

**MUNICIPALITY OF CROWSNEST PASS**

**BYLAW NO. 655, 2005**

**A BY-LAW OF THE MUNICIPALITY OF CROWSNEST PASS, IN THE PROVINCE OF ALBERTA, TO DEAL WITH PROCEDURE AND THE TRANSACTING OF BUSINESS BY THE COUNCIL OF THE MUNICIPALITY OF CROWSNEST PASS.**

**WHEREAS** the Municipal Government Act (Statutes of Alberta, 1994, Chapter M-26.1) and amendments thereto, deal with meetings of Council, this By-Law, provides for the regulation of the proceedings of Council and the Committees thereof;

**NOW THEREFORE**, the Council of the Municipality of Crowsnest Pass, duly assembled, enacts as follows:

**PART I**

**TITLE**

1. This By-Law shall be known as the "Procedure By-Law" of the Municipality of Crowsnest Pass.

**PART II**

**GENERAL RULES OF COUNCIL**

1. Regular meetings of Council shall be held on the First, and Third Tuesdays of each month provided that where a regular council meeting falls on a holiday, the meeting shall be held on the next following day, not being a holiday, or on such other day as Council decides and committee of Council may be called at the discretion of the Mayor and/or Chief Administrative Officer by providing not less than two (2) days notice to the Council.
2. Regular meeting of Council shall commence at 7:00 o'clock P.M. and adjourn at 11:00 o'clock P.M., if in session at that hour, unless otherwise determined by a unanimous vote of the members present. Such a motion passed either while in Council or in Committee may extend the time of adjournment to not later than 12:00 o'clock midnight.
3. If there is no quorum present within half an hour after the time appointed for the meeting of Council the Chief Administrative Officer shall, call the roll and take down the names of the members present, and the Council shall stand absolutely adjourned until the next meeting, unless a special meeting be duly called in the meantime.
4. As soon after the hour of the meeting as there shall be a quorum present, the Mayor shall take the chair and call the members to order.
5. In the case where the Mayor or Deputy Mayor are not in attendance within fifteen minutes after the hour appointed for a meeting, and a quorum is present, the Chief Administrative Officer shall call the meeting to order and a chairman shall be chosen by the Councillors present to preside during the meeting until the arrival of the Mayor or Deputy mayor.
6. The Mayor or other presiding officer shall preserve order and decorum and decide questions of order, subject to an appeal to the Council, and the decision of the Mayor or other presiding officer shall be final unless reversed or altered by a majority vote of the members present without debate.

**Councillors must not**

- (a) speak disrespectfully of the Sovereign, the Governor General, the Lieutenant Governor, or of Council or any other governing body in Canada

- (b) use offensive words during Council or Standing Committee meetings or against Council, any Councillor or any other person
- (c) discuss a vote of Council after the vote has been taken, unless to move to reconsider, renew or rescind
- (d) break the rules of Council or disturb the proceedings, or
- (e) disobey the decision of the Chair or of the Council on any question of order, interpretation or practice
- (f) influence or communicate with any municipal employees except the Chief Administrative Officer or administrative personnel involved with committees of which they are members; any other communication or inquiries must be through the Mayor, Deputy Mayor or Chief Administrative Officer

The Chair must preserve order and decorum and decide all questions of procedure. When the Chair makes a decision on a question of procedure, he or she must give a reason for the decision.

The Chair may call to order any Councillor who is out of order.

A Councillor who is called to order must immediately stop talking, but must be given an opportunity to challenge the decision of the Chair before debate is closed. Council will decide the challenge without debate.

If a Councillor has been warned about breaches of order but continues to engage in them, the Chair may name the Councillor by stating his or her name and declaring the offence. The CAO must note the offence in the minutes.

If a Councillor who has been named

- (a) apologizes and withdraws any objectionable statement then he or she may remain and continue to participate in the meeting and the Chair may direct that the notation of the offence be removed from the minutes, or
- (b) fails or refuses to apologize, then he or she must immediately leave the meeting room and if he or she does not leave voluntarily, Council must vote on a motion to expel without debate.

If a Councillor who has been expelled refuses to leave the meeting room, the Chair may request the Royal Canadian Mounted Police to remove the expelled Councillor.

The Chair may order any member of the public who disturbs the proceedings of Council or a Standing Committee by words or actions to be expelled. If the person refuses to leave voluntarily, the Chair may request the Royal Canadian Mounted Police to remove the person.

7. When the Mayor or other presiding officer is called upon to decide a point of order or practice, the point shall be stated without unnecessary comment, and the Mayor or other presiding officer shall cite the rule or authority applicable to the case.
8. Every member wishing to speak to a question or motion shall address himself only to the Mayor or other presiding officer.
9. When two or more members wish to speak to a matter, the Mayor or other presiding officer shall decide who is entitled to speak, but a motion may be made that any person who is addressing the chair **“be now heard”** or **“do now speak”** and such a motion shall be put without debate.
10. Any member may require the question or motion under discussion, or any portion thereof, to be heard at any time during debate, but not so as to interrupt a member while speaking.

11. No member shall speak more than once to the same question without leave of the Council, except to ask a question or in explanation of a material part of his speech which may have been misconstrued, and in doing so he is not to introduce a new matter. A reply is allowed to a member who has made a substantive motion, but not to any member who had moved an amendment, the previous question or any instruction to a committee, and no member without the leave of Council shall speak to the same question, or in reply, for longer than ten minutes.

### **PART III**

#### **PROCEEDINGS AT MEETINGS**

1. a) Unless otherwise specified in the By-Law the order of business for a regular meeting of Council shall be contained in the Agenda for the meeting, which shall be prepared by the Chief Administrative Officer in conjunction with the Mayor and appropriate Committee. Council agenda material shall be provided to members of Council by 4:30 p.m. the Friday prior to the Tuesday Council or committee meeting.
- b) The Order of Business in the Agenda shall be as follows:
1. Call to Order
  2. Public Hearing (s)
  3. Adoption of Agenda
  4. Adoption of Minutes
  5. Delegation (s)
  6. Administrative and Agency Reports
  7. Business arising out of minutes
  8. Correspondence
  9. Committee Reports
  10. Bylaws
  11. Notices of Motion
  12. Other Business
  13. Council members Reports
  14. Public Input
  15. In Camera
  16. Adjourn
- c) The Order of Business established in the foregoing paragraph shall apply unless Council otherwise determined by a majority vote of the members present, and the vote upon a matter of priority of Council business shall be decided without debate.
- d) Notwithstanding the standard order of business, the Mayor and appropriate Committee may arrange for all items dealing with a particular subject to be grouped together on the agenda of any individual meeting.
- e) **Adoption of Agenda;** Council must vote to adopt the agenda prior to transacting any other business and may:
1. add new items to the agenda a majority vote, or
  2. delete any matter from the agenda by majority vote
- f) **Adoption of Minutes:** 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 ensuring that the minutes are accurate. If there are errors or omissions, Council must:
1. pass a motion to amend the minutes; and
  2. adopt the minutes as amended, and if there are no errors or omissions, Council must adopt the minutes as circulated.

- g) **Delegations:** After a person has spoken as a delegation, any Councillor may through the Mayor or other presiding officer, ask that person or the Chief Administrative Officer relevant questions but may not debate the matter or the answers.

The presentation by a delegation may only be

1. received as information without debate,
2. referred without debate to a Standing Committee or the Chief Administrative Officer for a report, or
3. debated if by a majority vote a resolution is passed to allow a motion to be made without notice

- h) **Information Reports:** An information report from a committee, agency or Administration that does not request Council action other than receipt as information may only be

1. received as information without debate,
2. referred to a Standing Committee or the Chief Administrative Officer by majority vote without debate, or
3. debated if by a majority vote a resolution is passed to allow a motion to be made without notice

- i) **Action Reports from Management Personnel:** Reports from the Chief Administrative Officer or other management personnel which request a decision by Council may be debated and Council may

1. vote on the request, or
2. refer the request to a Standing Committee or the Chief Administrative Officer for further investigation and report.

- j) **Inquiries;** Any Councillor 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.

- k) **Notices of Motion;** Any Councillor may make a motion introducing any new matter of municipal business only if

1. Notice is given at a meeting of Council held at least seven days before the meeting at which the motion is to be debated. or
2. Council passes a resolution by majority vote dispensing with notice.

A notice of motion must give sufficient detail 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 of motion must be given without discussion of the matter but any written copies distributed may include explanatory paragraphs.

When 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.

2. a) A person or a representative of any delegation or group of persons, who wish to bring any matter to the attention of Council, or who wish to have any matter considered by the Council shall address a letter or other communication to the Council outlining the subject to be discussed. The letter shall be typewritten or legibly written, signed by the correct name of the writer delivered or mailed to the office of the Chief Administrative Officer so that it arrives no later than 4:30 o'clock p.m. on the Wednesday immediately preceding the meeting at which it is to be presented and it shall contain the full mailing address of the writer. If he or she wishes to appear before Council it shall be so stated in the letter.
- b) When a communication contains a request for an appearance to address the Council, the Council by resolution may hear the person, refer him to a Committee or, if the Council deems the matter to be urgent, deal with it at once but such person shall not speak for more than ten (10) minutes allowing for a ten (10) minute question period, unless the time is extended by a unanimous vote of the Council.
- c) No person or group shall appear as a delegation to Council on the same or on a related subject, unless specifically requested by Council to do so.
- d) Public Input shall be limited to ten (10) minutes with questions limited to one per person.
3. a) When a group or a person wish to present to the Council a petition on any matter within its jurisdiction the petition must be typewritten or legibly written, clearly set out the matter at issue, be signed by at least two (2) persons, and the signature of the petitioners shall be according to Part 7 of the **Municipal Government Act** and indicate if a representative wishes to address the Council on the subject matter of the petition.
- b) Before considering a petition, the Council shall first refer it to any appropriate standing committee but if the petition concerns a matter which the Council deems urgent, or a personal grievance of the petitioner the Council may consider and may, of it deems the urgency of the matter so requires, take immediate action thereon.
4. When a person or representative of a delegation or group wishes to address the Council on a matter which is not on the agenda, the Council may refer the matter to any appropriate Committee, appoint a special Committee to deal with the matter, or deal with the matter itself at the meeting, if approved by a majority vote of Council.

#### **Part IV**

#### **MOTIONS AND PUTTING QUESTIONS ON RESOLUTIONS IN COUNCIL**

1. After a motion is read or stated by the Mayor or other presiding officer, it shall be deemed to be in the possession of the Council, but may be withdrawn at any time before debate or decision with the permission of the Council.

A motion to refer, until it is decided, shall preclude all amendments to the main question.

2. A motion is not required to be seconded.
3. When a motion is regularly before the meeting, it may be:
  - a) debated, i.e. may be spoken on
  - b) amended, i.e. modified by a subsidiary motion

- c) negated, i.e. defeated
  - d) withdrawn, i.e. withdrawn at the request of the maker with the permission of all members of Council present
  - e) laid on the table, i.e. laying a pending question aside temporarily
  - f) referred, i.e. turning the question over to a Committee for study
  
  - g) postponed, i.e. postponed to a certain time, a means of avoiding a direct vote until a later time
  - h) adjourned, i.e. a motion to close the meeting or adjourning to another place and time to continue the meeting, OR
  - i) the previous question may be moved, i.e. a motion may be made to close debate and amendment of a pending motion so that it will come to an immediate vote.
4. The previous question, until it is decided, shall preclude all amendment and debate of the main motion and shall be put forthwith without debate in the form:  
“**That the main question be now put**”, and if this question is resolved in the negative, then the main motion is superseded and the next item of business or motion must be submitted to Council.
5. No motion shall be offered that is substantially the same as one on which judgment of the meeting has already been expressed during the same meeting.
6. A motion to adjourn the Council or the debate shall always be in order but no second motion to the same effect shall be made until after some intermediate proceedings shall have been had.
7. a) Unless otherwise specifically provided in this By-Law the following motions are debatable by the Council:
- 1. A motion arising out of any matter or thing included in the agenda for the Council meeting at which it is debated.
  - 2. A motion concerning any matter or thing tabled indefinitely from a previous meeting of the Council or tabled for the meeting at which it is discussed.
  - 3. A motion for adoption of, rejection of, referral back or further consideration of a report to the Council, or a motion arising out of any matter dealt with in a report to the Council.
  - 4. A motion for the previous question.
  - 5. A motion for the second reading, or a motion for the third reading of a By-Law.
  - 6. A motion for the appointment or dismissal of a Committee, or referral to a Committee of any matter before the Council.
  - 7. A motion for the Council to go into Council Committee of the Whole.
  - 8. A motion for amendment to any By-Law properly before the Council, or to any matter arising directly out of any By-Law properly before the Council.
  - 9. Such other motion made upon routine proceedings of Council as may be necessary for conducting of the business of Council and the observance of its properties.

- b) When a motion has been made and is being considered by the Council, no other motion may be made and accepted except:
1. A motion to refer the main question to some other person or group for consideration.
  2. A motion to amend the main question.
  3. A motion to table the main question.
  4. A motion to postpone the main question to some future time.
  5. A motion for the previous question.
  6. A motion to adjourn the meeting, provided that a motion to table shall not be debated except as to the time when the matter will again be considered.
  7. 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 Mayor or other presiding officer so directs.
  8. After the Mayor or other presiding officer finally puts any question, 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 other presiding officer as to whether the question has been finally put shall be conclusive.
  9. Whenever the Mayor or other presiding officer is of the opinion that a motion is contrary to the rules and privileges of the Council, he shall appraise the members thereof immediately, before putting the question, and shall cite the rule or authority applicable to the case without argument or comment.
  10. Whenever any matter of privilege arises, it shall be immediately taken into consideration.

## **PART V**

### **ORDER OF PROCEEDINGS IN CAMERA**

1. The rules of the Council shall be observed in Camera as far as may be applicable
2. Where a majority of the members of Council present is of the opinion that it is in the public interest to go into Camera any Councillor or Councillors may by prior motion be excused, if appropriate pursuant to regulations of the MGA or the *Freedom of Information and Protection of Privacy Act*.
3. Council moving in Camera may by resolution exclude any person or persons from the meeting
4. Council meeting in camera has no power to pass any resolution or by-law apart from the resolution necessary to revert back to an open meeting.

## **PART VI**

### **READING OF PROPOSED BY-LAWS AND PROCEEDINGS THEREON**

1. When a proposed By-law is read in Council, the Chief Administrative Officer shall certify the reading and the date of the reading on the face thereof. When a By-Law has been read a third time and finally passed, the Chief Administrative Officer shall keep on file correct copies thereof, including amendments, if any.

2. A By-Law appearing upon the Council Agenda when listed as read for first reading shall be introduced by a member moving “*that By-Law No. (quoting the By-Law No.) be now read a first time.*” After first reading, the By-Law may be debated, referred or laid over. If a By-Law fails to receive First reading, then it may be struck from the agenda.
3. Every By-Law of general application shall be printed or otherwise duplicated so as to be available to all interested parties; other By-Laws shall be recorded and filed as well as amendments thereto, and the Chief Administrative Officer shall retain the original of every By-Law on file and properly record amendments thereto.
4. Every By-Law which has passed the Council shall immediately after being sealed with the Seal of the Corporation, and signed by the Mayor and the Chief Administrative Office, be securely deposited by the Chief Administrative Officer.

## **PART VII**

### **APPOINTMENT AND ORGANIZATION OF COMMITTEES OF COUNCIL**

1.
  - a) All standing and special committees shall be appointed on motion of a member of Council by consent of a majority of the members present at the annual organizational meeting of Council
  - b) Any member of the Council may be placed on a committee notwithstanding the absence of any such member at the time of his being named upon such committee.
  - c) The Mayor shall be an ex-officio member of all committees and the Mayor, as such member of the committees, shall have all the powers and privileges of any member of the same, including the right to vote upon all questions to be dealt with by such committees.
  - d) Ex-officio status is not conferred on any other elected official.
2. Each Standing Committee shall meet at dates and times to be recommended by each committee and approved by Council.
3. A special committee may be appointed at any time by Council or by the Mayor acting upon the instruction of Council, provided only that a motion has been adopted specifying the matters to be dealt with by the committee, and including the term of the committee.
4. The Deputy Mayor shall be appointed on a bi-monthly basis at the organizational meeting with the expectation that each Councillor will serve a two month term during the following 12 months.

## **PART VIII**

### **REGULATIONS FOR CONDUCTING BUSINESS IN COMMITTEE**

1. The business of standing and special committees shall be conducted in accordance with the rules governing procedure in the Council, as provided by committee bylaw
  - a) The Chairman shall preside at each meeting and shall vote on all motions submitted, and upon an equal vote the motion shall be defeated.
  - b) The name of the Chairman shall appear on all reports and recommendations made by a committee.

- c) In the absence of the Chairman, and unless another has been appointed by the Mayor or the Council, one of the other members shall be elected to preside and shall discharge the duties of the Chairman during the meeting, or until the arrival of the Chairman.

2. The general duties of the Committees of Council shall be as follows:

- a) To report to the Council whenever desired by the Council and as often as the interest of the Municipality may require, on all matters connected with the duties imposed upon each such committee and to recommend such action by the Council as it deems necessary within its terms of reference.
- b) To observe, unless otherwise specifically permitted, the rules prescribed by the By-Laws of the Council
- c) The reports of all committees shall be made to the Council prior to the same being given to the public

3. It shall be the duty of the Chief Administrative Officer to give notice of all meetings to all members of each committee and such other persons whose presence is desired, and to attend, or cause to be attended by an assistant, all meetings of the committees, and to ensure the recording of minutes, reports and requests of all such meetings.

**PART IX**

**PARLIAMENTARY RULES**

1. In all cases not provided for in the proceedings of the Council or in Committee, the law of the Parliament of Canada shall be followed, and in such cases the decision of the Mayor or other presiding officer shall be final and accepted without debate.

BY-LAW 526, 2000 AND AMENDMENTS THERETO ARE HEREBY REPEALED

This Bylaw shall take effect and come into force as of the date of the Final reading thereof.

Read a first time this 27<sup>th</sup> day of September, 2005.

CARRIED

Read a second time this 27<sup>th</sup> day of September, 2005.

CARRIED

Read a third and final time this 11<sup>th</sup> day of October, 2005.

CARRIED UNANIMOUSLY

JOHN IRWIN  
Mayor

**ORIGINAL SIGNED**

GORDON O. LUNDY  
Chief Administrative Officer