

**BYLAW #2008-758  
VILLAGE OF CARBON  
IN THE  
PROVINCE OF ALBERTA**

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

**WHEREAS**, The Municipal Government Act RSA 2000, Chapter M-26 provides that a council may pass bylaws respecting the desirable for effective governance to regulate the procedure and conduct of council, councillors, and others attending council and council committee meetings in the Village of Carbon.

**NOW THEREFORE**, the Council of the Village of Carbon, in the Province of Alberta, duly assembled, hereby enacts as follows:

**1. CITATION** – This bylaw may be cited as “The Procedure Bylaw”.

**2. DEFINITIONS**

- a) “Agenda” means the order of business for a regular or special meeting of Council prepared by the Municipal Administrator.
- b) “Committee” shall refer to the following bodies: Subdivision and Development Appeal Board, Municipal Planning Commission, Carbon & District Recreation Board, Carbon Tourism Committee, and any other board, commission, task force, or other body appointed by Council to perform an advisory function to Council, but does not include the Committee of the Whole.
- c) “Council” means the Mayor and the Councillors of the Municipality for the time being elected pursuant to the provisions of the Municipal Government Act and the Local Authorities Election Act.
- d) “Committee of the Whole” is Members of Council present at public meeting of Council sitting in committee.
- e) “Delegation” shall be one or more persons who have formally requested, and been granted, an audience with Council at a regular Council meeting, in accordance with this bylaw.
- f) “In Camera” means a meeting of Council that is held in private, excluding the public, and has been called in accord with the provisions of the Municipal Government Act. No formal decisions of Council are permitted in an “In Camera” Meeting.
- g) “Meeting” means any meeting of Council, including a Regular Meeting and a Special Meeting.
- h) “Member” means a councillor or person at large appointed by council to a committee of council.
- i) “Motion to accept as information” is a motion which is made for the purpose of acknowledging the particular item, report or recommendation under consideration and of having the item, report or recommendation placed on record for future reference with no additional action being taken at the present time.
- j) “Municipal Administrator” means the municipal administrator or chief administrative officer (CAO) or delegate for the Village of Carbon.
- k) “Municipality” means the Village of Carbon, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality.
- l) “Point of Information” is a request directed to the Mayor to another member or the staff for information relevant to the business or item being discussed.
- m) “Point of Order” is the raising of a question by a Member of Council with the view of calling attention to any departure from the Procedure Bylaw or the customary proceedings in debate or in the conduct of Council’s business.
- n) “Point of Procedure” is a question directed to the Mayor to obtain information on a matter of parliamentary law or the rules of Council regarding the business at hand in order to assist a Member of Council to make an appropriate motion, raise a point of order, or understand the parliamentary situation or the effect of a motion.

- o) "Presiding Officer" means the Mayor or in the absence of the Mayor, the Deputy Mayor or in the absence of the two, any other Member of Council chosen to preside at the meeting from those members of Council present.
- p) "Public Hearing" is a meeting of Council held in accordance with the Municipal Government Act.
- q) "Quorum" is a majority of members eligible to vote:
  - i) Village Council – Three (3)
  - ii) Council Committees – a majority of the appointed members present.
- r) "Resolution" means a motion made in Council.
- s) "Special Meeting" is a meeting called pursuant to the Municipal Government Act.
- t) "Tabling Motion" when used in a motion means that this issue is being discarded.

### **3. APPLICABLE**

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

### **4. SEVERABILITY**

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.

### **5. ORGANIZATIONAL MEETING OF COUNCIL**

- a) An organizational meeting of Council shall be held annually in accordance with the Municipal Government Act.
- b) The Municipal Administrator shall fix the time and place for the Organizational Meeting.
- c) Written notice of the organizational meeting of Council stating the time and place at which it is to be held, and the nature of the business to be transacted, shall be delivered to each Council member not less than 24 hours prior to the meeting.
- d) The Municipal Administrator shall take the chair by calling the meeting to order, administering the Oaths of Office to all Councillors; recording the election/appointment of the Mayor and Deputy Mayor and Oaths of Office and then shall turn the chair over to the Mayor.
- e) The regular meetings of Council shall be established by resolution of Council at its annual organizational meeting, including beginning time.
- f) The appointment of members to act on the committee list attached in Schedule "A" including any committee, commission, board or other bodies on which Council is entitled representation.

### **6. MEETINGS**

- a) All regular meetings of Council shall be held as decided in the organizational meeting, and the public shall be given notice.
- b) When the original day specified is a legal holiday, such meeting of Council shall be held upon the next day following which is not a legal holiday.
- c) Notice of changes to regular meeting dates and times to the public will be deemed sufficiently given by insertion of such changes in the "Village Column" in the local newspaper and/or in the main foyer at the Village Office.
- d) 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.

- e) If a quorum is not present within thirty (3) minutes after the time fixed for the meeting, the Municipal Administrator shall record the names of the members present and the meeting shall stand adjourned until the next meeting.
- f) Regular meetings of Council shall commence at 7:00 pm and adjourned not later than 10:00 pm. Upon a majority vote of Council the meeting may be extended in half hour increments but not later than 11:00 pm.

## **7. CONDUCT OF MEETINGS**

- a) Each member or delegate, as the case may be, shall address the chair but shall not speak until recognized by the chair.
- b) A resolution does not require a seconder.
- c) A resolution may be withdrawn at any time before voting subject to no objection from any member, as the case may be.
- d) Any action or direction from Council to the Municipal Administrator must be in resolution format.
- e) A Motion to Table a matter shall not be put forward until every member of council has had an opportunity to speak on the item, and will not be debated thereafter, except as to the time when council again consider the matter.
- f) The Presiding Officer, subject to being overruled by a majority vote of Council members, shall:
  - (i) maintain order and preserve decorum of the meeting
  - (ii) determine which member has the right to speak
  - (iii) ascertain all members who wish to speak on a motion have spoken thereon and all members are ready to vote by asking, "Are you ready for the question?" and shall thereafter call for the vote.
  - (iv) rule when a motion is out of order.
- g) Whenever the presiding officer is of the opinion that a motion is contrary to the rules and privileges of council, he shall inform the member thereof immediately, before putting the question, and shall cite the reasons applicable to the case without argument or comment.
- h) 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.
- i) When any Point of Order or Point of Procedure arises, it shall be immediately taken into consideration. The point shall be stated without unnecessary comment and the Presiding Officer shall cite the rule or authority applicable to same.
- j) When a Point of Information is raised, the Presiding Officer shall answer the question or direct the question to the appropriate Member of Council or the Municipal Administrator.
- k) The following resolutions are not debatable by members:
  - (i) Adjournment
  - (ii) To take a recess
  - (iii) Question of privilege
  - (iv) Point of order

- (v) To limit debate on a matter before members
  - (vi) On division of a question
  - (vii) Postpone the matter to a time certain
- l) In all cases not provided for in the proceedings of the council, a two-thirds majority of council shall determine to uphold the ruling of the presiding officer or not as the case may be.
- m) Voting shall be governed by the Municipal Government Act.
- n) If any member of Council wishes to have a recorded vote, the request for a recorded vote must be made prior to the vote being taken. The Presiding Officer shall directly ask every member in turn how they wish to vote on the matter at hand, and will be recorded in the minutes as such.
- o) A motion to rescind an action of Council may be offered at any time subsequent to the meeting at which the original motion was passed, upon service of a Notice of Motion by the member of Council intending to seek the rescinding of the motion. Any member of Council may make the motion to rescind; a majority vote of 2/3 of the members of Council is necessary for the passage of a motion to rescind.
- p) Notwithstanding anything provided in this section where pursuant to any motion duly passed by Council, the Municipality 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.
- q) Any motion made in the negative shall be ruled out of order.
- r) If any member of Council acts contrary to this section, he shall be immediately admonished by the Presiding Officer, and the Municipal Administrator shall record the same in the minutes.

## **8. LEAVING COUNCIL CHAMBER**

- a) Where a member wishes to leave the Council Chamber while a meeting of Council is in progress, he shall raise his hand and await the silent acknowledgement of the Presiding Officer before leaving his place.
- b) No member shall leave the Council Chamber after a question is put to vote until the vote is taken.

## **9. INQUIRY**

- a) Any member of Council requiring information may make an inquiry to the Municipal Administrator and that person shall, subject to 9 c), supply the necessary information within a reasonable time.
- b) Unless an inquiry from a Councillor specifies that he wishes the inquiry and the answer thereto to appear on a subsequent Council agenda, the Municipal Administrator shall send or give the answer directly to the member of Council making the inquiry and neither the inquiry nor the answer shall appear on the Council agenda.
- c) Where a members inquiry involves a written answer and it appears to the Municipal Administrator that a cost to the Village will be incurred by reason of
  - (i) time of Village employees, which must be taken from their regular duties must be used
  - (ii) the need to hire additional employees

- (iii) the necessity of obtaining and paying for the information from other than Village employees;

and no appropriation has been made for such expenditure in the budget of any department, the Municipal Administrator shall report the anticipated cost to Council and shall not proceed with the investigation necessary to answer the inquiry unless and until Council directs that the inquiry shall be made and provides for the payment of the costs.

## **10. DELEGATIONS**

- a) A personal or 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 council shall address a letter to the council outlining the subject to be discussed. The letter shall be signed by the correct name of the writer, the address of the writer, and delivered or mailed to the Municipal Administrator. The letter must arrive at least 1:00 pm on a business day at least four (4) days immediately preceding the meeting at which it is to be presented. If the person wishes to appear before Council on the matter is shall be stated in the letter.
- b) Delegates shall be granted a maximum of five (5) minutes to present the matter outlined in the letter.
- c) Delegations that have not submitted a letter in accordance with this bylaw may be granted a brief opportunity to outline the matter they wish to present to Council, and following that outline, the Presiding Officer and members shall determine if the delegation is to be granted time to present the matter.
- d) In questioning delegations, whether statutory or otherwise, members of Council will only ask questions of clarification which are relevant to the subject of the hearing and will avoid repetition. Delegations speaking to the subject will be restricted to speaking to the relevant subject matter only.
- e) Members of the public who attend a Council meeting shall maintain order and quiet.
- f) When a member of the public is addressing Council the member shall assume personal responsibility for any statement he quotes to Council or give the source of the information. Unfounded information or hearsay will be disregarded.
- g) Council shall, at its next regular meeting following the delegation presentation, make any decisions, if required, regarding the issue raised by the delegation; unless there is unanimous support for Council decision at the regular meeting which the delegation presentation was made, and the issue is discussed under the appropriate agenda heading.

## **11. PETITIONS AND LETTERS**

- a) Petitions shall be dealt with as per the Municipal Government Act.
- b) Letters directing items of business or concerns to Council shall be clearly written, or typed, and addressed to the Municipal Administrator and shall be legibly signed by the person bringing up the business or concern. Anonymous letters shall be disregarded.

## **12. AGENDA AND ORDER OF BUSINESS**

- a) Prior to each meeting, Municipal Administrator shall prepare a statement of the order of business to be known as the "Agenda" of all matters to be brought before Council. To enable the Municipal Administrator to do so, all documents and notice of delegation intended to be submitted to the Council shall be received by the Municipal Administrator not later than 1:00 pm on a business day at least four (4) days before the meeting.

- b) The Municipal Administrator shall place at the disposal of each member a copy of the agenda and all supporting materials not later than 4:30 pm two (2) days before the meeting.
- c) Where the deadlines in Section 9 are not met, the agenda and support materials shall be deemed to be acceptable when the agenda is adopted at the meeting.
- d) The business intended to be dealt with shall be stated in the agenda in the following order where applicable:
  - i) Call to Order
  - ii) Adoption of agenda
  - iii) Adoption of the previous minutes
  - iv) Business arising out of the minutes
  - v) Public Hearings
  - vi) Delegations
  - vii) Bylaws
  - viii) New Business
  - ix) Financial
  - x) Correspondence
  - xi) Councillor Reports
  - xii) Municipal Administrator Report
  - xiii) Confidential Items
  - xiv) Adjournment
- e) The order of business established in this section shall apply unless altered by the Presiding Officer with no objection from members, or otherwise determined by a majority of vote of the members present, and the vote upon a matter of priority of business shall be decided without debate.
- f) Committees of Council shall be established and governed by policy or bylaw approved by Council. Where appropriate authority is delegated to a Council Committee, such committee and its mandate shall be established by bylaw.
  - (i) No Board member shall issue or purport to issue any order, direction or instruction to any member of the Village of Carbon staff.
  - (ii) The Board shall cooperate with and encourage all organizations, public, private, civic, social and religious, within the Carbon community, supporting, promoting or working for any sport or recreation.
  - (iii) The Board shall hear and consider representations by any individual, organization or delegation of citizens with respect to recreation and act on such recommendations arising therefrom as the Board shall deem to be in the general interests of all community citizens.
  - (iv) The Board shall make complete annual reports to Council and shall make other reports from time to time as requested.
- g) The Municipal Administrator Report should include a follow-up summary on the action list provided through past Council directions.

### **13. PUBLIC HEARINGS**

- a) Public hearings shall be held in accordance with the Municipal Government Act. The Presiding Officer shall act as Chairperson and the Municipal Administrator shall act as Secretary.

**b) Procedure and agenda for the Public Hearing shall be as follows:**

- (i) Chairperson calls the meeting to order.
  - (ii) Chairperson introduces members of the hearing board and asks if there is any objection from the public on members of the board.
  - (iii) The Secretary relates the reason for the public hearing.
  - (iv) Oral and written submissions in favor of the purpose of the public hearing are heard in the order decided by the Chairperson.
  - (v) Members may ask questions on the favorable submissions.
  - (vi) Oral and written submissions against the purpose of the public hearing are heard in an order decided by the Chairperson.
  - (vii) Members may ask questions on the unfavorable submissions.
  - (viii) Secretary may provide any further information available and members may question the Secretary.
  - (ix) Appellant may offer rebuttal to opposing information.
  - (x) Board may go in-camera to deliberate but motion for decision must be in public.
  - (xi) Public hearing is concluded
  - (xii) Decisions must be made within a 15 day period of the public hearing and sent to the appellant in writing.
- c) Cross examinations, debating or questions from the public is not allowed.
- d) The public hearing may be adjourned to the next regular or special Council meeting if more information is required however a complete re-advertising must be done.
- e) Minutes of the public hearing will be included with the minutes of the Council meeting at which it is held.

**14. GENERAL**

- a) No member of Council shall resist the rules of Council, or disobey the decision of the Presiding Officer and Council on any question of order or practice or upon the interpretation of the rules of Council; and in case any Member of Council shall so resist or disobey, he/she may be ordered by Council by a majority vote to leave his/her seat for that meeting; and in case his refusing to do so, he/she may on order of the Presiding Officer, be removed therefrom by the Police, but in the case of ample apology being made by the offender, he/she may by vote of Council without debate be permitted forthwith to take his seat.
- b) Members of Council shall subscribe to the Ethical Guidelines of Conduct for members of Council, as per Schedule "B" attached to this Bylaw.
- c) Members of Council shall refrain from uttering malicious or libelous comments with respect to each other or members of Administration and Staff, either in Council Chambers or in the community at large.

- d) Where the relationship between two Members of Council has deteriorated to a point so as to significantly interfere with the normal conduct of Council business, as judged by themselves, a majority of Council, or the Mayor, the two Members of Council shall seek to mediate their differences by any of the following steps:
- (i) A joint meeting to resolve their differences;
  - (ii) A joint meeting with the Mayor as a neutral mediator to resolve their differences;
  - (iii) A meeting with the Council to resolve their differences.
- e) The reference book in resolving procedural disputed not covered in this Bylaw shall be Robert's Rules of Order.

#### 15. SIGNING AUTHORITY

Signing Authority shall be; one of the Mayor or Deputy Mayor, and one of the Municipal Administrator or the Assistant Administrator shall countersign all cheques, bylaws, applications or agreements of the Village of Carbon.

#### 16. EXCEPTIONS AND AMENDMENTS

If a matter of procedure arises that is not specifically covered in this bylaw, the matter will be decided by use of the Act, common sense and a simple majority vote of Council.

17. Bylaw 96-680 is hereby rescinded.


**READ A FIRST TIME** this 24<sup>th</sup> day of November, 2008


**READ A SECOND TIME** this 24<sup>th</sup> day of November, 2008

**Motion to proceed to third reading**

**CARRIED UNANIMOUSLY**

**READ A THIRD** and final time, and finally passed this 24<sup>th</sup> day of November, 2008

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Municipal Administrator