

BEING A BY-LAW OF THE VILLAGE OF CLYDE IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEEDINGS OF COUNCIL AND COUNCIL MEETINGS

WHEREAS Section 145 of the Municipal Government Act, Chapter M-26, RSA 2000 and amendments thereto, authorizes Council to pass by-laws for the procedure and conduct of Council, Council Committees and other bodies established by Council, the conduct of Councillors and the conduct of members of Council Committees and other bodies established by Council, and generally for the transaction of its business;

AND WHEREAS this by-law shall be subject to the provisions of the Municipal Government Act, Chapter M-26, RSA 2000 and amendments thereto;

NOW THEREFORE, the Municipal Council of the Village of Clyde in the Province of Alberta, duly assembled, hereby establishes the following rules and regulations to provide for the orderly and efficient conduct of its Council and Council meetings.

1. This By-Law may be cited as the '**Council Procedural By-Law**'.

2. **DEFINITIONS**

- a) "Agenda" means order of business, program of a meeting;
- b) "CAO" means the chief administrative officer for the Village of Clyde;
- c) "Committee" means a committee of Council that is a standing committee, special committee, or a Council committee;
- d) Council "Delegation" means any person that has permission of Council to appear before Council/committee to provide pertinent information and views about the subject before Council/committee;
- e) "Deputy Mayor" means the Deputy Chief Elected Official.
- f) "Emergent Items" shall be considered as those items of an emergency nature that cannot be left until the next meeting or require immediate attention. When the nature of an emergent item is in question, its acceptance for the agenda shall be determined by a majority vote of Council.
- g) "Ex-officio" means by right of office, a member to all boards and committees in the absence of the appointed or alternate member;
- h) "Mayor" means the Chief Elected Official
- i) "Member" means a Councillor or person at large appointed by Council to a committee of Council;
- j) "Meetings" means meetings of Council and Council committees;
- k) "Motion" means to move a formal suggestion in a meeting and the resolution of same (the act or result of);
- l) "Municipality" means the Village of Clyde, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Village of Clyde;
- m) "Orders of the Day" means agenda for the meeting;
- n) "Point of Order" means a demand by a member that the Chair enforce the rules of procedure;
- o) "Point of Privilege" means a request made to the Chair or Council on any matter related to the rights and privileges of Council or individual Councillors and includes the organization or existence of Council, comfort of members, conduct of employees, or members of the public in attendance at the meeting;
- p) "Policy and Priorities Committee" means a meeting that permits Council to function informally and

COUNCIL PROCEDURAL BY-LAW

- have freedom of debate where decisions are referred to a regular meeting
- q) "Postpone" means to delay the consideration of any matter either to a definite time when further information is received or indefinitely;
 - r) "Previous Question" means a motion to end debate and vote on the motion under debate;
 - s) "Rescind" means to repeal, cancel, or revoke;
 - t) "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;
 - u) "Reconsider a Motion/ Resolution Passed at a Subsequent Meeting" means a motion may be brought back only if the motion has not been acted upon and requires a two-thirds vote without notice, or a majority vote of all members who voted with the prevailing side and are present or have been notified;
 - v) "Special Resolution" means a resolution passed by a two thirds majority of all members;
 - w) "Table" means a motion to delay consideration of any matter in order to deal with more pressing matters, which does not set a specific time to resume consideration of the matter (or may mean to table to a time certain";
 - x) "Vote by Raising Hand" means each member present shall indicate a vote by raising his/her hand when the question is called by the Chairman for either "those in favour" or "those opposed";
 - y) "Withdraw a Motion" permits a member to remove a question from consideration even after the motion has been restated by the chair.

3. APPLICABILITY

- a) This bylaw applies to all members attending meetings of Council and committees established by Council of Clyde.

4. SEVERABILITY

- a) 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. APPOINTMENT AND TERM OF MAYOR/DEPUTY MAYOR

- a) The Mayor shall be appointed by resolution of Council at the first organizational meeting following a general election, and thereafter shall be appointed by resolution of Council at each organizational meeting following until the next general election.
- b) The Deputy Mayor shall be appointed by resolution of Council at the first organizational meeting following a general election, and thereafter shall be appointed by resolution of Council at each organizational meeting following until the next general election.
- c) In the absence of the Mayor and Deputy Mayor, Council may appoint a Councillor as an Acting Chief Elected Official to act as the Chief Elected Official.

6. AGENDAS FOR COUNCIL MEETINGS

- a) Prior to each meeting, the CAO shall prepare a statement of the order of business to be known as the "Agenda" of all matters to be brought before Council.
- b) Any member of Council, municipal official, 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 six (6) days prior to the scheduled Council meeting date. The submission shall contain adequate information to the satisfaction of the CAO to enable Council to deal with the matter.
- c) The agenda for each regular and special meeting shall be organized by the CAO and compiled

COUNCIL PROCEDURAL BY-LAW

- together with copies of all pertinent correspondence, statements and reports provided to each member of Council at least one (1) working days prior to each regular meeting.
- d) Where the deadlines in Subsection (c) are not met, the agenda and support materials shall be deemed to be acceptable when the agenda is adopted at the meeting.
 - e) The business intended to be dealt with shall be stated in the agenda in the following order where applicable, which may be altered if the need arises:
 - f) Call to Order
 - (i) Adoption of Agenda
 - (ii) Adoption of Previous Minutes
 - (iii) Public Hearings
 - (iv) Delegations
 - (v) Old Business
 - (vi) New Business
 - (vii) Confidential Items
 - (viii) Financial Business
 - (ix) CAO Report and Action List
 - (x) Councillor Reports
 - (xi) Correspondence
 - (xii) Adjournment
 - g) The order of business in Subsection (e) shall apply unless altered by the presiding officer with no objection from members, or otherwise determined by a majority vote of the members present, and the vote upon a matter of priority of business shall be decided without debate.
 - h) The order of business at a meeting is the order of the items on the agenda except:
 - i) When the same subject matter appears in more than one place on the agenda and Council decides, by motion, to deal with all items related to the matter at the same time,
 - j) Council decides not to deal with an item on the agenda and no motion is made about it.

7. COUNCIL MEETINGS

- a) The Organizational Meeting shall be held annually not later than two (2) weeks after the third Monday in October.
- b) Council may decide at the annual Organizational Meeting, at which all the Councillors are present, to hold regularly scheduled Council meetings on specified dates, times and places:
 - (i) Regular Council Meetings shall be held in Council Chambers at the Village of Clyde Office or via electronic means at the pleasure of Council,
 - (ii) unless Council by resolution from time to time otherwise determines, regular Council meetings shall commence at the hour of 6:00 p.m.
- c) Every member of Council shall take the official oath prescribed by the Oaths of Office Act before entering upon any duties.
- d) As soon after the hour of the meeting as there shall be a quorum present, the Mayor shall take the chair and call the meeting to order.
- e) In case the Mayor and Deputy Mayor are not in attendance within fifteen (15) minutes after the hour appointed for a meeting and a quorum is present, the CAO shall call the meeting to order and an Acting Chief Elected Official shall be chosen by the Councillors present, who shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor.
- f) If there is no quorum present within fifteen minutes after the time appointed for a regular meeting of Council, the recording secretary shall record the names of the members of Council who are

COUNCIL PROCEDURAL BY-LAW

present, and the meeting shall be absolutely adjourned until the next regular meeting unless a special meeting has been duly called in the meantime. Notice of adjournment shall be posted on the outside door of access to the Village Office.

- g) Regular meetings shall adjourn by 9:00pm, unless Council passes a motion to extend the meeting by a two thirds vote.

8. SPECIAL COUNCIL MEETINGS

- a) The Mayor, or designate in his absence, may call a special Council meeting whenever he considers it appropriate to do so, and must call a special Council meeting if he receives a written request for the meeting, stating its purpose, from a majority of the Councillors.
- b) A special Council meeting called under Subsection (a) hereof must be held within fourteen (14) days of the date that the Mayor receives the request or any shorter period provided for by by-law.
- c) The Mayor calls a Special Council meeting by giving at least twenty-four (24) hours notice in writing to each Councillor and the public stating the purpose of the meeting and the date, time and place at which it is to be held.
- d) A Special Council meeting may be held with less than twenty-four (24) hours notice to all Councillors and without notice to the public if at least two-thirds of the whole Council agrees to this in writing before the beginning the meeting.
- e) No matter other than that stated in the notice calling the Special meeting may be transacted at the meeting unless the whole Council is present at the meeting and the Council agrees to deal with the matter in question.

9. POLICY AND PRIORITIES COMMITTEE MEETING

- a) Council may conduct all or part of its meetings closed to the public if a matter to be discussed is within one of the categories of information referred to in Section 18 of the Freedom of Information and Protection of Privacy Alberta Regulation 200/95.
- b) Committee of the Whole meetings may also be referred to as "in camera" meetings.

10. PUBLIC HEARINGS

- a) Any person who claims that he/she will be affected by the subject matter of a Public Hearing shall be afforded an opportunity to be heard by Council either by himself or his/her agent.
- b) Any person wishing to file a written submission relating to a Public Hearing shall file his/her submission with the appropriate municipal official.
- c) If no written submission relating to the Public Hearing has been received by the municipal official and reported to Council, the Chair shall:
 - (i) ask of the public present at Council if there is any person present who wishes to make an oral submission to Council pertaining to the subject matter of the Public Hearing and if any persons then declare themselves, proceed in accordance with

- Subsection (f) hereof;
 - (ii) if no person or persons present desires to make an oral submission, declare the Public Hearing closed and proceed to the Regular meeting of Council.
 - d) If written submissions have been made in respect to the Public Hearing, the municipal official shall inform Council of the numbers, the nature of written submissions and the numbers in favour of and opposed to the subject matter of the Public Hearing.
 - e) Where written submissions have been filed for a Public Hearing, the Chair shall inquire of the public present if there be any person or persons who failed to make a written submission but who now desire to make an oral representation, and if so, shall proceed in accordance with Subsection (g) hereof.
 - f) The procedure for hearing oral representations shall be as follows:
 - (i) the Chair shall determine the names of those persons who wish to speak in favour of, those who wish to speak against the subject matter of the public hearing, and those who wish to make general comments;
 - (ii) each person who is in favour of the subject matter before Council, whether or not they have filed a written submission, shall be given five (5) minutes to make representation before Council, exclusive of the time required to answer questions put to him/her by Council;
 - (iii) each person who is opposed to the subject matter before Council, whether or not they have filed a written submission, shall be given five (5) minutes to make representation before Council, exclusive of the required time to answer questions put to him/her by Council;
 - (iv) each person who wishes to make general comments on the subject matter, whether or not they have filed a written submission, shall be given five (5) minutes to make representation before Council, exclusive of the time required to answer questions put to him/her by Council;
 - (v) the Chair shall then ask Council if any member of Council has questions of those making submissions. Council members may not debate the issue before Council during the public hearing;
 - (vi) the order of speaking shall be determined by the Chair.

11. PROCEEDINGS

- a) The Mayor or presiding officer shall preserve order and decorum and shall decide order of questions.
- b) Every member wishing to speak to a question or resolution shall address himself to the Mayor or presiding officer but shall not speak until recognized by the Mayor or presiding officer.
- c) The presiding officer, with approval by resolution of the members, may authorize a person in the public gallery to address members only on the topic being discussed at that time and within the time limits specified by the presiding officer.
- d) A resolution submitted to Council does not require a seconder.
- e) A resolution may be withdrawn at any time before voting subject to no objection from any member, as the case may be.
- f) The following resolutions are not debatable by members:
 - (i) adjournment

- (ii) to take a recess
 - (iii) question of privilege
 - (iv) point of order
 - (v) call for the orders of the day
- g) When a resolution has been made and is being considered by Council, no other resolution may be made and accepted, except:
 - (i) a resolution to refer the main question to some other person or group for consideration;
 - (ii) a resolution to amend the main question;
 - (iii) a resolution to postpone the main question to some future time
- h) Where a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member so requests or when the presiding chair so directs.
- i) Whenever the presiding officer is of the opinion that a motion is contrary to the rules and privileges of Council, he shall inform the member thereof immediately, before putting the question, and shall cite his reasons applicable to the case without argument or comment.
- j) After any question is finally put to vote by the Mayor or other presiding officer, no member shall speak to the question, nor shall any other resolution be made until after the result of the vote has been declared.
- k) Voting on all matters shall be done by raising of the hand in such a clear manner that they may be easily counted by the presiding officer.
- l) Every member of Council attending a Council meeting must vote on a matter put to vote at the meeting unless the Councillor is required or permitted to abstain from voting.
- m) If there is an equal number of votes for and against a resolution or by-law, the resolution or by-law is defeated.
- n) When it is requested that a vote be recorded, the minutes must show the names of the Councillors present and whether each Councillor voted for or against the resolution or by-law or abstained. A request for a recorded vote must be made before the vote is called.
- o) Any matter of meeting conduct that is not provided for in this By-Law shall be determined in accordance with the current *Robert's "Rules of Order, Newly Revised"*.

12. DELEGATIONS

- a) A person or a representative of any delegation or group of persons who wish to bring any matter to the attention of Council, or who wish to have any matter considered by Council, shall address a letter or other written communication to the Council outlining the subject to be discussed. This letter shall be signed by the correct name of the writer, the address of the writer, and delivered or mailed to the CAO. The letter must arrive at least six (6) days prior to the scheduled Council Meeting at which it is to be presented. If the person wishes to appear before Council on the matter it shall be stated in the letter.
- b) Council will only hear from two (2) delegations per regular meeting because of time constraints.

- c) A person or group acting as a delegation may only address Council two (2) times per calendar year on the same subject matter, unless requested by Council.
- d) Council shall hear all delegations who have brought their items of business onto the agenda in the order in which they are placed on the agenda or the order may be changed by a majority vote of members present.
- e) Delegations shall be granted a maximum of fifteen (15) minutes to present the matter outlined in the letter. The presiding officer may, with consent of the majority of the members present, extend the time.
- f) All rules of Council in this By-Law shall apply to each and every member of the delegation.

13. DEBATE OF RESOLUTIONS

- a) A member may ask a question, stated concisely, of the previous speaker to explain any part of the previous speaker's remarks.
- b) A member may ask questions of the CAO or a municipal official to obtain information relating to a report presented to Council or to any clause contained therein, at the commencement of the debate on the report or on the clause.
- c) When it is a member's turn to speak during debate, before speaking he/she may ask questions of the CAO, or a municipal official in order to obtain information relating to the report or clause in question.
- d) A member's question shall not be ironic, rhetorical, offensive; nor contain epithet, innuendo, satire; nor ridicule, be trivial, vague or meaningless.
- e) Any member may require the question or resolution under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.
- f) When the resolution has been declared as having been put to a vote, no member shall debate further on the question or speak any words except to request that the resolution be read aloud.
- g) The Mayor or presiding officer shall determine when a resolution is to be put to a vote.

14. CONDUCT OF MEMBERS

- a) When a member is addressing the Chair, every other member shall remain quiet, shall not interrupt the speaker except on a Point of Privilege or a Point of Order, and shall not carry on a private conversation.
- b) When a member is addressing Council he/she:
 - (i) shall not shout nor immoderately raise his/her voice, nor use profane, vulgar or offensive language
 - (ii) shall not speak on matters other than the matter then before Council
 - (iii) shall obey the rules of procedure of the Council
 - (iv) shall not comment on the person of any member

COUNCIL PROCEDURAL BY-LAW

- c) If any member acts contrary to Subsection (b) hereof, he/she shall be immediately admonished by the Chair.
- d) When a member has been admonished by the Chair, the Recording Secretary shall so record the member's name in the minutes of the meeting of Council.
- e) The Chair may cause to be expelled and excluded from any meeting any person who creates any disturbance during a meeting or who, in the opinion of the Chair, has been guilty of improper conduct and for that purpose the Chair may direct that such a person be removed by a Peace Officer.
- f) If the excluded member shall adequately apologize to Council, he/she may, by a simple majority vote of the members, be permitted to immediately retake his/her seat.
- g) The decision of the Chair on the conduct of a member shall be final, unless the member called to order appeals to Council.
- h) Upon the decision of the Chair being appealed, the Chair shall state the point of appeal, and put the question to Council, immediately and without debate, asking whether the decision of the Chair shall be sustained.
- i) Where a member wishes to leave the Council Chambers while a meeting is in progress, he/she shall motion for a recess. No member shall be allowed to leave the Council Chambers without first calling for a recess.
- j) No member shall leave the Council Chambers after a question is put to a vote, until the vote is taken.

16. RECONSIDERATION OF A RESOLUTION OR BY-LAW

- a) When Council wishes to reconsider a resolution or reading of a by-law in its original form that has been defeated, then a Councillor who voted with the prevailing side shall bring the matter before Council by Notice of Resolution, which shall:
 - (i) be given at a regular meeting preceding the meeting at which Council wishes to reconsider the matter; and
 - (ii) such Notice of Resolution shall be provided to Council in writing, via the agenda, stating the information or conditions pertinent to reconsidering the resolution or reading
- b) Subject to Subsection (a) hereof, a Notice of Resolution may be accepted by Council to give reconsideration of a resolution or a reading by a majority vote of all Council currently holding duly elected office. If the Notice of Resolution is passed by a majority vote, the resolution or reading may then be passed by a simple majority.
- c) No resolution or reading, in its original form, shall be given more than one reconsideration prior to the expiration of one (1) year after the date of the original resolution. Once one year has elapsed, a Notice of Resolution would not be required.
- d) By-laws requiring a public hearing may be reconsidered for second reading after the public

hearing, once the appropriate advertising and legislated process has again been followed.

17. AMENDING RESOLUTIONS

- a) Every amendment must be relevant to the question on which it is proposed.
- b) No amendment shall be allowed that substantially destroys the intent of the resolution or amendment to which it is intended to apply.
- c) Every amendment shall be decided upon or withdrawn before the main question is put to a vote.
- d) Only one amendment to the main resolution at one time shall be allowed, and only one amendment to an amendment shall be allowed at one time.
- e) A Council member may not amend his or her own resolution.

18. RECORDING OF REGULAR AND SPECIAL COUNCIL MEETINGS

- a) When audio recording facilities are available, the Recording Secretary may make a replayable recording of all Regular and Special Council meetings.
- b) Any Councillor may have access to the recordings under the supervision of the Recording Secretary. No one will be entitled to make any changes to or copies of the recordings.
- c) Any transcript of the recordings must be prepared under the direction of the CAO. Anyone other than a Councillor, Municipal Official, or Village Solicitor requesting a transcript will be required to pay a fee for the transcript established by the Town.
- d) The Recording Secretary must retain all recordings of meetings until the minutes have been adopted or as otherwise directed by the Village's Solicitor.
- e) No recordings will be made of Policy and Priorities Committee meetings.

19. MEETING THROUGH ELECTRONIC COMMUNICATIONS

- a) Electronic or other communication facilities may be used to conduct Council meetings or Council Committee meetings, as outlined in the Municipal Government Act as amended from time to time.

20. DUTIES OF MAYOR AND COUNCIL

- a) The duties of Mayor and Council are in accordance with the Municipal Government Act, RSA 2000, Chapter M-26.

21. PECUNIARY INTEREST

- a) The Mayor and Council shall abide by the Municipal Government Act with respect to pecuniary interest.

22. RECORDING OF MINUTES

- a) The CAO may delegate any duties to a recording secretary but shall accept all responsibilities of the duties.
- b) Times shall be recorded in the minutes when a member of Council enters or exits a Council meeting.
- c) The Recording Secretary shall record in the minutes each time a member of Council excuses himself from voting by reason:
 - (i) of a pecuniary conflict of interest, or
 - (ii) of being absent from a public hearing

23. REPEALING BY-LAWS

- a) This By-Law shall not be repealed, amended or suspended except so far as the terms thereof themselves permit unless it is repealed, amended or suspended:
 - (i) by a by-law unanimously passed at a regular or special meeting of the Council at which all members thereof are present; or
 - (ii) by a by-law passed at a regular meeting of Council pursuant to a notice in writing given and openly announced at the preceding meeting of Council
- b) This By-Law shall repeal and replace By-Law 2009-06 and all amendments thereto.

This By-Law shall take full force and effect upon passage of third and final reading and upon signing in accordance with Section 213 of the Municipal Government Act, Chapter M-26, RSA 2000 as amended.

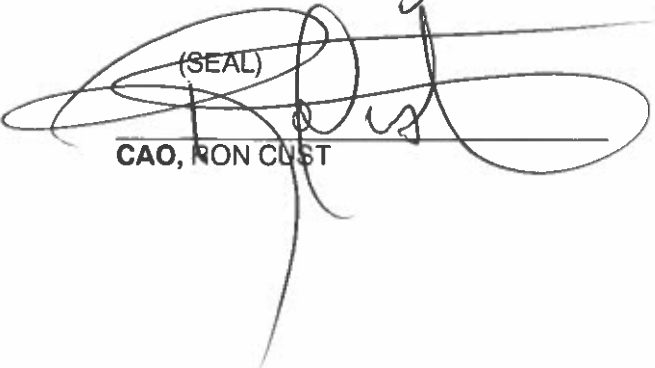
READ A FIRST TIME THIS 13th DAY OF September, 2021.
READ A SECOND TIME THTHIS 13th DAY OF September, 2021.

UNANIMOUS CONSENT FOR THIRD READING THIS 13th DAY OF September, 2021.

READ A THIRD TIME THIS THIS 13th DAY OF September, 2021.


MAYOR, CHRISTA CLAUSING

Sept 15 / 21
date signed

(SEAL)

CAO, RON CUST

Sept 20 / 21
date signed