electronic communications, they will be required to confirm they have attended the Closed meeting alone in keeping with the definition in this bylaw of "Closed Meeting".

9. CANCELLATION OF MEETINGS

- a) Council may cancel a meeting by formal resolution only which is held in an open meeting where public may be present.
- b) A quorum of council must be present in order to cancel a meeting.

10. AGENDA PROCEDURES

- a) Prior to each meeting of Council, the Chief Administrative Officer shall prepare the Agenda of all business to be brought before the Council at such meeting. The Agenda will be provided together with copies of all pertinent correspondence, statements and reports to each member of Council at least two calendar days prior to the meeting.
- b) Any Council member, Municipal official, or any other person wishing to have an item of business placed on the Agenda for a Council meeting, shall make the submission to the CAO not later than 3:00 pm at least 5 business days immediately preceding the meeting at which it is to be presented. The submission shall contain adequate information to the satisfaction of the CAO to enable the Council to consider the matter.
- c) Council shall consider no item of business unless the item has been placed on the agenda, either in the manner described in Section 10 (b), above or as modification to the agenda approved by a vote at the meeting.
- d) Failure to meet the deadlines imposed in Section 10 (a) does not invalidate the Agenda.
- e) The Agenda, or order of business, for each meeting shall be as follows, however, the actual order may be adjusted by Council as necessary:
 - i. Call to Order
 - ii. Adoption of Agenda (additions/deletions)
 - iii. Public Hearing
 - iv. Adoption of Minutes
 - v. Presentations/Delegations
 - vi. Bylaws
 - vii. Action Items
 - viii. New Business
 - ix. Financials
 - x. Reports
 - xi. Correspondence/Information
 - xii. Closed Session
 - xiii. Open Session
 - xiv. Adjournment

11. PRESENTATIONS/DELEGATION PROCEDURES

- a) A person, group of persons, or representative of a group of persons, who wishes to bring any matter to the attention of Council, or wishes to have any matter considered by Council, shall address a letter or other written communication to the Council containing adequate information

to enable Council to deal with the matter. Adequate information includes, but is not limited to, the following:

- i. Name, address and telephone number of the person wishing to make the presentation,
- ii. A clear identification of the topic to be discussed,
- iii. A clear identification of the request being made to Council,
- iv. Any and all background information necessary.

If the person wishes to appear before Council it shall be stated in the letter.

- b) A request to attend a Council meeting or have a topic discussed at a Council meeting must be received by the CAO no later than 3:00 pm on a business day at least five (5) days immediately preceding the meeting at which it is to be presented.
- c) Council, or its authorized Council Committees, shall receive a maximum of two (2) delegations at a regularly scheduled meeting. The Mayor, or Chair, may allow for the inclusion of additional delegations, or presentations that would exceed this maximum.
- d) Delegations shall be granted a maximum of Ten (10) minutes to present the matter outlined in the letter followed by questions from Council members. Where the Mayor, or Chair, determines that additional time shall be granted to the delegation, additional time shall be granted in the length specified by the Mayor, or Chair.
- e) 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 may be provided with an opportunity to speak by resolution of Council. Time permitting each presenter will be provided with a maximum of five (5) minutes, followed by questions from Council members.
- f) Council will not entertain public questions or submissions addressed to the delegation(s).
- g) Council will not entertain submissions from the public on issues that are before the Subdivision and Development Appeal Board, the courts, or require a statutory Public Hearing or are within any other public consultation or communication process.
- h) A response to each speaker's comments/concerns will be provided through one or more of the following:
 - i. A resolution of Council at the meeting; or
 - ii. Referral of the matter to the 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.

12. MEETING DECORUM

- a) Every person wishing to speak during a Council meeting shall address their comments through the Presiding Officer.

- b) When two or more members wish to speak to a matter, the Presiding Officer shall decide who is entitled to speak.
- c) No member shall:
 - i. Use offensive, disrespectful, profane or vulgar words during Council or Committee meetings or against Council, any Councillor or any person;
 - ii. Discuss a vote of Council after the vote has been taken, unless to move to reconsider or rescind;
 - iii. Disturb the proceeds of the meeting; or
 - iv. Reflect on the motives of the members who voted on the motion, or the mover of the motion.
- d) The presiding officer may rule any member out-of-order for failing to observe any of the restrictions in section 12 (c).
- e) A member called to order or ruled out-of-order shall immediately discontinue speaking and debate shall be suspended until the point of order is decided.
- f) Any member may ask for the resolution under discussion, but not so as to interrupt a member while speaking.
- g) The names of those who voted for and against the question shall be entered upon the minutes if it is requested by a member of Council, prior to the Chair calling for the question.
- h) The Chair may order any member of the public who disturbs the proceedings of the Council or any Committee by words or actions to be expelled. If the person refuses to leave voluntarily, the Chair, may request the assistance of the R.C.M.P.

13. COUNCIL RESOLUTIONS

- a) A resolution is not required to be seconded.
- b) After a resolution is made, it may be withdrawn by the mover at any time before a vote is taken or an amendment is made.
- c) When a resolution is before the meeting, it may be:
 - i. Debated – may be spoken to
 - ii. Requested for the consideration of a friendly amendment – as agreed to by the mover
 - iii. Carried – majority voted in favor
 - iv. Carried Unanimously – all members voted in favour
 - v. Defeated
 - vi. Withdrawn – at the request of the mover
 - vii. Tabled – as defined in Section 2 of this Bylaw.

- d) No resolution shall be offered that is substantially the same as one that has already been expressed during the same meeting.
- e) A motion to reconsider a resolution shall;
 - i. Only be made at the same meeting the motion was decided;
 - ii. Only be made by a member who voted with the prevailing side of the motion involved;
 - iii. Not be reconsidered more than once for a specific motion at any one meeting of Council;
 - iv. Be decided by a majority of the members of Council present, and
 - v. Not be allowed on a motion of adjournment.
- f) A motion to rescind a previous resolution of Council shall:
 - i. Be offered at any time subsequent to the meeting at which the original motion was passed; as long as the previous motion has not been acted upon to the extent that the Village has undertaken or become subject to any liability or obligation;
 - ii. Be made by any member,
 - iii. Be passed by a vote of 2/3 of the members of Council when the motion is without notice; or a simple majority of the members of Council present when notice has been given. Notice shall be through a Notice of Motion or the inclusion of the item on the agenda delivered to the members of council before the meeting.
 - iv. Not be a motion for a reading of a Bylaw.
- g) Where a matter under consideration, contains several distinct propositions, a member may request, or the presiding officer may direct, that each proposition be made as a separate resolution.
- h) After the Presiding officer has called the vote, no member shall speak to the resolution nor shall any other resolution be made until after the result of the vote has been declared.
- i) Voting on all resolutions shall be done by clearly raising one hand so that the Presiding Officer may easily count them. When using electronic communications, the Presiding officer, will ask whether the member is voting for or against the resolution. After the Presiding officer has counted the vote, he shall declare whether it was 'carried', 'carried unanimously' or 'defeated'. Except where provided for in this bylaw or by the applicable legislation, a majority vote of the members present who are eligible to vote, shall decide a resolution or question before the Council. If the vote results in a tie, the resolution will be considered defeated.

14 **NOTICE OF MOTION**

- a) If past the Agenda deadline listed in Section 10 (b), items may be brought forth as a Notice of Motion under Agenda Item No. 2 Adoption of the Agenda, or Agenda Item No. 7 Action Items for consideration of placement on the current meeting, the next meeting or other meeting date Meeting Agenda.

- b) A Member may present and describe a Notice of Motion. In the event, the Member shall read the Notice of Motion, which shall be recorded in the minutes and shall form part of the Agenda for the next regular meeting or other meeting date as specified by the Member.
- c) A Member who hands a written Notice of Motion to the Chief Administrative Officer, or designate, to be read at any Regular Meeting need not necessarily be present during the reading of the motion.
- d) A Notice of Motion cannot be made as a special Council meeting.
- e) A Notice of Motion is not debatable until a Council member moves the motion.

15 **BYLAWS**

- a) Where a bylaw is presented to the Council for enactment, the CAO shall cause the number and short title to appear on the agenda in the appropriate place.
- b) The CAO shall cause the bylaw to be distributed to Council with the Agenda.
- c) Every bylaw shall have three (3) readings, as per the Act.
- d) A bylaw shall be passed when the majority of members are present and voting on the third reading vote in favor of the bylaw.
- e) A bylaw shall be introduced for the first reading by a motion that the bylaw, specifying its number and short title, be read for a first time.
- f) Council shall vote on the motion for the first reading of a bylaw without amendment or debate, however, a member may ask questions concerning the bylaw, provided such questions do not indicate the member's opinion for or against the bylaw.
- g) A bylaw shall be introduced for second reading by a motion that it be read a second time, specifying the number of the bylaw and short title.
- h) After a member has made a motion for second reading of a bylaw, the Council may;
 - i. Debate the substance of the bylaw, and
 - ii. Propose and consider amendments to the bylaw.
- i) A proposed amendment shall be put to a vote and if carried shall be considered as having been read a first time and incorporated into the bylaw.
- j) When all amendments have been accepted or rejected, the motion for second reading of the bylaw as amended shall be put to the question.
- k) A motion for third reading shall give the number and short title of the bylaw.

- l) As per Section 187 of the Act a proposed bylaw must not have more than 2 readings at a council meeting unless the councillors present unanimously agree to consider third reading.
- m) Proposed bylaws may be referred to administration, committees or special task forces at any time prior to third reading.

16 INTENTION OF COUNCIL

- a) It is the intention of the Council of the Village of Barnwell that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is further the intention of the Council that if any provision of the Bylaw be declared invalid, all other provisions thereof shall remain valid and enforceable.

17 RESCINDED OR AMENDED BYLAWS.

- a) Bylaw No. 2-88 is hereby repealed in its entirety.


18 EFFECTIVE DATE

- a) This Bylaw shall take effect on the day of the final passing and the signatures of the chief elected official and duly authorized designated officer thereof.

READ a first time this 19th day of September, 2019

READ a second time this 19th day of September, 2019

BY UNANIMOUS CONSENT, READ a third and final time this 19th day of September, 2019



MAYOR



ADMINISTRATOR