



BYLAW
Bylaw Number 824

**A BYLAW OF THE MUNICIPALITY OF THE TOWN OF STAVELY, IN THE
PROVINCE OF ALBERTA, TO REGULATE THE PROCEEDINGS OF COUNCIL AND
COUNCIL COMMITTEE MEETINGS.**

1. PURPOSE:

- 1.1 **WHEREAS**, Section 180 of the Municipal Government Act, being Chapter M-26 of the Revised Statutes of Alberta, 2000, requires council to act by bylaw; and
- 1.2 **WHEREAS**, the Municipality of the Town of Stavelly has the duty to ensure that it provides good government and its elected officials uphold the highest standards for an accountable and transparent governance process; and
- 1.3 **NOW THEREFORE**, The Council of the Town of Stavelly in the Province of Alberta hereby establishes the following rules and regulations for the order and conduct of all Council and Council committee meetings.

2. INTERPRETATION:

- 2.1 This bylaw No. 824 may be cited as “The Council and Committee Procedural Bylaw”.
- 2.2 “Agenda” means order of business, program of a business meeting.
- 2.3 “CAO” is the Chief Administrative Officer and means that person appointed to the position and title by Council and includes any person appointed by the CEO to act as his/her appointee.
- 2.4 “CEO” is the Chief Elected Official of the Town of Stavelly, duly elected to the position under the Municipal Government Act and includes any Councillor appointed by the CEO to act as his/her appointee.
- 2.5 “Chair” means the Member of a Committee or other person (ie. Mayor or appointee) who has the authority to preside over a meeting.
- 2.6 “Committee” means a committee of council that is a standing committee, special committee, or a council committee;
- 2.7 “Committee of the Whole” is a committee comprised of all Council Members present at a meeting, assembled for the purpose of informal discussions, including, but not limited to, a question, initiative, policy or bylaw.
- 2.8 “Consensus” means a decision-making process that seeks the input and agreement of participants to resolve or mitigate objections to achieve the most agreeable decision. Consensus is defined as meaning both general agreement and the process of getting such an agreement.
- 2.9 “Council” is the Council of the Town of Stavelly in the Province of Alberta, comprised of one Chief Elected Official and six Councillors.
- 2.10 “Councillor” is a Member duly elected to the position under the Municipal Government Act, to represent the Town.
- 2.11 “Delegation” means any person or group that has permission of council to appear before council or a committee of council to provide pertinent information and views about the subject before council or council committee.



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- 2.12 “Ex-officio” means the Mayor, having membership in a Committee by virtue of one’s office have the same rights and privileges of all members, including the right to vote. (The Mayor, as a ex-officio to all Council standing committees, if present at any of these committee meetings, is counted on to determine if the Members required for Quorum is present).
- 2.13 “Mayor” has the same meaning as Chief Elected Official, as defined in the Municipal Government Act.
- 2.14 “Member” means a Mayor or Councillor or person at large appointed by council to a committee of council.
- 2.15 “Municipality” means the Municipality of Stavely, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality.
- 2.16 “Orders of the day” means agenda for the meeting.
- 2.17 “Point of Privilege” means a request made to the Chair or Council on any matter related to the rights and privileges of Council or individual Councillors and includes the: organization or existence of council, comfort of members, conduct of employees or members of the public in attendance at the meeting.
- 2.18 “Quorum” is more than fifty percent (50%) of the voting membership of Council or a Council Committee present at a meeting. Quorum must be maintained at a meeting, even in situations where the majority of members cannot vote due to pecuniary interest.
- 2.19 “Rescind” means to repeal, cancel or revoke:
- 2.20 “Reconsider a motion/resolution passed at the same meeting” allows a motion to be brought back by a member who voted with the prevailing side.
- 2.21 Reconsider a motion/resolution passed at a subsequent meeting” means a motion may be brought back only if the motion has not been acted upon and requires a two-thirds vote without notice, or a majority vote of all members who voted with the prevailing side and are present to have been notified.
- 2.22 “Request for Decision (RFD)” is a form prescribed by Administration and used for submissions to Council in order to clarify and provide the information required by Council to deliberate and make decisions. The submission presented may request direction on an issue rather than a decision.
- 2.23 “Special resolution” means a resolution passed by a two-thirds majority of all members.
- 2.24 “Table” means a motion to delay consideration of any matter in order to deal with more pressing matters, which does not set a specific time to resume consideration of the matter (or may mean to table to a certain time).
- 2.25 “Vote by raising hand” means each member present shall indicate a vote by raising his/her hand when the question is called by the chairman for either “those in favour” or “those opposed”.
- 2.26 “Withdraw a motion” permits a member to remove a question from consideration even after the motion has been restated by the chair.



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3. APPLICATION OF THE BYLAW:

- 3.1 This bylaw applies to:
- a) All Regular and Special meetings of Council
 - b) Any Committee Meeting unless the Terms of Reference for the Committees, approved by Council, provide permission for alternate procedures.
- 3.2 The precedence of the rules of governing the proceedings of Council is:
- a) The Act
 - b) Other provincial legislation
 - c) This Bylaw and
 - d) Robert's Rules of Order Newly Revised.
- 3.3 When a matter arises related to proceedings in a meeting which is not covered by a provision of this Bylaw or the Act, the matter shall be decided by reference to Robert's Rules of Order.
- 3.4 Procedure shall be a matter of interpretation by the Mayor or meeting Chair.
- 3.5 The Mayor or Chair shall regulate all discussions within a meeting.

4. ORGANIZATIONAL MEETING:

- 4.1 The Organizational meeting immediately following a general municipal election shall be referred to as the "Inaugural" meeting at which:
- (a) All members of Council must take the oath of Office;
 - (b) All members of Council must take Code of Conduct Oath;
 - (c) The Mayor will appoint a schedule for Councillors to the position of Deputy Mayor, on a rotation basis, and
 - (d) Appoint member of Council Boards and Committees
 - (d) All other matters required for the operation of the Town must be dealt with.
- 4.2 The Organizational meeting of Council must be held annually, according to Section 192 of the Act.
- (a) At this meeting Council must establish:
- (i) Regular meetings of Council will be scheduled on the second and fourth Monday of every month except July, August and December, with meetings to commence at 7:00 pm at the Town of Stavely Council Chambers.
 - (ii) One Regular meeting of Council will be scheduled for each July, August and December as determined by Council at the preceding meeting in June and November, with the meetings to commence at 7:00 pm at the Town of Stavely Council Chambers.
 - (iii) In the event a Regular Meeting falls on a General Holiday, the meeting will be held the Tuesday following the General Holiday.
 - (iv) Regular Council Meeting and Council Committee meetings must be conducted in public; however, Council may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act.
 - (v) Regular scheduled Council Meetings may only be cancelled by resolution of Council.



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- (b) Appoint Members of Council Boards and Committees
- (c) Conduct other business as identified with the organizational meeting agenda.

5. AGENDA AND ORDER OF BUSINESS:

- 5.1 The agenda for each Regular Council Meeting is established by the CAO.
- 5.2 The following is a list of suggested contents and Order of Business for a Regular Council Meeting agenda. It serves as a guide rather than a rigidly followed document, and as such, items not requiring attention at a meeting may not be included on the agenda:
 - (a) Call to Order
 - (b) Adoption of Agenda
 - (c) Confirmation of Minutes
 - (d) Public Hearings
 - (e) Delegations
 - (f) Bylaws
 - (g) New Business
 - (h) Reports
 - (i) Correspondence
 - (j) Financial
 - (k) Confidential Items
 - (l) Adjournment
- 5.3 All submissions for the Agenda of all Regular meetings of Council, as well as Public Hearings, shall be received by the CAO no later than noon the Monday (or Tuesday if that day is a general holiday) prior to the scheduled meeting, seven calendar days prior to the meeting. This deadline will apply in the case where the Regular Meeting date has been moved to a Tuesday, due to a general holiday.
- 5.4 Any other communication intended for Council will be forwarded to the CAO in writing and must:
 - (i) be legible, coherent, and respectful; and
 - (ii) be able to identify the writer and the writers contact information.
- 5.5 If the standards set out in 5.4 are met and the CAO determines the communication is within the governance authority of Council, the CAO will:
 - (i) if it is related to an item already on the agenda, deliver a copy of the communication or a summary of it to the Mayor and Councillors prior to or at the meetings at which the agenda is being considered; or
 - (ii) acquire all information necessary for the matter to be included on a future Council agenda for consideration by Council.
- 5.6 If the standards in section 5.4 are met and the CAO determines the communication is not within the governance authority of Council, the CAO will:
 - (i) refer the communication to the administration for a report or a direct response and provide a copy of the original correspondence and the referral to the Mayor and Councillors;
 - (ii) take any other appropriate action on the communication.
- 5.7 If the standards set out in section 5.4 are not met, the CAO may file the communication. Administration will respond to the person sending the communication to advise that person of the process to be followed and any action taken on the subject of the communication.



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- 5.8 An individual or group may request to be included on an Agenda as a delegation. The request must be in writing and shall:
- (i) Include a written summary of the information that will be presented to Council;
 - (ii) Be submitted to the CAO no later than noon the Monday prior to the Regular scheduled Council meeting (or seven days in advance of a Committee Meeting), with the CAO having discretion to bring forward items submitted last that may be of an emergent nature.
 - (iii) The CAO will review the request in consultation with any affected Department and may:
 - o Review and provide a written response to the individual or group to satisfy the request for an appointment with Council. This process will be undertaken only with consent of the CAO and the individual or group requesting the appointment with Council.
 - o Add the appointment to the next Regular Council Meeting Agenda; or
 - o Add the appointment to a future Regular Council Meeting Agenda if
 - Requested by the individual or group making the request; or
 - If the CAO requires more time to properly investigate and report on the matter.
 - (iv) Presentation time will be no longer than ten (10) minutes, exclusive of the time required to answer the questions put forward by Council, unless extended by a majority vote of Council.
 - (v) Delegations speaking to the subject will be restricted to the subject matter only.
 - (vi) In questioning delegations, whether statutory or otherwise, Members of Council will ask only questions of clarification which are relevant to the subject of the presentations and will avoid repetition.
 - (vii) Council may, at its next Regular Meeting following the Delegation presentation, make any decisions, if required, regarding the issue raised by the Delegation, unless there is unanimous support for Council decision at the regular meeting at which the Delegation presentation was made, and the issue discussed under New business.
- 5.9 The CAO shall place at the disposal of each member a copy of the agenda and all supporting materials not later than 12:00 noon three (3) days before the meeting.
- 5.10 Late submissions for the Agenda after the agenda has been established will require the justification or the urgent nature of the late submission and will require the Mayor's and CAO's approval; otherwise, the submission may be postponed to the Agenda of the next Regular Meeting.
- 5.11 Proposed late additions or deletions to the agenda will be provided in writing to the CAO prior to the meeting being called to order.
- 5.12 No late submission may be added to an Agenda after the adoption of the Agenda unless approved unanimously by resolution of Council.

6. MEETINGS OF COUNCIL:

- 6.1 As soon after the scheduled hour of the Council or Committee meeting to commence there is quorum present, the Mayor, Deputy Mayor or Chair will call the meeting to order.
- 6.2 In case the Mayor, Deputy Mayor or Chair is not in attendance within fifteen minutes after the hour appointed for a Council meeting and a quorum is present, the CAO will call the



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meeting to order and a chairperson will be chosen by the Members present who will then preside over the meeting until the arrival of the Mayor, Deputy Mayor or Chair.

6.3 If there is no quorum present within half an hour after the time appointed for the meeting, the CAO will record the names of the Members who are present and the meetings will be absolutely adjourned until the next regularly scheduled meetings unless a special meeting has been duly called in the meantime.

6.4 The time and date of the regular meeting of Council and the meeting location may be changed by two-thirds (2/3) of all members of Council.

6.5 Regular meetings shall adjourn by 10:30 p.m., if in session at that hour, unless council passes a motion to extend the meeting by a two-thirds (2/3) vote.

7. MOTIONS:

7.1 The content of any Request for Decision submitted to Council or a committee for consideration may be discussed prior to putting forth a motion, as an informal process. The Administrative option presented to the Members does not constitute a motion unless a Member expressly moves an option as a motion. The information presented to the Members is intended to provide background and analyze possible solutions or responses to the issue. This process permits the Members to have the opportunity to engage in a full discussion and may then develop a consensus regarding the issue prior to putting for a motion.

7.2 After receiving a motion from a Member the Mayor or Chair states the motion and calls for discussion or debate. Every Member wishing to speak to a questions or motion must address the Mayor or Chair.

7.3 The Mayor or Chair has the authority to set a time limit and the number of times that a Member may speak on the same question or resolution having due regard to the importance of the matter. Time limit will be ten minutes for delegations and members.

- (i) All motions will be read by the Mayor, Chair, or designate before being voted on.
- (ii) A motion submitted to the Members does not need a seconder.

7.4 When a motion has been made and is being considered by the Members, no other motion may be made and accepted, except a motion to:

- (i) refer the main question to some other person or group for consideration;
- (ii) amend the main question;
- (iii) table to main question;
- (iv) postpone the main question to some future time;
- (v) adjourn the meeting, provided that a motion to table shall not be debated except as to the time when the matter will again be considered.

7.5 Wherever practicable, Negative Motions to the Members will not be presented for consideration. A recommendation that is intended to not take action should be worded utilizing active language (ie. In the case of a request to not grant a request, word as “decline the request for ...”), otherwise, the recommendation should be to vote against an action.

7.6 After any question is finally put by the Mayor or Chair, no member will speak to the question, nor will any other motion be made until after the result of the vote has been declared. The decision of the Mayor or Chair as to whether the question has been finally put will be conclusive.



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- 7.7 Voting on all matters must be conducted as follows, to ensure that the votes may easily be counted by the Mayor or Chair:
- (a) Except for a meeting conducted through electronic or other communication facilities, Members must be in their designated seat at the meeting when the motion is considered.
 - (b) The Mayor or Chair requests that a motion be put forward for a vote. The Member's name putting forward the motion must be clearly stated for recording purposes.
 - (c) Members vote by a show of hands or other method agreed to by the Members
 - (d) The Mayor or Chair clearly declares the result of the vote for recording purposes.
 - (e) A motion is carried when a majority of Members present at a meeting vote in favour of the motion, unless otherwise specified in this bylaw.
- 7.8 After the Mayor or Chair declares the result of the vote, Members may not change their vote for any reason.
- (a) A question on the results of a vote may be resolved by the Mayor or Chair immediately calling for a revote on the motion.
 - (b) A motion is lost when the vote does not receive the required number of votes or when the vote is tied.
- 8. BYLAWS:**
- 8.1 A proposed bylaw will be introduced at a Council meeting by a motion that the bylaw be read a first time.
- 8.2 After first reading has been given, subject to the requirements of the Municipal Government Act, any Councillor may move that the bylaw be read a second time.
- 8.3 Council may not give a bylaw more than two readings at a meeting unless unanimous consent is granted by the Council Members present at the meeting vote in favour of allowing a third reading at the meeting.
- 8.4 Any amendments to the bylaw which are carried prior to the vote on third reading will be considered to have been given first and second reading and will be incorporated into the proposed bylaw.
- 8.5 If a bylaw is defeated on the third reading the previous readings are rescinded.
- 8.6 A bylaw is rescinded if the bylaw does not receive third reading within two years from the date of the first reading.
- 8.7 Council hereby authorizes the CAO or a designated officer to consolidate one or more of the bylaws of the municipality.

9. PUBLIC HEARINGS:

- 9.1 Statutory Public Hearings will be held in conjunction with a Regular Council Meeting and scheduled within the agenda under "Presentations",
- 9.2 **Adjourn** used in relation to a Public Hearing, means to take a break in the Public Hearing with the intent of returning to the Public Hearing at another meeting.



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- 9.3 **Close** used in relation to a Public Hearing, means to terminate the Public Hearing.
- 9.4 At the commencement of a Public Hearing, the Mayor shall:
- (i) State the matter to be considered at the hearing;
 - (ii) Confirm that the Public Hearing has been advertised in accordance with the Act,
 - (iii) Ask the CAO or designated officer if any letters in support or opposition have been received,
 - (iv) Request the CAO or designated officer to present a report on the issue at hand,
 - (v) Allow the applicant(s) and/or their representative(s) up to ten minutes to present their position, exclusive of the time required to answer question put forward by Council, unless granted a time extension by Council.
- 9.5 The Mayor will inquire if there are any person(s) or group(s) present who claim to be affected by the subject matter of the Public Hearing; if so, they shall be afforded an opportunity to speak to Council. Any person wishing to speak must clearly state their names for recording in the minutes.
- 9.6 The Mayor will allow an opportunity for all persons to respond to any new information that has arisen.
- 9.7 If a person is unable to attend a Public Hearing, that person may authorize an individual to speak on their behalf. The authorization must:
- (i) Be in legible writing,
 - (ii) Name the individual authorized to speak,
 - (iii) Indicate the proposed bylaw to be spoken to, and
 - (iv) Be signed by the person giving the information.
- 9.8 The authorized speaker must state the name of the person that the speaker represents and present the written authorization to the CAO, or delegate.
- 9.9 No one person shall address Council for more than five (5) minutes, exclusive of the time required to answer questions put forward by Council, unless granted a time extension by Council.
- 9.10 No person representing a group shall address Council for more than ten (10) minutes, exclusive of the time required to answer questions put forward by Council, unless granted a time extension by Council.
- 9.11 The Mayor shall ascertain that there are no more written or oral submissions.
- 9.12 The Mayor shall ascertain of the Members are satisfied that they have obtained sufficient information.
- 9.13 The Mayor will ask the CAO or designated officer to make any closing comments if any.
- 9.14 If there is more than one public hearing on the agenda, the Mayor shall adjourn or close one Public Hearing before opening another Public Hearing.
- 9.15 If a Public Hearing is adjourned, Council shall not receive any additional submissions in relation to the subject matter unless it re-opens the Public Hearing.



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- 9.16 If a Public Hearing is closed, Council shall not receive any additional submission from the Public in relation to the subject matter, until it has voted on the subject matter of the Public Hearing.
- 9.17 Persons interested in speaking at a Public Hearing may register with the CAO prior to the Public Hearing. Names of the registered speakers for a Public Hearing will be released to the public with the Council agenda packages.
- 9.18 Persons interested in providing a written submission may provide the CAO with their submission prior to 12:00 noon of the Monday of the week preceding the Public Hearing. These submissions will be released with Council agenda packages. Council will accept written information on the date of the Public Hearing.
- 9.19 Council may change the date, time and place of a Public Hearing by resolution. If any of the date, time or place is changed, the public hearing must be re-advertised, as per the provisions of the Act.
- 9.20 Council may cancel a Public Hearing by resolution.
- 9.21 The Mayor or Deputy Mayor shall chair all Public Hearings
- 9.22 The minutes of a Public Hearing shall record:
- (i) The names of Administration and the applicant, or representatives of the applicant, who are present at the Public Hearing, and
 - (ii) The names of members of the public who provided written and/or verbal submissions, along with a general indication of support, opposition, or neutrality, but not a summary of the presentation and/or a copy of any written materials provided.

10. CONDUCT AT MEETINGS:

- 10.1 **Public Conduct** – During any Council or Committee meeting members of the public will:
- (i) Not approach or speak to the Member without permission of the Mayor or Chair,
 - (ii) Not speak on any matter for longer than 10 minutes unless permitted by the Mayor or Chair,
 - (iii) The Mayor or Chair, with the approval by resolution of the members, may authorize a person in the public gallery to address members only on the topic being discussed at that time and within the time limits specified by the presiding officer.
 - (iv) Maintain order and quiet,
 - (v) Not interrupt a speech or action of the Members or another person addressing the Members.
- 10.2 The Mayor or Chair may order a member of the public who creates a disturbance or acts improperly at a meeting to be expelled.
- 10.3 **Member Conduct** – During a Council or Committee meeting, members will adhere to the Council's or Committee Members Code of Conduct Policy and will not:
- (i) Speak disrespectfully, use offensive words, or unparliamentarily language in Council
 - (ii) Address member without permission,



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- (iii) Carry on a private conversation
- (iv) Break the rules of Council or Committees or disturb the proceedings,
- (v) Leave their seat or make any noise or disturbance while a vote is being taken or the result declared,
- (vi) Disobey the decision of the Mayor or Chair on any questions of order, practice or interpretation.

11. MEETINGS HELD BY ELECTRONIC MEANS:

11.1 The Town of Slavely may hold Council or Council Committee meetings by using electronic means such as telephone or internet conferencing. Before a meeting can be held by electronic means the following conditions must be met:

- (i) Provide notice to the public of the meeting including how the meeting will be conducted;
- (ii) the facilities must enable the public to hear all meeting participants at the place specified in the notice and the CAO must be present at that place; and
- (iii) the facilities must permit all participants to communicate adequately with each other during the meetings.

11.2 Members may attend a Council or Committee meeting by means of electronic communication. Any Member participating by electronic means is deemed present at the meeting. Acceptable alternatives include through use of a telephone with conference call capabilities (speaker), ensuring that dialogue is available for both parties; through use of a personal computer, or other means as technology advances. The minutes of the meeting shall reflect the attendance of any Member as per electronic means.

11.3 A Member may attend meetings by means of electronic communication to a maximum of two (2) times per calendar year, unless otherwise approved by the Mayor.

11.4 A 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, and recorded in the minutes accordingly. The Mayor, Deputy-Mayor or Chair shall announce to those in attendance at the Meeting a Member is attending the means of electronic communications.

12. COMMITTEES:

12.1 Standing Committees of Council shall be established by Bylaw which will specify the terms of reference for the Committee, including matters to be dealt with by the Committee.

12.2 Special or Ad Hoc Committees shall be established by Bylaw which will specify the terms of reference, including matters to be dealt with by the committee, and a time frame for the duration of the Committee, if applicable.

12.3 Special and Ad Hoc Committees may be comprised entirely of Councillors or a combination of Councillors, staff and other Public Members-at-large.

12.4 Special and Ad Hoc Committees may elect from its membership a chairperson to preside over the meetings and a secretary to record the minutes of the meeting.

12.5 It will be the duty of the chairperson of each Standing, Special or Ad Hoc Committee, or in case of their illness or absence from the town, it will be the duty of the CAO to



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summon a special meeting of any committee whenever requested in writing to do so by the majority of members of any such committee.

- 12.6 Any matter of meeting conduct of Special and Ad Hoc Committees must be in accordance with this Bylaw as well as the Town of Stavely Code of Conduct Bylaw for Council Members.

With the passing of this By-law, By-Law No. 745 is hereby repealed.

This Bylaw will come into full force and effect upon the date of its final reading and signing thereof.

Read a First time this 17th day of AUGUST, 2020.

Read a Second time this 14th day of SEPTEMBER, 2020.

Unanimous consent given to present for third reading this 14th day of SEPTEMBER, 2020.

Read a Third time this 14th day of SEPTEMBER, 2020.

TOWN OF STAVELY



Mayor / Deputy Mayor



Chief Administrative Officer