

BYLAW NO. 789
OF THE
TOWN OF KILLAM
IN THE PROVINCE OF ALBERTA

BEING A BYLAW OF THE TOWN OF KILLAM, IN THE PROVINCE OF ALBERTA, FOR ESTABLISHING RULES TO BE FOLLOWED IN THE GOVERNANCE OF THE TOWN OF KILLAM.

WHEREAS the Council has the authority pursuant to the provisions of the Municipal Government Act, Revised Statutes of Alberta, 2000, Chapter M26, to adopt the said Bylaw No. 789.

NOW THEREFORE the Council of the Town of Killam, duly assembled, enacts as follows:

SECTION 1: PURPOSE

1. The purpose of this bylaw is to further define, beyond the requirements of the Municipal Government Act, rules of order to be followed in the operation of Council and Administration, for the purpose of governing the Town of Killam.

SECTION 2: DEFINITIONS

- (1) Agenda – the business which is to be dealt with at any particular meeting
- (2) Committee Representative – the person who has been given authority by motion of Council to represent the Town of Killam on any given Committee
- (3) Member – a member of Council
- (4) Orders of the Day – the written order of business and time schedule for a meeting of Council
- (5) Person – includes a corporation or representative of an organization
- (6) Point of Order – a demand that the Chair enforce the rules of procedure
- (7) Point of Privilege – a request made to the Chair or Council on any matter related to the rights and privileges of Council or individual Council Members, which include:
 - (a) comfort of Council Members
 - (b) conduct of Town officials, employees or members of the public in attendance at the meeting
 - (c) accuracy of the reports of Council’s proceedings
 - (d) reputation of Council Members or Council.
- (8) Postpone – to delay the consideration of any matter either to a definite time, for example, when further information is likely to be obtained, or indefinitely
- (9) Table – a motion to delay consideration of any matter in order to deal with more pressing matters, which does not set a specific time to resume consideration of the matter.

SECTION 3: REFERENCE SOURCE

1. If a question relating to the procedures of Council is not answered by this Bylaw, or the MGA, the answer is to be determined by referring to the most recent revision of Roberts Rules of Order Newly Revised.

SECTION 4: ORGANIZATION OF COUNCIL

1. Council shall hold an organizational meeting not later than two weeks after the third Monday in October of each year in accordance with the MGA.
2. At the organizational meeting, Council shall establish by resolution for the forthcoming year:
 - (a) The dates, times of commencement and locations of Regular Council Meetings.
 - (b) Appointment of Deputy Mayor
 - (c) Appointments to Boards and Committees
3. At the first meeting following a by-election for one councilor:
 - (a) The new councilor must take the Oath of Office
 - (b) Council should review Committee representation, and, where necessary make appointments.
4. All Committees shall be appointed on motion of a member and by consent of a majority of the members present at the meeting of Council.
5. The Mayor shall be an ex-officio member of all Committees and the Mayor as such member of the Committees, shall have all of the same powers and privileges of any member of the same Committee including the right to vote upon all questions to be dealt with by such Committee.
6. In any case where a member of a Committee is absent or is otherwise unable to attend meetings of the Committee of which he is a member, the Mayor may appoint a member of Council to attend the meetings of the Committee concerned.
7. A Special Committee may be appointed at any time by Council or by the Mayor acting upon the instruction of Council, providing only that a motion has been adopted specifying the matters to be dealt with by the Committee, and including the term of the Committee.

SECTION 5: REGULAR MEETINGS

1. Council will hold regular meetings on the dates established at the Organizational Meeting.
2. A Quorum of council shall be a majority of those members elected and serve on council, including the Mayor. If there is no quorum within half an hour after the time set for the meeting, the Administrator will record the names of the council Members present, and the meeting will be adjourned to the time of the next regular Council meeting. The agenda for the adjourned meeting will be dealt with at the beginning of the next meeting, unless a special meeting is called to deal with the business of the adjourned meeting.
3. The Mayor or other presiding officer shall preserve order, decorum and decide questions of procedure subject to an appeal to the council. The decisions of the Mayor or other presiding officer on procedure shall be final unless reversed by a majority vote of the members present without debate. A tie vote shall constitute defeat of the motion.

4. When the Mayor or other presiding officer is called upon to decide a point of order or practice, the point shall be stated without necessary comment, and the Mayor or other presiding officer shall cite the rule or authority applicable to the same.
5. Prior to the commencement of any new business, Council shall have the opportunity to note errors and omissions to the minutes of the preceding meeting of Council, following which the minutes shall be adopted by motion. Members of Council shall receive the minutes of the previous meeting as part of the Agenda package prepared in accordance with section 21 of this bylaw.
6. Whenever a vote on any order, resolution or question before Council or Committee cannot be taken because of loss of quorum, the loss of quorum resulting from:
 - (a) the excusing of a member or members of Council from voting by a resolution of Council, or
 - (b) the disqualification of a member or members of Council from voting.
7. If a quorum is lost for any reason, other than those aforementioned in section 17a or 17b, the meeting is at an end.

SECTION 6: AGENDA

1. Administration shall prepare the agenda of Council together with copies of all reports and communications to be dealt with at each regular meeting. The agenda with attachments shall be placed at the disposal of Council at least two (2) full working days prior to a Council meeting.
2. Items initiated by members of Council to be included in the agenda, are submitted through the officer of the CAO and shall be submitted as soon as possible before the meeting, especially if it requires background information to be provided.
3. Items initiated by Council, which arise after the agenda has been set, will be dealt with as deemed appropriate by Council.
4. The addition or deletion of agenda items after the agenda has been set requires a resolution of Council.
5. Any member of Council may, at the meeting at which an answer to an enquiry is given, move that the subject matter of the inquiry and the answer thereto, or any part of the inquiry or the answer thereto, be then debated and the Mayor or presiding officer shall put the matter to Council without comment. If a majority of members of Council present vote in favour of the motion, the subject of the motion shall be open for discussion.
6. Council must vote to adopt the agenda prior to transacting other business and may:
 - (a) add new items to the agenda by resolution;
 - (b) delete any matter from the agenda by unanimous vote.

SECTION 7: MINUTES

1. Council minutes must be prepared, which are to include:
 - (a) All decisions and other proceedings;
 - (b) Names of Council members present or absent from the meeting;
 - (c) Names of Council members who request that their vote be recorded on any specific motion;
 - (d) Any abstention pursuant to declaration of pecuniary interest, or any other abstention permitted by statute;

- (e) Signatures of the presiding officer and the Administrator to be signed after the minutes have been approved.
- 2. The minutes of each Council meeting must be distributed to the Council members prior to the meeting at which they are to be adopted.
- 3. The minutes must be adopted. If there are any errors or omissions, Council must:
 - (a) Pass a motion to amend the minutes;
 - (b) And adopt the minutes as amended.
 If there are no errors or omissions, Council must adopt the minutes as circulated.

SECTION 8: MOTIONS

1. The recording secretary shall reduce all motions to writing. When a motion is stated, and upon request by any member, it shall be read by the Mayor or other presiding officer, or recording secretary before debate.
2. No motion shall be offered that is substantially the same as one on which the judgment of the Mayor has already been expressed during the same meeting.
3. Whenever the Mayor or other presiding officer is of the opinion that a motion offered to Council contrary to the rules and privileges of Council, he shall appraise members thereof immediately, before putting questions, and shall cite the rule or authority applicable to the case without debate or comment.
4. A notice of motion must be given sufficient detail so that the subject of the motion and any proposed action can be determined, and it must state the date of the meeting at which the motion will be made. A notice may be given without discussion of the matter, but any written copies distributed should include an explanatory paragraph.
5. A motion to postpone an item may be made at any time during debate. It is indefinitely debatable, and debate may deal with the merits of the motion being postponed. If a motion is postponed to a definite time, it will take priority over all other unfinished business at that time, but it may not be brought back before that time without a motion to do so.
6. Any motion to limit or end debate cannot be debated, and it may only be amended as to the limit to be placed on debate.
7. A motion may be tabled to enable Council to deal with other more pressing matters. A motion can only be tabled by resolution of Council. A motion that has been tabled may be brought back at any time by a majority vote, and when brought back, it will take precedence over other new motions.
8. Any Council member may move that Council recess for a specific period. After the recess, business will be resumed at the point where it was interrupted. This motion may not be used to interrupt a speaker.
9. A motion to adjourn Council is always in order.
10. Whenever a matter of privilege arises, it shall be immediately taken into consideration.
11. Every amendment must be relevant to the question on which it is proposed. Any amendment offered which raises a new question can only be considered on a distinct motion after notice.
12. An amendment proposing a direct negative is out of order.
13. All amendments shall be put in the reverse order to that in which they are moved; and every amendment shall be decided upon or withdrawn before the main question is put to a vote. Only one amendment to the main motion at one time

shall be allowed, and only one amendment shall be allowed to an amendment at one time.

14. All motions for the appointment of any person to any office shall preclude any amendment.
15. No member may move to amend his own motion.
16. An amendment to an amendment should not enlarge the scope of the original amendment, but should deal with matters not covered by the amendment.

SECTION 9: RULES GOVERNING DEBATE

1. The Chair will determine the speaking order when two or more Council members wish to speak.
2. Every member in speaking to any question or motion shall address himself only to the Mayor or presiding officer.
3. During the reading of the minutes, reports, communications or other papers, and when a member or any other person is addressing the Council, silence is to be observed and no one is to be allowed to disturb the meeting.
4. Each Councilor will be given an opportunity to speak to a motion before it is put to a vote, unless a motion is passed to limit or end debate.
5. The Mayor or presiding officer may call to order any Council Member who is out of order. A member called to order shall immediately cease to speak but may afterwards explain, and the Council, if appealed to, shall decide the same without debate. If there is no appeal, the decision of the Mayor or other presiding officer shall be submitted to. When a Council Member has been warned about breaches of order, but continues to engage in them, the Mayor or other presiding officer may name the council member by stating his or her name and declaring the offence. The administrator must note the offence in the minutes.
6. If a Council member who has been named:
 - (a) apologizes and withdraws any objectionable statements, then that member may remain and continue participating in the meeting, and the Mayor or other presiding officer may direct that notation of the offence will be stricken from the record;
 - (b) fails or refuses to apologize, then that Council member must immediately leave Council Chambers and Council must vote on a motion to expel that Council member.
7. If a Council member has been expelled pursuant to Section 12.7, the member must leave chambers immediately. The Mayor or presiding officer may order the RCMP to remove an expelled Council member if that Council member does not leave voluntarily.
8. No member shall:
 - (a) speak disrespectfully of the Sovereign or any of the Royal family,
 - (b) speak disrespectfully of the Governor General or the Lieutenant Governor,
 - (c) speak disrespectfully of persons administering the Government of Canada or Alberta, nor shall he use offensive words in or against the Council or any member thereof,
 - (d) speak upon a matter except that which is under debate or reflect upon any vote of the Council except for the purpose of moving that such a vote be rescinded,
 - (e) break the rules of Council, or disturb the proceedings,
 - (f) disobey the decision of the Mayor or other presiding officer or of the Council on any question of order, practice or interpretation.

9. Any member may require the question or motion under discussion to be read at any time during debate but not so as to interrupt a member while speaking.
10. Upon a division of the Council on particular matter, those who wish to have the vote recorded may so signify to the Mayor or other presiding officer. The request for a recorded vote must be made before the vote is taken.
11. When a Council member wishes to leave the Council Chambers while a meeting of Council is in progress the member wishing to leave shall await formal acknowledgement of the Mayor or other presiding officer before leaving. The recording secretary shall record the time of the member's departure and return.
12. Where the departure of a member of Section 35(b) would cause a loss of Quorum, the Mayor or other presiding officer may recess the meeting if a member wishes to leave but intends to return.
13. If a member of Council is in conflict of interest or has a pecuniary interest in a matter before Council, the member of Council shall immediately gain the attention of the Mayor or other presiding officer, state that the member is in conflict or pecuniary interest and leave the meeting. The departure of the member and the reason for leaving shall be recorded in the minutes.
14. Where a member has left the meeting under Section 37, and Council amends the motion, Council shall recess to allow the Recording Secretary to advise the member of the amendment, and allow the member to determine if he is still in conflict.
15. Council shall not consider any other matter until the Recording Secretary has had the opportunity to advise the excused member that a new agenda item is before Council and allow the member to return to his seat.

SECTION 10: PUBLIC ATTENDANCE AT MEETINGS

1. Council meetings will be held in public and no person may be excluded except for improper conduct.
2. Members of the public are bound by the same rules of conduct as Section 9, and may be ordered by the Mayor or other presiding officer to leave the meeting if they break the code of conduct. The Mayor or other presiding officer may order the RCMP to remove a member of the public if the person does not leave voluntarily when ordered to do so.
3. A member of the public may address an issue only if they have previously indicated their item of business and been placed on the agenda prior to the agenda being printed and circulated.
4. The public may attend all public Council meetings as observers, but may not address the meeting unless they have previously been placed on the agenda. When Council deals with "In Camera" business, the public will be required to leave the Council Chambers.
5. Members of the public may not approach or speak to any Council member during a Council meeting, except with the permission of the Chair.

SECTION 11: BYLAWS

1. In accordance with the MGA, Council has the power to enact bylaws. This shall be done in accordance with Division 9, Section 187 to 191 of the MGA.
2. Notice of the proposed bylaw must appear by title and number on the agenda of the meeting at which it is to be considered.

3. When a proposed bylaw is read in Council, the Recording Secretary shall certify the reading and the date of the reading on the face thereof. When a bylaw has been read the third time and finally passed, Administration shall keep on file correct copies thereof including amendments, if any.
4. A proposed bylaw must be introduced at Council meeting by a motion that “Bylaw number (assigned number) be read for a first time.” Council may hear an introduction of the proposed bylaw from the administration, but there shall be no debate during First Reading.
5. After a motion for second reading has been made, Council may:
 - (a) debate the substance of the bylaw
 - (b) propose and consider amendments to the bylaw.
6. When a bylaw is being considered for third reading, any amendments which have been carried prior to the motion for third reading, will be considered to have been given first and second reading, and will be incorporated into the proposed bylaw. If amendments to the proposed bylaw have been carried:
 - (a) all Council members must be given an opportunity to review the full text of the amendments, and
 - (b) the Chair must put the question that “Bylaw Number (specify number) as amended, be given third reading.”
7. Every bylaw shall be read a third time before it is signed by the Mayor or other presiding officer. If a bylaw fails to receive third reading, it shall remain on the agenda to be dealt with at the next regular council meeting.
8. Every bylaw which is passed the Council shall immediately after being sealed with the Seal of the Corporation, and signed by the Mayor and the Administrator, be securely deposited by administration.

SECTION 12: COMMUNICATIONS FOR COUNCIL

1. Any written communication intended for Council must be:
 - (a) legible and coherent;
 - (b) signed by at least one person who provides a printed name and address;
 - (c) on paper;
 - (d) not libelous, impertinent or improper.
2. If the requirements of Section 12.1 are met, the administrator shall:
 - (a) inform the Council of the communication;
 - (b) if it relates to an item already on the agenda, deliver a copy of the communication to Council members with the Agenda or at the meeting;
 - (c) send a copy or a summary of it to all Council members for information; take any other appropriate action on the communication.
3. The Administrator shall make reasonable efforts to respond to the person sending communication, and to advise that person of any action taken on the subject of the communication.

SECTION 13: PRESENTATIONS & DELEGATIONS TO COUNCIL

1. As part of the regular Council Agenda, an opportunity is provided for presentations and delegations to Council. Presentations shall be limited to ten (10) minutes in duration.
2. All presenters or delegates must submit a request in writing for a presentation or delegation appointment to the administrator in advance of the Council Meeting date.

3. Delegations requesting reappearance on a specific matter shall only be permitted to do so if the information to be presented is new or a significant addition to that which was previously presented.
4. In asking questions to presenters or delegates, at the Council Meeting, whether statutory or otherwise, members of Council will ask only those questions which are relevant to the subject of the appointment and will avoid repetition of questions. Likewise, presenters or delegates speaking to a subject will be restricted to speaking on the subject matter only.

SECTION 14: PETITIONS

1. Council will consider only petitions that have been submitted to the administration and found to be sufficient under the regulations of the Municipal Government Act.

SECTION 15: COUNCIL RELATIONSHIP TO ADMINISTRATION

1. No member of Council shall have the power to direct or interfere with the performance of any work for the town unless directed or required by any legislation or regulation or when health and safety may be affected. Employee(s) shall be accountable only to the CAO and to the whole Council.
2. Formal Council enquiries shall be directed to the CAO who will determine the appropriate department(s) to respond.
3. The CAO shall act as the reception and distribution point for the communication network between Council and Administration.
4. All responses to enquiries made by Council (individually or as a whole) shall be distributed to all members of Council.
5. If an enquiry requires a substantial amount of research or involves a complex issue, the CAO may bring the enquiry forward to Council for additional or more specific direction.

SECTION 16: "IN CAMERA" SESSION

1. As part of the regular Council Agenda or Council Committee meeting, an opportunity is provided to conduct a Closed Meeting Session in order that deliberations may take place "in camera" where only members of Council, appropriate staff, Council authorized members of the public and subject matter experts or Committee members may be in attendance.
2. Council or Council Committees may close all or part of their meeting to the public if a matter to be discussed pertains to land matters, legal matters, business negotiations and labour matters.
3. All matters submitted for the closed meeting session must contain the criteria for the matter being in closed session and the name of the person making the request.
4. The Mayor or Deputy Mayor and the CAO must pre-approve any Closed Meeting submissions for the Council Agenda or Committee of the Whole prior to inclusion on the agenda. These matters may be added to the agenda subject to Council's approval.
5. When a meeting is in Closed Session, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting held in public.

SECTION 17: PUBLIC HEARINGS

1. Public Hearings shall be held in accordance with Section 230 and Section 692 of the MGA.
2. Public Hearings shall be advertised to the public as a minimum in 2 issues of a local newspaper immediately prior to the Public Hearing.
3. Public Hearings will normally be the first item of business on the Council Agenda of a Regular Council Meeting following the Approval of the Agenda and will normally be held in Council Chambers. On the advice of administration, and if the Council deems it appropriate the Public Hearing may be held in a venue other than Council Chambers.
4. Council may change the date, time, and place of a Public Hearing by Resolution. If any of this information is changed, the Public Hearing must be re-advertised.
5. Council may cancel a Public Hearing by Resolution.
6. On the advice of administration and should Council deem it appropriate, a Non-Statutory Public Hearing may be held at a date, time and place approved by Council Resolution.
7. The procedures for the conduct of a Non-Statutory Public Hearing shall be the same as those for a Statutory Public Hearing.
8. Conduct of a Statutory Public Hearing:
 - (a) The Mayor shall chair all Public Hearings.
 - (b) Once the Mayor has called the Public Meeting to order and identified the matter to be discussed, he shall review the process to be followed ensuring that the public is clear on the expectations relating to public feedback, rules for speaking, timelines and the process for decision making following the Public Hearing.
 - (c) Administration shall introduce the matter and provide background material.
 - (d) After administration has introduced the matter, the Mayor shall invite interested parties and members of the public to speak to the matter. If there is more than one person who wishes to speak, the Mayor shall establish the order of speaking.
 - (e) Members of the public who wish to speak shall be asked to speak from the podium and register their names on the sheet provided at the podium. The record of names is to ensure each speaker is identified correctly in the minutes.
 - (f) All those who wish to speak to a matter (for or against) may only speak once and shall be limited to 10 minutes. The Mayor shall advise the speaker when 9 minutes time has elapsed so that the speaker may sum up.
 - (g) The decision of the Mayor with regard to time limits to speak and the order of speaking shall be final.
 - (h) A delegation of more than one member shall be considered to be one person for the purposes of a Public Hearing and only a spokesperson shall be entitled to speak once only for a limit of 10 minutes regardless of the number of members of the delegation who may be present.
 - (i) The Council shall not debate an issue with any speaker, but each member of Council may ask a question for clarification of each speaker. All questions must be directed through Mayor.
9. Council may accept a written submission in lieu of a verbal presentation as long as the document is signed, dated and shows residence address of the person making the submission.

10. When all persons who wish to speak to an issue have been given their opportunity to speak, the Mayor shall declare the Public Hearing closed.
11. Once closed, a Public Hearing may not be reopened. Council may hold a second Public Hearing on the subject; however, it is subject to the same requirements of advertising and rules for speaking as the initial Public Hearing.
12. If a second Public Hearing is held on the same subject, and although Council may wish to encourage the receipt of new information, Council may not close debate solely on the basis that the information being given is the same as that received in the initial Public Hearing.

READ a first time this 22nd day of December, 2008.

READ a second time this 8th day of January, 2009.

READ a third and final time and finally passed this 8th day of January, 2009.

Mayor

Chief Administrative Officer