

TOWN OF PENHOLD

BYLAW NO.710/14

PROCEDURE AND CONDUCT OF COUNCIL MEETINGS BYLAW

Being a Bylaw of, the Town of Penhold, in the Province of Alberta, to establish the PROCEDURE AND CONDUCT OF COUNCIL MEETINGS.

WHEREAS: A council may 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 members of council committees and other bodies established by council;

WHEREAS: To provide a standard, familiar format for council meetings and to make it clear for members of council, staff, the media and the public to understand the decision making process;

NOW THEREFORE: The Council of the Town of Penhold, in the Province of Alberta, hereby enacts as follows:

SECTION 1~ BYLAW TITLE:

1. This Bylaw may be cited as the "PROCEDURE AND CONDUCT OF COUNCIL MEETINGS BYLAW"

SECTION 2 ~DEFINITIONS:

"agenda" means the statement of the order of business to be brought before the council

"chair" means the person presiding at the meeting.

"CAO" means the person appointed to the position of Chief Administrative Officer by the Council of the Town of Penhold and includes any person that the Chief Administrative Officer may appoint as his/her designate for purposes of carrying out responsibilities under this bylaw and further includes any person that may be appointed to act in the absence of the Chief Administrative Officer.

"council" means the municipal council of the Town of Penhold.

"councillor" includes the chief elected official.

"delegation" means a person or group of persons wishing to appear before the council to address a specific matter.

“deputy mayor” means the person appointed to act as Mayor in the absence or incapacity of the Mayor.

“mayor” means the chief elected official who is a member of council and chairs meetings of council unless a bylaw provides that another councillor or other person is to preside.

“minutes” means the record of decisions of any meeting recorded in the English language without note or comment.

“municipality” means the Town of Penhold, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the municipality.

“MGA” means the Province of Alberta Municipal Government Act and any amendments thereto.

“person” means any person, firm, partnership, association, corporation, company or organization of any kind.

“public hearing” means a public meeting of council convened to hear matters on a proposed bylaw or resolution; matters pursuant to the Municipal Government Act, or any other Act, or any other matter at the direction of council.

“quorum” means the majority of all councillors that comprise the council under the MGA. If there is a vacancy on council and the council is not required to hold a by-election under the MGA, a quorum shall consist of the majority of the remaining councillors that comprise council.

SECTION 3 ~ GENERAL:

1. This Bylaw shall govern all meetings of council, public hearings and any other meetings as may be directed by council.
2. Standing Committees of Council shall be established and governed by policy or bylaw approved by council. Where appropriate authority is delegated to a Standing Committee, such committee and its mandate shall be established by bylaw.
3. In the absence of any statutory obligation to the contrary, the strict application of this Bylaw may be waived if approved by a vote of the majority of council.
4. A motion to waive any provision of this Bylaw may be brought at any time, and if accepted, the resolution waiving the strict application of the Bylaw will only be effective for the meeting during which it was passed.
5. The precedence of the rules governing the procedure of council is:
 - i. The Province of Alberta Municipal Government Act
 - ii. Other Provincial Legislation
 - iii. Town of Penhold Council Code of Conduct

6. The Mayor, when present, shall preside as Chair over all meetings of council, unless otherwise provided for in this Bylaw.
7. The Deputy Mayor shall Chair council meetings when the Mayor is absent or unable to act as Mayor and shall have the powers and responsibilities of the Mayor under this Bylaw.
8. In the absence or inability of the Mayor and Deputy Mayor to act, the next councillor scheduled to be Deputy Mayor on the roster shall assume the Chair of council and shall have the powers and responsibilities of the Mayor under this Bylaw.
9. As a rule the Chair does not make any motion, but shall be able to voice what he/she sees as a useful motion and seek someone to move the motion.
10. Direction to administration by council shall be limited to council as a whole directing the CAO only.

SECTION 4 ~ DEPUTY MAYOR:

1. At the annual organizational meeting, council shall appoint one member of council to six (6) months of the calendar year as Deputy Mayor to act as Mayor in the absence or incapacity of the Mayor.
2. Council can by resolution, at a council meeting, make changes to the Deputy Mayor schedule.

SECTION 5 ~ MEETINGS – Organizational:

1. When the Mayor has been elected at an election immediately preceding the organizational meeting the CAO shall call the meeting to order and shall preside over the meeting until every member of council present has made and subscribed the official oath prescribed by the Oath of Office Act.
2. The annual organizational meeting shall be held on the fourth (4th) Monday in October of each year, unless otherwise authorized by resolution of council.
3. The CAO shall have available for each member of council and the public, a copy of the organizational meeting agenda and all supporting materials no later than 12 noon no less than three (3) days before the date on which the organizational meeting is scheduled.
4. At a meeting at which all of council is present, council shall by resolution, decide to hold regularly scheduled council meetings on specific dates, times and place for the next twelve month period.

(Handwritten initials)

5. If a meeting date falls on a statutory holiday, the meeting shall be scheduled for the following day which is not a statutory holiday, unless otherwise set by resolution of council.

6. Council can by resolution make changes to the date, time or place of a regularly scheduled meeting, provided that at least twenty-four (24) hours notice of the change is given to any councillor not present at the meeting at which the change was made and give notice to the public.

7. The order of business at the organizational meeting shall be stated in the agenda in the following order:
 1. Call to order.
 2. Adoption of the Organizational Meeting Agenda.
 3. Date, Time and Location of Regular Council meetings for the next twelve month period.
 4. Date, Time and Location of Policies and Council of the Whole Committee meetings for the next twelve month period.
 5. Deputy Mayors Appointment(s) for the next twelve month period.
 6. Appointments of Council Members to Authorities, Boards, Commissions and Committees.
 7. Adjournment.

The order of business established in the foregoing paragraph shall apply unless council otherwise determines by a majority vote of the members of council present, and the vote upon a matter of priority of council business shall be decided without debate.

SECTION 6 ~ MEETINGS – Regular:

1. As a rule, regular council meetings are held the second (2nd) Monday at 6 p.m. and the fourth (4th) Monday at 6 p.m., of each month, notwithstanding any deviations as established at the annual organizational meeting.

2. The CAO shall have available for each member of council and the public, a copy of the regular meeting agenda and all supporting materials no later than 12 noon no less than three (3) days before the date on which the regular council meeting is scheduled.

3. The business of the council intended to be dealt with shall be stated in the agenda in the following order:
 1. Call to order
 - a) Added Items
 - b) Adoption of the agenda
 2. Adoption of previous minutes
 3. Business arising out of the minutes
 4. Presentations and Delegations
 5. Reports
 6. New Business
 7. Outstanding Business
 8. Reports from council boards and committees

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- 9. ByLaw(s)
- 10. Correspondence and Information
- 11. Council Reports
 - a. Reporting from boards, committees and other town related focuses to council.
 - b. Request for action/follow up.
 - c. Notice of motion: A request that has financial implications to the current year budget that will be brought back to the next regular council meeting for deliberation and decision.
- 12. Questions from the Gallery (at Chair Discretion)

- 13. In camera

- 14. Adjournment

The order of business established in the foregoing paragraph shall apply unless council otherwise determines by a majority vote of the members of council present.

SECTION 7 ~ MEETINGS – Closed (In-Camera):

- 1. When it would be unfair to the people involved to have an issue discussed in public, council can meet in camera to discuss the matter. Resolutions or bylaws cannot be passed while in camera. Any decisions must still be made at a meeting open to the public. Items that may be discussed in camera is Land matters, legal matters and labour/personnel matters.

Under the MGA, councillors are required to keep in confidence matters discussed in private at a council meeting.

SECTION 8 ~ MEETINGS - Special Council Meeting:

- 1. Whenever the Mayor deems it appropriate to do so, a special council meeting can be called. At least twenty-four (24) hours notice shall be provided in writing to each councillor and the public stating the purpose of the meeting and the date, time and place at which the special meeting shall be held.
 - 1 a) Written notice of a special council meeting called under section 194 of the Municipal Government Act, providing 24 hours notice, is attached as Schedule 'A'
 - 1 b) Written notice to the public shall mean the written notice is posted at the front entrance to the Town of Penhold Offices at #1 Waskasoo Avenue, Penhold Alberta and written notice is posted on the Town of Penhold website at www.townofpenhold.ca and further that written notice is provided to the local print.
 - 1 c) A special council meeting called under Section 194 of the Municipal Government Act, waiving 24 hours notice to all councilors and without notice to the public can be held if at least 2/3 of the whole council agrees to this in writing, before the beginning of the council meeting. Written notice of a special council meeting called under this section is attached as Schedule 'B'.



2. If the Mayor receives a written request for a special meeting stating its purpose, from a majority of the councillors, a special council meeting shall be held within fourteen (14) days after the date that the Mayor received the request.
3. No matter other than that stated in the notice calling the special council meeting can be transacted at the meeting unless the whole council is present at the meeting and the council agrees to deal with the matter in question.

SECTION 9 ~ QUORUM:

1. The CAO (or as designated by the CAO) shall record the time of arrival and departure of council members at meetings should a member of council arrive late at a meeting or depart prior to the completion of the meeting.
2. In the case where the Mayor or Deputy Mayor is not in attendance within fifteen (15) minutes after the hour appointed for a meeting and a quorum is present, the next councillor scheduled to be Deputy Mayor on the roster shall assume the Chair of the council meeting until the arrival of the Mayor or Deputy Mayor.
3. If a quorum is not present within thirty (30) minutes after the time fixed for regular or special meetings, the CAO (or as designated by the CAO) shall record the names of the members of council present, and the council shall stand adjourned until the next regular or special meeting.

SECTION 10 ~ ATTENDANCE:

1. Council attendance is required as pursuant to the MGA.

SECTION 11 ~ CANCELLATION OF MEETINGS:

1. Council meetings maybe cancelled:
 - a) By a majority of council, by resolution, at a previous meeting; or
 - b) With written or oral consent of a majority, provided twenty-four (24) hours notice is provided to council and the public.
2. Special Meetings may be cancelled:
 - a) By the Mayor if twenty-four (24) hours written notice is provided to councillors and the public; or,
 - b) If less than twenty-four (24) hours notice is provided, the Mayor may cancel with the written or oral consent of two-thirds (2/3) of the councillors.

SECTION 12 ~ CONDUCT OF MEETINGS:

1. Every delegate to council and each member of council shall address the Chair, but shall not speak until recognized by the Chair.
2. The Mayor or other presiding officer may, upon request of a member of council, authorize a person in the public gallery to address council, but only on the topic being debated at that time in the meeting and with time limits specified by the Mayor or other presiding officers.
3. A motion may be withdrawn at any time before voting, subject to there being no objection from any member of council.
4. The following motions are not debatable by council:
 - Adjournment
 - Take a Recess
 - Point of Order
 - Table the Matter to Another Meeting
5. Where a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member of council so requests or when the Mayor or other presiding officer so directs.
6. A motion shall be worded in a concise, unambiguous, and complete form appropriate to its purpose.
7. Motions containing a negative statement shall be avoided whenever possible.
8. Whenever the Mayor or other presiding officer is of the opinion that a motion is contrary to the rules and privileges of the council. He/she shall appraise the member of council immediately. He/she shall cite the rule or authority applicable to the case without argument or comment, unless otherwise decided by a two-thirds (2/3) majority vote of the members of council present.

SECTION 13 ~ DELEGATIONS:

1. A person or a representative of any delegation or group of persons who wishes to bring any matter to the attention of the council, or who wishes to have any matter considered by the council shall address a letter and/or completion of "presentation to council" form located on Town of Penhold website or provided by administration. The letter shall be typewritten or legibly written, signed by the correct name of the writer, delivered or mailed to the office of the Chief Administrative Officer so that it arrives at least at 1 p.m. in the afternoon at least Three (3) business days before the date scheduled for the meeting at which it is to be presented, and it shall contain the full mailing address and contact information of the writer. If he or she wishes to appear before council, it shall be so stated in the letter.

2. Delegations shall be granted a maximum of ten (10) minutes to present the matter outlined in their letter. Where the Mayor or other presiding officer determines that additional time shall be granted to a delegation, additional time shall be granted in the length specified by the Mayor or other presiding officer.
3. Where the Mayor or other presiding officer determines that sufficient time has been granted to a delegation to present the matter outlined in their letter, the Mayor or other presiding officer may limit the length of time granted to the delegation.
4. Delegations who have not submitted a written letter may be granted by the Mayor or other presiding officer a brief opportunity to outline the matter they wish to present to council, and following that outline, the Mayor or other presiding officer shall determine if the delegation is to be granted time to present the matter outlined.

SECTION 14 ~ PUBLIC HEARING:

1. Council shall hold a public hearing when the MGA or another enactment requires council to hold a public hearing on a proposed bylaw or resolution or any other matter at the direction of council. The public hearing shall be held before second reading of a proposed bylaw or before council votes on a resolution.
2. Council shall by resolution set a time, date and location of a public hearing.
3. Unless otherwise approved by resolution of council, the following shall represent the procedure to conduct a public hearing:
 - a. The Chair of a public hearing shall declare the public hearing open.
 - b. A background shall be given on the proposed bylaw or resolution.
 - c. Presentations shall be limited to five (5) minutes.
 - d. Persons speaking will be given an opportunity to speak only once.
 - e. Order of presentations shall be as follows:
 - i. Those in support
 - ii. Those opposed
 - iii. Those deemed affected
 - f. Council shall not allow cross examination of persons giving information and it will not be necessary for the persons giving information to verify his or her qualifications.
 - g. For clarification purposes, council may ask questions of the speakers after each presentation.
 - h. No verbal or written submissions shall be received after the hearing has been deemed closed.
 - i. The Chair of a public hearing shall declare the public hearing closed.

Where there are no persons present as delegations, the hearing procedure shall eliminate c, d, e, f, g as listed above.

4. After the close of the public hearing council may pass the bylaw or resolution; make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or; council can defeat the bylaw or resolution.

SECTION 15 ~ MINUTES:

1. All minutes of council meetings shall be recorded in the English language, without note or comment.
2. The names of the councillors present at the meetings shall be recorded as present, the names of the councillors absent shall be recorded as absent.
3. The minutes of each council meeting shall be presented to council for adoption at the next council meeting.
4. The name of any councillor leaving or joining the meeting shall be recorded along with the time the councillor left or joined the meeting.
5. The CAO & Legislative Assistant, or his/her designate, is responsible for recording the minutes of council and responsible for causing the minutes to be prepared.

SECTION 16 ~ VOTING:

1. A councillor has one (1) vote each time a vote is held at a council meeting at which a councillor is present.
2. A councillor attending a council meeting is required to vote on a matter put to a vote, unless the councillor is required or permitted to abstain from voting under the MGA or any other enactment.
3. If a councillor abstains from voting, the reasons for the abstention shall be recorded in the minutes of the meeting.
4. A councillor shall abstain from voting on a bylaw or resolution if the councillor was absent from all or part of the public hearing.
5. When a vote is recorded, the minutes shall show the names of the councillors present and whether each councillor voted for or against the proposal or abstained.
6. If there is an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.

SECTION 17 ~ ENACTMENT

17.1 This ByLaw shall come into force and effect when it receives third and final reading and is duly signed.

READ A FIRST TIME THIS 8th DAY OF September 2014 as presented.

READ A SECOND TIME THIS 22nd DAY OF October 2014 as amended.

READ A THIRD TIME THIS 22nd DAY OF October 2014 as amended.



Mayor Dennis Cooper



Rick Binnendyk,
Chief Administrative Officer