

**TOWN OF BON ACCORD
THE PROCEDURAL BYLAW
BYLAW 2019-05**

**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, the 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:

This bylaw shall be cited as the “**Procedural Bylaw**” of the Town of Bon Accord

1. DEFINITIONS

- 1.1 “Councillor” means a member of Council including the Mayor elected pursuant to the provisions of the Local Authorities Act
- 1.2 “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.
- 1.3 “CAO” means the Chief Administrative Officer or his/her delegate, for the Municipality.
- 1.4 “Closed Session” is a council or committee session which is held in private and may include any person or persons invited to attend by Council.
- 1.5 “Member at Large” means a member of the public appointed by council to a committee of council.
- 1.6 “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.
- 1.7 “Notice of Motion” is the means by which a Councillor may bring a topic before Council.
- 1.8 “Point of Order” means an infraction of the rules or improper decorum in speaking.
- 1.9 “Point of Privilege” means that an interruption may occur only if necessary.
- 1.10 “Presiding Officer” means the Mayor or other Councillor as appointed by the Mayor, or in the absence of the Mayor or Deputy Mayor, Council may appoint a Presiding Officer.
- 1.11 “Special Resolution” is a resolution passed by a two-thirds majority of all Council members or two thirds of all members of a Committee.
- 1.12 “Act” means the Municipal Government Act, R.S.A. 2000,c. M-26, any regulations thereunder, and any amendments or successor legislation thereto:

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2. APPLICATION

- 2.1 This Bylaw shall govern the proceedings of Council and Committees established by Council and shall be binding upon all Committee members whether Council or Members at Large.
- 2.2 When any matters relating to the meeting procedures is not addressed in this Bylaw, the law of the Government of Alberta shall be followed and in such cases the decision of the Mayor or other presiding officer shall be final and accepted without debate.

3. SEVERABILITY

- 3.1 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.

4. DEPUTY MAYOR

- 4.1 The position of Deputy Mayor shall be twelve (12) months in duration, or as otherwise directed as Council and each member of Council may serve one term, to be determined at the first organizational meeting following the election, or as required.

5. MEETINGS

- 5.1 The regular meetings of council shall be established by resolution of Council at its annual organizational meeting.
- 5.2 Regular Meetings of Council, will be held on the 1st and 3rd Tuesday of each month, unless otherwise posted. The 1st meeting of the month shall commence at 7pm and stands to adjourn no later than 10:30pm unless Council passes a motion to extend the meeting by unanimous consent. Such a motion must be passed no later than 10:00pm. The 2nd meeting of the month shall commence at 8:30am and stand to adjourn no later than 12pm unless Council passes a motion to extend the meeting by unanimous consent. Such a motion must be passed no later than 11:30am.
- 5.3 As soon as there is a Quorum of Council after the hour fixed for the meeting, the presiding officer must take the chair and begin the meeting.
- 5.4 Unless a Quorum is present within thirty (30) minutes after the time appointed for the meeting, the meeting will stand adjourned until the next regular meeting date or until a Special Meeting is called to deal with the matters intended to be dealt with at the adjourned meeting. The Recording Secretary shall record the names of the Members of Council present at the expiration of the 30 minutes time limit.
- 5.5 Council may change the time, date or location of any meeting by Special Resolution and any Committees may change the time, date or location of any of its meetings provided that in both cases at least twenty-four (24) hours notice of the change is given to the public.

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- 5.6 Despite the above 5.5 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 give written consent to hold the meeting before the meeting begins. No business other than that stated in the notice shall be considered at any meeting described in this Section unless all the Members of Council are present, in which case, by unanimous consent, any other business may be transacted.
- 5.7 The regular meetings of council shall be voice recorded for the purpose of minute preparation.
- 5.8 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.
- 5.9 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.

6. GENERAL PROCEEDINGS OF MEETINGS

- 6.1 Council must vote to adopt the agenda prior to transacting other business and may:
 - 6.1.1 add new items to the agenda but only by Special Resolution; or
 - 6.1.2 delete any matter from the agenda but only by Special Resolution
- 6.2 The minutes of each meeting must be circulated to each Member of Council prior to the meeting at which they are to be adopted. Debate on the minutes of a previous meeting is limited, to ensure that the minutes are accurate. If there are errors or omissions, Council must:
 - 6.2.1 pass a resolution to amend the minutes; and
 - 6.2.2 adopt the minutes as amended and if there are not errors or omissions, council must adopt the minutes as circulated.
- 6.3 Delegations appearing before council may be addressed by any Member of Council through the Presiding Officer, by asking the delegation or the Chief Administration Office relevant questions but may not debate the matter or the answers. The presentation by a delegation may only be:
 - 6.3.1 received as information without debate;
 - 6.3.2 referred without debate to a Committee or the Chief Administrative Officer for a report, or debated if a Special Resolution is passed to allow a motion to be made without notice;
 - 6.3.3 limited to 15 minutes unless there is a Special Resolution to extend the allotted time.
- 6.4 Reports from the Chief Administrative Officer or other management personnel which request a decision by Council may be debated and Council may:
 - 6.4.1 vote on the request, or

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6.4.2 refer the request to a Committee or the Chief Administrative Officer for further investigation and report.

6.5 Any Councilor may make a request for information to be provided to Council on any matter within the municipality's jurisdiction. The Chief Administrative Officer or other management personnel will provide an answer to the inquiry at the next Council meeting or, if that is not possible will provide a progress report indicating when the answer to the inquiry may be expected.

6.6 Every motion or resolution shall be stated clearly by the mover and when duly moved shall be open for consideration. After a resolution has been stated or read, it shall be deemed to be in possession of Council, but may be withdrawn by unanimous consent of the Council members present. Discussion on any motion will be limited to ten (10) minutes and at that time the Presiding Officer will call for a vote on that motion by the Members of Council present.

6.7 Any member of Council desiring to speak shall address the remarks to the Presiding Officer, by way of hand gesture or by saying Mr. Mayor in a manner that does not interrupt conversation already in progress, confine themselves to the question and avoid personality. Should more than one member desire to speak at the same time, the Presiding Officer shall determine who is entitled to the floor. Members of Council wishing to speak on a matter during the meeting must indicate their intention by raising their hand and any Member of Council present via telephone, shall address the Presiding Officer, by stating "I wish to speak on the matter at hand" and being recognized by the Presiding Officer. Each Council member should not speak more than once until every Member of Council has had the opportunity to speak except in the explanation of a material part of the speech which may have been misunderstood or in reply, to close debate, after everyone else wishing to speak has spoken.

7. CONDUCT OF MEETINGS

7.1 Each member or delegation, as the case may be, shall address the Presiding Officer but shall not speak until recognized by the Presiding Officer.

7.2 The Presiding Officer 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.

7.3 A motion does not require to be seconded.

7.4 Unless otherwise specifically provided in this Procedure Bylaw the following motions are debatable by Council:

7.4.1 a motion arising out of any matter or thing included in the agenda for the Council meeting;

7.4.2 a motion to postpone or refer;

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- 7.4.3 a motion for adoption of, rejection of, referral back or further consideration of a report to council, or a motion arising out of any matter dealt with in a report to Council;
- 7.4.4 a motion for the second or a motion for the third reading of a Bylaw;
- 7.4.5 a motion for an appointment or dismissal of a committee member, or referral to a committee of any matter before the Council;
- 7.4.6 a motion for Council to hold a Committee of the Whole Meeting
- 7.4.7 a motion for amendment to any Bylaw properly before the Council, or to any matter arising directly out of a Bylaw properly before the Council;
- 7.4.8 any matter of meeting conduct, which is not herein provided for, shall be determined in accordance with "Roberts Rule of Order";
- 7.4.9 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 Officer so directs;
- 7.5.0 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.
- 7.5.1 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.
- 7.5.2 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 preceding meeting of the council and setting out the terms of the substantial effect of the proposed bylaw.

8.0 ELECTRONIC MEETING ATTENDANCE

- 8.1 The Presiding Officer cannot use electronic means to attend a Regular Meeting of Council.
- 8.2 Electronic means cannot be used for Special Meeting of Council.
- 8.3 Quorum must be attained through physical presence at the meeting, additional members may attend through electronic means.
- 8.4 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.
- 8.5 Electronic attendance will be conducted through the use of video conferencing, secure platforms and telephone.
- 8.6 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.
- 8.7 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.
- 8.8 Closed Session items cannot be discussed through electronic means.

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- 8.9 When attending electronically, the attendee must obtain access to the meeting material prior to the start of the meeting through a secure means.
- 8.10 The attendee must be connected prior to the meeting being called to order.
- 8.11 Should the electronically connected member be found to be out of order, per items 11.1 and 11.2 of this bylaw, the member connection will be terminated.

9.0 AGENDAS

- 9.1 The agenda for each regular and special meeting shall be prepared by the CAO and emailed, together with copies of all pertinent correspondence, statements and reports to Council by the end of the day on the Friday prior to each regular or Special meeting. In order to do so, the CAO shall receive all documentation prior to 4:00 pm on the Wednesday preceding the Council meeting.
- 9.2 The agenda and support materials shall be deemed to be acceptable when the agenda is adopted at the meeting.
- 9.3 The business intended to be dealt with shall be stated in an agenda per the Council Agenda policy.
- 9.4 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 vote of the members present, and the vote upon a matter of priority of business shall be decided without debate.
- 9.5 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.
- 9.6 Criteria for any written communication intended for Council or a Committee which reached the Chief Administrative Officer must:
 - 9.6.1 be legible and coherent
 - 9.6.2 be signed by at least one person who provides a printed name and address
 - 9.6.3 be on paper and
 - 9.6.4 not be libelous, impertinent or improper.
- 9.7 If the requirements of Section 9.6 are not met the Chief Administrative Officer may file the communication unless it is deemed improper, in which case the Chief Administrative Officer must summarize the communication and inform Council that it is being withheld.

10.0 CLOSED SESSIONS

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

11.0 MAINTAINING ORDER IN COUNCIL

Order in Council - Council

Members of Council shall not:

- 11.1 use offensive words or un-parliamentary language in the meeting;

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- 11.2 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;
- 11.3 leave their seat or make any noise or disturbance while a vote is being taken and the result is declared;
- 11.4 interrupt a Member of Council while speaking, except to raise a Point of Order or Question of Privilege;
- 11.5 pass between a Member of Council who is speaking and the Presiding Officer;
- 11.6 influence or communicate with any municipal employees except the Chief Administrative Officer or administrative personnel involved with the committee of which they are members; any other communication or inquiries must be through the Chief Administrative Officer;
- 11.7 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;
- 11.8 At the discretion of the Presiding Officer, a Member of Council may resume their seat following an apology;
- 11.9 A member of Council who wishes to leave the meeting prior to adjournment shall so advise the Presiding Officer and the time of departure and return shall be noted in the minutes.

Order in Council – Public

- 11.10 Only Councilors, the chief administrative officer and those individuals authorized by the Chief Administrative Officer may be present to address council.
- 11.11 No person in the gallery or on the floor of council chambers shall cause any disturbance, interrupt any speaker or interfere with the actions of council. The Presiding Officer may call to order any person who has created a disturbance and may expel that person from council chambers.

12. NOTICE OF MOTION

- 12.1 A Notice of Motion must give sufficient detail so that the subject of the motion and any proposed action can be determined and should be used to give notice when an extended period of time is advisable prior to considering a subject.
- 12.2 A Notice of Motion may be received by the Chief Administrative Officer 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.
- 12.3 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.
- 12.4 A Member of Council who hands a written Notice of Motion to the Chief Administrative Officer to be read at any regular meeting need not necessarily be present during the reading of the Motion.

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- 12.5 When a notice has been given, the Chief Administrative Officer will include the proposed motion in the agenda of the meeting for the date indicated in the notice. If a motion is not made at the meeting indicated in the notice it will be removed from the agenda and may only be made by a new notice of motion.

13. VOTING – PECUNIARY INTEREST

- 13.1 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 or 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.

14. RECORDED VOTE

- 14.0 Before a vote is taken by council, a councillor may request that the vote be recorded.
14.1 When a vote is recorded, the minutes must show the names of the councillors present and whether each councillor voted for or against the proposal or abstained.

15. PUBLIC HEARINGS

- 15.1 The conduct of any Public Hearing shall be governed by the MGA and this Bylaw.
15.2 Wherever possible, persons interested in speaking at a Public Hearing should register with the Council Recording Secretary prior to the Public Hearing.
15.3 The Presiding Officer shall declare the Public Hearing in session and shall outline Public Hearing Procedures.
15.4 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.
15.5 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.
15.6 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.
15.7 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.
15.8 Verbal presentations shall be limited to five minutes unless there is consent by Council to extend the allotted time.
15.9 Following public presentations, the Presiding Officer shall close the Public Hearing.
15.10 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.

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- 15.11 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.
- 15.12 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.

16. REPEALING BYLAWS

This Bylaw shall repeal Bylaw 2019-03 and any amendments thereto.

This Bylaw shall come into full force and effect upon the day it receives third and final reading by Council.

Read a first time this 21st day of May 2019.

Read a Second time this 21st day of May 2019.

Read a third and final time this 21st day of May 2019.

Mayor David Hutton

Joyce Pierce, Chief Administrative Officer

SCHEDULE A

Council Standing Policy Committees

Council Briefing Committee

**Town of Bon Accord
Council Briefing Committee
Terms of Reference**

1. Terms of Reference

1.1 Subject to the control of the Council of the Town of Bon Accord, the mandate of the Council Briefing Committee is to provide a forum for the CAO:

1.1.1 to brief Councillors on specific topics

1.1.2 to provide a context for documents they have or will be receiving

1.1.3 to respond to detailed questions of clarification of material presented

1.2 Meetings of Council Briefing Committee are public meetings and shall be held as needed but no more than once per month.

1.3 To permit the Mayor to participate fully in question and discussion periods, meetings shall be presided by individual Councillors in rotation.

2. Composition

2.1 A Council Briefing Committee shall consist of:

2.2.1 All members of the Town of Bon Accord Council

2.2.2 The CAO and any staff members that may be required

3. Terms of Office

3.1 All Councillors shall be members of the Committee for their full term of office as a municipally elected Councillor.

4. Duties and Responsibilities

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- 4.1 The CAO shall forward materials to be discussed at a meeting of the Committee a minimum of five business days in advance of the meeting.
- 4.2 Councillors are expected to review the material prior to the meeting and arrive prepared with their questions.

5. Procedures

- 5.1 There shall be no Quorum requirements for the Council Briefing Committee
- 5.2 Unless otherwise contradicted in these Terms of Reference, meeting proceedings are bound by those sections of the Town of Bon Accord's current Council Procedure Bylaw that relate to:
 - 5.2.1 order, decorum and questions of order
 - 5.2.2 agendas and minutes
 - 5.2.3 appointment and organization of committees of council
 - 5.2.4 regulations for conducting business in committee