



Town of Bowden
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Town of Bowden – Province of Alberta
COUNCIL PROCEDURAL BYLAW
08 / 2020

A Bylaw of the Town of Bowden, in the Province of Alberta, pursuant to provisions of the Municipal Government Act, being Chapter M-26 of the revised statutes of Alberta 2000 and amendments thereto, for the purpose of regulating the procedure of Council and Council Committee Meetings.

Whereas section 145 of the Municipal Government Act, RSA2000, Chapter M-26 states that a council may pass bylaws in relation to procedures to be followed by council, council committees and other bodies established by the council,

And whereas, Council deems it desirable for effective governance to enact a bylaw as follows:

1 SHORT TITLE

This Bylaw may be known as, and cited as, the "Council Procedural Bylaw"

2 DEFINITIONS

In this Bylaw the following definitions apply:

Adjournment

Means to set the time to which the meeting shall adjourn.

Agenda

Is a statement of the order of business for a meeting including any documents and reports that form part of the agenda.

Chair

Is the person presiding at a meeting and who is responsible for making sure that each meeting is conducted according to any regulatory or policy requirements and for ensuring that meeting matters are dealt with in an orderly manner.

CAO (Chief Administrative Officer)

Is the person appointed by the Council into the position of Chief Administrative Officer for the Town of Bowden in accordance with the MGA (or his / her designate) and is the administrative head of the Municipality.

Council

Means the duly elected Municipal Council of the Town of Bowden.

Councillor

Persons elected to represent the municipality and includes the chief elected official (the Mayor).

Council Committee

Means a committee, or other bodies established by bylaw under section 145 of the Municipal Government Act, to provide advice and make recommendations to Council.

Delegation

Means a person or group of persons that has permission of Council to appear before Council or a Council Committee to provide pertinent information or views on a specific matter or matter for discussion.

Division of Question

Is where a motion is used to separate a main motion or amendment into parts to be voted on individually.

Enactment

Means an Act or a regulation or any portion of an Act or regulation

FOIP

Means the Freedom of Information and Protection of Privacy Act, RSA2000, Chapter F-25 (as amended over time)

Emergent Items

Are items that require immediate attention & discussion. They are added to the agenda on a motion of two-thirds of the Councillors present

Limit Debate

Means to reduce or increase the number and length of speeches permitted or limit the length of debate on a specific question.

Member

Means either a Councillor or a "person at large" appointed by Council to a Council Committee.

Meetings

Means open public meetings of Council or Council Committee held in accordance with sections 192 to 200 of the Municipal Government Act, RSA2000, Chapter M-26 (as amended over time).

MGA

Means the Municipal Government Act, RSA2000, Chapter M-26 (as amended over time).

Minutes

Means to accurately record the decisions, actions, motions and recommendations of a meeting.

Motion

A motion is a formal request made by a Councillor (or member) for a matter to be discussed at a meeting and following debate for a decision to be made.

Municipality

Means the Town of Bowden, a municipal corporation within the Province of Alberta.

Notice of Motion

Is the presentation of a motion for consideration and debate of business at a meeting.

Person

Means any of the following:

- i. an individual
- ii. a legal entity or business entity, including a firm, developer, contractor, association, partnership, society, or corporation
- iii. a trustee, executor, administrator, agent, legal representative, or employee of either a) or b)

Point of Order

Is where the "Chair" enforces the rules of procedure.

Postpone the Matter to a Certain Time

Means to delay the consideration of a matter to either a definitive time (when further information is to be obtained) or indefinitely.

Question of Privilege

Means to bring an urgent request to the meeting relating to the comfort, dignity, safety, or rights of either the assembly or an individual up for immediate consideration.

Quorum

Means the majority of all the Councillors that comprise the Council.

Recess

Means a short interruption which does not close the meeting.

Resolution

Means a record of a decision or of the wishes of Council including passing bylaws, establishing policies, formulating strategies, planning and routine administrative matters.

Special Resolution

Means a resolution passed by two-thirds of all members present.

Table the Matter

Means a motion to delay consideration of a matter in order to deal with more pressing matters does not set a time to resume consideration of the matter.

Terms of Reference

Is a statement of the purpose and procedures of a Council Committee as defined in the Council Committee Bylaw.

Town

Means the municipal corporation of the Town of Bowden.

Words (interpretation)

- i. "may" is to be construed as permissive and empowering
 - ii. "must" is to be construed as imperative
 - iii. "shall" is to be construed as imperative
 - iv. "should" is to be construed as a recommended
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3 PURPOSE

To provide a standard format for conducting meetings (in accordance with the MGA) and to provide members of Council, Council Committees, Town Administration and the public with an understanding of the process by which Council meetings are conducted and how decisions are made.

4 APPLICABILITY

4.1

This Bylaw applies to persons attending meetings of Council, Council Committees, and public hearings.

4.2

The Bylaw sets the rules and regulations for the order and conduct of business in all regular and special meetings of Council, Council Committee meetings, public hearings and any other meetings directed by Council.

4.3

A procedural provision contained within this Bylaw may be waived if approved by the majority of members in a meeting. Any waiver can only be made effective for that meeting in which the motion was passed.

Note: any enactment or statute contained within the Municipal Government Act cannot be waived.

4.4

The precedent of rules governing the procedure of meetings is:

- i. the Municipal Government Act of Alberta, RSA 2000 Chapter M-26 (as amended over time)
- ii. any other applicable legislation or enactment
- iii. this Bylaw and the Councillor Code of Conduct Bylaw
- iv. Roberts Rules of Order (at the discretion of the chair).

4.5

Where a Council Committee contains members that are not appointed Councillors:

- i. the applicable procedures prescribed by this Bylaw for Councillors should apply equally to those members.
 - ii. the applicable procedures prescribed by the Councillors Code of Conduct Bylaw should apply equally to those members.
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5 STRUCTURE OF COUNCIL

5.1

The Council of the Town of Bowden shall consist of seven Councillors.

5.2

All Councillors will be elected by a vote of the electors within the Town of Bowden.

5.3

The chief elected official (the Mayor) shall be elected by a separate vote of the electorate.

5.4

Councillors will each serve an eight-month term as Deputy Mayor, rotating in a manner as agreed upon by Council in the annual organizational meeting or as agreed by resolution of Council.

6 MEETINGS

6.1 Regular Council Meetings

Regular Council meetings shall be held in accordance with section 193 of the MGA.

The date, time and location of Regular Council Meetings will be determined by Council during the annual Organizational Meeting of Council and will be posted on the Town of Bowden website.

Once published, notice of regularly scheduled Council meetings need not be given.

If, however there is a change in the meeting date, time or location the CAO (or designate) will deliver notice to all members of the Council and to the public at least 24 hours prior to the day of the rescheduled Regular Council Meeting.

A public notice will be displayed on the Town of Bowden web site and at the Town of Bowden Administration Building stating the details of the rescheduled meeting.

Any meeting that goes past three hours must obtain unanimous consent of Council.

Failure to achieve unanimous consent, the meeting shall resume at 7:00 pm the next evening unless Council through a majority decision consents to an alternate evening.

The Mayor shall preside chair of all Regular Council Meetings. In the absence of the Mayor, the Deputy Mayor will be appointed chair. In the absence of both the Mayor and the Deputy Mayor, the CAO must assume the chair, and call for nominations of Council members in attendance to conduct a vote to elect a chair.

6.2 Special Council Meetings

Special Council meetings shall be held in accordance with section 194 of the MGA which states:

- i. Special Council meetings are held whenever the Mayor considers it appropriate to do so.*
- ii. the Mayor must call a Special Council Meeting if a written request is received, stating its purpose, from the majority of the Councillors.*
- iii. A Special Council Meeting must be held within 14 days of the receipt of the written request.*
- iv. At least 24 hours' notice shall be provided in writing to each Councillor and in writing to the public stating the purpose of the meeting and the date, time and location at which the Special Council Meeting shall be held.*
- v. A Special Council Meeting may be held with less than 24 hours' notice to all Councillors and without notice to the public if at least $\frac{2}{3}$ of the whole Council agrees to this in writing before the beginning of the meeting.*
- vi. No matter, other than that specifically stated as the purpose for holding the meeting, may be discussed at that meeting unless the whole Council is present at that meeting and Council agree by resolution to deal with the matter in question.*

Written notice to the public must consist of at least a written notice posted at the front entrance of the Town Administration Office and should also include notices posted on the Town's web site, social media forums and public notice boards.

The Mayor shall be appointed as chair of Special Council Meetings. In the absence of the Mayor, the Deputy Mayor shall be appointed chair. In the absence of both Mayor and Deputy Mayor, the CAO shall assume the chair, and call for nominations of Council members in attendance to conduct a vote to elect a chair.

6.3 Organizational Meetings

6.3.1

Organizational Meetings shall be held in accordance with section 192 of the MGA which states, *"that a Council must hold an Organizational Meeting, annually, not later than 2 weeks after the third Monday in October"*.

6.3.2

In the case where a new Mayor has been elected immediately preceding the organizational meeting the CAO will call the meeting to order and will preside over the meeting until every member of Council has made the official oath of office as prescribed by the Oath of Office Act.

6.3.3

The Organizational Meeting will deal with matters of Council business as follows:

- i. Agenda and adoption of the agenda for the Organizational Meeting
- ii. the administration of the oath and introduction of new members if the meeting immediately follows a municipal election
- iii. date, time and location of Regular Council Meetings for the following 12-month period
- iv. Council Per Diems & Expenses
- v. Deputy Mayor List
- vi. Council Committee appointments
- vii. banking services
- viii. other matters
- ix. adjournment (of meeting)

6.4 Council Committee Meetings

6.4.1

Council Committees are established by the Council Committee Bylaw under section 145 of the MGA.

6.4.2

Council Committee functions (terms of reference) are defined by the Council Committee Bylaw under section 145 of the MGA.

6.4.3

Council may by bylaw delegate any of its powers, functions and duties to a Council Committee, the CAO or a designated officer unless the MGA or any other Bylaw or enactment provides otherwise, (note: section 203 of the MGA applies).

6.4.4

A schedule of times for the meeting of Council Committees shall be defined within the terms of reference for each Council Committee.

6.4.5

Council Committees may consist, (section 146 of the MGA):

- i. entirely of Councillors
- ii. of a combination of Councillors and other persons
- iii. of persons who are not Councillors (subject to section 154(2) of the MGA).

6.4.6

Council Committee meetings shall be held in accordance with section 195 of the MGA which states that *"the Municipality must give at least 24 hours' notice of a Council Committee Meeting (including date, time and location) to members of the Council Committee and to the public"*.

Written notice to the public of a Council Committee meeting must consist of at least a written notice posted at the front entrance of the Town Administration Office and should also include notices posted on the Town's web site, social media forums and public notice boards.

6.4.7

The Mayor is "ex officio" (by virtue of office), a member of all Council Committees.

Section 154(2) of the MGA states that, "*the chief elected official (the Mayor) is a member of all Council Committees and all bodies to which Council has the right to appoint members under this Act unless the Council provides otherwise*".

6.4.8

If the Mayor is present at a Council Committee meeting (ex officio) the Mayor forms part of the quorum and when present is entitled to vote.

6.4.9

The Mayor has all of the rights and privileges of the other Council Committee members.

6.4.10

A Council Committee does not have the power to commit the Municipality to any action, or financial or legal liability.

6.4.11

Council Committees may not pass resolutions in contravention of term 6.4.10, but may pass a resolution to report to, or make recommendations to, Council for debate at a regular or special meeting of Council.

Any action required following a recommendation made by Council Committee must be discussed as a separate business item (or Notice of Motion) at a Regular or Special Council Meeting and any decision made can only be passed by resolution of Council.

6.4.12

Written reports or minutes of Council Committee meetings shall be submitted, as soon as reasonably possible to a regular meeting of Council or as defined within the terms of reference for each Council Committee.

Council Committee meeting reports and minutes must be submitted to Council in writing via inclusion in the Agenda package prior to a Regular Meeting of Council.

6.4.13

Council Committee meetings are meetings which are open to the public. Where a meeting or part of the meeting is closed to the public members of the Council Committee may only deliberate and must not make any decisions.

6.4.14

A Council Committee meeting may at its discretion permit members of the public to address the Council Committee when it is deemed appropriate and in the context of the business of the Council Committee.

Members of the public do not have a right to speak unless the Council Committee wishes to hear from them.

6.4.15

Any Councillor (except the Mayor) who is not appointed as a member of a Council Committee does not have any special right to attend or address that Council Committee, may attend as an observer only and is not entitled to vote on any matter.

7 CANCELLATION OF MEETINGS

7.1

Regular Council meetings may be cancelled (and / or rescheduled):

- i. by a majority consent of Councillors at a previous meeting
- ii. with consent of a majority of Councillors provided that 24 hours' notice was given to all Councillors and the public

7.2

Special Council meetings may be cancelled (and / or rescheduled) by the Mayor provided that 24 hours' notice was given to all Councillors and the public

7.3

Council Committee meetings may be cancelled (and / or rescheduled) by the meeting chair provided that 24 hours' notice was given to all members and the public

7.4

Written notice to the public of a cancelled meeting must consist of at least a written notice posted at the front entrance of the Town Administration Office and should also include notices posted on the Town's web site, social media forums and public notice boards.

8 HEARINGS

8.1 Public Hearings

Council will hold a public hearing whenever the MGA or another enactment or policy requires.

This must satisfy all of the requirements of section 230 of the MGA (and must be recorded).

Where a public hearing is held on a proposed bylaw or resolution the MGA states that:

"when this or another enactment requires council to hold a public hearing on a proposed bylaw or resolution the public hearing must be held, unless another enactment specifies otherwise:

- (a) before second reading of the bylaw or*
- (b) before council votes on the resolution"*

8.2

Council by resolution will set a time, date and location of a public hearing.

8.3

The order of business for a Public Hearing will be:

- i. Chair to declare meeting open
- ii. Chair to provide background as to purpose of the meeting and of any bylaw or resolution proposed by Council (ie, the purpose of the public hearing).
- iii. Town Administration statement, eg, CAO
- iv. Town representative statement, eg, Red Deer County Development Officer
- v. presentations by those in favour
- vi. presentations by those opposed

- vii. any person affected who wishes to be heard who has complied with the procedures outlined by Council
- viii. any other person who wishes to be heard and whom Council agrees to hear.

8.4

The Mayor (or chair) may allow questions from Council after each presentation.

8.5

Persons speaking will be given the opportunity to speak only once however the Mayor (or chair) may allow a concluding statement from those that have made a presentation.

8.6

After all presentations have been made the Mayor (or chair) will declare the hearing closed.

8.7

No verbal or written submissions may be received after the public hearing is closed unless otherwise agreed by resolution of Council.

8.8

After the close of the public hearing Council may:

- i. pass the bylaw or resolution
- ii. further debate the bylaw or resolution and either
 - a. make any further amendment to the bylaw or resolution it considers necessary
 - b. proceed to pass the bylaw or resolution without further public hearing
- iii. defeat the bylaw or resolution

9 PUBLIC PRESENCE AT MEETINGS

9.1

Section 197 of the MGA applies which states:

- i. All Council and Council Committee meetings must be held in public unless subsection (ii), (iii) or (iv) applies below.*
- ii. Councils and Council Committees may close all or part of their meetings to the public ("in camera" sessions) 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.*
- iii. Councils and Council Committees may close all or part of their meetings to the public ("in camera" sessions) if a matter to be discussed is of a class prescribed or otherwise described in the regulations under subsection 7 of the MGA which further states that the Minister may make regulations prescribing or otherwise describing classes of matters for the purpose of subsection (ii)*
- iv. A municipal planning commission, subdivision authority, development authority or subdivision and development appeal board established under part 17 (of the MGA) may deliberate and make its decisions in meetings closed to the public.*

9.2

Everyone has a right to be present at Council and Council Committee meetings conducted in public, unless the person chairing the meeting expels a person for improper conduct (section 198 of the MGA).

9.3

A Council or Council Committee may require a person appearing before it or making any claim or submission to it, to do so under oath (section 200 of the MGA applies).

9.4

When a meeting is closed (in camera) to the public, the majority of members present may at their discretion invite any person or persons to attend that closed session.

The minutes of the meeting must show the names of the additional persons attending the closed session and the reason for that person(s) be present (section 197 of the MGA applies).

9.5

The media and the general public cannot attend a closed session but are welcome to return to the meeting following the closed session.

9.6

Where a Regular or Special Council Meeting (or part of a meeting) is closed to the public no resolution may be passed at that closed meeting or session, other than a resolution to revert back to an open meeting held in public.

If direction is given or a decision reached (in a closed meeting) then a resolution must be made in the open meeting so that the Council's direction is subsequently recorded (prior to being acted on).

9.7

Closed session discussions will not be recorded, or any notes taken as these could form part of a future FOIP request.

The Freedom of Information and the Protection of Privacy Act (FOIP) defines items that allows Council to conduct a closed meeting.

The criteria as listed below must be used for every closed session and minuted accordingly.

Section 197 (4) of the MGA states:

"before closing all or any part of a meeting to the public a council or council committee must by resolution approve, (a) the part of the meeting to be closed and (b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act the part of the meeting is to be closed.

Exception to disclose under Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act, RSA2000, Chapter F-25 (as amended over time) is stated as:

- i. Section 16 harmful to the business interests of a third party*
- ii. Section 17 harmful to personal privacy (including Town employees)*
- iii. Section 18 harmful to individual or public safety*
- iv. Section 19 confidential evaluations*
- v. Section 20 harmful to law enforcement*
- vi. Section 21 harmful to intergovernmental relations*
- vii. Section 22 cabinet and treasury board confidences*
- viii. Section 23 local public body confidences*
- ix. Section 24 deemed to be advice from officials*
- x. Section 25 harmful to economic and other interests of a public body*
- xi. Section 26 on testing procedures, tests and audits where disclosure could prejudice tests or results*
- xii. Section 27 deemed to be privileged information*
- xiii. Section 28 harmful to the conservation of heritage sites*
- xiv. Section 29 being made available to the public with 60 days*

(Reference to the FOIP Act is necessary for the specific details of each Section listed above)

9.8

The use of, digital, audio, and video recording devices by meeting members (including Town Administration staff, the press or members of the public) is prohibited at all meetings unless authorized by the Mayor, or the chair of the meeting.

10 MEETING THROUGH ELECTRONIC COMMUNICATION

10.1

Section 199 of the MGA applies which states that:

"A council meeting or council committee meeting may be conducted by means of electronic or other communication facilities if:

- a) notice is given to the public of the meeting including the way in which it is to be conducted*
- b) the facilities enable the public to watch or listen to the meeting at a place specified in that notice and a designated officer is in attendance at that place, and*
- c) the facilities enable all the meeting's participants to watch or hear each other.*

Councillors participating in a meeting held by means of a communication facility are deemed to be present at the meeting".

10.2

Where Councillor attends a meeting remotely and part of that meeting is held in close session the Councillor must ensure that they are alone when communicating by electronic means.

11 QUORUM

11.1

Section 167 of the MGA applies which states that *"The quorum of a council (for a Council Meeting or Special Council Meeting) is defined as the majority of all the councillors that comprise the council".*

11.2

If a quorum is not present within fifteen minutes after the time fixed for a meeting, the meeting chair will record the names of the members present and the meeting will stand adjourned until the next regular meeting date.

The only action that can be taken in the absence of quorum is to fix a time to which to adjourn, decision to recess (allow more time to achieve the quorum), or to take measures to obtain a quorum.

11.3

If a quorum is lost after the meeting has been called to order, the meeting will be suspended until quorum is obtained. If a quorum cannot be obtained, then the meeting must be adjourned.

11.4

The CAO (or designate) must record (minute) attendance at Council Meetings and record details whenever a meeting was either adjourned or recessed.

12 DELEGATIONS & REQUESTS TO COUNCIL

12.1

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 must request a Delegation Request Form from Town Administration.

The Form must be completed in full outlining the subject to be discussed and any other specific request to Council.

12.2

The Delegation Request Form must be signed by the legal name of the person(s) completing the form and must include the full address of the person completing the form and the name of any organization they represent.

12.3

The Delegation Request Form must be received by the CAO by 1:00 pm on a business day at least five (5) days immediately preceding the meeting, at which it is to be presented. If the person wishes to appear before Council on the matter it must be stated on the Form.

12.4

Delegations that have not submitted a Delegation Request Form *may* be granted a brief opportunity to outline the matter they wish to present to Council, and following that outline, the meeting chair and members shall determine if the delegation is to be granted time to present the matter outlined.

12.5

Delegates shall be granted a maximum of fifteen (15) minutes to present the matter outlined in the letter. Where the meeting chair determines that additional time shall be granted to a delegation the length of the extension shall be specified and the meeting chair may limit the time.

13 AGENDA AND ORDER OF BUSINESS

13.1

Prior to each Regular Council Meeting, Special Council Meeting and Organizational Meeting the CAO (or designate) shall prepare an agenda (statement of the order of business) of all matters to be brought before Council.

The Agenda package will include reports from Council Committees, reports from Town Administration and any other relevant or supporting documentation.

A Request for Decision document should be prepared for Council by Administration on matters that require resolution. Administration should prepare a suggested choice of the anticipated resolution.

13.2

In order to enable the CAO to do so, all appropriate supporting documents, correspondence and delegation notices intended to be submitted to the Council should be received by the CAO no later than 1:00 pm on a business day at least five (5) calendar days before the meeting.

13.3

The CAO shall place at the disposal of each Council member a copy of the Agenda and all supporting materials not later than 12:00 noon three (3) calendar days before the meeting.

13.4

Only items listed in the Agenda and documents submitted within the deadlines noted in sections 13.2 and 13.3 above may be discussed at a meeting, unless a resolution to change is unanimously passed.

13.5

The business intended to be dealt with shall be stated in the Agenda.

The order and content of the Agenda items will be:

- i. Call to Order
- ii. Additions / Deletions to the Agenda (eg, urgent business & emergent items)
- iii. Adoption of the Agenda
- iv. Adoption of Previous Minutes
- v. Business Arising from the Minutes
- vi. Public Hearings & Delegations
- vii. New Business
- viii. Bylaws & Policies
- ix. Financial Statements
- x. Correspondence & Information
- xi. Council Reports
 - a. Reports from Council Committees
 - b. CAO's Report
- xii. "In Camera" meeting
- xiii. Adjournment

13.6

The order of business of the Agenda items will apply for all Council and Council Committee meetings unless altered with no objection from members, or otherwise determined by a majority vote of the members present.

13.7

Any vote upon a matter of priority of business shall be decided without debate.

14 URGENT BUSINESS

14.1

A member may move to discuss a matter of urgent public importance without Notice of Motion during the Additions / Deletions to the Agenda period of the meeting.

14.2

A motion to bring a matter before Council as urgent business must satisfy the following conditions:

- i. the matter proposed for discussion is urgent requiring immediate attention
 - ii. the matter is not one which should have been dealt with by giving written notice of motion
 - iii. the matter does not require substantial review or reference to written documents, enactments, legal documents or be of a complex nature (eg, planning).
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15 NOTICE OF MOTION

15.1 Notice of Motion Prior to Council Meeting

- i. A member who wishes to present a written notice of motion to Council must submit the motion to the CAO not later than 1:00 pm on a business day at least five (5) calendar days before the Council meeting.
- ii. The notice of motion must give sufficient detail so that the subject of the motion and any proposed action can be determine and evaluated
- iii. The Notice of Motion must be made without comment or debate by any other member but may include supporting documentation.
- iv. The member who submitted the motion must be present during the reading of the motion.

15.2 Notice of Motion during a Council Meeting

- i. A member who wishes to present a notice to Council during a meeting may do so only if Council (by majority) agrees to waive the requirements in 15.1 of this Bylaw.

16 MINUTES

16.1

The minutes of Council Meetings and Council Committee Meetings form the legal record of the members resolutions and actions.

The CAO must ensure that all minutes of Council Meetings and Council Committee Meetings are made in accordance with section 208 of the MGA.

16.2

A Council may act only by resolution or bylaw that is passed at a public meeting.

Council direction to Town Administration (via the CAO) shall be enacted by Council resolution.

Where a resolution creates an action for Administration the resolution must provide clear direction in order that there is no ambiguity or need to guess or interpret the intent.

16.3

The legislative, recording and procedural requirements for recording the minutes of Council meetings are determined by Council Policy (document titled "Minutes of Council Meetings Policy").

17 PROCEDINGS AT MEETINGS

17.1

Duties of the meeting chair include:

- i. The chair will preside over the conduct of the meeting including the preservation of good order & decorum, ruling on points of order, replying to points of procedure, and deciding on all questions relating to the procedure of the meeting.
- ii. The chair will make all reasonable effort, including the calling of a recess, to ensure all members in attendance at the meeting are present while a vote is being taken, unless a member is excused from voting under the MGA, or any other enactment.

17.2 Question of Privilege

- i. A meeting member who wishes to permanently leave a meeting prior to its adjournment will advise the chair, by means of a Question of Privilege. Their time of departure must be recorded in the minutes of the meeting.
- ii. A member who desires to address the meeting upon a matter that they believe concerns the rights or privileges of the members collectively, or of themselves as members, will be permitted to raise a Question of Privilege.
- iii. A Question of Privilege will take place over all other matters. After the ruling of the chair on the matter the meeting will resume immediately back to the pending matter or debate.

17.3 Appeal

- i. All decisions of the chair will be final, subject to an immediate challenge (appeal)
- ii. the chair will give reasons for the ruling and the members will decide the outcome that will be final and binding on the meeting.
- iii. If the decision is challenged, then the chair will put the appeal to the members present.
- iv. The decision will be decided by the majority vote of members present without debate

17.4

Cell phones (or other electronic communication devices) may be used (or referenced to) during meetings provided they are set to mute and do not disturb or record the proceedings of the meeting and providing the meeting chair has not ruled out their use.

18 RULES GOVERNING DEBATE

18.1

Each member or delegate, as the case may be, shall address the chair but shall not speak until recognized by the chair.

18.2

All questions or debate will be directed through the meeting chair. Through the chair a member may ask:

- i. questions of another member (or of administrative staff) on a "point of information" relevant to the business in hand, and:
- ii. a question to obtain information relating to the minutes presented to the meeting, or any clause contained therein

18.3

The meeting chair, with the 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 this Bylaw or by the chair.

18.4

Supplementary questions, or a series of questions relating to the matter before the meeting may be raised by a member, but each question requires the consent of the chair.

18.5

After any question is finally put to the chair 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 chair as to whether the question has been finally put shall be conclusive.

18.6

A resolution does not require a seconder.

18.7

A resolution may be withdrawn at any time before voting subject to no objection being raised by any member.

18.8

The following are not debatable by members of a meeting:

- i. adjournment
- ii. to take a recess
- iii. question of privilege
- iv. point of order
- v. to limit debate on a matter before members
- vi. on division of a question
- vii. postpone the matter to a time certain
- viii. to table the matter
- ix. quorum

18.9

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.

18.10

(i) Whenever the meeting chair is of the opinion that a motion is contrary to the rules and privileges of Council, the chair will inform the member immediately and will provide reasons applicable to the case without argument or comment, unless:

(ii) otherwise decided by a majority of members present who shall determine to uphold the ruling of the chair or not as the case may be.

18.11

The chair has the authority to set a time limit and the number of times that a member may speak on the same question or resolution, having due regard to the importance of the matter.

19 VOTING

19.1

Section 182 to 186 (voting) of the MGA applies.

19.2

Section 183 of the MGA applies which states that, *"every member attending a Council or Council Committee meeting shall vote on every matter, unless the member is required or permitted to abstain from voting under this or any other Bylaw or enactment"*.

19.3

When the meeting chair ascertains that no further information is required or debate forthcoming on a motion, the chair will immediately submit the motion to a vote of the members present and no further discussion will take place until the vote has been completed.

19.4

All Councillors (including the Mayor) shall cast a vote on every voting matter unless they are excused by resolution from voting or unless disqualified from voting by reason of pecuniary interest.

19.5

Voting shall be made by the raising of hands as directed by the chair and in such a clear manner that they may be easily counted by the chair.

19.6

An equality of votes (a tied vote) on any matter, resolution or Bylaw shall be deemed to be decided as defeated.

19.7

The chair is responsible for the recording of votes, if requested, as set out in section 185 of the MGA.

The minutes must show the names of the members voting for or against all motions and those who were absent or abstained from the vote. The minutes must specify for each voter whether they voted "for" or "against" the proposal or "abstained". The motion outcome will be recorded as "carried" or "defeated". A tied vote is a defeated vote.

19.8

The CAO shall record in the minutes each time a member of council excuses himself by reason of "pecuniary interest".

Members who have reasonable belief that they have a pecuniary interest, as defined in Sections 169 to 173 of the Municipal Government Act or any amendment thereof, in any matter before Council, any Council Committee, or any board, commission, or agency to which they are appointed as a representative of Council, shall declare and disclose the general nature of the pecuniary interest prior to any discussion of the matter, abstain from discussion or voting on any question relating to the matter and remove themselves from the meeting until the matter is concluded.

19.9

The minutes of the meeting will indicate the declaration of disclosure, the time at which the member left the meeting and the time the member returned.

19.10

The behavior and conduct of Council members is covered by Bylaw. (The Councillors Code of Conduct Bylaw 05/2018 as amended over time).

The applicable procedures prescribed by the Councillors Code of Conduct Bylaw should apply equally to those members at a Council Committee meeting.

20 BYLAWS & POLICIES

20.1

The CAO must review and approve the final draft of every proposed bylaw or policy prior to its submission to Council.

20.2

All proposed Bylaws must have a bylaw number and concise title assigned to it.

20.3

Council shall vote on the motion for the first reading of a proposed bylaw without amendment or debate.

After a first reading Council may:

- i. debate the content of the proposed bylaw
- ii. propose amendments to the proposed bylaw
- iii. refer by motion that Administration provides further information prior to second reading.

Council may decide to submit a proposed bylaw for public participation engagement if deemed appropriate as established by policy in which case the applicable procedures prescribed by the Town of Bowden Public Participation Policy applies.

20.4

When all amendments (if any) have been accepted the motion for second reading of the bylaw as presented or amended shall be considered.

If there are any further amendments to a proposed bylaw all Councillors must be given an opportunity to review the full text of the amendments prior to the third reading.

20.5

All aspects of passage of a bylaw at second reading shall apply to the third reading of a bylaw.

20.6

Council may not give a proposed bylaw more than two readings at a meeting unless all Councillors present at the meeting unanimously vote on a motion in favour of allowing a third reading at that meeting.

20.7

The Mayor and CAO must sign the bylaw as soon as practicably possible after the third reading has passed and shall declare the bylaw adopted and enacted with immediate effect unless the bylaw itself provides otherwise.

20.8

A bylaw can only be amended or repealed by another bylaw made in the same way as the original bylaw.

20.9

Council may consolidate a bylaw by incorporating all amendments into a single revised bylaw.

20.10

Resolutions (motions passed) shall come into effect as soon as they are passed unless they contain a specific (deferred) implementation date.

20.11

Council Policy after being presented for discussion can be passed by simple majority vote of Councillors and shall come into effect as soon as the Policy is passed by motion unless they contain a deferred implementation date.

20.12

Upon being passed a Council Policy must be signed by the CAO and by the chair of the meeting at which it was passed.

20.13

A signed copy of all Council Bylaws and Policies must be:

- i. kept in the Bylaws & Policies folders maintained by the CAO
- ii. digitally filed in the Bylaws and Policies folder of the Town's data server
- iii. posted on the Town's web site

21 SEVERABILITY

Every provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this Bylaw shall remain valid and enforceable.

Nothing in this Bylaw relieves a person from complying with the provision of any federal, provincial, or municipal law or regulation or any requirement of any lawful permit, order, or enactment.

The Municipal Government Act (as amended over time) prevails at all times.

22 BYLAW PRECEDENCE

This Bylaw supersedes and takes precedence over all previously passed Bylaws relating to the procedure of Council meetings.

Bylaw 12-2018 and all amendments thereto are hereby repealed.

This Bylaw will come into effect on the final day of passing and signature thereof.

Read a first time in open council this 10th day of August 2020,

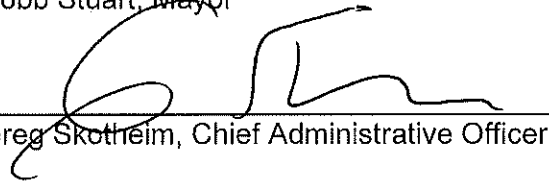
Read a second time in open council this 10th day of August 2020,

and finally passed by unanimous consent of the Councillors present.

Read a third time in open council this 10th day of August 2020,



Robb Stuart, Mayor



Greg Skotheim, Chief Administrative Officer