



**BYLAW 2024-007
PROCEDURAL BYLAW
VILLAGE OF HALKIRK
IN THE
PROVINCE OF ALBERTA**

Being a Bylaw of the Village of Halkirk, in the Province of Alberta to regulate the proceedings and Conduct of Council and Council Committee meetings.

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, Section 145; provides that a Council may pass bylaws in relation to the establishment and functions of council committees and other bodies; procedures to be followed by Council, Council committees and other bodies established by the Council;

AND WHEREAS Council has deemed it necessary to regulate the procedure and conduct at meetings of council and committees established by Council;

AND WHEREAS Council has deemed it necessary to regulate procedures for receiving and responding to communications and submissions to Council;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE VILLAGE OF HALKIRK, IN THE PROVINCE OF ALBERTA, DULY ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1.0 TITLE

1.1 This Bylaw may be cited as the "Procedural Bylaw".

2.0 DEFINITIONS

2.1 In this Bylaw:

- (a) "Act" means the Municipal Government Act, R.S.A. 2000 Chapter M-26, as amended;
- (b) "Administration" means the Chief Administrative Officer or an employee accountable to the Chief Administrative Officer employed by the Village of Halkirk;
- (c) "Administrative Representative" refers to the senior Administration resource person appointed to a Committee by the Chief Administrative Officer;

- (d) "Agenda" means the list and order of business items for any meeting of Council or Committees;
- (e) "Bylaw" means a bylaw of the Village of Halkirk;
- (f) "Chief Administrative Officer (CAO)" is the administrative head of the municipality who is appointed by Council pursuant to the *Municipal Government Act*;
- (g) "Chairperson" means the person who presides at a meeting, and, when in attendance at a Council Meeting, shall mean the Mayor, Deputy Mayor and/or Councillor;
- (h) "Closed Session (Closed)" means a portion of a Council or Committee meeting that is closed to the public, pursuant to the provisions of the *Municipal Government Act*;
- (i) "Committee" means a committee, board, commission, authority, or any other public body established by Council pursuant to this bylaw;
- (j) "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;
- (k) "Council" means the Mayor and Councillors of the Village of Halkirk;
- (l) "Deputy Mayor" means the Member of Council appointed pursuant to this Bylaw to act as Mayor in the absence or incapacity of the Mayor;
- (m) "Electronic or other Communication Facilities" shall mean the members of Council may attend a Council or Committee meeting through electronic communications. This can include using a telephone with the use of the speaker, via personal computer, or other means of technology advances;
- (n) "Electronic Means" means an electronic or telephonic communication method that enables all persons attending a meeting to hear and communicate with each other during the course of the meeting;
- (o) "Electronic Meeting" is a meeting held in two or more places with the participants using electronic means of communication; telephone with speaker capability, personal computer, iPad, or other means of technology where all meeting's participants and public can watch or hear each other;
- (p) "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;
- (q) "Friendly Amendment" is an amendment to a Motion under debate that is perceived by all parties as an enhancement to the original Motion;
- (r) "Mayor" means the Member of Council duly elected to Council and appointed as Mayor by the Council at large;
- (s) "Member" means a Member of Council duly elected and continuing to hold office, or a Member of a Committee duly appointed by Council;
- (t) "Meeting" means an organizational, regular, or special meeting of Council or Committee;

- (u) "Motion" means a resolution, is a proposal for action by Council or Committee;
- (v) "Notice of Motion" is the means by which a Member of Council brings business before Council;
- (w) "Organizational Meeting" means a Meeting of Council held in accordance with Section 192 of the Municipal Government Act;
- (x) "Point of Information" means a request or statement directed to the Presiding Officer, or through the presiding officer to another Member or to the administration, for or about information relevant to the business at hand, but not related to a Point of Procedure;
- (y) "Point of Order" means the raising of a question by a Member with the view of calling attention to any departure from this Bylaw or the customary proceedings in debate or in the conduct of Council's business;
- (z) "Point of Privilege" means all matters affecting the rights and exemptions of Council collectively or the propriety of the conduct of individual Members and includes but is not limited to the following:
 - (i) the organization or existence of Council;
 - (ii) the comfort of Members (noise, personal comfort, etc.);
 - (iii) the conduct of Administration or members of the public in attendance at the meeting; and
 - (iv) the reputation of Members or Council as a whole;
- (aa) "Point of Procedure" means a question directed to the Presiding Officer to obtain information on a matter of parliamentary law or the rules of Council to assist a Member to:
 - (i) Make an appropriate motion;
 - (ii) Raise a Point of Order;
 - (iii) Understand the procedure; and
 - (iv) Understand the effect of a motion;
- (bb) "Presiding Officer" means the Mayor, or in the absence of the Mayor, the Deputy Mayor, or in the absence of the Deputy Mayor, any other Member of Council chosen to preside at the meeting;
- (cc) "Public Hearing" means a meeting of Council convened to hear matters pursuant to the Act;
- (dd) "Question of Privilege" means raising of a question which concerns a Member, or Council collectively, when a Member believes that another Member has spoken disrespectfully towards them or Council, or when they believe their comments have been misunderstood or misinterpreted by another Member;
- (ee) "Quorum" means the number of Council Members required for the legal conduct of the business of Council or a Committee;

- (ff) "Recorded Vote" means that prior to a vote on the motion a member has called for the Minutes to record the members present at the meeting and for the Minutes to show which members voted for or against the motion or abstained;
- (gg) "Special Meeting" means a meeting of Council held in accordance with Section 194 of Municipal Government Act;
- (hh) "Terms of Reference" means those terms pertinent to the establishment and mandate of a Committee and which are in addition to or beyond the parameters of this Bylaw;
- (ii) "Written Consent" means to give approval or consent either by email, text message, facsimile or by signed letter;
- (jj) "Village" means the municipality of the Village of Halkirk.

3.0 APPLICATION

- 3.1 The purpose of this Bylaw is to set the structure of Council meetings and provide direction to Council when the need arises to address matters where issues arise and need to be addressed using a formal process.
- 3.2 This Bylaw applies to:
 - (a) all Council meetings; and
 - (b) all Committee meetings.
- 3.3 The precedence of the rules governing the procedure of Council is:
 - (a) the Municipal Government Act;
 - (b) other Provincial Legislation; and
 - (c) this Bylaw.
- 3.4 Subject to the appeal process described in this Bylaw, the Presiding Officer or Chairperson shall interpret procedure.
- 3.5 In the absence of a statutory obligation, any provision of this Bylaw, as listed in Schedule B, may be amended by a bylaw.

4.0 ORGANIZATIONAL MEETING

- 4.1 Annually not later than two weeks after the third Monday in October, Council shall hold an Organizational Meeting.
- 4.2 The Chief Administrative Officer shall set the time and place for the Organizational Meeting, business of the meeting being limited to:
 - (a) appointment of Mayor and Deputy Mayor for the following year;

- (b) the appointments of Members to Committees to which Council is entitled to make; and
- (c) any other business required by the Act, or which Council or the CAO may direct to organize the Council structure of the municipality.

4.3 Appointments of Council Members to Committees shall be for a term of one year, unless otherwise specified.

4.4 Review and signing of the Code of Conduct for Elected Officials.

4.5 Review of Remuneration Policy.

5.0 MEETINGS OF COUNCIL

5.1 Regular Meetings of Council shall be conducted in public, held in the Council Chambers (103 Main Street, Halkirk, Alberta), unless notice is given in accordance with the Act and this Bylaw that the Regular Meeting will be held elsewhere in the community.

5.2 Regular Meetings of Council shall be held on the third Wednesday of every month (exception; see section 6.3 and 8.1).

5.3 If a Regular Meeting of Council falls on a Statutory Holiday, the meeting will take place on the next business day at the same time as set for regular meetings in this Bylaw.

5.4 Regular Meeting of Council shall commence at 5:00 pm.

5.5 Special Meetings shall be conducted in public, may be called by the Chief Elected Official (Mayor), and notice of such Special Meetings shall be given in accordance with the provisions of the Act and this Bylaw.

5.6 The Municipal Government Act permits Council or Committee to close all or part of the meeting to the public if a matter to be discussed is within one of the exceptions to disclosure contained in Division 2 Part 1 of the *Freedom of Information and Protection of Privacy Act* (FOIP);

- (a) before closing all or any part of the meeting to the public, a Council or Council Committee shall pass a motion:

- i. that includes the basis for which that part of the meeting is to be closed; and
- ii. the related section of FOIP that applies, under the Exception to Disclosure in Division 2 of Part 1 (Section 16 to 29) or under the regulations under subsection (7).

6.0 MEETINGS THROUGH ELECTRONIC COMMUNICATIONS

6.1 Pursuant to the *Municipal Government Act* a meeting of Council or Committee may be conducted by means of 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 and/or listen to the meeting at the place specified in the notice and a designated officer is in attendance at that place; and
 - (c) the facilities enable all the meetings' participants to watch and/or hear each other.
- 6.2 Councillors participating in a meeting held by an electronic or other communication facility are deemed to be present at the meeting.
- 6.3 A Council member may attend Regular or Special Council meetings by means of electronic communication unlimited times per calendar year, unless otherwise approved by Council.
- 6.4 A Member of Council may participate in a Council or Committee meeting through electronic or other communication facility if:
 - (a) The member is in a location outside of the Village of Halkirk for any reason;
 - (b) The member is in a location within the Village of Halkirk but is unable to attend a meeting for medical reasons for himself or herself, or an immediate family member;
 - (c) There is quorum of other Members of Council situated in the actual meeting place to ensure the meeting could continue if the communication facility failed or should the meeting go into closed session;
 - (d) The CAO (or designate) is present at the Council meeting;
 - (e) If that location is able to support its use, ensuring that all Council members participating in the meeting are able to communicate effectively; and
 - (f) The location is secure, appropriate for Council interaction and public viewing, and free from outside distractions.
- 6.5 When a Council member attends a Closed Session, they will be required to confirm that they have attended the Closed Session alone in keeping with the definition in this Bylaw of a Closed Session, by making a Statement declaring that they are alone.
- 6.6 The meeting Chairman must be physically present at the meeting and cannot Chair the meeting through electronic or other communication facility.
- 6.7 The Chair shall announce to those in attendance at the Council meeting that a Council member is attending the meeting by means of electronic or other communication facility.
- 6.8 The Chair has the sole authority to deny the use of the electronic meeting location if in his/her opinion the location is disruptive to the Council meeting, is in his/her opinion not secure, and is in his/her opinion located in any place deemed inappropriate.
- 6.9 Any person who wants to utilize electronic means or communication facilities to attend meeting must:
 - (a) Notify the Mayor and CAO (or designate), that he or she intends to participate in the meeting through electronic means or communication facility;
 - (b) Provide to the Mayor or CAO the reason that they cannot attend the meeting at the scheduled location;

- (c) Advise the CAO or their designate of the phone numbers or means by which they will be available throughout the meeting; and
- (d) Contact the Administration office a half (1/2) hour before the start of the meeting to receive the electronic or other communication facility meeting codes.

7.0 NOTICE OF MEETINGS

- 7.1 For all meetings requiring notice, the notice must be:
- (a) issued a minimum of 24 hours prior to the meeting date;
 - (b) notice must be in writing specifying the time, date, location, and purpose of the meeting;
 - (c) fax, email or text to each Council or Committee Member are considered acceptable forms of written notification;
 - (d) notice is to be posted at the Village Municipal Office; and
 - (e) given any other notification as requested by the Council or the Committee.
- 7.2 Despite Section 7.1, the Mayor may call a Special Meeting of Council with less than 24 hours' notice to all Councillors and without notice to the public if at least two-thirds (2/3) of the whole Council agrees to this in writing before the beginning of the meeting.

8.0 CANCELLATION OF MEETINGS

- 8.1 A Regular Meeting may be cancelled or postponed to an alternate date:
- (a) by a majority vote of Members at a previously held meeting.

9.0 AGENDA

- 9.1 The Agenda shall list the items and order of business for the meeting.
- 9.2 Administration shall ensure copies of the Agenda are:
- (a) available for Councillors/Officers not less than three days before the commencement of the meetings for which they were prepared; and
 - (b) provided with all reports and supplementary materials (unless they must or may be withheld under the Act or any other statute dealing with access to information) and available on the municipal website to the media and public, but only after they have been provided to the Council Members.
- 9.3 All submissions for the agenda of all Public Hearings and Regular Meetings of Council shall be received by the CAO no later than 4:00 p.m. on the fifth business day before the day on which the meeting is held.

- 9.4 Subject to Subsection 9.5 of this Bylaw, only material which has been received in accordance with Subsection 9.3 of this Bylaw shall be considered at the meeting for which the Agenda is prepared.
- 9.5 Once the Council Agenda has been published, requests to add an item to the Agenda must be approved by the Council.
- 9.6 If an emergent matter needs to be brought before Council at any meeting the item shall:
- (a) be accompanied by a brief explanation from an Officer indicating the reasons for and the degree of urgency of the item; and
 - (b) be considered as an addendum to the Agenda.

10.0 COMMUNICATIONS

- 10.1 When a person wishes to have a letter or other communication considered by Council, it shall be directed to the CAO and shall:
- (a) be legible and clearly set out the matter at issue and any request made of Council;
 - (b) be signed by at least one person who provides a printed name and mailing address;
 - (c) be on paper or in a printable form (provided by Village Administration);
 - (d) for electronic communication: must contain the name of the writer and both the mailing and electronic address of the writer; and
 - (e) not be libelous, impertinent, or improper.
- 10.2 If the above requirements are met, the CAO must:
- (a) include a copy of the communication or a summary of it on the next Agenda for information purposes;
 - (b) make reasonable efforts to respond to the person sending the communication to advise that person of any action taken on the subject of the communication;
 - (c) if applicable, refer the communication to staff for a report or a direct response, and inform the Council Members of the referral;
 - (d) if it relates to an item already on an Agenda, deliver a copy of the communication to Council Members with the Agenda or at the meeting; and
 - (e) take any other appropriate action on the communication, including placing it on the Agenda for a Regular Meeting of Council.
- 10.3 Council may:
- (a) refer any communication to the Staff or a Committee for a report or recommendation;

- (b) give other instructions on the communication.
- (c) consider motions on the substance of the communication; or
- (d) accept the correspondence as information.

11.0 DELEGATIONS

- 11.1 A member of the public may request in writing to be included on an Agenda as a Delegation. The request must be submitted in writing and shall:
- (a) Fill out a "Request to Summit to Council Form" – form may be found on the Village website;
 - (b) include a summary of the information that will be presented to Council;
 - (c) not exceed five typewritten pages;
 - (d) complete name of the presenter(s) and contact information (mailing address, e-mail, telephone/fax number) and the organization they are representing (if applicable); and
 - (e) be submitted to the CAO no later than 4:00 p.m. on the fifth business day before the day on which the next Council meeting is being held, with the CAO having discretion to bring forward items submitted late that may be of an emergent nature.
- 11.2 Delegations are scheduled at the discretion of the CAO (or designate), subject to:
- (a) the volume of material on any given Agenda;
 - (b) the number of requests for a specific meeting date and urgency of request; and
 - (c) subject matter.
- 11.3 No person representing an individual shall address the Council for more than five (5) minutes, exclusive of the time required to answer questions put to him /her by a Council Member, unless granted a time extension by resolution of Council.
- 11.4 No person representing a group shall address the Council for more than fifteen (15) minutes, exclusive of the time required to answer questions put to him /her by a Council Member, unless granted a time extension by resolution of Council.
- 11.5 Information presented by the Delegation will be restricted to the topic noted in the written submission and recorded on the meeting Agenda.
- 11.6 Subsequent deputations from the same individual/group concerning a topic on which they have previously presented or spoken will not be permitted unless there is significant new information to be brought forward.

12.0 ORDER OF BUSINESS AT MEETINGS

- 12.1 The normal Order of Business for the Regular Meeting of Council shall be as set out in Schedule 'A' except:
- (a) when a previous meeting has been adjourned for lack of a quorum and no Special meeting has been called to deal with the business of the adjourned meeting, the agenda items from the adjourned meeting must be dealt with before any items on the current Agenda; or
 - (b) when the Council alters the Order of Business by two-thirds (2/3) vote.

13.0 QUORUM

- 13.1 When a quorum is present at the time set for commencement of a Council Meeting, the Presiding Officer shall call the meeting to order.
- 13.2 If there is a quorum present at the time set for commencement of a meeting, but the Mayor and Deputy Mayor are absent, the CAO shall call the meeting to order and shall call for a Presiding Officer to be chosen by motion.
- 13.3 If a quorum is not constituted within fifteen (15) minutes from the time set for commencement of a Council meeting, the CAO shall record the names of all the Members present and adjourn the meeting.
- 13.4 If Council meeting is adjourned for:
- (a) failure to constitute a quorum; or
 - (b) due to loss of quorum as a result of a Member leaving the meeting, the Agenda delivered for that Council meeting shall be considered at the next Regular Meeting of Council unless a Special Meeting is conducted to complete such Business.

14.0 ADJOURNMENT

- 14.1 A Regular Council Meeting shall adjourn no later than 10:00 pm. If in session at that time, Council may conclude the matter under discussion, and any unfinished business which appears on the Agenda shall be tabled until the next regular Meeting of the Council, unless otherwise directed by the Council.
- 14.2 A Member may make a motion to adjourn a Meeting at any time, except when:
- (a) another Member has the floor;
 - (b) a call for a vote has been made;
 - (c) the Members are voting;
 - (d) Council is a Closed meeting/In-Camera; or
 - (e) a previous motion to adjourn has been defeated and no other intervening proceedings have taken place.

- 14.3 A motion to adjourn shall be put forward without comment or debate.
- 14.4 When all items of an approved agenda have been dealt with, the Presiding Officer may adjourn the meeting without requiring a motion or vote by Council.

15.0 RECESS

- 15.1 Any Member may move that Council recess for a specific period. After the recess, business will be resumed at the point when it was interrupted. This motion may not be used to interrupt a speaker.
- 15.2 A motion to recess may be amended only as to length of time, but neither the motion nor the amendment is debatable.

16.0 MINUTES OF COUNCIL

- 16.1 Council Meetings may be recorded for minute preparation by Administration only, once meeting minutes have been adopted, the recording will be deleted.
- 16.2 The CAO must prepare the Minutes of every Meeting, in accordance with Section 208(1) of the Municipal Government Act and distribute a copy to each Member within seven (7) business days of the meeting and include in the subsequent Agenda for adoption at the next Meeting.
- 16.3 The Presiding Officer shall present the minutes to Council with a request for a motion to confirm the minutes.
- 16.4 A Member may make a motion requesting that the Minutes be amended to correct an inaccuracy or omission, however, the CAO shall be advised of the challenge to the Minutes before the Meeting at which they are officially confirmed, to allow the CAO to review the notes from the meeting.
- 16.5 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.
- 16.6 No Member of Council may introduce any extraneous evidence to support a challenge to the accuracy of the minutes unless the evidence has been compiled or made under the direction or control of the CAO.
- 16.7 The CAO may designate another staff member to record the minutes of a meeting as necessary.
- 16.8 If a member arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, the meeting Minutes shall reflect such absence and the time of the absence.

17.0 CONTROL AND CONDUCT OF COUNCIL MEETINGS

- 17.1 Council meetings will be conducted in public and no person may be excluded except:
- (a) if the person chairing the meeting expels a person for improper conduct;
 - (b) Councils and Council Committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act.*; or
 - (c) A Municipal Planning Commission (MPC), subdivision authority, development authority or subdivision and development appeal board established under Part 17 may deliberate and make its decision in meetings closed to the public.
- 17.2 Subject to being overruled by a majority vote of Members, which vote shall be taken without debate, the Presiding Officer:
- (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 this 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.
- 17.3 When the Presiding Officer wishes to debate or make a motion, he /she shall vacate the Chair and request another Member to take the Chair, in the following order:
- (a) Deputy Mayor; or
 - (b) Any other Member of Council.

If no other Member of Council is willing to accept the Chair, the Presiding Officer will continue as Chair, however, will be allowed to make a motion and /or debate under the same rights and restrictions as other Members.

- 17.4 A person who is not a Member or Officer shall not address the Council unless they first obtain permission from the Presiding Officer.
- 17.5 Members of the public gallery during a Council meeting:
- (a) shall not address Council without permission;
 - (b) shall maintain order and quiet; or
 - (c) shall not applaud or otherwise interrupt any speech or action of the Members, or any other person addressing the Council.

- 17.6 The Presiding Officer may, in accordance with the Act, expel and exclude any member of the public who creates a disturbance or acts improperly.
- 17.7 When a Member or Officer wishes to speak at a Council meeting, they shall obtain the approval of the Presiding Officer before doing so.
- 17.8 When a Member or Officer is addressing the Presiding Officer every other Member shall:
- (a) remain quiet and seated;
 - (b) not interrupt the speaker except on a Point of Order, Point of Procedure or Question of Privilege; and
 - (c) not carry on a private conversation.
- 17.9 When a Member is addressing Council, the Member shall:
- (a) not speak disrespectfully of others;
 - (b) not shout, raise his/her voice, or use offensive language;
 - (c) not reflect on any vote of Council except when moving to rescind it and shall not reflect on the motives of the Members who voted on the motion, or the mover of the motion; and
 - (d) assume personal responsibility for any statement quoted to Council or upon request of Council shall give the source of the information.
- 17.10 When a Member wishes to leave the Council Chambers while a Meeting of Council is in progress, he/she shall rise and await the Presiding Officer's permission before leaving.
- 17.11 No member shall, subject to the Act, leave the Council Chamber after a question is put to a vote until the vote is taken.
- 17.12 No member of the Council or the public shall participate in any form of electronic communication (texting, emailing, telephone call) while a Meeting of Council is in progress, unless otherwise approved by Council.
- 17.13 No electronic device, other than Council Property (I Pad/s, Administration recording device) are to be brought into Council Chambers during a meeting of Council unless otherwise approved by all members of Council.

18.0 POINT OF INFORMATION, ORDER, PROCEDURE AND QUESTION OF PRIVILEGE

- 18.1 When any *Point of Order*, *Point of Procedure* or *Question of Privilege* arises, it shall be immediately taken into consideration by the Presiding Officer.
- 18.2 When a *Point of Information* is raised, the Presiding Officer shall answer the question or direct the question to the appropriate Member or Officer.
- 18.3 When a *Question of Privilege* arises, the Presiding Officer shall rule upon the admissibility of the question and if the Presiding Officer rules favorably, the Member who raised the Question of Privilege shall be permitted to pursue the question.

- 18.4 When the Presiding Officer is called upon to decide a *Point of Order* or to answer a Point of Procedure, the point shall be stated without unnecessary comment, and the Presiding Officer shall state the rule or authority applicable in the case.
- 18.5 When the Presiding Officer is of the opinion that any motion is contrary to the rules of the Council, he/she shall advise the Members immediately and quote the rule or authority applicable and no argument or comment shall be permitted.
- 18.6 The decision of the Presiding Officer shall be final unless a challenge is made pursuant to Section 19 of the Bylaw.

19.0 CHALLENGE TO THE RULING OF THE PRESIDING OFFICER

- 19.1 When a Member wishes to challenge the ruling of the Presiding Officer, the motion, "That the decision of the Presiding Officer be overruled" shall be made, and the question shall be put immediately without debate.
- 19.2 The Presiding Officer shall be governed by the vote of the majority of the Members present, and the names of the Members voting shall be recorded in the Minutes.
- 19.3 If the Presiding Officer refuses to put the question "That the decision of the Presiding Officer be overruled", the Council shall request the Deputy Mayor to proceed, in accordance with Section 19.1.
- 19.4 Any motion carried under the circumstances mentioned in Section 19.3 of this Bylaw, is effectual and binding as if carried under the chairmanship of the Presiding Officer.

20.0 MOTIONS IN COUNCIL

- 20.1 A Motion that has been moved shall not be required to be seconded.
- 20.2 After a motion has been moved, prior to any vote, it is the property of Council and may not be withdrawn without the consent of a majority of Council.
- 20.3 Except as specifically provided elsewhere in this Bylaw, the following motions are debatable by Council:
- (a) a motion for adoption, refusal, or further consideration of a report to Council;
 - (b) a motion arising out of any matter included in the Agenda;
 - (c) a motion for amendment to any bylaw or any matter arising directly out of any bylaw properly before Council;
 - (d) a motion for second reading of a bylaw;
 - (e) a motion for appointment or dismissal of a committee;
 - (f) a motion for Council to go into a closed meeting; or
 - (g) such other motions made upon routine proceedings as may be required for:

- (i) The observance of the proprieties of Council;
 - (ii) The maintenance of the authority of Council;
 - (iii) The appointment or conduct of its Officers;
 - (i) The arrangement of its proceedings;
 - (v) The correctness of its records; or
 - (vii) The setting of meeting dates or the days and times of its meetings.
- (h) a motion to postpone.

20.4 When a motion has been made and is being considered, no Member may make any other motion except to:

- (a) amend the motion;
- (b) amend the amendment to the motion;
- (c) refer the main motion to some other group for consideration;
- (d) table the main motion; or
- (e) recess the meeting.

20.5 Except as provided elsewhere in this Bylaw, the Member making the motion, after the motion has been moved, may with the unanimous consent of Council:

- (a) On the Member's initiative, while speaking on the motion; or
- (b) When requested by another Member speaking on the motion;

Make minor changes to the motion wording or agree to a minor change proposed by another Member to a maximum of three (3) words if the change does not alter the intention of the motion.

21.0 MOTIONS CONTAINING DISTINCT PROPOSITIONS

21.1 A motion containing several distinct propositions is not out of order for that reason alone.

21.2 When a motion contains two or more propositions, and when:

- (a) any member requires; or
- (b) the Presiding Officer orders.

The Council shall vote on each proposition separately.

22.0 MOTIONS OUT OF ORDER

22.1 The Presiding Officer shall advise the Council and shall cite the applicable rule or authority when determining that a motion is out of order:

- (a) a *motion* is out of order when it is moved while a motion of higher precedence is pending;
- (b) a *person* is out of order when he begins to speak without recognition of the Chair; or
- (c) a remark is out of order when it violates the rules of the Council.

23.0 MOTION TO AMEND

23.1 No amendment shall be made to a motion:

- (a) to refer a question to some other body for consideration; or
- (b) to adjourn a meeting.

23.2 While a motion is under discussion by Council, a Member may not move an amendment which:

- (a) does not relate to the subject matter of the main motion; or
- (b) is directly contrary to the main motion.

23.3 The Presiding Officer shall allow only one amendment at a time to the main motion and only one amendment to that amendment may be allowed at a time.

23.4 The Presiding Officer shall put amendments to a vote in the reverse order to which they have been moved.

23.5 When all amendments are voted on, the Presiding Officer shall ask for a vote on the main motion, incorporating any carried amendments.

24.0 DEBATE OF MOTIONS

24.1 No Member may speak more than twice on any motion, except under the following circumstances:

- (a) when a Member feels they have been misquoted or misunderstood, they may, after receiving permission from the Presiding Officer, explain a material part of their speech, but may not introduce any new matter and there shall be no debate on the explanation;
- (b) when a Member has moved the motion, they may close the debate after all other Members have been given an opportunity to speak; or
- (c) before the debate has been closed and the vote called, provided no other Member has the floor, a Member may, request that the motion be read aloud or ask a question which:
 - (i) relates directly to the debate; and
 - (ii) contains no argument and introduces no new material on the motion.

- 24.2 When a Member has closed debate, the Presiding Officer shall declare the motion and ask for a vote.
- 24.3 When the motion has been declared, no Member shall debate further on the motion or speak, except to request that the motion be read aloud.

25.0 TABLING, POSTPONING AND REFERRING MOTIONS

- 25.1 Motions to table a motion are not permitted; a *motion to table* is made to place a main motion and all pending amendments to the main motion aside temporarily, with the intention of bringing them back either later in the same meeting or at a later date for action.
- 25.2 A *motion to postpone* any matter shall include in the motion:
- (a) a specific time to which the matter is postponed; or
 - (b) provision that the matter is to be postponed indefinitely.
- 25.3 A motion to postpone a matter is amendable and debatable.
- 25.4 Any matter that has been postponed to a particular date, or indefinitely, shall not be considered by Council before the date set, except on a majority vote of the Members present.
- 25.5 When dealing with subject matters where a Committee has been appointed for that purpose, or an Officer would normally deal with such matters, the Council may, without amendment or debate, refer the question to the appropriate body.
- 25.6 A Member who is moving a referral motion shall be required to include in the motion:
- (a) the terms on which the motion is being referred;
 - (b) the time when the matter is to be returned; and
 - (c) whatever explanation is necessary as to the purpose of the motion.

26.0 VOTING ON MOTIONS

- 26.1 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;
 - (b) two-thirds (2/3) of Council or any other fraction of Members; or
 - (c) all Members, the requirements shall be interpreted as meaning such majority, fraction or total of the Members who are present, provided the Act, or some other relevant statute does not specify differently.
- 26.2 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.

- 26.3 Each Member present shall vote on every motion as prescribed by the Act, unless the Act or 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 CAO shall record the abstention and reasons in the minutes.
- 26.4 Any Member, prior to the vote being taken, may ask for a recorded vote and the CAO shall record the names of those who vote for and those who vote against a motion in the Minutes.
- 26.5 Votes on all motions must be taken as follows:
- (a) the Presiding Officer must declare the motion and call for the vote;
 - (b) Members must vote by a show of hands; and
 - (c) the Presiding Officer must declare the result of the vote.
- 26.6 After the Presiding Officer declares the result of the vote, Members may not change their vote for any reason.
- 26.7 When this Bylaw or any other Bylaw, regulation or other enactment requires a majority greater than a simple majority to pass a motion on any matter, the motion may not be rescinded or amended by less than the majority required.
- 26.8 It is only necessary for each Member to vote separately on a recorded vote. In every other case the decision of the Council may be expressed by a verbal vote or show of hands.

27.0 RECONSIDERING, RESCINDING OR RENEWING A MOTION

- 27.1 *A motion to reconsider* enables the majority in a meeting, within a limited time and without notice, to bring back for further consideration a motion that has already been put to vote. The purpose of reconsideration is to permit a meeting to correct a hasty, ill-advised or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote. If a motion to reconsider is passed, the effect is to cancel the original vote on the motion and reopen the matter for debate as if the original vote had never occurred.
- (a) *A motion to reconsider*:
 - i. Can be made only by a member who voted with the prevailing side, if the motion involved was adopted, or voted contrary if the motion was defeated;
 - ii. The motion is subject to time limits. A motion to reconsider must be made at the same meeting or at the next meeting following the original vote; or
 - iii. The motion may interrupt a speaker, but the pending business must be disposed of before the motion to reconsider can be presented.
- 27.2 *A motion to reconsider* may not be applied to:
- (a) a vote which has caused an irrevocable action; or
 - (b) a motion to reconsider.

27.3 A *motion to rescind* means a proposal to cancel or annul an earlier decision. The effect, if passed, is to cancel the earlier motion and make it possible for a new motion to be placed before the meeting. When rescinding a motion, it should be noted that it is the motion that is rescinded and if any action has been taken due to the passing of the motion, that action cannot be rescinded.

27.4 A *motion to rescind* cannot interrupt another speaker, is debatable and is amendable.

28.0 NOTICES OF MOTION

28.1 A Member may make a motion introducing any new matter only if:

- (a) notice is given at a previous regular Council meeting and a legible copy of the content of the notice is made available to the CAO; or
- (b) Council on a two-thirds (2/3) vote, waives the requirement for Notice.

28.2 A *Notice of Motion* must give sufficient detail so that the subject of the motion and any proposed action can be determined, and it must state the date of the meeting at which the motion will be made. A notice must be given without discussion of the matter, but any written copies distributed may include explanatory paragraphs.

28.3 To be placed on the meeting Agenda, the Motion on Notice and any supporting documents must be submitted in the form of a Council Report to the CAO by 4:00 p.m. on the fifth complete business day preceding the meeting.

28.4 If a motion is not made at the meeting indicated in the notice, it will appear on the Agenda for, and may be made at any of, the next two Regular Meetings. After the third Regular Meeting, it will be removed from the Agenda and may only be made by a new Notice of Motion.

29.0 BYLAWS

29.1 When a proposed Bylaw is presented to Council for enactment, the CAO shall publish the number and title of the Bylaw on the Agenda.

29.2 The CAO shall copy the proposed Bylaw in full and forward it to the Agenda.

29.3 Every proposed Bylaw must have three distinct and separate readings. Only the title or identifying number must be read at each reading of the proposed Bylaw.

29.4 A Bylaw shall be introduced for first reading by a motion that the proposed Bylaw be read a first time.

29.5 The Council shall vote on the motion for first reading of a proposed Bylaw without amendment or debate.

29.6 After first reading, a Member may ask a question concerning the proposed Bylaw.

- 29.7 A proposed Bylaw shall be introduced for second reading by a motion that it be read a second time.
- 29.8 After a Member has made a motion for second reading of a proposed Bylaw, Council may:
- (a) debate the substance of the proposed Bylaw; and
 - (b) propose and consider amendments to the proposed Bylaw.
- 29.9 A proposed Bylaw shall not be given more than two readings at one meeting unless the Members present unanimously agree that the proposed Bylaw may be presented to Council for a third reading.
- 29.10 When Council unanimously agrees that a proposed Bylaw may be presented for third reading:
- (a) motion for third reading of the proposed Bylaw shall be made;
 - (b) Council shall vote on the motion without amendment or debate;
 - (c) the third reading requires no greater majority or affirmative votes than if it had received third reading at a subsequent Meeting.
- 29.11 A Bylaw is passed when it receives third reading, and it is signed by:
- (a) by the Chief Elected Official or by another person authorized by council to sign them; and
 - (b) by a Designated Officer.
- 29.12 A Bylaw comes into force at the beginning of the day that it is passed unless otherwise provided in the Bylaw.
- 29.13 The previous readings of a proposed Bylaw are rescinded if the proposed Bylaw:
- (a) does not receive third reading within 2 years after first reading; or
 - (b) is defeated on second or third reading.
- 29.14 The CAO is authorized to consolidate one (1) or more bylaws of the municipality and must:
- (a) incorporate all amendments to the bylaw into one (1) bylaw; and
 - (b) omit any provision that has been repealed or that has expired.

30.0 URGENT BUSINESS

- 30.1 Notwithstanding subsection 28.1, a Member may move to discuss a matter of urgent public importance without prior Notice of Motion.
- 30.2 A motion to bring a matter before Council as urgent business is subject to the following conditions:
- (a) the matter proposed for discussion must relate to a genuine emergency, calling for immediate and urgent consideration;

- (b) the matter shall not involve discussion of an item that has been discussed previously in the same meeting;
- (c) the matter shall not be one which should be dealt with by giving written Notice of Motion; and
- (d) the matter shall not raise a Question of Privilege.

31.0 ADMINISTRATIVE INQUIRIES

- 31.1 A Member wishing to make an "Administrative Inquiry" at a Regular Meeting shall put the Administrative Inquiry in writing and, prior to the Regular Meeting, submit it to the CAO.
- 31.2 Unless an inquiry specifies that the Member wishes the answer to appear on a subsequent Council Agenda, the CAO or an Officer may give the answer directly to the Members.
- 31.3 When an inquiry involves a written answer to be given at a future Meeting and it appears to the CAO that the Village would incur a cost of over \$500.00 by reason of:
 - (a) time of Village employees who must be taken from performance of their regular duties or overtime that must be worked;
 - (b) the need to hire additional employees; or
 - (c) the necessity of obtaining and paying for the information from other than Village employees, and no appropriation has been made for such expenditure in the Budget, the CAO shall report the anticipated cost to Council before undertaking such inquiry.
- 31.4 When the CAO has reported the cost of an inquiry, Council may:
 - (a) direct that the Administration proceed with the investigation necessary to answer the inquiry;
 - (b) and make provision for the payment of the cost; or
 - (c) by a two-thirds vote direct that Administration abandon the inquiry.
- 31.5 The subject matter of an inquiry is not debatable until the reply to the inquiry has been made or presented to Council.
- 31.6 A Member who requested an Administrative Inquiry may, at a Regular Meeting, instruct Administration to abandon the Inquiry.

32.0 COUNCILLOR REPORTS

- 32.1 Each Councillor will submit a written report for all meetings attended and the individual Member reports shall be included in the first Agenda package following the month when the meetings were attended.

- 32.2 Councillors will be provided with a maximum of five (5) minutes for the purpose of answering questions with regards to their monthly reports.
- 32.3 Any action required as a result of a Councillor Report shall be brought forward as a separate business item or Notice of Motion.

33.0 COMMITTEES

- 33.1 Council may establish Committees as are necessary or advisable by bylaw for the orderly and efficient handling of the affairs of the Village and may set terms of reference for Committees.
- 33.2 When set, "The Terms of References for Committees" may be amended by bylaw of Council from time to time, as required.
- 33.3 When establishing a Committee, Council may adopt a Terms of Reference for the Committee that:
- (a) names it;
 - (b) establishes membership, purpose and authority;
 - (c) sets the term or directs that the committee exists on an on-going basis at the pleasure of Council; and
 - (d) allocates any necessary budget or other resources.
- 33.4 The CAO will facilitate an annual review by the Council of all Committees Terms of Reference prior to the annual Organizational Meeting and committee appointments.
- 33.5 The Council may appoint, by motion, Councillors, employees, public-at-large, or other members to Committees in accordance with the approved Terms of Reference within the Committee Bylaw.
- 33.6 The Chief Elected Official is a member of all council committees and all bodies to which Council has the right to appoint members under this Act, unless the council provides otherwise:
- (a) despite 33.6, the Chief Elected Official may be a member of a board, commission, subdivision authority or development authority established under Part 17 of the MGA only if the Chief Elected Official is appointed in the Chief Official's personal name.
- 33.7 At its first meeting each year, a Committee shall elect a Chairperson and Vice-Chairperson for a one (1) year term from among the Members unless Council designates:
- (a) the Chairperson of a Committee; or
 - (b) the manner in which the Chairperson shall be selected.
- 33.8 A Member of a Committee can remain in the position of Chairperson for a maximum of three terms of office.
- 33.9 A Chairperson of a Committee may be removed from office by a vote of a majority of the members of the Committee. No motion to remove the Chairperson shall be in order unless

a Notice of Motion has been given in writing at a regular meeting of the Committee held at least five business days prior to the meeting at which the motion is considered.

- 33.10 The Chairperson of a Committee shall preside at every meeting and shall vote on all questions.
- 33.11 In the absence or inability of the Chairperson to preside over a meeting, the Vice-Chairperson shall preside and shall exercise the same powers, duties, and responsibilities that the Chairperson would be entitled to exercise if present.
- 33.12 In the absence or inability of both the Chairperson and Vice-Chairperson to preside over a meeting, the members present, if they constitute a quorum, shall elect one of the members present to preside over that meeting.
- 33.13 A Committee shall conduct its meetings in public in accordance with the provisions of the Act and under section 17.0 of this Bylaw.
- 33.14 Committees shall adhere to the following minimum meeting requirements:
- (a) Committees shall establish, on an annual basis, a schedule of regular meetings;
 - (b) a regular meeting schedule established under this section must be filed with the CAO a minimum of three (3) clear days prior to the first meeting in the schedule;
 - (d) the Chairperson may call a meeting of the Committee at any time and must do so if a majority of Committee members request in writing, including a statement of purpose of the meeting. A Special Meeting requested by Committee members must be held within 14 days after the request is received; and
 - (e) notice of Committee meetings not approved in the established annual schedule, or cancellation of a previously called meeting, must comply with requirements for Public Notice as set out in this Bylaw and be filed with the CAO a minimum of 24 hours prior to the meeting.
- 33.15 Minutes shall be prepared for all Committee meetings and must:
- (a) include all decisions and other proceedings;
 - (b) include the names of Committee members present at and absent from the meeting;
 - (c) include any abstentions made under the Municipal Government Act by any member and the reason for abstention;
 - (d) include the signatures of the Chair and the Recording Secretary; and
 - (e) be retained in a safe manner and be available upon request. A final copy of the minutes must be filed with the CAO within a minimum of three working days after being confirmed by the Committee.
- 33.16 When a Committee is of the opinion that a meeting should be closed, the motion passed to authorize the closed meeting shall include the reason for holding the closed meeting, and the closed meeting shall be conducted in accordance with the Act.

- 33.17 Committee meetings shall be open to all Members of Council, but only those Members specifically appointed to that Committee, or appointed ex-officio are entitled to take part in discussion and debate and vote on any matter before the Committee.
- 33.18 A Member of a Committee who has a pecuniary interest in a matter before the Committee shall disclose the general nature of the interest and abstain from discussing the matter or voting on the matter and leave the room until discussion and voting on the matter are concluded, as prescribed in the Act.
- 33.19 Any member absent from three (3) consecutive regular meetings of a Committee, unless such absence is authorized by motion of the Committee, will automatically forfeit his/her membership as of the date of the third consecutive meeting absent from. Any member forfeiting his/her membership may be eligible for re-appointment in the future but not for the unexpired portion of the term forfeited.
- 33.20 No Committee or any member of a Committee has:
- (a) power to pledge the credit or course of action of the Village or enter into any agreement on behalf of the Committee or Village;
 - (b) power to authorize any expenditure to be charged against the Village without prior approval by Council; or
 - (c) authority to act except as established in the Terms of Reference for the Committee.
- 33.21 Councillors appointed to a Committee by the Council shall be responsible to keep Council informed as to Committee activities through monthly Councillor Reports.
- 33.22 A Committee shall provide the Council with an annual summation of Committee activities.
- 33.23 The CAO shall appoint an Administrative Representative to each Committee who shall:
- (a) ensure required notice is given, and accurate minutes are kept, for all Regular and Special Meetings of the Committee;
 - (b) provide advice, research, information, and additional support staff as required by the Committee; and
 - (c) not be a member of the Committee and may not vote on any matter.

34.0 PUBLIC HEARINGS

- 34.1 "Adjourn" used in relation to a Public Hearing, means to take a break in the Public Hearing with the intent of returning to the Public Hearing at another meeting.
- 34.2 "Close" used in relation to a Public Hearing, means to terminate the Public Hearing.
- 34.3 At the commencement of a Public Hearing, the Presiding Officer shall:
- (a) state the matter to be considered at the hearing;

- (b) ask the Secretary if the Public Hearing has been advertised in accordance with S 606 of the Municipal Government Act;
- (c) request that staff present a report on the issue at hand;
- (d) request that the Halkirk Municipal Planning Commission provide their position on the proposed Bylaw; and
- (e) allow the Applicant, and/or their representative(s), up to twenty (20) minutes to present their position, exclusive of the time required to answer questions put to him/her by a Council Member, unless granted a time extension by Council.

34.4 Any person or group who claims to be affected by the subject matter of the Public Hearing shall be afforded an opportunity to speak in the following order:

- (a) the Presiding Officer will call those who have indicated on the sign-in sheet that they wish to speak to the proposed Bylaw;
- (b) the Presiding Officer will ask if there is anyone present who wishes to make any general comments regarding the proposed Bylaw; and
- (c) the Presiding Officer will allow an opportunity for all persons to respond to any new information that has arisen.

34.5 If a person is unable to attend a Public Hearing, that person may authorize an individual to speak on his/her behalf. The authorization must:

- (a) be in legible writing;
- (b) name the individual authorized to speak;
- (c) indicate the proposed Bylaw to be spoken to; and
- (d) be signed by the person giving the authorization.

34.6 The authorized speaker must state the name of the person that the speaker represents and present the written authorization to the CAO.

34.7 No person representing an individual shall address the Council for more than five (5) minutes, exclusive of the time required to answer questions put to him /her by a Council Member, unless granted a time extension by the majority of Council.

34.8 No person representing a group shall address the Council for more than fifteen (15) minutes, exclusive of the time required to answer questions put to him / her by a Council Member, unless granted a time extension by the majority of Council.

34.9 The Presiding Officer will allow staff to make closing comments.

34.10 If there is more than one Public Hearing on the Agenda, the Presiding Officer shall adjourn or close one Public Hearing before opening another Public Hearing.

34.11 If a Public Hearing is adjourned, the Council shall not receive any additional submissions in relation to the subject matter unless it re-opens the Public Hearing.

- 34.12 If a Public Hearing is closed, the Council shall not receive any additional submissions from the public in relation to the subject matter until it has voted on the subject matter of the Public Hearing.
- 34.13 After considering the representations made to Council about the proposed Bylaw or resolution at the Public Hearing, and after considering any other matter it considers appropriate, the Council may pass a resolution to move the Bylaw to the Regular Council meeting for consideration.
- 34.14 Once in the Regular Council meeting, Council may then:
- (a) pass the proposed Bylaw or resolution;
 - (b) make any amendment to the Bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or
 - (c) defeat the Bylaw or resolution.

35.0 APPLICABILITY

35.1 This Bylaw applies to all members of Council and Committees established by the Council of the Village of Halkirk.

36.0 SEVERABILITY

36.1 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.

37.0 GENERAL

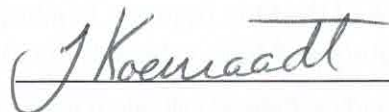
37.1 That Bylaw # be repealed in its entirety.

37.2 That this Bylaw comes into effect upon final reading of the Bylaw.

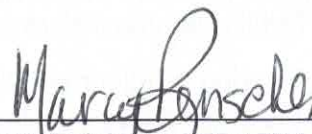
READ A FIRST TIME THIS 14th DAY OF November 2024.

READ A SECOND TIME THIS 14th DAY OF November 2024.

READ A THIRD TIME AND FINALLY PASSED THIS 14th DAY OF November 2024.



MAYOR



CHIEF ADMINISTRATIVE OFFICER

SCHEDULE 'A'

ORDER OF BUSINESS AT MEETINGS (AGENDA ORDER)

The normal order of business for the regular meeting of Council shall be as follows:

- 1.0 Call to Order
- 2.0 Agenda
 - 2.1 Additions to the Agenda
 - 2.2 Adoption of Agenda
- 3.0 Adoption of Minutes
- 4.0 Public Hearing
- 5.0 Delegations
- 6.0 Policies
- 7.0 Bylaws
- 8.0 Business
- 9.0 Reports
 - 9.1 Financial Reports
 - 9.1.1 Accounts Payable
 - 9.2 Administrative Reports
 - 9.2.1 Action List
 - 9.2.2 CAO Report
 - 9.2.3 Public Works Report
 - 9.2.4 Grant Writer Report
 - 9.2.5 RCMP Report
 - 9.2.6 Halkirk Fire Report
 - 9.3 Legislative Reports
 - 9.3.1 Committee Reports
- 10.0 Other Items
- 10.1 Meetings of Council
- 10.2 Conferences
- 11.0 Correspondence
- 12.0 Closed Session
- 13.0 Adjournment

SCHEDULE 'B'

SECTIONS WHICH MAY BE SUSPENDED

Motion Section

Recess

Location of a Council Meeting Time and date of Regular Meeting Time length to address Council

Time for commencement of Public Hearing