

TOWN OF TROCHU

Bylaw No. 2009-05

The Procedure Bylaw

A Bylaw of the Town of Trochu to Regulate the Procedure and Conduct of Council and Council Committee Meetings

WHEREAS the Council of the Town of Trochu considers it expedient and desirable for effective governance to regulate the procedure and conduct of council, Councillors and others attending council and council committee meetings in the Town of Trochu:

NOW THEREFORE the Council of the Town of Trochu enacts as follows:

Citation

1. This bylaw may be cited as "The Procedure Bylaw".

Definitions

2. In this bylaw
 - a) "Agenda" means order of business, program of a business meeting;
 - b) "CAO" means the Chief Administrative Officer or his/her delegate, for the Municipality;
 - c) "CEO" means the Mayor
 - d) "Committee" means a committee of councillors that is a standing committee, special committee, or a council committee;
 - e) "Committee of the Whole" means a meeting that permits Council to function informally and with freedom of debate where decisions are referred to a regular meeting;
 - f) "Delegation" means a person that has the permission of council to appear before council or a committee of a council to provide pertinent information and views about the subject before council or council committee;
 - g) "Emergent items" shall be considered as those items of an emergency nature that cannot be left until the next meeting or require immediate attention. When the nature of an emergent item is in question, its acceptance for the agenda shall be determined by a majority vote of council;

- h) "Ex-officio" by right of office, a member to all boards and committee in the absence of the appointed or alternate member;
- i) "Lay on the table" means a pending question is set aside temporarily when something more urgent has arisen;
- j) "Member" means a councilor or person at large appointed by councilor to a committee of council;
- k) "Meetings" means meetings of council and council committees;
- l) "Motion" means to move a formal suggestion in a meeting and the resolution of same;
- m) "Municipality" means the Town of Trochu, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality;
- n) "Orders of the day" means agenda for the meeting;
- o) "Point of Order" means a demand by a member that the Chair enforce the rules of the procedure;
- p) "Point of Privilege" means a request made to the Chair or Council on any matter related to the rights and privileges of Council or individual councilors and includes: the organization or existence of council, the comfort of members, the conduct of employees or members of the public in attendance at the meeting;
- q) "Postpone" means to delay the consideration of any matter either to a definite time when further information is to be obtained or indefinitely;
- r) "Previous Question" means a motion to end debate and vote on the motion under debate;
- s) "Rescind" means to repeal, cancel or revoke;
- t) "Reconsider a Motion/Resolution Passed at the Same Meeting" allows a motion to be brought back by a member who voted with the prevailing side;
- u) "Reconsider a Motion/Resolution Passed at Subsequent Meeting" means a motion may be brought back only if the motion has not been acted upon and requires a two-thirds vote without notice, or a majority vote of all members who voted with the prevailing side and are present or have been notified;
- v) "Special Resolution" means a resolution passed by a two-thirds majority of all members;
- w) "Table" means a motion to delay consideration of any matter in order to deal with more pressing matters, which does not set a specific time to resume consideration of the matter;
- x) "Vote by Raising a Hand" means each member present shall indicate a vote by raising his/her hand when the question is called by the chairman for either "those in favor" or "those opposed";

- y) "Withdraw a Motion" permits a member to remove a question from consideration even after the motion has been restated by the chair.

Applicable

3. This bylaw applies to all the members attending meetings of council and committees established by council of the Municipality.

Severability

4. 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.

Meetings

5. The regular meetings of council shall be established by a resolution of council at a council meeting at which all the councilors are present;
6. Special meetings of council should be established as required by council according to the provisions of the Municipal Government Act and the public shall be given notice.
7. The meetings of council committees shall be established by resolution of each committee and the public must be given notice as required by the provisions of the Municipal Government Act.
8. Regular meetings of council shall begin at time as determined at the annual Organizational meeting of Council and are located in the council chambers of the municipal building.
9. If a quorum is not present within fifteen (15) 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.
10. Regular meetings shall adjourn by 10:00 pm, unless council passes a motion to extend the meeting by a two-thirds vote.

Conduct of Meetings

11. Each member or delegate, as the case may be, shall address the chair but shall not speak until recognized by the chair.
12. The presiding officer with the approval by resolution 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.
13. A resolution does not require a seconder.
14. A resolution may be withdrawn at any time before voting subject to no objection from any member, as the case may be.
15. 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) Postpone/table the matter to a time certain
16. 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.
17. 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.
18. In all cases not provided for in 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.
19. In the absence of the CEO and the Deputy CEO and the quorum is maintained, the members shall select an acting chairman for the meeting.

Delegations

21. A person or a 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 at least at 1:00 pm on a business day at least five (5) days immediately preceding 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.

22. Delegates shall be granted a maximum of ten (10) minutes to present the matter outlined in the letter. The chairman may, with consent of the majority of the members present, extend the time.

Order of Business

The order of business at a meeting is the order of the items on the agenda except:

- a) When the same subject matter appears in more than one place on the agenda and council decides, by motion, to deal with all items related to the matter at the same time,
- b) Council decides not to deal with an item on the agenda and no motion is made about it.

Agenda and Order of Business

23. 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 delegations intended to be submitted to the council shall be received by the CAO not later than 1:00 pm on a business day at least five (5) days before the meeting.

24. The CAO shall place at the disposal of each member, a copy of the agenda and supporting materials not later than 4:30 pm two (2) days before the meeting.

25. Where the deadline in section 23 is not met, the agenda and support materials shall be deemed to be acceptable when the agenda is adopted at the meeting.

26. The business intended to be dealt with shall be stated in the agenda in the following order where applicable:

- a. Call to Order
- b. Adoption of the agenda
- c. Adoption of the previous minutes
- d. Housekeeping
- e. Public Hearings
- f. Delegations
- g. Staff and Councillor Reports, Committee Reports and Correspondence (Only Written Reports and Correspondence require a motion to accept)
- h. Financial
- i. Old and Unfinished Business
- j. Bylaws, Policies, Procedures and Agreements
- k. New Business
- l. Special Projects
- m. Confidential Items (in camera)
- n. Adjournment

27. The order of business established in section 26 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.

28. 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.

29. This Bylaw shall take effect upon the date of final passage thereof.

READ A FIRST TIME this 26th day of October, 2009

READ A SECOND TIME this 26th day of October, 2009

READ A THIRD TIME this 26th day of October, 2009

SIGNED by the CEO and Chief Administrative Officer this 2nd day of November, 2009



Mayor



Chief Administrative Officer