

**BYLAW NO. 11/2019
BEING A BYLAW OF THE
MUNICIPAL DISTRICT OF PEACE NO. 135
IN THE PROVINCE OF ALBERTA**

A BYLAW OF THE MUNICIPAL DISTRICT OF PEACE NO. 135 IN THE PROVINCE OF ALBERTA, TO REGULATE THE FUNCTIONS, PROCEDURES AND CONDUCT OF COUNCIL MEETINGS.

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

WHEREAS, pursuant to Section 145 of the *Municipal Government Act*, RSA 2000, Chapter M-26, and amendments thereto, Council may pass bylaws in relation to the procedures to be followed by council, council committees and other bodies established by the council;

NOW THEREFORE, the Council of the Municipal District of Peace No. 135, in the Province of Alberta, duly assembled, hereby establishes the following rules and regulations for the order and conduct in which the business of all Council meetings shall be transacted.

I. Title

This Bylaw shall be cited as "The Procedural Bylaw".

II. Definitions

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

"Administration" means the employees of the Municipal District of Peace No. 135.

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

"Chief Administrative Officer" or "CAO" means the person appointed to that position by Council under the provisions of Section 205 of the MGA or any person he/she delegates under Section 209 of the MGA.

"Closed Session" means a meeting closed to the public to discuss matters where a public disclosure could be harmful and which fall under the exceptions to disclosure in the *Freedom of Information and Protection of Privacy (FOIPP) Act* (sections 16 to 29).

"Council" shall mean the Council of the Municipal District of Peace No. 135.

"Delegation" means any person(s) that has permission of council to appear before council to provide pertinent information and views about the subject before council or to make a request of council.

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

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

"Ex-officio" means by right of office, a member to all boards and committees in the absence of the appointed or alternate member.

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

"MGA" means the *Municipal Government Act*, Revised 2000, Chapter M-26, and any amendments thereto.

"Municipality" means the Municipal District of Peace No. 135, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality.

"Notice of Motion" is a motion used when a member of Council wishes to reconsider, alter or rescind any motion already passed or action taken at a previous meeting, and must be given at a regular meeting preceding the meeting at which he/she wishes Council to reconsider the matter.

"Pecuniary interest" is a matter where one may have any direct or indirect conflict in relation to a matter under consideration

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

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

"Quorum" means the majority of all councillors that comprise the council pursuant to section 167 of the MGA.

"Reconsider a motion/resolution passed at the same meeting" allows a motion to be brought back by a member who voted with the prevailing side, for the purpose of reopening the matter for debate.

"Rescind" means to repeal, cancel or revoke.

"Reeve" shall mean the Chief Elected Official or presiding officer of the Municipal District of Peace No. 135.

"Special Meeting" means a meeting called by the Reeve pursuant to the Act.

"Table" means a motion to delay consideration of any matter in order to either deal with more pressing matters, or to a specific time when further information is to be obtained, or indefinitely.

III. Application

1. This bylaw applies to all meetings of Council, and Council Committees as established by the Council of the Municipal District of Peace No. 135.
2. The precedence of the rules governing the procedures of Council is:
 - (a) the MGA;
 - (b) other provincial legislation; and
 - (c) this bylaw.
3. In the absence of statutory obligation, any provision of this bylaw may be temporarily altered or suspended by an affirmative vote of two-thirds of all members present. A motion to temporarily alter or suspend this bylaw is not debatable or amendable.

IV. Annual Organizational Meeting

1. Council shall hold an Organizational Meeting not later than two weeks after the third Monday in October each year.
2. The CAO shall set the time and place for the Organizational Meeting, and the business of the meeting shall be limited to:
 - (a) Electing a Reeve for the following year;
 - (b) Electing a Deputy Reeve for the following year;
 - (c) Signing Authority and Bank Location
 - (d) Regular Meeting Dates and Times and Location of Municipal Office
 - (e) Reviews of Vision and Mission Statements, Procedural and Code of Conduct Bylaws
 - (f) The appointments of members to Committees which Council is entitled to make
 - (g) Remuneration

- (h) Any other business required by the MGA, or which Council or the CAO may direct.
3. Appointments of Council members to committees shall be for a term of one year, unless otherwise specified and reviewed at the Organizational Meeting.

V. Regular and Special Meetings

1. If there are changes to the date and time of a regular meeting, the Municipality must give at least twenty-four (24) hours notice of the change to all members and post the notice in a public office pursuant to Section 193 of the MGA. Posting a public notice in the front foyer of the Municipality's Administration Office is sufficient notice to the public if administration is unable to advertise the change in the local newspaper.
2. Council Meetings shall be held in the MD of Peace Council Chambers and shall commence at 9:00 a.m. on the second Tuesday of the month and at 5:00 p.m. on the fourth Tuesday of the month, unless regular meeting dates are otherwise changed at the annual Organizational Meeting.
3. Councillors participating in a meeting held by means of a communications mechanism are deemed to be present at the meeting pursuant to Section 199 of the MGA.
4. Special meetings of Council shall be established as required by Council according to the provisions of Section 194 of the MGA and the public shall be given twenty-four (24) hours notice.
5. All meetings will be open to members of the public, except for closed session portions of the meeting.
6. Council has the authority to move to closed session pursuant to Section 197(2) of the MGA for the purposes of:
- (a) Protecting the Municipality, its operations, economic interests and delivery of its mandate from harm that could result from the release of certain information;
 - (b) To comply with Division Two of Part One of the *Freedom of Information and Protection of Privacy Act*.
7. Closed Session Matters
- (a) The purpose of going into closed session is to keep discussion of confidential or legal matters covered by Div. 2 of the FOIPP Act, Chapter F-25, in private during Council meetings or Council committee meetings, until the matter is discussed at a meeting held in public.
 - (b) Council may not make motions while in closed session and shall refer items to a Council meeting if decisions are required, other than a motion to return to an open meeting.

VI. Quorum

1. When quorum is present at the time set for commencement of a Council meeting, the Reeve shall call the meeting to order.
2. If there is a quorum present at the time set for commencement of a Council meeting, but the Reeve and Deputy Reeve are absent, the CAO shall call the meeting to order and shall call for a Presiding Officer to be chosen by resolution.
3. If quorum is not constituted within fifteen (15) minutes from the time set for commencement of a Council meeting, the CAO shall record the names of all members present and, unless a Special Meeting is duly called in the meantime, the meeting shall be deemed to be adjourned until the next regular meeting.
4. Whenever a vote on a motion before Council cannot be taken because of a loss of quorum resulting from:
- (a) The declaration of pecuniary interest or conflict of interest; or4
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- (b) From a Councillor or Reeve not being present for all or part of a Public Hearing;
then the motion shall be the first order of business to be proceeded with and disposed of at the next meeting of Council under that particular order of business.
5. If a quorum is lost for any other reason than those aforementioned in section VI. 4, the meeting is adjourned and the agenda delivered for the proposed meeting shall be considered at the next regular meeting prior to the consideration of the agenda for the subsequent meetings or at a special meeting called for that purpose.

VII. Cancellation of Meetings

1. A regular meeting may be cancelled:
- (a) by a vote of the majority of members at a previously held meeting; or
 - (b) with the written consent of a majority of members, providing twenty-four (24) hours notice is provided to members and the public; or
 - (c) with the written consent of two-thirds (2/3) of the members of Council if twenty-four (24) hours notice is not provided to the public.
2. A special meeting of Council may be cancelled:
- (a) by the Reeve if twenty-four (24) hours written notice is provided to all members and the public; or
 - (b) by the Reeve, with the written consent of two-thirds (2/3) of the members, if less than twenty-four (24) hours notice is provided to all members.

VIII. Agendas for Council Meetings

1. The agenda for each regular Council meeting shall be prepared or approved by the CAO or his/her designate, and provided together with copies of all pertinent correspondence, statements and reports electronically to each member of Council at least three calendar days prior to the meeting.
2. Any Council member, Municipal official, or any other person wishing to have an item of business placed on the agenda for a regular Council meeting, shall make the submission to the 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 CAO to enable the Council to consider the matter.
3. All reports must be submitted in writing to the CAO or his/her designate by noon on the Wednesday of the week prior to the meeting for inclusion in the agenda.
4. The Council shall consider no item of business unless the item has been placed on the agenda, either in the manner described in Section 2, above or as modification to the agenda approved by a vote at the meeting.
5. When the CAO receives a request for presentation to the Council, he/she shall place it on the Council agenda. If the communication is considered administrative in nature, the originator will be notified of the administrative follow-up by the CAO.
6. The general order of business on the agenda shall be as follows; however, the actual order may be adjusted by Council as necessary:
- (a) Call to Order
 - (b) Acceptance of Agenda (amendments may be made at this time)
 - (c) Adoption of Minutes of Previous Regular or Special Meetings
 - (d) Business Arising Out of the Minutes
 - (e) Appointments
 - (f) Reports
 - (g) Land Use/Planning/Subdivisions
 - (h) Correspondence
 - (i) New Business

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- (j) Information
- (k) Question Period
- (l) Confidential Items
- (m) Adjournment

7. The agenda shall be available to the public at the same time it is available to each member of Council, with the exclusion of any closed session matters that may be within one of the exceptions to disclosure identified in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*.
8. The order of business at a meeting is the order of the items on the agenda except:
 - (a) when a previous meeting has been adjourned for lack of quorum and no special meeting has been called to deal with the business of the adjourned meeting, the agenda items from the adjourned meeting must be dealt with first, or
 - (b) when Council members in attendance unanimously agree to alter the order of business for the convenience of the meeting.

IX. Minutes

1. Minutes of meetings shall be made available to the public as soon as is practical after the meeting.
2. The CAO may delegate any duties relating to Council meetings to other administrative personnel but shall remain responsible for the performance of those duties.
3. If a member of the Council arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, it shall be so recorded in the minutes.
4. It shall be recorded in the minutes each time a member of the Council is absent, and each time a member of Council refrains from discussion and voting by reason of absence or pecuniary interest as well as the general nature of the pecuniary interest.
5. In the event a member of Council is absent from the meeting in which minutes are passed which he/she considers requires corrections, he/she may address the correction.

X. Appointments

1. The Appointments portion of Council meeting shall provide for any delegation wishing to appear before Council or to address an agenda item not designated as a public hearing. The delegation shall give written notice to the CAO or his/her designate no later than noon on the Wednesday preceding the meeting day. Such notice shall outline the name of the delegation and purpose of presentation.
2. Meeting procedures and protocol shall be outlined to anyone wishing to address a Council or committee meeting.
3. Delegations shall only speak on the matter which they have submitted to Council and which has been included on the agenda.
4. Where a matter has been presented to Council and has been dealt with by Council in any final matter, such matter shall not be heard by Council again until six months has elapsed after the time when Council previously disposed of the matter.
5. When individuals wish to appear before the Council, their presentation to Council shall be limited to twenty (20) minutes, followed by questions from Council members. When individuals wish to appear before the Council during a Public Hearing, their appearance shall be limited to ten (10) minutes.

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6. When a member of the public wishes to ask questions or make a brief presentation to Council on matters of public interest or concern, they will be provided with an opportunity to speak during the Question Period portion of the agenda. Time permitting, each presenter will be provided with a maximum of five (5) minutes, followed by questions from Council members.
7. In the event that all persons who expressed an interest to speak at a Council meeting cannot be heard within the allotted amount of time for Presentations, they will be invited to attend and appear before the next regular Council Meeting.
8. Council will not entertain submissions from the public on issues that are before the Subdivision and Development Appeal Board, the courts, or require a statutory Public Hearing.
9. A response to each speaker's comments/concerns will be provided through one or more of the following:
 - (a) A resolution of Council at the meeting; or,
 - (b) Referral of the matter to the Administration for review and recommendation at a subsequent time, depending on the significance of the issue and the time required to adequately research the matter.

XI. General Rules of Council

1. Every person wishing to speak during a Council meeting shall address their comments through the Reeve and no person shall be permitted to speak unless and until the Reeve has granted that person permission.
2. A meeting may be adjourned by a motion or by declaration of the Reeve. A declaration by the Reeve to adjourn a meeting may be appealed through a motion decided by a majority of members.
3. Council or council committee meetings may be filmed or recorded by accredited media on permission of Council.

XII. Motions

1. Motions or resolutions - these shall be placed before the Council by a mover and do not require a seconder.
2. The time limit for speaking shall be set at 3 minutes and the number of times that a member may speak on the same motion or matter will be twice.
3. After a motion is made, it may be withdrawn by the mover at any time before a vote is taken or an amendment is made.
4. All motions shall be recorded in writing before the motion is debated or put to a vote.
5. The Reeve shall reference all motions before they are debated or voted upon.
6. No motion shall be offered that is substantially the same as one that has already been expressed during the same meeting.
7. Where a matter under consideration contains several distinct propositions, a member may request, or the Reeve may direct, that each proposition be made as a separate motion.
8. After the Reeve 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.
9. Voting on all motions shall be done by clearly raising one hand so that the Reeve may easily count them. When using electronic communications, the Reeve will ask whether the member is voting for or against the motion. After the Reeve has counted the vote, he shall declare

whether it was "carried", "carried unanimously" or "defeated". Except where provided for in this bylaw or by the applicable legislation, a majority vote of the members present who are eligible to vote, shall decide a motion or question before the Council. If the vote results in a tie, the motion will be considered defeated.

10. When a motion has been made and is being considered by the Council, no other actions may be considered except:
 - (a) A motion to *refer* to some other party for consideration, or to *withdraw* the motion;
 - (b) A motion to *amend* the motion;
 - (c) A motion to *table* the motion (the motion remains pending in order to address another urgent matter at that meeting);
 - (d) Motion to *postpone* the motion to a future date (not beyond the third month from when it was presented);
 - (e) A motion to *adjourn* the meeting, and, any necessary resultant motion to postpone shall not be debated except as to the time when the matter will again be considered;
or
 - (f) A motion of privilege, an incidental or a subsidiary motion.
11. A motion to refer, adjourn, postpone or to table, until it is voted upon, shall preclude all amendments to the main motion. A motion to refer or postpone is debatable, while a motion to table is not. A motion to adjourn is not debatable except as allowed in clause 10. (e) above.
12. Each motion to amend or motion to amend an amendment to a motion:
 - (a) Must be relevant to the motion on which it is proposed. Any amendment that raises a new question can only be considered as a new distinct motion;
 - (b) Must not propose a direct negative which would be considered out of order;
 - (c) Must be decided upon or withdrawn before the main question is put to a vote. Only one amendment at a time to the main motion shall be allowed; and, only one amendment to an amendment shall be allowed at one time;
 - (d) Shall not be moved by the original mover of the motion or the amendment;
 - (e) Must not enlarge the scope of the amendment (an amendment to an amendment), but should only deal with matters not covered by the original amendment;
 - (f) Shall only be sub-amended one time. A request for a second amendment to an amendment would require the current motion to be defeated and a new motion to be moved.
13. A motion to *reconsider* a motion shall:
 - (a) only be made at the same meeting the motion was decided;
 - (b) only be made by a member who voted with the prevailing side of the motion involved;
 - (c) not be proposed more than once for a specific motion at any one meeting of Council;
 - (d) be decided by a majority of the members of Council present; and,
 - (e) not be allowed on a motion of adjournment.
14. A motion to *rescind* a previous motion of Council may:
 - (a) be made by any member of the Council; and
 - (i) be offered at any time subsequent to the meeting at which the original motion was passed;
 - (ii) be passed by a simple majority of the members of Council present.
 - (b) be made only if the previous motion has not been acted upon to the extent that the Municipality has undertaken or become subject to any liability or obligation; or
 - (c) be made only if the original motion was not a motion for a reading of a bylaw.
15. A motion that will address a bylaw for first reading shall be decided **without amendment or debate, but motions for subsequent readings are debatable**. Each bylaw shall be read a first, second and third time before being signed by the Reeve and CAO. Unanimous agreement is required to have the third reading at the same meeting.

XIII. Notice of Motion

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

XIV. Miscellaneous

1. No member shall:
 - (a) use offensive words in or against the Council;
 - (b) speak to a subject, except upon the question in debate;
 - (c) reflect upon any vote of the Council except for the purpose of moving that such a vote be rescinded or reconsidered; or
 - (d) resist the rules of Council or disobey the decision of the Reeve or of the Council on any question of order or practice or upon the interpretation of the rules of the Council. If any member shall so resist or disobey, they may be ordered by a majority vote of the Council to leave their seat for that meeting and should they refuse to do so, the Reeve may request that they be removed by law enforcement. Should the offender provide an ample apology, they may, by majority vote of the Council (without debate), be permitted to return to their seat.
2. The Council may adjourn from time to time to a fixed future date, any special meeting of Council that has been duly convened, but not terminated. The object of adjourning is to finish the business for which the meeting was called, but which has not been completed.
3. No member of the Council shall have the power to direct or interfere with the performance of any work of the Municipality. Council members may seek information through the office of the CAO.

XV. Petitions

1. Statutory petitions will be submitted to the CAO and will be processed in accordance with the MGA.
2. On receipt of a non-statutory petition, the CAO may do the following:
 - (a) include it as an item on the agenda for the next regular meeting of Council in full or summary form;
 - (b) refer it to Administration for a report to Council or appropriate Council committee;
 - (c) circulate it to the members of Council individually as information if it does not require any further action by Council.

XVI. Committees and Boards

1. The Council shall appoint Council representatives to such committees, boards and commissions

as required by legislation, agreement or bylaw as they deem necessary. Unless an immediate appointment is required mid-term, these appointments shall be made on an annual basis at the Organizational Meeting.

2. The Council may make appointments to a committee at any time, providing that the Council has adopted a bylaw or resolution specifying the terms of reference of the committee. Terms of reference will be adopted by bylaw if the committee is being delegated budgetary responsibilities; otherwise, adoption through resolution may be used for other committees' terms of reference.
3. It shall be the duty of the Chairman of each board or committee (or his designee), to summon members for meetings.
4. The Reeve shall be an ex-officio member of all Council committees and bodies which Council has a right to appoint members under the MGA (does not apply to certain committees, e.g. SDAB, ARB, etc.).
5. Appointed Council members shall keep the rest of the Council informed of the actions of committees or boards to which they are appointed by Council, by providing regular activity highlights through their Councillors' reports and statements.

XVII. Severability

1. Each provision of this Bylaw is independent of all other provisions. If any such provision is declared invalid by a court of competent jurisdiction, all other provisions of this Bylaw will remain valid and enforceable.

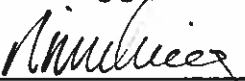
XVIII. Repeal

Bylaw No. 8/2013 is hereby repealed.

XIX. Effective Date

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

First reading given on the 19 day of November, 2019.




Robert Willing, Reeve



Barbara Johnson, Chief Administrative Officer

Second Reading given on the 19 day of November, 2019.




Robert Willing, Reeve



Barbara Johnson, Chief Administrative Officer

Third Reading and Assent given on the 19 day of November 2019.



Robert Willing, Reeve



Barbara Johnson, Chief Administrative Officer