

**Village of Warburg
Bylaw #98/10**

A BYLAW OF THE VILLAGE OF WARBURG, IN THE PROVINCE OF ALBERTA, TO REGULATE THE PROCEDURE AND CONDUCT OF COUNCIL AND COUNCIL COMMITTEE MEETINGS OF THE VILLAGE OF WARBURG AND TO DEFINE CERTAIN OF THE DUTIES OF THE COUNCIL, THE COMMITTEES AND CERTAIN OFFICERS OF THE VILLAGE

WHEREAS, that Council of the Village of Warburg considers it expedient and desirable for effective governance to regulate the procedure and conduct of Council and Council Committee meetings in the Village of Warburg,

NOW THEREFORE, pursuant to the **Municipal Government Act, Chapter M-26, RSA 2000** and amendments thereto, the Council of the Village of Warburg, in the Province of Alberta, **ENACTS AS FOLLOWS:**

1. This bylaw may be cited as : "The Procedure Bylaw"
2. **DEFINITIONS**
 - a) "Act" means the Municipal Government Act
 - b) "Agenda" is the list of items and order of business of any meeting of Council or Council Committees
 - c) "CAO" means the Administrative officer or his delegate for the Municipality
 - d) "Bylaw" is a bylaw of the Village of Warburg
 - e) "Council" is the Mayor and Councillors of the Village, for the time being, elected pursuant to the provisos of the Act whose term is unexpired, who have not resigned and who continue to be eligible to hold office as such under the terms of the Act
 - f) "Councillor" is a member of Council duly elected pursuant to the Local Authorities Election Act and continuing to hold office
 - g) "Delegation" means any person that has permission of Council to appear before Council or a Committee of Council to provide pertinent information and views about the subject before Council or Council Committee.
 - h) "Deputy Mayor" is the member who is appointed by council pursuant to Section 50 of the Act, to act as Mayor in the absence or incapacity of the Mayor.
 - i) "Mayor" is the member of Council duly appointed by Council in accordance with the Municipal Government Act.
 - j) "Meetings" means meetings of Council and Council committees.
 - k) "Member" means a Councillor or person at large appointed by Council to a Committee of Council.
 - l) "New Business" is business dealing with a matter which has not been introduced at the same or previous meeting and of which no notice has been given of the intention to present it.

- m) "Public Hearing:" is a meeting of Council which is convened to hear matter pursuant to:
 - (i) the Planning Act which may be referred to as Planning meeting,
 - (ii) any other Act,
 - (iii) any other matter which the council directs may be considered at a Public Hearing,
- n) "Quorum" is the majority of members eligible to vote:
 - (i) in the case of Council – three (3)
- o) "Special Meeting" is a meeting called by the Mayor pursuant the Municipal Government Act
- p) "Village" means the Village of Warburg

3. APPLICATION

This bylaw applies to all members attending meetings of Council and Committees established by Council of the Municipality.

Any matter of meeting conduct, which is not herein provided for, shall be determined in accordance with the Act, Roberts Rules of Order, or Roger's Law of Municipal Corporation, in that order. 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.

In this Bylaw, words importing male persons include female persons.

4. SEVERABILITY

If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid.

5. ORGANIZATIONAL MEETING

The following procedures are governed by the Municipal Government Act and is provided for information only.

- 1) An organizational meeting of Council shall be held annually, not later than two (2) weeks after the third Monday in October.
- 2) The CAO shall fix the time and place for the organizational meeting, the business of the meeting being limited to:
 - a) the administration of the oath and the introduction of new members should the meeting follow the general municipal election
 - b) the appointment of a Mayor
 - c) the appointment of a Deputy Mayor
 - d) the appointment of members to act on committees, commissions, boards and other bodies on which Council is entitled to representation and;
 - e) any such other business as is required by the Act.
- 3) When the Council has been elected at an election immediately preceding the meeting, the CAO shall:
 - a) take the chair

- b) call the meeting to order
 - c) preside over the meeting until the oath as prescribed by the Oaths of Office Act, has been administered to the Mayor
- 4) After the Mayor has taken the Oath he shall assume the chair and preside over the remainder of the meeting.
 - 5) When the meeting is not preceded by an election, the Mayor shall take the chair and call the meeting to order.

6. MEETINGS

- 1) The Regular meetings of Council shall be established by resolution of Council at its' annual organizational meeting.
- 2) Special meetings of Council shall be established as required by Council according to the provisions of the Municipal Government Act and the public shall be given notice.
- 3) The meetings of Council committees shall be established by resolution of each committee and the public must be given notice or advertised as required by the provisions of the Municipal Government Act.
- 4) Regular meetings of Council shall begin at 7:00 p.m.
- 5) The times for the beginning of Council committee meetings shall be set by resolution of each committee.
- 6) If a quorum is not present within thirty (30) minutes after the time fixed for the meeting, the CAO shall record the names of the members present and the meeting shall stand adjourned until the next meeting.

7. CONDUCT OF MEETINGS

- 1) Each member or delegate, as the case may be, shall address the chair but shall not speak until recognized by the chair.
- 2) The presiding officer, with the approval by resolution of the members, may authorize a person in the public gallery to address members only on the topic being discussed at that time and within the time limits specified by the presiding officer.
- 3) A resolution does not require a seconder.
- 4) A resolution may be withdrawn at any time before voting subject to no objection from any member, as the case may be.
- 5) The following resolutions are not debatable by members:
 - a) Adjournment
 - b) to take a recess
 - c) question of privilege
 - d) point of order
 - e) to limit debate on a matter before members
 - f) on division of a question
 - g) postpone the matter to a certain time
 - h) to table the matter

- 6) Rules of Order: example Chairperson speaking to the issues / relinquishing the chair.
- 7) 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 presiding chair so directs.
- 8) Whenever the presiding officer is of the opinion that a motion is contrary to the rules and privileges of Council, he shall inform the member thereof immediately, before putting the question, and shall cite his reasons applicable to the case without argument or comment.
- 9) In all cases not provided for in the proceedings of the council, a two-thirds majority of council shall determine to uphold the ruling of the presiding officer or not as the case may be.

8. VOTING

- ~~1) The Mayor, when present, and every Councillor present shall vote on every matter:~~
A Councillor attending a council meeting must vote on a matter put to a vote at the meeting unless the councillor is required or permitted to abstain from voting under this or any other enactment.

The Mayor or meeting chair, will call the vote or poll the members in the case of a recorded vote.
 - ~~a) unless, in a specified case, the Mayor or a Councillor is excused by resolution of the Council from voting.~~
 - ~~b) unless, pursuant to the Act, he is disqualified from voting by reason of a direct or indirect pecuniary interest.~~
- 2) Whenever 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) all members of Council,
 - c) two-thirds (2/3) of Council members.
- 3) 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.
- ~~4) A member shall not vote on a matter if he is absent from the Council chamber when the vote is put and:~~
 - ~~a) the CAO has begun to poll members if a voice vote is being taken, or~~
 - ~~b) the decision is made to take a recorded vote.~~
- 5) The names of those who vote for and those who vote against a Motion shall be entered in the minutes by the Secretary when a member of Council calls for a poll of the members or a recorded vote.

9. DELEGATIONS

- 1) A person or representative of any delegation or group of persons who wish to bring any matter to the attention of Council, or who wish to have any matter considered by Council shall address a letter or other written communication to the Council outlining the subject to be discussed. The letter shall be signed by

the correct name of the writer; the address of the writer, and delivered or mailed to the CAO. The letter must arrive not later than 4:30 p.m. on the **Monday** prior to the meeting at which it is to be presented. If the person wishes to appear before council on the matter it shall be stated in the letter.

- 2) Delegates shall be granted a maximum of ten (10) minutes to present the matter outlined in the letter. Where the presiding officer determines that additional time shall be granted to a delegation the length of the extension shall be specified and the presiding officer may limit the time.
- 3) Delegations that have not submitted a letter in accordance, may be granted a brief opportunity to outline the matter they wish to present to Council, and following that outline, the presiding officer and members shall determine if the delegation is to be granted time to present the matter outlined.

10. GENERAL RULES OF COUNCIL

- 1) Regular meetings of Council shall commence at 7:00 p.m. and adjourn not later than 11:00 p.m., if in session at that hour, unless otherwise determined by two-thirds majority vote of the members present, and such a Motion to extend the time of adjournment may be made and passed either while in Council or in committee.
- 2) Every regular meeting of Council shall stand recessed for fifteen (15) minutes immediately following the hour of 9:00 p.m. or as near to such time, for a coffee break, then the meeting shall be called back to order.
- 3) If there is no quorum present within half an hour of the time appointed for the meeting of Council, the CAO shall, for the purpose of remunerating, call the roll and take down the names of the members present, and the Council shall stand absolutely adjourned until the next meeting, unless a Special meeting be duly called in the meantime.
- 4) As soon after the hour of meeting there shall be a quorum present the Mayor shall take the chair and call the members to order.
- 5) In the case that the Mayor is absent the Deputy Mayor shall take the chair.

11. MEMBER OF COUNCIL NOT TO INTERFERE

No member of Council shall have the power to direct or interfere with the performance of any work for the corporation, and the office in charge shall be subject only to his superior officer (if any) and to the Council representative to which the Council may in any case give authority in that behalf.

12. AGENDA AND ORDER OF BUSINESS

- 1) Prior to each meeting, the CAO shall prepare a statement of the order of business to be known as the "Agenda" of all matters to be brought before Council. To enable the CAO to do so, all documents and notice of delegation intended to be submitted to the Council shall be received by the CAO not later than 4:30 p.m. on the **Monday** of the week prior to the meeting.

- 2) The CAO shall place at the disposal of each member a copy of the agenda and all supporting materials not later than 4:30 p.m. the Wednesday prior to the meeting.
- 3) Where the deadlines are not met the agenda and support materials shall be deemed to be acceptable when the agenda is adopted at the meeting.
- 4) The Business intended to be dealt with shall be stated in the following order where applicable:
 - a) Call to Order
 - b) Additions/Deletions/Changes to the Agenda
 - c) Adoption of the Agenda
 - d) Adoption of the previous Minutes
 - e) Delegations / Public Hearings
 - f) Financial
 - g) New Business
 - h) Councillor/Committee Reports
 - i) Correspondence
 - j) CAO Report
 - k) Confidential Items (legal, negotiations, personnel)
 - l) Adjournment
- 5) The order of business established in the forgoing paragraph shall apply unless altered by the presiding officer with no objection from members, or otherwise determined by a majority vote of the members present, and the vote upon a matter of priority of business shall be decided without debate.
- 6) Standing Committees of Council shall be established and governed by policy or bylaw approved by Council. Where appropriate authority is delegated to a Standing Committee, such committee and its mandate shall be established by bylaw.

13. LETTERS AND PETITIONS

- 1) Notwithstanding the provisions of the Act respecting petitions, where a person or group of persons wishes to bring any matter to the attention of Council or to have any matter considered by Council, a letter, petition or other communication shall be addressed to the CAO, the letter, petition or other communication shall:
 - a) be printed, typewritten or legibly written,
 - b) clearly set out the matter at issue and the request made of Council in request thereof, including a request to speak to Council of this is what is wished,
 - c) in the case of a letter or communication:
 - i) be signed with the correct name of the writer, and
 - ii) contain the correct mailing address of the writer,
 - d) in the case of a petition:
 - i) be signed by at least two persons,
 - ii) set out the civic address of each petitioner, and
 - iii) indicate the name of the spokesman.
 - e) be delivered or mailed to the office of the CAO so it arrives no later than 4:30 p.m. on the Monday before the meeting at which it is to be presented.

- 2) When a communication contains a request for an appearance to address the Council, the Council, by resolution, may hear the person. If the Council deems the matter to be urgent, deal with it at once, but each person shall not speak for more than five (5) minutes unless the time is extended by a majority vote of Council.
- 3) When considering a petition and if the petition concerns the matter which the Council deems is urgent, or personal grievance of the petitioners, the Council may, if it deems the urgency of the matter so requires, take immediate action thereon.
- 4) Where a matter has been considered by Council and dealt with in any final form, subject to the provisions of 3, no letter, petition or other communication and substantively the same matter shall be considered by Council until there has been a lapse of at least six (6) months from the date Council previously disposed of the matter.
- 5) Notwithstanding Section 4, Council by two-thirds vote may again consider a matter at a time earlier than six (6) months.

14. PROCEEDINGS AT PUBLIC HEARINGS

- 1) Mayor opens the meeting. States that the Public Hearing meeting is held pursuant to the applicable section to the Act.
- 2) Mayor declares the Public Hearing portion of the meeting open. He states that the Council has **30 days** from the conclusion of the Public Hearing in which to render a decision.
- 3) CAO asks if there is any objection to anyone of the Councillors sitting on the Council, (if there is an objection, the Mayor will ask the reason for the objection and make a ruling on the validity of the reason. If the reason is deemed valid, that person must step off Council for the Public Hearing portion and decision making process).
- 4) The CAO then states the nature of the hearing and reads the following information into the record:
 - i) the reason for the Public Hearing
 - ii) that the notice of Public Hearing was advertised in a local newspaper (state names) and (state date of issue).
 - iii) The order for presentation will be as follows:
 1. the applicants (if applicable)
 2. Anyone deemed to be affected by the proposed decision who wished to be heard.
 3. A representative of any Government agency.
 - iv) Cross-examination is allowed.
 - v) The Council may ask questions of any government agency after each presentation.

- vi) The Council members should refrain from making any comments to the public that would indicate any bias either for or against.
- 5) If, for any reason the Board feels that more information is required, the Council shall recess the Public Hearing for a specified period of time. A complete re-advertising must be done. If not, the Public Hearing portion of the meeting is adjourned by the Mayor.
- 6) The Council then has the option of making a decision on the matter at their next Council meeting or postponing a decision up to a maximum of 30 days.
- 7) The decision on the matter shall be deemed as a refusal (or defeated) when a decision thereon is not made within 30 days after the adjournment of the Public Hearing.
- 8) In making its decision, the Council should conform with the applicable Municipal Bylaws and Provincial Statutes.
- 9) The Council shall give written reasons for its decision.
- 10) The decision is then mailed to all parties directly affected and those who made a presentation at the Public Hearing.
- 11) An advertisement may be placed in the newspaper but this is not a requirement.

15) MOTIONS AND PUTTING QUESTIONS OR RESOLUTIONS IN COUNCIL

- 1) A motion before Council does not need to be seconded.
- 2) The Mayor shall read the Motion aloud, unless the Motion has appeared on the agenda.
- 3) No Motion introducing any new matter, other than a matter concerning an item on the agenda, a question or privilege or bringing up petitions, reports, delegations, representations shall be accepted and discussed unless notice of same has been given at a previous meeting of the council held at least five (5) days before the moving of such motion; or unless such notice shall be dispensed with by two-thirds vote of Council, taken without debate.
- 4) After a motion is read or stated by the Mayor or other presiding Officer, it shall be deemed to be in the possession of Council. But may be withdrawn at any time before debate or decision with the permission of Council.
- 5) A Motion to refer, until it is decided, shall preclude all amendments to the main question. The Motion is debatable.
- 6) When a Motion has been made and is being considered by Council, no member may make any other Motion except a Motion to:
 - a) amend a Motion
 - b) refer the main question to some other person or group for consideration

- c) table the main question
 - c) adjourn the meeting.
- 7) After any question is finally put by the Mayor or other presiding Officer, no member shall speak to the question nor shall any other Motion be made until after the result of the vote has been declared. The decision of the Mayor or the presiding Officer as to whether the question has been finally put, shall be conclusive.
- 8) A Motion to adjourn the Council or the debate shall always be in order, but no second Motion to the same effect shall be made until after some intermediate proceedings shall have been had.
- 9) A member may move a Motion to adjourn a meeting at any time except when:
- a) another member is in possession of the floor,
 - b) a call for a division has been made,
 - c) the members are voting,
 - d) a previous Motion to adjourn has been defeated and no other intermediate proceeding has taken place.
- 10) A Motion to rescind an action of Council may be offered at any time subsequent to the meeting at which the original Motion was passed,
- a) Any member of Council may make the Motion to rescind,
 - b) Notice of the rescinding Motion shall have been given in the usual manner,
 - c) A majority vote for all the members of Council is necessary for the passage of a motion to rescind.
- 11) Unless otherwise specifically provided in this bylaw, the following Motions are debatable by Council:
- a) A Motion arising out of any matter or thing included in the agenda for the Council meeting at which it is debated,
 - b) Motion concerning any matter or thing, tabled meeting of the council, or tabled for the meeting at which it is discussed,
 - c) A Motion for adoption or rejection of, referral back or further consideration of a report to the council, or a Motion arising out of any matter dealt with in a report to the Council.
 - d) A Motion for a previous question,
 - e) A Motion for the second reading, or Motion for the third reading of a bylaw,
 - f) A Motion for amendment to any bylaw properly before the Council, or to any matter arising directly out of any bylaw properly before the Council,

- g) Such other motion made upon routine proceedings of Council may be necessary for conducting of the business of Council and the observance of its priorities.
- 12) 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 some other 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 some future time.
 - e) A Motion for the previous question,
 - f) A Motion to adjourn the meeting, provided that a Motion to table shall not be debated except as to the time when the matter will again be considered.
- 13) 1) When the Mayor or other presiding member decides a Motion is out of order, he shall so advise Council and shall cite the rule of authority applicable thereto.
- 2) Any member of Council may move a Motion of the chair, pursuant to Sub Section 13 (1).
- 14) Whenever any matter of privilege arises, it shall be immediately taken into consideration.
- 15) Members shall always take their places when any vote is called for, and shall remain in their places until the Mayor or other presiding officer has declared the result of the question.

16. BYLAWS

- 1) Where a bylaw is presented to the Council for enactment, the CAO shall cause the number and short title of the bylaw to appear on the agenda in the appropriate place.
- 2) The CAO shall cause the bylaw to be copied in full and forwarded to the members of Council, with the agenda.
- 6) Every bylaw shall have three readings.
- 7) A bylaw shall be passed when the majority of members are present and voting on the third reading vote in favour of the bylaw.
- 8) A bylaw shall be introduced for the first reading by a Motion that the bylaw, specifying its number and short title, be read a first time.
- 9) Where a bylaw which is introduced for first reading is not copied in or delivered with the agenda, the CAO shall read the bylaw at length.
- 10) Council shall vote on the Motion for first reading of a bylaw without amendment or debate.

- 11) If a member does not elaborate on the subject matter of the bylaw, or phrase his question so as to set out his opinion for or against the bylaw, notwithstanding the provisions of Sub Section 7, he may ask a question or questions concerning the bylaw.
- 12) A bylaw shall be introduced for second reading by a Motion that it is to be read a second time, specifying the number of the bylaw and short title.
- 13) After a member has made a Motion for second reading of a bylaw, the Council may:
 - a) debate the substance of the bylaw, and
 - b) propose and consider amendments to the bylaw.
- 14) A proposed amendment shall be put to a vote and if carried shall be considered as having been read a first time and incorporated in the bylaw.
- 15) Council may after first reading of a bylaw go into committee of the whole to debate it.
- 16) After a motion has been made for second reading of a bylaw or after Council has gone into committee of the whole, to debate second reading, a member may require all or any portion of the bylaw to be read at length.
- 17) The CAO shall be responsible for keeping a record of:
 - a) any amendments to a bylaw passed by Council, and,
 - b) amendments reported by the committee of the whole.
- 18) When all amendments have been accepted or rejected, a Motion for second reading of the bylaw, as amended, shall be put.
- 19) A Motion for third reading shall give the number and short title of the bylaw.
- 20) It shall not be necessary to read a bylaw aloud for the third reading.

The following procedure is governed by the Act and is provided for information only,

- 21) A bylaw shall not be given more than two readings at one meeting unless the members present at the meeting unanimously agree that the bylaw may be presented to Council for third reading at the same meeting at which it has received two readings
- 22) When Council unanimously agrees that a bylaw may be presented for third reading at a meeting at which it has received two readings, the third reading requires no greater majority of affirmative votes to pass the bylaw than if it has received third reading at a subsequent meeting.
- 23) When a bylaw has been given three readings by Council it:
 - a) becomes a municipal enactment of the Village and,

b) is effective immediately unless the bylaw or applicable provincial statute provides otherwise.

24) After passage, a bylaw shall be signed by the Mayor or by the presiding officer at the meeting at which the bylaw was passed and by the CAO.

25) Once a bylaw has received first reading, it cannot be defeated on the standard Motion that it, "Now be read a second (or third) time, but is always open to be placed back on the Council agenda for future consideration.

17 PUBLISHING REPORTS

The Mayor shall cause to be published or distributed such reports, as he deems necessary to inform residents of the Village of progress and projected future plans of Village Affairs.

18 Previous Bylaws in this regard are hereby rescinded.

DONE AND PASSED in open Council assembled at Warburg, in the Province of Alberta, this 25 day of January , A.D. 2010 .

Read a first time this 25 day of January , A.D. 2010 .

Read a second time this 25 day of January ,A.D. 2010.

Read a third time with the unanimous consent of the Council Members present and finally passed this 25 day of January , A.D. 2010.

Mayor Dawson Kohl

Nicole Rapati
Administrative Assistant

Read a first time and Amended this 12th day of November , A.D. 2018.

Read a second time and Amended this 12th day of November ,A.D. 2018.

Read a Third Time and Amended with the unanimous consent of the Council Members this 12th day of November , A.D. 2018.



Mayor Kevin Maine



Christine Fankewitz
Municipal Administrator

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