

BYLAW NUMBER 561-18

VILLAGE OF WARNER

PROCEDURAL BYLAW

A BYLAW OF THE MUNICIPALITY OF VILLAGE OF WARNER, IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEEDINGS OF COUNCIL MEETINGS AND THE TRANSACTING OF BUSINESS BY COUNCIL FOR THE MUNICIPALITY.

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

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

The Council hereby establishes the following rules and regulations for the order and conduct in which the business of all Council meetings shall be transacted.

I. TITLE

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

II. DEFINITIONS

"Act" means the *Municipal Government Act (MGA)*, RSA 2000 Chapter M-26 and regulations made under the *MGA* as amended.

"Administration" means the employees of the Village of Warner.

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

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

"Council" shall mean the Council of the Village of Warner.

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

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



“General Management Committee” shall refer to members of Council and administrative leadership team.

“Closed Meeting” means the portion of the meeting at which only members of Council and other persons designated by Council may attend.

“Mayor” shall mean the Chief Elected Official or presiding officer of the Village of Warner.

“Member” means a member of Council duly elected and continuing to hold office, or where the context requires, a member of a Council committee appointed by Council.

“Municipal Clerk” mean the person appointed to the position as delegated by the CAO for the Village of Warner.

“Municipality” means the Corporation of the Village of Warner.

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

“Presiding Officer” means the Mayor, or in the absence of the Mayor, the Deputy Mayor, or in the absence of the Deputy Mayor any other member of Council chosen to preside at the meeting.

“Public Hearing” means a meeting of Council convened to hear matters pursuant to the Act.

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“Special Meeting” means a meeting called by the Mayor pursuant to the Act.

III. APPLICATION

1. Words importing the masculine gender only, include the feminine gender whenever the context so requires and vice-versa.

2. Words importing the singular shall include the plural or vice-versa whenever the context so requires.

3. This bylaw applies to all meetings of Council, General Management Committee, and Council Committees as identified.

4. The precedence of the rules governing the procedures of Council is:

(a) the *MGA*;

(b) other provincial legislation; and

(c) this bylaw.

IV. ORGANIZATIONAL MEETING



1. Council shall hold an Organizational Meeting not later than two weeks after the third Monday in October each year.

2. The CAO shall set the time and place for the Organizational Meeting, the business of the meeting shall be limited to:

(a) The appointments of members to Committees which Council is entitled to make;

(b) Any other business required by the MGA, or which Council or the CAO may direct.

3. Appointments of Council members to committees shall be for a term of one year, unless otherwise specified and reviewed at the Organizational Meeting.

V. REGULAR AND SPECIAL MEETINGS

1. The date and time of regular Council meetings will be regularly scheduled for the third Wednesday of any given month.

2. Regular meetings of Council shall commence at 5:30 p.m., located in the Municipality's Administration Office.

3. All meetings will be open to members of the public, except for Closed Meeting portions of the meeting.

4. Council has the authority to move "Closed Meeting" pursuant to Section 197(2) of the MGA for the purposes of:

(a) To comply with Division Two of Part One of the *Freedom of Information and Protection of Privacy Act*.

VI. QUORUM

1. When quorum is present at the time set for commencement of a Council meeting, the Mayor shall call the meeting to order.

2. If there is a quorum present at the time set of commencement of Council meeting, but the Mayor and Deputy Mayor are absent, the CAO shall call the meeting to order and shall call for a Presiding Officer to be chosen by resolution.

3. If quorum is not constituted within fifteen (15) minutes from the time set for commencement of a Council meeting, the CAO shall record the names of all the members present and adjourn the meeting.

4. Whenever a vote on a motion before Council cannot be taken because of a loss of quorum resulting from:



(a) The declaration of pecuniary interest or conflict of interest; or

(b) From a Councillor or Mayor not being present for all or part of a Public Hearing;

then the motion shall be the first order of business to be proceeded with and disposed of at the meeting of Council under that particular order of business.

5. If a quorum is lost for any other reason than those aforementioned in section VI. 4, the meeting is adjourned.

VII. MEETING THROUGH ELECTRONIC COMMUNICATIONS

1. Council members may attend a Council meeting by means of electronic communication.

Acceptable alternatives include: through the use of a telephone (with the speaker on), ensuring that dialogue is available for both parties; through the use of a personal computer; or other means as technology advances.

2. A Council member may attend regular or special Council meetings by means of electronic communication a maximum of three (3) times per calendar year, unless otherwise approved by Council.

3. A Council member shall be permitted to attend a meeting using electronic communication if that location is able to support its use, ensuring that all Council members participating in the meeting area able to communicate effectively.

4. A Council member attending a meeting via electronic communications is deemed to be present at the meeting for whatever period of time the connection via electronic communications remains active.

5. The Mayor, Deputy Mayor or Presiding Officer shall announce to those in attendance at the Council meeting that a Council member is attending the meeting by means of electronic communications.

6. When a vote is called, Council members attending the meeting by means of electronic communications shall be asked to state their vote only after all other Council members present at the meeting have cast their votes by a show of hands.

7. When a Council member attends an Closed Meeting, they will be required to confirm that they have attended the Closed Meeting session alone in keeping with the definition in this bylaw of "Closed Meeting" by providing a statutory declaration or affidavit sworn or declared before the Municipal Clerk or Commissioner for Oaths prior to the next regular Council meeting.

VIII. CANCELLATION OF MEETINGS

1. A regular meeting may be cancelled:



(a) by a vote of the majority of members at a previously held meeting; or

2. A special meeting of Council may be cancelled:

(a) by the Mayor if twenty-four (24) hours written notice is provided to all members and the public, or;

(b) by the Mayor, with the written consent of two-thirds (2/3) of the members, if less than twenty-four (24) hours' notice is provided to all members.

IX. AGENDAS FOR COUNCIL MEETINGS

1. The agenda for each regular Council meeting shall be prepared by the Municipal Clerk or CAO and provided together with copies of all pertinent correspondence, statements and reports to each member of Council at least four calendar days prior to the meeting.

2. Any Council member, Municipal official, or any other person wishing to have an item of business placed on the agenda for a regular Council meeting, shall make the submission to the Municipal Clerk or CAO not later than 12:00 noon on the Monday of the week prior to the meeting. The submission shall contain adequate information to the satisfaction of the Municipal Clerk to enable the Council to consider the matter.

3. The Council shall consider no item of business unless the item has been placed on the agenda, either in the manner described in Section 2, above or as modification to the agenda approved by a vote at the meeting.

4. When the Municipal Clerk receives a request for presentation to the Council, they shall place it on the Council agenda. If the communication is considered administrative in nature, the originator will be notified of the administrative follow-up by the Municipal Clerk.

5. The general order of business on the agenda shall be as follows; however, the actual order may be adjusted by Council as necessary:

(1) Call to Order

(2) Delegations

(3) Agenda – A) Items added or deleted B) Adoption of the Agenda

(4) Reports/ Minutes/Financials – A) Approval of minutes B) Bylaw Officer report C) CAO report

D) Financial Reports and Bank Reconciliations E) Accounts payable F) Committee reports

(5) Items Arising from the Minutes & Correspondence

(6) Action Items/Council decision

(7) Bylaw/Agreement/Policy Review



(8) Close of Meeting

(9) Next regular council meeting date

(10) Adjournment

X. Minutes

- 1. With CAO approval, the Municipal Clerk may delegate any duties relating to Council to other administrative personnel, but shall remain responsible for the performance of those duties.**
- 2. If a member of the Council arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, it shall be so recorded in the minutes.**
- 3. The Municipal Clerk shall record in the minutes, each time a member of the Council is absent; and each time a member of Council refrains from discussion and voting by reason of absence or pecuniary interest as well as the general nature of the pecuniary.**

XI DELEGATION

1. The Delegation portion of Council meeting shall provide:

(a) An opportunity for individuals to appear as a formal delegation (i.e., they have submitted information in accordance with Section IX 2. of this bylaw and their submission has been included in the agenda package distributed to Council); and,

(b) An opportunity for members of the public to ask questions or make brief presentations to Council on matter of public interest or concern.

2. As a guideline, the recommended total time allotment for all presentations at a Council meeting (registered and unregistered presentations) is fifteen (15) minutes, subject to the discretion of the Presiding Officer.

3. All persons wishing to address Council will be required to give their name, topic of concern and whether there has been any previous contact with a member of Council or Administration regarding the matter.

4. When individuals wish to appear before the Council as a Registered Delegation, their information will be submitted in accordance with Section IX 2. of this bylaw and their presentation to Council shall be limited to ten (10) minutes, followed by questions from Council members. When individuals wish to appear before the Council during a Public Hearing, their appearance shall be limited to ten (10) minutes.

5. In the event that all persons who expressed an interest to speak at a Council meeting cannot be heard within the allotted amount of time for Presentations, they will be invited to attend and



appear before the next regular Council Meeting, otherwise a time extension beyond the 30 minutes is subject to the discretion of the Presiding Officer.

6. Council will not entertain submissions from the public on issues that are before the Subdivision and Development Appeal Board, the courts, or require a statutory Public Hearing.

7. A response to each speaker's comments/concerns will be provided through one or more of the following:

(a) A resolution of Council at the meeting; or,

(b) Referral of the matter to the Administration for review and recommendation at a subsequent time, depending on the significance of the issue and the time required to adequately research the matter.

XII. GENERAL RULES OF COUNCIL

1. Council meetings shall adjourn at 11:00 p.m. (if in session at that hour), unless the members of the Council present, by a 2/3-majority vote, agree to extend the time.

2. Every person wishing to speak during a Council meeting shall address their comments through the Mayor. The Mayor shall be addressed as "Your Worship" and no person shall be permitted to speak unless and until the Mayor has granted that person permission.

3. A meeting may be adjourned by a motion or by declaration of the Mayor. A declaration by the Mayor to adjourn a meeting may be appealed through a motion decided by a majority of members.

4. Council or council committee meetings may be filmed or recorded by accredited media on permission of council.

XIII. MOTIONS

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

2. After a motion is made, it may be withdrawn by the mover at any time before a vote is taken or an amendment is made.

3. The Municipal Clerk shall record all motions in writing before the motion is debated or put to a vote.

4. The Mayor shall reference all motions before they are debated or voted upon.

5. No motion shall be offered that is substantially the same as one that has already been expressed during the same meeting.



6. Where a matter under consideration contains several distinct propositions, a member may request, or the Mayor may direct, that each proposition be made as a separate motion.

7. After the Mayor has called the vote, no member shall speak to the motion nor shall any other motion be made until after the result of the vote has been declared.

8. Voting on all motions shall be done by clearly raising one hand so that the Mayor may easily count them. When using electronic communications, the Mayor will ask whether the member is voting for or against the motion. After the Mayor has counted the vote, he shall declare whether it was "carried", "carried unanimously" or defeated". Except where provided for in this bylaw or by the applicable legislation, a majority vote of the members present who are eligible to vote, shall decide a motion or question before the Council. If the vote results in a tie, the motion will be considered defeated.

XIV. MOTIONS BEFORE COUNCIL

1. When a motion has been made and is being considered by the Council, no other actions may be considered except:

(a) A motion to *refer* to some other party for consideration, or to *withdraw* the motion;

(b) A motion to *amend* the motion;

(c) A motion to *table* the motion (the motion remains pending in order to address another urgent matter at that meeting);

(d) Motion to *postpone* the motion to a future date (not beyond the third month from when it was presented);

(e) A motion to *adjourn* the meeting; and, any necessary resultant motion to postpone shall not be debated except as to the time when the matter will again be considered; or,

(f) A motion of privilege, an incidental or a subsidiary motion.

2. A motion to refer, adjourn, postpone or to table, until it is voted upon, shall preclude all amendments to the main motion. A motion to refer or postpone is debatable, while a motion to table is not. A motion to adjourn is not debatable except as allowed in Section XII (1)(e) above.

3. Each motion to amend or motion to amend an amendment to a motion:

(a) Must be relevant to the motion on which it is proposed. Any amendment that raises a new question can only be considered as a new distinct motion;

(b) Must not propose a direct negative which would be considered out of order;



(c) Must be decided upon or withdrawn before the main question is put to a vote. Only one amendment at a time to the main motion shall be allowed; and, only one amendment to an amendment shall be allowed at one time;

(d) Shall not be moved by the original mover of the motion or the amendment;

(e) Must not enlarge the scope of the amendment (an amendment to an amendment), but should only deal with matters not covered by the original amendment;

(f) Shall only be sub-amended one time. A request for a second amendment to an amendment would require the current motion to be defeated and a new motion to be moved.

4. A motion to *reconsider* a motion shall:

(a) only be made at the same meeting the motion was decided;

(b) only be made by a member who voted with the prevailing side of the motion involved;

(c) not be proposed more than once for a specific motion at any one meeting of Council;

(d) be decided by a majority of the members of Council present; and,

(e) not be allowed on a motion of adjournment.

5. A motion to *rescind* a previous motion of Council may:

(a) Be made by any member of the Council; and

(i) be offered at any time subsequent to the meeting at which the original motion was passed;

(ii) be passed by:

(1) a vote of 2/3 of the members of Council (who hold office at the time) when the motion is without notice; and

(2) a simple majority of the members of Council present when notice has been given. Notice shall be through a Notice of Motion or the inclusion of the item on an agenda delivered to the members of council before the meeting.

(b) the previous motion has not been acted upon to the extent that the Municipality has undertaken or become subject to any liability or obligation; or

(c) was not a motion for a reading of a bylaw.

6. A motion that will address a bylaw for first reading shall be decided without amendment or debate, but motions for subsequent readings are debatable. Each bylaw shall be read a first, second and third time before being signed by the Mayor and Municipal Clerk. Unanimous agreement is required to have the third reading at the same meeting.



XV. NOTICE OF MOTION

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

XVI. MISCELLANEOUS

1. No member shall:

- (a) Use offensive words in or against the Council;**
 - (b) Speak to a subject, except upon the question in debate;**
 - (c) Reflect upon any vote of the Council except for the purpose of moving that such a vote be rescinded or reconsidered; or**
 - (d) Resist the rules of Council or disobey the decision of the Mayor or of the Council on any question of order or practice or upon the interpretation of the rules of the Council. If any member shall so resist or disobey, they may be ordered by a majority vote of the Council to leave their seat for that meeting and should they refuse to do so, the Mayor may request that they be removed by law enforcement. Should the offender provide an ample apology, they may, by majority vote of the Council (without debate), be permitted to return to their seat.**
- 2. The Council may adjourn from time to time to a fixed future date, any special meeting of Council that has been duly convened, but not terminated. The object of adjourning is to finish the business for which the meeting was called, but which has not been completed.**



3. No member of the Council shall have the power to direct or interfere with the performance of any work of the Corporation. Council members may seek information through the office of the CAO as established in the Communications Protocol.

XVII. PETITIONS

1. Statutory petitions will be submitted to the CAO and will be processed in accordance with the MGA.

2. On receipt of a non-statutory petition, the CAO may do the following:

(a) Include it as an item on the agenda for the next regular meeting of Council in full or summary form;

(b) Refer it to Administration for a report to Council or appropriate Council committee;

(c) Circulate it to the members of Council individually as information if it does not require any further action by Council.

XVIII. Committees And Boards

1. The Council shall appoint Council representatives to such committees, boards and commissions as required by legislation, agreement or bylaw as they deem necessary. Unless an immediate appointment is required mid-term, these appointments shall be made on an annual basis at the Organizational Meeting.

2. The Council may make appointments to a committee at any time, providing that the Council has adopted a bylaw or resolution specifying the terms of reference of the committee. Terms of reference will be adopted by bylaw if the committee is being delegated budgetary responsibilities; whereas adoption through resolution may be used for other committees' terms of reference.

3. It shall be the duty of the Chairman of each board or committee (or his designee), to summon members for meetings.

4. The Mayor shall be an ex-officio member of all Council committees and bodies which Council has a right to appoint members under the MGA. (Does not apply to certain committees, e.g. SDAB, ARB, etc.)

5. Appointed Council members shall keep the rest of the Council informed of the actions of committees or boards to which they are appointed by Council, by providing regular activity highlights through their Councillors' reports and statements.

XIX. EFFECTIVE DATE

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



READ a first time this _21 day of November_, 2018.

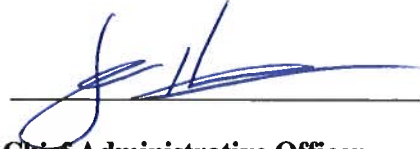
READ a second time this 19th day of December, 2018_.

READ a third time this 16th day of January, 2019_.

Signed this 22nd day of January, 2019_.



Chief Elected Official



Chief Administrative Officer

