

BYLAW NO. 5-2023

TO REGULATE THE PROCEDURE AND CONDUCT OF COUNCIL MEETINGS

PURPOSE: A bylaw of the Village of Holden in the Province of Alberta to Regulate the Procedure and Conduct of Council Meetings.

WHEREAS, under the provisions of the *Municipal Government Act*, R.S.A. 2000, Chapter M-26, as amended, the Council of the Village of Holden may pass Bylaws respecting the safety, health and welfare of people and the protection of people and property; and

WHEREAS, section 145 of the Municipal Government Act, Chapter M-26, RSA 2000 and amendments thereto, authorizes council to pass bylaws in relation to the procedures and conduct of council, council committees and other bodies established by council

NOW THEREFORE, the Council of the Village of Holden, in regular meeting, duly assembled, hereby enacts as follows:

1. NAME

This Bylaw may be cited as the "Council Meeting Procedure Bylaw."

2. DEFINITIONS

2.1. "CAO" means Chief Administrative Officer

3. AGENDA FOR COUNCIL MEETINGS

3.1. The agenda for each regular and special meeting shall be prepared by the CAO and submitted, together with copies of all pertinent correspondence, statements and reports, to each member of council at least two days prior to each meeting.

3.2. Any member of council, Village official or any other person wishing to have an item of business placed on the agenda shall make a submission to the CAO not later than 12:00 noon on the Thursday of the week prior to the meeting. The submission shall contain adequate information, to the satisfaction of the CAO, to enable council to deal with the matter.

3.3. The order of business on the agenda shall be as follows:

1. Call to Order
2. Adoption of the Agenda
3. Adoption of Previous Minutes
4. Delegations
5. Public Works
6. Financial Items
7. Unfinished Business
8. Business from Delegations
9. New Business
10. Councillor Reports
11. CAO Report
12. Correspondence
13. Closed Session

14. Adjournment

- 3.4 The order of business as established in this bylaw shall apply for all regular council meetings unless members of council present, by a majority vote, agree to any change.
- 3.5 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 majority vote, agree to the item being placed on the agenda. The Mayor, any Councillor or the CAO shall be given an opportunity to state why an item should receive consideration on the agenda because of its emergent nature before the motion is put to a vote.
- 3.6 Public input is not permitted during Council meetings, unless Council votes in favor to allow public input.

4. MEETINGS

- 4.1 All meetings of the Council shall be held in the Council Chambers of the Village, unless otherwise notified by Village Administration regarding change of venue.
- 4.2 The regular monthly meeting of the Council shall be held on the third Monday in each and every month.
- 4.3 When the third Monday of any month falls upon a holiday, the meeting of Council for that month shall be held on the Tuesday following the holiday Monday.
- 4.4 The regular meetings of council shall commence at the hour of 6:00 pm and shall adjourn at 9:30 pm if in session at that hour, unless members of council present, by a unanimous vote, agree to an extension of time.
- 4.5 If Council changes the date, time or place of a regularly scheduled meeting, the municipality must give at least 24 hours' notice of the change
 - 4.5.1 to any councilors not present at the meeting at which the change was made, and
 - 4.5.2 to the public
- 4.6 Council meeting agendas shall be posted on the Village website
- 4.7 All meetings of the Council are open to the public unless it meets one of the exceptions to disclosure in the *Freedom of Information and Protection of Privacy Act (FOIPP)*

5. GENERAL RULES OF COUNCIL

- 5.1 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.
- 5.2 Any persons who are not members of Council or officers of the Village shall observe silence and order in the Council Chambers, unless given permission to speak on behalf of a petition or otherwise allowed in this policy. Any such persons disturbing the proceedings of Council shall be called to order by the Chair and, if they fail to comply, shall be ordered by the Chair to leave the Council Chambers.

- 5.3 In case the Mayor or Deputy Mayor is not in attendance within 15 minutes after the hour appointed for a meeting and a quorum is present the CAO shall call the meeting to order and a chairman shall be chosen by the Councillors present who shall preside during the meeting until the arrival of the Mayor or Deputy Mayor.
- 5.4 If there is no quorum present within 1/2 hour after the time appointed for a regular meeting of council, the CAO shall record the names of those members of council who are 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 should be posted on the outside door of access to the council chambers.
- 5.5 The Mayor or presiding officer shall preserve order and decorum and shall decide questions of order, subject to an appeal to the council by resolution, and the decision of the presiding officer shall be final unless reversed or altered by a majority vote of members present.
- 5.6 When the Mayor or presiding, officer is called on to decide a point of order or practice, he/she shall do so without argument or comment and shall state the rule of authority applicable to the case.
- 5.7 Every member wishing to speak to a question or motion shall address himself to the Mayor or presiding officer.
- 5.8 The Mayor or presiding officer shall have the authority to set a time limit and the number of times members may speak on the same question or resolution, having due regard for the importance of the matter.
- 5.9 The Mayor or presiding Officer at the meeting shall bring each item on the agenda to the attention of the Councillors by reading out the next item for discussion prior to the discussion and the vote.
- 5.10 Motions shall be in writing and clarified between Administration and the Councillor who made the motion before proceeding to a vote.
- 5.11 Motions may be brought to the floor at any time during the discussion, once all Council members have an opportunity to speak to the item.
- 5.12 Motions to adjourn, to adopt reports, or to go into closed session, which may be oral.
- 5.13 A motion submitted to council does not require a seconder.
- 5.14 When a motion has been made and is being considered by the council, no other motion may be made and accepted except:
 - 5.14.1 a motion to refer the main question to some other person or group for consideration
 - 5.14.2 a motion to amend the main question
 - 5.14.3 a motion to table the main question
 - 5.14.4 a motion to postpone the main question to some future time
 - 5.14.5 a motion to adjourn the meeting, provided that a motion to table shall not be debated except as to the time when the matter will again be considered.

- 5.15 Where a question under consideration considers distinct propositions, the vote upon each proposition shall be taken separately when any member so requests or when the Mayor or other presiding officer so directs.
- 5.16 After any question is finally put by the Mayor or other presiding officer, no member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared. The decision of the Mayor or the presiding officer as to whether the question has been finally put shall be conclusive.
- 5.17 The CAO may delegate any duties to a recording secretary but shall accept all responsibility of the duties.
- 5.18 If a member of council arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, it shall be noted in the minutes.
- 5.19 The secretary shall record in the minutes each time a member of council excuses himself by reason of pecuniary interest.
- 5.20 Voting on all matters shall be done by rising of hands, in such a clear manner that they may be easily counted by the presiding officer.
- 5.21 Council may adjourn from time to time to a fixed future date any regular or special meeting of council that has been duly convened but not terminated. The object of adjourning is to finish the business that the meeting was called to transact in the first place but which has not been completed.
- 5.22 Any matter of meeting conduct, which is not herein provided for, shall be determined in accordance with "Robert's Rules of Order".
- 5.23 This bylaw shall not be repealed, amended, or suspended unless done so:
 - 5.23.1 By a bylaw unanimously passed at the regular or special meeting of council at which all members thereof are present, or
 - 5.23.2 By a bylaw passed at a regular meeting of council, pursuant to a notice in writing given and openly announced at the next preceding meeting of the council and setting out the terms of the substantial effect of the proposed bylaw.

6. MEETING ATTENDANCE THROUGH ELECTRONIC COMMUNICATIONS

- 6.1 A Council or Council Committee meeting or Public Hearing may be conducted by means of electronic communications such as Zoom, Team Meetings or other electronic platforms that may be available from time to time or other communications options, in order to facilitate the attendance of Councillors, Council Committee members, or Administration at the meeting.
- 6.2 Notice of the meeting through electronic communications to the public must provide for the way in which it is to be conducted.
- 6.3 The meeting facilities will enable the public to watch or listen to the meeting at a place specified in that notice.
- 6.4 The meeting facilities will enable Council and Administration and delegations to watch and hear each other during the meeting.

- 6.5 Councillors, Council Committee Members and Administration participating in a meeting held by means of an electronic communication such as Zoom, are deemed to be present at the meeting.
- 6.6 Councillors, Council Committee Members or Administration participating in a Closed Session during a meeting must clearly show themselves during that portion of the meeting and they ensure that the Closed Session is kept in strict confidence, ensuring that only authorized Closed Session participant to hear or see any part of the Closed Session.
- 6.7 Public electronic access will be suspended during a Closed Session until such Session returns to Open Council Meeting.

7. DELEGATIONS

- 7.1 Council shall hear all delegations that have brought their items of business to the agenda in accordance with section 3.2, in the order that they are placed on the agenda or the order that may be changed by the majority vote of members present. All rules of council in this bylaw shall apply to each and every member of the delegation.
- 7.2 Delegations are limited to one topic per meeting.
- 7.3 Delegation time limit will be set to a minimum of five minutes and to a maximum of fifteen minutes. Time extensions are at the discretion of Council.
- 7.4 Delegations addressing Council must be business related.
- 7.5 Delegations by the same person may be limited to 2 meetings in a calendar year at the discretion of the CAO, duplicate requests will not be approved.
- 7.6 Delegations approved and posted on the agenda must give the CAO 24 hours' notice if unable to attend.

8. PUBLIC HEARINGS

- 8.1 A public hearing on any matter to be heard by Council shall be conducted in accordance with this Section.
- 8.2 Any person(s) who claims to be affected by the subject matter of the public hearing shall be afforded an opportunity to be heard by Council either by oneself or one's agent.
- 8.3 Any person wishing to file a written submission relating to a public hearing shall file the submission with the CAO no later than three (3) Working Days prior to the public hearing.
- 8.4 The procedure for conducting public hearings shall be as follows:
 - 8.4.1 the CAO shall introduce the subject matter and reason for the public hearing;
 - 8.4.2 the Chairperson shall determine the names of those persons who wish to speak in favour of the proposal, who wish to speak against the proposal, and who wish to make general comments;
 - 8.4.3 If written submissions have been made in respect to the proposed public hearing, the CAO 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;

8.4.4 The Chairperson shall inquire of the public present if there be any person or persons who desire to make oral representations, and if any persons so declare themselves, shall proceed with the public hearing;

8.4.5 if no person or persons present desire to make an oral submission, the Chairperson shall declare the public hearing closed and proceed to the Meeting.

8.5 The procedure for hearing oral representations shall be as follows:

8.5.1 the CAO shall introduce the subject matter and reason for the public hearing;

8.5.2 the order of speaking shall be determined by the Chairperson, whose decision shall be final;

8.5.3 persons addressing Council shall give their name, location of residence, an indication as to whether they are speaking on their own behalf, for another person, or for a group, and address the Chairperson when providing information or responding to questions;

8.5.4 each person who is in favour of the proposal, whether or not the person has filed a written submission, shall be given ten (10) minutes to make representation before Council, exclusive of the time required to answer questions put to the person by Council;

8.5.5 the Chairperson shall ask Members if any Member has questions of those making submissions in favor of the proposal;

8.5.6 each person who is opposed to the proposal, whether or not the person has filed a written submission, shall be given ten (10) minutes to make representation before Council, exclusive of the time required to answer questions put to the person by Council;

8.5.7 the Chairperson shall ask Members if any Member has questions of those making submissions in opposition to the proposal;

8.5.8 each person who wishes to make general comments on the proposal, whether or not the person has filed a written submission, shall be given ten (10) minutes to make representation before Council exclusive of the time required to answer questions put to the person by Council;

8.5.9 the Chairperson shall ask Council if any Member has questions of those making general comments;

8.5.10 Members may not debate the issue in the public hearing;

8.5.11 the Chairperson shall declare the public hearing closed and proceed to the Meeting.

8.6 An outline of the foregoing rules of procedure shall be provided in written form to any person who indicates that he wishes to make a written submission, and further, there shall be printed copies of the same available to those in attendance at the public hearing.

- 8.7 Written presentations received during the public hearing may be given to the CAO but will not be read into the minutes. Presenters at the public hearing can speak from their written presentation before submitting it to the CAO
- 8.8 Time extensions for presentations may be granted by the Chairperson.
- 8.9 Only one presentation per person in the gallery is allowed with the exception of the applicant.
- 8.10 The Chairperson reserves the right to deny repetitious oral submissions.
- 8.11 The use of slides, maps, and videos is permitted and these along with written submissions become the property of the Village of Holden as exhibits to the public hearing.
- 8.12 Debate or any discussions between parties in the gallery is not allowed.
- 8.13 Recording devices are allowed to be used by the public at the discretion of the Chairperson but must be declared at the beginning of the public hearing.

9. SPECIAL COUNCIL MEETINGS

- 9.1 If it appears to the Chairperson that any of the matters included in the Agenda for a Regular Council Meeting, which were not disposed of by that Meeting, are of an urgent nature and require action before the next Regular Council Meeting, the Chairperson may call a Special Meeting of Council to deal with such matters.
- 9.2 Council may, by Simple Majority Vote at any Regular or Special Council Meeting, decide to hold a Special Council Meeting at any time and place it deems fit.
- 9.3 When Council is not in session, it may hold a Special Council meeting in accordance with the provisions of the Act.
- 9.4 Notwithstanding any other provision of this Section, if a Simple Majority of Council requests the postponement of the Special Council Meeting from the date for which it was set, the Mayor shall postpone it to the requested date provided that the date is prior to the next Regular Meeting of Council.
- 9.5 No matter other than that stated on the notice calling the Special Council 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.

10. EFFECTIVE DATE OF BYLAW

This bylaw takes effect as of the date of third and final reading and upon such final reading Bylaw No. 2-2020 shall be rescinded.

READ A FIRST TIME this 15th day of May, 2023

READ A SECOND TIME this 19th day of June, 2023

READ A THIRD TIME and passed this 19th day of June, 2023

Mayor

Chief Administrative Officer