

Town of Mayerthorpe
Province of Alberta
Canada

BYLAW NO. 1152

A BYLAW OF THE TOWN OF MAYERTHORPE, IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEEDINGS OF COUNCIL MEETINGS AND THE TRANSACTING OF BUSINESS BY COUNCIL FOR THE MUNICIPALITY

WHEREAS, it is Council's desire to establish and follow a process and procedure of municipal governance that reflects an open, transparent government where decisions are made after all information has been provided;

WHEREAS, pursuant to the *Municipal Government Act*, RSA 2000, Chapter M-26, and amendments thereto, Council may pass bylaws in relation to the procedures of Council and Council committees, and the conduct of elected officials and members of Council committees;

NOW THEREFORE, the Council of the Town of Mayerthorpe in the Province of Alberta, duly assembled, hereby enacts as follows:

I. TITLE

This Bylaw shall be cited as the "Procedural Bylaw".

II. DEFINITIONS

"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 Town of Mayerthorpe.

"Agenda" means the agenda for regular or special meetings of Council prepared pursuant to Section IX. of this bylaw.

"Chief Administrative Officer" or "CAO" means the person appointed to that position by Council under the provision of the *MGA*.

"Council" shall mean the Council of the Town of Mayerthorpe.

"Deputy Mayor" shall mean the member who is appointed pursuant to the Act to act as Mayor in the absence or incapacity of the Mayor.

"Electronic Communications" shall mean that a member of Council may attend a Council or Policies and Priorities Committee meeting through electronic communications. This can include using a telephone with the use of the speaker; via personal computer, or other means as technology advances.

"Policies and Priorities Committee" shall refer to members of Council and administrative leadership team.

"Closed Session" means the portion of the meeting at which only members of Council and other persons designated by Council may attend.

"Mayor" shall mean the Chief Elected Official or presiding officer of the Town of Mayerthorpe.

"Member" shall mean a member of Council duly elected and continuing to hold office, or where the context requires, a member of a Council committee appointed by Council.

"Municipal Secretary" means the person appointed to the position as delegated by the CAO for the Town of Mayerthorpe.

"Municipality" means the Corporation of the Town of Mayerthorpe.

"Notice of Motion" is the means by which a member of Council brings business before Council that is not on the approved agenda.

"Point of Order" is the raising of a question by a member to call attention to any departure from the Procedural Bylaw.

"Presiding Officer" means the Mayor, or in the absence of the Mayor, the Deputy Mayor, or in the absence of the Deputy Mayor any other member of Council chosen to preside at the meeting, or member of a Council committee that is not a member of Council (Chairman of a board or committee (or his designee)).

"Public Hearing" means a meeting of Council convened to hear matters pursuant to the *MGA*.

"Quorum" is the majority of all members that comprise the Council pursuant to the *MGA*, unless Council provides otherwise in this bylaw.

"Special Meeting" means a meeting called by the Mayor pursuant to the *MGA*.

"Town Office" means the building located at Plan 5854KS, Block R, Lot A with Civic Address of 4911 - 52nd Street.

III. APPLICATION

1. Words importing the masculine gender only, include the feminine gender whenever the context so requires and vice-versa.
2. Words importing the singular shall include the plural or vice-versa whenever the context so requires.
3. This bylaw applies to all meetings of Council, Policies and Priorities Committee, and Council committees as identified.
4. The precedence of rules governing the procedures of Council is:

- a. The *MGA*;
- b. Other provincial legislation;
- c. This bylaw, and
- d. Bourinot's Rules of Order.

IV. ORGANIZATIONAL MEETING

1. Council shall hold an Organizational Meeting not later than two weeks after the third Monday in October each year.
2. The CAO shall set the time and place for the Organizational Meeting, the business of the meeting shall be limited to:
 - a. The appointments of members to committees which Council is entitled to make;
 - b. Establishing a roster of Deputy Mayors for the term of the incumbent Council;
 - c. Any other business required by the *MGA*, or which Council or the CAO may direct.
3. Appointments of Council members to committees shall be for a term of one year unless otherwise specified by policy or bylaw.

V. REGULAR AND SPECIAL MEETINGS

1. The date and time of regular Council meetings will be regularly scheduled for the second and fourth Monday's of any given month.
2. Regular meetings of Council shall commence at 7:00 p.m., located in the Town of Mayerthorpe Council Chambers.
3. If there are changes to the date and time of a regular meeting, the Town of Mayerthorpe must give at least twenty-four (24) hours' notice of the change to all members and post the notice in the front and rear foyer of the Town Office.
4. All meetings will be open to members of the public, except for Closed Session portions of the meeting.
5. Council has the authority to move "Closed Session" pursuant to Section 197(2) of the *MGA*.
 - a. To comply with Division Two of Part One of the *Freedom of Information and Protection of Privacy Act*.
6. Matters which may be discussed Closed Session, include the following:
 - a. Wages, salary and other personnel matters;
 - b. Any information regarding contract negotiations;
 - c. The acquisition, sale, lease or exchange of land;

- d. Matters involving litigation, or the discussion of legal advice provided to the Municipality;
- e. Matters concerning RCMP investigations or confidential reporting; and
- f. Information pertaining to the Municipality's accounting practices.

VI. QUORUM

1. When quorum is present at the time set for commencement of a Council meeting, the Mayor shall call the meeting to order.
2. If there is a quorum present at the time set of commencement of a 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.
3. If quorum is not constituted within fifteen (15) minutes from the time set for commencement of a Council meeting, the CAO shall record the names of all the members present and adjourn the meeting.
4. Whenever a vote on a motion before Council cannot be taken because loss of quorum resulting from:
 - a. The declaration of pecuniary interest or conflict of interest; or
 - b. From a Councillor or Mayor not being present for all or part of a Public Hearing.Then the motion shall be the first order of business to be proceeded with and disposed of at the next meeting of Council under that particular order of business.
5. If a quorum is lost for any other reason than those aforementioned in section VI.4, the meeting is adjourned.

VII. MEETING THROUGH ELECTRONIC COMMUNICATIONS

1. Council members may attend a Council meeting by means of electronic communication. Acceptable alternatives include: through the use of a telephone (with a speaker on), ensuring that dialogue is available for both parties, through the use of a personal computer, or other means as technology advances.
2. A Council member shall notify the CAO a minimum of 48 hours in advance of a meeting of their intent to attend a regular or special Council meeting by means of using electronic communication to enable the CAO to give 24 hours notice to the public of the Councillor's participation by electronic communication.

3. A Council member may attend regular or special Council meetings by means using electronic communication a maximum of three (3) times per calendar year, unless otherwise approved by Council.
4. 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.
5. 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.
6. 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.
7. When a vote is called, Council members attending the meeting by means of electronic communications shall be asked to state their vote verbally for or against the motion only after all other Council members present at the meeting have cast their votes by a show of hands.
8. When a Council member attends a Closed Session electronically, they will be required to confirm that they have attended the Closed Session alone in keeping with the definition in this bylaw of "Closed Session" by providing a statutory declaration or affidavit sworn or declared before the CAO, Municipal Secretary, or Commissioner for Oaths prior to the next regular Council meeting.

VIII. CANCELLATION OF MEETINGS

1. Meetings may be cancelled:
 - a. By a vote of the majority of members at a previously held meeting;

IX. AGENDAS FOR COUNCIL MEETINGS

1. The agenda for each regular Council meeting shall be prepared by the Municipal Secretary or designate and provided together with copies of all pertinent correspondence, statements and reports to each member of Council by posting a link on the Municipality's website by 4:30 p.m. the Friday prior to the meeting.
2. Any Council member, Municipal official, or any other person wishing to have an item of business placed on the agenda for a regular Council meeting, shall make the submission to the Municipal Secretary or CAO not later than 12:00 noon on the Thursday of the week prior to the meeting. The submission shall contain

adequate information to the satisfaction of the Municipal Secretary or CAO to enable the Council to consider the matter.

3. The Council shall consider no item of business unless the item has been placed on the agenda, either in the manner described in Section 2, above or as modification to the agenda approved by a vote at the meeting.
4. When the Municipal Secretary or CAO receives a request for presentation to the Council, she shall place it on the Council agenda. If the communication is considered administrative in nature, the originator will be notified of the administrative follow up by the Municipal Secretary or CAO.
5. The general order of business on the agenda shall be as follows; however, the actual order may be adjusted by Council as necessary:
 - a. Call to Order;
 - b. Adoption of Agenda;
 - c. Adoption of Minutes;
 - d. Public Hearings;
 - e. Delegations;
 - f. Council/Staff Reports;
 - g. Unfinished Business;
 - h. New Business;
 - i. Correspondence;
 - j. Closed Session;
 - k. Adjournment.
6. Closed Session
 - a. Closed Session items shall be distributed as follows:
 - i. Confidential material, stamped or watermarked "confidential" on each page, is to be distributed to each Council member after Council has passed a resolution to go Closed Session and all confidential documents are to be returned to the CAO or designate at the conclusion of the Closed Session portion of the meeting;
 - ii. Confidential material, stamped or watermarked "confidential" on each page, greater than ten (10) pages be distributed to each Council member electronically (packages to be digitized as "read only") uploaded to a secure website separate from the main agenda with password protection that limits access to Council members only by 4:30 p.m. the Friday prior to the meeting.
 - b. Immediately after Council passes a motion to come out of Closed Session, Council shall notify the public present immediately outside of Council Chambers that the meeting is now open to the public.

- c. Council shall provide the public outside of Council Chambers two (2) minutes for the public to return to the meeting.

X. MINUTES

1. With CAO approval, the Municipal Secretary may delegate any duties relating to Council to other administrative personnel, but shall remain responsible for the performance of those duties.
2. 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.
3. The Municipal Secretary shall record in the minutes, each time a member of the Council is absent; and each time a member of Council refrains from discussion and voting by reason of absence or pecuniary interest as well as the general nature of the pecuniary interest.
4. The Municipal Secretary shall record the motion to proceed to Closed Session where Council shall state the section of the enabling Freedom of Information and Protection of Privacy Act.
5. The Municipal Secretary shall record the names of one or more persons attending Closed Session along with stating the reason for their attendance in the minutes of the Council meeting.

XI. DELEGATIONS

1. Delegations shall be received at Policies and Priorities Committee meetings, except in extenuating circumstances, Delegations may be received at a Council meeting.
2. The Delegations portion of Policies and Priorities Committee, or in extenuating circumstances, of a Council meeting shall provide:
 - a. An opportunity for individuals to appear as a formal delegation (i.e., they have submitted information in accordance with Section IX 2. of this bylaw and their submission has been included in the agenda package distributed to the Committee or Council).
3. As a guideline, the recommended total time allotment for the Delegations portion of a Policies and Priorities Committee or a Council meeting is fifteen (15) minutes subject to the discretion of the Presiding Officer.
4. All persons wishing to address Policies and Priorities Committee or in extenuating circumstances, address Council will be required to give, their name, topic of concern and whether there has been any previous contact with a member of Policies and Priorities Committee, member of Council, or Administration regarding the matter.

5. When individuals wish to appear before Policies and Priorities Committee or in extenuating circumstances Council as a Delegation, their information will be submitted in accordance with Section IX 2 of this bylaw and their presentation to Policies and Priorities Committee or in extenuating circumstances Council shall be limited to ten (10) minutes, followed by questions from Committee members or Council members. When individuals wish to appear before the Council during a Public Hearing, their appearance shall be limited to ten (10) minutes.
6. In the event that all persons cannot be heard within the allotted amount of time for Delegations, they will be invited to attend and appear before the next Policies or Priorities Committee meeting or regular Council meeting, otherwise a time extension beyond the 30 minutes is subject to the discretion of the Presiding Officer.
7. Policies and Priorities Committee or 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.
8. A response to each speaker's comments/concerns will be provided through one or more of the following:
 - a. A resolution of Policies and Priorities Committee making recommendation to Council;
 - b. A resolution of Council at the meeting; or,
 - c. 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.

XII. SPOKESPERSON

1. The Chief Elected Official as defined in the Act is the main spokesperson for the municipality, unless that duty is delegated to a councillor on a case by case basis only.
2. Individual councillors or committee members have no authority to act outside established bylaws and policy.
3. Bylaws and policy can only be initiated and must be approved by Council.
4. Democratic process includes the right to debate, question, and discuss, but once a decision is made, that is the recognized decisions of Council.
5. Councillors and Council committee members should remember that advocacy and information for ratepayers are part of their responsibilities, but always within parameters set by Council decisions.
6. No individual or special interests shall be promoted over the common interest established by Council decisions.

7. Councillors and council Committee members who are approached about issues not covered by policy or bylaw shall bring such concerns to Council, and not attempt to resolve them; Council shall forward them to administration or Council committee for recommendation, as appropriate.

XIII. GENERAL RULES OF COUNCIL

8. Council meetings shall adjourn at 11:00 p.m. (if in session at that hour), unless the members of the Council present, by unanimous vote, agree to extend the time.
9. Every person wishing to speak during a Council meeting shall address their comments through the Mayor. The Mayor shall be addressed as "Your Worship", "Chair", or "Mayor (Surname Name)" and no person shall be permitted to speak unless and until the Mayor has granted that person permission.
10. A meeting may be adjourned by a motion or by declaration of the Mayor. A declaration by the Mayor to adjourn a meeting may be appealed through a motion decided by a majority of Council.
11. Council or Council committee meeting may be filmed or recorded by accredited media upon permission of Council.
12. Smartphones, tablets, recording devices and other electronic devices must be turned off or set in the silent mode prior to entering Council Chambers by members of the gallery, unless otherwise authorized by Council. Use of Smartphones, tablets, recording devices and other electronic devices by Council is prohibited. Signs advising members of the gallery are to be posted on restrictions on use of electronic devices in Council Chambers. Mayor to make note of Council Chamber restrictions at the start of each meeting.
13. Audio cassette to record the discussion and resolutions of Council meetings is permitted. Audio cassette recordings are available for reference by Council, Administration, and members of the public. Audio cassettes shall be stored in the municipal vault and destroyed after one month (30) days days from date of original use, unless required by the *Freedom of Information and Protection of Privacy Act* to retain for a longer period of time.

XIV. MOTIONS

1. The time limit for speaking shall be set at approximately 3 minutes and the number of times that member may speak on the same motion or matter will be twice.

2. After a motion is made, it may be withdrawn by the mover at any time before a vote is taken or an amendment is made.
3. The Municipal Secretary or CAO shall record all motions in writing before the motion is debated or put to a vote.
4. The Mayor shall reference all motions before they are debated or voted upon.
5. No motion shall be offered that is substantially the same as the one that has already been expressed during the same meeting.
6. Where a matter under consideration contains several distinct propositions, a member may request, or the Mayor may direct, that each proposition be made as a separate motion.
7. Upon conclusion of debate and after the Mayor has called the vote, no member shall speak to the motion nor shall any other motion be made until after the result of the vote has been declared.
8. Voting on all motions shall be done by clearly raising one hand so that the Mayor may easily count them. When using electronic communication, the Mayor will ask whether the member is voting for or against the motion. After the Mayor has counted the vote, he shall declare whether it was "carried", "carried unanimously" (to agree to proceed with 3rd reading of a bylaw or to carry on a meeting past 11:00 p.m.), 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 motion or question before Council. If the vote results in a tie, the motion will be considered defeated.

XV. MOTIONS BEFORE COUNCIL

1. When a motion has been made and is being considered by the Council, no other actions may be considered except:
 - a. A motion to *refer* to some other party for consideration, or to withdraw the motion;
 - b. A motion to *amend* the motion;
 - c. A motion to *table* the motion (the motion remains pending in order to address another urgent matter at that meeting);
 - d. Motion to *postpone* the motion to a future date (not beyond the third month from when it was presented);
 - e. A motion to *adjourn* the meeting; and, any necessary resultant motion to postpone shall not be debated except as to the time when the matter will again be considered; or,
 - f. A motion of privilege, an incidental or a subsidiary motion.

- g. When the Mayor is called upon to decide a point of order, the point shall be stated clearly and without unnecessary comment, except to cite the specific departure from the Procedural Bylaw.
 - h. A motion to *appeal* the decision of the Mayor is an appeal which Council must decide, and must be made before other business is resumed. If the decision of the Mayor is appealed, the Mayor shall give concise reasons for such ruling and Council, without debate, shall decide the question. The ruling of Council shall be final.
- 2. A motion to *refer*, *adjourn*, *postpone* or to *table*, until it is voted upon, shall preclude all amendments to the main motion. A motion to *refer* or *postpone* is debatable, while motion to *table* is not. Motion to *adjourn* is not debatable except as allowed in Section XIV(1)(e) above.
- 3. Each motion to *amend* or motion to *amend* an amendment to a motion:
 - a. Must be relevant to the motion on which it is proposed. Any amendment that raises a new question can only be considered as a new distinct motion;
 - b. Must not propose a direct negative which would be considered out of order;
 - c. Must be decided upon or withdrawn before the main question is put to a vote. Only one amendment at a time to the main motion shall be allowed; and, only one amendment to an amendment shall be allowed at one time;
 - d. Shall not be moved by the original mover of the motion or the amendment;
 - e. Must not enlarge the scope of the amendment (an amendment to an amendment), but should only deal with matters not covered by the original amendment;
 - f. Shall only be sub-amended one time. A request for a second amendment to an amendment would require the current motion to be defeated and a new motion to be moved.
- 4. A motion to *reconsider* a motion shall:
 - a. Only be made at the same meeting the motion was decided;
 - b. Only be made by a member who voted with the prevailing side of the motion involved;
 - c. Not be proposed more than once for a specific motion at any one meeting of Council;
 - d. Be decided by a majority of the members of Council present; and
 - e. Not be allowed on a motion of adjournment.
- 5. A motion to *rescind* a previous motion of Council may:
 - a. Be made by any member of the Council; and

- i. be offered at any time subsequent to the meeting at which the original motion was passed;
 - ii. be passed by:
 1. a vote of 2/3 of the members of Council (who hold office at the time) when the motion is without notice; and
 2. 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 an agenda delivered to the members of Council before the meeting.
 - iii. be made if the previous motion has not been acted upon to the extent that the Municipality has undertaken or become subject to any liability or obligation; or
 - iv. be made if the motion was not a motion for a reading of a bylaw.
6. A motion that will address a bylaw for first reading shall be decided without amendment or debate, but motions for subsequent readings are debatable. Each bylaw shall be read a first, second and third time before being signed by the Mayor and CAO. Unanimous agreement is required to have the third reading at the same meeting.

XVI. NOTICE OF MOTION

1. Council members may bring forward notices of motion as an item on the agenda of a regular Council meeting. Once the Notice of Motion is stated, it will be recorded in the meeting's minutes.
2. A written copy of the Notice of Motion shall be provided to the Municipal Secretary or CAO prior to the meeting's adjournment.
3. The Notice of Motion will be placed on the next regular Council meeting agenda where the elected official who made the Notice of Motion is present, to vote whether the matter will proceed.
4. Once approved by Council, a Notice of Motion given at a regular Council meeting will be addressed in a time frame not beyond the end of the third month from when it was presented, unless Council directs differently.
5. A Notice of Motion cannot be made at a special Council meeting.
6. A motion on Notice is not debatable until a Council member moves the motion.

XVII. MISCELLANEOUS

1. The 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.

2. No member of the Council shall have the power to direct or interfere with the performance of any work of the Corporation. Council member may seek information through the office of the CAO.

XVIII. PETITIONS

1. Statutory petitions will be submitted to the CAO and will be processed in accordance with the *MGA*.
2. On receipt of a non-statutory petition, the CAO may do the following:
 - a. Include it as an item on the agenda for the next regular meeting of Council in full or summary form;
 - b. Refer it to Administration for a report to Council or appropriate Council committee;
 - c. Circulate it to the members of Council individually as information if it does not require any further action by Council.

XIX. DEPUTY MAYOR

1. The Council at its Organizational Meeting in each election year, or as required, shall appoint from its members, Deputy Mayor to serve as follows:

Year One to Four: Organizational Meeting to June 30th
July 1st to February 28th
March 1st to October 31th
November 1st to June 30th
July 1 to Feb 28th
March 1st to Organizational Meeting

XX. COMMITTEES, BOARDS, COMMISSIONS

1. The Council shall appoint Council representatives to such committees, boards, and commissions as required by legislation, agreement or bylaw as they deem necessary. Unless an immediate appointment is required mid-term, these appointments shall be made on an annual basis at the Organizational meeting.
2. The Council may make appointments to a committee at any time, providing that the Council has adopted a bylaw or resolution specifying the terms of reference of the committee. Terms of reference will be approved through policy approval.

3. It shall be the duty of the Chairman of each board or committee (or his designee), to summon members for meetings.
4. The Mayor shall be an ex-officio member of all Council committees and bodies which Council has a right to appoint members under the MGA. (Does not apply to certain committees, e.g. SDAB, LARB, and CARB, etc.).
5. Appointed Council members shall keep the rest of the Council informed of the actions of committees or boards to which they are appointed by Council, by providing regular activity highlights, copies of draft minutes, through Council/Committee Reports and statements.

XXI. SEVERABILITY

1. Should any provision of this bylaw be found to be invalid then such invalid provision shall be severed and the remaining bylaw shall be maintained.

XXII. REPEAL

1. Bylaw No. 1131 is hereby repealed.

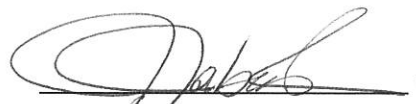
XXIII. EFFECTIVE DATE

1. This bylaw shall come into force and effect on the date of final passing.

Read a first time this 27th day of September, AD. 2021.

Read a second time this 12th day of October, A.D. 2021.

Read a third time and duly passed this 12th day of October, A.D. 2021.



Janet Jabush, Mayor



Karen St. Martin, CAO