

**TOWN OF TOFIELD**  
**BYLAW NUMBER 1314**

**BEING A BYLAW OF THE TOWN OF TOFIELD, IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEDURE AND CONDUCT OF COUNCIL AND COUNCIL COMMITTEE MEETINGS.**

**WHEREAS**, Council of the Town of Tofield in the Province of Alberta considers it expedient and desirable for effective governance to regulate the procedure and conduct of Council, Councillors and other attending Council and Council Committee meetings in the Town of Tofield.

**NOW THEREFORE** the Council of the Town of Tofield, in the Province of Alberta, duly assembled, ENACTS as follows:

**1. SHORT TITLE**

- 1.1. This Bylaw may be referred to as the "The Town of Tofield Meeting Procedures Bylaw".

**2. DEFINITIONS**

- 2.1. "**Act**" means the Municipal Government Act, S.A.2000, c.M26 as amended or replaced from time to time;
- 2.2. "**Agenda**" is the list of items and order of business for any meeting;
- 2.3. "**Bylaw**" is a Bylaw of the Town;
- 2.4. "**C.A.O.**" is the person appointed by Council as the Chief Administrative Officer pursuant to the Act;
- 2.5. "**Closed Session**" is a session, which is held in private and may include any person or persons invited to attend by Council and the matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act;
- 2.6. "**Council**" is the Mayor and Members of Council of the Town of Tofield elected pursuant to the provisions of the Local Authorities Election Act;
- 2.7. "**Electronic Communications**" refers to attending Meetings via teleconference, video conferencing or by speaker of the phone, which allows Members to hear and/or see the Member attending via electronic means.
- 2.8. "**Group**" means 2 or more Persons gathered by a common interest in any matter one of whom shall be appointed as spokesperson to be solely responsible for presenting the points of view or positions of the Persons he or she represents;
- 2.9. "**Mayor**" is the Chief Elected Official for the Town of Tofield;
- 2.10. "**Municipality**" shall mean the Town of Tofield;
- 2.11. "**Presiding Officer**" is the Member of Council who is appointed pursuant to the Act to act as Mayor in the absence or incapacity of the Mayor.
- 2.12. "**Quorum**" is a majority of those members elected and serving on Council, except where special Committee policies have been passed;

**3. APPLICATION**

- 3.1. This bylaw applies to all members attending meetings of council and committees established by Council of the Municipality.

#### **4. QUORUM**

- 4.1. 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.

#### **5. MEETINGS**

- 5.1. The regular meetings and times of regular meetings of Council shall be established by resolution at the annual Organizational Meeting.
- 5.2. Special meeting of Council shall be established as required by Council according to the provisions of the Act and the public shall be given notice.
- 5.3. The following applies to the preparation of the regular meeting Agenda:
  - 5.3.1. Items initiated by Members of Council are submitted to the office of the C.A.O. on or before 4 p.m. on Thursday of the week prior to the meeting.
  - 5.3.2. An Agenda listing the order of business for the use of Members of Council shall be prepared by the C.A.O. and shall be reviewed with the Mayor prior to the meeting and made available on or before 4 p.m. on Friday of the week prior to the meeting.
  - 5.3.3. The Agenda preparation, reviews, distribution and meeting follow-up will be coordinated through the office of the C.A.O. in accordance with timing policies or resolutions approved by Council.

#### **6. MEETING PARTICIPATION THROUGH ELECTRONIC COMMUNICATIONS**

- 6.1. Electronic or other communication facilities may be used to conduct Council or Council Committee meeting, as outlined in the Act.

#### **7. CLOSED SESSIONS**

- 7.1. Councils and Council Committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act.
- 7.2. When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting of Council or Council Committee held in public.
- 7.3. Before closing all or any part of a meeting to the public Council or Council Committee must by resolution approve:
  - 7.3.1. the part of the meeting that is to be closed, and
  - 7.3.2. the basis on which, under an exception to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act.
- 7.4. After the closed meeting discussions are completed, any members of the public who are present outside the meeting room must be notified that the rest of the meeting is now open to the public, and reasonable amount of time must be given for those members of the public to return to the meeting before it continues.
- 7.5. Where a Council or Council Committee closes all or part of meeting to the public, the Council or Council committee may allow one or more other persons attend, as it considers appropriate, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend.



## **8. MINUTES OF COUNCIL MEETINGS**

- 8.1. The preparation and distribution of the minutes of Council meetings shall be the responsibility of the C.A.O.

## **9. PUBLIC PRESENTATIONS TO COUNCIL**

- 9.1. Where a Person or Group requests an opportunity to speak to Council at a Council Meeting and Council or the Mayor deems it to be appropriate then such permission may be granted.
- 9.2. Requests to speak to Council together with written subject matter of presentation, where possible, and the amount of presentation time required may be made to the C.A.O. not later than 4:00 p.m. on the Thursday of the week prior to the meeting. Exceptions may be made at the discretion of the C.A.O. or Mayor for requests received after the deadline.

## **10. CONDUCT OF MEETINGS**

- 10.1. Each member or delegate shall address the Mayor or Presiding Officer but shall not speak until recognized by the Mayor or Presiding Officer.
- 10.2. The Mayor or Presiding Officer with the approval 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 Mayor or Presiding Officer.
- 10.3. A resolution does not require a seconder.
- 10.4. A resolution may be withdrawn at any time before voting subject to no objection from any member.
- 10.5. The following resolutions are not debatable by the members:
  - 10.5.1. Fix the Time for Adjournment;
  - 10.5.2. Adjournment;
  - 10.5.3. Question of Privilege
  - 10.5.4. Point of Order
  - 10.5.5. To limit debate on matter before members
  - 10.5.6. On division of a question
  - 10.5.7. Postpone the matter to a certain time
  - 10.5.8. To table the matter
- 10.6. The Mayor or Presiding Officer shall preserve order and decorum and shall decide questions of order subject to an appeal to Council by resolution, and the decision of the Mayor or Presiding Officer shall be final unless reversed or altered by a majority vote of members present.
- 10.7. 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 the authority applicable to the case.
- 10.8. The Mayor or Presiding Officer shall have the authority to set a time limit and the number of times that a member may speak on the same question or resolution having due regard to the importance of the matter.
- 10.9. When a motion has been made and is being considered by Council, no other motion may be made and accepted except
  - 10.9.1. A motion to refer the main question to some other person or group for consideration. This motion is debatable, amendable, and needs a majority vote
  - 10.9.2. A motion to amend the main question. This motion is debatable, amendable, and needs a majority vote.

- 10.9.3. A motion to Lay on the Table the main question. This motion is not debatable and needs a majority vote.
- 10.9.4. A motion to postpone definitely, the main question to some future time. This motion is debatable, amendable, and needs a majority vote.
- 10.9.5. A motion to postpone indefinitely. This motion is debatable, not amendable, and needs a majority vote.
- 10.9.6. Call for the previous question. This motion is not debatable and a two-thirds vote is needed to close the debate.
- 10.9.7. Limit or extend limits of debate. This motion is not debatable and needs a two-thirds vote.
- 10.10. Where a question under consideration contains distinct propositions, the vote upon such proposition shall be taken separately when any member so requests or when the Mayor or other Presiding Officer so directs.
- 10.11. 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.
- 10.12. If a member of Council arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, it shall be so recorded in the minutes.
- 10.13. Voting on all matters shall be done by raising of the hand in such a clear manner that the Mayor or Presiding Officer may easily count them.
- 10.14. A motion relating to a matter not within the jurisdiction of the Municipality or Council shall not be in order.

## **11. VOTING – PECUNIARY INTEREST (CONFLICT)**

- 11.1. 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 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.

## **12. REQUIREMENT TO VOTE**

- 12.1. Every Member of Council present, including the Mayor, shall vote on every matter, unless:
  - 12.1.1. the Member of Council is required to abstain from voting under this or any other bylaw or enactment; or
  - 12.1.2. the Member of Council is permitted to abstain from voting under this or any other bylaw or enactment; or
  - 12.1.3. A Member of Council present at a meeting shall make a request for a recess if for any reason they may be away from Council Chambers during a time when a vote on a matter is imminent, unless that Member of Council is excused from voting pursuant to this section.

### **13. RECORDED VOTE**

- 13.1. Before Council takes a vote, a Member of Council may request that the vote be recorded. This request must be before Council take a vote.
- 13.2. When a Member of Council requests a Recorded Vote, all Members of Council present, unless required or permitted to abstain from voting, shall vote as the Mayor or Presiding Officer calls for those in favor and against.
- 13.3. The Council Recording Secretary shall, whenever a Recorded Vote is requested by a Member of Council, record in the minutes the names of each Member of Council present and whether the Member of Council voted for or against the matter and the Mayor or Presiding Officer shall announce the results of the vote.

### **14. TIE VOTE**

- 14.1. If there is an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.

### **15. ADJOURNMENT TIME**

- 15.1. Unless otherwise determined pursuant to the provisions of this Bylaw, adjournment time is:
  - 15.1.1. At the conclusion of the Agenda as adopted by Council or when a Motion of Adjourn has been passed; or
  - 15.1.2. At twenty-two hour (22:00) if a meeting is in session at that hour.
- 15.2. Notwithstanding the provisions of Section 14.1, Council may, by two-thirds majority vote of Members of Council present, agree to an extension time.
- 15.3. Unless there has been a motion passed by the required majority within, the prescribed time extending the Council Meeting beyond twenty-two hour, all matters of business which appear on the Agenda for a Meeting and which have not been dealt with by that time shall be deemed to be tabled until the next Regular Meeting of Council.

### **16. BYLAWS**

- 16.1. The following shall apply to the passage of all Bylaws:
  - 16.1.1. A Bylaw shall be introduced for first reading by a Motion that it be Read A First Time specifying the number of the Bylaw.
  - 16.1.2. After a Motion for first Reading of the Bylaw has been presented, Member of Council may debate the substance of the Bylaw and purpose and consider amendments to the Bylaw.
  - 16.1.3. Any proposed amendments shall be put to a vote if required, and if carried, shall be considered as having been incorporated into the bylaw at first reading.
  - 16.1.4. When all amendments have been accepted or rejected, the Mayor or Presiding Officer shall call the Question on the motion for First Reading of the Bylaw.
  - 16.1.5. When a Bylaw is subject to a statutory Public Hearing, a Public Hearing date and time shall be established following first reading.
  - 16.1.6. All aspects of the passage of a Bylaw at first reading shall apply to second and third readings of any Bylaw.

16.2. Three Readings

- 16.2.1. A Bylaw shall not be given more than two readings at one meeting unless the Members of Council present at the meeting unanimously agree that the Bylaw may be presented for third reading at the same meeting at which it received two readings.
- 16.2.2. A Bylaw shall be passed when a majority of the Members of Council present vote in favor of third reading, provided that any applicable Provincial Statute does not require a greater majority.
- 16.3. When a Bylaw has been given three readings and is signed in accordance with the Act, it is considered an enactment of the Town and is effective immediately, unless the Bylaw or an applicable Provincial Statute provides otherwise.
- 16.4. The previous readings of a proposed Bylaw are rescinded if the proposed Bylaw
  - 16.4.1. does not receive third reading within two years of first reading or
  - 16.4.2. is defeated on second or third reading.
- 16.5. After passage, a Bylaw shall be signed by the Mayor or Mayor's designate and by the C.A.O. or the C.A.O.'s designate and shall be impressed with the corporate seal of the Town.

**17. PUBLIC HEARINGS**

- 17.1. The conduct of any statutory Public Hearing shall be governed by this Bylaw.
- 17.2. Wherever possible, persons interested in speaking at a Public Hearing shall be registered with the C.A.O. prior to the Public Hearing.
- 17.3. The Mayor or Presiding Officer shall declare the Public Hearing in session and shall outline Public Hearing Procedures.
- 17.4. The C.A.O. or C.A.O. designate shall introduce the resolution or bylaw and shall briefly state the intended purpose.
- 17.5. The Mayor or Presiding Officer shall request those who wish to make presentations to identify themselves. The Mayor or Presiding Officer shall then open the floor to public presentation.
- 17.6. The Mayor or Presiding Officer shall call upon those persons who have registered with the C.A.O. 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.
- 17.7. Presentations by the public may be made verbally, in writing, or both. Written submissions shall be collected by the C.A.O. and retained for information purposes.
- 17.8. Verbal presentations shall be limited to five minutes unless there is consent by Council to extend the allotted time.
- 17.9. Following public presentation, the Mayor or Presiding Officer shall close the Public Hearing.
- 17.10. 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 administration, ask relevant questions, and then must vote to close the Public Hearing.

17.11. After the close of the Public Hearing, Council may debate matters raised and the Public hearing during the regular Council meeting following the Public Hearing and may;

17.11.1. pass the bylaw or resolution or

17.11.2. Make any necessary amendments to the bylaw or resolution and pass it without further advertisement of hearing.

17.12. When a Public Hearing on a proposed bylaw or resolution is held a Member:

17.12.1. must abstain from voting on the Bylaw or resolution if the Member was absent from all of the Public Hearing, and

17.12.2. may abstain from voting on the Bylaw or resolution if the Member was only absent from a part of the Public Hearing.

## **18. PRIOR BYLAWS**

18.1. This Bylaw supersedes and takes precedence over all previously passed Bylaws that refer to meeting procedures, as well as any previously passed resolutions that may conflict with this Bylaw.

## **19. EFFECTIVE DATE**

19.1. This Bylaw comes into effect upon the final passing and proper signature thereof.

**READ A FIRST TIME THIS 12<sup>th</sup> DAY of May 2020**

**READ A SECOND TIME THIS 12<sup>th</sup> DAY, of May 2020**

**READ A THIRD TIME THIS 12<sup>th</sup> DAY, of May 2020**

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER