

**MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9  
BYLAW NO. 1276-17**

A Bylaw of the Municipal District of Pincher Creek No. 9 in the Province of Alberta, to deal with procedure and the transacting of business by the Council of the Municipal District of Pincher Creek No. 9

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**WHEREAS** the *Municipal Government Act*, being Chapter M-26 Revised Statutes of Alberta, 2000, as amended from time to time, provides for the regulations of the proceedings of Council and Committees thereof, to provide for dealing with petitions, and submissions to Council;

**NOW THEREFORE**, the Council of the Municipal District of Pincher Creek No. 9, duly assembled, ENACTS AS FOLLOWS:

**1. THIS BYLAW MAY BE CITED AS “THE PROCEDURE BYLAW NO. 1276-17”.**

**2. DEFINITIONS AND INTERPRETATION:**

a. In this Bylaw:

- (1) “Acting Reeve” means the Councillor selected by the Council, pursuant to the provisions of Section 6, to preside at a regular meeting thereof in the absence or incapacity of both the Reeve and Deputy Reeve;
- (2) “Agenda” means the agenda for a Regular or Special Meeting of Council, prepared pursuant to Section 7;
- (3) “Bylaw” means a bylaw of the Municipal District Of Pincher Creek No. 9;
- (4) “Council” means the Reeve and Councillors of the MD, being elected pursuant to the provisions of the *Municipal Government 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 *Municipal Government Act*;
- (5) “Councillors” means a Councillor of Council, duly elected and continue to hold office;
- (6) “Deputy Reeve” means the Councillor who is elected by Council, pursuant to the provisions of Section 6, to act as Reeve;
- (7) “MD” means the Corporation of the Municipal District of Pincher Creek No. 9 and where the context so requires, means the area included within the boundaries of the MD;
- (8) “New Business” means 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;
- (9) “Quorum” means the majority:
  - (a) of the valid, subsisting Councillors of Council; or
  - (b) in the case of the Committee, Board or other organized and recognized group, unless the bylaw or resolution establishing such a body specifies a different quorum, the majority of members constitutes quorum.

b. Wherever this bylaw requires that a motion be made, a bylaw be passed or any other action be taken by a vote of Council, the requirements shall be interpreted as meaning such majority of the Councillors of Council who are present and voting on the matter.

### **3. APPLICATION OF BYLAW**

- a. This bylaw applies to:
  - (1) all Regular and Special Meeting of Councils; and
  - (2) the conduct of the meetings of all Committees of Council.

### **4. ORGANIZATIONAL MEETING OF COUNCIL**

- a. The Chief Administrative Officer shall fix the time and place for the first Organizational Meeting of Council following the general election. In other years, the Organizational Meeting shall be scheduled in accordance with the *Municipal Government Act*.
- b. At the commencement of the Organizational Meeting, the CAO shall call the meeting to order and shall preside over the meeting until the Council elects a person to be Reeve.
- c. Once elected, the Reeve shall preside over the meeting.
- d. All Committees, Boards and other bodies that Council is entitled to appoint, shall be reviewed annually at the time of the Organizational Meeting, as set by Statute.
- e. The business of Council at the Organizational Meeting shall be limited to the calling of the meeting, the administration of the Oath, and the introduction of new Councillors, the election of Reeve, Deputy Reeve, and the election of Councillors to act on Committees, Commissions, Boards and other bodies, on which Council is entitled to representation, and such other business as required by the *Municipal Government Act*.
- f. All meetings of Council shall be held in the Council Chambers of the MD Administration Building, unless Council directs otherwise.

### **5. PLACES, DATES AND TIME OF MEETINGS**

- a. Regular Council Meeting shall be held on the Second and Fourth Tuesday of every month, for all business of Council.
- b. Council may, at any Regular Meeting of Council, direct that:
  - (1) any Council meeting will be held on a day, other than the date on which it would fall due;
  - (2) any meeting of Council may commence at any time other than that set for such meeting in the Section, and;
  - (3) any Council meeting may be cancelled.
- c. Unless otherwise determined, Council meetings shall commence at 1:00 pm.
- d. All matters of business, which appear on the Council's agenda for a meeting and which have not been dealt with, shall be deemed to be postponed until the next regular meeting of Council (when a meeting has been adjourned).
- e. If it appears to the Reeve that any matter included in the agenda for a Council meeting, which were not disposed of by the meeting prior to the adjournment thereof are of an urgent nature, which requires action before the next Regular Meeting he/she shall call, pursuant to the provisions of the *Municipal Government Act*, a Special Meeting of Council to deal with such matters.
- f. A Special Meeting of Council may be called in accordance with the *Municipal Government Act*.

**6. DEPUTY REEVE AND ACTING REEVE**

- a. The Council, at its Organizational Meeting in each year, shall elect one of its' Councillors as Deputy Reeve.
- b. Council, may at any time, appoint one of its Councillors to be Acting Reeve in the absence or inability of the Reeve and the Deputy Reeve to act.
- c. The Deputy Reeve, at the request of the Reeve, may chair any meeting of Council.

**7. AGENDA FOR COUNCIL MEETINGS**

- a. The CAO, shall prepare an agenda which shall:
  - (1) list the items and order of business to be conducted at the meeting, as per Appendix "A", attached to, and forming part of this bylaw;
  - (2) include the minutes of any previous meeting or meetings for approval;
  - (3) list or contain any other matter or thing which Council may from time to time direct.
- b. The agenda shall be prepared digitally and in hard copy and made available, at the Administration Office and electronically by the end of the business day, the Thursday before the meeting for which it is prepared.
- c. Unless Council directs otherwise, no material will be accepted which has not been included in the agenda provided.

**8. COMMENCEMENT OF COUNCIL MEETING**

- a. If there are not sufficient Councillors assembled at any meeting, physically or electronically, to constitute a quorum within half an hour from the time of commencement of the meeting, the CAO shall record the names of all Councillors present at that time, and unless a Special Meeting is duly called in accordance with the *Municipal Government Act* in the meantime, Council shall be deemed to be adjourned until the next regular meeting.
- b. When Council is unable to meet for want of quorum, the agenda delivered for the proposed meeting shall be considered at the next Regular Meeting, prior to the consideration of the agenda for the subsequent meeting, or at a Special Meeting called for that purpose.
- c. If there is a quorum present at the time the meeting should be called to order, and the Reeve and Deputy Reeve are absent, the CAO shall call the meeting to order and shall call for an Acting Reeve to be chosen by resolution of those Councillors present.

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

- a. The Chairperson shall be responsible for the control of the meeting.
- b. When a Councillor or any individual wishes to speak at a Council meeting, he/she shall address the chair.
- c. When a Councillor or any individual is addressing the Council, he/she:
  - (1) shall not speak disrespectfully of Her Majesty the Queen, or her official representative of her government;
  - (2) shall not use offensive words in referring to any Councillor of the Council, any official, any employee of the MD, or public person;

- (3) shall not shout or immoderately raise his/her voice or use profane, vulgar or offensive language;
  - (4) shall not reflect on any past vote of Council except when moving to rescind it and when so doing, shall not reflect on the motives of the Councillors who voted for the motion, and;
  - (5) shall assume personal responsibility for any statement he/she quotes to Council, or upon request of Council, shall give the source of the information.
- d. No Councillor shall leave the Council Chambers after a question is put to vote until the vote is taken.
  - e. The Chairperson may direct that any person in the audience who persistently creates a disturbance during a meeting may be removed.

## **10. PROCEEDINGS AT MEETINGS**

- a. Subject to the other provisions of this section, the order of business for a meeting shall be contained in the Agenda for the meeting.
- b. The order of business for a Regular Meeting of Council shall be determined with the adoption of the Agenda.
- c. The Reeve and Council, may by resolution, cause the meeting of Council to be recessed.

## **11. COMMUNICATIONS AND PETITIONS**

- a. Where a person wishes to bring any matter to the attention of Council, or have any matter considered by Council, the request shall:
  - (1) be written legibly;
  - (2) be signed by the correct name of the writer;
  - (3) contain the full mailing address of the writer;
  - (4) indicate if the writer wishes to address Council on the matter, or to answer questions in relation to the communication.
- b. A group of persons who wish to present to Council a petition on any matter within its jurisdiction may do so in accordance with the *Municipal Government Act*.
- c. When a communication intended for Council is received and a ruling is requested, the CAO shall:
  - (1) include it as an item on the Agenda for the next Regular Meeting of Council.

## **12. PERSONS WISHING TO ADDRESS COUNCIL**

- a. Person or persons wishing to address Council may only do so during the Delegation section of the Regular Council Agenda. During this time, Council will hear input and further clarification on a particular agenda item. Council will be provided the opportunity to ask questions of the delegation.
- b. Delegations will be allotted ten (10) minutes to speak to a particular agenda item.
- c. Delegations requiring additional time to that allotted have the opportunity to request further time from Council. Council may agree to provide additional time by way of a resolution, carried by the majority of Council Members present.

## **13. MOTIONS**

- a. The Reeve or presiding officer, may not put forth a motion.

- b. Every motion shall be stated clearly by the mover.
- c. After a motion has been moved, it is the property of Council and may not be withdrawn without the consent of the majority of Council.
- d. When a motion has been made and is being considered by Council, no Councillor may make any other motion, except:
  - (1) a motion to amend the main question, or an amendment to it, without changing the main intent;
  - (2) a motion to table the main question, to a time later in the same meeting;
  - (3) a motion to postpone the main question until another meeting date;
  - (4) a motion to adjourn the meeting.

**14. TABLING MOTION**

- a. A Councillor moving a motion to table any matter shall include in the tabling motion:
  - (1) the time at the present meeting in which the matter is to be considered;
  - (2) a reason that the matter is to be tabled.
- b. A motion to table a matter shall not be debated except as to the time when Council will again consider the motion.

**15. POSTPONEMENT MOTION**

- a. A matter which has been postponed to a particular date, shall not be again considered by Council before the date set except on a vote of two-thirds of the Councillors of Council present and voting on it.

**16. AMENDMENTS TO MOTIONS**

- a. No amendment shall be made to the following:
  - (1) a motion to table a question;
  - (2) a motion to postpone;
  - (3) a motion to adjourn a meeting.
- b. While a motion is under discussion by Council, a Councillor may not move:
  - (1) an amendment which does not relate to the subject matter of the main motion;
  - (2) an amendment directly contrary to the main motion.
- c. Where an amendment has been moved to a motion, which is under discussion, an amendment to the amendment may be moved, but no further amendment may be moved to the amendment or to the main motion, until after the amendment to the amendment is voted upon.
- d. A Councillor who moved a motion may not move an amendment to it.
- e. The Reeve or other presiding officer, shall not put the main motion under debate, until all amendments to it have been put forth and voted upon.
- f. When all amendments are voted upon, the Reeve or other presiding officer shall put the main motion incorporating therein any amendments already adopted.

**17. DEBATE ON AGENDA ITEM**

- a. Motions are to be placed on the table, prior to debate on the matter.
- b. The Reeve will determine the order in which Councillors are to speak.
- c. Councillors may speak more than once to any motion or question.

**18. VOTING ON MOTIONS**

- a. When a motion has been put to a vote, no Councillor shall debate further on the question, except to request that the motion be read aloud.
- b. When the Reeve or presiding officer is of the opinion that a motion is unacceptable, or contrary to the rules of procedure and privileges, he shall apprise immediately, the Councillors present.
- c. Unless disqualified from voting by reason of a direct or indirect pecuniary interest, the Reeve, when present, and each Councillor shall vote on every motion before Council.
- d. If a Councillor refuses or fails to vote on an issue, he/she shall be deemed to have voted in the affirmative on the matter and shall be so recorded.
- e. No Councillor who is absent from the Council Chambers when the vote is put is entitled to vote.
- f. If any Councillor of the Council should call for a poll of the Councillors for a recorded vote prior to the vote being taken on a motion, the names of those who voted for and those who voted against the motion, shall be entered into the minutes.

**19. RECONSIDERING AND RESCINDING A MOTION**

- a. When a Councillor wishes to reconsider, alter or rescind any motion already passed when such matter does not appear on the Agenda, he/she shall bring the matter before Council.
- b. Any motion approved by Council may be rescinded by a motion of Council.

**20. MOTION TO ADJOURN**

- a. A Councillor may move a motion to adjourn the meeting at any time, except when:
  - (1) another Councillor is in possession of the floor;
  - (2) the Councillors are voting;
  - (3) a previous motion to adjourn has been defeated and no other intermediate proceedings have taken place.

**21. IN-CAMERA**

- a. Unless otherwise determined by Council, upon the passing of a motion that the Council go into In-Camera, the Reeve shall be the Chairperson thereof and shall:
  - (1) maintain order in the In-Camera meeting.
- b. The rules of order for the conduct of a meeting of Council shall apply to the In-Camera meeting.
- c. The In-Camera meeting has no power to pass any bylaw or resolution apart from the resolution necessary to revert back to an open meeting.

## **22. BYLAWS**

- a. The CAO is responsible for the preparation of bylaws. A draft bylaw will be presented for first reading.
- b. Where a bylaw is presented to Council for enactment, the CAO shall cause the number and short title of the bylaw to appear on the Agenda in the appropriate place.
- c. Every bylaw shall have three readings.
- d. A bylaw shall be introduced for first reading by specifying its number and short title.
- e. After a Councillor has made the motion for the first and before third reading of the bylaw, Council may:
  - (1) debate the substance of the bylaw; and
  - (2) propose and consider amendments to the bylaw.
- f. All amendments made to the bylaw are considered approved, once the bylaw receives third reading.
- g. A motion for third reading of a bylaw shall give the number and the short title of the bylaw.
- h. Unless the Councillors at a meeting unanimously agree, that a bylaw may be presented to Council for third reading, at the same meeting at which it has received two readings, the bylaw shall not be given more than two readings at one meeting.
- i. If a Council unanimously agrees that a bylaw may be presented for third reading at a meeting which it has received two readings, the third reading requires no greater majority or affirmative votes to pass the bylaw than if it had received a third reading at a subsequent meeting.
- j. After Council votes affirmatively for a third reading of a bylaw, it:
  - (1) becomes a municipal enactment of the MD; and
  - (2) is effective immediately, unless the bylaw provides otherwise.
- k. After passage, a bylaw shall be signed by the Reeve or Deputy Reeve, and the CAO, or Acting CAO.
- l. Where prescribed by provincial statute requiring a bylaw to be submitted to the electorate for voting, Council shall follow the requirements as set out in the relevant statutes. After it has received its first reading by Council, it shall not again be debated in Council before the electorate has voted on it.

## **23. COMMITTEES**

- a. The Reeve is a member of all Council committees and all bodies to which Council has the right to appoint members under the MGA;
- b. The CAO is a non-voting ex-officio member of all Committees.

## **24. OTHER**

- a. When any matter relating to proceedings in Council or in the Committees thereof arises, which is not covered by a provision of this bylaw, the matter shall be decided by a reference to the current edition of Robert's Rules of Order.
- b. If there is a conflict or inconsistency between this bylaw or other legislation, the bylaw is of no effect to the extent of the inconsistency. (MGA, Sec 13).

- c. Bylaw Nos. 1139-08, 1186-09, 1194-10, and 1212-11 are all repealed at third and final reading of this bylaw

READ A FIRST TIME THIS 23<sup>rd</sup> day of May, 2017

READ A SECOND TIME THIS 11<sup>th</sup> day of July, 2017.

READ A THIRD TIME THIS THIS 11<sup>th</sup> day of July, 2017

  
\_\_\_\_\_  
REEVE

  
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CHIEF ADMINISTRATIVE OFFICER

**AGENDA**  
**COUNCIL MEETING**  
**MUNICIPAL DISTRICT OF PINCHER CREEK**  
**Date**  
**Time**

- A. ADOPTION OF AGENDA
- B. DELEGATIONS
  - 1. Name of Organization
    - Correspondence from Organization
- C. MINUTES
  - 1. Council Meeting Minutes
    - Minutes of Council Meeting
- D. UNFINISHED BUSINESS
  - 1. Item
    - Correspondence / Documents / Report
- E. CHIEF ADMINISTRATOR OFFICER'S (CAO) REPORTS
  - 1. **Operations**
    - a) Name of Report
      - Report from Staff Member with date of report
  - 2. **Planning and Development**
    - a) Name of Report
      - Report from Staff Member with date of report
  - 3. **Finance**
    - a) Name of Report
      - Report from Staff Member with date of report
  - 4. **Municipal**
    - a) Name of Report
      - Report from Staff Member with date of report
- F. CORRESPONDENCE
  - 1. **For Action**
    - a) Subject Matter
      - Letter, with date
  - 2. **For Information**
    - a) Subject Matter
      - Letter, with date

Appendix "A"  
Bylaw No. 1276-17 – Procedure Bylaw

G. COMMITTEE REPORTS / DIVISIONAL CONCERNS

Division 1

Division 2

Division 3

Division 4

Division 5

H. IN-CAMERA  
- Legal, Land, Labour

I. NEW BUSINESS

J. ADJOURNMENT