

By-law No. 127/2008

Being a By-law of the Town of Bentley, in the Province of Alberta, to regulate the proceedings and transactions of business by the Council of the Town of Bentley.

WHEREAS, it is necessary to establish rules and procedures for the conduct of business in Council meetings, to control and maintain order in Council and to provide for the dealing of petitions, delegations and submissions to Council.

NOWHEREFORE, the Council of the Town of Bentley, in the Province of Alberta, duly assembled and pursuant to the authorities conferred upon it by the Municipal Government Act, RSA 2000, Chapter M-26 and amendments thereto, enacts as follows;

1. This By-law shall be cited as the "**Procedural By-law**"
2. In this By-law, the following **interpretations** shall apply;
 - a) "MGA" shall mean the Municipal Government Act, RSA 2000, Chapter M-26, and amendments thereto
 - b) "Committee of the Whole" means a meeting of the members of Council without the presence of the public and any representative of the press or other media
 - c) "Council" means the Council of the Town of Bentley
 - d) "Chair" means the Mayor, Deputy Mayor or other person presiding as Chairperson at any meeting of Council or a Committee thereof
 - e) "Public Hearing" is a meeting of Council held in accordance with Section 230 of the MGA
 - f) "CAO" shall mean the Chief Administrative Officer
 - g) "Agenda" shall mean the list of items and order of business of any meeting of Council as prepared by the CAO
 - h) "Point of Information" is a request to the Mayor or presiding member, or through the Chair to another member of Council or Town Staff, for information relevant to the business or item being discussed.
 - i) "Quorum" is a majority of members of Council in attendance at a meeting and eligible to vote
 - j) All other interpretations shall be the same as set out in the MGA

3. This Procedural By-law shall apply to all meetings of Council and, subject to the provisions of Section 203 of the MGA, all Boards, Committees and Authorities established by Council, unless Council has granted permission, by a simple majority decision, to establish their own procedures.

4. Annual Organizational Meeting

- a) The Annual Organizational meeting of the Council shall be held in accordance with Section 192 of the MGA
- b) In the event of a General Election, all elected members of Council shall take the official Oath of Office prior to Council carrying out any powers, duties or functions.
- c) The Deputy Mayor shall, upon appointment at the Annual Organizational Meeting, take the official Oath of Office for Deputy Mayor
- d) The following business shall be conducted at the Annual Organizational Meeting;
 - i) Appointment of Deputy Mayor
 - ii) Date, time and location of regular meetings
 - iii) Appointment of Signing Authorities
 - iv) Appointments to Boards, Committees and Commission as previously established by Council
 - v) Appointment of Auditor and Assessor
 - vi) Appointment of Director and Deputy Director of Disaster Services
 - vii) Any other similar business as is required by the MGA or as determined by Council

5. Regular and Special Meetings

- a) Regular meetings of Council shall be held on the dates, time and location as established by resolution of Council at the Annual Organizational Meeting. Council may, from time to time, by resolution passed at a duly constituted meeting, change a regular meeting date and/or time.
- b) Special meetings shall be called and held in accordance with Section 194 of the MGA.

- c) In the event a member of Council arrives late to a meeting or departs prior to the completion of the meeting, the CAO (or as designated by the CAO) shall record the time of arrival and departure.
- d) If a quorum is not present within fifteen (15) minutes after the time fixed for the Regular or Special meeting, the CAO (or as designated by the CAO) shall record the names of the members present and the Council shall stand adjourned until the next Regular or Special meeting.
- e) In the event the Mayor or Deputy Mayor is not in attendance within fifteen (15) minutes after the time fixed for the Regular or Special meeting and a quorum is present, the CAO shall call the meeting to order and a Chairperson shall be appointed by the Councillors present and shall preside over the meeting until the arrival of the Mayor or Deputy Mayor.
- f) Unless otherwise required by this By-law, the MGA or any other enactment, a simple majority vote of those members present shall be sufficient to pass a resolution or pass first, second or third reading of a By-law.
- g) The length of time for a Regular or Special meeting shall not extend past three (3) hours from the time of commencement unless a motion has been passed by simple majority to extend the meeting. Said extensions may be in half hour increments, however, no meeting shall be longer than four (4) hours.
- h) Notice of Regular meetings shall be published on the calendar of the Neighborhood Notes, published monthly and on the Town of Bentley Website.
- i) Notice of Special meetings shall be given by posting a notice on the bulletin board at the Town Office and on the Town of Bentley Website.

6. Meeting Conduct Sections 193 to 200 inclusive of the MGA

- a) The Mayor or the member presiding over the meeting
 - i) shall maintain order and preserve decorum of the meeting
 - ii) shall decide points of order without debate or comment other than to state the rule governing
 - iii) shall determine which member has the right to speak

- iv) shall ascertain all members who wish to speak on a motion have spoken and all members are ready to vote by asking “Are you ready for the question?” and shall thereafter call for the vote
 - v) shall rule when a motion is out of order
 - vi) shall expel members of the public who are exhibiting improper conduct and may direct that such person or persons be removed by a peace officer
- b) Members of the public who attend a Council meeting shall
- i) remain quiet and seated
 - ii) shall not address Council unless they are on the Agenda as a delegation.
 - iii) Notwithstanding 6. b) iii, if Council believes a member of the public can provide information relative to the item being deliberated by Council, Council may, by unanimous vote, ask the member of the public to provide said information.
- c) When a member of Council or a member of the public as a delegate to Council is addressing the Chair, every other member attending the meeting shall
- i) remain quiet and seated
 - ii) not interrupt the speaker
 - iii) not carry on a private conversation
- d) When a member of the public as a delegate to Council is addressing Council, the delegate shall
- i) not reflect on any vote of Council except when asking to rescind the vote and when doing so shall not reflect on the motives of the members of Council who voted for the motion or the mover of the motion
 - ii) not shout or raise their voice or use profane, vulgar or offensive language, and

- ii) assume personal responsibility for any statement they quote to Council or shall give the source of the information. Unfounded information or hearsay will be disregarded by Council
- e) No member of Council or the public as a delegate to Council shall
 - i) speak disrespectfully to any person
 - ii) use offensive words in or against the Council or any member thereof or any official or employee of the Town
 - iii) resist this By-law or disobey the decision of the Chair or the Council on any question of privilege or point of order or upon the interpretation of this By-law
- f) When a person is called to order by the Mayor or other presiding officer, such person shall immediately cease speaking and shall not speak further unless and until recognized by the Chair.
- g) The following motions are not debatable by Council;
 - i. Adjournment
 - ii. Take a recess
 - iii. Question of privilege
 - iv. Point of order
 - v. Limit debate on the matter before Council
 - vi. Division of a question
 - vii. Defer the matter to another meeting

7. Voting

- a) voting shall be governed by Section 182 to 186 of the MGA
- b) a recording of who voted in favour or against a motion shall only be entered into the minutes when a member of Council asks for a recorded vote prior to the vote being held

8. Agendas

- a) Prior to each regular meeting, the CAO (or as designated by the CAO) shall prepare a statement of the order of business to be known as the "Agenda" of all business to be brought before the Council at such meeting.

- b) To enable the CAO to prepare the Agenda, all documents and notice of delegations intended, shall be submitted to the CAO not later than five (5) working days before the date on which the meeting is scheduled
- c) The CAO shall have prepared and make available to each member of Council a copy of the Agenda and all supporting materials not later than 4:00 p.m., no less than three (3) working days before the date on which the meeting is scheduled
- d) In the event the deadlines as set out in Clause 7 c) are not met, the Agenda and supporting materials shall be deemed to be acceptable by Council when the Agenda is adopted at the regular meeting.
- e) Prior to the Motion to adopt the agenda, Council may add or delete an item. Said motion should be to adopt the agenda as amended.
- f) The normal order of business for regular meeting will be as follows;
 - 1. Call to Order
 - 2. Amendments & Acceptance of Agenda
 - 3. Adoption of Previous Minutes
 - 4. Financial
 - 5. Delegation Times
 - 6. Unfinished Business
 - 7. By-laws & Policies
 - 8. New Business
 - 9. General Correspondence
 - 10. CAO & Council Reports
 - 11. Other Business
 - 12. Council Question Period
 - 13. Committee of the Whole (if required)
 - 14. Adjournment

Notwithstanding the above, the order of business may be modified or amended to address specific agenda item. The Agenda shall be deemed to be acceptable by Council when the motion to adopt the agenda is passed.

9. Delegations

- a) A person or a representative of any delegation or group of persons who wish to bring any matter to the attention of the Council or who wish to have any matter considered by the Council, shall address a letter to the Council, in care of the CAO, outlining the subject to be raised.
- b) The letter shall be typewritten or legibly written, signed by the correct name of the writer, delivered or mailed to the Office of the CAO, so that it arrives at least at 1:00 p.m. in the afternoon at least five (5) working days before the date scheduled for the meeting at which it is to be presented.
- c) The letter shall contain the full mailing address and telephone number of the writer and if he or she wishes to appear before Council, it shall be so stated in the letter.
- d) Delegations shall be granted a maximum of fifteen (15) minutes to present the matter outlined in their letter. Where the Mayor or other presiding officer determines that additional time shall be granted to a delegation, additional time shall be granted in the length specified by the Mayor or presiding officer.
- e) Notwithstanding 8 d), where the Mayor or other presiding officer determines that sufficient time has been granted to a delegation to present the matter outlined in their letter, the Mayor or other presiding officer may limit the length of time granted to the delegation.

10. Petitions Sections 219 to 226 of the MGA

- a) Before considering a petition, Council must first receive a report from the CAO of the sufficiency of the petition.

11. Public Hearings Section 230 of the MGA

- a) Procedure and Agenda for a Public Hearing shall be as follows;
 - i) Call to order by Chairperson,
 - ii) Introduction of members of the Hearing Board

- iii) The CAO, or designate, shall introduce the resolution or by-law and shall briefly state the intended purpose.
 - iv) Oral or written submissions in favor of the purpose of the Public Hearing are heard. The presiding Officer shall request those who wish to make presentations to identify themselves.
 - v) Oral or written submissions against the purpose of the Public Hearing are heard. Members may ask questions on the submissions.
 - vi) Verbal presentations shall be limited to five (5) minutes.
 - vii) Council may move into a Committee of the Whole to deliberate but no decision may be made
 - viii) Following public presentations, the Chair shall close the Public Hearing
 - ix) If no one is present to speak to a proposed by-law which requires a Public Hearing, Council may hear an introduction to the matter from the CAO, ask relevant questions and then must vote to close the Public Hearing.
 - x) After the close of the Public Hearing, Council may debate matters raised at the Public Hearing during the regular Council meeting following the Public Hearing and may
 - pass the By-law or Resolution or
 - make any necessary amendments to the By-law or Resolution and pass it without further advertisement or hearing
- b) Cross examinations, debating or questions from the public is not allowed.
 - c) Minutes of the Public Hearing will be filed with the Minutes of the Council meetings.
 - d) When a Public Hearing on a proposed By-law or resolution is held, a member of Council must abstain from voting on the By-law or resolution if the member was absent from the Public Hearing

12. Resolution (Motions) in Council

- a) Motions before Council do not need a seconder.
- b) The Mayor or CAO (or as designated by the CAO) shall read the motion aloud if it has not appeared in the Agenda package
- c) Unless required by this By-law, the M.G.A. or any other enactment, all motions shall be considered defeated or approved by a simple majority being one more than half of the Councillors in attendance, who constitute a quorum.
- d) A motion with an equal number of votes for and against shall be considered defeated
- e) Motions may be withdrawn prior to debate or decision with the permission of Council
- f) When a motion has been made and is being considered by Council, no other motion may be made and voted on except;
 - i) A motion to refer the main question to some other person or group for consideration or advise
 - ii) A motion to amend the main question
 - iii) A motion to defer the main question to another time
- g) After the question has been called, no member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared. The decision of the Mayor or presiding officer as to whether the question has been called shall be final.
- h) A member may move to adjourn a meeting at any time, except when;
 - i) another member is in possession of the floor
 - ii) a call for a decision has been made
 - iii) the members are voting
 - iv) a previous motion to adjourn has been defeated and no other intermediate proceeding has taken place

- i) A motion to rescind a motion of Council may be made at any time after the meeting at which the motion was passed by the following;
 - i) any member of Council may make the motion to rescind
 - ii) notice of the rescinding motion shall be on the agenda, and
 - v) the rescinding motion may be passed by a simple majority

- j) Unless otherwise specifically provided for in this By-law or the M.G.A., the following motions are debatable by Council;
 - i) a motion arising out of any matter on the agenda
 - ii) a motion concerning any matter deferred from a previous meeting to the meeting at which it is discussed
 - iii) a motion for the adoption of, rejection of, referral back, or further consideration of a report given to Council or a motion arising out of any matter dealt with in the report to Council
 - iv) a motion for the second and third reading of a By-law
 - v) a motion for amendment to any By-law currently before Council or to any matter arising directly out of any By-law currently before Council
 - vi) such other motions necessary for conducting the business of Council and the observance of its priorities

- k) Members shall remain in their places when a vote is called for and must vote in accordance with Sections 182 to 186 inclusive of the M.G.A.

13. By-laws

- a) By-laws shall be presented and passed in accordance with Sections 187 to 191 inclusive of the M.G.A.

14. Pecuniary Interest (Conflict of Interest)

- a) Members of Council who have a reasonable belief that they have a pecuniary interest , as defined in the M.G.A., in any matter before Council or any Committee, Board or Commission, in which they have been appointed as a representative of Council, shall declare the general nature of the pecuniary interest prior to any discussion of the matter and abstain from discussion and voting on the matter.
- b) Depending on the nature of the Pecuniary Interest, the member of Council may be required to remove themselves from the room until the matter is concluded.
- c) The minutes shall indicate the declaration of disclosure, the time at which the member of Council left the room and the time the member of Council returned

15. Committee of the Whole

- a) Pursuant to Section 197 of the M.G.A., Council and Council Committees and Boards may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act
- b) No resolution or by-law may be passed at a Committee of the Whole meeting, except a resolution to revert to a meeting held in public

16. Correspondence

- a) The content of any communication intended for Council shall be legible, coherent, respectful and signed and must include the name, address and phone number of the correspondent and must set out the purpose of the communication and clearly outline what, if anything, is being requested of Council
- b) Notwithstanding 16.a) if it is determined that a communication intended for Council can be responded to by Town Administration, said communication, shall be dealt with by Administration
- c) The CAO shall not place any communication on the Agenda when he/she considers that the matter contained in the communication is impertinent, improper or libelous, in which case the CAO shall advise the originator of the communication that it is not being sent forward Council.

- d) Any communication received by Council may be referred to a Committee of Council or may be referred to the Mayor and CAO for a report

17. Committee of Council

- a) All standing and special committees shall be appointed by Council.
- b) General rules of the committee shall be;
 - i) to report to Council on duties imposed or recommend actions or directions by Council that are outside the parameters or discretion of the committees to decide
 - ii) to observe the rules prescribed by Town By-laws, including these rules of conduct and procedure.

18. Other

- a) If a matter of procedure arises not specifically covered in this By-law, the matter will be decided by reference to the M.G.A., common sense and a simple majority vote of Council
- b) If a matter cannot be decided as set out in 18. a), than such matter shall be determined in accordance with *“Robert’s Rules of Order – Newly Revised”*

19. By-law 55/00 is hereby rescinded.

Read a first time this 12th day of August, 2008

Read a second time this 12th day of August, 2008

Read a third and final time this 12th day of August, 2008

Mayor

Chief Administrative Officer

