

MUNICIPAL DISTRICT OF PINCHER CREEK NO. 9
BY-LAW NO. 1139-08

A By-law 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.

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, remonstrance and submissions of Council.

NOW THEREFORE, the Council of the Municipal District of Pincher Creek No. 9, duly assembled, enacts as follows:

1.0 THIS BY-LAW MAYBE CITED AS "THE PROCEDURE BY-LAW".

2.0 DEFINITIONS AND INTERPRETATION

2.1 in this By-law:

- (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) "By-law" means a By-law of the Municipal District of Pincher Creek No. 9;
- (4) "Council" means the Reeve and Councillors of the M.D. 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) "Deputy Reeve" means the Councillor who is elected by Council, pursuant to the provisions of Section 6 to act as Reeve in the absence or incapacity of the Reeve;
- (6) "M.D." 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 M.D.;
- (7) "Councillors" means a Councillor of Council, duly elected and continuing to hold office;
- (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) "Privilege" means the rights and immunities of Council collectively or the position and conduct of Councillors of Council in their official character as elected representatives and a "Matter of Privilege" means any matter affecting Privilege;
- (10) "Recess" for the purpose of this by-law, means temporarily halting Council business (meeting) to conduct other business.

(11) "Quorum" means the majority:

- (1) Of the valid, subsisting Councillors of Council, or
- (2) in the case of the Committee, Board, or other organized and recognized group, unless the By-law or resolution establishing such a body specifies a different quorum, the majority of the

- (2) Any meeting of Council may commence at any other time than that set for such meeting in this Section, and
- (3) Any Council meeting may be cancelled.

5.3 Unless otherwise determined:

- (1) Council meetings shall commence at 10:00 AM.

5.4 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 tabled until the next regular meeting of Council (when a meeting has been adjourned.)

5.5 If it appears to the Reeve that any matters 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.

5.6 A special meeting of Council may be called in accordance with the MGA.

6.0 DEPUTY REEVE AND ACTING REEVE

6.1 The Council, at its Organizational Meeting in each year shall elect one of its Councillors Deputy Reeve.

6.2 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.

7.0 AGENDA FOR COUNCIL MEETINGS

7.1 The CAO, shall prepare an agenda which shall:

- (1) list the items and order of business to be conducted at the meeting;
- (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.

7.2 The Agenda shall be prepared digitally and in hard copy and made available, at the Administration Office and electronically by 12 o'clock noon the Thursday before the meeting for which it is prepared.

7.3 Unless Council directs otherwise, no material will be accepted which has not been included in the agenda provided.

8.0 COMMENCEMENT OF COUNCIL MEETING

8.1 If there are not sufficient Councillors assembled at any meeting to constitute a quorum within half an hour from the time of commencement of the meeting, the CAO shall record the names of all the 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.

8.2 When Council is unable to meet for want of a 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.

8.3 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 a resolution of the meeting.

9.0 PRIVILEGE

9.1 When a Councillor desires to address the Council on a matter of privilege he/she shall be permitted to raise such question of privilege and when he/she does so shall explain succinctly in what way the personal privilege of the Councillor or the privilege of Council are affected.

9.2 After the Councillor has stated the point of privilege, the Reeve or the Councillor presiding at the meeting shall rule whether or not the matter raised is deemed to be a point of privilege.

9.3 A matter, which is ruled to be a matter of privilege, shall take precedence over all other matters before Council.

9.4 Where the Reeve or other presiding Councillor has ruled that a matter raised is a matter of privilege, the Councillor raising the same may speak on it but there shall be no debate on the matter unless a motion thereon is put to Council

9.5 If the question of privilege concerns a situation, circumstances or event which arose between meetings of Council, the Councillor bringing the matter before Council shall do so immediately after the adoption of the minutes of the previous meeting.

10.0 CONTROL AND CONDUCT OF COUNCIL MEETINGS

10.1 When a Councillor or any individual wishes to speak at a Council meeting, he/she shall address the chair.

10.2 When a Councillor or any individual is addressing the Council, he/she:

- (1) shall not speak or act 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 or to any official or any employee of the M.D. or Councillor of the public.
- (3) 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,
- (4) shall not shout or immoderately raise his/her voice or use profane, vulgar or offensive language, 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.

10.3 No Councillor shall leave the Council Chambers after a question is put to vote until the vote is taken.

10.4 Members of the public in the Council Chambers during a Council Meeting may not address Council without permission of the Council and should confine their remarks to the question asked. After receiving permission the member of the public may be asked by the Reeve to relinquish the floor.

10.5 The Reeve may direct that any person in the audience who persistently creates a disturbance during a meeting may be removed.

11.0 PROCEEDINGS AT MEETINGS

11.1 Subject to the other provisions of this section, the order of business for a meeting shall be contained in the Agenda for the meeting.

11.2 The order of business for a regular meeting of Council shall be determined with the adoption of the Agenda.

11.3 If an alteration of the order of business is desired for the convenience of the meeting, Council may make any such alteration of the order of the business.

11.4 Notwithstanding the order of business set out in Subsection (2) hereof, where the same subject matter appears in more than one place in the same Agenda, unless Council, by resolution otherwise determines, Council shall deal with all items on the Agenda related to said subject matter at the time of the first appearance of the subject matter on the Agenda.

11.5 The Reeve and Council may, by resolution, cause the meeting of Council to be recessed.

12.0 PREVIOUS MINUTES

12.1 Unless requested by a majority of the Councillors, the minutes of the previous meeting shall not be read aloud.

12.2 The Reeve shall present the minutes to the Council with a request for a motion adopting them.

12.3 If there are any corrections or if a majority of the Councillors deem any correction or corrections to be necessary for the accuracy of the minutes, it or they shall be incorporated therein.

12.4 In the event a Councillor is absent from the meeting in which minutes are passed which he/she considers require corrections; he/shemay address the correction at the next regularly scheduled Council meeting that they attend.

13.0 COMMUNICATIONS AND PETITIONS

13.1 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.

13.2 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 MGA.

13.3 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.

14.0 PERSONS WISHING TO ADDRESS COUNCIL

14.1 If a representative of any group of persons wishes to address Council on a matter which is not on the Agenda, they may do so at Council's discretion.

15.0 MOTIONS

15.1 Every motion shall be stated clearly by the mover.

15.2 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.

15.3 When a motion has been made and is being considered by Council, no Councillor may make any other motion except:

- (1) a motion to refer the main question to some other period or group for consideration;
- (2) a motion to amend the main question or an amendment to it without changing the main intent;
- (3) a motion to table the main question;
- (4) a motion to postpone the main question until some future time;
- (5) a motion to adjourn the meeting.

16.0 TABLING MOTION

16.1 A Councillor moving a motion to table any matter shall include in the tabling motion:

- (1) the time at the present meeting or the date of a future regular or special meeting to which the motion is to be tabled, or
- (2) a provision that the matter is to be tabled.

16.2 A motion to table a matter shall not be debated except as to the time when Council will again consider the motion.

16.3 A matter which has been tabled 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.

17.0 AMENDMENTS

17.1 No amendment shall be made to the following:

- (1) a motion to table a question
- (2) a motion to postpone discussion on a matter to a stated time
- (3) a motion to adjourn a meeting, or
- (4) a motion for the first reading of a By-law.

17.2 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 principal motion;

(2) an amendment directly contrary to the principal motion.

17.3 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 principal question until after the amendment to the amendment is voted upon.

17.4 A Councillor who moved a motion may not move an amendment to it.

17.5 The Reeve or other presiding officer shall not put the principal motion under debate until all amendments to it have been put and voted upon.

17.6 When all amendments are voted upon the Reeve or other presiding officer shall put the principal motion incorporating therein any amendments already adopted.

18.0 DEBATE ON AGENDA ITEM.

18.1 The Reeve will determine the order in which Councillors are to speak.

18.2 After discussion of the agenda item, the Reeve shall ask for a motion and any further debate on the motion.

(1) Councillors may speak more than once to any motion or question.

19.0 VOTING ON MOTIONS

19.2 When a motion has been declared put to a vote, no Councillor shall debate further on the question except to request that the motion be read aloud.

19.3 When the Reeve or presiding officer is of the opinion that a motion is unacceptable or contrary to the rules of procedure and privilege, he shall apprise, immediately, the Councillors present.

19.4 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.

19.5 If a Councillor refuses or fails to vote on an issue he/she shall be deemed to have voted in the negative on the matter and shall be so recorded.

19.6 No Councillor who is absent from the Council Chambers when the vote is put is entitled to vote.

19.7 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.

20.0 RECONSIDERING AND RESCINDING A MOTION

20.1 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.

20.2 Any motion approved by Council may be rescinded by a motion of Council.

21.0 MOTION TO ADJOURN

21.1 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) Council is in the Committee of the Whole, and
- (4) a previous motion to adjourn has been defeated and no other intermediate proceedings have taken place.

22.0 IN-CAMERA

22.1 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.

22.2 The rules of order for the conduct of a meeting of Council shall apply to the In-camera meeting.

22.3 The In-camera meeting has no power to pass any By-law or resolution apart from the resolution necessary to revert back to an open meeting.

23.0 BY-LAWS

23.1 The CAO is responsible for the preparation of By-laws. A draft by-law will be presented for first reading.

23.2 Where a By-law is presented to Council for enactment, the CAO shall cause the number and the short title of the By-law to appear in the Agenda in the appropriate place.

23.3 Every By-law shall have three readings.

23.4 A By-law shall be introduced for its first reading by the motion that the By-law specifying its number and short title be read a first time.

23.5 After a Councillor has made the motion for the first and before third reading of the By-law Council may:

- (1) debate the substance of the by-law, and
- (2) propose and consider amendments to the By-law.

23.6 All amendments made to the By-law are considered approved once the By-law receives third reading.

23.7 A motion for the third reading of a By-law shall give the number and the short title of the By-law.

23.8 It shall not be necessary to read the By-law aloud for the third reading.

23.9 Unless the Councillors at a meeting unanimously agree that a By-law may be presented to Council for a third reading at the same meeting at which it has received two readings, the by-law shall not be given more than two readings at one meeting.

23.10 If a Council unanimously agrees that a By-law may be presented for a third reading at a meeting which it has received two readings, the third reading requires no greater majority of affirmative votes to pass the By-law than if it had received a third reading at a subsequent meeting.

23.11 After Council votes affirmatively for a third reading of a By-law, it:
(1) becomes a municipal enactment of the M.D., and
(2) is effective immediately unless the By-law provides otherwise.

23.12 After passage, a By-law shall be signed by the Reeve or by a Councillor presiding at the meeting at which it was passed and by the CAO.

23.13 Where prescribed by provincial statute requiring a By-law 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.

24.0 COMMITTEES

24.1 The Reeve is an ex-officio Councillor of each of the Committees of Council.

24.2 The CAO is an non-voting ex-officio member of all committees.

24.3 If directed by Council, any Councillor attending a meeting on behalf of Council must vote in accordance with Council's direction.

25.0 OTHER

25.1 When any matter relating to proceedings in Council or in the committees thereof arises which is not covered by a provision of this By-law, the matter shall be decided by a reference to the current edition of Roberts Rules of Order or otherwise Bourinot's Rules of Order.

25.2 If there is an inconsistency between this by-law or other legislation, the by-law is of no effect to the extent of the inconsistency. (MGA Sec.13)

25.3 By-Law 1065-02 being the former Procedural By-Law and any amendments thereto are hereby repealed.

READ a first time this 8
Day of January 2007

REEVE

CHIEF ADMINISTRATIVE OFFICER

READ a second time this 23
Day of January 2008

Rodney J. Lynn
REEVE

Frank Thompson
CHIEF ADMINISTRATIVE OFFICER

READ a third time this 23
Day of January 2008.

Rodney J. Lynn
REEVE