

VILLAGE OF HEISLER – BYLAW 467-12

PROCEDURAL BYLAW

A BY-LAW OF THE VILLAGE OF HEISLER IN THE PROVINCE OF ALBERTA, for the purpose of establishing rules to be followed in the governance of the Village of Heisler.

WHEREAS, by virtue of the power conferred on it by the Municipal Government Act, S.A. 1994, c.M-26.1, as amended, the Council of the Village of Heisler, in the Province of Alberta, duly assembled, enacts as follows:

SECTION 1. – Purpose

1. The purpose of this by-law is to further define, beyond the requirements of the Municipal Government Act, rules of order to be followed in the operation of Council and Administration, for the purpose of governing the Village of Heisler.

SECTION 2 – Definitions

1.
 - (1) Agenda – the business which is to be dealt with at any particular meeting
 - (2) Committee Representative – the person who has been given authority by motion of Council to represent the Village of Heisler on any given Committee
 - (3) Member – a member of Council
 - (4) Orders of the Day – the written order of business and time schedule for a meeting of Council
 - (5) Person – includes a corporation or representative of an organization
 - (6) Point of Order – a demand that the Chair enforce the rules of procedure
 - (7) Point of Privilege – a request made to the Chair or Council on any matter related to the rights and privileges of Council or individual Council Members, which include:
 - (a) comfort of Council Members
 - (b) conduct of Village officials, employees or members of the public in attendance at the meeting
 - (c) accuracy of the reports of Council’s proceedings
 - (d) reputation of Council Members or Council.
 - (8) Postpone – to delay the consideration of any matter either to a definite time, for example, when further information is likely to be obtained, or indefinitely
 - (9) Table – 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.
 - (10) Improper Conduct - any action by a member of the public at a Meeting which, in the opinion of the Mayor or the Chair of the Meeting, intimidates, threatens, harasses, obstructs, or physically injures any other person and includes the refusal to follow any directions of the Mayor or the Chair of the Meeting.

SECTION 3. – Reference Source

1. If a question relating to the procedures of Council is not answered by this By-law, or the MGA, the answer is to be determined by referring to the most recent revision of Roberts Rules of Order Newly Revised.

SECTION 4 – Organization of Council

1. An Organizational meeting must be held in October each year in accordance with the MGA. An Organizational meeting must also be held after a by-election in which 2 or more new Councilors have been elected. At this meeting
 - (1) Council must:
 - (a) elect a Mayor

- (b) appoint a Deputy Mayor
- (c) establish dates, times and places for Council meetings
- (d) appoint Council members or Committee Representatives to the following Committees :

- Heisler Volunteer Fire Department
- Heisler Cozy Corner
- Heisler Hall Board
- Heisler Recreation Board
- Flagstaff Family Counseling Services
- Emergency Services Committee
- Flagstaff Regional Housing
- Parkland Regional Library Board (optional)
- Flagstaff Solid Waste Management Society
- Battle River Alliance for Economic Development

- (2) In the case of the first meeting following a General Municipal Election:
 - (a) every member of Council must take the Oath of Office
 - (b) the Returning Officer must report to Council

- 2. At the first meeting following a By-election for one Councilor,
 - (1) the new Councilor must take the Oath of Office
 - (2) Council should review Committee representation, and, where necessary make appointments.

SECTION 5 – Meeting Time, Date and Location

- 1. Council will hold regular meetings on the dates established at the Organizational Meeting.
- 2. Regular Council meetings will be held in the Village Office. All other meetings will be held in the Village Office, unless Council passes a motion to hold a meeting elsewhere.
- 3. Council may, by resolution, change the time, date or location of any meeting, if at least 24 hours notice of the change is given:
 - (a) in writing to all Council members
 - (b) to members of the Public by posting a notice of the change at the entrance to the meeting’s original location, and in any other manner directed by resolution of Council.
- 4. Council may cancel any meeting if notice is given as set out in Section 5.3.
- 5. The Mayor may call a special Council meeting at any time, and must do so if a majority of Council Members so request by written notice, which includes a statement of the purpose of the meeting. A special meeting requested by Council Members must be held within 14 days after the request is received by the Mayor.
- 6. Notice of Special Meetings specifying the time, date, location and purpose, must be delivered or faxed to each Council Member at least 24 hours prior. At least 24 hours prior, the Administrator will post a notice of the meeting in a place at the Village Office, which is visible to the public.
- 7. If a matter is not specified in the notice of the Special Council Meeting, it may not be dealt with unless all Council Members are present, and Council passes a motion, by majority vote, to deal with the matter.

8. Despite Section 5.4, the Mayor may call a Council meeting on shorter notice and without providing notice to the public, provided all Council Members are notified of the meeting, and two-thirds of Council Members give written consent to holding the meeting before it begins.

SECTION 6 - Quorum

1. Quorum is a majority of Council Members.
2. Meetings will commence as soon as there is a quorum present.
3. If there is no quorum within half an hour after the time set for the meeting, the Administrator will record the names of Council Members present, and a new meeting date will be set. The agenda for the adjourned meeting will be dealt with at the beginning of the next regular meeting, unless a special meeting is called to deal with the business of the adjourned meeting.

SECTION 7 – Order of Business

1. The Order of Business at a meeting is the order of the items on the agenda except:
 - (a) when the same subject matter appears in more than one place on the agenda, and Council decides, on motion, to deal with all items related to the matter at the same time.
 - (b) When Council alters the order of business for the convenience of the meeting by a two-thirds vote;
2. Council need not deal with any item on the agenda if no motion is made about it.

SECTION 8 – Agenda

1. The agenda orders the business for a meeting and will follow the appropriate Order of Business set out in Schedule A.
2. Councilors wishing to have business added to the agenda should give notice to the Administrator at least 5 days prior to the meeting. If it requires background information to be provided, notice should be given at least one week prior to the meeting.
3. The Administrator will prepare copies of the agenda three working days prior to the meeting, and will make them available to Councilors at the Village Office. Reports and supplementary materials will be included with the agenda. Reports and supplementary materials that are received too late to be included with the agenda will be made available as soon as reasonably possible.
4. Council must vote to adopt the agenda prior to transacting other business and may:
 - (a) add new items to the agenda by resolution;
 - (b) delete any matter from the agenda by unanimous vote.

SECTION 9 – Minutes

1. The Administrator must prepare all Council minutes, which are to include:
 - (a) all decisions and other proceedings
 - (b) names of Council Members present or absent from the meeting
 - (c) names of Council Members who request that their vote be recorded on any specific motion
 - (d) signatures of the presiding officer and the Administrator to be signed after the minutes have been approved.
2. The minutes of each Council meeting must be distributed to the Council members prior to the meeting at which they are to be adopted.
3. The minutes must be adopted. If there are errors or omissions, Council must:

- (a) pass a motion to amend the minutes; and
- (b) adopt the minutes as amended.

If there are no errors or omissions, Council must adopt the minutes as circulated

SECTION 10 – Motions

1. Notice of Motion
 - A. Council Member may make a motion introducing any new matter only if:
 - (a) notice is given at a previous regular Council meeting; or
 - (b) a legible copy of the content of the notice is made available to the Administrator by 12 Noon of the fifth day preceding a regular Council Meeting, and the notice of motion is placed on the agenda and circulated to all members of Council; or
 - (c) Council passes a resolution dispensing with the notice.
 - B. A notice of motion must give sufficient detail so that the subject of the motion and any proposed action can be determined, and it must state the date of the meeting at which the motion will be made. A notice may be given without discussion of the matter, but any written copies distributed should include explanatory paragraphs.
2. Motion to Postpone
 - A. A motion to postpone an item may be made at any time during a debate.
 - B. A motion to postpone an item indefinitely is debatable, and debate may deal with the merits of the motion being postponed.
 - C. If a motion is postponed to a definite time, it will take priority over all other unfinished business at that time, but it may not be brought back before that time without a motion to do so.
3. Limiting Debate
 - A. Any motion to limit or end debate
 - (a) cannot be debated
 - (b) may only be amended as to the limit to be placed on debate.
4. Motion to Table
 - A. A motion may be tabled to enable Council to deal with other more pressing matters. A motion can only be tabled by resolution of Council.
 - B. A motion that has been tabled may be brought back at any time by a majority vote, and when brought back, it will take precedence over other new motions.
5. Recess
 - A. Any Council Member may move that Council recess for a specific period. After the recess, business will be resumed at the point where it was interrupted. This motion may not be used to interrupt a speaker.

SECTION 11– Point of Privilege

1. A Council Member may raise a Point of Privilege to remedy any pressing situation at any time. The Chair must immediately decide whether to accept the Point of Privilege. If accepted, it must be dealt with immediately.

SECTION 12 – Rules Governing Debate

1. The Chair will determine the speaking order when two or more Council Members wish to speak.
2. Council Members must address the Chair when speaking.
3. Council Members must not:

- (a) speak disrespectfully of the Sovereign or any of the Royal Family, or the Governor General, or the Lieutenant Governor, or any member of any other governing body in Canada or Council;
 - (b) use offensive words in Council Chambers, or against Council or any Council Member;
 - (c) break the rules of Council, or disturb the proceedings; or
 - (d) disobey the decision of the Chair or of the Council on any question of order, practice, or interpretation.
4. Each Councilor will be given an opportunity to speak to a motion before it is put to a vote, unless a motion is passed to limit or end debate.
 5. The Chair may call to order any Council Member who is out of order.
 6. When a Council Member has been warned about breaches of order, but continues to engage in them, the Chair may name the Council Member by stating his or her name and declaring the offence. The Administrator must note the offence in the minutes.
 7. If a Council Member who has been named:
 - a) apologizes and withdraws any objectionable statements, then that Member may remain and continue participating in the meeting, and the Chair may direct that the notation of the offence will be stricken from the record;
 - b) fails or refuses to apologize, then that Council Member must immediately leave Council Chambers and Council must vote on a motion to expel that Council Member.
 8. If a Council Member has been expelled pursuant to Section 12.7, that Member must leave chambers immediately. The Chair may order the RCMP to remove an expelled Council Member if that Council Member does not leave voluntarily.

SECTION 13 – Public attendance at meetings

1. Council meetings will be held in public and no person may be excluded except for improper conduct.
2. Members of the public are bound by the same rules of conduct as per Section 12.3, and may be ordered by the Chair to leave the meeting if they break the rules of conduct. The Chair may order the RCMP to remove a member of the public if the person does not leave voluntarily when ordered by the Chair.
3. A member of the public may address an issue only if they have previously indicated their item of business and been placed on the agenda prior to the agenda being printed and circulated. The public may attend all public Council meetings as observers, but may not address the meeting unless they have previously been placed on the agenda after submitting a signed Delegation to the CAO one week prior to the meeting. When Council deals with “in camera” business, the public will be required to leave the Council Chambers.
4. Members of the public may not approach or speak to any Council Member during a Council meeting, except with the permission of the Chair.

SECTION 14 – Private Meetings

1. Council may meet privately to discuss such matters as:
 - a) commercial information if disclosure would likely prejudice the commercial position of the person who supplied it, prejudice the Village’s activities or negotiations, or if it would allow the information to be used for improper gain or advantage, or reveal a trade secret;
 - b) confidential information, if disclosure would likely prejudice the future supply of similar information or advice, or prejudice the Village’s activities or negotiations, or if it would prejudice health and safety, or if Council Members of employees might be improperly pressured or harassed, or legal professional privilege breached;
 - c) personal information, including personnel information, unless its disclosure is for the purpose for which it was obtained, or it is in statistical or other form so that the names of persons are not revealed or made identifiable,

- d) deliberative information and draft reports that will likely be publicly released in final form in due course;
 - e) information that, if disclosed, could prejudice security and maintenance of the law;
 - f) information about assessments and taxes;
 - g) information placed before a Council meeting that is closed to the public;
 - h) information that cannot be released under any statute;
 - i) any other matter permitted by the Municipal Government Act.
2. The only resolution that can be passed in a private Council meeting is a resolution to revert to a public meeting.

SECTION 15 – Petitions

1. Council will consider only petitions that have been submitted to the Administration and found to be sufficient under the regulations of the Municipal Government Act.

SECTION 16 – Communications

1. Any written communication intended for Council must be:
- a) legible and coherent;
 - b) signed by at least one person who provides a printed name and address;
 - c) on paper;
 - d) not libelous, impertinent or improper.
2. If the requirements of Sec 16.1 are met, the Administrator must:
- a) inform the Council of the communication;
 - b) if it relates to an item already on an agenda, deliver a copy of the communication to Council Members with the Agenda or at the meeting;
 - c) send a copy or a summary of it to all Council members for information;
 - d) take any other appropriate action on the communication.
3. The Administrator should make reasonable efforts to respond to the person sending the communication, and to advise that person of any action taken on the subject of the communication.

SECTION 17 – Interference by Council Members

1. Council Members must not direct or interfere with the performance of any work for the Village, without specific direction from Council, by resolution.

SECTION 18 – Bylaws

1. In accordance with the Municipal Government Act, Council has the power to enact bylaws. This shall be done in accordance with Division 9, Section 187 to 191 of the MGA.
2. Notice of proposed bylaw must appear by title and number on the agenda of the meeting at which it is to be considered.
3. A proposed bylaw must be introduced at a Council meeting by a motion that “Bylaw Number (assigned number) be read for the first time.” Council may hear an introduction of the proposed bylaw from the administration.
4. Council will vote on the motion for first reading without amendment or debate.
5. After a motion for second reading has been made, Council may:
- a) debate the substance of the bylaw
 - b) propose and consider amendments to the bylaw.
6. When a bylaw is being considered for third reading, any amendments which have been carried prior to the motion for third reading, will be considered to have been given first and second reading, and will be incorporated into the proposed bylaw. If amendments to the proposed by-law have been carried:

- a) all Council members must be given an opportunity to review the full text of the amendments, and
- b) the Chair must put the question that “Bylaw Number (specify number) as amended, be given third reading.”

SECTION 19- Past & Current Bylaws

1. **BYLAW 447-10 is hereby repealed.**

SCHEDULE A

ORDER OF BUSINESS - Regular Council Meeting

1. Call to Order
2. Adoption of the Agenda
3. Delegations
4. Adoption of Previous Council Meeting Minutes
5. Financial Information
6. Old Business
7. New Business
8. Written Reports
9. Correspondence
10. Adjournment

Read for a first time, this 16th day of May, A.D 2012.

Read for a second time, this 16th day of May, A.D. 2012

Read for a third time, and by unanimous consent of all Councilors present,
finally passed on this 16th day of May, A.D. 2012.

Mayor – Sean Maciborski

Interim CAO – Amanda Howell