

BYLAW 01-23
SUMMER VILLAGE OF MEWATHA BEACH

A BYLAW OF THE SUMMER VILLAGE OF MEWATHA BEACH, IN THE PROVINCE OF ALBERTA, IN RELATION TO THE ORGANIZATIONAL AND PROCEDURAL MATTERS OF COUNCILS, COUNCILLORS AND COUNCIL COMMITTEES

WHEREAS Section 145 (b) of the *Municipal Government Act*, RSA 2000, Chapter M-26, provides that Council shall by bylaw make rules for calling meetings and governing its proceedings, the conduct of its members, the appointment of committees, and for the transaction of its business; and

WHEREAS the *Municipal Government Act*, RSA 2000, Chapter M-26 provides that Council may establish committees to consider matters referred to them by Council, may appoint the members of such committees and may require reports of the findings or recommendations of the committees;

NOW THEREFORE, the Council of the Summer Village of Mewatha Beach enacts as follows:

1.0 SHORT TITLE

1.1. This bylaw is called "**The Procedural Bylaw**".

2.0 DEFINITIONS

In this bylaw:

2.1 "**Act**" means the *Municipal Government Act*, RSA 2000, Chapter M-26.

2.2 "**Business Day**" means a day on which the municipal offices are open for business.

2.3 "**CAO**" means the Chief Administrative Officer for the municipality or his/her designate.

2.4 "**Chair**" means the Mayor, Deputy Mayor or presiding officer who presides over Council and/or committee meetings.

2.5 "**CEO**" (Chief Elected Officer) means the Mayor.

2.6 "**Closed Meetings**" means at a meeting closed to the public to discuss Labor, Land or Legal. No motions may be made or passed at such a meeting.

2.7 "**Committee of the Whole**" means a committee of the whole Council where no bylaw or resolution, apart from the resolution necessary to revert back to an open meeting may be passed.

2.8 "**Council**" means the duly elected Mayor and Council of the Summer Village of Mewatha Beach for the time elected pursuant to the provisions of the Local Authorities Election Act and the Municipal Government Act whose term is unexpired, who have not resigned and who continue to be eligible to hold office under the terms of the related provincial statutes.

- 2.9 **“Council Committee”** means a committee appointed by Council under section 146 of the *Municipal Government Act*, RSA 2000, Chapter M-26 to provide advice and make recommendations to Council.
- 2.10 **“Electronic Meeting”** is a meeting held in two or more places with the participants using electronic means of communication.
- 2.11 **“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 unanimous vote of Council.
- 2.12 **“Freedom of Information and Protection of Privacy Act”** or **“FOIP”** means the *Freedom of Information and Protection of Privacy Act*, RSA 2000, Chapter F-25, as amended or legislation substituted therefore.
- 2.13 **“Mayor”** is the member of council duly appointed to office pursuant to section 150 (2) of the *Municipal Government Act*
- 2.14 **“Meeting”** means duly constituted regular or special open meetings of Council where bylaws and resolutions are formally ratified.
- 2.15 **“Member”** means a member of Council, duly elected and continuing to hold office.
- 2.16 **“Municipal Government Act”** means the *Municipal Government Act* RSA 2000, chapter M-26.1 of the Statutes of Alberta as amended or legislation substituted therefore.
- 2.17 **“Motion”** means a formal proposal by a member of Council in a meeting, that the group take certain action.
- 2.18 **“Notice of Motion”** is the means by which a Member of Council brings business before Council.
- 2.19 **“Person”** means a reference in discourse to the speaker, the person spoken to, or another person capable of having legal rights and duties.
- 2.20 **“Point of Order”** means a demand that the Chair enforce the rules of procedures.
- 2.21 **“Point of Privilege”** means a request made to the Chair or Council on any matter related to the rights and privileges of Council or individual Councilors and includes the:
- 2.21.1 Organization and existence of Council,
 - 2.21.2 Comfort of members,
 - 2.21.3 Conduct of employees or members of the public in attendance at the meeting.
- 2.22 **“Presentation”** means any person or persons that have the 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 committee.

- 2.23** *“Postpone”* means to delay the consideration of any matter to a definite time when further information is to be available.
- 2.24** *“Public Hearing”* is a Meeting:
- 2.24.1 To hear matters pursuant to the *Municipal Government Act*; or
 - 2.24.2 Other matters which Council directs be considered at a Public Hearing.
- 2.25** *“Quorum”* as outlined in the *Municipal Government Act* is the majority of all the Councilors that comprise the Council.
- 2.26** *“Summer Village”* means the Summer Village of Mewatha Beach a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Summer Village of Mewatha Beach.
- 2.27** *“Special Resolution”* means a resolution passed by two-thirds majority of all members.
- 2.28** *“Table”* means a motion to delay consideration of any matter during the same meeting.

3.0 STRUCTURE OF COUNCIL

- 3.1** The Council of the Summer Village of Mewatha Beach shall consist of three (3) Members of Council, with one (1) being the Mayor, one (1) being the Deputy Mayor, and the remaining member a Councillor.
- 3.2** All 3 members of Council shall be elected by a vote of all eligible voters of the Summer Village of Mewatha Beach.
- 3.3** The Chief Elected Official shall be designated annually at the Organizational Meeting and addressed as Mayor.
- 3.4** The Deputy Mayor shall be designated annually at the Organizational Meeting and addressed as Deputy Mayor.
- 3.5** Councilors shall be addressed as Councillor.
- 3.6** The Mayor may, at the discretion of the Mayor, permit the Deputy Mayor as per the Organizational Meeting; to chair a meeting of Council when the Mayor is in attendance.
- 3.7** The Mayor may, at the discretion of the Mayor, be an ad-hoc member of all Council committees and all bodies to which Council has the right to appoint members under the *Municipal Government Act*.
- 3.8** Seating of Councilors shall be as determined by the Mayor.

4.0 APPLICATION

The following rules shall be observed and shall be the rules and regulation for the order and conduct of business in all regular and special meetings of Council and its committees, all Closed meetings.

5.0 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.

6.0 MEETINGS AND PROCEEDINGS

This bylaw covers the following areas:

- 6.1** Rules of Order
- 6.2** Conduct
- 6.3** Pecuniary Interest
- 6.4** Agendas
- 6.5** Notice of Meeting
- 6.6** Meeting Etiquette
- 6.7** Regular, Special, Organizational and Committee meetings
- 6.8** Order of Business
- 6.9** Presentations
- 6.10** Public Hearings
- 6.11** Closed Meetings
- 6.12** Rights in Debate
- 6.13** Motions
- 6.14** Voting
- 6.15** Bylaws, Resolutions and Policies
- 6.16** Minutes
- 6.17** Spokespersons

6.1. Rules of Order:

- 6.1.1. All meetings of Council will follow the provisions of this Procedural Bylaw and will be carried out using the provisions of the *Municipal Government Act* and Roberts Rules of Order.
- 6.1.2. The conduct of all Summer Village of MEWATHA BEACH business is controlled by the general will of the Council and committee 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, in a constructive and democratic manner, of the issues involved.
- 6.1.3. At no time is it intended that undue strictness of adherence to the rules of order intimidate members or limit full participation.
- 6.1.4. All remarks must be directed to the Chair and be courteous.
- 6.1.5. Individuals who arrive late for meetings shall not have prior discussion reviewed for them except with the unanimous consent of all members present.
- 6.1.6. Quorum
 - 6.1.6.1. A quorum of Council meetings will be a simple majority of Council.
 - 6.1.6.2. A wait of twenty (20) minutes will be allowed to establish a quorum.

6.2 Conduct of Members of the Summer Village of Mewatha Beach Council

- 6.2.1 Councilors 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.
- 6.2.2 The presiding Chair shall maintain order and decorum at all Council meetings, and rule on points of order.
- 6.2.3 The presiding Chair shall encourage questions, treating them impartially, with sound judgment.
- 6.2.4 No speaker shall be interrupted by private conversations or comments.
- 6.2.5 No member of the Summer Village of Mewatha Beach Council may give specific direction to any staff member at any committee meeting; any direction shall come from the full Council at a duly assembled meeting, as delegated to the CAO or designate.
- 6.2.6 Any member of Council or the public shall not speak on a matter not before the meeting and shall not shout, use profane, vulgar or offensive language.
- 6.2.7 Members of Council and the public shall not make public personal comments about any staff or Council members.
- 6.2.8 Any member of the public who, while in the Council Chamber, interrupts and disturbs the proceedings of Council by words or actions shall be asked to leave by the presiding Chair. If the member refuses, the meeting shall be adjourned until the matter is resolved to the satisfaction of the Chair.

6.3 Pecuniary Interest

- 6.3.1 Anyone with a pecuniary interest as defined in Section 169 of the *Municipal Government Act* shall declare that interest and shall not participate in any debate or decision concerning the matter. Such pecuniary interest shall be recorded in the minutes.

6.4 Agendas

- 6.4.1 The CAO or designate shall be responsible for preparing meeting agendas, including input from members of Council, Summer Village of Mewatha Beach staff, and other participants as required.
- 6.4.2 An agenda may be amended by agreement of the whole Council or committee at the start of any meeting.
- 6.4.3 Meeting agendas shall be made available at least three business days prior to the time of the meeting.
- 6.4.4 Agenda items and applications from delegations shall be accepted up to one week prior to the meeting and approved at the discretion of the Mayor or designate.
- 6.4.5 Council must vote to adopt the Agenda prior to transacting other business and may: add new items, and delete any items from the agenda.

6.5 Notice of Meeting

- 6.5.1 Regular Council meetings: Notice to the members of Summer Village of Mewatha Beach Council and the public will be provided on the Summer Village of Mewatha Beach website.
- 6.5.2 Special Council meetings shall be called in accordance with Section 194 of the *Municipal Government Act*.
- 6.5.3 Notice of committee meetings shall be given to participants and the public at least one business day in advance.

6.6 Meeting Etiquette

- 6.6.1 Accepted conventions of meeting protocol shall be used to facilitate respect, orderly progression, and attentiveness.
- 6.6.2 The designated Chair shall start the meeting on time; explanation of a late start shall be included in the minutes.
- 6.6.3 Speakers shall raise their hands to be recognized by the Chair and shall then have the floor.
- 6.6.4 Respect for all participants and guests shall be shown at all times, there shall be no side comments or private conversations.
- 6.6.5 Active participation is expected, with the intent of arriving at the best solutions for the Summer Village of Mewatha Beach.
- 6.6.6 The next meeting must be scheduled (date, time, and location).
- 6.6.7 The meeting must be formally adjourned by the presiding Chair.

6.7 Regular, Special, Organizational and Council Committee Meetings

- 6.7.1 All Summer Village of Mewatha Beach meetings shall be open to the public, except for any Closed portions.
- 6.7.2 All Council and committee meetings shall be held in accordance with the provisions of the *Municipal Government Act*.
 - 6.7.2.1 The CAO or designate shall record the minutes of all Council and committee meetings and provide the required written reports of committee activities to the next regular Council meeting.
- 6.7.3 Council shall hold its regular meetings as required to adequately deal with the business of the Summer Village of Mewatha Beach, either at the Senior Center in Boyle, online via Zoom Videoconferencing, or at an alternate location if neither of those are available.
- 6.7.4 No council meetings shall be held on Federal or Provincial holidays.
- 6.7.5 Special Council meetings shall be called in accordance with the *Municipal Government Act*.
- 6.7.6 Council may establish Council committees and other bodies as necessary under the *Municipal Government Act* and shall determine Terms of Reference for each.
- 6.7.7 Committee members shall be appointed annually by Council at the annual organizational meeting.
- 6.7.8 Each committee is responsible for reviewing and making recommendations to Council on all bylaws and policies dealing with subject matter germane to that committee.
- 6.7.9 Each committee is responsible for reviewing from time to time its Terms of Reference.
- 6.7.10 Committee meetings shall set date, time and location.
- 6.7.11 Committees may pass no resolutions other than a motion to report to or make recommendations to Council.
- 6.7.12 No committee has the power to pledge the credit of the municipality or commit the municipality to any particular action.
- 6.7.13 Meetings should not exceed 2 hours in length.
- 6.7.14 The annual Organizational Meeting must be held at a designated time in accordance with the *Municipal Government Act*.
- 6.7.15 When two (2) or more elected officials participate in Council or committee meetings through an electronic device or other communication facilities, that meeting will be deemed to be a meeting through electronic communication or as per the *Municipal Government Act*.

6.7.16 In any case where a member of a committee is absent from the Summer Village of Mewatha Beach or is otherwise unable to attend meetings of the committee of which he/she is a member, the Mayor may temporarily appoint a member to that committee, with such appointment being restricted to one meeting unless authorized by Council.

6.8 Order of Business

Council and Summer Village of Mewatha Beach committees shall use the following order of business unless changed by unanimous consent. Council will address confidential (Closed) items where possible at the monthly Committee of the Whole meeting. 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 vote of the members present, and the vote upon a matter of priority of business shall be decided without debate.

Councilors shall provide verbal or written committee reports at the next Council meeting following a committee meeting.

6.9 Agenda Template

The following is the template that will be used for all Council meeting agendas:

- (1) Call to Order
- (2) Adoption of Agenda
- (3) Adoption of Minutes
- (4) Delegations/ Public Hearings
- (5) Finance
- (6) CAO Report
- (7) Bylaws/Policies
- (8) Business Arising *
- (9) New Business
- (10) Correspondence
- (11) Closed Session
- (12) Next Regular Meeting
- (13) Adjournment

6.10 Public Hearing Procedures

6.10.1 The Mayor or designate declares the Public Hearing open and states that the Hearing is held pursuant to the relevant section of the *Municipal Government Act, 2000*, as amended.

6.10.2 The Mayor requests the CAO to confirm:

6.10.2.1 What the purpose of the Public Hearing is

6.10.2.2 That the Public Hearing notice was advertised in the local newspaper.

6.10.2.3 That any written submissions received and not included in the Public Hearing agenda package are read into the record.

6.10.3 The Mayor or designate states that all persons giving oral presentations are to clearly state their name and that presentations are to be brief and to the point.

- 6.10.4 The order for the Public Hearing presentation will be:
 - 6.10.4.1 Administrative staff
 - 6.10.4.2 Those in favor
 - 6.10.4.3 Those opposed
 - 6.10.4.4 Any other person deemed to be affected and wishes to be heard
- 6.10.5 The Mayor or designate may allow questions from members of Council after each presentation.
- 6.10.6 The Mayor or designate may allow a concluding statement from those who have made a presentation.
- 6.10.7 After all presentations are made the Mayor or designate will declare the Public Hearing Closed.

6.11 Closed Meeting

- 6.11.1 Any "Closed Meeting" items are approved by the Mayor and CAO in accordance with the provisions of the *Municipal Government Act* the *Freedom of Information and Protection of Privacy Act*.
- 6.11.2 The "Closed Meeting" portion of the agenda will be distributed to members of Council and other essential persons at a Council meeting and returned to the CAO prior to the "Closed Meeting" portion being closed.
- 6.11.3 In accordance with the *Municipal Government Act*, Section 153 and the *Freedom of Information and Protection of Privacy Act*, all members are required to keep in confidence matters discussed In Closed Meeting until the item is discussed at a meeting held in public.
- 6.11.4 In accordance with the *Municipal Government Act*, Section 197, when a council or council committee returns to regular session, the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend the Closed Meeting session.
- 6.11.5 Closed meeting is closed to all members of the public and staff, except at the discretion of Council.
- 6.11.6 Under the *Freedom of Information and Protection of Privacy Act*, Boards may close all or part of their meetings in accordance with the *Municipal Government Act*.
- 6.11.7 Any meeting of Council will go In Closed Meeting by motion and the times going in and coming out of Closed Meeting shall be recorded in the minutes.
- 6.11.8 Council shall not pass resolutions or bylaws during "Closed" meetings. Any decisions reached by consensus during the "Closed" meeting must be passed as motions when the regular meeting resumes.
- 6.11.9 No record of discussion taking place In Closed Meetings will be kept.

6.12 Rights in Debate

- 6.12.1 Debate shall follow Roberts Rules of Order

6.13 Motions

- 6.13.1 Motions shall be made according to Robert Rules of Order
- 6.13.2 Where the Summer Village of Mewatha Beach has a contractual liability or obligation, Council shall not reconsider, vary, revoke, or replace any motion except to the extent that it does not avoid or interfere with such liability or obligation.
- 6.13.3 The following motions are not debatable by members:
 - 6.13.3.1 Adjournment

- 6.13.3.2 To take a recess
- 6.13.3.3 Question of privilege
- 6.13.3.4 Point of order
- 6.13.3.5 To limit debate on a matter before members
- 6.13.4 A Point of Privilege pertains to noise, personal comfort, etc. and should only interrupt discussion if unavoidable.
- 6.13.5 A Parliamentary Inquiry is a query as to the correct motion, to accomplish a desired result, or to raise a Point of Order.
- 6.13.6 A Point of Information generally applies to a question asked of the speaker
- 6.13.7 Point of Order refers to an infraction of the rules or improper decorum in speaking and must be raised as soon as the error is made.
- 6.13.8 To Amend is to insert or strike out words or paragraphs or substitute whole paragraphs or resolutions; this motion may be made by any member. There will be no more than two (2) amending motions on the table at any one time.
- 6.13.9 Amendments shall be voted on in reverse order to that in which they are moved, and all amendments shall be decided on or withdrawn before the original motion is put to a vote.
- 6.13.10 To Withdraw or Modify a Motion can be done only after a motion is stated; mover can accept an amendment without obtaining the floor.
- 6.13.11 To Refer is to state which committee or administration sector is to receive the motion for research/further information, and shall include terms, timelines, and necessary explanations.
- 6.13.12 To Limit Debate is to close debate at a set time or limit it to a set period.
- 6.13.13 To Postpone is to state the time the motion or agenda item will be resumed (usually the next regular meeting) and must be passed by a majority of members present. It shall appear on the agenda for the meeting date specified as an item of unfinished business.
- 6.13.14 To Table is to temporarily set aside an issue and bring it back at the same meeting.
- 6.13.15 To Reconsider can be made only by an individual on the prevailing side who has changed position or view.
- 6.13.16 To Appeal the Decision of the Chair is an appeal which the assembly must decide and must be made before other business is resumed; NOT debatable if it relates to decorum, violation of rules, or order of business.
- 6.13.17 To Suspend the Rules allows a violation of the assembly's own rules; the object of the suspension must be specified.
- 6.13.18 A Motion to Adjourn is not subject to debate and will be voted on immediately.

6.14 Voting

- 6.14.1 Voting shall be made in accordance to Robert's Rules of Order.

6.15 Bylaws, Resolutions and Policies

- 6.15.1 Bylaws and resolutions shall be created and dealt with according to the provisions of the *Municipal Government Act* and Roberts Rules of Order.
- 6.15.2 Draft policies shall be prepared at the request of Council or a committee by the appropriate committee or staff and shall be reviewed by the appropriate committee before being presented for

approval. Copies of the drafts shall be included in the agenda packages according to Summer Village of Mewatha Beach procedure.

6.15.3 Policies shall be presented for discussion, and passed by simple majority, and shall come into effect as soon as they are passed unless they contain a deferred implementation.

6.16 Minutes

6.16.1 Minutes of all proceedings of regular and special Council and committee meetings shall be recorded in accordance with the *Municipal Government Act*.

6.17 Spokespersons

6.17.1 The Mayor speaks for the Summer Village of Mewatha Beach unless that power is designated to another person, on a case-by-case basis only.

6.17.2 Individual Councilors or committee members have no authority to act outside established bylaws and policy.

6.17.3 Democratic process includes the right to debate, question, and discuss, but once a decision is made, that is the recognized decisions of Council.

6.17.4 Councilors and committee members should remember that advocacy and information for ratepayers are part of their responsibilities, but always within parameters set by Council decisions.

6.17.5 No special interests shall be promoted over the common interest.

6.17.6 Councilors and committee members who are approached about issues not covered by policy or bylaw shall bring such concerns to Council, and not attempt to resolve them; Council shall forward them to Administration or committee, as appropriate.

7.0 SEVERABILITY

If any section or sections of this Bylaw or parts thereof are found in any court or law to be illegal or beyond the power of Council to enact, such Section or Sections or parts thereof shall be deemed to be severable and all other Sections or parts of the Bylaw shall be deemed separate and independent therefrom and to be enacted as such.

8.0 RESCINDING

There is no prior Procedural Bylaw to rescind.

9.0 COMING INTO FORCE

This Bylaw shall come into effect upon the third and final reading and signing of this Bylaw

READ a first time this 22nd day of April 2023.

READ a second time this 27th day of May 2023.

READ a third and final time this 22nd day of July 2023.

Mayor

Chief Administrative Officer

SCHEDULE "A"

Making a Presentation at a Council Meeting

Council encourages members of the public to express their views and concerns on municipal issues and believes that the procedures for public input should be fair to all those who attend Council meetings.

- (1) Any person wishing to appear before Council or to address an agenda item not designated as a public hearing shall provide written notice to the CAO no later than noon one week prior to the meeting date.
- (2) Approval of a presentation is subject to the Mayor's or designates discretion.
- (3) Any person or delegation addressing Council shall state name(s), address(es), and the purpose of the presentation, if requested by Council.
- (4) Presenters/delegates shall speak only on the matters for which they have submitted to Council and have been included on the agenda.
- (5) Presenter/delegates may be limited in the time they are permitted, but shall generally be allowed 5 minutes for presentation and discussion, which time can be extended or decreased at the discretion of Council.
- (6) Council may ask questions of the presenter/delegation which are relevant to the subject of the presentation.

Presenters/delegates shall respect the formal nature of the Council meeting and abide by the underlying parliamentary principles associated with dignity and decorum in public assemblies. Presenters/ delegates shall refrain from making negative references to any individual or group including but not limited to, members of Council, Summer Village of Mewatha Beach staff, boards or committees etc. and shall use polite and respectful language when addressing Council.