

**TOWN OF SEDGEWICK
BYLAW NO. 535/17
TOWN OF SEDGEWICK PROCEDURAL BYLAW**

**A BYLAW OF THE TOWN OF SEDGEWICK TO PROVIDE FOR THE ORDERLY
PROCEEDINGS OF MEETINGS OF COUNCIL, COUNCIL COMMITTEES AND OTHER
BODIES ESTABLISHED BY COUNCIL.**

WHEREAS Section 145 of the Municipal Government Act, R.S.A. 2000 Chapter M-26 and amendments thereto authorizes Council to pass bylaws to regulate the procedure and conduct of Council, Council Committees, and other bodies established by Council;

AND WHEREAS the Council of the Town of Sedgewick wishes to establish and follow a process of governance that reflects transparent government;

NOW THEREFORE the Council of the Town of Sedgewick in the Province of Alberta, duly assembled, enacts as follows:

1. Title

This bylaw shall be known as the "Procedural Bylaw" of the Town of Sedgewick

2. Definitions

"In-Camera" means a meeting of Council or Committee which is held in private without the presence of the public pursuant to Section 197 of the Municipal Government Act.

"Member" is a duly elected member of Council who continues to hold office.

"Organizational Meeting" means a Meeting of Council held in accordance with Section 192 of the Municipal Government Act.

"Point of Order" is a statement from a Member to call attention to any departure from the Meeting Procedure Bylaw.

"Point of Procedure" is a question directed to the Chair to assist a Member to:

- a) make an appropriate motion;
- b) raise a Point of Order;
- c) understand the procedure; or
- d) understand the effect of a motion.

"Public Hearing" means a Meeting or portion of a Meeting held for the purposes of hearing matters as prescribed by the Municipal Government Act or other legislation or hearing other matters which Council directs be considered at a Public Hearing.

"Quorum" means the majority of all Members, fifty (50) percent plus one (1).

"Recorded Vote" means that where a vote is not unanimous, the Minutes shall record the Members present at the Meeting and shall show which Members voted for or against the Motion or who abstained.

3. Roles and Responsibilities

3.1 The Mayor shall:

- a) call Council Meetings to order;
- b) chair Council Meetings;
- c) maintain order and preserve decorum in Council Meetings and if necessary, call a member to order;
- d) rule on Points of Order and Points of Procedure;
- e) ensure that each Councillor who wishes to speak on a debatable motion is granted the opportunity to do so;
- f) decide, with the permission of Council, who may address Council; and
- g) have all of the same rights and is subject to the same restrictions, as to participation in debate, as all other Councillors.

- 3.2 The Deputy Mayor shall:
- a) chair Council Meetings when the Mayor is absent or unable to act as Mayor and shall have all the powers and responsibilities of the Mayor under this Bylaw.

4. Meetings

4.1 Organizational Meeting

4.1.1 An Organizational Meeting shall be held not later than two weeks after the third Monday in October each year.

4.1.2 The business of the meeting shall be limited to:

- a) The administering of an oath of office to the Mayor and all councillors
- b) A review of the Code of Conduct Bylaw
- c) The appointment of a Deputy Mayor by Council
- d) The determination by resolution the dates, times and location of regular Council meetings for the forthcoming year
- e) The appointment of Council representatives to boards and committees for a one year term
- f) Any other business as identified in the MGA

4.1.3 The CAO shall chair the meeting until such a time that the Mayor takes an oath to office. At this time, the Mayor shall take over as chair.

4.2 Regular Meetings of Council

4.2.1 Regular Council meetings shall adjourn no later than 10 p.m. unless Council adopts a Motion to proceed past that time and in that case shall not adjourn later than 11 p.m.

4.2.2 Should there be no Motion to continue past 10:00 p.m., or if the business of the meeting is not completed by 11 p.m., all Unfinished Business which appears on the Agenda shall be tabled until the next regular Meeting of Council.

4.2.3 If it appears that any Unfinished Business is urgent the Mayor shall call a Special Meeting to deal with such matters.

4.3 Special Meetings

4.3.1 A Special Meeting shall be scheduled when required to do so by the Mayor or a majority of Council.

4.3.2 Where a Special Meeting is required by a majority of Council, the Mayor shall call such meeting within 14 days of the date on which the request was made.

4.3.3 No less than 24-hours' notice of a Special Meeting shall be provided to each Councillor and to the public. The notice shall state the time, date, place and nature of the business to be transacted.

4.3.4 A Special Meeting may be held with less than 24 hours' notice to all Councillors and without notice to the public if at least two-thirds of the whole Council agrees to this in writing before the beginning of the meeting.

4.3.5 The Agenda for a Special Meeting shall be restricted to the business stated in the notice unless all Councillors are present and a motion is passed to deal with the matter.

4.4 In-Camera Meetings

4.4.1 The Municipal Government Act permits Council or Committee to close all or part of the meeting to the public if a matter to be discussed is within one of the exceptions to disclosure contained in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act.

4.4.2 Council shall pass a Resolution prior to moving to an In-Camera Meeting stating the nature of the In-Camera Meeting and relevant sections of the Freedom of Information and Protection of Privacy Act.

4.4.3 A Meeting held In-Camera subject to the Municipal Government Act and the Freedom of Information and Protection of Privacy Act may exclude Administration, but not Councillors as long as the Councillor is not disqualified from participating in the discussion of the matter due to Pecuniary Interest.

4.4.4 When an In-Camera meeting is held, Council may invite any person or persons to attend the In-Camera Meeting as Council deems appropriate.

4.4.5 When a Meeting is held In-Camera, no resolution or bylaw may be passed except a resolution to revert to a Meeting held in public.

4.5 Cancellations

4.5.1 A regular meeting may be cancelled:

- a) by a vote of the majority of members at a previously held meeting; or
- b) by written consent of a majority of members, proving twenty-four (24) hours' notice is provided to members and the public; or
- c) by written consent of two-thirds (2/3) of the members of Council if twenty-four (24) hours' notice is not provided to the public.

4.5.2 A special meeting of Council may be cancelled:

- a) by the Mayor if twenty-four (24) hours written notice is provided to all members and the public, or
- b) by the Mayor, with the written consent of two-thirds (2/3) of the members, if less than twenty-four (24) hours' notice is provided to all members.

4.5.3 Notice of a cancelled or rescheduled Council or Council committee meeting will be posted in the Town office and on the Town of Sedgewick website.

4.6 Commencement of Meetings

4.6.1 As soon as there is a Quorum after the time for commencement of a Meeting:

4.6.1.1 The Chair shall call the Meeting to order; or if the Mayor or Deputy Mayor are not present within fifteen (15) minutes after the time set for the Meeting and a Quorum is present, the CAO or designate shall call the Meeting to order and the Councillors present shall select a Councillor to Chair the Meeting;

4.6.1.2 Upon their arrival, the Mayor or Deputy Mayor shall assume the Chair.

4.7 Quorum

4.7.1 No Quorum

If there is not a Quorum within fifteen (15) minutes after the time set for the Meeting, the CAO or designate shall record the names of the Members present and the Meeting shall be adjourned to the time of the next regular Meeting.

4.7.2 Lost Quorum

If at any time during a Meeting Quorum is lost, the Meeting shall be Recessed and if Quorum is not achieved within 15 minutes, the Meeting shall be deemed to be adjourned.

5. Agenda

5.1 Agenda Preparation

5.1.1 The Agenda for each Council Meeting is established by the CAO

5.1.2 Should members of Council wish for items to be included in the Agenda, a description of the item shall be submitted three (3) business days prior to the Council meeting.

5.2 Agenda Distribution

5.2.1 The CAO or designate shall distribute the Council Meeting Agenda to Members of Council at least two (2) business days prior to the Council Meeting.

5.2.2 The CAO or designate shall post the Council Agenda on the Town's public website at least 24 hours prior to the Council Meeting.

5.3 Late Submissions

5.3.1 Administrative reports and submissions received too late to be included with the regular Agenda shall be included on the next regular Council Agenda.

5.3.2 In exceptional circumstances, at the discretion of the CAO or designate, submissions received too late to be included with the regular Agenda, may be added to the regular Council Agenda at the meeting as an emergent business item.

5.3.3 Emergent Business is an Agenda item that is not on the Agenda and because of time constraints must be brought before Council. The Emergent Business item shall be considered as an addendum to the Agenda.

5.4 Order of Business on the Agenda

5.4.1 The Order of Business on any regular Agenda shall be:

- a) Call to Order
- b) Adoption of Agenda
- c) Public Hearings
- d) Delegations
- e) Approval of Minutes
- f) Financial Reports
- g) Old Business
- h) New Business
- i) Committee Reports
- j) Staff Reports
- k) Correspondence Items
- l) In-Camera
- m) Round table/Question period
- n) Adjournment

5.5 Proceedings

5.5.1 Discussion Directed Through Chair

All discussion at a Meeting shall be directed through the Chair.

5.5.2 Pecuniary Interest

5.5.2.1 Where a Member has a pecuniary interest in respect to a matter before the Council or Committee, the Member of Council must adhere to the provisions of Section 172 of the Municipal Government Act including:

- a) Disclosing the general nature of the pecuniary interest prior to any discussion of the matter;
- b) Abstaining from voting on the matter;
- c) Abstaining from any discussion of the matter, and
- d) Unless otherwise permitted by Section 172(2) or (3) of the Municipal Government Act to remain in the room, leaving the room in which the Meeting is being held until discussion and voting on the matter are concluded.

5.5.2.2 The Member's abstention and the nature of the pecuniary interest shall be noted in the Minutes.

5.5.2.3 A Member who has a Pecuniary Interest in a matter is not considered part of Quorum for that matter.

5.5.3 Temporary Absence

5.5.3.1 If a Member arrives late, leaves before the Meeting is adjourned, or is temporarily absent from the Meeting, the Meeting Minutes shall reflect such absence and the time of the absence.

5.5.4 Speaking to Motions

5.5.4.1 No Member shall speak unless and until recognized by the Chair.

5.5.4.2 Unless permitted by the Chair, Members may speak only twice on any Motion, once in debate and once to ask questions.

5.5.4.3 The Chair may grant further permission to a Member to speak as follows:

- a) to provide an explanation of the Member's previous remarks if misunderstood;
- b) in the case of the mover, to answer questions from the floor directed to the Chair; and
- c) to allow the mover to close debate after the Chair has called for further discussion and all other Members have had an opportunity to be heard.
- d) The Chair may impose limits on the duration that Members shall speak on any matter as long as the amount of time given is the same for all Members.

6. Minutes

6.1 The CAO or designate shall prepare a written record of all Council Meetings that includes:

- a) The names of the Members present at and absent from the meeting.
- b) All decisions and other proceedings.
- c) The names of members of the public who speak to an item.
- d) The names of the Members voting for or against a Motion that is not unanimous or defeated and those who are absent for the vote.
- e) Any abstentions made under the Municipal Government Act by any Member and the reason for the abstention.
- f) Any abstentions made as a result of a pecuniary interest and the reason for the abstention.
- g) The signatures of the Mayor and the CAO.

7. Public Hearing Procedures

7.1 The Chair shall call the Public Hearing to order.

7.2 The Chair shall outline Public Hearing procedures.

7.3 Administration shall introduce the proposed bylaw or question.

7.4 The CAO or designate shall confirm the Public Hearing has been advertised in accordance with applicable legislation.

7.5 If in attendance, the Chair shall allow the applicant to present the application. The applicant shall state their name and present their application within a time period of 10 minutes. An extension may be granted by a motion of Council.

7.5 The Chair shall allow questions of clarification from Members to the applicant.

7.6 The Chair shall then open the floor to presentations from the public.

7.7 The Chair shall allow questions of clarification from Members to the individuals speaking to the proposed bylaw or resolution.

7.8 After hearing from those persons on the Speaker's List in support or in opposition, the Chair shall ask if anyone else present wishes to speak in support or in opposition to the proposed bylaw or resolution.

- 7.9 The Chair shall allow for a rebuttal from the applicant to the points raised by those who spoke in opposition to the application.
- 7.10 Following any rebuttal from the applicant the Chair shall ask for a Motion to close the Public Hearing.
- 7.11 Statutory Public Hearings must be closed before Council votes on the bylaw.
- 7.12 After the Public Hearing is closed, Council may debate the proposed bylaw or resolution and may do one of the following:
(a) amend the bylaw or resolution;
(b) pass the bylaw or resolution; or
(c) defeat the bylaw or resolution.
- 7.13 Members who are absent for the whole Public Hearing must abstain from voting on the matter.
- 7.14 Members who are absent for a part of the Public Hearing may abstain from voting on the matter.
- 7.15 If the number of Members present at a Meeting is less than Quorum after those Members referred to above leave, the debate and vote is adjourned to the time of the next regular Meeting.
- 7.16 The Meeting Minutes shall record the names of all persons who:
a) spoke for or against; and
b) provided written submissions in response to the Notice of Public Hearing for or against the proposed bylaw.
- 8. Delegations**
- 8.1 Individuals who wish to present an issue in front of Council must submit a written request to the CAO at least three (3) business days prior to the Council Meeting.
- 8.2 Reappearing before Council regarding the same matter shall only be permitted once six (6) months has passed from the original presentation.
- 8.3 No delegation shall address Council for longer than ten minutes, exclusive of the time required to answer questions from council, unless granted a time extension by a majority vote of members present.
- 9. Bylaws**
- 9.1 All proposed bylaws shall:
a) have a bylaw number assigned by the CAO or designate;
b) have a concise title indicating the purpose of the bylaw;
c) be presented in its entirety to all Councillors present at the Meeting prior to any Motion for first reading;
d) have three (3) separate and distinct readings;
e) be presented in its entirety including any amendments passed after first reading to all Councillors present at the Meeting prior to any Motion for third reading; and not be given more than two (2) readings at one (1) meeting, unless the Councillors present at the Meeting unanimously agree to a Motion to proceed to third reading.
- 9.2 Council shall hear an introduction of the proposed bylaw from Administration prior to first reading.
- 9.3 After first reading has been given, any Member may move the bylaw be read a second time.
- 9.4 Any amendments to the bylaw that are carried prior to the vote on third reading shall be considered to have been given first and second reading and shall be incorporated into the proposed bylaw.

- 9.5 Once a bylaw has been passed, it may only be amended or repealed by another bylaw made in the same way as the original bylaw.
- 9.6 Proposed deletions to a bylaw shall be noted by "strikeout" and all proposed additions or amendments shall be reflected in red print.
- 9.7 If a bylaw is defeated on third reading the previous readings shall be rescinded.
- 8.8 A bylaw shall be rescinded if the bylaw does not receive third reading within two years from the date of the first reading.
- 9.9 A bylaw is effective from the date of third reading unless the bylaw provides for another effective date.
- 9.10 The Chair and the CAO shall sign and seal the bylaw as soon as reasonably possible after third reading.
- 9.11 The CAO or designate is designated to consolidate one or more bylaws as deemed convenient and in doing so, must:
 - (a) incorporate all amendments to the bylaw into one bylaw; and
 - (b) omit a provision that has been repealed or that has expired.

10. Motions

- 10.1 Members may ask questions of administration before a motion is made, for the purposes of Amending motions.
- 10.2 Subsequent motions on the same topic may be made by any member.
- 10.3 After a motion is moved, it becomes the property of Council.
- 10.4 The Chair may speak to a motion at any time after it has been moved.
- 10.5 A motion may be withdrawn by the member that made the motion any time before voting occurs, subject to no objection from any member present. Motions withdrawn in this manner shall not be recorded in the minutes.
- 10.6 A friendly amendment, defined as a proposed change in wording that enhances and strengthens the original motion, may be proposed and adopted if the mover of the motion approves. Only the motion as amended by the friendly amendment shall appear in the minutes.
- 10.7 When a motion contains more than one distinct proposition, Council shall vote on each proposition separately if any member so requests or the presiding officer so directs.
- 10.8 After a motion has been made, a member may request further information. The Chair shall provide the information or direct the request to administration or to the appropriate member.
- 10.9 After a motion has been made, no other motion may be made except for:
 - a) A motion to amend the motion on the table;
 - b) A motion to table the motion until a time later in the meeting; or
 - c) A motion to postpone the main motion to a definite date of a future meeting.
- 10.10 Any member may request that the Chair call a vote on a motion, and the Chair shall consider and rule on the request immediately.
- 10.11 Once the presiding officer has called the vote on a motion on the floor, no member may speak to the motion until after the result of the vote has been declared.
- 10.13 Motions shall be recorded in the minutes as "carried" or "defeated" and, in the case of a split vote, the names of those who voted for and against the motion shall be recorded.

10. Severability

If any term of this Bylaw is found to be invalid, illegal, or unenforceable by a court or tribunal having the jurisdiction to do so, that term is to be considered to have been severed from the rest of this bylaw, and the rest of the bylaw remains in force unaffected by that finding or by the severance of that term.

11. Enactment

This Bylaw shall take effect at the date of final passing thereof and rescind any previous Procedural Bylaws of the Town of Sedgewick.

First Reading passed in open Council duly assembled in the Town of Sedgewick, in the province of Alberta this 16th day of Nov., 2017.

Second Reading passed in open Council duly assembled in the Town of Sedgewick, in the province of Alberta this 21st day of Dec., 2017.

Third Reading passed in open Council duly assembled in the Town of Sedgewick, in the province of Alberta this 21st day of Dec., 2017.

TOWN OF SEDGEWICK



MAYOR



CHIEF ADMINISTRATIVE OFFICER