

TOWN OF BANFF
BYLAW 44-8
Procedures Bylaw

A Bylaw to Establish Procedures and Conduct for Council and Committee Meetings

WHEREAS it is necessary to establish rules and provisions to regulate the conduct of business in Council and Committee Meetings;

AND WHEREAS in accordance with Section 145 of the *Municipal Government Act*, Council may pass bylaws in relation to the procedure and conduct of Council, Committees, and other bodies established by Council;

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

1.0 CITATION

1.1 This Bylaw may be cited as the “Procedures Bylaw”.

2.0 DEFINITIONS

2.1 In this Bylaw:

- 2.1.1 **Act** or **MGA** means the *Municipal Government Act*, R.S.A. 2000, c. M-26, and associated regulations, as amended;
- 2.1.2 **Administration** means the administrative and operational arm of the Municipality, comprised of the various departments and includes all employees who operate under the leadership and supervision of the Town Manager;
- 2.1.3 **Administrative Resource** means the member of Administration who is responsible for providing administrative support to a Committee;
- 2.1.4 **Agenda** means the list and order of business for any Meeting of Council or Committee;
- 2.1.5 **Annual Organizational Meeting of Council** means the Meeting held annually no later than two weeks after the third Monday in October where Council, amongst other activities, appoints members to various Committees;
- 2.1.6 **Business Day** means a day other than Saturday, Sunday, or holiday;
- 2.1.7 **Chair** means the person elected to preside over Meetings of Council or a Council Committee and includes the Mayor or Deputy Mayor when presiding over a Council Meeting;
- 2.1.8 **Closed Meeting** means a Meeting or a portion of a Meeting held in the absence of the public;

- 2.1.9 **Committee** means a committee, board or other body established by Council; but does not include an assessment review board, a development appeal board, or a joint jurisdiction committee where Council has appointed Members; and in a section of this bylaw relating to a specific Committee means that specific Committee;
- 2.1.10 **Corporate Record** means the record of Agendas, minutes and other related Meeting material which is dealt with by Council or a Committee;
- 2.1.11 **Council** means the Council of the Town of Banff;
- 2.1.12 **Councillor** means a Member duly elected as a Councillor under the MGA and who continues to hold office;
- 2.1.13 **Deputy Mayor** and **Acting Mayor** means the Councillor appointed by Council pursuant to the *Municipal Government Act* to act as the Mayor in the absence or incapacity of the Mayor or in the case where the Mayor chooses to step down;
- 2.1.14 **FOIP** or **FOIP Act** means the *Freedom of Information and Protection of Privacy Act*, R.S.A. 2000, c. F-25, as amended, or any statute enacted in its place;
- 2.1.15 **General Municipal Election** means an election held for all the Members of Council to fill vacancies caused by the passage of time, in accordance with the *Local Authorities Election Act*;
- 2.1.16 **Majority Vote** means the vote of more than half of the Members present and voting at a properly called Meeting at which a quorum is present;
- 2.1.17 **Mayor** means the Member duly elected as the Chief Elected Official under the MGA who continues to hold office;
- 2.1.18 **Meeting** means a Meeting as outlined in Sections 192, 193, 194, or 195 of the Act. These are an Annual Organizational Meeting, a Regular Meeting, a Special Meeting, or a Committee Meeting;
- 2.1.19 **Member** means an elected Member of Council or a voting Member of a Committee;
- 2.1.20 **Motion Arising** means a motion moved by a Member of Council and is directly related to or “arises” from an item or motion which has just been considered;

- 2.1.21 **Notice of Motion** means a submission made by one or more Members of Council intended to provide notice of a proposed resolution for Council's consideration where the resolution:
- a) Raises a significant issue affecting all or part of The Town of Banff; or
 - b) Directs Administration to undertake a significant amount of work in order to respond.
- 2.1.22 **Point of Order** means a statement by a Member raising a departure from this Bylaw or other parliamentary procedure;
- 2.1.23 **Presiding Officer** means:
- a) 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;
 - b) At a Committee Meeting, the Chair, or, in the absence of the Chair, the Vice-Chair. If both the appointed Chair and Vice-Chair are absent, the Voting Body shall appoint another Member to chair the Meeting.
- 2.1.24 **Public Hearing** means a Meeting:
- a) to hear planning matters;
 - b) to hear any matters that the MGA or other enactment requires a public hearing to be held for; or
 - c) to hear other matters which Council directs be considered through a public hearing process;
- 2.1.25 **Question of Privilege** refers to matters affecting the rights and immunities of Council collectively or the propriety of the conduct of individual Members and includes, but is not limited to, the following:
- a) The comfort of Members;
 - b) The conduct of Members; and
 - c) The conduct of Administration or members of the public in attendance at the Meeting.
- 2.1.26 **Regular Meeting** means a Meeting other than a Special Meeting to deal with the standard business of Council or a Committee, such as items from Administration or other Committees, Bylaws and other business as listed in Section 8.24 and 8.25. A Regular Meeting may also include Public Hearing items;
- 2.1.27 **Social Media** means websites and applications that enable users to create and share content or to participate in social networking;

- 2.1.28 **Standing Item** means an Agenda item scheduled to be included as part of each regular Meeting of Council or Committee. Standing items may include but are not limited to: the Council workplan; invited presentations; delegations; and correspondence.
- 2.1.29 **Town Manager** means a person appointed as Chief Administrative Officer by Council, or their delegate;
- 2.1.30 **Two-thirds Vote** means the vote of more than two-thirds of the Members present and voting at a properly called Meeting at which a quorum is present (e.g.: five of seven, four of six, three of five, or three of four Members);
- 2.1.31 **Unanimous Consent** means an informal way of taking a vote, used only for routine and non-controversial decisions, usually of procedural nature;
- 2.1.32 **Urgent Business** is business, which is of an urgent nature, which requires action prior to the next regular Council Meeting;
- 2.1.33 **Vice-Chair** means the person elected to preside over a Committee meeting in the absence of the Chair.
- 2.1.34 **Voting Body** means the Council or Committee of the Town of Banff.

3.0 APPLICABILITY

- 3.1 This Bylaw applies to all Meetings of Council, Committees, and other Town Boards, Committees, Commissions, and Corporations.
- 3.2 Notwithstanding Section 3.1, Boards, Committees, Commissions, and Corporations created by Council are subject to the provisions of this Bylaw unless Council has authorized that Committee to establish its own procedures.
- 3.3 This Bylaw shall regulate the conduct of Council, Councillors, Members of Voting Bodies, and other persons attending Council and Committee Meetings.

4.0 AUTHORITY

- 4.1 The precedence of rules governing the procedure and of Council and Committees is:
- a) The MGA and any other federal or provincial legislation;
 - b) This bylaw; and
 - c) The current edition of Robert's Rules of Order Newly Revised (RONR), but only to the extent that RONR is applicable to the situation.
- 4.2 Where the relevance or applicability of RONR is in dispute, the Presiding Officer shall determine the issue, subject to an appeal by a Member, in which case the Voting Body may uphold or override the Presiding Officer's ruling by majority vote.

- 4.3 The Rules contained in this Bylaw shall be used to facilitate progress and shall be applied in the spirit of fairness, equality, and common sense.

5.0 SUSPENSION OF RULES

- 5.1 In the absence of statutory obligations, any provisions of this bylaw may be temporarily altered or suspended on a case-by-case basis, by a Majority Vote or by Unanimous Consent.
- 5.2 In a case where a specific procedural provision that does not originate in the Act is inadvertently not adhered to, and no one's rights are being infringed upon nor is any harm done to the proper transaction of business, the procedural provision shall be deemed to have been suspended in that specific case.

6.0 ENFORCEMENT OF RULES

- 6.1 All Members have the responsibility for ensuring that the rules of this Bylaw are adhered to. A Member may raise a Point of Order upon noticing a breach of Council's rules, but this must not be done frivolously or when the breach of rules is minor and causes no discernable harm to the proper transaction of business.
- 6.2 When a Presiding Officer interrupts a Member in order to enforce the rules, the Member must stop speaking and wait for the Presiding Officer to explain the reason for the interruption, and to cite the rule which has been breached. After being called to order, a Member may appeal the ruling of the Presiding Officer in accordance as follows:
- a) The Member explains the basis for their appeal;
 - b) The Presiding Officer puts the appeal to a vote immediately and without debate: "Shall the ruling of the Chair be upheld?";
 - c) The decision of the Presiding Officer is final unless reversed by a vote of the majority Members present without debate.

7.0 MEETINGS

Annual Organizational Meetings

- 7.1 An Annual Organizational Meeting of Council shall be held annually pursuant to the Act.
- 7.2 The Annual Organizational Meeting of Council immediately following a General Municipal Election shall be called the inaugural Meeting and the Town Manager shall chair the meeting until the Mayor has taken the oath of office.
- 7.3 Members of Council hold office from the beginning of the Organizational meeting following the General Election until immediately before the beginning of the Organizational meeting following the next General Election.

- 7.4 The business of the Annual Organizational Meeting of Council shall be limited to:
- a) The schedule of regular Council Meetings and regular Governance and Finance Committee Meetings;
 - b) The roster of deputy mayor and acting mayor appointments;
 - c) The appointment of Members to Committees and external agencies;
 - d) Any other business as is required by the Act or determined by Council.
- 7.5 If not all Members of Council are present at the Annual Organizational Meeting, the dates of regularly scheduled Meetings will be established by resolution at the next regular Meeting of Council with all Members present.

Regular Council Meetings

- 7.6 Notice for Meetings scheduled under 7.4 a) which have been adopted by Council need not be given.
- 7.7 Changes to the Meeting schedule established under section 7.4 a) may be made in accordance with the provisions of *the Act* and this Bylaw.
- 7.8 Notice of any change of day, time or place of a regular Meeting must meet the provisions of the Act regarding providing notice to the public.
- 7.9 Meetings of Council shall be held in the council chamber at Town Hall unless notice is given in accordance with the Act that they will be held elsewhere.
- 7.10 A Regular Meeting of Council shall not exceed four (4) hours in length unless a motion to extend the Meeting has been adopted by way of a majority vote. If an extension is not approved, any remaining Agenda items will be considered as unfinished business at the next Regular Meeting or at a Special Meeting called to complete the business.

Special Council Meetings

- 7.11 Special Meetings of Council shall be established as required in accordance with the provisions of the Act.
- 7.12 When a Special Meeting is to be held, the Town Manger shall provide written notice of the time, date and place of the Meeting to each Councillor pursuant to Section 8.2 of this bylaw and to the public at least twenty-four (24) hours prior to the Meeting and, in general terms, of the business to be transacted at the Meeting.
- 7.13 Notwithstanding Section 7.12, a Special Meeting of Council may be held with less than twenty-four (24) hours' notice to Members, and without notice to the public, if at least two-thirds (2/3) of the whole Council agrees to this in writing, in a form acceptable to the Town Manager, before the beginning of the Meeting.
- 7.14 No business, other than that stated in the notice, shall be transacted at a special Meeting, unless the whole of Council is present at the Meeting and the Council agrees to deal with the matter in question.

Committee Meetings

- 7.15 The Meeting schedule of Committees, excluding the Governance and Finance Committee which shall be considered as part of an Annual Organizational Meeting of Council, shall be established by each Committee and the public must be given notice of the Meeting advertised as required by the provisions of the Act.
- 7.16 Other Town Committees shall meet as soon as possible after the Annual Organizational Meeting of Council to set their annual Meeting schedule, with input from their respective Administrative Resource, to minimize conflict between Meetings and to ensure proper and timely notification to the public.

Closed Meetings

- 7.17 All Meetings of Council and Committees must be held in public, though a portion of a Meeting may be closed to the public.
- 7.18 The only matters to be considered in Closed Meetings are matters pertaining to one of the exceptions to disclosure in Part 1, Division 2 of the FOIP Act.
- 7.19 Before holding a Closed Meeting, Council or a Committee must adopt a motion in a public Meeting, and the motion must include:
 - a) The title or general description of the item(s) to be discussed; and
 - b) A listing of the specific sections under Division 2 of Part 1 of the FOIP Act, which provides the legislative authority to discuss the matter in a closed Meeting.
- 7.20 Members of Administration, as deemed necessary by Council or the Committee, may attend a Closed Meeting of Council or a Committee.
- 7.21 When a Meeting is closed to the public, Council or Committee may, by resolution, authorize persons, other than members of Administration, to attend specific items that will be discussed at the Closed Meeting. The names of proposed participants must be submitted to the Town Manager prior to the Meeting.
- 7.22 Council or a Committee may at any time direct that a person, other than a Member, leave the Closed Meeting.
- 7.23 For all confidential items, Administration must recommend a date by which the item should be reviewed for consideration of public release.
- 7.24 Where Council or a Committee has directed that a confidential item be reviewed by a specific date, Council or the Committee may subsequently change that date and such change does not require a reconsideration.

- 7.25 Where Council or a Committee resolves to close a portion of a Meeting to the public, in the addition to the resolution to do so, the Town Manager shall record in the minutes:
- a) The time that the Closed Meeting portion of the Meeting commenced and concluded;
 - b) The names of the additional people attending and the reason each attended; and
 - c) The legislative authority including the specific sections under Division 2 of Part 1 of the FOIP Act, relied upon for authority to close the Meeting to the public.
- 7.26 The rules of this bylaw apply to Closed Meetings:
- 7.27 Despite Section 7.26, Council or a Committee must not vote in a Closed Meeting except on a resolution to recess or to revert to a Meeting held in public.
- 7.28 No business other than that described within the resolution pursuant to section 7.19 may be discussed.
- 7.29 The rules of Council and Committees apply to closed Meetings.
- 7.30 Despite Section 7.27, there are no limits on the length of a Member's questions or discussion at a Closed Meeting.
- 7.31 Matters discussed or to be discussed in a closed Meeting are to be kept in confidence until discussed at a public Meeting of Council or a Committee.

Meeting Through Electronic Means

- 7.32 A Council or Committee Meeting may be conducted remotely by means of electronic or other communications facilities according to the provisions of the Act and any policies and procedures adopted by Council:
- a) Any costs associated with this form of Meeting shall be borne by the Town;
 - b) Members will attend meetings in person, however, a Member may attend a Meeting remotely through electronic means when the circumstances dictate and when the Member is unable to attend in person. A Member attending a Meeting remotely must endeavor to inform the Town Manager, Municipal Clerk, or Administrative Resource at least two business days prior to the Meeting of their intention to attend the Meeting remotely;
 - c) The Member presiding at the Meeting must attend a Meeting in person, unless otherwise approved by Council or Committee by way of a majority vote.
- 7.33 Members who are participating in Council or Committee proceedings remotely must have the audio and video functions enabled at all times. While a Member's face must be clearly visible at all times, microphones may be turned off when appropriate.
- 7.34 A Member who is participating remotely is deemed to be present at the Meeting and will count towards quorum.

- 7.35 A Member who is participating remotely retains all rights and privileges as stated in the Procedures Bylaw.
- 7.36 The Presiding Officer shall announce the names of those Members participating virtually at the commencement of the Meeting.
- 7.37 Remote participation is permitted in Closed Meetings.
- 7.38 Persons who are participating in Closed Meetings of Council or Committee proceedings remotely must prevent any person not authorized to be at the Closed Meetings from hearing the proceedings.
- 7.39 Persons other than Members are eligible to participate in Council or Committee proceedings remotely only upon compliance with relevant sections of Procedural Bylaw and acceptance of their registration by the Municipal Clerk. Requests to participate remotely from members of the public:
- a) Subject to the provisions of Section 12.1;
 - b) Must be received prior to 12:00 p.m. noon on the Business Day prior to a Meeting. Names of those participating who have pre-registered will be included in the Agenda; and
 - c) Received after 12:00 p.m. noon on the Business Day prior to the Meeting will not be accepted. However, the member of the public may attend the meeting in person to make a verbal presentation.

Additions or Changes to Scheduled Meetings

- 7.40 Council and Committee Meeting dates and changes thereto must be determined with input from the Municipal Clerk and/or Administrative Resource for the Committee, to minimize conflict between Meetings and to ensure proper notification of the public.
- 7.41 Council and Committees may cancel or revise their respective Meetings, or schedule additional Meeting dates or times as required, by a vote of the body, in consultation with the Town Manager, Municipal Clerk, and/or Administrative Resource for the Committee. The Municipal Clerk and/or the Administrative Resource for the Committee must provide notice of the changes or additions as noted in Section 8.2.
- 7.42 A scheduled Meeting may be cancelled by the Chair, in consultation with the Town Manager, Municipal Clerk, and/or Administrative Resource for the Committee, if the deadline for agenda submissions has passed, and there is no time-sensitive business to bring to that Meeting.

8.0 MEETING PROCEDURES

Methods of Giving Notice

- 8.1 Notice for Meetings in a schedule established under Section 7.4 a) which has been adopted by Council need not be given.

- 8.2 Notice of a Council or Committee Meeting is deemed to have been given to a Member if the notice is delivered to the Member's home or place of business either:
- a) Personally;
 - b) by telephone, text messaging, or voice mail at the number specified by the Member; or
 - c) by electronic mail or similar method to the address specified by the Member.
- 8.3 Notice of Council or Committee Meeting to the public is to be given by posting notice of the Meeting at the front entrance of Banff Town Hall, as a minimum requirement, as well as on the Town's website and Social Media.

Agendas

- 8.4 The Town Manager, in consultation with the Mayor, shall prepare the Agenda for all Meetings of Council and the Governance and Finance Committee.
- 8.5 The Town Manager, in consultation with the Administrative Resource Representative for that Committee, shall prepare the Agenda for all Meetings of Committees.
- 8.6 The Agenda shall include the order of business and all items of business and associated reports, bylaws or documents, and shall be set out in accordance with the order of business as set out in Sections 8.24, 8.25, and 8.26.
- 8.7 Submissions from Members of Council, Administration, and Committees for inclusion in a Council or Committee Agenda must be submitted to the Town Manager:
- a) No later than 12:00 p.m., at least eight Business Days prior to the Meeting;
 - b) Submissions received after the deadline must be placed on the next Agenda of the respective body for which the submission deadline has not passed; and
 - c) When the date for receipt of submissions falls on a statutory holiday, the date for receipt shall be the next business day.
- 8.8 The Town Manager shall ensure the Agenda and all supporting materials are made available to Members, Administration, and the general public at least five Business Days before the Meeting. When the date for publication falls on a statutory holiday, the date for publication shall be the next business day.
- 8.9 If, for any reason, the Town Manager is unable to meet the deadline mentioned in Section 8.8, the Town Manager shall prepare and distribute the Agenda as soon as reasonably possible to allow Members and the public an opportunity to review the Agenda prior to the Meeting.
- 8.10 Public Submissions of any written documentation for consideration at a Council or Committee Meeting shall be received by the Municipal Clerk or Administrative Resource no later than 12:00 p.m. noon on the Business Day prior to the Meeting.

- 8.11 Once a Council or Committee Agenda is set or otherwise published, it is the property of the voting body. Changes or deletions from the published Agenda may only be considered at the Meeting.
- 8.12 An item may be removed from the Agenda by unanimous consent of the Members present.

Urgent Business

- 8.13 Subject to Section 8.14 herein, a Member may make a motion to add Urgent Business to a Meeting of Council or Committee Meeting. Items may be added as Urgent Business by a majority vote.
- 8.14 Adding a matter as Urgent Business to a published Agenda, without notice to the public, must be kept to a minimum, noting Council's preference to be as transparent and as accountable as possible.
- 8.15 If the proposed Urgent Business is in written form, the Town Manager will make all reasonable effort to distribute it in advance of the Meeting.

Notice of Motions

- 8.16 Members wishing to introduce a Notice of Motion for consideration as part of a Meeting of Council may:
- a) Submit the Notice of Motion in writing to the Town Manager in accordance with Section 8.7; or
 - b) Give verbal notice at a Regular Meeting of their intention to introduce a Notice of Motion and/or proposal at the following Regular Meeting and submit the motion and/or document to the Town Manager in accordance with Section 8.7; and
- 8.17 A Notice of Motion may be brought as Urgent Business to a Council Meeting in accordance with Section 8.13.
- 8.18 A Notice of Motion must give sufficient detail so that the subject of the motion and any proposed action can be determined.

Quorum

- 8.19 A quorum for Meetings shall be a majority (more than half) of all the Members of the body who are entitled to vote unless Council provides otherwise in a governance document.

Commencement of Meeting

- 8.20 At the time set for the start of the Meeting, if a quorum is present, the Presiding Officer must call the Meeting to order.

- 8.21 If quorum is not present within thirty minutes after the time fixed for a Meeting, the Town Manager, or designate, shall record the names of the Members present and the Meeting shall stand adjourned until the next Meeting.
- 8.22 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.
- 8.23 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 Committee, the Chair and Vice-Chair are absent or have not yet been appointed), the Town Manager, or designate, shall call the meeting to order and shall call for a Presiding Officer to be chosen by resolution.

Order of Business at Meetings

- 8.24 The Agenda for Regular Council Meetings shall ordinarily be as follows, and this order may be modified by a Majority Vote:
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|--|--|
| 1. Call to Order | 9. Committee Reports |
| 2. Confirmation of Agenda
(may include the Standing
Item Council workplan) | 10. New/Urgent Business (may
include Notices of Motion
for a future Meeting, if any) |
| 3. Confirmation of minutes | 11. Confidential Items |
| 4. Invited Presentations
(Standing Item) | 12. Correspondence (Standing
Item) |
| 5. Public Input on Approved
Agenda Items | 13. Adjournment |
| 6. Unfinished Business | |
| 7. Administrative Reports | |
| 8. Notice of Motions | |
- 8.25 The Agenda for Regular Meetings of the Governance and Finance Committee shall ordinarily be as follows, and this order may be modified by a Majority Vote:
- | | |
|---|---------------------------|
| 1. Call to Order | 6. Unfinished Business |
| 2. Confirmation of Agenda | 7. Administrative Reports |
| 3. Confirmation of minutes | 8. New/Urgent Business |
| 4. Delegations (Standing Item) | 9. Confidential Items |
| 5. Public Input on Approved
Agenda Items | 10. Adjournment |
- 8.26 The Agenda format for other Meetings of Council and for Meetings of Committees, other than the Governance and Finance Committee, shall follow such order as may be deemed necessary by Town Manager.

Flow of Agenda Items:

- 8.27 The flow of each Council and Committee Agenda item is ordinarily:
- a) Introduction/ presentation of item by Administration if applicable;
 - b) Questions of clarification from Members to Administration;
 - c) A motion being put on the floor;
 - d) Debate;
 - e) Mover responds to questions raised in debate as part of their closing remarks on the motion, if applicable; and
 - f) Vote.

9.0 MOTIONS

Main Motions

- 9.1 Council or Committee 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.
- 9.2 A motion does not require a seconder.
- 9.3 A recommendation in a report:
- a) Is not a motion unless a Member moves it; and
 - b) May be moved as the main motion with or without an amendment included.
- 9.4 All efforts must be made to ensure that recommendations and proposed resolutions which come before Council or Committees are concise, unambiguous and do not compete with previously adopted direction.
- 9.5 Motions, including motions to amend:
- a) May take into consideration the input of Administration so as to ensure that any legal, financial, and operational impacts are professionally addressed; and
 - b) May be provided to the Municipal Clerk and Town Manager in writing prior to a Meeting to facilitate this process.
- 9.6 Upon consultation with the Town Manager, Municipal Clerk, or Administrative Resource, the Presiding Officer may rule that a motion is out of order if it violates the MGA, this bylaw, or any other applicable legislation, rules, or policies. When ruling that the motion is out of order, the Presiding Officer must cite the provision that would be violated by the motion.

- 9.7 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;
 - b) A motion to refer the main motion to some other group for consideration (may include a definite time that the motion will be returned to Council);
 - c) A motion to postpone the main motion to a definite time (usually the next regular Meeting); or
 - d) A motion to postpone a main motion indefinitely.
- 9.8 A motion may be withdrawn 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.
- 9.9 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.
- 9.10 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, or that confidential information is about to be revealed.
- 9.11 Any matters brought forward under Section 9.10 shall be considered immediately and ruled upon by the Presiding Officer.

Amending Motions

- 9.12 Amending motions must relate to the subject matter of the motion under discussion. At any given time, only one amendment to the main motion and only one amendment to that amendment will be allowed.
- 9.13 A member who moved a motion may not move an amendment to that motion.
- 9.14 Amendments shall be voted on in the reverse order in which they were moved.
- 9.15 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.
- 9.16 A member may not move an amendment which:
- a) Does not relate to the subject matter of the main motion, or
 - b) Is contrary to the main motion.

- 9.17 When all amendments have been voted on, that main motion shall be put to a vote incorporating all adopted amendments.

Motions Arising Out of Main Motions

- 9.18 A Motion Arising is in order at Council and Committee Meetings, provided that the Presiding Officer, in consultation with Administration, determines that the required administrative effort to respond to the Motion Arising is inconsequential.
- 9.19 A Motion Arising which requires significant Administration resources, requires reconsideration of a motion adopted at an earlier Meeting, or requires professional, legal, or financial input must be submitted by Notice of Motion.

Debate on Motions

- 9.20 A Member:
- a) May debate more than once on a motion if introducing new information, with an allocation of no more than five (5) minutes, per initial debate and two (2) minutes per subsequent debate, subject to the discretion of Council or Committee.
 - b) Who moved the main motion will be given the opportunity to close debate and may speak for two minutes prior to the vote.
- 9.21 A motion to postpone is debatable only with respect to time.

Adopted and Defeated Motions

- 9.22 An adopted motion may be revisited at a subsequent Meeting at which the original motion was decided via a motion to rescind or amend something previously adopted provided it has not been acted upon. The motion:
- a) May be made by a Member who voted on the prevailing side, a Member who was not present when the vote was taken on the motion in question, or any Member after six months have passed; and
 - b) Is debateable.
- 9.23 A defeated motion may be revisited at a subsequent Meeting by being reintroduced as new business, following the normal processes that apply to the introduction of new business.
- 9.24 The same or substantially the same motion that receives the same outcomes at two Meetings shall not be revisited for six months after the date of the original motion, unless the Members, by a two-thirds vote, agree to do so.
- 9.25 Debate on a motion to reconsider, rescind something previously adopted or to amend something previously adopted must be confined to reasons for or against reconsideration, or whether the original motion will be rescinded or amended.

Bylaw Readings

- 9.26 A bylaw is passed after it receives three readings and is signed.
- 9.27 For the purposes of Section 9.26, a signature may be affixed to a bylaw by mechanical or electronic means.
- 9.28 After a motion for first reading of a bylaw, Council shall vote on first reading without amendment or debate on the substance of the bylaw. A Member may ask questions concerning the bylaw provided that such questions are simply to clarify the intent, purpose or objective of the bylaw, and do not indicate the Member's opinion for or against the bylaw. Debate on a motion for first reading must be confined to the appropriateness of continuing with further consideration of the bylaw.
- 9.29 After a motion for second or third reading of a bylaw, Members may:
- a) Debate the substance of the bylaw;
 - b) Propose and vote on amendments to the bylaw,
 - c) Refer by motion the bylaw to Administration for further information or a Committee for further review, and/ or
 - d) Make a motion to postpone the vote on a motion for a reading.

Pecuniary Interest

- 9.30 A Member who has a pecuniary interest in a matter before Council or a Committee must:
- a) Disclose the general nature of the pecuniary interest; and
 - b) Leave the Meeting before discussion and voting if required and return after the vote is declared.

10.0 VOTING

- 10.2 Unless otherwise stipulated in this or another Town bylaw or by statute, all votes shall be decided by a majority vote of Members present.
- 10.3 Any question receiving a tie vote is defeated.
- 10.4 A Member may vote against his or her own motion.
- 10.5 Every Member present at a Meeting of Council or a Committee must vote on every matter put to a vote, unless the Member declares a Pecuniary Interest, or has abstained from voting on a matter due to absence from the Public Hearing
- 10.6 Where the Mayor is authorized by the Act to be a Member of a Committee, the Mayor shall be entitled to vote on all questions considered by the Committee.

11.0 PUBLIC HEARING PROCEDURES

- 11.1 Public Hearings may occur as their own Meeting or part of a Regular Meeting of Council.
- 11.2 When Council is required to hold a Public Hearing on a proposed bylaw or resolution, Council must hear from members of the public prior to second reading of the bylaw or prior to voting on the resolution, unless another enactment specifies otherwise.
- 11.3 A Public Hearing shall include:
- a) A presentation from Administration and questions of clarification from Council;
 - b) An acknowledgment of public written submissions received by the Municipal Clerk;
 - c) Public verbal submissions and questions of clarification from Council to the speakers, in the following sequence:
 - i. The applicant (if applicable)
 - ii. Those in favour; and
 - iii. Those against.
 - d) Council questions of the applicant in response to public presentations (if applicable);
 - e) Closing comments from Administration and questions of clarification from Council; and
 - f) Closing of Public Hearing (if appropriate).
- 11.4 Members of the public addressing Council at a Public Hearing will limit their presentations to five (5) minutes, exclusive of questions, unless Council, by motion, approves an extension of that time.
- 11.5 Individuals addressing Council shall:
- a) Provide the correct spelling of their name for inclusion in the minutes;
 - b) Indicate who they represent, if applicable; and
 - c) Provide a copy of any presentation material to be included in the Corporate Record for the Meeting.
- 11.6 Written submissions that have been included in the published Agenda will not be read aloud.
- 11.7 In a Public Hearing, Council:
- a) Must hear from a person, group of persons, or person representing them, who claims to be affected by the proposed bylaw or resolution and who has complied with the procedures outlined by Council; and
 - b) May hear from another person(s) who wishes to make representations and whom Council wishes to hear; and

- c) May ask questions of public presenters, and the intent of such questions must be for clarification of the presentation.

11.8 In the case of a Public Hearing:

- a) Members of the public who are providing verbal submissions may participate through remote electronic means but must register with the Municipal Clerk prior to the close of the Public Hearing;
- b) Anonymous written submissions shall not be accepted, and an individual's name and method of contact must be attached to every submission;
- c) Written submissions and notices of verbal submissions received prior to 12:00 p.m. noon on a Business Day before the public hearing will be included in the Agenda;
- d) Written submissions received after the deadline established in Section 11.8 c), but before the close of the Public Hearing, will be distributed to Council on the date of the Public Hearing and included in the Corporate Record of the Meeting;
- e) 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.

11.9 After hearing from members of the public, Council may close a Public Hearing and entertain motions, or the Public Hearing may be adjourned to a certain date.

12.0 PUBLIC INPUT ON APPROVED AGENDA ITEMS

12.1 A Member of the public may provide a verbal submission to Council or a Committee during a Meeting in the time reserved for public input or at another time with the permission of the Presiding Officer and shall be restricted to discussion of new items publicly approved on the public portion of an Agenda, and not items included as a Standing Item, unfinished business, or a confidential item.

12.2 Unless granted a time extension by a majority vote of Members present, public presentations shall not exceed five minutes, exclusive of the time required to answer questions from Council.

12.3 A Member of the public may provide a written submission or correspondence to Council or a Committee on an item publicly approved on the Agenda subject to the following:

- a) The item is not included on the Agenda as a Standing Item, unfinished business, or a confidential item;
- b) Written submissions received prior to 12:00 p.m. noon on the Business Day prior to a Meeting will be copied and distributed to Members; and
- c) Written submissions received after 12:00 p.m. noon on the Business Day prior to the Meeting will not be accepted. However, should a member of the public attend a public hearing to make a verbal presentation, a written submission may be accepted into the Corporate Record, with the permission of the Presiding Officer. Twelve (12) paper copies are required to be submitted for distribution at the Meeting.

- 12.4 Written submissions, whether correspondence, in relation to publicly approved Agenda items, or for Public Hearing matters, received from members of the public must:
- a) Be addressed to Council or the appropriate Committee;
 - b) Be legibly written, typed, or printed;
 - c) Clearly set out the matter/issue and/or any request made of Council or Committee;
 - d) Use respectful language;
 - e) Be signed by at least one person who provides a printed name and contact information;
 - f) Not be libellous or improper;
 - g) Not be intended to act as a question period of Council or Committee; and
 - h) Not pertain to a matter which is held confidential pursuant to FOIP.
- 12.5 Written submissions, whether correspondence, in relation to publicly approved Agenda items, or for Public Hearing matters, which do not meet the conditions in Section 12.4 may be withheld and the requestor notified, if notification is possible.
- 12.6 Verbal or written submissions regarding any unresolved matter that has been the subject of a Public Hearing shall not be included on the Agenda or otherwise considered.

13.0 CORRESPONDENCE

- 13.1 When correspondence not relating to matters currently before Council or a Committee, is received, and if the requirements of Section 12.4 are met, the Town Manager shall:
- a) Forward a copy of the correspondence to Council or Committee for information; and
 - b) If it relates to matters that fall within the scope of responsibility for a particular department, refer the correspondence to the Administration of that department for a report or a direct response, and inform Council of the referral; or
 - c) If it relates to an item already on the Agenda, deliver a copy of the correspondence as a written submission:
 - i. To Council or Committee with the Agenda; or
 - i. At the Meeting if the Agenda has already been published and the submission deadlines, as outlined in this bylaw in Section 12.3, have passed;
 - d) Refer the correspondence to a Meeting of Council or Committee considered to be most appropriate according to the subject matter of the correspondence and inform Council or the Committee of the referral; or
 - e) Take any other appropriate action on the communication and inform Council of the action.

- 13.2 If the requirements of Section 12.4 are not met, the Town Manager may file the correspondence, dispose of it, or take any other appropriate action on the communication.
- 13.3 The Town Manager must make reasonable efforts to respond to the person sending the correspondence and to advise that person of any action taken on the subject of the correspondence.
- 13.4 After considering correspondence Council or a Committee may:
- a) Refer the correspondence to Administration or a Committee for a report or recommendation;
 - b) Provide a Notice of Motion on the substance of the correspondence; or
 - c) Accept the correspondence as information for the Corporate Record.

14.0 INVITED PRESENTATIONS AND DELEGATIONS

Invited Presentations

- 14.1 Invited Presentations shall be scheduled as part of Meetings of Council. Notwithstanding the foregoing, the Mayor and Town Manager may schedule an Invited Presentation as part of a Committee Meeting when in the opinion of the Mayor and Town Manager it is appropriate to do so.
- 14.2 Presenters who are invited by the Mayor, or Town Manager, do not have to request to be a delegation and are not subject to the requirements in Sections 14.4. though 14.11.
- 14.3 When an invited presentation includes a request for a Council decision, after considering the request a Council may:
- a) Refer the request to Administration or a Committee for recommendation;
 - b) Provide verbal notice that a notice of motion will be brought forward in accordance with Section 8.16; or
 - c) Receive the request for information as part of the Corporate Record.

Delegations

- 14.4 Delegations shall be scheduled as part of Meetings of Council. Notwithstanding the foregoing, the Mayor and Town Manager may schedule a Delegation as part of a Committee Meeting when in the opinion of the Mayor and Town Manager it is appropriate to do so.

- 14.5 A Member of the public may request in writing to be included on an Agenda as a delegation. The written request must:
- a) Include the name(s) of the person(s) who would be making the presentation if approved,
 - b) Provide a detailed synopsis of the request to appear before the Governance and Finance Committee, and clearly state any requests being made of Council and any recommended Council resolutions, and
 - c) Be submitted in accordance with the deadlines established in Section 8.7.
- 14.6 Delegations shall be limited to five minutes, exclusive of the time required to answer questions from Members, unless granted a time extension by a majority of Members present. A Council Member may ask questions of the delegation to clarify or correct information but must not enter into debate on the item which is the subject of the delegation and Council itself will not enter into debate on the information received.
- 14.7 The Mayor may refer delegations to another Committee Meeting, or direct the Town Manager to ask Administration to address the delegate's issue, as deemed appropriate according to the subject matter of the delegation.
- 14.8 The Mayor may refuse to place a delegation on the Agenda:
- a) If the issue is not considered to fall within the jurisdiction of Council or a Committee; or
 - b) If the delegation is proposing to present the same information as presented within the last twelve months with no significantly new information.
- 14.9 Delegation requests that are denied shall be:
- a) Offered the opportunity to provide written information for distribution to Council; and
 - b) Informed of their right to appeal the decision.
- 14.10 If the delegation wishes to appeal the Mayor's decision, the information must be distributed under separate cover to Council for their consideration. A Council survey poll will be conducted, by email outside of a meeting, to obtain Council's decision whether or not to allow the delegation to make a presentation. Council, by majority vote, can direct Administration to place the delegation on an upcoming Council or Committee Agenda.
- 14.11 When a delegation scheduled as part of a Committee Meeting includes a request for a Council decision, after considering the request the Committee may:
- a) Refer the request to the next Council Meeting for which the deadlines outlined in Section 8.7 have not passed; or
 - b) Refer the request to Administration or a Committee for recommendation,
 - c) Provide verbal notice that a notice of motion will be brought forward in accordance with Section 8.16.

- 14.12 The number of invited presentations and delegations placed on an Agenda may be limited to two. Invited presentations and delegations shall be placed on the Agenda on a first come basis.

15.0 ROLES AND CONDUCT AT MEETINGS

Role of the Presiding Officer

- 15.1 The Mayor, when present, presides as Presiding Officer over all Council Meetings.
- 15.2 If the Mayor is absent from a Council Meeting, the Deputy Mayor shall preside. If both the Mayor and the Deputy Mayor are absent the Acting Mayor shall preside over that Meeting.
- 15.3 The Presiding Officer:
- a) When present at a Meeting, must vote on all items, unless required or permitted to abstain from voting;
 - b) Is not required to vacate the chair in order to join in the debate so long as the Presiding Officer participates on the same basis as all other Members; and
 - c) Is not required to vacate the chair in order to make motions.
- 15.4 The Chair of a Committee, when present, presides as Presiding Officer. If the Chair is absent, the Vice-Chair presides.
- 15.5 The Chair of a Committee may be removed by a majority vote of the Members of the entire Committee, unless Council has designated the Chair.
- 15.6 During a Meeting, the Presiding Officer shall:
- a) Preserve order and decorum;
 - b) Keep a sequence of speakers, recognize Members, administration, or citizens to speak,
 - c) Make rulings on Points of Order or Questions of Privilege, subject to appeals by Members;
 - d) Ensure that Members understand the motion before them;
 - e) Subsequently call the vote;
 - f) Perform such leadership functions as may be required for the efficient and effective conduct of the Meeting;
 - g) At a Closed Meeting, ensure that only the matters that are approved to be discussed at the Closed Meeting are discussed.
- 15.7 The Code of Conduct for elected officials applies to the behavior expected of Members at the Governance and Finance Committee and Council.

Conduct of Members

- 15.7 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.

- 15.8 A Member must not interrupt another person who was duly recognized to speak, except on a Point of Order (pointing to a violation of a specific rule) or a Question of Privilege (pointing to an issue that affects the comfort of Members, such as noises, uncomfortable room temperature, and other distractions).
- 15.9 Members may not engage in debate with or ask argumentative questions of the public or Administration.
- 15.10 No Member shall leave a Meeting after a question has been put to vote, until the vote is taken.

Calling a Member to Order

- 15.11 The Presiding Officer may call to order any Member who is out of order during the proceeding of a Meeting.
- 15.12 When a Member has been warned about breaches of order but continues to engage in them, the Presiding Officer may name the Member by stating his or her name and declaring the offence. The Recording Secretary shall note the offence committed by the Member in the minutes of the proceedings; and
- 15.13 In accordance with Section 6.2, the Member may appeal the ruling of the Presiding Officer

Conduct of Public

- 15.14 In order to ensure a safe and respectful meeting environment, those seated in the public gallery or participating remotely at Council or Committee Meetings must:
- a) Speak only when called by the Chair;
 - b) Limit their comments to the matter contained in the publicly available report and the recommendations being discussed;
 - c) Not shout use profane, vulgar or offensive language;
 - d) Refrain from abusive conduct, personal attacks or verbal attacks upon the character or motive of Members of Council, Members of Committees, Administration, or other members of the public;
 - e) Not engage in arguments with Members;
 - f) Not spontaneously applaud, display signs, or engage in any behaviour which may be disruptive, disrespectful, or intimidating to others; and
 - g) Ensure that all electronic devices are silent and operated in such a manner that does not interfere with the Meeting or with another person's ability to hear or view the proceedings.
- 15.15 The Presiding Officer may order that a member of the public, who disturbs or acts improperly at a Meeting by words or actions, be expelled.

16.0 MEETING RECORDS

- 16.1 Minutes of Meetings shall be recorded in accordance with the Act.
- 16.2 Unless otherwise authorized by this or another bylaw, by statute, or by majority vote of Members present, discussion, questions, and debate shall not be recorded in the minutes.
- 16.3 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.
- 16.4 For the purposes of Section 16.3, a signature may be affixed to adopted minutes by mechanical or electronic means.
- 16.5 The minutes of every Council and Committee Meeting must record:
- a) The decisions of Council and Committees;
 - b) The names of the Members who voted for and against a motion;
 - c) Whether the motion was carried or defeated;
 - d) The name and general nature of a Pecuniary Interest declared by a Member (as defined in Section 170 of the MGA);
 - e) The names of any person, group of persons or person representing them, who claims to be affected by a proposed Bylaw or resolution, who have spoken on a matter considered at a public hearing, and who have complied with the Public Hearing Procedures outlined in this bylaw;
 - f) The names of any person, group of persons or person representing them, who has addressed Council or Committee, in accordance with this bylaw, with respect to approved items on an Agenda;
 - g) The names of any person, group of persons or person representing them, who has provided a written submission to Council or Committee, in accordance with this bylaw, with respect to approved items on an Agenda;
 - h) The distribution of additional material received at Council and Committee Meetings, to form part of the Corporate Record; and
 - i) The sections of the FOIP Act that apply to an item being discussed in a Closed Meeting and, if the decision of the Members is for the report to remain confidential, then the minutes must record a date when the report will be reviewed for potential release as public.
- 16.6 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.
- 16.7 Clerical, typographical and grammatical errors in minutes may be corrected by the Town Manager. No change shall be made that would alter or affect the actual decision made by Council.

- 16.8 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.
- 16.9 In the event a 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.
- 16.10 The Town Manager is authorized to provide for streaming video and video recording of any open Meeting subject to any policies and procedures adopted by Council.
- 16.11 The video recording provided by the Town Manger may be used to determine the accuracy of a portion of the minutes.

17.0 COMMITTEES

- 17.1 In accordance with the Act, Council may pass bylaws establishing and determining the functions of Committees.
- 17.2 Administration must consult with the Town Manager before seeking to establish or dissolve a Committee.
- 17.3 The membership of Committee must be as provided for in the enabling governance documents for that body.
- 17.4 Unless otherwise stipulated in a statute or in a bylaw passed further to Section 17.1:
- a) Council shall appoint Members to Committees when the Committee is initiated, and after that at each Annual Organizational Meeting;
 - b) Where a Committee position is vacant for any reason, Council may appoint a replacement for the remainder of that term;
 - c) The term of Membership on a Committee may not exceed three years, and no Member shall serve on a Committee for more than six consecutive years;
 - d) Council may allow a Member of a Committee to be re-appointed for a term longer than six consecutive years if Council determines that conditions warrant such an appointment;
 - e) Administration may serve as advisors and provide administrative assistance to Committees, but may not serve as voting Members; and
 - f) Council may terminate the appointment of a Member of a Committee through a majority vote.
- 17.5 Each Committee shall meet as soon as possible after appointment to elect a Chair and Vice-Chair using a representative of Administration as temporary Chair, in accordance with the Section 17.7 unless Council designates otherwise. The enabling governance documents must then state:
- a) Who may be the Chair and Vice-Chair of a Committee; and
 - b) The manner in which the Chair and Vice-Chair shall be selected.

- 17.6 In the absence of the Chair and Vice-Chair, another Member must be elected as Acting Chair for that meeting, in accordance with the process in Section 17.8.
- 17.7 When a Committee has not yet elected a Chair, the first meeting is called to order by the Municipal Clerk or Administrative Resource serving as temporary Chair. The first order of business will be:
- a) The temporary Chair calls for nominations, and then ballots for the position of chair;
 - b) The temporary Chair announces who is elected to the position of chair;
 - c) The Chair assumes the meeting, calls for nominations, and then ballots for the position of vice-chair; and
 - d) The Chair announces who is elected to the position of vice-chair.
- 17.8 At any subsequent meeting, when both the Chair and Vice-Chair are absent, another Member must be elected as Acting Chair for that meeting, with the Municipal Clerk or Administrative Resource serving as temporary Chair.
- 17.9 Unless otherwise authorized by statute or bylaw, Committees are charged only with making recommendations to Council. Recommendations shall be made by motion at Committee Meetings and submitted to a subsequent Council Agenda for consideration, in a form determined by the Committee.

18.0 SEVERABILITY

- 18.1 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.

19.0 REPEAL

- 19.1 Procedures Bylaw 44-7 is repealed.

20.0 ENACTMENT

- 20.1 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 14th day of November, 2022.

READ A SECOND TIME, as amended, this 14th day of November, 2022.

READ A THIRD TIME, as amended, this 14th day of November, 2022.

SIGNED AND PASSED, as amended, this 14th day of November, 2022.

On Original
Corrie DiManno
Mayor

On Original
Kelly Gibson
Town Manager