

CYPRESS COUNTY

BYLAW 2015/23

A BYLAW of Cypress County, in the Province of Alberta to regulate the proceedings of meetings and conduct of the Council.

PURSUANT to Section 145 the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto, the Council of Cypress County in the Province of Alberta duly assembled ENACTS AS FOLLOWS:

1. The Bylaw may be cited as the “The Procedure Bylaw”.

DEFINITION AND INTERPERTATION

2. In this Bylaw:

- a) “Act” means the Municipal Government Act being Chapter M-26 of the Revised Statutes of Alberta, 2000, and amendments thereto;
- b) “Acting Reeve” means the member selected by the Council to preside at a meeting thereof in the absence or incapacity of both the Reeve and the Deputy Reeve;
- c) “Agenda” means the agenda for a regular or special meeting of Council;
- d) “Business Arising” means business which has been raised at a previous meeting and which has not been completed;
- e) “Bylaw” means a Bylaw of the County;
- f) “Chief Administrative Officer” or “CAO” means the person appointed to that position by Council under the provisions of the Act;
- g) “Council” means the Reeve and Councillors of the County for the time being elected pursuant to the provisions of the Act whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the Act;
- h) “County” means the Corporation of Cypress County, and where the context so requires, means the area included within the boundaries of Cypress County;
- i) “Deputy Reeve” means the member who is appointed by Council to act as Reeve in the absence or incapacity of the Reeve;

- j) “Designated Officer” means the individual appointed to carry out the functions of municipal government legislation as described in the Designated Officer Bylaw;
- k) “In-Camera” means the portion of the meeting at which only members of Council and other persons designated by Council may attend;
- l) “Member” means a member of Council, duly elected and continuing to hold office;
- m) “New Business” means business dealing with a matter which has not been introduced at a previous meeting and of which notice has been given of the intention to present it;
- n) “Privilege” means the right and immunities of Council collectively or the position and conduct of members of Council in their official character as elected representatives and a “Matter of Privilege” means any matter affecting Privilege;
- o) “Put” means how issues are brought to a vote, as used in Roberts Rules of Order;
- p) “Quorum” means the majority of the valid, subsisting members of Council, or in the case of a Committee, Board, Commission or other organized and recognized group, unless the Bylaw or resolution establishing such a body specifies a different quorum; the majority of the members thereof;
- q) “Reeve” means the member of the Council who is appointed as the Chief Elected Official pursuant to the Act.

THE ORGANIZATIONAL MEETING OF COUNCIL

- 3. a) After a general election the Designated Officer shall preside over the first meeting of the Council until a Reeve has been duly elected and taken the Oath of Office as prescribed by the Oath of Office Act, at which point, the Reeve shall then preside over the meeting and the Councillors shall take the oath of office. The business of Council at the first meeting shall be limited to the calling of the meeting, administration of the Oath of Office, the introduction of new members, the appointment of Deputy Reeve and the appointment of members to act on Committees, Boards, Commissions and other bodies on which Council is entitled to representation, and such other business as may be required.
- b) In a year which a general election is not held, the duly elected Reeve or in his absence, the Deputy Reeve or Acting Reeve, shall take the chair and call the annual Organizational Meeting to order.

- c) The first order of business shall be the election of a Reeve who shall be elected annually at the Organizational Meeting by the members from among their own members. The duly elected Reeve shall upon taking the Oath of Office preside over the meeting.
- d) All committees and other bodies that Council is entitled to appoint representation to shall be appointed annually at the Organizational Meeting of Council.
- e) A special committee may be appointed at any time by the Council or by the Reeve acting upon the instructions of the Council, providing that a motion has been adopted specifying the matters to be dealt with by the committee.
- f) Council may at any time appoint one of its members to be an Acting Reeve in the absence or inability of the Reeve and Deputy Reeve to act.

AGENDA FOR COUNCIL MEETING

- 4. a) The agenda for each Council meeting shall be prepared by the Designated Officer or designate after consulting with the CAO, and provided together with copies of all pertinent correspondence, statements and reports to each member of Council by the close of business on the Friday of the week prior to the meeting.
- b) 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 Designated Officer or CAO not later than 12:00 noon on the Wednesday of the week prior to the meeting. The submission shall contain adequate information to the satisfaction of the Designated Officer or CAO to enable the Council to consider the matter.
- c) The Council shall consider no item of business unless the item has been placed on the agenda, either in the manner described in Section 4(b), above, or as modification to the agenda approved by a vote at the meeting.
- d) Modification of the agenda by the addition of an item of business at the start of the meeting may only be done if Council feels the item is an emergent issue.

PLACES, DATES AND TIMES FOR MEETINGS

- 5. a) Regular Council meetings shall be held in the Council Chambers of the County Administration office in Dunmore, on the first and third Tuesdays of every month.
- b) Council, at any meeting at which all the members of the Council are present may decide to hold regular or special meetings of the Council stating the day, time and place of every such meeting and no notice to Council members of any such meeting shall be necessary.

- c) The calling of a special or regular meeting of Council in circumstances other than as stated in Section 5(b) above shall be called pursuant to the provisions of the Act.
- d) All meetings will be open to members of the public, except for in-camera portions of the meeting.
- e) Unless otherwise determined pursuant to Section 5(b) Council meetings shall commence at 10:00 A.M. and shall continue not later than 5:00 P.M. of the same day.
- f) Council may upon a majority vote of the members present and voting, which vote must be taken not later than 5:00 P.M., extend a meeting beyond 5:00 P.M.
- g) Unless there has been a motion passed within the prescribed time extending a meeting beyond 5:00 P.M., all matters of business on the agenda for a meeting which have not been dealt with by that time shall be deemed to be postponed until the next regular meeting of Council.
- h) Council may adjourn to a fixed future date and time, any regular or special meeting duly convened at which meeting the agenda has not been completed.

COMMENCEMENT, CONTROL AND CONDUCT OF COUNCIL MEETINGS

- 6. a) As soon after the hour of the meeting as there shall be a quorum present, the Reeve shall take the chair and call the meeting to order.
- b) In case the Reeve or Deputy Reeve is not in attendance within 15 minutes after the hour appointed for a meeting and a quorum is present, the Designated Officer shall call the meeting to order and an Acting Reeve shall be chosen by the Councillors present who shall preside during the meeting or until the arrival of the Reeve or Deputy Reeve.
- c) If there is no quorum present within half an hour after the time appointed for a regular meeting of Council, the Designated Officer shall record the names of the members of Council who are present and the meeting shall be absolutely adjourned until the next regular meeting unless a special meeting has been duly called in the meantime.
- d) The Reeve or presiding officer shall preserve order and decorum and shall decide questions of order subject to an appeal to the Council by resolution and the decision of the presiding officer shall be final unless reversed or altered by a majority vote of members present, which vote shall be taken without debate.
- e) When the Reeve or presiding officer is called on to decide a point of order or practice, he shall do so without argument or comment and shall state the rule of authority applicable to the case.

- f) When a member is addressing the chair every other member shall remain quiet, shall not interrupt the speaker except on a point of order, and shall not carry on a private conversation.
- g) When a member is addressing the Council he shall not use offensive words in referring to any member of the Council, or to any official or any employee of the County, and shall not reflect on any vote of Council except when moving to rescind it and when so doing shall not reflect on the motives of the members who voted for the motion, and shall not shout or immoderately raise his voice or use profane, vulgar or offensive language.
- h) When the Reeve calls a member to order the member shall resume his seat but may afterwards explain his position in making the remark for which he was called to order.
- i) In the event that a member refuses to come to order as required by Subsection (h) hereof when called to order the Reeve shall request the Deputy Reeve or if the Deputy Reeve is absent or is the unruly member, a member of Council to move a resolution to remove the unruly member either for the balance of the meeting, or until a time which shall be stated in the motion, or until the member makes an apology acceptable to Council for his unruly behavior, whichever shall be the shortest time.
- j) If a majority of Council votes in favour of the resolution the Reeve shall direct the unruly member to leave the Council Chamber and if the member refuses to leave direct that he be removed by a peace officer to be called by the administration.
- k) If after Council has directed an unruly member to leave the Council Chamber, the member so directed makes an explanation and apology adequate and satisfactory to the Council, it may by a majority vote of the remaining members present, allow the offending member(s) to remain in his place if he has not left it or been removed or to retake it if he has.

PROCEEDINGS AT MEETINGS

- 7. a) The order of business for a meeting shall be contained in the Agenda for the meeting.
- b) The order of business for a regular meeting of Council shall generally be as follows:
 - 1. Call to Order
 - 2. Modification to or Adoption of the Agenda
 - 3. Public Hearing
 - 4. Adoption of Minutes
 - 5. Financial
 - 6. Business Arising
 - 7. New Business
 - 8. Reports
 - 9. In-Camera
 - 10. Adjournment

- c) The order of business may be altered by the Reeve or presiding officer for the convenience of the meeting provided any such alteration shall not in so doing delete any portion of the business set out in the agenda.
- d) The Designated Officer may delegate any duties to a recording secretary but shall accept all responsibilities of the duties.
- e) If a member of Council arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, it shall be so recorded in the minutes.
- f) Each time a member of the Council excuses himself by reason of pecuniary interest it shall be so recorded in the minutes as well as the general nature of the pecuniary.
- g) The Designated Officer shall cause the minutes of each Council meeting to be prepared, and distributed to the members of Council for the next regular meeting.
- h) The Reeve shall present the minutes to the Council with a request for a motion adopting them. If there are any corrections or if a majority of the members of Council deem any corrections to be necessary for the accuracy of the minutes, they shall be incorporated therein.
- i) A call of the Reeve, or Council by majority vote, may recess for lunch or any other purpose if the business then before the meeting will conveniently permit.

DELEGATIONS

- 8. a) The Council shall hear all delegations who have brought their items of business onto the agenda in accordance with Section 4 and established policy and guidelines respecting delegations in the order in which they are placed on the agenda or altered in accordance with Section 7(c). All rules of Council in this Bylaw shall apply to each and every member of the delegation.

MOTIONS IN COUNCIL

- 9. a) Every member wishing to speak to a question or motion shall address himself to the Reeve or presiding officer.
- b) The Reeve or presiding officer shall have authority to set a time limit and the number of times that a member may speak on the same question or resolution having due regard to the importance of the matter and shall determine which member has the right to speak.

- c) All motions shall be made orally before being debated, and shall be in writing before put to a vote, except motions to adjourn, recess, adopt minutes, accept reports, or to go in-camera, which may be oral.
- d) A motion submitted to Council does not require a seconder.
- e) When a motion has been made and is being considered by the Council, no member shall leave the Council Chamber until the vote is taken and no other motion may be made and accepted, except:
 - i. a motion to refer the main question to some other party for consideration or to withdraw the motion;
 - ii. a motion to amend the main question;
 - iii. a motion to table the main question to later in the meeting in order to address another urgent matter;
 - iv. a motion to postpone the main question to a future date not beyond the third month from when it was presented; or
 - v. a motion to adjourn the meeting.
- f) A motion to refer, adjourn, postpone or 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 or adjourn is not.
- g) Where a motion under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member so requests or when the Reeve or other presiding officer so directs.
- h) After any motion is finally put by the Reeve or other presiding officer, no member shall speak to the motion, nor shall any other motion be made until after the result of the vote has been declared. The decision of the Reeve or the presiding officer as to whether the motion has been finally put shall be final.
- i) Voting on all matters shall be done by electronic means or raising of the hand in such a clear manner that they may be easily counted by the presiding officer. The Reeve, when present, and every Councillor present shall vote either electronically or by a show of hands on every matter unless otherwise determined by this Bylaw, the Act, or any other enactment.
- j) 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. After the vote has been counted the Reeve shall declare the motion “carried”, “carried unanimously” or “defeated”. If the vote results in a tie, the motion will be considered defeated.

- k) After a motion has been made a member may with the consent of Council, withdraw the motion or change the wording of the motion or agree to a change proposed by another member if the alteration does not change the intention of the motion.
- l) While a motion is under consideration by Council, a member may not move an amendment which does not relate to the subject matter of the principal motion or may not move an amendment directly contrary to the principal motion.
- m) Where an amendment has been moved to a motion which is under discussion, an amendment to the amendment may be moved but no further amendment may be moved to the amendment or to the principal question until after the amendment to the amendment is voted upon.
- n) A member who moved a motion may not move an amendment to it.
- o) The Reeve or presiding officer shall not put the principal motion under debate until all amendments to it have been put and voted upon.
- p) The Reeve or presiding officer shall put amendments in the reverse order to which they have been moved.
- q) When all amendments are voted upon, the Reeve or presiding officer shall put the principal motion incorporating therein any amendments already adopted.
- r) A member who has moved a motion may close the debate after all other members have been given an opportunity to speak.
- s) When a member who has moved a motion closes the debate the Reeve or presiding officer shall put the motion to a vote in accordance with Section 9(h).
- t) When a member wishes Council to reconsider, alter or rescind any motion already passed or action taken at a previous meeting he shall bring the matter onto an agenda in accordance with Section 4.
- u) Where a matter on which Council has made a previous motion or taken a previous action is properly before Council in accordance with Section 9(t) above, Council may by majority vote pass a motion which alters, rescinds or conflicts with any previous action taken or motion made without specifying that the previous motion or action is being altered or rescinded and the provisions of such motion shall override the provisions of any previous motion with which they conflict.
- v) If any member of the Council shall call for a recorded vote, the names of those who vote for and those who vote against the motion shall be entered in the minutes.

IN-CAMERA

10. a) Council has the authority to move “In-Camera” pursuant to the Act for the purposes of:
 - i. protecting the Municipality, its operations, economic interests and delivery of its mandate from harm that could result from the release of certain information;
 - ii. to comply with Division Two of Part One of the *Freedom of Information and Protection of Privacy Act*.
- b) matters which may be discussed In-Camera, include the following:
 - i. Wages, salary and other personnel matters;
 - ii. Any information regarding contract negotiations;
 - iii. The acquisition, sale, lease or exchange of land;
 - iv. Matters involving litigation, or the discussion of legal advice provided to the Municipality;
 - v. Matters concerning RCMP investigations or confidential reporting; and,
 - vi. Information pertaining to the County’s accounting practices.

BYLAWS

11. a) Where a Bylaw is presented to Council for enactment the Designated Officer shall cause the number and the short title of the Bylaw to appear in the Agenda in the appropriate place.
- b) Unless a letter or report forwarding the Bylaw for enactment by Council adequately sets out the substance of the Bylaw the Designated Officer shall cause the Bylaw to be copied in full and forwarded to the members of Council with the Agenda.
- c) Unless the Act, any other enactment or a County Bylaw requires a greater majority, a Bylaw shall be passed when a majority of the members present and voting on the third reading vote in favour of the Bylaw.
- d) A Bylaw shall be introduced for its first reading by the motion that the Bylaw specifying its number and short title be read a first time.
- e) Where a Bylaw which is introduced for a first reading is not copied in or delivered with the Agenda, the Designated Officer, if a member so requests, shall read the Bylaw aloud at length.
- f) Council shall vote on the motion for the first reading of the Bylaw without amendment or debate.
- g) After a member has made the motion for the second reading of a Bylaw Council may debate the substance of the Bylaw and propose and consider amendments to the Bylaw.

- h) A proposed amendment shall be put to a vote and if carried shall be considered as having been read a first time and incorporated in the Bylaw.
- i) After a motion has been made for the second or third reading of a member may require all or any portion of the Bylaw to be read at length.
- j) The Designated Officer shall be responsible for keeping a record of any amendments to the Bylaw passed by Council.
- k) When all amendments have been accepted or defeated, the motion for second or third reading of the Bylaw as amended shall be put.
- l) Except as provided for in the Act or any other enactment, unless the members present at a meeting unanimously agree that a Bylaw may be presented to Council for a third reading at the same meeting at which it has received two readings the Bylaw shall not be given more than two readings at one meeting.
- m) If Council unanimously agrees that a Bylaw may be presented for a 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 a third reading at a subsequent meeting.

MATTERS SUBMITTED TO A VOTE OF ELECTORS

- 12. a) Except as provided for in the Act or any other enactment, Council shall submit a Bylaw which is to be submitted to the electorate for voting after it has received second reading.
- b) When a Bylaw which is to be submitted to the electorate has been read a second time or a resolution has been passed directing a matter to be submitted to the electorate and determining the manner in which it is to be submitted, it shall not again be debated in Council before the electorate has voted on it.

PROCEDURE NOT COVERED BY BYLAW

- 13. a) When any matter relating to proceedings in Council or in the committees thereof arises which is not covered by a provision of this Bylaw, the matter shall be decided by reference to rules of procedure as set out in Roberts Rules of Order.
- b) Should any provision of this Bylaw be invalid, then such invalid provision shall be severed and the remaining Bylaw shall be maintained.

14. This Bylaw shall come into force upon third and final reading.

15. Bylaw 2012/45 is hereby rescinded.

Read a first time this 2nd day of June, 2015.

Read a second time this 2nd day of June, 2015.

Read a third time and finally passed this 2nd day of June, 2015.

Reeve

Designated Officer