

**SUMMER VILLAGE OF HORSESHOE BAY
PROVINCE OF ALBERTA**

BY-LAW NO. 95/2010

A Bylaw of the Summer Village of Horseshoe Bay in the Province of Alberta to Regulate Meeting Procedures.

WHEREAS, pursuant to provisions of the Municipal Government Act, RSA 2000, M-26 and amendments thereto, it is deemed desirable to establish rules and provisions to regulate the conduct of business in meetings of the Council and Committees of Council, to control and maintain order in meetings for the enactment of municipal legislation and to provide for dealing with petitions, correspondence and other submission to the Council and the Committees thereof;

NOW THEREFORE, the council of the Summer Village of Horseshoe Bay, in the Province of Alberta, duly assembled hereby enacts:

1. Title

This bylaw may be cited as the Meeting Procedure Bylaw

2. Definitions

Except as otherwise provided herein, words in this Bylaw shall have the meaning prescribed in the Municipal Government Act. In this Bylaw:

- 2.1 "Act" means the Municipal Government Act of Alberta, as amended from time to time;
- 2.2 "Administrator" is the designated Chief Administrative Officer as defined in the Act;
- 2.3 "Agenda" is the list of items and orders of business for any meeting;
- 2.4 "Bylaw" is a Bylaw of the Summer Village of Horseshoe Bay;
- 2.5 "Chairman" is the person presiding at meetings;

- 2.6 "Council" are the Councillors of the Summer Village of Horseshoe Bay elected pursuant to the Act;
- 2.7 "Deputy Mayor" is the Councillor appointed by Council to perform all the duties of the Mayor in the absence or incapacity of the Mayor;
- 2.8 "Mayor" is the Chief Elected Official as defined in the Act;
- 2.9 "Member" is a member of Council, or Committee thereof;
- 2.10 "New Business/Notice of Motion" is that period set aside prior to adjournment when specific question and/or concerns may be raised by members;
- 2.11 "Point of Information" is a request directed to the Chair, to another member or to staff for information relevant to the business at hand but not related to a point of procedure;
- 2.12 "Point of Order" is the raising of a question by a member to call attention to any departure from this Bylaw;
- 2.13 "Point of Procedures" is a question directed at the Chair to obtain information on a matter of parliamentary law or the rules of the Summer Village bearing on the business at hand in order to assist a member to make an appropriate motion, raise a point of order or understand the parliamentary situation or the effect of a motion;
- 2.14 "Public Hearing" is a meeting of Council convened to hear matters pursuant to a public hearing as required by the Act or other enactments or any other matter at the direct of Council and may be separate from the Regular Meeting of Council;
- 2.15 "Question of Privilege" refers to all matters affecting the rights and privileges of Council collectively or any of its members individually;
- 2.16 "Quorum" is a majority of those members elected and serving on Council;
- 2.17 "Recorded Vote" is the calling by a member, prior to the vote on a motion, for a record to be kept of the members voting for and against a motion;
- 2.18 "Summer Village" is the Summer Village of Horseshoe Bay.

3. Application and Interpretation

- 3.1 This Bylaw will govern the procedures of Council and Committees thereof.
- 3.2 To the extent that a matter is not dealt with in the Act or this Bylaw, Council will have regard to Robert's Rules of Order.
- 3.3 The precedent of the rules governing the procedure of Council is:
 - a) The Act;
 - b) Other provincial legislation;
 - c) This Bylaw; and
 - d) Robert's Rules of Order
- 3.4 In the absence of any statutory obligation, any provision of this Bylaw may be waived by resolution of Council of the majority of Council members present, vote in favour of dealing with the matter under consideration.
- 3.5 A resolution waiving any provision of this Bylaw as provided for in Section 3.4 will only be effective for the meeting during which it is passed.

4. Meetings

- 4.1 Regular Meetings
 - a) The Regular Meetings of Council may be set at a Council meeting at which all the councillors are present, preferably the Organizational Meeting. Changes to regularly scheduled Council meetings may take place in accordance with the provisions of the Act.
- 4.2 Special Meetings
 - a) Special Council meetings may be called in accordance with the provisions of the Act.

- b) Written notice of a special meeting stating the time and place at which it is to be held and stating in general terms the nature of the business to be transacted thereat, shall be provided to the members at least 24 hours in advance of the meeting.
- c) The Mayor may call a special meeting of Council upon such shorter notice, either oral or written, and without notice to the public, as he considers sufficient, however, no such special meeting may be held until at least two-thirds (2/3) of the members of Council give their consent in writing to the holding of the meeting.
- d) Where a special meeting is requested by a majority of Council, the Mayor shall call such meeting within fourteen (14) days of the date on which the request in writing was delivered to the Mayor or within fourteen (14) days of the date on which the request was made pursuant to the Act.
- e) No business other than that stated in the notice shall be transacted at any special meeting of Council, unless all the members of Council are present, in which case, by unanimous consent, any other business may be transacted.

4.3 Organizational Meeting

- a) An Organizational Meeting of Council shall be held annually, pursuant to the Act.
- b) The Administrator shall fix the time, date, and place of the Organizational Meeting.
- c) The Administrator shall:
 - i) take the Chair;
 - ii) call the meeting to order;
 - iii) preside over the meeting until the oath as prescribed by the Oaths of Office Act has been administered to the Mayor.
- d) The Mayor shall receive all further nominations.
 - i) Seconders to nominations are not required.

- ii) Nominations must be called for three times and nominations may be closed after the third call or by a “carried” motion that nominations cease.
 - iii) If only one nomination is received for any position, the Mayor will declare the nominee elected by acclamation.
 - iv) If an election is required for any position, the Administrator must conduct the election. Voting will be by secret ballot and each voting member must be given a ballot for this purpose.
- e) The Mayor shall only be a member of Council committees, or other bodies to which the Council has a right to appoint members under the Act, if specifically appointed by Council.

5. Quorum

- 5.1 As soon as there is a quorum of members after the hour fixed for the meeting, the Chair will call the meeting to order;
- 5.2 Unless a quorum is present within 30 minutes after the time appointed for the meeting, the meeting may, at the discretion of the Chair, stand adjourned until the next regular meeting date or until a Special Meeting is called to deal with the matters intended to be dealt with at the adjourned meeting. The Administrator, or his designate, will record the names of the members present at the end of the 30 minute time limit and such record will be appended to the next Agenda. The only action that can legally be taken in the absence of quorum is to fix the time in which to adjourn (if more than 30 minutes is being allowed), adjourn, recess or to take measure to obtain a quorum.
- 5.3 In the event that quorum is lost after the meeting is called to order, the meeting will be suspended until quorum is obtained. If quorum is not obtained within 30 minutes, the meeting will stand adjourned.

6. Agendas

- 6.1 The Agenda shall be prepared at least 24 hours in advance by the Administrator; and shall be reviewed with the Mayor or his designate prior to the meeting.
- 6.2 The Administrator shall have prepared for the use of members, and Agenda listing the following Order of Business:

Call Meeting to Order
Minutes of Previous Meeting
Business Arising From Minutes
Financial Reports
Unfinished Business (Action List)

New Business
Correspondence
Next Meeting
Adjournment

- 6.3 The addition of items to the prepared Agenda will require approval of the majority of members at the meeting.

7. Chairman

- 7.1 The Chairman shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal by any member from any ruling of the Chair.

8. Member Debating

- 8.1 Order of Speakers
- a) Members wishing to speak on a matter at the meeting should indicate their intention by raising their hand and being recognized by the Chair and, at the discretion of the Chair, normally should not speak more than once until every member has had the opportunity to speak except:

- i) In the explanation part of the speech which may have been misunderstood; or
 - ii) In reply, to close debate, after everyone else wishing to speak has spoken, provided that the member presented the motion to the meeting.
- b) Supplementary questions or a series of questions relating to the matter before the meeting may be raised by a member, but each such question requires the consent of the Chair.
 - c) All questions or debate will be directed through the Chair.
 - d) Administration may at the pleasure of the Chair speak or question the issue being debated.

8.2 Interruptions

- a) Members who have been assigned their turn to speak may only be interrupted by other members including the Chair:
 - i) When a members is discussing a subject and no motion is on the floor;
 - ii) By a Point of Procedure;
 - iii) By a Point of Order;
 - iv) By a Question of Privilege; or
 - v) By an objection to the consideration of a motion.

9. **Prohibitions**

9.1 A member shall not:

- a) Use profane, vulgar or offensive language in a meeting.
- b) Disobey the rules of the meeting or decision of the Chair or of members on question of order or practice, or upon interpretation of the rules of the meeting.
- c) Leave their seat or make any noise or disturbances while a vote is being taken and the result is declared.

- d) Leave their seat or make any noise or disturbances while a delegation is present unless excused by the Chair.
 - e) Enter the meeting room and take their seat while a vote is being taken;
 - f) Interrupt a member while speaking, except as provided for under 8.2 a) of this bylaw.
 - g) Pass between a member who is speaking and the Chair.
- 9.2 A member who persists in a breach of the foregoing section, after having been called to order by the Chairman, may at the discretion of the Chair, be ordered to leave their seat for the duration of the meeting.
- 9.3 At the discretion of the Chair, the member may resume their seat following an apology.
- 9.4 A member who wishes to leave the meeting prior to adjournment shall so advise the Chairman and the time of departure shall be noted in the minutes.

10. Questions of Privilege

- 10.1 A member who desires to address the meeting upon a matter that they believe concerns the rights or privileges of the members collectively, or of themselves as members thereof, will be permitted to raise such Question of Privilege.
- 10.2 A Question of Privilege will take precedence over all other matters and while the Chair is ruling on the Question of Privilege, no one will be considered to be in possession of the floor.
- 10.3 Following the ruling of the Chair on the Question of Privilege and the dealing with same, the Chair will go immediately back to the pending question or debate.

11. Points of Order

- 11.1 A member who desires to call attention to a possible violation of the meeting rules and procedures will ask leave of the Chair to raise a Point of Order.

- 11.2 When leave is granted by the Chair, the member will state the Point of Order with a concise explanation and will abide by the decision of the Chair upon the Point of Order.

- 11.3 A member called to order by the Chair will immediately vacate the floor until the Point of Order is dealt with and will not speak again without the permission of the Chair except to appeal the ruling of the Chair.

- 11.4 The member in possession of the floor when the Point of Order was raised will have the right to the floor when debate resumes.

12. Motion

- 12.1 When a motion is before the meeting and the mover wishes to withdraw or modify it, or substitute a different one in its place, and if no one objects, the Chairman grants permission; however, if any objection is made, it is necessary to obtain leave by motion to withdraw and this motion cannot be debated or amended. Once a motion is withdrawn, the effect is the same as if it had never been made.

- 12.2 Any member may require the motion under discussion to be read at any time during the debate, except when a member is speaking.

- 12.3 The mover of the motion must be present when the vote on the motion is taken.

- 12.4 When a matter is under debate, no motion shall be received other than a motion to:
 - a) fix the time for adjournment,
 - b) adjourn,

- c) withdraw motion,
- d) table,
- e) call the question (that the vote must now be taken),
- f) postpone to a certain time or date (only debatable for time and date),
- g) refer,
- h) amend,
- i) postpone indefinitely,

which order shall be the order of precedence.

12.5 A motion relating to a matter not within the jurisdiction of the Summer Village shall not be in order.

12.6 A motion to table may be made when a member wishes Council to decline to take a position on the main question. The motion is not debatable and when passed, may only be resurrected by a motion to “raise from the table”.

12.7 A motion to refer shall require direction as to the person or group to which it is being referred and is debatable.

12.8 A motion to postpone indefinitely must include a reason for postponement and is debatable.

12.9 Amendment

- a) Only one amendment at a time shall be presented to the main motion. When the amendment has been disposed of, another may be introduced. All amendments must relate to the matter being discussed in the main motion and shall not so substantially alter the motion as to change the basic intent or meaning of the main motion.
- b) The amendment shall be voted upon; if any amendment is carried, the main motion as amended shall be put to the vote; unless a further amendment is proposed.
- c) Nothing in this section shall prevent other proposed amendments being read for the information of the members.

12.10 Reconsideration

- a) A motion that has been approved for reconsideration and passes, automatically suspends the previous motion.

12.11 Rescinding Motions

- a) A motion to rescind a previous motion may be accepted by the Chair under special circumstances and if passed by a majority vote of the members present, the previous motion referred to would be declared null and void.
- b) A motion to rescind must be recorded in the minutes.

12.12 No motion shall require a seconder.

13. **Voting**

13.1 Question

- a) When a motion that a vote be taken (question) is presented, it shall be put to a vote without debate and if carried by a majority vote of the members present, the motion and any amendments thereto shall be submitted to a vote immediately, without further debate.
- b) When a Chairman having ascertained that no further information is required, commences to take a vote, no member shall speak to or present another motion until the vote has been taken on such motion or amendment.

13.2 Conflict

- a) A member who has a pecuniary interest in a matter shall follow the procedures set out in the Act respecting conflicts.
- b) If the matter with respect to which the councillor has a pecuniary interest is a question on which, under the Act, the councillor as a taxpayer, an elector or an owner has the right to be heard by the council,
 - i) It is not necessary for the councillor to leave the room, and,
 - ii) The councillor may exercise a right to be heard in the same manner as a person who is not a councillor.

13.3 Requirement to Vote

- a) A member attending a meeting must vote on a matter put to a vote at the meeting unless the member is required or permitted to abstain from voting under the Act, another enactment or this Procedure Bylaw.
- b) The Council or committee, as the case may be, must ensure that each abstention and the reasons for the abstention are recorded in the minutes of the meeting.

13.4 Tie Vote

- a) A motion shall be declared lost when it does not receive the required number of votes or receives an equal division of votes.

13.5 Recorded Vote

- a) When a member requests a recorded vote, all members present, unless excused by resolution or prohibited by statute, shall vote by the raising of hands as the Chairman calls for those in favour and against. The Administrator shall record in the minutes the names of all members voting for or against the motion and the Chairman shall announce the results of the vote.
- b) A member who disagrees with the announcement made of the result of a vote may immediately object to the declaration and the vote shall be retaken by the Administrator.

14. Bylaws

14.1 Where a Bylaw is presented to a meeting for enactment, the Administrator shall cause the number and short title of the Bylaw to appear on the agenda.

14.2 When a Bylaw is not subject to a Statutory Public Hearing:

- a) the members shall vote on the motion for first reading of Bylaw without amendment or debate;

- b) a member may ask a question or questions concerning the Bylaw, provided such questions do not indicate the member's opinion for or against the Bylaw;
 - c) a Bylaw shall be introduced for second reading by a motion that it be read a second time;
 - d) after a motion for second reading of the Bylaw has been presented, members may debate the substance of the Bylaw and propose and consider amendments to the Bylaw;
 - e) any proposed amendments shall be put to a vote if required and if carried, shall be considered as having been incorporated in the Bylaw at second reading;
 - f) when all amendments have been accepted or rejected, a motion for second reading of the Bylaw shall be placed.
- 14.3 When a Bylaw is subject to a Statutory Public hearing, a Public Hearing date and time must be established following first reading.
- 14.4 Three Readings
- a) A Bylaw shall not be given more than two readings at one meeting unless the members present at the meeting unanimously agree that the Bylaw may be presented for third reading at the same meeting at which it received two readings;
 - b) A Bylaw shall be passed when a majority of the members present vote in favour of third reading, provided that any applicable Provincial Statute does not require a greater majority.
- 14.5 When a Bylaw has been given three readings, it is considered an Enactment of the Summer Village and is effective immediately, unless the Bylaw or an applicable Provincial Statute provides otherwise.
- 14.6 After passage, a Bylaw shall be signed by the Mayor or his designate and by the Administrator and shall be impressed with the corporate seal of the Summer Village.

15. Public Presence - Delegations

- 15.1 People who wish to appear before Council, individually and as a group, will make written submission to the Administrator or designate at least five working days prior to the meeting unless the Administrator approves a lesser time in circumstances believed to warrant the lesser time.
- 15.2 The written submission will indicate the topic and purpose for requesting to appear before Council.
- 15.3 Delegations consisting of more than one individual will appoint a spokesperson that will be responsible for presenting the points of view or position for the group.
- 15.4 Presentations will be directed to the Chair and be limited to ten (10) minutes with an additional ten (10) minutes for questions for clarification by members and administration. The Chair may extend the presentation and question time limits as necessary.
- 15.5 Information presented by the delegation will be restricted to the topic noted in the written submission and recorded on the meeting agenda.
- 15.6 Debate concerning matters raised by a delegation will take place at the discretion of the members.
- 15.7 The members, by majority vote, may authorize members of the public or delegations to speak to the meeting at any time.

16. Adjournment

- 16.1 A motion to adjourn is in order at any time unless:
 - a) a member is in possession of the floor; or
 - c) a vote is in progress.
- 16.2 Any member may move that a meeting recess for a specified period. After the recess, business will be resumed at the point when it was interrupted. This motion may not be used to interrupt a speaker.

- 16.3 A motion to recess may be amended only as to length of time, but neither the motion nor the amendments are debatable or amendable.
- 16.4 A motion to adjourn is not debatable or amendable.
- 16.5 Council, or a committee of Council, will take up a motion pending at the time of adjournment under unfinished business at the next meeting.
- 16.6 The Chair may adjourn a meeting without a motion to adjourn.

This Bylaw supersedes and takes precedence over all previously passed Bylaws that refer to Meeting Procedures, as well as any previously passed resolutions that may be in conflict with this Bylaw.

This By-Law shall come into effect upon the final passing thereof.

Read a first time in Council this 11 day of December , A.D. 2010.

Read a second time in Council this 11 day of December , A.D. 2010.

Read a third time in Council this 11 day of December , A.D. 2010.

Original signed by

Gary Burns
Mayor

Original signed by

Darlene Smereka
Administrator

**SUMMER VILLAGE OF HORSESHOE BAY
MEETING PROCEDURE BYLAW 95-2010**

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