

**TOWN OF BON ACCORD
THE PROCEDURAL BYLAW
BYLAW 2011-07**

A BYLAW OF THE TOWN OF BON ACCORD, IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEDURE AND CONDUCT OF COUNCIL AND COUNCIL COMMITTEE MEETINGS

WHEREAS, given that Council of the Town of Bon Accord considers it expedient and desirable for effective governance to regulate the procedure and conduct of council, councillors and others attending council and council committee meetings in the Town of Bon Accord.

NOW THEREFORE, the Council of the Town of Bon Accord, in the Province of Alberta, duly enacts as follows:

Citation

1. This bylaw may be cited as “The Procedure Bylaw”.

Definitions

2. In this bylaw
 - a. “delegation” means any person that has permission of council to appear before council or a committee of council to provide pertinent information and views about the subject before council or council committee.
 - b. “CAO” means the chief administrative officer or his/her delegate, for the Municipality.
 - c. “member” means a councillor or person at large appointed by council to a committee of council.
 - d. “meetings” means meetings of council and council committees.
 - e. “Municipality” means the Town of Bon Accord, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality.
 - f. “point of order” means an infraction of the rules or improper decorum in speaking.
 - g. “point of privilege” means that an interruption may occur only if necessary.
 - h. “Presiding Officer” means the Mayor or other Councillor as appointed by the Mayor.

Applicable

3. This bylaw applies to all members attending regular meetings of council; committees established by council will defer to their individual terms of reference.

Severability

4. 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.

Deputy Mayor

5. The position of Deputy Mayor shall be nine (9) months in duration and each member of Council may serve one term, to be determined at the first organizational meeting following the election.

Delegations

6. Any person or group requesting an opportunity to speak or bring a matter to the attention of Council shall address a letter, or other written communication, to the CAO not later than 4:00 p.m. on the Wednesday prior to the scheduled meeting. The notice must contain adequate

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information to the satisfaction of the CAO to enable Council to deal with the matter. The letter shall be signed by the correct name and address of the writer. If the person wishes to appear before Council on the matter it shall be stated in the letter.

7. Delegates shall be granted a maximum of ten (10) minutes to present the matter outlined in the letter. Where the Presiding Officer determines that additional time shall be granted to a delegation the length of the extension shall be specified and the presiding officer may limit the time.
8. No item of business shall be considered by the 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.

Meetings

9. The regular meetings of council shall be established by resolution of Council at its annual organizational meeting.
10. 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
 - a) to any Member of Council not present at the meeting at which the change was made, and
 - b) to the public.
11. The regular meetings of council shall be recorded for the purpose of minute preparation.
12. Notice of regularly scheduled meetings need not be given.
13. Special meetings of council shall be established as required by Council according to the provisions of the Municipal Government Act and the public shall be given notice.
14. The meetings of council committees shall be established by resolution of each committee and the public must be given notice or advertised as required by the provisions of the Municipal Government Act.
15. Regular meetings of council shall commence at the hour of 7:00 p.m.
16. The times for the beginning of council committee meetings shall be set by resolution of each committee.
17. The Mayor may appoint another member of Council as Presiding Officer; the appointment must include a specified period of time which shall not exceed eight (8) consecutive weeks.
18. If a quorum is not present within thirty (30) minutes after the time fixed for the meeting, the CAO shall record the names of the members present and the meeting shall stand adjourned until the next meeting.

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Conduct of Meetings

19. Each member or delegate, as the case may be, shall address the Presiding Officer but shall not speak until recognized by the Presiding Officer.
20. The Presiding Officer 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 the Presiding Officer.
21. A resolution does not require a seconder.
22. A resolution may be withdrawn at any time before voting subject to no objection from any member, as the case may be.
23. The following resolutions are not debatable by members:
 - a) adjournment
 - b) to take a recess
 - c) point of privilege
 - d) point of order
 - e) to limit debate on a matter before members
 - f) on division of a question
 - g) postpone the matter to a time certain
 - h) to postpone the matter.
23. Any matter of meeting conduct, which is not herein provided for, shall be determined in accordance with "Roberts Rule of Order".
24. 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 Officer so directs.
25. Whenever the Presiding Officer is of the opinion that a motion is contrary to the rules and privileges of council, he/she shall inform the member thereof immediately, before putting the question, and shall cite his/her reasons applicable to the case without argument or comment.
26. In all cases not provided for in the proceedings of the council, a majority of council shall determine to uphold the ruling of the Presiding Officer or not as the case may be.
27. This bylaw shall not be repealed, amended or suspended except so far as the terms thereof themselves permit unless it is repealed, amended or suspended:
 - a) by a bylaw unanimously passed at a regular or special meeting of the Council at which all members thereof are present; or
 - b) 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.

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Electronic Meeting Attendance

28. The presiding officer cannot use electronic means to attend a Regular Meeting of Council.
29. Electronic means cannot be used for Special Meetings of Council.
30. Quorum must be attained through physical presence at the meeting; additional members may attend through electronic means.
 - a) a quorum cannot be attained through the use of members electronically connected.
31. Use of attendance through electronic means is being provided to allow for periodic flexibility, attending in person must be done so at a minimum of every third meeting.
32. Electronic attendance will be conducted through the use of video conferencing, secure platforms, and telephone.
33. An effective method of data transfer must be available, if attending electronically, for review and voting on bylaws, ASP's, and others documents that require council review.
34. Should connectivity of electronic means cease to exist at any point during the meeting, the attendee will be deemed absent for that portion of the meeting, just as the case when attending in person.
35. In camera items cannot be discussed through electronic means.
36. When attending electronically, the attendee must obtain access to the meeting material prior to the start of the meeting through a secure means.
37. The attendee must be connected prior to the meeting being called to order.
38. Should the electronically connected member be found to be out of order, per item 35 of this bylaw, the member connection will be terminated.

Agenda and Order of Business

39. 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 and be ready for Council to pick-up by noon, on the Friday prior to each regular meeting. In order to do so, the CAO shall receive all documentation prior to 4:00 p.m. on the Wednesday preceding the regular Council meeting.
40. The agenda and support materials shall be deemed to be acceptable when the agenda is adopted at the meeting.
41. The business intended to be dealt with shall be stated in an agenda per the Council Agenda policy.
41. The order of business established in the Council Agenda Policy shall apply unless altered by the Presiding Officer with no objection from members, or otherwise determined by a majority

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vote of the members present, and the vote upon a matter of priority of business shall be decided without debate.

42. Standing Committees of Council shall be established and governed by policy or bylaw approved by council. Where appropriate authority is delegated to a Standing committee, such committee and its mandate shall be established by bylaw.

In-camera sessions

43. Matters to be discussed which are within one of the categories of information referred to in Section 217 of the Act, as amended or replaced from time to time, may be considered at an In-camera Meeting or portion of a meeting.
44. Council or Committee has no power at an In-camera session to pass any Bylaw or resolution apart from the resolution necessary to revert back to an open meeting.

Prohibitions

45. Member of Council shall not:
- a) use offensive words or un-parliamentary language in the meeting;
 - b) disobey the rules of the meeting or decision of the Presiding Officer or of Members of Council on questions of order or practice; or upon the interpretation of the rules of the meeting;
 - c) leave their seat or make any noise or disturbance while a vote is being taken and the result is declared;
 - d) interrupt a Member of Council while speaking, except to raise a Point of Order or Question of Privilege;
 - e) pass between a Member of Council who is speaking and the Presiding Officer.
46. Members of council who persist in a breach of the foregoing section, after having been called to order by the Presiding Officer, may, at the discretion of the Presiding Officer, be ordered to leave their seat for the duration of the meeting.
47. At the discretion of the Presiding Officer, a Member of Council may resume their seat following an apology.
48. A Member of Council who wishes to leave the meeting prior to adjournment shall so advise the Presiding Officer and the time of departure shall be noted in the minutes.

Notice of Motion

49. Notice of Motion should be used to give notice when an extended period of time is advisable prior to considering a subject.
50. A Notice of Motion may be received by the Council Recording Secretary prior to the closing of the meeting. In this event, the Member of Council shall read the Notice of Motion which shall be recorded in the minutes and shall form part of the Agenda for the subsequent meeting.
51. A Member of Council may present and describe a Notice of Motion for consideration at the next meeting or other meeting date as specified by the mover.

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52. A Member of Council who hands a written Notice of Motion to the Council Recording Secretary to be read at any regular meeting need not necessarily be present during the reading of the Motion.
53. A motion, notice of which has been given, if not moved on the day and at the meeting for which notice has been given, cannot be moved at any subsequent meeting without being given on the Agenda for such meeting.

Voting – Pecuniary Interest

54. Members of Council who have a reasonable belief that they have a pecuniary interest (as defined in the Act) in any matter before Council, any committee of Council or any board, commission, committee or agency to which they are appointed as a representative of Council, shall, if present, declare and disclose the general nature of the pecuniary interest prior to any discussion of the matter, abstain from discussions or voting on any question relating to the matter and shall remove themselves from the room until the matter is concluded. The minutes shall indicate the declaration of disclosure, the time at which the Member of Council left the room and the time the Member of Council returned.

Recorded Vote

55. Every vote taken at a meeting of Council shall be recorded in the following manner:
- a) By noting the names of Councillors voting for and against motions and all those who are absent for or abstaining from the vote, or
 - b) By noting that the motion was passed unanimously where all Councillors are present and that there are no absences or abstentions.

Public Hearings

56. The conduct of any Public Hearing shall be governed by the MGA and this Bylaw.
57. Wherever possible, persons interested in speaking at a Public Hearing should register with the Council Recording Secretary prior to the Public Hearing.
58. The Presiding Officer shall declare the Public Hearing in session and shall outline Public Hearing Procedures.
59. The CAO shall introduce the resolution or bylaw and shall briefly state the intended purpose. Department presentations shall follow the introduction of the bylaw or resolution.
60. The Presiding Officer shall request those who wish to make presentations to identify themselves. The Presiding Officer shall then open the floor to public presentations.
61. The Presiding Officer shall call upon those persons who have registered with the Council Recording Secretary to speak first, followed by other persons at the meeting who have not registered to speak but who wish to address Council. A person who does not identify himself or herself will not be given the opportunity to speak.
62. Presentations by the public may be made verbally, in writing, or both. Written submissions shall be collected by the Council Recording Secretary and retained for information purposes.

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- 63. Verbal presentations shall be limited to five minutes unless there is consent by Council to extend the allotted time.
- 64. Following public presentations, the Presiding Officer shall close the Public Hearing.
- 65. If no one is present to speak to a proposed bylaw which requires a Public Hearing, Council may hear an introduction of the matter from the administration, ask relevant questions, and then must vote to close the Public Hearing.
- 66. After the close of the Public Hearing, Council may debate matters raised at the Public Hearing during the regular Council meeting following the Public Hearing and may;
 - a) pass the bylaw or resolution, or
 - b) make any necessary amendments to the bylaw or resolution and pass it without further advertisement or hearing.
- 67. When a Public hearing on a proposed Bylaw or resolution is held, a Member;
 - a) must abstain from voting on the Bylaw or resolution if the member was absent from all of the Public Hearing, and
 - b) may abstain from voting on the Bylaw or resolution if the member was only absent from a part of the Public Hearing.

Repealing Bylaws

This bylaw shall repeal Bylaw 2011-04 and any amendments thereto.

READ A FIRST TIME THIS 16TH DAY OF AUGUST 2011.

Mayor Randolph Boyd

Chief Administrative Officer Vicki Zinyk

READ A SECOND TIME THIS 6TH DAY OF SEPTEMBER 2011.

Mayor Randolph Boyd

Chief Administrative Officer Vicki Zinyk

READ A THIRD TIME THIS 6TH DAY OF SEPTEMBER 2011.

Mayor Randolph Boyd

Chief Administrative Officer Vicki Zinyk