

# The Town of Rimbey Council Procedural Bylaw

Bylaw 924/16

## **A BYLAW OF THE TOWN OF RIMBEY, IN THE PROVINCE OF ALBERTA, TO ESTABLISH THE PROCEDURE AND CONDUCT OF COUNCIL.**

WHEREAS, pursuant to the provisions of the *Municipal Government Act*, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto, the Council may pass Bylaws in relation to the procedure and conduct of Council; and

WHEREAS, the Council of the Town of Rimbey desires to establish a procedural and conduct Bylaw;

NOW THEREFORE, the Council of The Town of Rimbey, duly assembled enacts as follows:

### **PART I BYLAW TITLE**

1. This bylaw may be cited as the "Council Procedural Bylaw".

### **PART II - DEFINITIONS**

In this bylaw, unless the context otherwise requires:

"Act" shall mean the Municipal Government Act, Statutes of Alberta, 2000, chapter M-26 as amended or replaced from time to time.

"Administrative Inquiry" shall mean a written request from a Member of Council to the Administration, for the future provision of information and report.

"Business Casual" means dressing professionally, looking relaxed, yet neat and pulled together.

"Bylaw" shall mean a Bylaw of the Town of Rimbey.

"Chairperson" or chair shall mean the Mayor, Deputy Mayor or any other duly appointed Presiding Officer at a constituted meeting.

"Chief Administrative Officer (CAO)" shall mean the person appointed as Manager of the Town of Rimbey and whatsoever subsequent title may be conferred on him or her by Council or Statute, and includes any person who holds this position in an acting capacity.

"Conflict of Interest" means any pecuniary interest, including all those persons, employer and legal entities whose financial interests in a decision of Council will disqualify the Councillor, as defined in Division 6, Section 169 and 170 of the Municipal Government Act, and amendments thereto.

"Council" shall mean the Municipal Council of the Town of Rimbey, elected pursuant to the provisions of the Municipal Government Act and the Local Authorities Election Act, acting at a duly assembled meeting thereof.

"Councillor" means the current Mayor and members of Town Council elected pursuant to the provisions of the Municipal Election Act and the

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Local Authorities Election Act, whose term is unexpired, who has not resigned and who continues to be eligible to hold office as such under the terms of the Municipal Government Act.

“Delegation” shall mean a person or group of persons wishing to appear before the council to address a specific matter.

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

“Discrimination” means differential treatment of an individual or group of individuals based on cultural background, religious belief, gender, gender identification, marital status, positions, physical characteristics, age. Discrimination can be intentional or unintentional and includes systemic discrimination in which neutral systems often have an inconsistent or unequal effect upon a particular group.

“Harassment” means any unwanted physical or verbal conduct that is based on, but not restricted to cultural background, age, religion, gender, marital status, position, mental or physical disability, pardoned conviction, gender identification or any other conduct that a reasonable person ought to have deemed as being unwelcome.

“In-Camera” shall mean a meeting not open to the public due to the matter(s) to be discussed are within one of the exceptions to disclosure as outlined in the *Freedom of Information and Protection of Privacy Act*.

“Mayor” shall mean the Chief Elected Official elected in accordance with the Municipal Government Act.

“Member” shall mean a member of Council.

“MGA” means the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 and amendments thereto.

“Person” shall include an individual, partnership, corporation, trustee, executor or administrator.

“Point of Information” shall mean a request directed to the Mayor, or through the Chair to another member or to staff, for information relevant to the business at hand, but not related to a point of procedure.

“Point of Order” shall mean the raising of a question by a member or staff to call attention to any departure from the Procedure Bylaw.

“Point of Procedure” shall mean a question directed to the Chair to obtain information on a matter of parliamentary law or the rules of Council 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.

“Procedural Bylaw” means the current, active Procedural Bylaw of the Town of Rimbey, which established the procedural guidelines and conduct of Council

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“Public Forum” shall mean the portion of the meeting where a person(s) present at the meeting are allowed to address Council regarding issues arising from the meeting in progress

“Public Hearing” shall mean a meeting of Council convened to hear matters pursuant to the Municipal Government Act, any other Act, and any other matter at the direction of Council.

“Privilege” shall mean a raising of a question which concerns a member of council, or the council collectively when a member believes that another member has spoken disrespectfully towards him or the Council, or when he or she believes his or her comments have been misunderstood or misinterpreted by another member or members.

“Quorum” shall mean a majority of those members elected and serving on Council.

“Respect” means consideration for self and others, including consideration for others people’s privacy, their physical space and belongings and respect for different viewpoints, philosophies, physical ability beliefs and personality.

“Town” means the Town of Rimbey.

“Written Notice” shall mean letter, email, or facsimile.

### **PART III - GENERAL**

1. This Bylaw shall govern the proceedings of Council.
2. When any matter relating to the proceedings of Council is not addressed in the Bylaw, reference shall be made in accordance with the Municipal Government Act; and then Roberts Rules of Order.
3. In the event of conflict between the provisions of this Bylaw and Roberts Rules of Order, the provisions of this Bylaw shall apply.
4. Any provisions in this Bylaw may be repealed, amended or varied, or additions made, by Bylaw.
5. Notwithstanding the above, and in the absence of any statutory obligations, any provision of this Bylaw may be waived by resolution of council, provided a majority of the members vote in favor thereof, to deal with a matter under consideration.
6. In the absence of, or in the inability of the Mayor or Deputy Mayor to act, Council shall appoint any other member as Acting Mayor as provided for by the Act.

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## **PART IV - INAUGURAL MEETING**

1. The Organizational Meeting immediately following a General Municipal Election shall be called the Inaugural Meeting.
2. During the Inaugural Meeting the Chief Administrative Officer shall:
  - a. Take the Chair;
  - b. Call the meeting to order;
  - c. Preside over the meeting until the Oath, prescribed by the Oaths of Office Act, has been administered to the Mayor.
3. After the Mayor has taken the Oath and assumed the Chair, the Councillors who have been elected at an election, immediately preceding the meeting shall take the official oath as prescribed by the Oaths of Office Act.

## **PART V- ORGANIZATIONAL MEETING**

1. An Organizational Meeting of Council shall be held annually pursuant to Section 192 of the Municipal Government Act.
2. The Chief Administrative Officer shall fix the time and place of the Organizational Meeting.
3. The agenda for the Organizational Meeting shall be restricted to:
  - a. the administration of the oath and the introduction of new members, should the meeting follow the General Municipal Election;
  - b. the establishment of regular meeting dates and times for Council Meetings;
  - c. the appointment of the Deputy Mayor;
  - d. the appointment of Signing Authorities;
  - e. the appointment of members to act on committees, board and other bodies on which Council is entitled to representation;
  - f. any such other business as is required by the Act.

## **PART VI – REGULAR MEETINGS OF COUNCIL**

1. The Regular Meetings of Council shall be held in the Council Chambers of the Town on days and times established, by resolution of Council, at the annual Organizational Meeting of Council.
2. In the case where a Regular Council Meeting conflicts with a General Holiday, the Regular Council Meeting shall be held in the Council Chambers of the Town on a day and time established, by resolution of Council, at the annual Organizational Meeting of Council.
3. Regular Meetings of Council may be cancelled or rescheduled by resolution of Council at any duly constituted meeting.

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## **PART VII - IN CAMERA MEETINGS**

1. Council may, by resolution, go into an In Camera meeting to consider a matter which is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act, which meeting:
  - a. may be held in private;
    - i. may exclude any person or persons therefrom; or include any person or persons, and shall not have the power to pass any resolution except one to revert to the open meeting.
2. Councillors are to keep in confidence matters discussed in private at a Council Meeting until discussed at a meeting held in public.

## **PART VIII - SPECIAL COUNCIL MEETINGS**

1. The Mayor may call a Special Meeting of Council pursuant to Section 194 of the Municipal Government Act, whenever he or she considers it expedient to do so.
2. The Mayor must call Special Council meeting if he or she receives a written request for the meeting, stating its purpose, from a majority of the Councillors.
3. 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.
4. The Mayor calls a Special Meeting of Council by giving at least 24 hours' notice in writing to each Councillor and the public stating the purpose of the meeting and the date, time and place at which it is to be held.
5. A Special Council meeting may be held with less than 24 hours' notice to all councilors and without notice to the public if at least 2/3 of the whole Council agrees to this in writing before the beginning of the meeting.
6. No business other than that stated in the notice calling the Special Council meeting shall be transacted at any Special Meeting of Council, unless the whole Council is present at the meeting and the Council agrees to deal with the matter in question.
7. The Chief Administrative Officer shall place at the disposal of each Council member a copy of the agenda and supporting material as soon as possible after the call of a Special Meeting.



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## **PART IX - MEETINGS THROUGH ELECTRONIC COMMUNICATIONS**

1. A meeting may be conducted by means of electronic or other communication facilities if,
  - a. Notice is given to the public of the meeting, including the way in which the meeting is to be conducted.
  - b. The facilities enable the public to watch and listen to the meeting at a place specified in that notice and a designated officer is in attendance at that place; and
  - c. The facilities enable all of the meeting's participants to watch or hear each other.
2. Councillors participating in a meeting held by means of a communication facility are deemed to be present at the meeting.
3. With the unanimous consent of Council, an electronic Special Council Meeting via email may be conducted for a very high priority or time sensitive matter and only in exceptional circumstances. The email notice of such meeting shall include the meeting Agenda, any supporting material and the motion to be voted on. Members will vote using "Reply All" to the email indicating "In Favor" or "Opposed" to the motion. At the discretion of the Chief Administrative Officer if there is significant discussion or debate by the members on the resolution, the meeting will be adjourned and the matter brought forward at the Next Council Meeting.

## **PART X - NOTICE OF MEETINGS**

1. Section 196(2) of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 states: Notice of Council or Council Committee meeting to the public is sufficient if the notice is given in a manner specified by Council.
2. Notice to the public of Regular Council Meetings and Special Council Meetings shall be deemed to be given by the Chief Administrative Officer posting notice of all meeting dates and times at the Town Office, OR advertising the meeting dates and times in the local newspaper OR on its website.

## **PART XI - QUORUM**

1. As soon as there is a quorum of Council after the hour fixed for the meeting, the Chairperson shall call the members to order.
2. In the event the Mayor and Deputy Mayor are not in attendance within fifteen (15) minutes after the hour of a scheduled meeting and a quorum is present, the Chief Administrative Officer shall call the meeting to order and a Chairperson shall be selected by the Council members in attendance, who shall preside during the 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 a Regular or Special Meeting, the Chief Administrative Officer shall record the names of the members of Council present and the Council shall stand

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adjourned until the next Regular Council Meeting or another Special Meeting is called.

### **PART XII - COUNCIL AGENDA**

1. The Agenda shall be prepared by the Chief Administrative Officer or designate in conjunction with the Mayor.
2. All items for the Agenda, including all documents and notice of delegations, shall be delivered in writing to the Chief Administrative Officer by noon on the Wednesday of the week preceding the meeting of Council.
3. The Mayor and Councillors will provide a written report, of their activities which will be included in the agenda package of the second Council Meeting of the month, however, should there only be one scheduled meeting, the reports will be due and included in the agenda package of that meeting. Oral reports will be allowed, with a written report to be included in the next months report.
4. No further additions to the Agenda will be presented unless the addition is of an emergent nature and the Mayor is in agreement.
5. The Chief Administrative Officer shall place at the disposal of each member of Council, a copy of the Agenda and all supporting materials no later than 4:30 p.m. local time on the Friday prior to the Regular Meeting of Council.
6. The order of business on the agenda shall be as follows:
  - 1) Call to Order
  - 2) Adoption of Agenda
  - 3) Approval of Minutes
  - 4) Public Hearings
  - 5) Delegations
  - 6) Bylaws
  - 7) New and Unfinished Business
  - 8) Reports
  - 9) Correspondence
  - 10) Open Forum
  - 11) In Camera
  - 12) Adjournment
7. The order of business established in Part XII 6. shall apply unless Council otherwise determines by a majority vote of the members in attendance

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and the vote on the matter of priority of business shall be decided without debate.

### **PART XIII - REQUEST FOR DECISION**

1. A Request for Decision must be used to introduce a matter for consideration by Council.
2. A Request for Decision, with all supporting documentation shall be submitted to the Chief Administrative Officer to be included in a Regular Council Meeting Agenda.

### **PART XIV - MEMBER DEBATING**

1. A member wishing to speak on a matter before the meeting should indicate his or her intentions by raising his or her hand and, being recognized by the Chair, should not speak more than once until every member has had the opportunity to speak, except:
  - a. In the explanation of a material part of the speech which may have been misunderstood; or
  - b. In reply, to close debate, after everyone else wishing to speak has spoken, provided that the member presented the resolution to the meeting.
2. The member shall confine themselves to the question and avoid personality.
3. Should more than one member of Council desire to speak at the same time, the Chair shall determine who is entitled to the floor.
4. Supplementary questions or a series of questions relating to the matter before the meeting may be raised by the member, but each such question requires consent of the Chair.
5. Through the chairperson, a member may ask:
  - a. For an explanation of any part of the previous speaker's remarks; and
  - b. Questions to obtain information relating to the minutes presented to the meeting, or to any clause contained therein, at the commencement of the debate on the minute or clause.
6. All questions or debate shall be directed through the Chair.

### **PART XV - MOTIONS**

1. A member of Council may present a motion for consideration. The motion does not require a seconder. The motion shall be recorded and the motion shall be deemed to be "on the floor" and open for formal discussion and debate.



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2. Following debate on the motion under consideration, the Chair may call for a vote on the motion. The motion may be:
  - a. Amended;
  - b. Carried;
  - c. Defeated;
  - d. Withdrawn by the presenter subject to there being no objection by a member of Council;
  - e. Tabled to another meeting.
3. When any member of Council desires to speak, they shall address their remarks to the Chair, confine themselves to the question, and avoid personality. Should more than one member of Council desire to speak at the same time, the Chair shall determine who is entitled to the floor.
4. All motions shall be voted upon by all members of Council in attendance unless abstention by a member is duly noted in the minutes for reasons of conflict of interest.
5. Every motion, when moved and presented to the Chairperson is the property of council; a motion may only be withdrawn with the unanimous consent of Council.
6. Any member may require the motion under discussion to be read at any time during the debate, except when a member is speaking.
7. The mover of a motion must be present when the vote on the motion is taken.
8. 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;
  - 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.

9. The Chief Administrative Officer or designate shall record all motions in writing before being debated or voted upon.
10. When speaking to a motion, a member shall state whether he or she is for or against the motion before entering upon the substance of her or her remarks.

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11. No motion shall be offered that is substantially the same as the one that has already be expressed during the same meeting.
12. Where a matter under consideration contains several distinct propositions, a member may request; or the Chairperson may direct, that each proposition be made as a separate motion.
13. After the Chairperson 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.
14. Voting on all motions shall be done by clearly raising the hand so that the Chairperson may easily count them. After the Chairperson has counted the vote, he or she 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.
15. A motion relating to a matter not within the jurisdiction of the Council shall not be in order.
16. 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."
17. A "Motion to Refer" shall require direction as to the person or group to which it is being referred and is debatable.
18. A "Motion to Postpone Indefinitely" must include a reason for postponement and is debatable.
19. 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 so as to change the basic intent or meaning of the main motion. The chairperson shall rule on the disputes arising from amendments.
  - b. An amendment proposing a direct negative is out of order.
  - c. No member shall move to amend his or her own motion.
  - d. 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.
  - e. Nothing in this section shall prevent other proposed amendments being read for the information of the members.
20. Reconsideration
  - a. After a motion has been voted upon, and before moving to the next item on the agenda, any member who voted with the prevailing side may move for reconsideration and shall state the reason therefore.
  - b. Reconsideration shall then be open to debate, voted upon and shall require the votes of a majority of members present to pass.

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- c. If a Motion for Reconsideration is moved at a subsequent meeting by a member who voted with the prevailing side, it shall be preceded by a Request for Decision and shall require a majority vote for the members present to carry.
- d. If a Motion to Reconsider is decided in the affirmative, such reconsideration shall become the next order of business, unless the motion calls for a future definite date. Debate on the matter to be reconsidered shall proceed as though it had not previously been voted upon.
- e. Debate on a Motion for Reconsideration must be confined to reasons for or against reconsideration.
- f. A notice for reconsideration of any decided matter shall not operate to stop or delay action on the decided matter, unless the Council by a majority vote of the members present shall so direct.
- g. A motion that has been approved for reconsideration and passes automatically suspends the previous motion.

### 21. 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 a previous motion may be offered at any time subsequent to the meeting at which the original motion was passed.
- c. Notice to rescind a motion shall be a request for decision or the inclusion of the item on an agenda delivered to the members of Council before the meeting.

## PART XXVI - VOTING

- 1. When a Motion to Close Debate and Take the Vote 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.
- 2. When the Chairperson, 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.
- 3. 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.
- 4. Every member present, including the Mayor or Chairperson, shall vote on every matter, unless
  - a. In a specific case, the member is excused by motion of Council from Voting; or
  - b. Disqualified from voting by reason of pecuniary interest;

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5. A member who has a reasonable belief that he or she has a pecuniary interest as defined in the Municipal Government Act in any matter before Council, shall so declare and disclose his or her interest and shall abstain from debate and voting on the matter and shall remove him or herself from Council Chambers until the matter is concluded. The minutes shall indicate the declaration disclosure, the time at which the member left the room and the time the member returned. A member whose pecuniary interest arises due to the paying of the bills shall not be required to leave the Council Chambers.

### **PART XVII - THE VOTE**

1. Any Bylaw or motion on which there is an equality of votes shall be deemed to be decided in the negative.

### **PART XVIII - MAYOR**

1. Pursuant to Section 154 (1)(a) of the MGA, the Mayor shall preside at meetings of Council, and the Mayor, at his discretion, may allow the Deputy Mayor to preside at a Council meeting at which the Mayor is in attendance.
2. The Mayor shall preside over the conduct of the meetings, 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 of Council from any ruling of the Chair.

### **PART XIX - APPEAL RULING**

1. The decision of the Chairperson shall be final, subject to an immediate appeal by a member of Council
2. If the decision is appealed, the Chairperson shall give concise reasons for his ruling and council, without debate, shall decide the question. The ruling of Council shall be final.

### **PART XX - DELEGATIONS**

1. A person or representative of a delegation of persons who wishes to bring any matter to the attention of Council:
  - a. shall address correspondence to the Chief Administrative Officer clearly stating the matter or issue to be discussed. Such correspondence shall be included with the Agenda;
2. A delegation, scheduled to address Council on a topic shall address the Chair upon recognition by the Chair. The scheduled delegate shall be



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limited to a ten (10) minute presentation unless such time is extended by permission of the Chair.

3. The Delegation portion of the Council meeting shall provide:
  - a. An opportunity for any person or representative of any delegation who wishes to bring any matter to the attention of Council, provided they have submitted information in accordance with this Bylaw and their submission has been distributed to Council with the Agenda package
  - b. An opportunity for members of the public to ask questions or make brief presentations to Council on matters of public interest or concern.
4. Delegations from the same party or parties, or for the same matter as a previous delegation, held within the previous six months, shall not be allowed to appear before Council unless, in the opinion of the Mayor and Chief Administrative Officer new and compelling information comes to light which would warrant the delegation within the six month period.
5. Any delegation wishing to address Council, regarding a matter which is the subject of a Public Hearing, may attend at the Council Chambers at the Public Hearing and shall be heard.
6. Notwithstanding the provisions of the Act respecting petitions, where a person or group of persons wishes to bring any matter to the attention of Council or to have any matter considered by Council, a letter, petition or other communication shall be addressed to the Chief Administrative Officer, which letter, petition or other communication shall:
  - a. be printed, typewritten or legibly written;
  - b. clearly set out the matter at issue and the request made of Council in respect thereof;
  - c. in the case of a letter or communication, be signed with the correct name of the writer and contain the correct mailing address of the writer;
  - d. in the case of a petition, be prepared and presented in accordance with the Act or other Provincial Statute.
7. The Delegation portion of the meeting shall last for a maximum of twenty (20) minutes, unless the majority of council members present agree to extend the time.
8. 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.
9. Council will not entertain submissions from the public on issues that are before the Subdivision and Development Appeal Board, a Statutory Public Hearing; or any other public consultation/communication process.

### **PART XXI – OPEN FORUM**

1. The open forum shall be for a maximum total of twenty (20) minutes in length to allow members of the public present at the meeting to address Council regarding issues arising from the meeting in progress. No formal



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decision shall be made on any matter discussed with Council during the open forum session.

### **PART XXII - MINUTES**

1. The Chief Administrative Officer or his or her designate shall:
  - a. Attend all Regular Council and Special Council meetings of the Council
  - b. record all minutes of Council Meetings and Special Meetings in the English language, without note or comment,
  - c. record the names of the Councillors present at Council Meetings
  - d. record the time of arrival and/or departure of Council members at meetings should member of Council arrive late at a meeting or depart prior to the completion of a meeting.
  - e. ensure the minutes of each Council Meeting or Special Meeting are given to Council for adoption at a subsequent Council Meeting;
2. Minor changes may be made to the minutes to correct errors in grammar, spelling and punctuation or to correct the omission of a word necessary to the meaning or continuity of a sentence. No change shall be allowed which would alter the actual decision made by Council.
3. Administration is authorized to electronically record the Regular Council and Special Council meetings to ensure accuracy of the motions.
4. If a member wished to challenge the accuracy of the minutes of a previous meeting, the Member must make the challenge known to the Chief Administrative Officer before Council has officially confirmed the minutes.
5. Ensure that the last page of the minutes of each meeting is signed by the Mayor or presiding officer and the Chief Administrative Officer.
6. The Chief Administrative Officer may delegate any duties to the Recording Secretary, but the Chief Administrative Officer shall accept all responsibilities of the Recording Secretary.

### **PART XXIII - ADJOURNMENT**

1. A motion to Adjourn the meeting shall be in order except:
  - a. When a member is in possession of the floor; or when it has been decided that the vote now be taken; or
  - b. During the taking of a vote.
2. When at any session of the Council, the duration of time reaches a total of ninety (90) minutes, the Chair shall call for a review of the agenda and Council will determine the action. When it has been determined that the meeting shall be in recess for the evening, the time and date of resumption of the meeting shall be by a majority vote of Council.

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## **PART XXIV - BOARDS AND COMMITTEES**

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 addition 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 motion or Bylaw specifying the Terms of Reference of the Committee.
3. Appointed Councillors shall keep the rest of the Council informed of the Board/Committee actions by providing regular activity highlights through their Councillor reports.
4. The Mayor shall act as ex-officio to all Committee/Board appointments and may attend any meetings.

## **PART XXV - PROHIBITIONS**

1. A member shall not:
  - a. Use offensive words or unparliamentary language or conduct in Council;
  - b. Disobey the rules of the Council or decision of the Chairperson or of Council on questions of order or practice, or upon the interpretation of the rules of Council;
  - c. Leave his or her seat or make any noise or disturbance while a vote is being taken and the result is declared;
  - d. Enter the Council Chambers while a vote is being taken;
  - e. Interrupt a member while speaking, except to raise a point of order or question of privilege.
2. A member who persists in a breach of Section XXV 1, after having been called to order by the Chairperson, may at the discretion of the Chair be ordered to leave his or her seat for the duration of the meeting.
3. At the discretion of the Chair, the member may resume his or her seat following an apology.
4. Should the individual refuse to leave his or her seat, the Mayor may request his or her removal by the police.
5. A member who wishes to leave the meeting of Council, without intent to return prior to the adjournment, shall so advise the Chairperson and the time of departure shall be recorded in the minutes.

## **PART XXVI - ADMINISTRATIVE INQUIRY**

1. All questions or administrative inquiries from Council should be directed through the Chief Administrative Officer.

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2. No member of Council shall have the power to direct or interfere with the performance of any work for the town. This shall in no way however, interfere with or restrict the right of a Councillor to seek information through the Chief Administrative Officer.
3. The Chief Administrative Officer may approve a meeting of a Councillor with a member of staff, through an appointment only, but the information gathered must be presented/distributed to all member of Council.
4. All questions or inquiries from Council members to the Administration should be made in writing to ensure clarity and completeness of the request. Such inquiries should be directed through the Chief Administrative Officer for review and distribution to the appropriate department or individual for response.
5. Once the Chief Administrative Officer acquires the response(s) to and administrative inquiry, it will be distributed to all members of Council for information, regardless of who submitted the inquiry.

### **PART XXVII - QUESTION OF PRIVILEGE**

1. A member who desires to address Council upon a matter which concerns the rights or privileges of the Council collectively, or of him or herself as a member thereof, shall be permitted to raise such question of privilege. A question of privilege shall take precedence over other matters. While the Chairperson is ruling on the question of privilege, no one shall be considered to be in possession of the floor.

### **PART XXVIII - POINTS OF ORDER**

1. A member who desires to call attention to a violation of the rules of procedure shall ask leave of the Chairperson to raise a point of order with a concise explanation and shall attend the decision of the Chairperson upon the point of order. The speaker in possession of the floor when the point of order was raised shall have the right to the floor when debate resumes.
2. A member called to order by the Chair person shall immediately vacate the floor until the point of order is dealt with, and shall not speak again without the permission of the Chairperson unless to appeal the ruling of the Chair.

### **PART XXIX - PUBLIC HEARINGS**

“Adjourn” used in relation to a Public Hearing, means to take a break in the Public Hearing with the intent of returning to the Public Hearing at another meeting.

“Close” used in relation to a Public Hearing, means to terminate the Public Hearing.

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1. At the commencement of a Public Hearing, the Chairperson shall:
  - a. State the matter to be considered at the hearing;
  - b. Inform those present of the procedure, which shall be followed in hearing the respective submissions; advise those members of the public in attendance who wish to speak in favour of or opposed to the Bylaw to include their name and address on the sign-in sheet. A copy of the rules of procedure for public hearings will also be made available to the public.
  - c. Ask the Chief Administrative Officer if the Public Hearing has been advertised in accordance with the Act;
  - d. Request that the administrative staff present a report on the issue at hand;
  - e. Allow the applicant, and/or their representative(s), up to twenty (20) minutes to present their position, exclusive of the time required to answer questions put to the applicant by a Council member, unless granted a time extension by Council.
2. Any person or group who claims to be affected by the subject matter of the Public Hearing shall be afforded an opportunity to speak or provide written submissions in the following order:
  - a. The Chairperson will read out each written submission in favour of the matter being considered.
  - b. The Chairperson will call on each person who is in favour of the matter being considered.
  - c. The Chairperson will read out each written submission opposed to the matter being considered.
  - d. The Chairperson will call on each person who is opposed to the matter being considered.
3. If a person is unable to attend a Public Hearing, that person may authorize an individual to speak on his or her behalf. The authorization must:
  - a. be in legible writing
  - b. name the individual authorized to speak;
  - c. indicated the proposed matter be considered to be spoken to; and
  - d. be signed by the person giving the authorization.
4. The authorized speaker must state the name of the person that the speaker represents and provide written authorization to the Chief Administrative Officer.
5. All speakers shall adhere to the timeframes as set out in the "Rules of Procedure for Public Hearings".
6. The Chairperson will allow staff to make closing comments.
7. The Chairperson will allow the applicant to make closing comments.
8. If there is more than one Public Hearing on the Agenda, the Chairperson shall adjourn or close the Public Hearing before opening another Public Hearing.
9. If a Public Hearing is adjourned, Council shall not receive any additional submissions in relation to the subject matter unless it re-opens the Public Hearing.



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10. If a Public Hearing is closed, Council shall not receive any additional submissions from the public in relation to the subject matter, until it has voted on the subject matter of the Public Hearing.
11. An outline of the Rules of Procedure shall be provided in written form to any person who indicates that he will make a written submission, and further there shall be printed copies of the same available to those in attendance at the Hearing.
12. Any member of Council, who has not attended a Public Hearing for a Bylaw or resolution, is not eligible to vote on said Bylaw or resolution.

### **PART XXX - BYLAWS**

1. Where a Bylaw is presented to Council for enactment, the Chief Administrative Officer shall cause the number and short title of the Bylaw to appear on the Agenda.
2. A motion on first reading of a bylaw shall be decided without amendment or debate.
3. Pursuant to the MGA, every proposed bylaw shall receive three separate readings but not more than two on the same day, unless the members of Council present unanimously agree to consider third reading. It shall be read twice before it is committed and engrossed, and the third time before it is signed by the Mayor and Chief Administrative Officer. The Chief Administrative Officer shall include the date of the passing upon every bylaw.
4. When a Bylaw is not subject to a statutory public hearing;
  - a. Council shall vote on the motion for first reading of a 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, specifying the number of the Bylaw.
  - d. After a motion for second reading of the Bylaw has been presented, Council may debate the substance of the Bylaw and propose and consider amendments to the Bylaw:
  - e. A proposed amendment shall be put to a vote and if carried, shall be considered as having been incorporated in the Bylaw at second reading.
  - f. The Chief Administrative Officer or designate shall be responsible for keeping a record of any amendments to the Bylaw passed by Council
  - g. When all amendments have been accepted or rejected, a motion for second reading of the Bylaw shall be placed.
  - h. A motion for third reading shall be introduced specifying the number of the Bylaw, and the Bylaw, upon being passed shall be signed by the Mayor and Chief Administrative Officer and sealed.
5. A Bylaw which requires a statutory public hearing shall be presented on a motion for first reading.
  - a. Council may at this point:



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- i. Debate the substance of the Bylaw, and
    - ii. Propose and consider amendments to the Bylaw
  - b. A proposed amendment shall be put to a vote and if carried shall be considered as having been incorporated into the Bylaw at first reading.
  - c. When all amendments have been dealt with, the motion for first reading of the Bylaw shall be placed.
  - d. Following the Public Hearing, a motion for second reading may be placed and further amendments presented.
  - e. Those members of Council who have not attended the Public Hearing for said Bylaw are not eligible to vote on second and third readings of the Bylaw.
  - f. A motion for third reading shall be introduced specifying the number of the Bylaw, and the Bylaw upon being passed, shall be signed by the Mayor and the Chief Administrative Officer and sealed.
6. 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 to Council for third reading at the same meeting at which it received two readings.
7. When Council unanimously agrees that a Bylaw may be presented for third reading at a meeting at which it has received two readings, the third reading requires no greater majority of affirmative votes to pass the Bylaw than if it had received third reading at a subsequent meeting.
8. 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.
9. A Bylaw which has been defeated at first or second reading may be subject to a motion to reconsider and section XV 20 shall apply.
10. When a bylaw is defeated at third reading, the first reading and second reading are deemed to be rescinded and the Bylaw is not eligible for reconsideration.
11. When a Bylaw has been given three readings by Council, it is
  - a. A municipal enactment of the Town; and
  - b. Effective immediately unless the Bylaw or an applicable provincial statute provides otherwise.

### **PART XXXI COUNCIL REVIEW OF ORDERS ISSUED UNDER THE MUNICIPAL GOVERNMENT ACT – SECTION 545/546**

1. In this section, the following terms have the following meanings:
  - a. “Appellant” means the person who received a written order under Section 545 or 546 of the Municipal Government Act;
  - b. “Order to Remedy” means an order issued under Section 545 or Section 546 of the Municipal Government Act;
  - c. “Staff” means a designated officer of the Town of Rimbey or an employee whom has been delegated the responsibility to issue an Order to Remedy.

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2. Upon receipt of a written request pursuant to Section 547 of the Municipal Government Act, the Chief Administrative Officer will schedule a Council Review at a Regular Council Meeting as soon as practicable after ensuring that all parties have sufficient time to prepare for the Council Review.
3. Written materials, videos, and slide presentations received as submissions from the Appellant and Staff must be submitted not less than seven (7) calendar days prior to the Council Review and will be distributed as part of the Council Agenda.
4. The Appellant is entitled to appear before Council, in person or by an authorized agent, and to be represented by legal counsel.
5. The rules of evidence in judicial proceedings do not apply to a Council Review and evidence may be given in any manner Council considers appropriate.
6. The procedure in a Council Review is as follows:
  - a. The Chair will open the Council Review; introduce members of Council Staff and the Appellant or their representative;
  - b. The Chair will describe the council Review process and deal with any preliminary matters;
  - c. The Appellant will be invited to make opening remarks and presentations (maximum of ten (10) minutes) followed by questions to the Appellant by councilors;
  - d. Staff will be invited to make opening remarks and presentation (maximum of ten (10) minutes) followed by questions to the Staff by Councilors;
  - e. The Appellant will be invited to make a rebuttal (maximum of five (5) minutes) followed by questions to the Appellant by Councilors;
  - f. Staff will be invited to make a rebuttal (maximum of five (5) minutes) followed by questions to the Staff by Councilors; and
  - g. The Appellant will be invited to make closing remarks (maximum of five (5) minutes) followed by questions to the Appellant by Councilors.
7. If the Appellant fails to attend the Council Review despite having been given notice, Council may proceed with the council Review in the absence of the Appellant.
8. At the conclusion of the Council Review, Council may confirm, vary, substitute or cancel the Order to Remedy.

### **Part XXXII - Statutory Rules of Conduct**

1. Each member of Council must be familiar with Part 5, Division 6 of the Municipal government Act, including the following;
  - a. Pecuniary interest, including all those persons and legal entities whose financial interests in a decision of council will disqualify the Councilor (Section 170)
  - b. The definition of "Councilor's family" including the definition of "Spouse" (Section 169)
  - c. The duty of a Councilor to declare a conflict of interest as soon as it arises, not take part in any discussion of the issue giving rise to

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the conflict of interest and to excuse him or herself from Council Chambers (Section 172)

2. Council members have an obligation to vote, as per Section 183 (1) of the Municipal Government Act and must be familiar with the consequences of failing to vote on a matter and the consequences of wrongly voting in the presence of a conflict of interest (disqualification).
3. Each Council Member has the right to administrative advice on possible or identified conflict of interest issues and on defenses if necessary.
4. Council shall be familiar with the following statutory rules of conduct for Councillors:
  - a. Absenteeism, Sections 174(1)(d) of the Municipal Government Act states the Councillor is absent from all regular council meetings held during any period of eight (8) consecutive weeks, starting with the date that the first meeting is missed, unless subsection (2) or (3) applies,
  - b. section 174(1)(e)(i) of the Municipal Government Act refers to conviction of a criminal offence punishable by five or more years in prison,
  - c. Violations of section 124 or 125 of the Criminal Code of Canada refers to the improper use of public office,
  - d. Section 174(i) of the Municipal Government Act refers to a Councillor's use of information obtained while serving on Council to gain a pecuniary benefit in respect of any matter,
  - e. The Local Authorities Election Act reference to political contributions
  - f. Disqualification in accordance with any portion of Section 174 of the Municipal Government Act.

### **PART XXXIII - CONDUCT OF COUNCIL IN COUNCIL CHAMBERS**

1. Members of Council shall conduct themselves in a professional manner within the Council Chambers by observing the following;
  - a. No offensive language or rude gestures,
  - b. No shouting or rising out of the chair during debate;
  - c. no physical or verbal personal attacks on fellow Council Members, Administration, the public or the media,
  - d. No defamation (i.e. an act of communication that causes someone to be shamed, ridiculed, held in contempt or lower in the estimation of the community),
  - e. Shall not portray behavior that will limit the right of others to express their opinion
  - f. Shall not use electronic devices for recording during council meetings for purposes other than meeting related duties
  - g. Shall dress in a business casual manner that is non-offensive, neat, clean and appropriate for the representation of Council
  - h. Shall demonstrate respect for the role of the Chair, particularly with regard to the Chair's right to restore order and limit debate
  - i. Shall raise objections only through the appropriate process and motions
  - j. Shall demonstrate respect for the role of the chief Administrative Officer as the principle employee of Council.

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- k. Shall refrain from unauthorized or improper use of Town property, included but not limited to, telephones, computers, copier, fax machine, and other office equipment.
2. Members of Council shall support the decision making role of Council by adhering to and demonstrating respect for policies, Bylaw, resolution and decision of the Town. This does not in any way limit an individual Councillor's right to have and articulate a different opinion than the majority during debate of a matter before Council.
3. Once a decision is reached and voted on, each member of Council is expected to honor and respect the decision and support the whole of Council on the decision.

### **PART XXXIV - CONDUCT OF MEMBERS OF COUNCIL OUT OF CHAMBERS**

1. Members of Council demeanor while representing the Town at outside functions shall be in a professional manner consistent with all provisions of this Bylaw.
2. Members of Council shall act in the best interest of the Town in carrying out the functions and duties entrusted upon them.
3. Members of Council shall not use their positions to secure special privileges, favour or exemptions for themselves or any other person.
4. Any work related questions pertaining to administration and the operations of the Town shall be directed through the Chief Administrative Officer.
5. Members of Council shall not pledge the credit of the Town in connection with any matter whatsoever.
6. Members of Council will direct their inquiries and requests for assistance through the Chief Administrative Officer.
7. No members of Council shall attempt to direct the work of Town staff or the Town's contractors.
8. Members of Council will respect the work space and schedule of staff and will not unduly disrupt the day to day work of the Town Staff.
9. Members of Council shall not access file cabinets/rooms, the safe, staff work desk/space or storage areas unless they are required to do so by direction of Council or approval of the Chief Administrative Officer.
10. Without restricting the ability of Councillors to decide the best use of their time, it is expected that Councillors be in attendance at events where related registration fees and or living expenses are paid by the Town.

### **PART XXXV - CONDUCT OF THE PUBLIC IN COUNCIL MEETINGS**

1. Members of the public and media who constitute the audience in the Council Chambers during a Council meeting shall:



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- a. not address Council without permission from the Chairperson;
  - b. maintain order and quiet;
  - c. not applaud or otherwise interrupt any speech or action of the members, or any other person addressing Council;
  - d. refrain from wearing headwear, unless for ethnic/religious reason, in Council Chambers;
  - e. refrain from any use of recording devices in the Council Chambers
2. A member of the public who persists in a breach of this section, after having been called to order by the Chairperson may, at the discretion of the Chair, be ordered to leave Council Chambers.
  3. The Chair may, upon request, authorize a person in the public gallery to address Council only on the topic being debated at that time in the meeting and the Chair shall specify the time limit provided to the person wishing to address the matter.

### **PART XXXVI - SPEAKING OR ACTING ON BEHALF OF COUNCIL OR THE TOWN**

1. The Mayor or designated appointee shall not speak for the Council or the Town unless a demonstrable understanding that a consensus exists among the majority of Council
2. Member of Council using social media sites must ensure postings do not speak on behalf of Council.
3. Member of Council who establish social media sites outside of the Town shall post a disclaimer as follows: "The postings on this site are my own and don't necessarily represent the Town's position or opinions"
4. Members of council may present facts and information about Council that are in the public domain – e.g. motions of Council, facts and recommendations in reports to Council. Opinions or positions must be clearly identified as those of the Councillor posting the comments.

### **PART XXXVII - WORKPLACE RESPECT**

1. Members of Council and staff are equally entitled to dignity and respect in the performance of their duties. As with any workplace, discrimination, harassment, breach of procedures and or misconduct is detrimental to the Town. Any infractions involving a council member will be fully investigated by the Chief Administrative Officer in consultation with the Mayor or Deputy Mayor.
2. All matters related to such investigation shall be treated in the strictest confidence.
3. The Chief Administrative Officer shall make recommendations to the Mayor or Deputy Mayor following such an investigation.
4. Council will determine if it is appropriate to issue a written warning, impose sanctions or pursue disqualification against any Council member who displayed harassing, discriminatory behavior, breach of procedures or



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misconduct. Any actions they deem appropriate will be communicated to the Council member in writing.

## PART XXXVIII - CONFIDENTIALITY

1. Members of Council shall safeguard any confidential information which comes before them and respect the requirements of the Freedom of Information and Protection of Privacy Act, or its successor, the Municipal Government Act or any other legislation which creates legal requirements which are specific to Council.
2. Members of Council shall not use confidential information for the personal profit of themselves or any other person.
3. Members of Council shall not communicate confidential information to anyone not entitled to receive it.

## PART XXXIX - REPEAL

1) Bylaws No. 515/86, No. 611/94, No. 858/10, No. 889/13 and 894/14 are hereby repealed.

## PART XL - EFFECTIVE DATE

AND FURTHER THAT this bylaw shall take effect on the date of third and final reading.

READ a first time this 12 day of September, 2016.

READ a second time this 12 day of September, 2016.

READ a third and final time this 26 day of September, 2016.

  
\_\_\_\_\_  
MAYOR RICK PANKIW

  
\_\_\_\_\_  
CHIEF ADMINISTRATIVE OFFICER  
LORI HILLIS