



Procedural Bylaw No. 10/13

Approved: October 9, 2013

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BYLAW NO. 10/13

Being a Bylaw of Flagstaff County, in the Province of Alberta, to regulate the proceedings of Council meetings and the transacting of business by Council, for the Municipality.

WHEREAS Pursuant to Section 145 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and amendments thereto, authorizes the passing of bylaws to regulate the proceedings and conduct of Meetings of Council, Council committees and other bodies established by Council; and

WHEREAS it is the Council of Flagstaff County'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; and this Procedural Bylaw hereby establishes the following rules and regulations for the order and conduct in which all Council and committee meetings shall transact its business.

1. Title

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

2. Definitions

- a) **Chief Administrative Officer or CAO** - means the person appointed to that position by Flagstaff County Council under the provision of the MGA.
- b) **Committee** - means any committee, board or other body established by Council under the Municipal Government Act.
- c) **Council** – shall mean the Council of Flagstaff County.
- d) **Councillor** - shall mean every member of Council including the Reeve.
- e) **County** – shall mean Flagstaff County.
- f) **Delegate** – shall mean any person, group of persons, firm or organization that is neither a member of the committee or Council concerned, wishing to address a committee or Council upon a request to the CAO.
- g) **Delegation** – shall mean the communication of a position by a Delegate.
- h) **Deputy Reeve** – shall mean the member who is appointed by Council pursuant to the MGA to act as Reeve in the absence or incapacity of the Reeve.
- i) **Electronic Communications** – shall mean that members of Council may attend a Council or Committee 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.
- j) **Emergency** – shall mean a situation or the threat of an impending situation adversely affecting property and/or the health, safety and welfare of the community or Flagstaff County, which by its nature and magnitude requires a timely, co-ordinated, and controlled response.
- k) **Emergent Resolution** – shall mean a resolution that is deemed to be necessary to take an expedient action for the benefit of the municipality that should happen before the next regularly scheduled Council meeting.
- l) **In Camera** – shall mean the portion of a meeting at which only members of Council and other persons designated by Council may attend.
- m) **Majority** – shall mean a number greater than half of the total.
- n) **Meeting** - means any regular, special or other meeting of Council or of a committee, as the context requires.
- o) **Member** – shall mean a member of Council or of a committee, as the context requires.
- p) **MGA** - shall mean the Municipal Government Act, being Chapter M-26, Revised Statutes of Alberta, 2000, and amendments thereto.

- q) **Presiding Officer** – shall mean 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.
- r) **Public Hearing** – shall mean a meeting of Council convened to hear matters pursuant to the Act.
- s) **Question** – shall mean a subject or point of debate or a proposition to be voted on in a meeting.
- t) **Quorum** - is the majority of all members of Council, being fifty (50) percent plus one (1).
- u) **Recorded Vote** – shall mean the making of a written record of the name and vote of each member who votes on a question and each member present who does not vote.
- v) **Reeve** – shall mean the Chief Elected Official of Flagstaff County, pursuant to the MGA, and appointed by Council.
- w) **Special Meeting** – shall mean a meeting called by the Reeve pursuant to the Act.
- x) **To Refer** - shall mean the opportunity to postpone the issue being addressed by Council either at another time in the meeting or to another meeting. The resolution to refer allows for debate and amendment.
- y) **To Table** - shall mean the postponement of the issue being addressed by Council either at another time in the meeting or at another meeting. The resolution to table is not debatable, amendable, nor re-considerable.

3. **Applicable**

This bylaw applies to all members attending meetings of council and committees established by council of the Municipality.

4. **Severability**

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

5. **Organizational Meeting**

- a) Council shall hold an Organizational Meeting not later than two weeks after the third Monday in October each year, as required in Section 192 of the MGA.
- b) The meeting shall be held at a time and place fixed by the CAO who shall give written notice of the day, time and place of the meeting to each member of Council in the manner prescribed in the MGA.
- c) The business of the meeting shall be limited to:
 - i. **Election of Reeve and Deputy Reeve:**
 - 1. The Chief Elected Official, who shall be referred to as the Reeve, unless the Council directs that another title appropriate to the office be used (Section 155 of MGA), shall be appointed by Council, pursuant to the Local Authorities Election Act, Statutes of Alberta, 2000, being Chapter L-21, and amendments thereto.
 - 2. The Deputy Reeve shall be appointed by Council, pursuant to the Local Authorities Election Act, Statutes of Alberta, 2000, being Chapter L-21, and amendments thereto.
 - 3. The Reeve and Deputy Reeve (and each Councillor following an election year) shall take the prescribed oath of office.
 - 4. Until the Reeve has taken the oath of office; the CAO shall chair the organizational meeting.
 - ii. Council shall establish by resolution:
 - 1. The dates, times of commencement and location of regular Council meetings and committee of the whole meetings. If a scheduled meeting of Council falls on a holiday, the meeting shall be held on the next following day, not being a holiday
 - 2. Appointments of Council members to committees and boards for a one year term.
 - iii. Any other business required by the MGA, or which Council or the CAO may direct.

6. Committees and Boards

- a) Council shall appoint Council representatives to such committees and boards 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.
- b) When a new committee is formed, a Terms of Reference will be created following the Flagstaff County Boards and Committees Policy Guidelines.
- c) 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.)
- d) 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' committee reports during regular Council meetings.
- e) In any case where a member of a committee is absent or otherwise unable to attend meetings of the committee of which he/she is a member, the Reeve may appoint a member of Council to attend the meetings of the committee concerned. Such appointment is restricted to one meeting unless authorized by Council. The member so appointed by the Reeve shall, during the term of the appointment have all the powers, privileges and duties as a member of the committee concerned as if appointed by Council thereto.

7. General Duties of Council (Section 153 of MGA)

Council is responsible to:

- a) Consider the welfare and interests of the municipality as a whole and to bring to Council's attention anything that would promote the welfare or interests of the municipality;
- b) Participate generally in developing and evaluating the policies and programs of the municipality;
- c) Participate in Council meetings and Council committee meetings and meetings of other bodies to which they are appointed by the Council;
- d) Obtain information about the operation or administration of the municipality from the CAO;
- e) Keep in confidence matters discussed in private at a Council or Council committee meeting until discussed at a meeting held in public;
- f) Perform any other duty or function imposed on Councillors by this or any other enactment or by the Council; BUT
- g) Council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the CAO or a Designated Officer;
- h) Council may not delegate:
 - i. its power or duty to pass a bylaw;
 - ii. its power to make, suspend or revoke the appointment of a person to the position of CAO;
 - iii. its power to adopt budgets under Part 8 of the *MGA*;
 - iv. its power with respect to taxes under Part 10 of the *MGA*; and
 - v. its duty to decide appeals imposed on it by this or another enactment or bylaw, whether generally or on a case-by-case basis, unless the delegation is to a Council committee and authorized by bylaw.

8. General Duties of the Reeve

- a) The Reeve shall preserve order and decorum. He/she may, in common with any other member, call to order any member who shall violate any of the rules of order and shall, when in the chair, decide all questions of order subject to appeal to the Council on the demand of any member, which appeal shall be determined by a two-thirds vote of the members of Council present and he/she shall state the rule applicable to the case if required, on which appeal there shall be no debate.

- b) It shall be the duty of the Reeve, whenever he/she understands a motion introduced to be contrary to the rules of the Council or inconsistent with the matter to which it is intended to refer, to apprise the Council thereof before such motion is debated upon or put, citing the rule applicable to the case.
- c) The Reeve shall act as spokesperson for the County, and co-ordinate the presentation of the County's position to the public and to other external public bodies, agencies and organizations.
- d) It shall be the duty of the Reeve, with respect to any meetings over which he/she presides, to:
 - i. receive and submit to a vote all motions presented by the members of Council, which do not contravene the rules and regulations of committee or Council;
 - ii. announce the results of the vote on any motions so presented;
 - iii. authenticate by his/her signature, when necessary, all bylaws, minutes and resolutions of committee or Council;
 - iv. adjourn the meeting when business is concluded;
 - v. adjourn the meeting without a question being put or suspend or recess the meeting for a time to be named if considered necessary;
 - vi. represent and support Council, declaring its will and implicitly obeying its decisions in all things; and
 - vii. perform other duties when directed to do so by resolution of Council.

9. General Duties of the Deputy Reeve

- a) The Deputy Reeve shall serve in circumstances where the Reeve is absent or refuses to act or the office is vacant, and while so acting in the place and stead of the Reeve, shall have and may exercise all rights, powers, and authority of the Reeve in his/her absence.

10. Regular and Special Council Meetings

- a) All regular meetings of Council shall commence at 9:00 a.m. and shall be held on the second and fourth Wednesday of each month, unless otherwise determined by a vote of the majority of members of Council present.
- b) All regular meetings of the Council of Flagstaff County shall be held in the Council Chambers of the County administration building, unless otherwise agreed to by a majority of Council.
- c) Where extenuating circumstances arise and a Council resolution or bylaw is required, Council may, with the required signing of a waiver, hold a Special Meeting at a time convenient to Council.
- d) **Cancellation of Meetings:**
 - A regular meeting may be cancelled:
 - i. by a vote of the majority of members at a previously held meeting; or
 - ii. with the written consent of a majority of members, proving twenty-four (24) hours notice is provided to members and the public; or,
 - iii. 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.
 - A special meeting of Council may be cancelled:
 - i. by the Reeve if twenty-four (24) hours written notice is provided to all members and the public; or,
 - ii. 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.
 - Notice of a cancelled or rescheduled Council or Council committee meeting will be posted in the lobby of the County administration building, and if time permits advertised in the local newspaper.
- e) **Meeting through Electronic Communications:**
 - Council members may attend a Council meeting by means of electronic communication. Acceptable alternatives include: through the use of a telephone (with the speaker on), ensuring that

dialogue is available for both parties; through the use of a personal computer; or other means as technology advances.

- A Council member may attend regular or special Council meetings by means of electronic communication a maximum of three (3) times per calendar year, unless otherwise approved by Council.
- A Council member shall be permitted to attend a meeting using electronic communication if that location is able to support its use, ensuring that all Council members participating in the meeting are able to communicate effectively.
- A Council member attending a meeting via electronic communications is deemed to be present at the meeting for whatever period of time the connection via electronic communications remains active.
- The Reeve, Deputy Reeve or Presiding Officer shall announce to those in attendance at the Council meeting that a Council member is attending the meeting by means of electronic communications.
- When a vote is called, Council members attending the meeting by means of electronic communications shall be asked to state their vote only after all other Council members present at the meeting have cast their votes by a show of hands.
- When a Council member attends an In Camera session via electronic communications, they will be required to confirm that they have attended the In Camera session alone in keeping with the definition in this bylaw of “In Camera”. The Reeve, Deputy Reeve or Presiding Officer will request a verbal confirmation from each Council member prior to the In Camera session commencing.

f) **Agendas for Council Meetings**

- The Agenda for each regular and special meeting shall be prepared by the CAO and provided together with copies of all pertinent correspondence, statements, and reports to each member of Council with every reasonable effort to be no later than 4:30 p.m. on the Friday prior to a Wednesday meeting.
- If past the deadline, items may be brought forth for placement on the revised agenda. The revised agenda will be submitted to each member of Council by 4:30 p.m. the Tuesday before the meeting, or prior to the meeting on Wednesday morning.
- Any member of Council, or any other person wishing to have an item of business placed on the agenda, shall make the submissions to the CAO not later than 12:00 noon on the Wednesday of the week prior to the meeting. Emergency items for inclusion in the upcoming meeting that are received after the deadline may be considered by the CAO. All submissions shall contain adequate information to the satisfaction of the CAO to enable the Council to consider the matter.
- No item of business shall be considered by Council if the item has not been placed on the agenda unless members of Council present, by a two-thirds majority vote, agree to the item being placed on the agenda. The Reeve, any Councillor or the CAO shall be given an opportunity to state why an item shall receive consideration on the agenda because of its emergent nature before the motion is put to a vote.
- The general order of business on the agenda shall be as follows: however, the actual order may be adjusted by Council as necessary:
 1. Call to Order
 2. Modification to and/or Adoption of Agenda
 3. Scheduled Public Hearing
 4. Delegations/presentations
 5. Adoption of Minutes
 6. Business Items
 7. Committee Reports
 8. Correspondence Items
 9. Adjournment

g) **Presentations and Delegations to Council**

- As part of the regular Council Agenda, an opportunity is provided for presentations and delegations to Council. Presentations shall be limited to thirty (30) minutes in duration unless Council allows otherwise.
- All presenters or delegates must submit a request in writing for a presentation or delegation appointment to the CAO not less than seven (7) working days in advance of the Council meeting date. All groups or individuals giving presentations are required to provide written documentation to administration, which clearly outlines the nature of their business for inclusion in the agenda package.
- Delegations requesting reappearance on a specific matter shall only be permitted to do so if the information to be presented is new or a significant addition to that which was previously presented.
- Council shall hear no more than four delegations at any one meeting of Council unless the Reeve deems that a further delegation is of an emergent nature. All rules of Council in this Procedural Bylaw shall apply to each and every member of the delegation.
- Any member of the public who, while in Council Chambers, interrupts or disturbs the proceedings of Council by words or actions, and who, when so requested by the Reeve, or other Presiding Officer, refuses to end such interruption or to leave Council Chambers if so requested, shall be guilty of an offence and liable on conviction to the penalties provided in the Criminal Code, Section 30, Preventing Breach of Peace, and shall be subject to removal from Council Chambers by a County Peace Officer or the police.

h) **Time of Adjournment**

- On the day of a Council meeting, County Council shall adjourn at 5:00 p.m. if in session at that hour, unless otherwise determined by a vote of the majority of members of Council present.
- When it is necessary to continue the meeting beyond the current day, the meeting will be reconvened on a date and time established by a two-thirds majority vote of Council present.

11. General Proceedings of a Council Meeting

a) **Quorum**

1. When quorum is present at the time set for commencement of a Council meeting, the Reeve, or other Presiding Officer, shall take the Chair and 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 or Deputy Reeve are not in attendance within fifteen (15) minutes after the time set for commencement, the CAO shall call the meeting to order and shall call for a Presiding Officer to be chosen by resolution who shall preside during the meeting or until the arrival of the Reeve or Deputy Reeve.
3. If there is no quorum present within thirty (30) minutes from the time set for commencement of a Council meeting, the CAO shall record the names of all the members present and adjourn the meeting. Notice of adjournment should be posted on the outside door of access to Council Chambers.
4. If a quorum is lost for any reason the meeting is adjourned.

b) **Attendance**

If a member of Council or administration arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting; it shall be so recorded in the minutes.

c) **Voting**

Voting on all matters shall be done by raising of the hand in such a clear manner that the Reeve, or other Presiding Officer may easily count them.

d) **Recorded Vote**

In the case of a recorded vote, the vote shall be recorded in the minutes by name. Request for a recorded vote must be made prior to the call of the question.

e) **Pecuniary Interest**

1. If a Councillor has a pecuniary interest (as defined in Section 170 of the MGA) in a matter before Council, the member shall, in such case, report his/her status to Council, shall not discuss or vote on the matter, and leave Council Chambers. In all other cases every member who is present in Council Chambers when the question is put forth, shall vote.
2. The Recording Secretary shall record in the minutes each time a member of Council excuses him/herself by reason of pecuniary interest.

f) **Conduct**

No member shall:

1. Speak disrespectfully of The Sovereign or any of the Royal Family, Governor General, Lieutenant Governor or persons administering the Government of Canada or the Province of Alberta;
2. Use offensive or profane words in or against Council or against any member thereof;
3. Speak to a subject, except upon the question in debate;
4. Reflect upon any vote of Council except for the purpose of moving that such a vote be rescinded or reconsidered;
5. Resist the rules of Council, disobey the decision of the Reeve or Council on any question or order or practice upon the interpretation of the rules of Council. In case any member shall so resist or disobey, they may be ordered by Council by a majority vote to leave their seat for that meeting and in case of their refusing to do so, they may, on order of the Reeve, Deputy Reeve or other Presiding Officer, be removed there by the County Peace Officer or the police. In case of ample apology being made by the offender, they may by vote of Council without debate be permitted forthwith to take their seat.

g) **Motions**

1. All motions shall be recorded by the Recording Secretary and read on request;
2. The Reeve or other Presiding Officer cannot make a motion;
3. A motion submitted to Council does not require a seconder;
4. A motion shall be deemed to be in the possession of Council but may be withdrawn at any time before decision or amendment with the permission of all the members of Council present;
5. Any motion upon which there is an equality of votes shall be deemed to be decided in the negative;
6. The Reeve and every Councillor shall vote on every matter unless, in a specified case, the Reeve or Councillor is excused by resolution of the Council from voting or by reason of pecuniary interest;
7. If a Councillor refuses or fails to vote on an issue, he/she shall be deemed to have voted in the negative on the matter and shall be so recorded; and
8. Every member wishing to speak to a question or motion shall address him/herself to the Reeve or other Presiding Officer.

h) **Motion to Reconsider**

1. A motion to reconsider shall not be allowed unless a majority of the members of Council present agree and it must be made by a member who voted on the prevailing side.
2. No reconsideration shall be allowed on motion of adjournment.
3. No question shall be reconsidered more than once at any one meeting of Council.

i) **Motion to Rescind**

1. A motion to rescind an action of Council may be offered at any time subsequent to the original motion.
2. Any member of Council may make a motion to rescind.
3. A majority vote of two-thirds of the members of Council is necessary for the passage of a motion to rescind.

j) **Amendments to Motions**

1. An amendment must be relevant to the question on which it is proposed. Any amendment offered which raises a new question can only be considered as a new distinct motion.
2. An amendment must not propose a direct negative which would be considered out of order.
3. All amendments shall be put in the reverse order to that in which they are moved. Every amendment must be decided upon or withdrawn before the main question is put to a vote. Only one amendment shall be allowed on a main motion or to an amendment at one time.
4. There shall be no amendments to any motions for the appointment of any person to any office.

k) **Emergent Resolutions**

For an emergent resolution, the Council member addresses the Chair stating that he/she has an emergent resolution he/she would like to bring forward for the consideration of Council. The mover states what his/her resolution is about. The Chair asks Council if they will allow this resolution to be presented. If a majority of members of Council in attendance vote in favor of allowing presentation of this resolution, then the resolution can be presented to Council. If the majority of Council defeat the request for presentation, then the Council member can request his/her resolution to be dealt with at the next regular meeting.

l) **In Camera (Closed Meeting Session)**

1. Council and Council committees have the authority to move “In Camera” pursuant to Section 197 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 for the release of certain information;
 - b) To comply with Division Two of Part One of the Freedom of Information and Protection of Privacy Act.
2. Matters which may be discussed In Camera include the following:
 - a) Wages, salary and other personnel matters;
 - b) Any information regarding contract negotiations;
 - c) The acquisition, sale, lease or exchange of land;
 - d) Matters involving litigation, or the discussion of legal advice provided to the Municipality;
 - e) Matters concerning RCMP investigations or confidential reporting; and,
 - f) Information pertaining to the County’s accounting practices.
3. Council shall state the time and those in attendance in the resolution to move into an In Camera session.
4. The CAO must pre-approve any In Camera submissions for the Council agenda prior to inclusion on the agenda. In Camera matters may be added to the agenda subject to Council’s approval.
5. When a meeting is In Camera, no resolution or bylaw may be passed at the meeting, except a resolution to revert to the meeting held in public.

m) **Public Participation in Meetings**

1. The MGA states that the public has the right to be present at all Council, or Council committee meetings.
2. Notice of all committee and board meetings shall be posted on the bulletin board in the County administration building. This shall constitute notification to the public.

12. Bylaws and Proceedings

- a) Bylaws shall be passed in accordance with Sections 187 to 191 of the MGA.
- b) Every bylaw shall be read a third time before it is signed by the Reeve or Deputy Reeve. If a bylaw fails to receive third reading, it shall remain on the agenda to be dealt with at the next regular meeting of Council.
- c) A proposed bylaw must not have more than two readings at a Council meeting unless the Councillors present unanimously agree to consider third reading at that meeting.

- d) Every bylaw which has been passed by Council shall immediately after being sealed with Flagstaff County's seal, and signed by the Reeve or Deputy Reeve and the CAO, be securely filed.

13. Public Hearings

- a) Public hearings shall be held in accordance with MGA Section 230 (Public Hearings) and Section 692 (Planning Bylaws).
- b) Public Hearings shall be advertised to the public as a minimum in two issues of a local newspaper immediately prior to the Public Hearing.
- c) If administration deems it appropriate, the Public Hearing may be held in a venue other than the Council Chambers.
- d) Administration may change the date, time and place of a Public Hearing. If any of the date, time or place is changed, the Public Hearing must be re-advertised.

Bylaw 04/10 is hereby repealed.

This Bylaw comes into force on the day it is finally passed.

READ a first time this 9 day of October, 2013.

READ a second time this 9 day of October, 2013.

READ a third time and finally passed this 9 day of October, 2013.



Reeve


Chief Administrative Officer