

# SUMMER VILLAGE OF BIRCHCLIFF PROCEDURAL BYLAW BY-LAW 205-18

*A By-law of the Summer Village of Birchcliff to regulate the proceedings of Council of the Summer Village of Birchcliff and to define certain of the duties of Council.*

WHEREAS, Section 145 of the *Municipal Government Act*, being Chapter M26.1 of the Revised Statutes of Alberta, 2000, provides that Council may make rules and regulations for called meetings, governing its proceedings and the conduct of its members; and

WHEREAS, Council of the Summer Village of Birchcliff, in the Province of Alberta, consider it desirable to adopt a procedural bylaw.

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

## 1. DEFINITIONS AND INTERPRETATION

In this Bylaw words meaning male person include female persons.

In this Bylaw:

- a) **“Acting Mayor”** is the Deputy Mayor selected by Council to preside at any meeting of Council in the absence or incapacity of the Mayor;
- b) **“Administrator”** means the Chief Administrative Officer of the Summer Village of Birchcliff;
- c) **“Agenda”** is the list of items and order of business for any meeting of Council or its committees;
- d) **“Business Arising”** is any item of business which a member of Council wishes to place before Council by means of a motion that arises as a natural consequence of, and is directly related to, any matter which Council has just considered;
- e) **“By-law”** is a bylaw of the Summer Village;
- f) **“Council”** is the Mayor, Deputy Mayor, and Councillor for the time being elected pursuant to the provisions of the *Municipal Government Act* whose term is un-expired, who have not resigned and who continue to be eligible to hold office as such under the terms of the *Municipal Government Act*;
- g) **“Mayor”** is the member of Council duly elected as mayor and continuing to hold office, and is the presiding officer at all meetings of Council;
- h) **“Public Hearing”** is a meeting of council which is convened to hear matters pursuant to:
  - i. the *Municipal Government Act*
- i) **“Quorum”** means the majority of the valid, subsisting members of Council, or in the case of the Committee, Board, Commission or other organized and recognized group, a majority of the members thereof.
- j) **“Regular Meeting”** is a meeting of Council held in accordance with Section 193 of the *Municipal Government Act*.
- k) **“Special Meeting”** is a meeting called by the Mayor pursuant to the *Municipal Government Act*;
- l) **“Unfinished Business”** is business which was on the Agenda at the same or a previous meeting and which was not completed.

## 3. APPLICATION

1. This By-law applies to all meetings of Council.
2. In the event of any conflict between the provisions of this Bylaw and those contained in any of the authorities set out above, the provisions of this Bylaw shall apply.
3. Any provision of this Bylaw may be temporarily altered or suspended by an affirmative vote of two-thirds of all members.

**4. AGENDA**

1. The agenda shall list the items and order of business to be conducted at the meeting.
2. The Administrator shall ensure copies of the Agenda are:
  - a) Delivered via post, courier, electronic or hand so that they will be received in each case not less than five days before the time for commencement of the meetings for which they were prepared;
  - b) Distributed to all Council members; and
  - c) Made available to the general public as requested.
3. Material received after the completion of the agenda package may be accepted as an addition to the agenda at the scheduled Council meeting.

**5. ORGANIZATIONAL MEETINGS**

1. An organizational meeting of Council shall be held annually, according to Section 192 of the *Municipal Government Act*.
2. The Administrator shall notify ratepayers of the Summer Village to apply for any vacancies which will be required to be filled that year on any committees to which Council appoints.
3. The Administrator shall set the time and place for the organizational meeting. The business of the meeting shall be limited to:
  - a) The administration of the oath and the introduction of members should the meeting follow the general municipal election or by-election;
  - b) The appointment of members to committees which Council is entitled to make; and
  - c) Any other business required by the *Municipal Government Act*, or which Council or the Administrator may direct.
4. All appointments to committees that Council is entitled to make shall be reviewed annually, unless otherwise specified.
5. When the organizational meeting is held in the year of a general municipal election, or if an election has been held for the office of the Mayor only, the Administrator shall:
  - a) Take the chair;
  - b) Call the meeting to order; and
  - c) Preside over the meeting until the oath as prescribed by the Oaths of Office Act has been administered to the Mayor.
6. Council at its organizational meeting shall appoint a Deputy Mayor and a Councillor.
7. After the Mayor has taken the Oath and assumed the Chair, the Deputy Mayor and Councillor shall take the Oath as prescribed by the Oaths of Office Act.

**6. COMMITTEES**

1. The membership of a Committee shall be provided for the enabling, or as directed by Council.
2. The Mayor or any member of Council can be a member of all committees to which Council has the right to appoint members, pursuant to the *Municipal Government Act*, and be shall be counted in making up the quorum, if present.
3. Each Committee shall select one of its members to be the Chairman unless Council designates:
  - a) The Chairman of a committee; or
  - b) The manner in which the Chairman shall be selected.
4. Meetings of Committees shall be open to the members of Council, who may take part in any discussion or debate, but only those members specifically named or appointed ex-officio to the Committee shall be entitled to vote.
5. When a Committee established by Council is of the opinion that a meeting is to be held in-camera, the motion which is passed to authorize the in-

camera meeting shall include the reason for holding the meeting in-camera. The meeting may only be held in accordance with Section 197(2) of the *Municipal Government Act*.

6. The Chairman shall preside at every meeting and shall vote on all questions, in the absence of the Chairman the Vice-Chairman shall preside.
7. The business of Committees shall be conducted in accordance with the rules governing the procedures of Council except for the following:
  - a) No motion shall be required to be seconded;
  - b) There shall be no limit to the number of times a member may speak to a question;
  - c) The Committee decision shall be that of the majority of the members voting.
8. The Recording Secretary shall not record the names of the members voting, however, an individual member may ask that the minutes record his opposition.

**7. MEETINGS OF COUNCIL**

1. Meetings of Council shall be held in the Summer Village Administration Office or advertised alternate site.
2. Regular meetings shall be scheduled by Policy 10.1 and may be amended by resolution of Council.
3. Every regular meeting of Council shall commence at the specified time.
4. Council may cancel any meeting.
5. Special meetings may be called in accordance with Section 194 of the *Municipal Government Act*.

**8. ORDER OF BUSINESS AT MEETINGS**

1. Subject to the other provisions of this Section, the order of business for a meeting shall be the order of the items contained in the Agenda.
2. The normal order of business for the Regular Meeting of Council may be as follows:

CALL TO ORDER

AGENDA

ADOPTION OF MINUTES

- FINANCIAL
- COUNCIL AND LEGISLATIVE
- ADMINISTRATION
- PROTECTIVE SERVICES
- PUBLIC WORKS
- PLANNING & DEVELOPMENT

INFORMATION

MEETING DATES

ADJOURNMENT

3. A member who has a pecuniary interest in a matter before Council shall disclose the general nature of the pecuniary interest in accordance with Section 172 of the *Municipal Government Act*.
4. Members of Council wishing to include an item on the Agenda shall advise the Administrator in writing not less than 7 business days before the scheduled meeting.
5. All items from Council will be presented to the CAO for inclusion in Agenda Package.
6. Administration will prepare agenda item for inclusion in the next meeting.

**9. START OF A COUNCIL MEETING**

1. When there are sufficient members present to form a quorum at the time set for the start of the meeting or as soon thereafter as a quorum is present, the Mayor shall take the chair and call the meeting to order.
2. If there are not sufficient members assembled at any meeting to constitute a quorum within thirty minutes from the time set for the start of the meeting the Administrator shall adjourn the meeting until the next regular meeting, unless a special meeting is called in the meantime.

**10. CONTROL AND CONDUCT OF COUNCIL MEETINGS**

1. Council shall hold its meeting openly and no person shall be excluded except for improper conduct.
2. Council may, by resolution, go in-camera, which:
  - a) May be held in private, subject to Sections 197 and 217(2) of the *Municipal Government Act*; and
  - b) May exclude any persons.
3. Subject to being overruled by a majority vote of members, which vote shall be taken without debate, the Mayor:
  - a) Shall maintain order and preserve decorum and may, if necessary, call a member to order;
  - b) Shall decide points of order without debate or comment other than to state the relevant section of the Bylaw;
  - c) Shall determine which member has a right to speak;
  - d) Shall ensure that all members who wish to speak on a motion have spoken and that the members are ready to vote and shall call the vote; and
  - e) Shall rule when a motion is out of order.
4. The Mayor shall have the same rights and be subject to the same restrictions as to participation in debate as all other members.
5. The members of the public during a Council meeting:
  - a) Shall not address Council without permission;
  - b) Shall maintain order and quiet; and
  - c) Shall not applaud or otherwise interrupt any speech or action of the members, or any other person addressing Council.
6. The Mayor may at any meeting expel and exclude any person who creates any disturbance or acts improperly.
7. No member shall, subject to the provisions of Section 172 of the *Municipal Government Act*, leave the Council chamber after a question is put to a vote until the vote is taken.
8. No recoding of the hearing procedures will be permitted by, but not limited to, cell phones, tablets, tape recorders, etc.
9. All persons attending the meeting shall present in a professional manner and appropriate decorum (i.e. no hats, shirts and shoes worn).

**11. MINUTES OF COUNCIL**

1. The Recording Secretary, under the supervision of the Administrator, shall prepare the minutes of each council meeting and shall distribute a copy to each member of council for the next meeting.
2. The Mayor shall present the minutes to council with a request for a motion to confirm the minutes.
3. Any member of Council may make a motion requesting that the minutes be amended to correct any inaccuracy or omission.
4. Only minor changes may be made to correct errors in grammar, spelling, and punctuation or to correct the omission of a word necessary to the meaning or continuity of a sentence; but no change shall be allowed

which would alter or affect in a material way the actual decision made by Council.

5. The Administrator in supervision of the preparation of minutes shall see that they include the proper place, date and time of the meeting, the roll of the Council present and absent, the roll of staff members present, the roll of delegations and number of visitors, and record faithfully and without comment the proceedings of the meeting.

## **12. TABLING A MOTION**

1. A member moving a motion to table any matter shall include in the tabling motion:
  - a) The time at the present meeting or the date of a future meeting to which the matter is to be tabled; or
  - b) A provision that the matter is to be tabled indefinitely.
2. A motion to table a matter shall not be debated except as to the time when Council will again consider the matter.
3. A matter which has been tabled indefinitely or to a particular date shall not be considered by Council before the date set except on a vote of two-thirds of the members present.

## **13. MOTIONS OUT OF ORDER**

1. It is the duty of the Mayor to determine what motions or amendments are in order, and decline to put any motion before Council which he deems to be clearly out of order or contrary to law.
2. When the Mayor decides a motion is out of order he shall advise Council and shall cite the applicable rule or authority.

## **14. VOTING ON MOTIONS**

1. When this Bylaw requires that a motion be made, a bylaw be passed or any other action be taken by a vote of:
  - a) A simple majority of Council; or
  - b) All membersthe requirements shall be interpreted as meaning such majority, fraction or total of the members who are present on the matter, provided the *Municipal Government Act*, or some other relevant statute does not specify differently.
2. A question or motion shall be declared lost when it:
  - a) Does not receive the required number of votes; or
  - b) Receives an equal division of votes.
3. Each member present shall vote on every division of every motion as outlined in Section 183 of the *Municipal Government Act*, unless that Act, or any other Provincial or Federal enactment, requires or permits the member to abstain, in which case the member shall cite the legislative authority for abstaining, and the Recording Secretary shall record the abstention and reasons in the minutes.
4. A member shall not vote on a matter if he is absent from the Council Chamber when the vote is called and the decision is made to take a recorded vote.
5. Any member may ask for a recorded vote.
6. No member shall change his vote on a motion without the unanimous consent of the other members present.

## **15. RECONSIDERING AND RESCINDING A MOTION**

1. When a member wishes Council to reconsider, alter or rescind any motion already passed or action taken at a previous meeting, and when the matter does not appear in the Agenda, he shall bring the matter before Council by a Notice of Motions which shall:

- a) Be given at a Regular Meeting preceding the meeting at which he wishes Council to reconsider the matter;
  - b) Specify the meeting at which he proposes to bring the matter to Council; and
  - c) Indicate in the substantive portion of the motion the action which he proposes that Council take on the matter.
2. If notice of motion was not given, Council may, on a two-thirds vote waive the requirement for notice contained in this section.
  3. Notwithstanding the other provisions of this Section, no motion made or action taken by Council shall be reconsidered unless:
    - a) It is a motion made or an action taken at the same meeting; or
    - b) It is a motion made or an action taken at a meeting held six months or more before its reconsideration; or
    - c) Council by not less than a vote of two-thirds approves reconsideration of a motion made or an action taken less than six months before its reconsideration.
  4. A member may move to reconsider a matter considered at the same meeting and if a majority of the members vote for reconsideration, the matter may again be dealt with at the same meeting.
  5. Where Council has passed a motion which creates a contractual liability 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.

#### **16. MOTION TO MOVE IN-CAMERA**

1. Council may upon the passing of a motion, move in-camera to discuss any matter in accordance with Section 197(2) of the *Municipal Government Act*.
2. The rules of order for the conduct of a meeting of council shall apply to a meeting in-camera except that:
  - a) A member may speak more than once to any question; and
  - b) A member is not required to stand to address the chairman.
3. When Council is of the opinion that a meeting of Council is to be held in-camera, the motion which is passed to authorize the in-camera meeting shall include the reason for holding the meeting in-camera, and the meeting may only be held in-camera in accordance with Section 197(2) of the *Municipal Government Act*.

#### **17. MOTIONS IN COUNCIL**

1. Any lengthy motion shall be submitted in writing to the Recording Secretary.
2. Motions are debatable by Council.
3. When a motion has been made and is being considered, no member may make any other motion except to:
  - a) Amend the motion; or
  - b) Table the motion.
4. When a member feels he has been misquoted or misunderstood, he may, after receiving permission from the Mayor, explain a material part of his speech but he may not introduce any new matter and there shall be no debate on the explanation;
5. When the motion has been declared put, no member shall debate further on the motion or speak, except to request that the motion be read aloud.

#### **18. BYLAWS**

1. Every Bylaw shall have three readings.

2. Every proposed bylaw should be introduced on a motion specifying in general terms its intent. When a proposed bylaw is read in Council, the Administrator shall certify the reading and the date of the reading on the face thereof.
3. A bylaw appearing upon a Council Agenda when listed as ready for first reading shall be introduced by a member “that Bylaw No. (quoting the bylaw number) be read a first time”. After first reading, the bylaw may be debated, referred or laid over. If a bylaw fails to receive first reading, then noted as being defeated.
4. A bylaw shall receive second reading by a member making a motion “that Bylaw No. (quoting the bylaw number) now be read a second time”. The bylaw shall then be open to debate and amendment before it is ordered for a third reading. When a bylaw is reported without amendment, it shall forthwith be ordered to be read a third time at such time as may be appointed by Council.
5. Every bylaw shall be read a third time before it is signed by the Mayor or Deputy Mayor.
6. Unless the members present at a meeting unanimously agree that a bylaw may be presented to Council for a third reading at the same meeting at which it has received two readings, the bylaw shall not be given more than two reading at one meeting.
7. If Council unanimously agrees that a bylaw may be presented for a third reading at a meeting at which it has received two reading, the third reading requires no greater a majority of affirmative votes to pass the bylaw than if it had received a third reading at a subsequent meeting.
8. Every bylaw of general application shall be printed or otherwise duplicated so as to be available to all interested parties; other bylaws shall be recorded and filed as well as amendments thereto, and the Administrator shall retain the original of every bylaw on file and properly record any amendments thereto, and the Administrator shall retain them when a bylaw has been read a third time and finally passed.
9. Every bylaw which has passed Council shall be sealed with the seal of the Corporation, and signed by the Mayor and Administrator, be securely deposited by the Administrator.

**19. ADMINISTRATOR**

1. Council shall appoint an Administrator.
2. In accordance with the *Municipal Government Act*, the Administrator shall:
  - a) Ensure that all minutes of Council meetings are recorded in the English language, without note or comment;
  - b) Record the names of the members present and absent at Council meetings;
  - c) Have the minutes of Council and committee meetings signed by the Mayor or other person presiding at the meeting, and the Administrator.
  - d) Keep the minutes of Council meetings and all other records and documents of the municipality in a safe place and deliver them to his successor when he ceases to hold office;
  - e) Have each bylaw signed by the Mayor or the Acting Mayor presiding at the time the bylaw was given third reading and the Administrator;
  - f) When required to do so by an inspector, produce the minutes and other books and all papers and records of whatever kind are in his possession;
  - g) Have custody of the corporate seal;
  - h) Call special meetings or other meetings of Council;
  - i) Transcribe into a register and have custody of all bylaws, and shall see to their proper completion, preservation and the safekeeping of all originals;

- j) Carry out such other duties as may be required by Council or under any Statute or Regulation.
- 3. The Administrator may certify copies of any bylaw, resolution or record of the Summer Village as required;
- 4. A copy of any bylaw, resolution or record certified by the Administrator as a true copy of the original is prima facie proof of the bylaw, resolution or record.
- 5. The Administrator shall be responsible for petitions, except petitions related to local improvements.

**20. PERSONS WISHING TO ADDRESS COUNCIL**

- 1. When a person wishes to address Council on a matter whether or not it is on the Agenda, Council may on a majority vote allow the person to address it.
- 2. The Chairman has the right to limit the amount of time a person shall address Council.
- 3. Representatives of owners of land, the public at large or any local group of residents or property owners may address Council on a planning matter being considered at a Public Hearing, subject to:
  - a) the pre-determined time frame; b) manner for receiving representations; and c) presentation of oral submissions as may have been established by Council.
- 4. Members shall not ask questions of the Administration until all representatives have been heard on Public Hearing matters before Council.

**21. COMMUNICATIONS AND PETITIONS**

- 1. In addition to the provisions of the *Municipal Government Act* respecting petitions, when a person wishes to have any matter considered by Council or a committee, a letter, petition or other communication shall be addressed to the Administrator, and the letter, petition or communication shall:
  - a) Be submitted as per the *Municipal Government Act*.
  - b) Clearly set out the matter at issue, and the request made of Council;
  - c) In the case of a letter or communication:
    - i. Be signed with the name of the writer, and
    - ii. Contain the mailing address of the writer;
  - d) In the case of a petition:
    - i. Be signed by at least 10% of the electors of the summer village (Pursuant to the MGA Section 223 (1) (b).)
    - ii. Set out the civic address of the petitioner, and
    - iii. Indicate the name of a spokesman.
- 2. Where a matter has been considered by Council and dealt with in any final form, no letter, petition or other communication on substantively the same matter shall be considered by Council until there has been a lapse of at least six months from the date Council previously disposed of the matter.
- 3. On receipt of a communication intended for Council, the Administrator may:
  - a) Include it as an item on the Agenda for the next regular meeting of Council, in full or in summary form, as he/she sees fit; or
  - b) Reply, if it requires immediate action.

**22. CORPORATE SEAL**

- 1. The corporate seal shall only be used under the direction of the Administrator as prima facie evidence that the Summer Village has assented to those documents to which the Seal is affixed.
- 2. The Seal shall be affixed to the following documents:



**Summer Village of Birchcliff  
By-law 205-18**

- a) All bylaws of the Summer Village signed by the Mayor or Acting Mayor and the Administrator;
- b) Debentures issued by the Summer Village and signed by the Mayor;
- c) Contracts signed by the Mayor and Administrator or other persons authorized by Council to sign on its behalf;
- d) Papers certified by the Administrator as being true copies of original documents held in his office; and
- e) Such other papers or documents which in the opinion of the Administrator warrant the Seal to be affixed.

This Bylaw comes into full force upon third and final reading.

Bylaw #174-13 is hereby rescinded upon signing.

READ a first time this

READ a second time this

READ a third and final time this

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Thom Jewell, Mayor

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Phyllis Forsyth, C.A.O.