

BYLAW NO. 17-11-383

BEING A BYLAW OF THE COUNTY OF NORTHERN LIGHTS IN THE PROVINCE OF ALBERTA, FOR THE REGULATING OF THE FUNCTIONS, PROCEDURES, AND CONDUCT OF COUNCIL MEETINGS

WHEREAS, pursuant to Section 145 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, and any amendments thereto, Council by bylaw may provide for the guidance and regulation of the proceedings of Council meetings; and

WHEREAS, in accordance with the Act, Council deems it desirable to regulate procedures and conduct at meetings of Council;

THEREFORE the Council of the County of Northern Lights, in the Province of Alberta, pursuant to the terms of the Municipal Government Act, and any amendments thereto, **HEREBY ENACTS AS FOLLOWS:**

PART I: BYLAW TITLE

1. This Bylaw may be cited as the 'Council Procedures' Bylaw.

PART II: DEFINITIONS AND INTERPRETATION

2. In this bylaw:
 - (a) "Acting CEO" means the member selected by the Council to preside at a meeting thereof in the absence or incapacity of both the Chief Elected Official and Deputy Chief Elected Official,
 - (b) "Agenda" means the outline of business to be dealt with at regular, special or committee meeting of Council;
 - (c) "Bylaw" means a bylaw of the County of Northern Lights,
 - (d) "Chief Administrative Officer" [CAO] means a person appointed to a position under Section 205 of the MGA or any person she/he delegates under Section 209 of the MGA,
 - (e) "Chief Elected Official" [CEO] means the person elected or appointed as chief elected official under Section 150 of the MGA; and referred to as the Reeve,
 - (f) "Council" means the CEO and Councillors of the County of Northern Lights at the time, being elected pursuant to the provisions of the Local Authorities Election Act whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the MGA,
 - (g) "Councillor" means a duly elected member of council, including the CEO/Reeve,
 - (h) "Council Committee" means a committee, board or other body established by Council in accordance with Section 145(a) of the MGA,
 - (i) "Delegation" means any person(s) 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 committees, or to make a request of council,
- (j) “Deputy CEO/Deputy Reeve” means the member who is appointed by Council pursuant to the provisions of Section 152 of the MGA to act as CEO in the absence or incapacity of the CEO,
 - (k) "Designated officer" means a person appointed to a position under Section 210(1) of the MGA,
 - (l) “Emergent items” shall be considered as those items of an emergency nature that cannot be left until the next meeting or require immediate attention. When the nature of an emergent item is in question, its acceptance for the agenda shall be determined by a majority vote of council,
 - (m) “In Camera” means a meeting closed to the public to discuss matters where a public disclosure could be harmful and which fall under the exceptions to disclosure in the Freedom of Information and Protection of Privacy (FOIPP) Act (sections 16 to 29),
 - (n) "Member" means a member of Council, duly elected and continuing to hold office,
 - (o) "MGA" means the Municipal Government Act, Revised 2000, Chapter M-26; and any amendments thereto,
 - (p) “Motion” means to move a formal suggestion in a meeting and the resolution of same,
 - (q) “Municipality” means the County of Northern Lights, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality,
 - (r) “Notice of Motion” is a motion used when a member of Council wishes to reconsider, alter or rescind any motion already passed or action taken at a previous meeting; and must be given at a regular meeting preceding the meeting at which he/she wishes Council to reconsider the matter,
 - (s) “Points of Order” means a demand by a member that the Chair enforce the rules of procedure,
 - (t) “Point of Personal Privilege” means when a member of Council is personally offended by the remarks of another member and challenges that member to justify or apologize for the personal offence,
 - (u) "Quorum" means the majority of the valid subsisting members of Council, or in the case of the Committee, Board, Commission, or other organized and recognized group; unless the bylaw or resolution establishing such a body specifies a different quorum; the majority of members thereof determine as provided in Section 167 of the MGA,
 - (v) “Rescind” means to repeal, cancel or revoke,
 - (w) “Reconsider a motion/resolution passed at the same meeting” allows a motion to be brought back by a member who voted with the prevailing side, for the purpose of reopening the matter for debate,
 - (x) “Speaker” refers to any and all persons speaking at a meeting,

- (y) “Table” means a motion to delay consideration of any matter in order to either deal with more pressing matters, or to a specific time when further information is to be obtained, or indefinitely,
- (z) “Vote by raising hand” means each member present shall indicate a vote by raising his/her hand when the question is called by the chair for either “those in favor” or “those opposed”,
- (aa) “Withdraw a motion” permits a member to remove a question from consideration even after the motion has been restated by the chair,

PART III: APPLICATION

- 3. This bylaw applies to all members attending meetings of council and committees established by the County of Northern Lights Council.
- 4. Agendas/Order of Business
 - (a) An agenda shall be prepared for all meetings and shall list the order of business. Agendas shall be approved by the CAO or his/her designates, prior to the agenda being finalized and made available for distribution.
 - (b) The order of business on an agenda for a regular Council meeting shall include, but not be limited to, the following:
 - 1) Call the Meeting to Order
 - 2) Adoption of the Agenda (amendments may be made at this time)
 - 3) Adoption of Minutes of Previous Regular or Special Meeting/s
 - 4) Delegations
 - 5) Policies and Bylaws
 - 6) Municipal Business/CAO & Departmental Reports
 - 7) Ward and/or Committee reports
 - 8) Correspondence Items (for info)
 - 9) Open Mic
 - 10) In Camera
 - 11) Adjournment
 - (c) The agenda for a regular Council meeting, together with all pertinent correspondence and reports, must be submitted to each member of Council and County officials by pick-up, mail, fax, or electronically not less than three clear days before the time for commencement of the meeting for which it was prepared.
 - (d) The agenda shall be available to the public at the same time it is available to each member of Council, with the exclusion of any “In Camera” matters that may be within one of the exceptions to disclosure identified in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act*.
 - (e) All material for inclusion in the Agenda shall be in the hands of the CAO not later than 12:00 noon of the Wednesday immediately preceding the Tuesday on which the Council meeting is held for which the Agenda was prepared. Councillors wishing to add shall contact the Chief Elected Official/ Chief Administrative Officer prior to then and provide information on what and why for placing on the agenda.
 - (f) The order of business at a meeting is the order of the items on the agenda except:
 - i) when a previous meeting has been adjourned for lack of quorum and no special meeting has been called to deal with the business of the adjourned meeting, the agenda items from the adjourned meeting must be dealt with first, or

or by bylaw approved by council. Where appropriate authority is delegated to a Standing Committee, such committee and its mandate shall be established by bylaw.

5. Annual Organizational Meeting

- (a) The CAO shall fix the time and place for the first meeting of Council following the general election and annually but not later than two weeks after the third Monday in October.
- (b) At the first organizational meeting following a general election, the CAO shall call the meeting to order and have the Oath of Office administered. The CAO shall preside at all organizational meetings until the selection of CEO has been completed, whereupon the CEO shall assume the chair.
- (c) Council may pass a motion regarding voting by secret ballot for the selection of the CEO/Reeve, DCEO/Deputy Reeve, or any committee members.
- (d) Council's Organizational Meeting shall be held in accordance with provisions contained in the MGA and be for the purposes of:
 - 1. Selecting/Appointing a Chief Elected Official/Reeve,
 - 2. Selecting/Appointing a Deputy Chief Elected Official/Deputy Reeve,
 - 3. Appointments to Standing Policy Committees,
 - 4. Appointment/Assignment to Local, Regional Board, Commissions, Committees
 - 5. Determine Signing Authority Arrangements [banking, etc.],
 - 6. Setting Regular Council Meeting Schedule for Next Calendar Year at the first Organizational Meeting following a general election, the agenda will also include:

6. Places, Dates, and Times of Meetings

- (a) Council Meetings shall be held in the Council Chambers of the County Administration Building and established by resolution at the annual Organizational meeting through the adoption of the Annual Council Calendar.
- (b) Council may by resolution and two-thirds vote of the members present at any regular meeting of Council direct that:
 - (i) the next council meeting will be held on a day other than the Tuesday on which it would fall due; and
 - (ii) any meeting of Council may commence at any other time than that set for such a meeting in this Section.
- (c) If it has been decided, by resolution of Council, to hold any meeting of Council at any place other than Council Chambers, the CAO shall give notice to the public as per Section 8(c) of this Bylaw; and make note in the minutes of the Council meeting.
- (d) In accordance with Section 199 of the MGA a Council or committee meeting may be conducted by means of electronic or other communication facilities if:
 - (i) notice is given to the public of the meeting, including the way in which it is to be conducted,
 - (ii) the facilities enable the public to watch or listen to the meeting at a place specified in that notice and a designated officer is in attendance at that place, and
 - (iii) the facilities enable all the meeting's participants to watch or hear each other.

place, and

- (iii) the facilities enable all the meeting's participants to watch or hear each other.
- (e) Councillors participating in a meeting held by means of a communications mechanism are deemed to be present at the meeting.
- (f) Unless otherwise determined pursuant to the provisions of Subsections (c) Council meetings held for the purpose of Subsection (a) shall commence at 9:00 o'clock in the morning and shall continue not later than 4:30 o'clock in the afternoon of the same day.
- (g) Notwithstanding the provisions of Subsection (f) Council may upon an affirmation vote of a majority of the members present and voting, which vote subject to the provisions of Subsection (h) must be taken not later than 4:30 o'clock in the afternoon, extending the meeting beyond 4:30 o'clock.
- (h) Unless there has been a motion passed by the required majority within the prescribed time extending the Council meeting beyond 4:30 o'clock in the evening all matters of business which appear on the Council's 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.
- (i) If it appears to the CEO that any of the matters included in the agenda for a Council meeting which were not disposed of by the meeting prior to the adjournment thereof are of an urgent nature which requires action before the next regular meeting, he/she shall call, pursuant to the provisions of Section 194 of the MGA, a Special Meeting of Council to deal with such matters.
- (j) 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.

7. Quorum

- (a) If a quorum is present at the time set for the commencement of the meeting, or as soon thereafter as a quorum is present, the meeting is to be called to order by the CEO/Reeve, or in the absence of the CEO/Reeve, the DCEO/Deputy Reeve. In the absence of the CEO/Reeve and DCEO/Deputy Reeve, the CAO shall call the meeting to order and shall call for an Acting CEO to be chosen by a resolution of the meeting.
- (b) If a quorum is not present within thirty (30) minutes from the time set for commencement of the meeting, the CAO shall record the names of all the members present at that time, and unless a Special Meeting is duly called in the meantime, Council shall be deemed to be adjourned until the next Regular Meeting.
- (c) In the event a quorum is lost after the meeting is called to order, the meeting shall be suspended (*temporarily prevent from continuing*) until a quorum is obtained. If a quorum is not obtained within thirty (30) minutes, the meeting shall stand adjourned.
- (d) When Council is unable to meet for want of quorum, the Agenda delivered for the proposed meeting shall be considered at the next Regular Meeting prior to the consideration of the Agenda for the subsequent meetings or at a Special Meeting called for that purpose.

8. General Rules of Council

- (a) Motions or resolutions – these shall be placed before the Council by a mover and do not require a seconder.

- (b) If a member arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, it shall be recorded in the minutes.
 - (c) Public notice of a meeting to the public is sufficient if the notice is posted in the County office foyer within 24 hours of the start of the meeting.
9. Voting
- (a) All members of Council present, including the CEO/Reeve, shall vote on all motions except where provisions are made for abstention in the Municipal Government Act, he/she shall leave the Council Chamber during the debate and voting on the matter before Council.
 - (b) Any member of Council may request a recorded vote on any motion.
10. Delegations
- (a) Any delegation wishing to appear before Council or to address an agenda item not designated as a public hearing shall give written notice to the Executive Assistant no later than noon on the Wednesday preceding the meeting day. Such notice shall outline the name of the delegation and purpose of presentation.
 - (b) Meeting procedures and protocol shall be outlined to anyone wishing to address a Council or committee meeting.
 - (c) Delegations shall only speak on the matter which they have submitted to Council and which have been included on the agenda.
 - (d) Delegations may be limited in the time they are permitted, but shall generally be allowed 15 minutes for presentation and discussion, which may be extended or decreased at the discretion of Council.
 - (e) Where a matter has been presented to Council and has been dealt with by Council in any final matter, such matter shall not be heard by Council again until six months has elapsed after the time when Council previously disposed of the matter.
 - (f) Delegations shall be limited to 2 per meeting.
11. Minutes
- (a) Minutes of meetings shall be made available to the public as soon as is practical after the meeting.
 - (b) In the event a member of Council is absent from the meeting in which Minutes are passed which he/she considers requires corrections; he/she may address the correction.
12. In-Camera Sessions
- (a) The purpose of going “in-camera” is to keep discussion of confidential or legal matters covered by Div. 2 of the FOIPP Act, Chapter F-25, in private during Council meetings or Council committee meetings, until the matter is discussed at a meeting held in public.
 - (b) Council may not make motions while “in-camera” and shall refer items to a Council meeting if decisions are required, other than a motion to return to an open meeting.
13. Conduct of Meetings
- (a) Councillors and committee members shall carry out required duties to the best of their ability, be accountable for their decisions and actions, and strive to

- create a courteous, respectful atmosphere.
- (b) The presiding Chair shall maintain order and decorum at all Council meetings, and rule on points of order, citing the applicable governing rule or authority, without debate or comment.
 - (c) The presiding chair shall recognize who has the right to speak, rule on motions, and call members to order, as required.
 - (d) The presiding Chair shall encourage questions, treating them impartially, with sound judgement.
 - (e) No speaker shall be interrupted by private conversations or comments, except on a point of order or personal privilege.
 - (f) No individual may give specific direction to any staff member at any Council or committee meeting: such direction shall come from the full Council at a duly assembled meeting, as delegated to the CAO or designate.
 - (g) Any individual addressing a meeting shall not shout, use profane, vulgar or offensive language, or speak on a matter not before the meeting.
 - (h) Speakers shall not make personal comments about any staff or Council member, or any other person, or indulge in personalities, use language personally offensive, motives of members, charge deliberate misrepresentation, or use language tending to hold another member up to contempt.
 - (i) Speakers shall obey the approved rules of order, and shall be called to order by the Chair if they do not.
 - (j) A resolution may be withdrawn at any time before voting subject to no objection from any member, as the case may be.
 - (k) The following are NOT debatable by members:
 - (i) adjournment
 - (ii) to take a recess
 - (iii) point of order
 - (iv) to limit debate on a matter before members
 - (v) postpone or table the matter to a time certain
 - (l) 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 chair so directs.
 - (m) The chair of a meeting may expel from a meeting any member of Council or any persons from the public who disturbs the proceedings of Council by words or actions.
 - (n) The Chair may request an RCMP Officer to remove the person expelled if that person refuses to leave.
14. Reconsidering and Rescinding a Motion
- (a) When Council wishes to reconsider, alter or rescind any motion already passed or action taken at a previous meeting and when such matter does not appear on the Agenda, he/she shall bring the matter before Council by a Notice of Motion which shall:
 - (i) be given at a Regular Meeting preceding the meeting at which he/she wishes Council to reconsider the matter.

- (b) Where a matter on which Council has made a previous motion or taken a previous action is properly before Council as provided in this section, Council may by a simple majority pass a motion which alters, rescinds or conflicts with any previous action taken or motion made without specifying that the previous motion or action is being altered or rescinded and the provisions of such motion shall override the provisions of any previous motion with which they conflict.
- (c) Notwithstanding anything provided in this section where pursuant to any motion duly passed by Council the County has a contractual liability or obligation, Council shall not reconsider, alter, vary, revoke, rescind or replace the motion except to the extent that it does not attempt to avoid or interfere with the liability or obligation.

15. Term of Office

- (a) The term of office of Councillors is governed by the Local Authorities Election Act, whereby at a general election in the County the persons elected shall serve a four (4) year term of office; as provided in Part 5 Division 4 of the MGA.

16. Remuneration of Councillors

- (a) The Councillors may be paid honorarium; and be reimbursed for travel, subsistence and out of pocket expenses as determined from time to time by Council resolution or as provided for in the County's "*Remuneration Policy & Travel Policy*".

17. Amending and Repealing

- (a) Upon the Third and Final reading of this Bylaw, Bylaw No. 10-11-275 and Bylaw No. 13-11-318 are hereby rescinded.

18. Severability

- (a) 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.

19. Effective Date

- (a) This bylaw shall come into force and take effect on the Third and Final reading thereof.

Read for a **FIRST** time this 12th, day of September, 2017.

Read for a **SECOND** time this 12th, day of September, 2017

Read for a **THIRD** and **FINAL** time this 12th, day of September, 2017.



 Chief Elected Official



 Chief Administrative Officer