

## BYLAW 44-5

### BEING A BYLAW OF THE TOWN OF BANFF, IN THE PROVINCE OF ALBERTA, TO ESTABLISH PROCEDURES AND CONDUCT OF COUNCIL, COUNCIL COMMITTEES, AND OTHER BODIES ESTABLISHED BY COUNCIL

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**WHEREAS** the Municipal Government Act, RSA 2000, Chapter M-26 authorizes a council to pass bylaws in relation to the procedure and conduct of council, council committees, and other bodies established by the council, the conduct of councillors and the conduct of member of council committees and other bodies established by the council;

**AND WHEREAS** the Municipal Government Act, RSA 2000, Chapter M-26 authorizes a council to pass bylaws in relation to the establishment and functions of council committees and other bodies;

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

#### CITATION

1. This bylaw may be cited as the “Procedures Bylaw.”

#### INTERPRETATION

2. In this bylaw,
  - a) Any reference to a named act is a reference to an Act of the Legislature of Alberta, as amended from time to time;
  - b) Where a bylaw references a Town staff position, department or committee, the reference is deemed to be to the current name that the staff position, department or committee is known by;
  - c) The definitions in Schedule “A” will apply to the corresponding words if the first letter of that word is capitalized in this bylaw.
2. The precedence of rules governing the procedure and of Council and Council Committees is:
  - a) The Municipal Government Act;
  - b) Other provincial legislation;
  - c) This bylaw; and
  - d) The current edition of Robert’s Rules of Order and Parliamentary Procedure.
3. In the absence of statutory obligations, any provisions of this bylaw may be temporarily altered or suspended by an affirmative vote the majority of Members present. A motion to temporarily alter or suspend any provisions of this bylaw is not debatable or amendable.
4. Unless otherwise noted, provisions applying to Council shall also apply to Council Committees and their Members.

## MEETINGS

3. Council shall appoint Members to act as deputy mayor and acting mayor at each annual organizational meeting.
4. Council Committees shall elect a chair and vice-chair from among their Members at the first regular meeting following an annual organizational meeting of Council, unless Council designates the chair or the manner in which the chair shall be selected.
5. The chair of a Council Committee may be removed by a majority vote of the Members of the Council Committee.
6. Regular meetings of Council shall be held in the council chamber at the municipal office unless notice is given in accordance with the Municipal Government Act that they will be held elsewhere.
7. A schedule of regular meetings of Council shall be established by resolution of Council at its annual organizational meeting. Changes to the meeting schedule may be made in accordance with the provisions of the Municipal Government Act.
8. Special meetings of Council shall be established as required in accordance with the provisions of the Municipal Government Act.
9. Regular meetings of Council Committees shall be set by resolution of each committee or other body.
10. A meeting shall not exceed four hours in length unless the Members present unanimously consent to an extension. If an extension is not approved, any remaining agenda items will be considered at the next regular meeting or at a special meeting called to complete the business.
11. If quorum is not present within thirty minutes after the time fixed for a meeting, the Town Manager shall record the names of the members present and the meeting shall stand adjourned until the next meeting.
12. If a meeting is adjourned for failure to constitute a quorum or for loss of quorum during a meeting, the Agenda for that meeting will be considered at the next regular meeting or at a special meeting called to complete the business.
13. If quorum is present within thirty minutes after the time fixed for a meeting, but the mayor, deputy mayor and acting mayor are absent (or, in the case of a Council Committee or other body, the chair and vice-chair are absent or have not yet been appointed), the Town Manager shall call the meeting to order and shall call for a Presiding Officer to be chosen by resolution.
14. A Member may attend a council meeting via electronic or other communication facility in accordance with the Municipal Government Act. Any costs associated with this form of meeting attendance shall be borne by the Town.

## AGENDA

15. All submissions for a meeting Agenda shall be received by the Town Manager no later than noon on a business day at least four days before the meeting.
16. The Town Manager shall ensure copies of the Agenda and all supporting materials are available to Members, Town administration and the general public no later than 5 p.m. three days before the meeting.
17. Where an Agenda item is not submitted in time to meet the deadlines in **sections 15 and 16**, the item may be added to the Agenda at the meeting by majority consent of the Members present.
18. Where the deadlines in **sections 15 and 16** are not met, the Agenda and supporting materials shall be deemed to be acceptable when the agenda is adopted at the meeting.
19. The Agenda for regular meetings shall state business in the following order, where applicable:
  1. Call to Order
  2. Approval of Agenda
  3. Adoption of Previous Minutes
  4. Delegations
  5. Unfinished Business
  6. Inquiries
  7. Bylaws and Staff Reports
  8. Committee Reports
  9. Correspondence
  10. New Business
  11. Inquiries
  12. Adjournment
20. The Agenda for public hearings shall state business in the following order, where applicable:
  1. Call to Order
  2. Staff Report
  3. Public Submissions
  4. Council Question Period
  5. Adjournment
21. The order of business established in **sections 19 and 20** may be altered by majority consent of the Members present at a meeting.
22. An item may be deleted from the Agenda by unanimous consent of the Members present.

## MINUTES

23. Minutes of meetings shall be recorded in accordance with the Municipal Government Act.
24. Unless otherwise authorized by this or another bylaw, by statute, or by unanimous consent of Members present, discussion, questions, and debate shall not be recorded in the minutes.
25. Minutes of a meeting shall be adopted by motion at the following regular meeting, regardless of whether or not the same Members are present. Wherever possible, the motion to adopt minutes shall be made by a Member who was present at the meeting where the minutes were taken.
26. Any Member may request a correction to the minutes before they are adopted. Corrections are deemed adopted when the motion to adopt the minutes has carried.

27. Approved minutes shall be signed by the Presiding Officer and the recording secretary who were present at the meeting where the minutes were taken, wherever practicable. Where not practicable, the minutes shall be signed by the current Presiding Officer and recording secretary.
28. In the event a Council Committee is disbanded, the minutes of the final meeting shall be approved by the Presiding officer, and signed by the Presiding Officer and recording secretary.

### **PUBLIC PARTICIPATION**

29. A member of the public may submit written material for inclusion in the Agenda in accordance with the deadline established in **section 15** and at the discretion of the Town Manager.
30. A member of the public may appear as a delegation before Council, provided notice of the delegation has been given in accordance with the deadline established in **section 15** and at the discretion of the Town Manager.
31. A member of the public may address Council during a regular meeting in the time reserved for inquiries or at another time with the permission of the Presiding Officer, and shall be restricted to discussion of items approved on the Agenda.
32. Any member of the public who addresses Council, either through a written or verbal submission, shall provide his or her name for inclusion in the minutes of the meeting. Other information pertinent to issue under discussion may also be required at the discretion of Presiding Officer.
33. Public submissions regarding any unresolved matter that has been the subject of a public hearing shall not be included on the Agenda or otherwise considered.
34. No member of the public shall address Council for longer than five minutes, exclusive of the time required to answer questions from Council, unless granted a time extension by a majority of Members present.
35. In the case of a public hearing,
  - a) Written submissions and notices of verbal submissions received in accordance with **section 15** will be included in the Agenda.
  - b) Written submissions received after the deadline established in **section 15** but before the close of the public hearing will be distributed to Council and included in the record of the meeting.
  - c) Once any verbal submissions included in the Agenda have been heard, the Presiding Officer will allow any other person present who wishes to speak an opportunity to do so.
  - d) A summary of any verbal presentation will be recorded in the minutes.
36. 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, the Presiding Officer shall ensure that any part of the meeting during which that matter will be discussed is closed to the public through a motion. The minutes shall include the reason for closing the meeting.

### **CONDUCT OF MEETINGS**

37. A Member or any other person wishing to speak at a meeting shall address the Presiding Officer, and must be recognized by the Presiding Officer before speaking.
38. The Presiding Officer shall determine the order of speakers.

39. The Presiding Officer may, in accordance with the Municipal Government Act, expel and exclude any person who creates a disturbance or acts improperly.
40. Any Member wishing to leave a meeting that is in progress may only do so with permission of the Presiding Officer.
41. No Member shall leave a meeting after a question has been put to vote, until the vote is taken.
42. The Presiding Officer may, at his or her discretion, step down from the chair for the purpose of making a motion and/or taking part in the debate, in which case the deputy mayor or acting mayor shall be called by him or her to act as Presiding Officer until the motion is decided or debate is completed.
43. Any decision of the Presiding Officer with respect to meeting conduct may be appealed through a motion decided by a majority of Members present.

## **MOTIONS**

44. Council may discuss an item on the agenda, including asking questions of administration, before a motion is made, for the purposes of determining what, if any, motion should be made in relation to the item.
45. A motion does not require a seconder.
46. A motion may be withdrawn by the Member that made the motion at any time before voting, subject to no objection from any Member present. Motions withdrawn in this manner shall not be recorded in the minutes.
47. A friendly amendment, or a change in wording that enhances and strengthens the original motion, may be proposed and adopted if no Members present object. Only the motion as amended by the friendly amendment will appear in the minutes.
48. After a motion has been made and is being considered, no other motion may be made except for:
  - a) A motion to amend the motion on the table; or
  - b) A motion to refer the main motion to some other group for consideration; or
  - c) A motion to postpone the main motion to a definite time either later in the meeting or until the next regularly scheduled meeting; or
  - d) A motion to postpone a main motion indefinitely.
49. Amending motions must relate to the subject matter of the motion under discussion. The Presiding Officer shall allow only one amendment at a time to the main motion and only one amendment to that amendment may be allowed at a time.
50. A motion to refer a main motion to some other group for consideration may include a definite time that the motion will be returned to Council.
51. When a motion contains more than one distinct proposition, Council shall vote on each proposition separately if a Member so requests or the Presiding Officer so directs.
52. A motion for first reading of a bylaw is not debatable.

53. A motion may be made to reconsider a previous motion provided that:
- a) the Member making the motion to reconsider:
    - i) originally voted with the prevailing side; or
    - ii) was not present at the time the previous motion was made and voted on, or
    - iii) was not a Member at the time the previous motion was made and voted on, and
  - b) the previous motion:
    - i) has not been acted upon to the extent that the Town has undertaken or become subject to any liability or obligation, or
    - ii) was not a motion for a reading of a bylaw.
54. When a motion has been made, all discussion shall be restricted to the subject of the motion except when:
- a) A Member believes that a rule or procedure pertaining to the conduct of the meeting has been violated; or
  - b) A Member requires more information about a rule or procedure before proceeding with debate or making a motion; or
  - c) A Member believes the comfort, dignity, safety or reputation of the organization or an individual is at stake.
55. Any matters brought forward under **section 54** shall be considered immediately and ruled upon by the Presiding Officer.

## VOTING

56. Unless otherwise stipulated in a Town bylaw or by statute, all votes shall be decided by a majority vote of Members present.
57. Any question receiving a tie vote is defeated.
58. A Member may vote against his or her own motion.
59. Unless a provincial or federal statute requires or permits a Member to abstain from voting, all Members present shall vote. If a Member excuses him or herself from voting in accordance with the requirements of a federal or provincial statute, the abstention and reason for it shall be recorded in the minutes.
60. Motions will be recorded in the minutes as “carried” or “defeated” and, in the case of a split vote, the names of those who voted for and those who voted against the motion shall be recorded in the minutes.
61. Where the mayor is authorized by the Municipal Government Act to be a Member of a Council committee, the Mayor shall be entitled to vote on all questions considered by the committee.

## COUNCIL COMMITTEES

62. In accordance with the Municipal Government Act, Council may pass bylaws establishing and determining the functions of Council Committees.
63. Unless otherwise stipulated in a statute or in a bylaw passed further to **section 62**,
- a) Council shall appoint Members to Council Committees when the committee is initiated, and after that at each annual organizational meeting.

- b) the term of membership on a committee or other body may not exceed three years, and there is no limit to the number of terms that may be served consecutively.
  - c) Town employees may serve as advisors and provide administrative assistance to Council Committees, but may not serve as voting Members.
  - d) Council may terminate the appointment of a Member of a Council Committee through a majority vote.
64. Unless otherwise authorized by statute or bylaw, Council Committees are charged only with making recommendations to Council. Recommendations shall be made by motion at Council Committee meetings and submitted to a subsequent Council agenda for consideration, in a form determined by the Council Committee.
65. The provisions of the Municipal Government Act regarding pecuniary interest shall apply to Members of Council Committees.

**ENACTMENT/TRANSITION**

66. If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.
67. Schedules “A” forms part of this bylaw.
68. Bylaw 44-4 is repealed upon this bylaw coming into force.
69. This bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designates.

Read a first time this 9<sup>th</sup> day of October, 2007.

Read a second time this 9<sup>th</sup> day of October, 2007.

Read a third time this 9<sup>th</sup> day of October, 2007.

Approved on behalf of the Town of Banff:

\_\_\_\_\_  
John Stutz  
Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert Earl  
Town Manager

\_\_\_\_\_  
Date

**SCHEDULE “A” - Definitions**

5. The following definitions will apply to the corresponding words if the first letter of that word is capitalized in this bylaw:
- a) **Agenda** means the list and order of business for any meeting of Council or Council Committee.
  - b) **Council** means the mayor and councillors of the Town of Banff.
  - c) **Council Committee** means a committee, board or other body established by Council in accordance with the Municipal Government Act.
  - d) **Member** means an elected member of Council or a voting member of a Council Committee.
  - e) **Presiding Officer** means,
    - i) at a Council meeting, the Mayor; or, in the absence of the Mayor, the deputy Mayor; or in the absence of both the Mayor and the deputy Mayor, the acting Mayor.
    - ii) at a Council Committee, the chair, or, in the absence of the chair, the vice-chair.
  - f) **Town Manager** mean a person appointed as Chief Administrative Officer by Council, or his or her delegate.
  - g) **Town** means the Corporation of the Town of Banff.