

**BYLAW NO. 1918/2021
OF THE TOWN OF REDCLIFF
IN THE PROVINCE OF ALBERTA**

A BYLAW OF THE TOWN OF REDCLIFF TO REGULATE THE PROCEEDINGS OF COUNCIL MEETINGS.

This Bylaw shall be known as the "Town of Redcliff Procedural Bylaw."

WHEREAS, pursuant to the provisions of the *Municipal Government Act* and amendments thereto, Council may pass bylaws in relation to the procedure of Council and Council Committees and the conduct of Councillors;

AND WHEREAS, it is Council's desire to establish and follow a process and procedure of municipal governance that reflects an open and transparent government.

NOW THEREFORE THE MUNICIPAL CORPORATION OF REDCLIFF, IN COUNCIL ASSEMBLED, ENACTS AS FOLLOWS:

INTERPRETATION AND DEFINITIONS

1. In this bylaw:

- a. "Act" means the *Municipal Government Act*, R.S.A. 2000, c. M-26, any regulations thereunder, and any amendments or successor legislation thereto;
- b. "Adjourn" used in relation to any meeting, except a public hearing, means to terminate the meeting;
- c. "Administration" means the employees of the Town of Redcliff;
- d. "Councillor" means a member of Council including the Mayor;
- e. "Claim" means a Statement of Claim or similar document filed in the Provincial Court of Alberta, Court of Queen's Bench of Alberta or Court of Appeal of Alberta, a Workers Compensation Board Claim, or Union Grievance Claim which names the Municipality as a Respondent or Defendant and seeks the recovery of damages or other sums of money or equitable remedies from the Municipality.
- f. "Closed Session" means a meeting or a portion of a meeting at which only Councillors and other persons specified by Council may attend.
- g. "Inaugural Meeting" means the first organizational meeting after a general municipal election;
- h. "Informal Petition" means a petition received that does not meet the requirements of the *Act*;
- i. "Legally Binding Petition" means a petition that meets all the applicable requirements of the *Act*;



- j. "Mayor" shall mean the chief elected official;
- k. "Municipal Manager" shall mean the person duly appointed as the Chief Administrative Officer, or the designate of the Municipal Manager;
- l. "Non-statutory public hearing" means a meeting of Council at which members of the public may attend and may be invited to make submissions to Council, but which is not a public hearing;
- m. "Person" includes a corporation and its shareholders, directors and the heirs, executors, administrators or other legal representatives of a person;
- n. "Point of order" means a demand by a Councillor that the Presiding Officer enforce the rules of procedure;
- o. "Point of privilege" means a request made to the Presiding Officer by a Councillor on any matter related to the rights and privileges of Councillor's and includes:
 - i. the comfort of Councillors'
 - ii. the conduct of Town employees or members of the public in attendance at the meeting;
 - iii. the accuracy of the reports of Council's proceedings; and
 - iv. the reputation of Council and Councillors;
- p. "Postpone" means to delay the consideration of any matter, either:
 - i. to later in the meeting;
 - ii. to a specified time and/or date;
 - iii. until the occurrence of an event; or
 - iv. indefinitely;
- q. "Presiding Officer" shall mean the Mayor, Deputy Mayor, or other person who has the authority to preside over a meeting;
- r. "Public hearing" means a meeting or portion of a meeting that Council is required to hold under the *Act* or another enactment, for the primary purpose of hearing submissions;
- s. "Recess" means to take a break in the order of business or an agenda item of a meeting with the intent of returning to that order of business or agenda item at the same meeting;
- t. "Reconsider" means to consider a motion again at the same meeting the original motion was made;
- u. "Refer" means to send a pending motion or agenda item to Administration or a Council Committee for investigation and report;



- v. "Rescind" means to bring forward to a later meeting a previously successful motion with the intent of revoking the original motion;
- w. "Table" means to set a matter aside until a majority decides to address the item again by means of a motion to take from the table;
- x. "Withdrawn" means to take off the table a motion that was made prior to a vote on the motion.

APPLICATION

- 2. This bylaw shall apply to all meetings of Council and Council Committees as identified.
- 3. To the extent that a matter is not dealt with in the *Act* or this bylaw, Council shall have regard to *Robert's Rules of Order Newly Revised*.
- 4. The precedence of the rules governing the procedures of Council is:
 - a. The *Act*;
 - b. other provincial legislation;
 - c. this bylaw;
 - d. Council Code of Conduct Bylaw;
 - e. *Robert's Rules of Order Newly Revised*.
- 5. Council may waive all or part of the provisions of this bylaw for a meeting if Council votes unanimously to do so by a motion to suspend the rules. This motion is only in order if it does not conflict with the laws of the Government of Canada or the laws of the Government of Alberta and specifically the *Act*.

ORGANIZATIONAL MEETING

- 6. Council shall hold an organizational meeting not later than two weeks after the third Monday in October of each year.
- 7. At the organizational meeting, Council may establish by resolution for the forthcoming year:
 - a. The roster for each Councillor to act as Deputy Mayor.
 - b. Appointments to Boards and Committees.
 - c. The seating arrangements of Council.
 - d. In addition to the above, at the Inaugural Meeting, the first order of business shall be the administration of the oath of office and the introduction of the Mayor and Councillors for the Council Session followed by the setting of the dates, times of commencement, and locations of regular Council meetings. If a scheduled meeting of Council falls on a holiday as defined in the current Collective Agreement, the meeting shall be held on the next day not being a holiday.



MEETINGS

8. A quorum of Council shall be the majority of those members elected and serving on Council, including the Mayor.
9. In the case that neither the Mayor nor Deputy Mayor are in attendance within fifteen (15) minutes after the hour appointed, the next Deputy Mayor scheduled in the roster shall preside over the meeting as the Presiding Officer until the arrival of the Mayor or Deputy Mayor.
10. If there are changes to the date and time of regular Council meetings, the municipality must give at least twenty-four (24) hours notice of the change to all members not present at the meeting at which the change was made and post the notice in a public office. Posting a public notice on the board at Town Hall and on the Town's website constitutes sufficient notice to the public. Notice by electronic communications constitutes sufficient notice to all members of Council.
11. Adoption of the minutes of the previous meeting(s) shall immediately follow the adoption of the agenda except if there are presentations and/or Public Hearings. Councillors shall have the opportunity to note errors and omissions at that time. Clerical, typographical, grammatical errors in adopted minutes may be corrected by the Municipal Manager or designate.
12. Special Meetings of Council may be called according to the provisions of the *Municipal Government Act*. Notice to the members of Council and the public for Special Meetings will follow the same guideline as in Section 10.

LOSS OF QUORUM

13. If there is not a quorum within 30 minutes after the time set for the meeting, the Municipal Manager or designate will record the names of the members of Council present and the meeting will be adjourned to the time of the next regular meeting, unless a special meeting is duly called in the intervening time period.
14. Whenever a vote on a motion before Council cannot be taken because of a loss of quorum, the loss of quorum resulting from:
 - a. the declaration of a pecuniary interest or conflict of interest; or
 - b. from a Councillor or the Mayor not being present for all or part of a public hearing;

then the motion shall be the first order of business to be proceeded with and disposed of at the next meeting of Council under that particular order of business.

15. If a quorum is lost for any reason other than those aforementioned in Section 14, the meeting is at an end.



TIME OF ADJOURNMENT

16. On the day of a Council meeting, Town Council shall adjourn no later than 11:00 p.m. in the evening if in session at that hour, unless otherwise determined by a unanimous vote of the Councillors present.
17. When it is necessary to continue the meeting beyond 11:00 p.m., Council will decide one of the following:
- a. to extend the time of the meeting;
 - b. to reconvene the meeting the following day;
 - c. to call a special meeting of Council on a specified day to attend to the unfinished business; or
 - d. to add the unfinished orders of business to the next regular Council meeting agenda
- by resolution passed unanimously by the Councillors present.
18. The Mayor or Presiding Officer, or Council by a majority vote, may cause the meeting to be recessed indicating the nature and expected duration of the recess.

MEETING THROUGH ELECTRONIC COMMUNICATIONS

19. Council members may attend a Council meeting by means of electronic communication. Acceptable alternatives include through the use of a telephone (with the speaker on), ensuring that dialogue is available for both parties; through a mobile device; or other means as technology advances.
20. A Council member shall only be permitted to attend a meeting by means of electronic communication if that location in which the meeting is held is equipped in a manner such that enables all Council members participating in the meeting and the public to watch or hear one another.
21. A Council member attending a meeting via electronic communications is deemed to be present at the meeting for whatever period of time the connection via electronic communications remain active.
22. The Mayor or Presiding Officer shall announce to those in attendance at the meeting that a Council member is attending the meeting by means of electronic communications.
23. When a vote is called, Council members attending the meeting by means of electronic communications shall be asked to state their vote only after all other Council members present at the meeting have cast their votes by a show of hands.
24. Persons who are participating in closed sessions of Council or Council Committee proceedings through electronic communications must prevent any person not authorized to be at closed session from hearing the proceedings.



PREPARATION OF AGENDAS

25. The agenda for each regular or special meeting of Council shall be prepared by the Municipal Manager or designate in consultation with the Municipal Manager and the Mayor or Presiding Officer. This consultation is for the purposes of identifying administrative recommendations and information as well as preparing the Mayor or Presiding Officer to chair the upcoming meeting. Access to Council is dealt with in Sections 27 and 32-39.
26. The Municipal Manager or designate shall endeavour to forward agendas and all pertinent supporting information to each member of Council by 12:00 p.m. on the Friday preceding the meeting as outlined in Policy 37.
27. Any Council member, Town official, or any other person wishing to have an item of business placed on the agenda for a regular Council meeting, shall make the submission to the Municipal Manager not later than 12:00 p.m. on the Wednesday of the week prior to the meeting. The submission shall contain adequate information to the satisfaction of the Municipal Manager to enable the Council to deal with the matter.
28. Any item of business from the same individual or group that Council has dealt with in a final manner previously shall only be permitted to be placed on the agenda within six (6) months of the original decision with Council if the information to be presented is significant and/or new to that which was previously presented. If there is no new and/or significant information to be presented, the item of business cannot be considered until after six (6) months following the original decision.
29. Any late submissions to the agenda after the agenda has been established will require justification for the urgent nature of the late submission and will require the Municipal Manager's approval.
30. Council shall consider no item of business unless the item has been placed on the agenda, either in the manner described above in Sections 25, 27, 28, and 29 or as a modification to the agenda approved by a vote at the meeting.
31. The general order of business on the agenda shall be as follows; however, the actual order of conduct may be adjusted by Council as necessary:
 1. General
 - A. Call to order
 - B. Adoption of Agenda
 - C. Accounts Payable
 - D. Bank Summary
 2. Delegations
 3. Minutes
 - A. Council
 - B. Other
 4. Bylaws
 5. Requests for Decision
 6. Policies



7. Correspondence
8. Other
9. Recess
10. Closed Session (Confidential) (if necessary)
11. Adjournment

PRESENTATIONS

32. Presentations may be made by Council to individuals or groups.
33. Individuals or groups may request an appointment for the purposes of making a presentation to be heard by Council as a delegation.
34. Delegates must submit a request in writing for an appointment with Council to the Municipal Manager. All delegates are required to provide written documentation to the Municipal Manager which clearly outlines the nature of their business for inclusion in the Agenda Package. All documentation is to be submitted not less than seven (7) working days in advance of the regular Council meeting date. A presentation request shall not be confirmed as being on a meeting agenda until the agenda has been reviewed by the Municipal Manager and Mayor, or their designates.
35. The Municipal Manager will review the request in consultation with any affected departments and may:
 - a. Add the appointment to the next regular Council meeting agenda; or
 - b. Add the appointment to a future regular Council meeting agenda if:
 - i. requested by the individual or group making the request; or
 - ii. Administration requires more time to properly investigate and report on the matter.
36. Delegations shall be granted a maximum of ten (10) minutes to present the matter outlined in their written request. Where the Mayor or Presiding Officer determines that additional time shall be granted to a delegation, additional time shall be granted in the length specified by the Mayor or Presiding Officer.
37. Delegates requesting reappearance on a specific matter shall only be permitted to do so within six (6) months of the original appointment with Council if the information to be presented is significant and/or new to that which was previously presented. If there is no new and/or significant information to be presented, delegates cannot request reappearance until after six (6) months following the original appointment.
38. In questioning presenters or delegates at the Council meeting, Councillors will only ask those questions which are relevant to the subject of the appointment and will avoid repetition of questions. Likewise, presenters and delegates speaking to a subject will be restricted to speaking on the subject of the appointment. The Municipal Manager may provide clarification on items presented for information purposes prior to the questioning of presenters or delegates by Councillors.



39. The presentation by a delegation may only be:
- a. received as information without debate;
 - b. referred without debate to the Municipal Manager for a report; or
 - c. debated if a resolution is passed by a 2/3 majority vote, to allow a motion to be made without notice.

CONDUCT OF A COUNCIL MEETING

40. The Mayor or Presiding Officer shall have authority to set a time limit and the number of times that a member may speak on the same motion, having due regard to the importance of the matter.
41. A motion submitted to Council does not require a seconder.
42. After a motion is accepted by the Mayor or Presiding Officer, it shall be deemed to be in possession of the Council but may be withdrawn at any time before a vote is taken or an amendment is made. A Councillor may ask questions of Administration or other Councillors on any motion or amendment to a motion.
43. When a motion has been made and is being considered by the Council, no other motion may be made and accepted, except:
- a. a motion to refer the main question to another person or group for consideration;
 - b. a motion to amend the main question;
 - c. a motion to table the main question;
 - d. a motion to postpone the main question to a future time;
 - e. a motion to adjourn the meeting, provided that a motion tabled shall not be debated except as to the time the matter shall again be considered.
44. A motion to reconsider a motion shall:
- a. only be made at the same meeting the motion was decided;
 - b. only be made by a member who voted with the prevailing side on the motion involved;
 - c. not be proposed more than once at any one meeting of Council;
 - d. be decided by a majority of the members of Council present; and,
 - e. not be allowed on a motion of adjournment.
45. A motion to rescind or amend a previous motion of Council may:
- a. be made by a member of Council; and
 - i. be offered at any time subsequent to the meeting at which the original motion was passed;
 - ii. be passed by:
 - 1. a vote of 2/3 of the members of Council when the motion is without notice; and

2. a simple majority of the members of Council present when notice has been given. Notice shall be inclusion of the item on an agenda delivered to the members of Council before the meeting, and
 - b. the previous motion has not been acted upon to the extent that the Town has undertaken or become subject to any liability or obligation, or
 - c. was not a motion for a reading of a bylaw.
46. Where a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member so requests or when the Mayor or other Presiding Officer so directs.
47. A bylaw shall not be given more than two readings at one meeting unless Council members in attendance agree unanimously that the bylaw may be presented for third reading at the same meeting at which it received the first two readings.
48. Any request for a recorded vote as per the *Municipal Government Act* shall be brought to the Mayor or Presiding Officer's attention prior to the actual call for the vote.
49. The Mayor or Presiding Officer shall reference all motions before they are debated or voted upon.
50. No motion shall be offered that is substantially the same as one that has already been expressed during the same meeting.
51. The Mayor or Presiding Officer may participate in debate on any matter before Council without relinquishing the chair.
52. The Mayor or Presiding Officer may make a motion on any matter on the agenda but before doing so the Mayor must relinquish the Chair to the Deputy Mayor until the vote on the motion has been taken.
53. After the Mayor or Presiding Officer has called the vote, no member shall speak to the motion nor shall any other motion be made until after the result of the vote has been declared.
54. Voting on all motions shall be done by clearly raising one hand so that the Mayor or Presiding Officer may easily count them. When using electronic communications, the Mayor or Presiding Officer will ask whether the member is voting for or against the motion. After the Mayor or Presiding Officer has counted the vote, he shall declare whether it was "carried" or "defeated". Except where provided for in this bylaw or by the applicable legislation, a majority vote of the members present who are eligible to vote shall decide a motion or question before Council. If the vote results in a tie, the motion will be considered defeated.

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55. When a Councillor wishes to leave the Council Chambers while a meeting of Council is in progress:
 - a. the Councillor shall await acknowledgement of the Mayor or Presiding Officer before leaving; and
 - b. the time of the Councillor's departure and return shall be recorded in the minutes.
56. No Councillor shall leave the Council meeting after a question is put to a vote until the vote is taken, unless during this timeframe the Councillor becomes aware of a conflict of interest at which time the Councillor will declare the conflict of interest and leave the meeting.
57. The Mayor or Presiding Officer shall preserve order and decorum and shall decide questions of order subject to an appeal to Council by resolution. The decision of the Presiding Officer shall be final unless reversed or altered by a majority vote of members present.
58. When the Mayor or Presiding Officer is called on to decide a point of order or practice, it shall be done without argument or comment and shall state the rule of authority applicable to the case.
59. When a Council member has been warned about breaches of order but continues to engage in them, the Mayor or Presiding Officer may state their name and declare the offence. The Recording Secretary must note the offence in the minutes.
60. If a Council member who has been named apologizes and withdraws any objectionable statement, then the Council member may remain and continue participating in the meeting and the Mayor or Presiding Officer may direct that the notation of the offence be removed from the minutes.
61. If the Council member fails or refuses to apologize, then that Council member must immediately leave the Council Chambers and Council must vote on a motion to expel that Council Member. A motion to expel must be decided without debate.
62. If a Council member who has been expelled pursuant to this Section, refuses to leave the Council Chambers, the Mayor or Presiding Officer may request the Royal Canadian Mounted Police to remove the expelled Council member.
63. The Mayor or Presiding Officer may expel members of the public who are present for improper conduct and may follow the guidelines in Section 62 should the member of the public refuse to leave.
64. Council, under authority of the *Act* and the *Freedom of Information and Protection of Privacy Act*, may close all or part of their meetings to the Public by meeting "in closed session". No motions may be made when Council is sitting in a closed session except a motion to return to an open session.
65. Under the *Act*, Councillors are required to keep in confidence matters discussed in a "closed" session.



66. All minutes of Council meetings shall be recorded in the English language, without note or comment. Electronic voice recordings of meetings of council, council committees, boards, and commissions are taken for the sole purpose of recording the meeting minutes without note or comment and are thus disposed of in accordance with the Town's Records Retention and Disposition Bylaw.

PETITIONS

67. Legally binding petitions will be submitted to the Municipal Manager and will be processed in accordance with the *Act*.

68. Informal petitions will be submitted to the Municipal Manager and must:

- a. be printed, typewritten or legibly written;
- b. clearly set out the matter being presented and the request made to Council;
- c. be temperate and respectful;
- d. be signed; and
- e. provide the name and mailing address of the contact person for the petitioners submitting the petition.

69. On receipt of an informal petition, the Municipal Manager may do the following:

- a. include it as an item on the agenda for the next regular Council meeting in full or summary form;
- b. refer it to Administration for a report to Council; or
- c. refer it to Administration for action and/or reply, with a copy of such response being sent to Council.

PUBLIC HEARINGS

70. Public Hearings will be held in conjunction with a Council meeting.

71. Persons interested in speaking at a Public Hearing may register with the Director of Legislation and Development prior to the public hearing. Names of registered speakers for a public hearing will be released to the public on the Friday preceding the public hearing.

72. Persons interested in providing a written submission may provide the Director of Legislation and Development with their submission prior to 12:00 p.m. of the Wednesday preceding the public hearing. Valid written submissions received will become public information on the Friday prior to the public hearing. Council will accept written submissions on the date of the Public Hearing.

73. Public Hearings will commence, as close as reasonably practicable to the advertised time at a regular Council meeting and will normally be held in the Council Chambers.

74. Council may change the date, time, and place of a Public Hearing by resolution. If any of the date, time, or place is changed, the public hearing must be re-advertised.

75. Council may cancel a Public Hearing by resolution.
76. On the advice of Administration, and/or should the Council deem it appropriate, a Non-Statutory Public Hearing may be held at a date, time, and place approved by Council resolution.
77. The procedures for the conduct of a non-statutory Public Hearing shall be the same as those for a statutory Public Hearing.
78. The Mayor or Presiding Officer shall chair all Public Hearings.
79. Once the Mayor or Presiding Officer has called the Public Hearing to order and identified the matter to be discussed, the Mayor shall review the process to be followed including the expectations relating to public feedback, rules for speaking, timelines, and the process for decision making following the public hearing.
80. Administration shall introduce the matter and provide any background material.
81. After Administration has introduced the matter, the Mayor or Presiding Officer shall invite interested parties and members of the public to speak on the matter. The Mayor or Presiding Officer shall call upon those persons who have registered with the Director of Legislation and Development to speak first, followed by other persons at the meeting who have not registered to speak but who wish to address Council. If there is more than one person who wishes to speak, the Mayor or Presiding Officer shall establish the order of speaking.
82. All those who wish to speak to a matter (for or against) may only speak once and shall be limited to ten (10) minutes.
83. The decision of the Mayor or Presiding Officer with regard to imposition of the time limit to speak and the order of speaking shall be final and not debated.
84. A delegation of more than one member shall be considered to be one person for the purposes of a Public Hearing and only a spokesperson shall be entitled to speak once only for a limit of ten (10) minutes regardless of the number of members of the delegation who may be present.
85. The Council shall not debate an issue with any speaker, but each member of Council may ask questions for clarification of each speaker. All questions must be directed through the chair.
86. Council may accept a written submission in lieu of a verbal presentation as long as the document is signed, dated, and shows the street address of the person making the submission. All written submissions will be filed with the Director of Legislation and Development.



87. "Adjourn" used in relation to a Public Hearing means to take a short break in the Public Hearing, take a break with the intent of returning to the Public Hearing later in the same meeting, or to adjourn the Public Hearing to another Council meeting.
88. "Close" used in relation to a Public Hearing means to terminate the Public Hearing.
89. When all persons who wish to speak to an issue have been given their opportunity to speak, and all written submissions have been received, the Mayor shall declare the Public Hearing closed.
90. Once closed a Public Hearing may not be reopened. Council may hold a second Public Hearing on the same subject; however, it is subject to the same requirements of advertising and rules for speaking as the initial Public Hearing.

COMMUNICATIONS WITH LITIGANTS

91. Where a Person has filed a Claim or made a demand of payment of sums of money against the Municipality, the following communications protocol shall apply in relation to all communications between the Municipality and that Person:
- a. all communications relating to the Claim or demand shall be through the Municipality's appointed legal counsel, or as otherwise directed by the Municipal Manager;
 - b. all communications (other than in relation to the Claim or demand) shall be as directed by the Municipal Manager;
 - c. the Person shall not appear as a Delegation before Council without prior Council approval, subject to (d) below;
 - d. if the Person has a legal entitlement to appear and make representations before Council (for example, if they have a right to do so because a matter is the subject of a public hearing as prescribed under the *Act*) they may so appear and make representations for that purpose only.
92. Where, in the view of the Municipal Manager, a Person has commenced a legal proceeding against the Municipality, or there is a demand or the potential for commencement of a legal proceeding against the Municipality by a Person (for example, including but not limited to, an arbitration proceeding, an appeal before an administrative tribunal, an application under the *Freedom of Information and Protection of Privacy Act* R.S.A. 2000, c. F-25, a petition for an inquiry by the Minister of Municipal Affairs), excluding any other proceeding referenced in s. 92, the Municipal Manager may make a direction as to the appropriate communication protocol between the person and the Municipality.
93. The provisions of ss. 91 and 92 apply not only to the Persons expressly referenced in those sections, but also (pursuant to the direction of the Municipal Manager) other persons who are connected with a Person expressly referenced in ss. 91 or 92 (by reason of apparent or possible relationship as employee, consultant, agent, family member, shareholder, director or otherwise).



PLACE OF MUNICIPAL OFFICE

94. According to the *Act* the place identified as the municipal office for the Town of Redcliff is #1 – 3rd St. N.E., Redcliff, Alberta, Canada.

EFFECTIVE DATE

95. This bylaw shall come into force on the date of its third and final reading.

REPEAL OF BYLAWS

96. Bylaw No. 1804/2015 is hereby repealed.

READ a first time this 8th day of February, 2021.

READ a second time this 22nd day of February, 2021.

READ a third time this 22nd day of February, 2021.

PASSED and **SIGNED** this 10 day of MARCH 2021.



MAYOR



LEGISLATION AND DEVELOPMENT
DIRECTOR