
**A BYLAW 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;

AND WHEREAS, the Council of the Summer Village of Birch Cove recognizes the need to promote effective participation in local governance by all stakeholders, including Councillors, administration, formal delegations before Council and committees, and the public in general, and therefore is agreeable to accommodating electronic means of participation herein, in accordance with Section 199 of the Municipal Government Act;

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) “CAO” means the Chief Administrative Officer or their delegate, for the Summer Village of Birch Cove
 - b) “Closed Meeting” means a part of the meeting closed to the public at which no resolution or Bylaw may be passed, except a resolution to revert to a meeting held in public;
 - 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) "Delegation" means any person that has permission of Council or the CAO to appear before Council or a committee of Council

to provide pertinent information and views about the subject before Council or Council committee.

- e) "Deputy Mayor" shall mean the member selected by Council to preside at a meeting of Council in the absence of the Mayor;
- f) "Electronic Means" shall be as defined in the *Municipal Government Act*, Section 199(1)(a), specifically meaning an electronic or telephonic communication method that enables all persons attending a meeting to hear and communicate with each other during the course of the meeting;
- g) "FOIPP" means the Freedom of Information and Protection of Privacy Act of Alberta;
- h) "Mayor" shall mean the member selected by Council at the Organizational meeting to hold that position and to preside at a meeting of Council;
- i) "Member" means a Councillor or person at large appointed by Council to a committee of Council.
- j) "Meetings" means meetings of Council and Council committees, and in keeping with the interpretation of Section 199(1)(b) of the *Municipal Government Act*, shall include hearings;
- k) "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;
- l) "Virtual Participation" means, in reference to participation in a meeting, attendance through an approved Electronic Means of communication

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;

General

- 5. The General Duties of Council shall adhere to the duties and responsibilities contained within Section 153 of the MGA as set out in Appendix A.

6. The General Duties of the Chief Elected Official shall adhere to the duties and responsibilities contained within Section 154 of the MGA as set out in Appendix B.
7. No Member of Council shall direct or interfere with the performance of any work for the Municipality and shall seek all information through the office of the Chief Administrative Officer or their designate.
8. Members of Council shall subscribe to the Code of Conduct for Members of Council as set out in the Summer Village of Birch Cove's Code of Conduct Bylaw.
9. A breach of any section of this Bylaw by any Member of Council may place the Member of Council in the position of censure by Council.
10. Public Hearings held with respect to Bylaws, when required or when requested by Council, will be held prior to second reading, Public Hearings shall be conducted in accordance with the procedures as set out in Appendix C.

Meetings

11. The regular meetings of Council shall be established by resolution of Council at its annual organizational meeting and shall prescribe the intended date (or recurring day of the month), time and location of the meeting, respecting the availability of current Council and the expressed desire to make public engagement as convenient as reasonably possible.
12. 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.
13. Council, by resolution, may establish other Council meeting dates.
14. 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*.
15. The times for the beginning of Council committee meetings shall be set by resolution of each committee.
16. 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.

17. 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.
18. 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;
19. Recordings: Council or Council committee meetings may not be filmed or voice-recorded.
20. Other Recordings: Any other person may not use a mechanical or electronic recording device at a public Council or Council Committee Meeting or a Public Hearing. All such devices must be removed from the meeting room.
21. Recording Devices: No concealed electronic recording devices, including but not limited to cellular telephones, are permitted at any meetings.

Conduct of Meetings

22. Each member or delegate, as the case may be, shall address the chair but shall not speak until recognized by the chair.
23. 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.
24. A resolution does not require a seconder.
25. A resolution may be withdrawn at any time before voting subject to no objection from any member, as the case may be.
26. 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

27. The Mayor or presiding officer may enter into any debate and make resolutions in the same manner as any member without relinquishing the chair.
28. Where an issue has been brought before Council, the same issue cannot be tabled more than three times.
29. Where a matter or issue has been brought before Council, the same matter or issue cannot be heard more than three times unless there is new information being presented about the issue or matter.
30. 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.
31. Whenever the presiding officer is of the opinion that a motion is contrary to the rules and privileges of Council, he/she shall inform the member thereof immediately, before putting the question, and shall cite his reasons applicable to the case without argument or comment.
32. 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.
33. 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.
34. 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.
35. 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.

36. 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.
37. Voting on all matters shall be done by raising of the hand in such a clear manner that they may be easily counted by the presiding officer. Where applicable, such as in an electronic meeting, verbal confirmation of Member votes shall be offered at the prompt of the Chair; in such cases votes in favour shall be called out as “aye” and votes in opposition to the motion shall be called out as “nay.”
38. 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.
39. A formal motion will be made to go to a “Closed Meeting” session, identifying Division 2 Parts 16 to 29 (Exceptions to Disclosure) of the *Freedom of Information and Privacy Act*. Confidential items can include items under Division 2 Parts 16 to 29 of the Freedom of Information and Privacy Act and as identified within the Municipal Government Act under Section 197, as confidential items of discussion between Council, Administration and invited persons. When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting of a Council or Council committee held in public. No minutes, notes, or recordings of the discussions will take place and any printed reports provided to Council will be retrieved by the CAO. After the closed meeting discussions are completed, any members of the public who are present outside the meeting room must be notified that the rest of the meeting is now open to the public, and a reasonable amount of time must be given for those members of the public to return to the meeting before it continues. Where a Council or Council committee closes all or part of a meeting to the public, the Council or Council 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 in attendance.

Delegations

40. 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, the phone number of the writer and, if available, the email 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.

41. Delegates shall be granted a maximum of fifteen (15) 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.
42. Delegations that have not submitted a letter in accordance with section 41 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 42 to present the matter outlined.
43. 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.
44. 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;

Provision for Attendance and Participation by Electronic Means

45. In accordance with the provisions of Section 199 of the *Municipal Government Act*, Council herein provides that meetings of Council, including committee meetings and public hearings, may be conducted by Electronic Means, when deemed necessary to do so for the effective and expedient governance of the municipality and engagement with the public, at the discretion of Council.

- a. In exercising its discretion, Council may provide for the following meetings inclusive of Electronic means:
 - i. A full virtual meeting, by which all parties that are, or may wish to be, participating in the meeting shall have a common point of access to the virtual meeting through approved electronic means; or,
 - ii. A hybrid virtual meeting, at which some of the participants may be authorized to participate through approved electronic means. The availability of a hybrid virtual meeting does not create an obligation, nor does it restrict the ability, to provide virtual access to the general public as in the hybrid model the Council chamber remains an effective point of access for the general public.
- b. In exercising its discretion, Council shall prioritize the use of hybrid, rather than full, virtual meetings such that where possible the use of electronic means is limited to use by those active parties in the meeting, including councillors, administration and formal delegations who cannot be in physical attendance.
- c. In all cases, Electronic Means shall be used only when and where the location of remote access is able to support its use. The ability to access remotely is not a guarantee that access will be assured or that business will be detained for input by those with in intermittent connection.
- d. A Councillor shall be deemed present for the meeting for the duration of the meeting, in all or in portions, for which their connection is active.
- e. The Presiding Officer shall, on the Call to Order of the meeting, declare to the meeting that there is, or may be, participation by Electronic Means, and shall ask the recording secretary to confirm any virtual attendees by seeking confirmation of:
 - i.. Those voting members of Councillors present;
 - ii. Those administration present;
 - iii. Those delegations that may be present; and
 - iv. The general count of those public present.

46. In providing for Electronic Means, the Council authorizes the following electronic means for virtual participation in meetings:

- a) Telephone participation, both traditional landline and cellular

Municipal Government Act RSA 2000 Chapter M-26
Part 5, Section 145, 199

- mobile participation;
- b) Personal or Work Computer or Tablet, via virtual participation applications or programs initiated by the municipality;
 - c) Other means as may become commonly accepted and deemed safe by the municipality as technology advances.
 - d) The access codes or numbers for participating electronically shall be distributed along with the agenda of the meeting in the same manner by which the agenda is circulated (email, website, and/or contained on the physical copy of the agenda).
47. In participating by Electronic Means, a Councillor shall be required to make their presence known in accordance with the following:
- a) On initially joining the meeting, shall declare their full name to the acknowledgement of the Chair of the meeting, and if possible confirm their participation by live video display.
 - b) When participating making a motion, or participating in debate, the virtually attending member shall verbally request the floor from the Chair, and may be assisted in garnering the attention of the Chair by the moderator or recoding secretary or other administrative officer present in the meeting.
 - c) When speaking, and when voting on matters, the virtually attending member should, when feasible pending service connection, turn their live display video on.
 - d) In voting on a matter, the virtually attending party, or parties, shall be called on by the Chair to give their vote verbally, one at a time, following the call of the question and voting by those parties that may be attending the meeting physically.
 - e) If the matter being voted on is a question requiring a secret ballot, the virtually attending party, or parties, shall be permitted to either email or text message their ballot to the Chief Administrative Officer, or Designated Officer or Clerk, and have it received and counted as in the normal fashion. In exercising this option, virtually attending members shall be permitted not more than 5 minutes from the time voting is declared "open" by the Chair to submit their vote; late receipts will not be accepted and shall be deemed an absent vote.
 - f) When a Council member or other participant is included in a

Closed Session meeting and participating by Electronic Means, the virtually attending member shall be asked to confirm that they are attending the Closed Session alone and shall be required to submit a statutory declaration or sworn affidavit regarding same sworn before the Chief Administrative Officer, a designated Municipal Clerk, or Commissioner for Oaths, prior to the next Council meeting.

48. When making access by Electronic Means available to the general public:
- a) The access codes and numbers for the approved Electronic Means shall be contained within the meeting notice and agenda for the meeting and distributed by the same means used to circulate the notice of meeting and agenda.
 - b) Except where public participation is expressly allowed, such as a public hearing, public participants shall be muted and may be disconnected from the meeting by the moderator of the meeting for disruptions due to noise, unauthorized comment or any disruptions which hampers the effective conduct of the meeting, at the discretion of the Chair.
 - c) Where public participation does involve receiving comment from the public, such as in a public hearing or open gallery provision, comments will be received verbally in a manner of order determined by the Chief Administrative Officer based first on requests to speak received before the meeting, concurrently during the meeting (for example in the "chat box" of the electronic means platform, and then finally any last comments arising from the floor. The conduct of these comments shall be respectful and follow the same decorum and process as if made in physical attendance.

Rules of Order

49. 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

50. 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.

51. The CAO shall place at the disposal of each member a copy of the agenda and all supporting materials not later than 4:30 p.m. two (2) days before the meeting.
52. Where the deadlines in section 50 and 51 are not met, the agenda and support materials shall be deemed to be acceptable when the agenda is adopted at the meeting.
53. 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
54. The order of business established in section 53 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.
55. 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

56. The CAO may delegate any duties to a recording secretary but shall accept all responsibilities of the duties.
57. 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.

58. 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

59. Where a bylaw is presented to Council for enactment, the CAO shall cause the number and the short title of the bylaw to appear on the Agenda in the appropriate place.
60. Every bylaw shall have three separate and distinct readings.
61. 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.
62. 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.
63. 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.
64. Where required by provincial statute, a bylaw shall be advertised or submitted to the electorate for voting as set out in the relevant statutes.
65. 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.

Website

66. The regular Council Meeting agenda will be posted on the Summer Village website prior to the Council meeting after it is prepared and distributed to Council.
67. Special Council Meeting agendas will be posted on the Summer Village website prior to the Special Council Meeting after it is prepared and distributed to Council.
68. Approved minutes are to be posted on the Summer Village website within seven (7) business days of the meeting, or as soon as reasonably practicable.
69. Other items will be posted on the Summer Village website as directed by the CAO or designate.

This Bylaw repeals Bylaw 152-22 and comes into full force and effect upon third and final reading.

READ a first time this 18th day of January, 2024

READ a second time this 18th day of January, 2024

READ a third time and duly passed this 18th day of January, 2024

Signed this 18th day of January, 2024.

Mayor Steven Tymafichuk

Chief Administrative Officer, Wendy Wildman

SUMMER VILLAGE OF BIRCH COVE
APPENDIX A

Municipal Government Act Division 3
Duties, Titles and Oaths of Councillors

General duties of Councillors
153

Councillors have the following duties:

- (a) To consider the welfare and interests of the municipality as a whole and to bring to Council's attention anything that would promote the welfare or interests of the municipality;
 - (a.1) to promote an integrated and strategic approach to intermunicipal land use planning and service delivery with neighbouring municipalities;
- (b) To participate generally in developing and evaluating the policies and programs of the municipality;
- (c) To participate in Council meetings and Council committee meetings and meetings of other bodies in which they are appointed by the Council;
- (d) To obtain information about the operation or administration of the municipality from the Chief Administrative Officer;
- (e) To keep in confidence matters discussed in private at a Council or Council committee meeting until discussed at a meeting held in public
 - (e.1) to adhere to the code of conduct established by the Council under Section 146.1(1);
- (f) To perform any other duty or function imposed on Councillors by this or any other enactment or by the Council

SUMMER VILLAGE OF BIRCH COVE
APPENDIX B

Municipal Government Act Division 3
Duties, Titles and Oaths of Councillors

General duties of Chief Elected Official
154

- (1) A Chief Elected Official, in addition to performing the duties of a Councillor, must:
 - (a) Preside when in attendance at a Council meeting unless a bylaw provides that another Councillor or other person is to preside, and
 - (b) Perform any other duty imposed on a Chief Elected Official by this or any other enactment or bylaw
- (2) The Chief Elected Official is a member of all Council committees and all bodies to which Council has the right to appoint members under this Act, unless the Council provides otherwise
- (3) Despite subsection (2), the Chief Elected Official may be a member of a board, commission, subdivision authority or development authority established under Part 17 only if the Chief Elected Official is appointed in the Chief Elected Official's personal name.

SUMMER VILLAGE OF BIRCH COVE
APPENDIX C

Public Hearing Procedure

Policy

Council may adopt a procedure for statutory public hearings.

Council shall abide by the underlying principles for statutory public hearings. The process will adhere as closely to the procedures outlined as possible although Council may adjust the process in order to accommodate a smooth flow of the proceedings provided that there is adherence to the underlying principles.

Council may follow this process for those non-statutory public hearings on issues that Council determines would benefit from public input.

Public Hearing Principles:

These principles shall apply only to the process for bylaws or resolutions that require a public hearing or that Council determines would benefit from a public hearing, and not to other bylaws or resolutions:

1. Council shall hear any person, group of persons, or persons representing them, who claims to be affected by a proposed bylaw or resolution and who has complied with the procedures outlined by Council.
2. Council, by majority vote, may decide to hear from any person other than those outlined in principal number 1.
3. The public hearing shall be held at a regular or special meeting of Council.
4. The public hearing shall be held before second reading of a bylaw or before Council votes on a resolution.
5. After the public hearing, Council may pass the bylaw or resolution, or make any amendments that it considers necessary.
6. If Council determines that the amendments to a bylaw or resolution that requires a statutory public hearing have changed the intent of the bylaw, Council shall re-advertise the public hearing, and commence with first reading of the bylaw again.

Public Hearing Procedures

Definitions

1. "Chairman" refers to the Presiding Officer officiating the Public Hearing
2. "Secretary" refers to the CAO or his/her designate

SUMMER VILLAGE OF BIRCH COVE PUBLIC HEARING

Date Time

Bylaw #

INTRODUCTIONS AND PROCEDURES

1. (Chairman) "The following Public Hearing is held pursuant to the Municipal Government Act"
2. (Chairman) "The following rules of conduct will be followed during the Public Hearing:

Presentation should be brief and to the point

The order of presentation shall be

- o Entry of written submission
- o Comments from the *****
- o Those supporting the Bylaw
- o Those opposing the Bylaw
- o Any other person deemed to be affected by the Bylaw

The Public Hearing purpose is "to receive comments from any interested parties on the proposed Bylaws"

"I declare the Public Hearing relating to Bylaw ***** open"

3. (Secretary) "The purpose of Bylaw *** is to amend *****.

First Reading was given to Bylaw *** on (insert date)

Notice of this Public Hearing was advertised on the website, on the (insert various method of advertising) in the week of (insert date)

The following written comments have been received to (insert date)

4. (Chairman) "Are there any late written submissions relating to the Bylaw?"
(note: if there are any, the secretary to read letter into record)
"Comments from the ** Department"

"Is there anyone who supports the Bylaw and wishes to speak?" "Is there anyone who opposes the Bylaw and wishes to speak?"

5. (Chairman) “Are there any further comments from the *** Department?”
6. (Chairman) “Do the Councillors have further questions?”
7. (Chairman) “If not, I hereby declare this Public Hearing relating to Bylaw *** be closed and will adjourn this Public Hearing.”