

## **Bylaw 10-2024**

OF THE TOWN OF BRUDERHEIM

(herein referred to as “the Municipality”)

IN THE PROVINCE OF ALBERTA

### **A BYLAW OF THE TOWN OF BRUDERHEIM IN THE PROVINCE OF ALBERTA TO PROVIDE RULES GOVERNING THE PROCEEDINGS AND THE REGULAR BUSINESS OF COUNCIL AND COUNCIL COMMITTEES.**

**PURSUANT** to section 145 of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended: Council may (1) by bylaw establish the procedures to be followed by Council (2) by bylaw establish Council Committees and other bodies, (3) by bylaw establish the functions of the committee or body and the procedures to be followed by it.

**WHEREAS** Council deems it necessary to regulate the procedure and conduct meetings of Council and committees established by Council.

**NOW THEREFORE**, pursuant to the authority of the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26, as amended, the Council of the Town of Bruderheim duly assembled, enacts:

#### **1. TITLE**

This Bylaw is known as the “Procedures Bylaw.”

#### **2. DEFINITIONS**

For the purpose of this Bylaw:

- a. “Act” means the Municipal Government Act, R.S.A. 2000, M-26, as amended.
- b. “Administration” means staff of the Town of Bruderheim.
- c. “Chair” means the Mayor, Deputy Mayor or presiding officer who presides over Council and committee meetings.
- d. “CAO” means the Chief Administration Officer for the Town of Bruderheim or someone designated by the CAO.
- e. “Councillor Inquiries” is that period of time set aside on an Agenda when Councillors may make an information request, program request, or provide notice of motion.
- f. “Committee” means a committee, board, commission, authority, task force or any other public body established by Council pursuant to section 145 of the Act (excepting the Library Board).
- g. “Committee of the Whole” means a Committee of the Whole Council where no bylaw or resolution, apart from the resolution necessary to revert to an open meeting, may be passed.
- h. “Council” and “Councillor” means all elected officials in the Town of Bruderheim, including the mayor.
- i. “Information Request” is an inquiry that can be dealt with either at a meeting or may require some interpretation of current policies, bylaws, or budget but can be responded to within ten (10) business days.
- j. “Program Request” is a request from a Councillor which:
  - a. has political budgetary or policy impacts; and
  - b. involves a significant amount of administrative time and resources to respond effectively to; and
  - c. requires a Council resolution for approval before any work is initiated.

- k. "In Camera" or a "Closed Meeting" means a meeting closed to the general public and municipal employees, as deemed appropriate, to discuss any matter that is one of the exceptions outlined in the FOIP Act, Part 1, Division 2.
- l. "Meeting" means duly constituted regular or special open meeting of Council where bylaws and resolutions are formally ratified.
- m. "Member" means a member of Council or a member of a committee.
- n. "Livestream" means audio and video footage is captured and streamed live via the internet, such that the content being streamed is not pre-recorded but filmed and streamed on the internet when it is happening.
- o. At the beginning of each Council meeting, the Town of Bruderheim will re-affirm its commitment to the Reconciliation Commissions Call to Action and the Rights of the Indigenous Peoples by reading of a statement intended to acknowledge that Indigenous Peoples are the original stewards of the land and recognize their relationships with the land, spirit world and other living beings.

### 3. APPLICATIONS

This Bylaw applies to the procedure and conduct of business at:

- a. all Council meetings, Committee of the Whole meetings, and Special Council Meetings. and
- b. all Committee meetings, except:
  - a. when Council has granted permission to a committee to establish its procedures.
- c. public hearings
- d. if a question relating to the procedure of Council is not answered by the Act or this Bylaw, the answer to the question is determined by referring to the most recent revision of Robert's Rules of Order Newly Revised.

### 4. CONDUCT

#### Conduct of Members:

The presiding Chair shall:

- a. maintain order and decorum at all meetings.
- b. rule on points of order, citing the applicable government rule or authority, without debate or comment.
- c. recognize who has the right to speak, rule on motions, and call Members to order, as required.
- d. encourage questions, treating them impartially and with sound judgment.
- e. start the meeting on time.

Members shall:

- a. 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. show respect for all participants and guests at all times, so there shall be no side comments or private conversations.
- c. actively participate in meetings with the intent of arriving at the best solutions for the Town of Bruderheim.
- d. If any Member acts contrary to section 4.2, he or she may be called to order by the Chair.
- e. Members who persist in a breach of the section after having been called to order by the Chair may, at the discretion of the Chair, be ordered to leave the meeting by the Chair.
- f. Following an apology, the Chair may decide to allow a member to resume participation in the meeting.
- g. A Member who leaves a meeting before adjournment shall advise the Chair and the departure time shall be recorded in the minutes.

#### Members of the Public:

- a. Any individual addressing a meeting shall not:

- b. shout, use profane, vulgar, or offensive language.
- c. speak on a matter, not before the meeting.
- d. make personal comments about any staff or Council member or any other person, use offensive language, charge deliberate misrepresentation, or use language *tending* intending to hold another member up to contempt.
- e. Speakers shall obey the approved rules of order and may be called to order by the Chair if they do not, at which they must immediately stop speaking unless permitted to explain.
- f. Members of the public who constitute an audience at a meeting shall maintain order and quiet and shall not applaud or otherwise interrupt any speech or action of the Members.
- g. The Chair may direct that any person in the audience who creates a disturbance during a meeting leave immediately, and if that person does not leave, may have them removed.

## 5. NOTICE OF MEETINGS

- a. In accordance with section 193 of the Act, for regular Council meetings, notice to Councillors and the public is not required unless there is a change, in which case the CAO or designate shall deliver notice to all members of the Council and to the public at least 24 hours prior to the day of the Council meeting;
- b. In accordance with section 194 of the Act, for special Council meetings, the mayor must provide at least 24 hours notice in writing to each Councillor and the public stating the purpose of the meeting and the date, time, and place at which it is to be held. However, a special Council meeting may be held with less than 24 hours notice to all Councillors and without notice to the public if at least two-thirds of the whole Council agrees to this in writing before the beginning of the meeting.
- c. In accordance with section 195 of the Act, for Committee meetings, notice shall be given to participants and the public at least 24 hours in advance.
- d. Council deems that providing notice in the following manner is sufficient pursuant to section 196(2) of the Act:
  - a. posting notice on the Town of Bruderheim website; and
  - b. posting a notice in Town Hall; and
  - c. electronic notification system.

## 6. MEETINGS

### Council Meetings

All Council and Committee Meetings shall.

- a. be open to the public, except for any Closed Session portions.
- b. held in accordance with provisions of the Act.
- c. have recorded minutes.

### Organizational Meeting

Council must hold an Organizational Meeting annually in accordance with the Act. At the Organizational Meeting Council:

- a. must establish a process for determining which Councillors will serve as Deputy Mayor throughout the year.
- b. may appoint Members of Council to Committees; any vacant appointments remaining after the Organizational Meeting will be referred to a subsequent regular or special council meeting.
- c. must conduct any other business as identified within the Organizational Meeting agenda.

### Regular Meetings of Council

Regular meetings of Council shall be held on the second and fourth Wednesday of each month at 7:00 p.m. at the Council Chambers, with the exception that:

- a. when the meeting falls on a legal holiday, the meeting shall be held on the first following non-holiday business day.
- b. the second meeting in July will be cancelled.
- c. the first meeting in August will be cancelled; and
- d. There will be one meeting in December.
- e. Any meeting may be cancelled or postponed by the resolution of the Council.

### Special Council Meetings

- a. A committee is hereby established called the "Committee of the Whole," with membership comprised of all members of the Council.
- b. The purpose of the Committee of the Whole is to review matters or receive information referred by Administration or by members of Council. Committee of the Whole may not make motions or take votes and shall refer items to a Council meeting if decisions are required, with the exception of making a motion to:
  - a. adopt meeting agenda.
  - b. recess the meeting.
  - c. table an item; and
  - d. move In Camera or out of In Camera
- c. The Committee of the Whole meetings shall be at the call of the Chair.

### Called by the Mayor as a Special Meeting

- a. The mayor may call Special Council meetings in accordance with section 194 of the Act whenever he considers it appropriate to do so. ~~They must~~ Meetings must be called if the mayor receives a written request for the meeting stating its purpose from a majority of Councillors.
- b. No matter other than that stated in the notice calling the special council meeting may be transacted at the meeting unless the whole council is present, and the council agrees to deal with the matter in question.

### Committees

- a. Council may establish Committees as necessary under the Act and may by bylaw set out terms of reference for each.
- b. Council shall review the terms of reference in the second year of the Councilor's term of office.
- c. Council may appoint members to a committee as follows:
  - a. Council member appointments to a Committee shall be made at the Organizational Meeting.
  - b. public member appointments shall be made as needed.
- d. The general responsibility of any Committee shall be to analyze any and all matters placed before it and indicate to Council by recommendation the ways and means of dealing with the said matters before it and to advise the course of action which in its considered opinion is necessary and expedient and shall include without limiting the said general responsibilities directed to it by Council.

### Committees shall:

- a. establish the date, time, and location of meetings.
- b. provide minutes and any written reports of committee activities to council regularly for approval.
- c. review and make recommendations to Council (at least annually) on all bylaws and policies dealing with the subject matter germane to that committee.

### Committees shall not:

- a. have the power to pledge the credit of the Town or commit the Town to any particular action.
- b. pass resolutions other than a motion to report to or make recommendations to Council.

### Quorum

- a. A quorum for meetings shall be a simple majority of the whole Council or Committee.
- b. For a Council and Committee of the Whole meeting, if a quorum is not present within 30 minutes of the start time set for a Council meeting, the CAO or designate shall record the names of the members present and council shall stand adjourned until the next regular meeting.
- c. If a quorum is not present within 15 minutes of the start time set for a committee meeting, the meeting will be rescheduled.
- d. If a quorum is lost at any time during a meeting, the meeting will be recessed. If quorum is not achieved again within fifteen (15) minutes, the meeting will be deemed to be adjourned unless a resolution was passed prior to losing the quorum to extend the recess period.

### Rules of Order

- a. The conduct of all Town business is controlled by the general will of the Members- the right of the majority to decide, accompanied by the right of the minority to require the majority to decide only after a full and fair deliberation constructively and democratically, of the issues involved.
- b. At no time is it intended that undue strictness of adherence to the rule of order intimidate members or limit full participation.
- c. Each individual wishing to address a meeting shall first be recognized by the Chair. The first person to raise a hand and address the Chair when the person speaking has finished and to be recognized by the Chair has the floor. Speaking while another is still speaking is out of order, except to make a point of order or to make a point of personal privilege.
- d. Debate begins when the Chair states the motion or resolution and asks, "Are you ready for the question?" If no one initiates discussion, the Chair calls for the vote.
- e. No member can speak twice to the same issue until everyone who wishes to have spoken on it once.
- f. All remarks must be directed to the Chair and be courteous.
- g. Individuals who arrive late for meetings shall only have prior discussion reviewed for them with the unanimous consent of all members present.
- h. The Meeting must be formally adjourned.

### Closed Session

- a. At the discretion of the Chair or the majority of the Members, a meeting may go to a closed session, subject to the following procedural requirements:
  - a. a motion is required to go into a closed session and must include the basis on which, under an exception to disclosure in Division 2 Part 1 of the Freedom of Information and Protection of Privacy Act, the part of the meeting is to be closed.
  - b. a motion is required to return to open session.
  - c. the times the meeting goes to a closed session and returns to an open session must be recorded in the minutes.
- b. The closed portion of the meeting will:
  - a. be chaired by the same person chairing the rest of the meeting.
  - b. be held without the presence of the public unless the chair invites one or more members of the public to participate in the closed session.
- c. No recording permitted during the closed portion of the meeting.
- d. The Council shall not pass resolutions or bylaws during In-Camera sessions. Any decisions reached by consensus during the closed session must be passed as motions when the regular meeting resumes.
- e. What is discussed in a closed session must remain confidential and may not be addressed at any other time or place unless brought forward as a motion and recorded in the regular meeting minutes.

### Electronic Recording of Proceedings

- a. Recording a meeting by a member of the public or media by electronic or other means is allowed unless, at the sole determination of the Chair, the recording is determined to be disruptive to the process or if the recording will inhibit or discourage any Member or the public from fully participating in the meeting, in which case the Chair may prohibit the recording of the meeting.
- b. Administration may record a meeting for the purposes of preparing the minutes.

### Electronic Meetings

- a. A meeting may be conducted using electronic or other communication facilities if:
  - a. notice is given to the public of the meeting, including the way in which it is to be conducted.
  - b. 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
  - c. the facilities enable all the meeting's participants to watch or hear each other.
  - d. there is a secure means by which the meeting participant can join and participate in the meeting.
  - e. Public participants may attend Council or Council Committee meetings using electronic or other communication facilities, provided the CAO/COO is present at the location specified in the meeting notice to ensure that the facilities enable the public to watch or listen to the meeting and that the facilities enable all the meeting's participants to watch or hear each other.
  - f. anyone intending to speak at a public hearing must register with the CAO or designate by 4:00 p.m. on the day prior to the public hearing if they wish to participate by electronic means.
  - g. anyone intending to speak at the public hearing may register with the CAO or designate in advance by 4:00 p.m. on the day prior to the public hearing or at the public hearing if they are participating in person.
- b. Members participating in a meeting held by means of a communication facility are deemed to be present at the meeting.
- c. A maximum of three (3) Members may participate in a meeting by electronic communication (provided that the technology permits participation by three (3) Members and that there is a secure way to access the technology).
- d. Members participating in a meeting by electronic communication may participate in any closed session provided they swear or affirm an affidavit supplied by the Administration and satisfy all other procedural safeguards to ensure confidentiality.
- e. Members may participate electronically in any Meeting, Committee of the Whole Meeting, or Committee Meeting. The Council encourages electronic participation at most five (5) times over one (1) year.

### Public Hearings

- a. Public hearings must be held in accordance with section 230 of the Act.
- b. On a matter included in the agenda of a regular or special Council meeting for the purpose of a public hearing, any individual or delegation may appear without prior notice.
- c. The Chair shall call three times for appearances from the gallery and, upon receiving no response, shall declare the public hearing closed.
- d. Members may, upon recognition by the Chair, direct questions to a delegate or Administration, but at no time shall a debate be entered into.

### Delegations

- a. Any person or delegation wishing to appear before Council or Committee or to address an agenda item not designated as a public hearing shall give written notice to the CAO by noon on the Wednesday preceding the meeting day.
- b. An instructional sheet setting out meeting procedures and protocol shall be supplied to anyone wishing to address a Council or Committee meeting.

- c. Any person or delegation addressing Council shall state name(s), address(es), and the purpose of the presentation.
- d. Delegations shall speak only on the matters they have submitted to the Council and included on the agenda.
- e. Delegations may be limited in the permitted time but shall generally be allowed fifteen (15) minutes for presentation and discussion, which can be extended or decreased at the discretion of Council.
- f. Approval of a delegation is subject to the mayor or CAOs' discretion.

#### **Conflict of Interest and/or Pecuniary Interest**

- a. Councillors must comply with all provisions of the council Code of Conduct bylaw in relation to conflict of interest and pecuniary interest.
- b. Committee members shall rigorously avoid situations which may result in claims of pecuniary interest, conflict of interest or bias.

#### **Chairperson**

- a. The mayor must preside as Chair when in attendance at a Council meeting unless the mayor has asked to step down as Chair, in which case, the Deputy or Acting Mayor or another Councillor must be called to take the Chair.

#### **Motions and Debate**

##### Rights in debate:

- a. Members, including the chair, may enter debate once a motion is on the floor, subject to the following:
- b. When a pending question is presented for consideration, the Chair shall recognize the member who made the motion to speak first and the other members.
- c. When two or more members wish to speak, the Chair shall name the member to speak first.

##### Motions:

The following procedural requirements apply to all motions:

- a. A Main Motion brings new business (the next item on the agenda) before the assembly.
- b. Council or Committees may deal with a motion on a subject which is not on the agenda with unanimous consent only.
- c. after a motion has been moved and has been stated or read, it shall be deemed to be in possession of the Council or Committee and may only be withdrawn by majority consent of the members present.
- d. every motion or resolution shall be stated or read by the mover, who shall speak first to the motion and close debate on the motion.
- e. any member may ask to have the motion under discussion read again at any time during the debate but may not interrupt a speaker to do so.
- f. the mover of a motion may speak and vote for or against the motion.
- g. when required by the Chair, a motion shall be in writing, and a copy shall be given to the CAO before such motion shall be open for consideration.
- h. no motion other than an amending motion or motion to table or refer shall be considered until any motion already before the meeting has been disposed of.
- i. A Notice of Motion may be given (and shall be given verbally and in writing to all members present) at any regular meeting, specifying the entire content of the motion to be considered but may not be dealt with at that meeting. The CAO shall receive a copy of any notice of motion upon adjournment of the meeting at which the notice was given and shall put it on the agenda for the next regular meeting unless otherwise instructed.

### Voting

- a. Once the motion has been put to a vote, no member shall debate further on the question or speak any words except to request that the motion be read aloud.
- b. When a question is put to vote, no member shall leave council chambers until the vote is taken.
- c. Any bylaw or resolution upon which there is an equality of votes shall be deemed to be defeated.
- d. except where the person is required or permitted to abstain from voting under the Act or any other legislation.
- e. A recorded vote on any matter will occur only when requested prior to call of question.

### Bylaws, Resolutions, and Policies

- a. Draft bylaws and policies shall be prepared by the appropriate committee or administration at the request of Council or a Committee and reviewed by the relevant Committee before being presented for approval. The agenda packages shall include Copies of the drafts according to Town procedure.
- b. Before a Bylaw is passed, it shall, in accordance with the Act, have three distinct and separate readings before it is adopted. Still, no more than two readings may occur at any Council meeting unless unanimous consent is taken before the third (3<sup>rd</sup>) reading.
- c. Council shall vote on the motion for the first reading of the bylaw without amendment or debate.
- d. When all amendments (if any) have been accepted or rejected, the motion for a second reading of the bylaw as presented or amended shall be considered.
- e. When a bylaw has received a third reading and has been passed, the mayor shall declare the bylaw adopted, and it becomes a municipal enactment, effective immediately unless the bylaw itself provides otherwise.
- f. Resolutions or motions shall come into effect as soon as they are passed unless they contain a deferred implementation.
- g. Policies shall be presented for discussion and passed by a simple majority and shall come into effect as soon as they are passed unless they contain a deferred implementation.
- h. Upon being passed:
  - i. A policy shall be signed by the CAO.
  - j. a bylaw shall be signed by the chair of the meeting at which it was passed and by the CAO and shall be embossed with the corporate seal of the Town.

## 7. AGENDA, ORDER OF BUSINESS & MINUTES

### Agendas for Council Meetings

- a. The CAO shall be responsible for preparing Council meeting agendas, including input from participants, Town staff and previous meetings.
- b. Council meeting agendas shall be made available to Members and the public at least two (2) business days prior to the time of the meeting on the Town of Bruderheim website.
- c. Only business listed in the agenda shall be undertaken at a council meeting unless a resolution to change it is unanimously passed.
- d. Council meeting agenda items and applications from delegations shall be accepted up to Wednesday noon prior to the meeting and approved at the discretion of the CAO.

### Order of Business

- a. Council Meetings shall use the following order of business unless changed by unanimous consent:
  - b. Call to Order
  - c. Public Hearing
  - d. Additions/ Deletions/ Changes to Agenda
  - e. Adopt Agenda
  - f. Delegations/ Proclamations
  - g. Adopt Minutes



- h. Council Information
- i. Bylaws
- j. Policies
- k. Request for Decision
- l. Reports
  - a. Council Committee Reports
  - b. Chief Administrative Officer Report
  - c. Chief Operating Officer Report
- m. Correspondence and Information Items
- n. Briefing Notes
- o. Other Correspondence
- p. Closed Session
- q. Adjournment

#### **Minutes**

- a. Minutes of all Meetings shall be recorded in accordance with the Act.
- b. At every regular Council and Committee meeting, minutes of the previous regular meeting and any special meeting held more than 48 hours prior to the current meeting shall be considered for adoption.
- c. Minutes shall include resolutions to go to closed session, out of closed session, and to adjourn the meeting.

### **8. REPEAL**

Town of Bruderheim Bylaw 06-2023 is hereby repealed upon a third and final reading of Bylaw 10-2024.

### **9. ENACTMENT**

This bylaw shall come into full force and effect at the beginning of the day it receives its third and final reading.

Read a first time this 11th day of December, 2024.

Read a second time this \_\_\_\_ day of \_\_\_\_\_, 2024.

Read a third time and finally passed this \_\_\_\_ day of \_\_\_\_\_, 2024.

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Mayor

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Chief Administrative Officer