

BYLAW NO. 422-21

BEING A BYLAW OF THE TOWN OF COALHURST, IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEDURE AND CONDUCT OF BUSINESS BY THE COUNCIL OF THE TOWN OF COALHURST;

WHEREAS, the Municipal Government Act, being Chapter M-26 (2000), RSA and subsequent amendments thereto, provides that a Council may pass Bylaws in relation to the procedure and conduct of Council and Committees established by Council.

AND WHEREAS it is deemed necessary to establish rules and provisions to regulate the conduct of business in Council meetings, and to control and maintain order in Council for the enactment of municipal legislation and to provide for dealing with petitions, remonstrations and submissions to the Council.

NOW THEREFORE, the Council of the Town of Coalhurst, duly assembled, **HEREBY ENACTS AS FOLLOWS:**

1.0 TITLE

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

2.0 DEFINITIONS AND INTERPRETATION

2.1 In this Bylaw:

- a. **"Act"** means the Municipal Government Act, R.S.A., as amended.
- b. **"Acting Mayor"** means the member selected by Council to preside at a regular meeting thereof in the absence or incapacity of both the Mayor and Deputy Mayor.
- c. **"Agenda"** means the list and order of business items for any meeting of Council or Committees.
- d. **"Business Arising from Previous Minutes"** means business which has been raised at a previous meeting and which has not been completed.
- e. **"Bylaw"** means a Bylaw of the Town.
- f. **"Chief Administrative Officer"** (CAO) means the person appointed to the position in accordance with the MGA.
- g. **"Closed Meeting"** means all or part of a meeting that is closed 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.
- h. **"Council"** means the Mayor and Councillors of the Town being elected pursuant to the provisions of the Local Authorities Election Act whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the MGA and the Local

Authorities Election Act.

- i. **"Deputy Mayor"** means the member who is appointed by Council pursuant to the MGA, to act as Mayor in the absence or incapacity of the Mayor.
- j. **"Mayor"** means the member of Council duly elected to the office pursuant to the provisions in the Local Authorities Election Act and who continues to hold office.
- k. **"Member"** means a member of Council, duly elected and continuing to hold office or a Member of Committee duly appointed by Council.
- l. **"MGA"** means the Municipal Government Act, Chapter M-26 (2000), Revised Statutes of Alberta (RSA) and subsequent amendments thereto.
- m. **"Opening Remarks"** means an opportunity, following Call to Order at a Regular meeting, for the Presiding Officer to welcome anyone in attendance and/or provide a brief description of the procedures at the meeting.
- n. **"Other Business"** means business dealing with a matter which has not been introduced in a previous meeting and of which no notice has been given of the intention to present it.
- o. **"Presiding Officer"** means the Mayor, Deputy Mayor, Acting Mayor or other such person selected by Council to chair the meeting as constituted by this Bylaw.
- p. **"Public Hearing"** means a meeting of Council which is convened to hear matters pursuant to:
 - i any Act of the Statutes of Alberta relating to municipal government which requires the holding of a Public Hearing,
 - ii any matter which the Council directs.
- q. **"Quorum"** means the majority of Council, Committee or Board, unless the Bylaw, Terms of Reference or resolution establishing such a body specifies otherwise.
- r. **"Solemn Recognitions"** means an opportunity, following Opening Remarks at a Regular meeting, for the appropriate recognitions of a significant occurrence, such as a Royal birthday or passing of a person of significance to the community or a special area event, made by the Presiding Officer, or someone else appointed, and may include a brief reflection on the Mission Statement or Council purpose.
- s. **"Special Meeting"** means a meeting, other than a regular scheduled meeting called pursuant to the provisions of the Act.

- t. **"Town"** means the corporation of the Town of Coalhurst and where the context so requires, means the area included within the boundaries of the Town.

3.0 **APPLICATION OF THIS BYLAW**

3.1 This Bylaw applies to all Regular, Special and Closed meetings of Council and to the extent practical, to Council Committees.

3.2 The precedence of the rules governing the procedure and conduct of Council is:

- a. the Municipal Government Act;
- b. other provincial legislation;
- c. this Bylaw;
- d. "Roberts Rules of Order Newly Revised – 12th Edition."

3.3 Pursuant to the MGA, a motion before Council does not need to be seconded.

3.4 The Presiding Officer of any meeting has the same rights and privileges as all other members including the right to speak in debate and to vote on all questions.

4.0 **SUSPENSION OF RULES**

4.1 In the absence of any statutory obligation, any provision of this bylaw may be altered or suspended by resolution of the Council, provided the majority of all members present at a meeting vote in favour thereof, to deal with a matter under consideration.

4.2 Each Council must during its term of public office cause a review to be made of the rules of procedure contained and set out in this bylaw.

5.0 **ORGANIZATIONAL MEETING**

5.1 An Organizational Meeting of Council shall be held annually not later than two weeks after the 3rd Monday in October.

5.2 The CAO shall set the time and place for the first organizational meeting of Council following the general election, scheduled in accordance with the MGA.

5.3 At the commencement of the annual organizational meeting following an election, the CAO shall call the meeting to order and shall preside over the meeting until the Oath of Office has been administered to the Mayor.

- 5.4 After the Mayor has taken the oath, he/she shall preside over the meeting and the Councillors shall take the Official Oath of Office.
- 5.5 The CAO shall set the time and place for the Organizational Meeting, and the business of the meeting will be limited to:
- a. the administration of the oaths of office and the introduction of new members,
 - b. the selection of the Deputy Mayor,
 - c. the appointment of Council members to sit on committees, commissions, boards and other bodies on which Council is entitled to representation,
 - d. the appointment of residents to sit on committees, commissions, boards and other bodies to which Council is required to appoint a representative other than a Council member,
 - e. internal appointments,
 - f. any other business as is required by the MGA, or which Council or the CAO may direct.

6.0 **REGULAR MEETINGS**

- 6.1 All Regular Council meetings will be held in Council Chambers as follows:
- a. all Regular Council meetings shall be held on the first and third Tuesday of the month in the Council Chambers;
 - b. Council, by majority vote, may change the date and/or location of a Regular Meeting, at any Regular Meeting held prior to the scheduled meeting date, for any reason they deem appropriate.
- 6.2 Regular meetings of Council will commence at 7:00 p.m. and adjourn no later than 10:00 p.m. unless, while in session, a motion is passed by the majority of Council to extend the time to 10:30 p.m.
- 6.3 Regular meetings, as prescribed by the MGA, will be held openly and no person will be excluded except for improper conduct.
- 6.4 The Mayor or presiding officer at any meeting may cause to be expelled and excluded any person who creates any disturbance or acts improperly during a meeting.
- 6.5 Council may, by resolution, go into a “Closed Meeting” to consider matters that fall within one of the exceptions to disclosure under the Freedom of Information and Protection of Privacy Act (FOIP). In all cases, the applicable section of the

FOIP Act shall be identified prior to resolving into any Closed meeting.

- 6.6 Procedures during Closed meetings differ only from Regular meetings insofar that the only motions permitted are:
- a. to revert to a meeting held in public; or
 - b. to propose a recess.
- 6.7 Such meeting shall:
- a. be held in private,
 - b. exclude any person or persons other than members of Council, the CAO and any other person(s) as directed by Council.
- 6.8 Council may, by a majority vote, cancel any Regular Meeting prior to the scheduled meeting date, for any reason they deem appropriate.
- 7.0 **SPECIAL MEETINGS**
- 7.1 The Mayor may call a special meeting whenever considered appropriate to do so, and must call a special meeting if a written request for the meeting, stating its purpose, is received from a majority of Council.
- 7.2 Written notice of a special meeting stating the time and place at which it is to be held and stating in general terms the nature of the business to be transacted will be mailed, electronically mailed or delivered to each member of Council at least 24 hours prior to the meeting.
- 7.3 The Mayor may call a special meeting of Council with less than 24 hours notice to all Councillors and without notice to the public, either verbal or written if the following is observed:
- a. the notice states the time and place at which the meeting is to be held and in general terms the nature of the business to be transacted at the meeting, and
 - b. at least 2/3 of the members of Council give written consent to the holding of the meeting before the beginning of the meeting.
- 7.4 No matter, except as stated in the notice, may be transacted at any special meeting unless all the members of the Council are present, and by unanimous consent, agree to consider the matter in question.
- 7.5 When a special meeting is requested by a majority of Council the meeting shall be held within 14 days after the date on which the request, in writing, is received by the Mayor.

8.0 COMMITTEE OF THE WHOLE MEETINGS

8.1 Meetings of Committee of the Whole may be held in the Council Chambers at the Municipal Office any Tuesday, at 7:00 p.m., in which there is no Regular Meeting being held.

8.2 The Presiding Officer will chair the Committee of the Whole meeting.

8.3 Quorum of Committee of the Whole is a majority of Council Members.

8.4 The Rules of Procedure contained in this Bylaw shall be observed in the Committee of the Whole meeting except that:

- a. discussion may take place in absence of a motion;
- b. permission for a Member to speak is not required;
- c. the number of times a Member may speak on any questions shall not be limited, provided that any second and subsequent statements are responsive to issues raised by other Members or contain new information not contained in the Member's original statement;
- d. there shall be no time limit with respect to the speeches of Members;
- e. a motion to close debate is not permitted;
- f. the Chair is permitted to participate in debate and discussion;
- g. no Motion shall be made on a debated topic;
- h. Committee of the Whole shall only recommend items for approval to a Council Meeting.

9.0 REMOTE ATTENDANCE AT COUNCIL MEETINGS

9.1 Council members may be permitted to participate in a Regular Council meeting by means of remote communication in instances when a Council member is unable to attend in person;

- a. for purposes of voting by a member(s) of Council, such attendance from remote location (s) shall be considered the equal of being physically present in Council Chambers, (with the exception of a closed meeting). When a vote is called on a motion, the member of Council who is participating by means of remote communication, shall vote verbally only after all other Councillors present have voted by a show of hands.
- b. if the Mayor attends by remote means, he/she may participate in discussion, but the Deputy Mayor or alternate if physically present in Council Chambers shall be the presiding officer to best facilitate an

orderly and efficient meeting process.

- c. in all meetings involving remote attendance, the Mayor or presiding officer shall inform all present of the intent to initiate a remote communication.
- d. the Mayor or presiding officer shall confirm and announce to all present that they can clearly hear and as appropriately, clearly see visual contact with the Council member. The CAO shall record such confirmation in the minutes.
- e. Council may approve the use of remote communication for the entirety of the meeting or for a specified portion thereof.
- f. no portion of a closed meeting may be conducted through the use of remote communication, unless the member(s) of Council confirm that they are in a secure location, with no public access. Confirmation of this shall be recorded in the minutes.
- g. if the Council, by a majority, approves use of remote communication for only a specified portion of any meeting, the Mayor or presiding officer shall announce same and, at the end of the specified section, shall clearly announce to all the close of the remote communication and shall order that the communication be stopped. The CAO shall record the beginning and ending times of such remote communication in the minutes.
- h. in the event the remote communication link is broken or significantly degraded such that it does not meet the requirements, the Mayor or presiding officer shall confirm the loss of service and announce the close of the remote attendance. The CAO shall record such time of closure in the minutes.
- i. any member who wishes to utilize remote communication to attend a portion or all of a Council meeting, must notify in writing or email the CAO that he or she intends to participate by means of a remote communication; and the Council member must give two (2) business days notice in order to allow necessary arrangements can be made to facilitate the remote attendance.
- j. any Council member participating in a Council meeting by means of a remote communication facility, must ensure that they post a written notice in a prominent location near to their position, advising any members of the public present in that area that a public meeting is in progress.

10.0 CONDUCT DURING MEETINGS

10.1 The Mayor:

- a. will maintain order and preserve the decorum of the meeting,

- b. decide points of order without debate or comment other than to state the rule governing,
 - c. will determine which member has the right to speak,
 - d. will ascertain that all members who wish to speak on a motion have spoken and that all members are ready to vote by asking the question, "Are you ready for the vote?" and shall thereafter call for the vote,
 - e. will rule when a motion is out of order,
 - f. may call a member to order.
- 10.2 In the event that a member refuses to come to order as required by Section 10.1 when called to order, the Mayor shall request the Deputy Mayor, or if the Deputy Mayor is absent or is the unruly member, a member of Council, to move a resolution to remove the unruly member either for:
- a. the balance of the meeting or until:
 - i. a time which shall be stated in the motion, or;
 - ii. the member makes an apology acceptable to Council for his/her unruly behaviour; whichever shall be the shortest time.
- 10.3 If a majority of Council votes in favour of the resolution, the Mayor shall direct the unruly member to leave the Council Chambers and if the member refuses to leave, direct that he/she be removed by any police constable present in the Council Chambers.
- 10.4 If after Council has directed an unruly member to leave the Council Chambers, the member so directed makes an explanation and apology adequate and satisfactory to the Council, it may by majority vote of the remaining members present allow the offending member to remain in his/her place if he/she has not left or been removed, or to retake if he/she has.
- 10.5 A Motion to Adjourn, in accordance with Section 14.0, or a Recess, in accordance with Section 18.0, may also be utilized as options to deal with an unruly member situation.
- 10.6 When a member wishes to speak at a Council meeting, he/she shall address the Mayor or presiding officer.
- 10.7 When a member is addressing the Chair, every other member shall:
- a. remain quiet and;
 - b. not interrupt the speaker except on a point of order, and;

- c. not carry on a private conversation, and;
- d. not cross between the speaker and the Chair.

10.8 When a member of Council is addressing the Council, he/she will:

- a. not speak disrespectfully of Her Majesty the Queen or her official representatives of government,
- b. not use offensive words in referring to any member of Council, any official or any employee of the Town,
- c. not reflect on any vote of Council except when moving to rescind a motion and when so doing will not reflect on the motives of the members who voted for the motion, or the mover of the motion,
- d. not shout or immoderately raise his/her voice or use profane, vulgar or offensive language,
- e. assume personal responsibility for any statement he/she quotes to Council or, upon request of the Council will give the source of the information.

10.9 When the Mayor calls a member to order the member shall resume his/her seat but may afterwards explain his/her position in making the remark for which he/she was called to order.

10.10 Where a member wishes to leave the Council Chambers while a meeting is in progress, he/she shall address the Chair, excuse him/herself and await acknowledgement before leaving his/her place.

10.11 No member shall leave the Council Chamber after a question is put to vote until the vote is taken.

10.12 A member who leaves the Council Chambers due to a conflict of interest must openly declare the matter by briefly stating the nature of the conflict which shall be recorded in the minutes.

10.13 Members of the public who constitute the audience in the Council Chamber during a Council meeting will:

- a. not address Council without the permission of Council,
- b. maintain order and quiet,
- c. not applaud or otherwise interrupt any speech or action of the members of Council or any other person addressing Council.

11.0 **POINT OF ORDER**

- 11.1 When a Point of Order is raised by any member, it shall be immediately taken into consideration by the Presiding Officer who may consult with appropriate Senior Management Staff prior to making a decision.
- 11.2 The decision of the Presiding Officer shall be final unless a challenge is made pursuant to Section 11.3 of this Bylaw.
- 11.3 When a Member wishes to challenge a procedural ruling of the Presiding Officer, the motion, "That the decision of the Presiding Officer be overruled" must be made immediately following the ruling and the question shall be put immediately without debate.
- 11.4 The Presiding Officer's decision shall be either upheld or overturned by a majority of the Members present.

12.0 **VOTING**

- 12.1 The Mayor, when present, and every Councillor present shall vote on every matter
- a. unless, in a specific case, the Mayor or Councillor is required or permitted to abstain from voting under Section 183 of the MGA or any other enactment.
 - b. The Council must ensure that each abstention and the reasons for the abstention are recorded in the minutes of the meeting.
- 12.2 The CAO will record in the minutes, when requested by a member of Council, whether the member voted for or against the matter.
- 12.3 Any Bylaw or motion on which there is an equality of votes shall be deemed to be decided in the negative.

13.0 **RECONSIDERING & RESCINDING A MOTION**

- 13.1 When a Councillor wishes to reconsider, alter or rescind any motion already passed or action taken at a previous meeting and when such matter does not appear on the agenda, he/she shall bring the matter before Council.
- 13.2 Where a matter on which Council has made a previous motion or taken a previous action is properly before Council as provided in this Section, Council may by a simple majority pass a motion which alters, rescinds or conflicts with any previous action or motion made without specifying that the previous motion or action is being altered or rescinded and the provisions of such motion shall override the provisions of any previous motion with which they conflict.
- 13.3 Notwithstanding anything provided in this Section where pursuant to any motions duly passed by Council, the Town has a contractual liability or obligation, Council shall not reconsider, alter, vary, revoke, rescind or replace the motion except to the extent that it does not attempt to avoid or interfere with the liability

or obligation.

14.0 **MOTION TO ADJOURN**

- 14.1 A member may move a motion to adjourn the meeting at any time except when:
- a. another member is in possession of the floor;
 - b. the members are voting;
 - c. Council is in a Closed Meeting session, or;
 - d. a previous motion to adjourn has been defeated and no other intermediate proceedings have taken place.
- 14.2 A motion to adjourn shall be put without comment or debate.
- 14.3 A member may move to adjourn a meeting at any time, even when business is pending. The motion is carried with a majority vote and is not debatable nor amendable. Any business on the agenda that has not been dealt with shall appear on the next agenda under Business Arising.

15.0 **COMMENCEMENT OF COUNCIL MEETINGS**

- 15.1 If there are not sufficient members assembled at the meeting to constitute a quorum within fifteen (15) minutes from the time of commencement of the meeting, the CAO shall cause the record to include the names of all the members present at that time and unless a special meeting be duly called in the meantime, Council shall be deemed to be adjourned until the next regular meeting.
- 15.2 When Council is unable to meet for want of a quorum, the agenda delivered for the proposed meeting shall be considered at the next regular meeting prior to the consideration of the agenda for the subsequent meeting or at a special meeting called for that purpose.
- 15.3 If there is a quorum present at the time the meeting should be called to order and the Mayor and Deputy Mayor are absent, the CAO shall call the meeting to order and shall call for an Acting Mayor to be chosen by a resolution.

16.0 **AGENDAS**

- 16.1 The CAO shall authorize the preparation and content of Council agenda which shall list the items and order of business to be conducted at the meeting.
- 16.2 The Executive Assistant shall prepare the agenda and ensure copies are distributed to Council members and to all Town Administration personnel who are entitled to receive a copy, by 4:30 p.m. on the Friday the week preceding the scheduled Regular meeting.

- 16.3 The Executive Assistant shall make the Agenda available to the public, but only after it has been provided to Council Members.
- 16.4 All submissions for the Agenda for Regular Meetings of Council shall be received by the Executive Assistant no later than 10.00 a.m. on the Thursday the week before the scheduled Regular meeting. Submissions for Public Hearings may be received at a Public Hearing but can only be included as part of the original agenda if submitted prior to the Public Hearing agenda being prepared.
- 16.5 Only material which has been received in accordance with Section 16.4 of this Bylaw shall be considered at the Council meeting for which the Agenda is prepared unless staff deems that an emergency matter needs to be brought before Council, in which case the item shall:
- a. be accompanied by a brief explanation from an Officer indicating the reasons for, and the degree of urgency of the item; and
 - b. if supported by a majority of Council members present, such matters shall then be considered as an addendum to Agenda.

17.0 **NOTICE OF MOTION**

- 17.1 A member may present a Notice of Motion to introduce a matter at a future Council meeting if the Notice of Motion gives sufficient detail so that the subject of the motion notice can be reviewed and/or researched by Town staff in advance of the meeting at which the matter will be considered. A Notice of Motion does not require a vote by Council to be placed on the next agenda.
- 17.2 The subject of the Notice of Motion will appear on the following agenda as a matter for consideration at the next scheduled Regular Council meeting or as soon thereafter as may be feasible.
- 17.3 A Member may move to add a matter to the agenda that they deem to be of urgent public importance without prior Notice of Motion. Such matter shall only be considered at the meeting in which it is introduced upon receiving support to do so, by way of a majority of the members present. If supported by Council, such matters shall then be considered as an addendum to the Agenda.

18.0 **RECESS**

- 18.1 The Mayor or any member may move that Council recess for a specific period, if agreed by a majority. After the recess, business will be resumed at the point when it was interrupted. This motion may not be used to interrupt a speaker.
- 18.2 A motion to recess may be amended only as to length of time, but neither the motion nor the amendment is debatable.

19.0 **MINUTES OF COUNCIL**

- 19.1 The Executive Assistant shall ensure:
- a. minutes of all Council Meetings are prepared and that a copy is distributed to each Member of Council for the next meeting.
- 19.2 The Presiding Officer shall present minutes to Council with a request for a motion to confirm the minutes.
- 19.3 Any member of Council may make a motion requesting that the Minutes be amended to correct any inaccuracy or omissions at any future time by giving previous notice and receiving a majority vote on the amendment, or without notice and receiving a majority vote in favour of the correction.
- 19.4 Minor changes may be made to the minutes by Administration without Council approval to correct errors in grammar, spelling and punctuation or to correct the omission of a word necessary to the meaning or continuity of a sentence. No change by Administration may be made which would alter a decision made by Council.
- 20.0 **USE OF SUPPLIES**
- 20.1 No member of Council is permitted to use Town supplies, equipment or facilities unless under the same conditions as other residents of the Town or unless he/she has first been empowered to do so by a motion of Council.
- 21.0 **MEMBER OF COUNCIL, NOT TO INTERFERE**
- 21.1 No member of Council has the power to direct or interfere with the performance of any work of the Town, and the employee in charge is subject only to his/her supervisor and through his/her supervisor to the Council as a whole.
- 22.0 **ORDER OF BUSINESS**
- 22.1 The order of business for a Regular Meeting of Council will be contained in the agenda for the meeting. Copies of all reports or communications to be dealt with will be attached to the agenda and distributed with the agenda.
- 22.2 The order of business in the agenda will be:
- Hearings
 - Call to Order
 - Opening Remarks and Solemn Recognition
 - Adoption of Previous Minutes
 - Adoption of Agenda
 - Delegations
 - Citizens Without Formal Notice
 - Business Arising from Previous Minutes
 - Bylaws/Reports
 - Correspondence

Other Business
Adjournment

22.3. The order of business established in the foregoing paragraph will apply unless Council otherwise determines by, verbal agreement, to deal with an issue out of order.

23.0. **APPOINTMENTS WITH COUNCIL, LETTERS, CORRESPONDENCE**

23.1 Where an individual, group, agency or organization wishes to bring a matter to the attention of Council or to have any matter considered by Council, that individual or group will submit the matter to the CAO in a written form which will:

- a. be printed, typed or legibly written,
- b. clearly set out the matter at issue and the request made of Council,
- c. in the case of a petition, indicate in the petition if a representative wishes to address Council on the subject matter of the petition,
- d. in the case of a petition, set out the municipal address and legal description of property owned by each petitioner in accordance with the MGA,
- e. be signed by the writer,
- f. contain the correct mailing address and telephone number of the writer,
- g. it clearly sets out the issue and any financial or other request being made to Council,
- h. the communication must not be libelous, impertinent, improper or beyond Council's jurisdiction and authority,
- i. be delivered or mailed to the Town Office so as to arrive no later than the Thursday morning prior to the meeting at which it is to be presented.

23.2 Where an individual, group, agency or organization wish to appear before Council, the request should be directed to the CAO who will arrange for an appointment during the Delegation section of the agenda. The request, either verbal or in writing, should be made no later than the Thursday morning prior to the requested appearance and should contain a brief explanation of what will be presented. No more than two individuals may speak on behalf of a group, agency or organization.

23.3 No individual(s) or person(s) representing a group or organization shall be permitted to address Council for more than fifteen (15) minutes, excluding the time required to answer questions put forward by Council Members. The fifteen (15) minute presentation time may be extended by a majority vote of Council

members present or by alternate arrangements made in advance of the meeting.

- 23.4 The Council will not give final consideration to any request until all members of Council have had an opportunity to ask the CAO to fully research the matter and the matter is debated or unless the majority of Council agree to final consideration at the meeting in which it is presented.
- 23.5 Where a matter has been presented to Council by a person or group pursuant to Section 23.1 and/or Section 23.1. has been dealt with by Council in any final manner and a person or group directs a letter or communication to Council on the same or substantially the same matter again within six months after the time Council dealt with the matter, Council subject to **Section 23.6** shall not hear, discuss or consider the matter again until six months has elapsed after the time when Council previously disposed of the matter.
- 23.6 Notwithstanding Section 23.5, Council by a majority vote of Council may again consider the matter at an earlier time than the time set by Section 23.5.

24.0. **PROCEEDING AT PUBLIC HEARINGS**

- 24.1 The Mayor will call the meeting to order and state the purpose of the hearing and under what authority it is being held e.g. Municipal Government Act, direction of Council, etc.
- 24.2 The Mayor will briefly outline the rules and procedures that will be followed at the Hearing.
- 24.3 The Mayor will ask the CAO for a report as to compliance with appropriate act or procedure of Council.
- 24.4 The order of presentation will be as follows:
- a. the applicant,
 - b. those who have submitted a written presentation to the CAO within the advertised time limit,
 - c. if time allows, anyone else that may be affected by the proposal.
- 24.5 The applicant will be given an opportunity for rebuttal.
- 24.6 Questioning by Council members will be allowed after each presentation.
- 24.7 Council members should refrain from making any comments to the public that would indicate any bias either for or against the proposal.
- 24.8 If, for any reason, the Council feels that more information is required, they will recess the Public Hearing for a specified period of time. Re-advertising of the Public Hearing must be undertaken prior to reconvening the Hearing.

- 24.9 When Council feels it has all the information required to make a decision the Public Hearing will be adjourned.
- 24.10 Council will then either retire to discuss the matter or postpone the discussion of the proposal to a later time. No decision will be made immediately after a Public Hearing.
- 24.11 A decision must be made concerning the proposal in accordance with the act under which the Hearing has been called or if called by authority of the Council, within 30 days of the Public Hearing.
- 24.12 In making its decision, the Council will conform with the applicable Municipal Bylaws and Provincial Statutes.
- 24.13 The Council's decision will be in writing and include the purpose of the hearing, a brief outline of the submissions received, the information on which they based their decision and the signatures of the Mayor and CAO.
- 24.14 A copy of the decision is to be mailed to all parties affected by the decision and to all those who made presentations at the Public Hearing and be posted on the bulletin board in the Town Office.

25.0 **MOTIONS**

- 25.1 Pursuant to the MGA a motion before Council does not need to be seconded.
- 25.2 The mover of the motion will clearly state or read the motion.
- 25.3 No motion introducing any new matter can be made until the original motion is dealt with unless it is made as an amendment to the original motion.
- 25.4 After a motion has been moved, it is the property of Council and may not have the wording changed, have a change proposed by another member or be withdrawn without the consent of the majority of Council.
- 25.5 Except as specifically provided elsewhere in this Bylaw, the following motions are debatable by Council:
- a. a motion for adoption of, refusal of, or further consideration of a report to Council;
 - b. a motion arising out of any matter included or proposed to be included on the Agenda;
 - c. a motion for amendment to any Bylaw or any matter arising directly out of any Bylaw presented before Council;
 - d. a motion for a second or third reading of a Bylaw;

- e. a motion for appointment or dismissal of a Committee;
- f. a motion for Council to go into a Closed meeting;
- g. a motion for amendment to any Bylaw properly before Council or any matter arising directly out of any Bylaw properly before Council;
- h. such other motion made upon routine proceedings as may be determined necessary by the Council.

25.6 When a motion has been made and is being considered by Council, no member may make another motion except a motion to:

- a. refer the main question to some other person or group for consideration;
- b. amend the main question or an amendment to it;
- c. table the main question;
- d. postpone the main question until some future time;
- e. adjourn the meeting

25.7 No member may speak more than twice on any motion other than after receiving permission from the Mayor or other person presiding at the meeting, may speak in explanation of a material part of his/her speech which has been misquoted or misunderstood but he/she may not introduce any new matter and there shall be no debate on the explanation.

25.8 Unless Council by a majority vote shall extend the time, no member thereof shall speak longer than:

- a. five minutes on any original motion before Council, or;
- b. three minutes on any amendment to an original motion before Council.

26.0 **TABLING/POSTPONING MOTIONS**

26.1 A member moving a motion to table or postpone any matter, whether the matter is contained in a petition, enquiry, motion or other matter before the Council, shall include in the tabling or postponing motion:

- a. the time at the present meeting to which the motion is to be tabled or;

- b. a provision that the matter is to be postponed to a particular date or indefinitely pending receipt of additional information.
- 26.2 A motion to table a matter shall not be debated except as to the time when Council will again consider the motion.
- 26.3 A matter which has been postponed to a particular date shall not be again considered by Council before the date set except on a vote of majority of the members of Council present and voting on it.
- 27.0 **AMENDMENTS**
- 27.1 Notwithstanding anything elsewhere herein contained, no amendment to a motion to:
- a. refer a question to some other person or body for consideration;
 - b. table a question;
 - c. postpone discussion on a matter to a stated time;
 - d. adjourn a meeting, or;
 - e. for the first reading of a Bylaw;
- shall be made.
- 27.2 While a motion is under discussion by Council, a member may not move an amendment:
- a. which does not relate to the subject matter of the principal motion, or;
 - b. is directly contrary to the principal motion.
- 27.3 Where an amendment has been moved to a motion which is under discussion, an amendment to the amendment may be moved but no further amendment may be moved to the amendment or to the principal question until after the amendment to the amendment is voted upon.
- 27.4 A member who moved a motion may not move an amendment to it.
- 27.5 The Mayor or other presiding officer shall not put the principal motion under debate until all amendments to it have been put and voted upon.
- 27.6 When all amendments are voted upon the Mayor or other presiding officer shall put the principal motion incorporating therein any amendments already adopted.

28.0 **BYLAWS**

- 28.1 Where a Bylaw is presented to Council for enactment, the CAO will cause the number and short title of the Bylaw to appear on the agenda in the appropriate place.
- 28.2 The CAO will cause the proposed Bylaw to be copied in full and forwarded to the members of Council with the agenda.
- 28.3 Every Bylaw shall have three readings.
- 28.4 A Bylaw shall be passed on third reading with a majority vote of members present.
- 28.5 A Bylaw shall be introduced for first reading and shall be voted on without amendment or debate.
- 28.6 A Bylaw can be amended after either the first or second reading by a motion of Council and the majority of Council voting for the amendment.
- 28.7 After a member has made a motion for a second reading of a Bylaw Council may:
- a. debate the substance of the proposed Bylaw; and
 - b. propose and consider any amendments to the Bylaw that they may have.
- 28.8 A proposed amendment shall be put to a vote and if carried, shall be considered as having been incorporated into the Bylaw.
- 28.9 When all amendments have been accepted or rejected the motion for the second reading of the Bylaw as amended, shall be put.
- 28.10 A copy of the Bylaw, as amended, will be presented to Council as outlined in Sections 25.1 and 25.2 before third reading will be considered.
- 28.11 A Bylaw shall not be given more than two readings at any one meeting unless the members present at the meeting unanimously agree that the Bylaw may be considered for third reading at the same meeting at which it has received two readings, except in circumstances where the Bylaw requires provincial approval or that a Public Hearing be held after first reading and prior to adoption.
- 28.12 If Council unanimously agrees that a Bylaw may be presented for third reading at a meeting at which it has received two readings, the third reading requires no greater majority of affirmative votes to pass the Bylaw than if it has received third reading at a subsequent meeting.

- 28.13 After Council votes affirmatively for a third reading of a Bylaw it:
- a. becomes a municipal enactment of the Town, and;
 - b. is effective immediately unless the Bylaw provides otherwise.
- 28.14 After passage, a Bylaw shall be signed by the Mayor or by a member presiding at the meeting at which it was passed and by the CAO and shall be impressed with the corporate seal of the Town.
- 28.15 Where prescribed by provincial statute requiring a Bylaw resolution or question to be submitted to the electorate for voting, Council shall follow the requirements as set out in the relevant statutes.
- 28.16 After a Bylaw requiring a vote of the electorate has received its first reading by Council, it shall not again be debated in Council before the electorate has voted on it.

29.0 SIGNING AUTHORITY

- 29.1 The Mayor or in his/her absence the Deputy Mayor or in his/her absence a member to be named by Council, and the CAO or in his/her absence the Director of Corporate Services shall have signing authority for the Town.

30.0 PUBLISHING REPORTS AND MINUTES

- 30.1 The CAO will cause to be published in the Coalhurst Town News, the Town's web site, Town App and social media sites the minutes from Regular Meetings of Council along with any reports as the Council or the CAO deems desirable to inform the residents of the Town of progress and projected future plans of Town affairs.
- 30.2 At the discretion of the CAO the aforementioned published minutes can be edited as long as the edited portion does not eliminate any action by Council that would be of interest to the public at large.

31.0 COMMITTEES

- 31.1 Council may appoint such standing and special committees as are necessary and expedient for the orderly and efficient handling of the affairs of the Town and shall establish the Terms of Reference for said Committees.
- 31.2 The Terms of Reference for Committees may be amended by resolution of Council from time to time, as required.
- 31.3 Council may appoint, by resolution, Councillors, employees, public-at-large, or other members to Committees in accordance with the Terms of Reference.

- 31.4 The Mayor shall be an ex-officio member of all Committees to which Council has the right to appoint members, unless otherwise prohibited by statute or bylaw, and, as such member of the Committee, shall be counted to determine quorum and has all the rights and privileges of the other Committee members including the right to make motions and vote.
- 31.5 The Chairperson of a Committee shall preside at every meeting and shall vote on all questions.
- 31.6 When a Committee is of the opinion that a meeting should be held in Closed meeting, the motion passed to authorize the Closed meeting shall include the reason for holding the meeting during Closed meeting, and the meeting shall be conducted in accordance with the Act.
- 31.7 A member of a Committee who has a pecuniary interest in a matter before the Committee shall disclose the general nature of the interest and abstain from discussing the matter or voting on the matter and leave the room until discussion and voting on the matter are concluded, as prescribed in the Act.
- 31.8 Councillors appointed to a Committee by Council shall be responsible to keep Council informed as to Committee activities.
- 31.9 A Committee may make a recommendation to Council who may then accept, reject or amend the recommendation as they deem appropriate.
- 32.0 **RESCIND**
- 32.1 Bylaw No. 240-97 and Bylaw No. 340-09 are hereby rescinded.

This Bylaw shall come into effect upon the passing of the third and final reading thereof.

READ A FIRST TIME THIS 7TH DAY OF SEPTEMBER, A.D. 2021

READ A SECOND TIME THIS 7TH DAY OF SEPTEMBER, A.D. 2021

READ A THIRD TIME AND FINALLY PASSED THIS 7TH DAY OF SEPTEMBER,
A.D. 2021

MAYOR

CHIEF ADMINISTRATIVE OFFICER