

SUMMER VILLAGE OF BIRCH COVE

BY-LAW NO. 117-13 - THE PROCEDURE BYLAW

A By-law of the Summer Village of Birch Cove in the Province of Alberta to Regulate the Procedure and Conduct of Council and Council Committee Meetings.

WHEREAS, the Council of the Summer Village of Birch Cove considers it expedient and desirable for effective governance to regulate the procedure and conduct of council, councillors and others attending council and council committee meetings in the Summer Village of Birch Cove;

NOW THEREFORE, the Council of the Summer Village of Birch Cove hereby enacts as follows:

Citation

1. This Bylaw may be cited as the “The Procedure Bylaw”.

Definitions

2. In this bylaw:
 - a) "delegation" means any person 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.
 - b) CAO means the chief administrative officer or his delegate, for the Summer Village of Birch Cove.
 - c) “Council” means the Mayor and Councillors of the Summer Village of Birch Cove for the time being elected pursuant to the provisions of the Local Authorities Election Act and the Municipal Government Act whose term is unexpired, who have not resigned and who continue to be eligible to hold office under the terms of the related provincial legislation;
 - d) “Deputy Mayor” shall mean the member selected by Council to preside at a meeting of Council in the absence of the Mayor;
 - e) “Mayor” shall mean the member selected by Council at the Organizational meeting to hold that position and to preside at a meeting of Council;
 - f) "member" means a councillor or person at large appointed by council to a committee of council.
 - g) "meetings" means meetings of council and council committees.

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- h) "Municipality" means the Municipality of the Summer Village of Birch Cove, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality;

Applicable

3. This bylaw applies to all members attending meetings of council and committees established by council of the Municipality;

Severability

4. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid;

Meetings

5. The regular meetings of council shall be established by resolution of council at its annual organizational meeting.
6. Special meetings of council shall be established as required by council according to the provisions of the Municipal Government Act and the public shall be given notice.
7. The meetings of council committees shall be established by resolution of each committee and the public must be given notice or advertised as required by the provisions of the Municipal Government Act.
8. Regular meetings of council shall begin at a time established by resolution of Council at its annual organizational meeting.
9. The times for the beginning of council committee meetings shall be set by resolution of each committee.
10. As soon after the hour of which the meeting was called, and a quorum is present, the Mayor shall take the chair and call the meeting to order.
11. In a case where the Mayor is not in attendance within fifteen (15) minutes after the hour of which the meeting was called, and a quorum is present, the Deputy Mayor shall call the meeting to order.

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12. If a quorum is not present within thirty (30) minutes after the time fixed for the meeting, the CAO shall record the names of the members present and the meeting shall stand adjourned until the next meeting;

Conduct of Meetings

13. Each member or delegate, as the case may be, shall address the chair but shall not speak until recognized by the chair.
14. The presiding officer 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.
15. A resolution does not require a seconder.
16. A resolution may be withdrawn at any time before voting subject to no objection from any member, as the case may be.
17. The following resolutions are not debatable by members:
 - a) adjournment
 - b) to take a recess
 - c) question of privilege
 - d) point of order
 - e) to limit debate on a matter before members
 - f) on division of a question
 - g) postpone the matter to a time certain
 - h) to table the matter until later in the meeting
18. The Mayor or presiding officer may enter into any debate and make resolutions in the same manner as any member without relinquishing the chair.
19. Where an issue has been brought before Council, the same issue cannot be tabled more than three times.
20. Where a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member so requests or when the presiding chair so directs.

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21. Whenever the presiding officer is of the opinion that a motion is contrary to the rules and privileges of council, he shall inform the member thereof immediately, before putting the question, and shall cite his reasons applicable to the case without argument or comment.
22. The Mayor or presiding officer shall preserve order and decorum and shall decide questions of order, subject to an appeal to the council by resolution. Decisions of the presiding officer shall be final unless reversed or altered by a majority vote of members present.
23. In all cases not provided for in the proceedings of the council, a two-thirds majority of council shall determine to uphold the ruling of the presiding officer or not as the case may be.
24. When a motion has been made and is being considered by Council no other motion may be made and accepted, except:
 - a) a motion to refer the main question to some other person or group for consideration
 - b) a motion to amend the main question
 - c) a motion to table the main question
 - d) a motion to postpone the main question to some future time
 - e) a motion to 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.
25. After any question is finally put by the Mayor or other presiding officer no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared. The decision of the Mayor or the presiding officer as to whether the question has been finally put shall be conclusive.
26. Any member of the Council can call for a recorded vote, the names of those who vote for and those who vote against the motion shall be entered in the minutes. A request for a recorded vote must precede the voting on a motion.
27. Voting on all matters shall be done by rising of the hand in such a clear manner that they may be easily counted by the presiding officer.

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28. “in camera meeting”. Council and council committees may close all or part of their meeting to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 Part 1 of the Freedom of Information and Protection of Privacy Act. A motion is required by Council to go ‘in camera’ and a motion is required by Council to come out of ‘in camera’. The minutes of the meeting should record who made the motions and the time they were made. No resolution or bylaw may be passed during the ‘in camera meeting’. Council must resume the public meeting to pass any resolutions or bylaws.
29. Council may adjourn from time to time to a fixed future date any regular or special meeting of Council that has been duly convened but not terminated. The object of adjourning is to finish the business that the meeting was called to transact in the first place but which has not been completed;

Delegations

30. A person or a representative of any delegation or group of persons who wish to bring any matter to the attention of council, or who wish to have any matter considered by council shall address a letter or other written communication to the council outlining the subject to be discussed. The letter shall be signed by the correct name of the writer; the address of the writer, and delivered or mailed to the CAO. The letter must arrive at least at 1:00 pm on a business day at least five (5) days immediately preceding the meeting at which it is to be presented. If the person wishes to appear before council on the matter it shall be stated in the letter.
31. Delegates shall be granted a maximum of five (5) minutes to present the matter outlined in the letter. Where the presiding officer determines that additional time shall be granted to a delegation the length of the extension shall be specified and the presiding officer may limit the time. The number of times that a member or delegate may speak on the same question or resolution is three (3) times, having due regard to the importance of the matter.
32. Delegations that have not submitted a letter in accordance with section 29 may be granted a brief opportunity to outline the matter they wish to present to council, and following that outline, the presiding officer and members shall determine if the delegation is to be granted time under section 30 to present the matter outlined.

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33. Members of the public who constitute the gallery in the Council Chambers during a Council meeting may not address Council without permission of the Council, shall maintain order and quiet, and shall not applaud or otherwise interrupt any speech or action of members of Council. Should the behaviour of a member or members of the gallery become unruly, they shall be required to leave the meeting immediately.
34. Council shall hear all delegations who have brought their items of business onto the agenda in the order in which they are placed on the agenda or the order may be changed by a majority vote of members present. All rules of Council in this Bylaw shall apply to each and every member of the delegation. Delegations shall have fifteen (15) minutes for presentation;

Rules of Order

35. Any matter of meeting conduct which is not herein provided for shall be determined in accordance with "Roberts Rules of Order";

Agenda and Order of Business

36. Prior to each meeting, the CAO shall prepare a statement of the order of business to be known as the "Agenda" of all matters to be brought before council. To enable the CAO to do so, all documents and notice of delegation, intended to be submitted to the council, shall be received by the CAO not later than 1:00 pm on a business day at least five (5) business days before the meeting.
37. The CAO shall deliver to each councillor via mail, email, fax, or courier, a copy of the agenda and all supporting materials not later than 4:30 pm four (4) calendar days before the meeting day.
38. Where the deadlines in section 36 and 37 are not met, the agenda and support materials shall be deemed to be acceptable when the agenda is adopted at the meeting.

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39. The business intended to be dealt with shall be stated in the agenda in the following order where applicable:
1. Call to Order
 2. Adoption of agenda
 3. Adoption of the previous minutes
 4. Public Hearings
 5. Delegations
 6. Business arising out of the minutes
 7. Bylaws
 8. New Business
 9. Financial
 10. Correspondence
 11. Councillor Reports
 12. Chief Administrative Officer Report
 13. Confidential Items
 14. Adjournment
40. The order of business established in section 38 shall apply unless altered by the presiding officer with no objection from members, or otherwise determined by a majority vote of the members present, and the vote upon a matter of priority of business shall be decided without debate.
41. Standing Committees of Council shall be established and governed by policy or bylaw approved by council. Where appropriate authority is delegated to a Standing Committee, such committee and its mandate shall be established by bylaw;

Recording of the Minutes

42. The Municipal Administrator may delegate any duties to a recording secretary but shall accept all responsibilities of the duties.
43. If a member of Council arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, it shall be so recorded in the minutes.

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44. After each meeting, the CAO shall prepare a statement of what was done at the meeting which will be known as the "Minutes" of the meeting. The minutes will be the written record of the proceedings of the meeting and will be a record of what was done at the meeting, and not what was said at the meeting;

Bylaws

45. Where a bylaw is presented to Council for enactment, the Municipal Administrator shall cause the number and the short title of the bylaw to appear on the Agenda in the appropriate place.
46. Every bylaw shall have three readings.
47. After a member has made the motion for the second reading of the bylaw Council may:
 - a) debate the substance of the bylaw; and
 - b) propose and consider amendments to the bylaw.
48. 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 bylaw.
49. Unless the members present at a meeting unanimously agree that a bylaw may be presented to Council for a third reading at the same meeting at which it has received two readings, the bylaw shall not be given more than two readings at one meeting.
50. Where required by provincial statute, a bylaw shall be advertised or submitted to the electorate for voting as set out in the relevant statutes.
51. Bylaws shall not be repealed, amended or suspended, except so far as the terms thereof themselves permit, unless it is repealed, amended or suspended by:
 - a) a Bylaw unanimously passed at a regular or special meeting of the Council at which all members thereof are present; or
 - b) a Bylaw passed at a regular meeting of Council, pursuant to a notice in writing given and openly announced at the preceding meeting of the Council and setting out the terms of the substantial effect of the proposed Bylaw.

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This Bylaw comes into full force and effect upon third and final reading.
This Bylaw repeals Bylaw # 84-08.

Read a first time this 13th day of September, 2013.

Read a second time this 13th day of September, 2013.

Read a third time and duly passed this 13th day of September, 2013.

Signed this 13th day of September, 2013.

Mayor Eugene Dugan

Municipal Administrator Dennis Evans