

TOWN OF CALMAR
Bylaw # 2006-07

**Being a bylaw of the Town of Calmar, in the Province of Alberta to
regulate the Procedure and Conduct of Council**

Pursuant to Section 145 and 203 of the Municipal Government Act, the Council of the Town of Calmar, duly assembled, enacts as follows;

Part I. TITLE AND PURPOSE

1. This bylaw may be cited as the Procedure and Conduct Bylaw.
2. The purpose of this Bylaw is to establish rules and regulations for the order and conduct in which the business of all Council meetings shall be transacted and how Council Members are to conduct themselves as representatives of the Town of Calmar.

Part II. DEFINITIONS, APPLICATION AND INTERPRETATION

3. In this Bylaw,
 - a. "Chief Administrative Officer" means the chief administrative officer of the Town of Calmar or his/her delegate;
 - b. "Legislative Assistant" means an employee of the Town of Calmar assigned to assist Council;
 - c. "Council" means the Council of the Town of Calmar;
 - d. "Deputy Mayor" means the Member appointed pursuant to Section 7 of the Bylaw;
 - e. "Mayor" means the Chief Elected Official or Presiding Officer of the Town of Calmar;
 - f. "Member" means a member of Council of the Town of Calmar;
 - g. "MGA" means the Municipal Government Act, RSA 2000, c.M-26;
 - h. "Presiding Officer" means the person who has been given authority to direct the conduct of a meeting;

Application

4. This Bylaw shall apply to all meetings of Council.

Interpretation

5. Any matter of meeting conduct which is not herein provided for, shall be determined in accordance with the Municipal Government Act, and then "Robert's Rules of Order", in that order.

Part III. ORGANIZATION OF COUNCIL

Organizational Meeting

6. Council shall hold an organization meeting each year at the first regular meeting in October.

7. At the organizational meeting, Council shall establish by resolution for the term of office:
 - a. the roster for each Member to act as Deputy Mayor on a rotating basis and a schedule for this position to cover the term of office;
 - b. the dates, time of commencement and adjournment and place of the regular Council meetings and Council Committee meetings;
 - c. the Council Committee appointments and the rotating schedule for committee membership; and
 - d. any other business described in the notice of the meeting.

Inaugural Meeting

8. The organizational meeting immediately following a general municipal election shall be called the inaugural meeting.
9. The Mayor and each Member shall take the prescribed oath of office as the first order of business at the inaugural meeting.
10. Until the Mayor has taken the oath of office, the Legislative Assistant shall chair the inaugural meeting.

Quorum

11. Quorum of Council is 3 Members who are eligible to vote.

Lack of Quorum

12. If there is no quorum present within half an hour after the time appointed for a regular meeting of Council, the Chief Administrative Officer shall record the names of the Members of Council who are present and the meeting shall be adjourned until the next regular meeting unless a special meeting has been duly called in the meantime. Notice of adjournment shall be posted on the outside door of access to the Council Chambers.

Absence of the Mayor and Deputy Mayor

13. In case the Mayor or Deputy Mayor is not in attendance within 15 minutes after the hour appointed for a meeting and a quorum is present, the Chief Administrative Officer shall call the meeting to order and a chairman shall be chosen by Members present, who shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor, who may assume chair at his/her discretion, if all present are unanimous in continuing.

Part IV. DUTIES OF OFFICIALS

Duties of the Mayor

14. The Mayor at his/her discretion may allow the Deputy Mayor to preside over the meeting in his/her presence.
15. As soon after the hour of the meeting as there is a quorum present, the Mayor shall take the chair and call the meeting to order.
16. The Mayor or Presiding Officer shall:
 - a. preserve order and decorum; and

- b. decide questions of order, subject to an appeal to the Council by resolution. The decision of the Mayor shall be final unless reversed or altered by a majority vote of Members present.

Duties of the Deputy Mayor

- 17. The Deputy Mayor shall act as the Mayor:
 - a. when the Mayor is unable to perform his/her duties;
 - b. if the office of Mayor is vacant.

Duties of the Chief Administrative Officer

- 18. The Chief Administrative Officer shall, subject to the Act:
 - a. provide Council with information and advice with respect to the operation of the Town;
 - b. when requested, provide information and advice to the Mayor and Council on procedural matters in Council; and
 - c. keep on file copies of bylaws which have been read a third time and passed.

Duties of the Legislative Assistant

- 19. The Legislative Assistant shall record minutes of the meetings of Council and may delegate any duties to a recording secretary but retains all responsibilities of the position.
- 20. The Legislative Assistant shall record in the minutes:
 - a. if a Member of Council arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting;
 - b. each time a Member of Council refrains from discussion and voting by reason of pecuniary interest; and
 - c. votes as carried or not carried unless a recorded vote is requested by a Member of Council prior to votes. In the event of a recorded vote, the Legislative Assistant shall record in the minutes the name of each Member of Council present and whether each Member voted for or against the matter. An exception to this rule shall be when a motion is made to enter into a third reading.
 - d. provide assistance as set out in job description.

Part V. AGENDAS FOR COUNCIL MEETINGS

- 21. The agenda for each regular and special meeting shall be approved by the Mayor and the Chief Administrative Officer and submitted together with copies of all pertinent correspondence, statements and reports to each Member of Council at least three days prior to each regular meeting.
- 22. Any Member of Council, Town Official or any other person wishing to have an item of business placed on the agenda, shall make their written submission to the Chief Administrative Officer not later than 12:00 noon on the Wednesday of the week prior to the meeting. The submissions shall contain adequate information to the satisfaction of the Chief Administrative Officer to enable Council to deal with the matter.

23. Council reports must be submitted no later than 12:00 noon on the Wednesday preceding the regular Council meeting so as to be included in the Council package.
24. When a communication intended for Council is received by the Chief Administrative Officer, he/she shall place it on the agenda of Council unless the Chief Administrative Officer considers the matter libellous, or administrative in nature, in which case the Chief Administrative Officer shall advise the originator that the communication is not being sent to Council.
25. The order of business on the agenda shall be as follows:
 - a. Call to Order or Public Hearing
 - b. Delegations, Petition or Presentations
 - c. Adoption of Agenda
 - d. Confirmation of Previous Meeting Minutes
 - e. Unfinished Business
 - f. New Business
 - g. Bylaws
 - h. Financial
 - i. Administration/Department Reports
 - j. Council and Committee Reports
 - k. Correspondence
 - l. Questions/Concerns From Public
 - m. Committee of the Whole (when ever possible)
 - n. Adjournment
26. No item of business shall be considered by the Council if the item has not been placed on the agenda unless the Members of Council present, by a two-thirds majority vote, agree to the item being placed on the agenda. The Mayor, Members of Council and the Chief Administrative Officer shall be given an opportunity to state why an item should receive consideration on the agenda because of its emergent nature before the motion is put to vote.
27. On Friday afternoon preceding a regular Council meeting the agenda shall be posted (Town Office window) for public viewing.

Part VI. GENERAL RULES OF COUNCIL

28. Upon the meeting being called to order, motion shall be presented to adopt all or part of the circulated agenda for the meeting. Upon adoption of the meeting's agenda, the Mayor shall call for a motion adopting the minutes of the preceding meeting or meetings as circulated or as ready, which motion shall be voted on, either by consent or amendment of any errors or omissions contained.
29. All reports made by a Council Member shall be placed on file and outlined in the minutes only if presented in a written format, otherwise recorded in the minutes only as "oral report presented".
30. Regular Meetings of Council shall adjourn no later than 10:00 p.m., unless Members of Council present, by a four-fifths majority vote, agree to an extension of time.
31. When the Mayor or Presiding Officer is called on to decide a point of order or practice, the Mayor or Presiding Officer shall do so without

argument or comment and shall state the rule of authority applicable to the case.

32. Every Member wishing to speak to a question or motion shall address the Mayor or Presiding Officer. The Address to the Presiding Officer shall be "Your Worship".
33. No person shall be permitted to speak unless, and until, that person has been recognized by the Presiding Officer and then only so long as all remarks are addressed to the Presiding Officer. The Mayor or Presiding Officer will address other Council Members in a formal and respectful manner.
34. The Mayor or Presiding Officer shall have authority to set a time limit and the number of times that a Member may speak on the same question or resolution having due regard to the importance of the matter.
35. After a motion is read by the Mayor or Presiding Officer it shall be deemed to be in possession of the Council, but may be withdrawn at any time before decision or amendment with the permission of the mover.
36. When a motion is regularly before the meeting it may be:
 - a. carried
 - b. debated
 - c. amended
 - d. defeated
 - e. withdrawn, ie: withdrawn at the request of the maker with the permission of all Members of Council present.
 - f. laid on the table, ie: laying a pending question aside temporarily
 - g. referred, ie: turning the question over to a committee or administration for study; or
 - h. postponed, ie: postpone indefinitely or to a certain time, a means of avoiding a direct vote until a later time.
37. No motion shall be offered that is substantially the same as one on which the judgement of the meeting has already been expressed during the same meeting. Where a question under consideration contains distinct propositions, each proposition shall be made as a separate motion when any Member so requests, or the Presiding Officer so directs. If the vote is taken on each proposition it then becomes unnecessary to vote on the question which was separated.
38. A motion to refer, until it is decided, shall preclude all amendments to the main question. The motion is debatable.
39. When speaking to a motion a Member shall, before entering upon the substance of his remarks, state whether he/she is for or against the motion.

Amendments

40. Every amendment must be relevant to the question on which it is proposed. Any amendment offered which raises a new question can only be considered as a new distinct motion after notice.
41. An amendment proposing a direct negative is out of order.

42. All amendments shall be put in the reverse order to that in which they are moved; and every amendment shall be decided upon or withdrawn before the main question is put to vote. Only one amendment to the main motion at one time shall be allowed, and only one amendment shall be allowed to an amendment at one time.
43. No Member may move to amend his/her own motion.
44. A sub amendment (amendment to the amendment) shall not enlarge the scope of the amendment but should deal with matters not covered by the amendment.
45. All motions shall be stated by the Presiding Officer or Chief Administrative Officer before being debated or voted on.

Voting

46. 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.
47. Voting on all matters shall be done by raising of the hand in such a clear manner that they may be easily counted by the Presiding Officer.
48. After the Presiding Officer has counted the vote, the Presiding Officer shall declare whether it was "carried" or "defeated".
49. Except where provided for in this Bylaw or by the applicable legislation, a majority vote of the Members present who are eligible to vote, shall decide a question or motion before Council.

Adjournment

50. Council may adjourn from time to time to a fixed future date any regular or special meeting of Council which has been duly convened but not terminated. The object of adjourning is to finish the business which the meeting was called to transact in the first place, but which has not been completed.

Bylaws

51. The question that "Bylaw # be read a first time", shall be decided without amendment or debate, but not motions for subsequent reading.
52. Every bylaw shall be read a third time before it is signed by the Mayor, and Chief Administrative Officer.

General Discussion Meetings

53. The business of standing and special committees including Council Committee Meetings shall be conducted in accordance with the rules governing procedure in the Council, except that:
 - a. no motion need be recorded;
 - b. no Member shall be as to the number of times allowed to speak to the question under construction; and
 - c. no Member may move the previous question.

Part VII. PETITIONS AND DELEGATIONS

54. When a person wishes to appear before the Council to present a petition or speak on behalf of a delegation, he/she shall send a request in writing in accordance with Section 22 of this Bylaw. Such appearances before the Council shall be limited to ten (10) minutes unless the Council, by a majority vote, agrees to extend the time.
55. Council shall hear all delegations who have brought their items of business on to the agenda in accordance with Part VI in the order in which they are placed on the agenda or the order may be changed by a majority vote of Members present. All rules of Council in this Bylaw shall apply to each and every Member of the delegation.

Part VIII. COMMISSIONS, COMMITTEES AND BOARDS

56. The following Council committees are hereby established:
 - a. Finance Committee
 - b. Personnel Committee
 - c. Budget Committee
 - d. Subdivision Review Committee
57. These Committees shall be comprised of all Members of Council. The Chairperson shall be the Mayor unless the Members present by four-fifths majority vote agree to any change.
58. The Mayor shall appoint representatives and alternates to the following Commissions, Committees and Boards at the Organizational meeting each year, in a fair and equitable manner with consultation from the Members:
 - a. Alberta Capital Region Alliance
 - b. Capital Regional Southwest Water Services Commission
 - c. Assessment Review Board
 - d. Disaster Services Agency/Committee
 - e. Leduc County Region Ambulance Board
 - f. Leduc and District Regional Waste Management Authority
 - g. Waste Minimization Committee
 - h. Leduc FCSS Advisory Board
 - i. Calmar FCSS Board
 - j. Library Board
 - k. Leduc Foundation
 - l. Calmar Community Development Committee
 - m. Calmar and District Recreation Board
 - n. Subdivision Review Board
 - o. Development Appeal Board
 - p. Inter-Municipal Board
 - q. Public Media Relations
 - r. Bylaw and Policy Review
 - s. Calmar Fire Department
 - t. Communities In Bloom
 - u. OHSS Staff Safety Liaison
 - v. Capital Health Authority
 - w. F.C.M.
 - x. Such other Commissions, Committees and Boards as Council may deem appropriate or necessary.
59. A special committee may be appointed at any time by the Council or by the Mayor acting upon the instructions of the Council, providing that a motion has been adopted specifying the matters to be dealt with by the committee.

60. It shall be the duty of the Chairman of each standing or special committee, or in case of his/her illness or absence for the Town, it shall be the duty of the Legislative Assistant to summon Members for meetings and for special meetings when necessary or whenever requested in writing to do so by a majority of Members of any such committee. The Mayor shall be advised in a similar manner as other Members when any meetings are called.

Part IX. DUTIES OF REPRESENTATIVES OF COMMISSIONS, COMMITTEES AND BOARDS

61. The members of Commissions, Committees and Boards have the following duties:
- a. to report to the Council whenever desired by the Council and as often as the interest of the Town may require on all matters connected with the duties imposed upon such committee and to recommend such action by Council as it deems necessary within its term of reference;
 - b. to observe, unless otherwise specifically permitted, the rules prescribed by the Bylaws of the Council.
 - c. to make reports of all committees to Council prior to the same being given to the public.

Part X. COUNCIL CONDUCT

Pecuniary Interest

62. All Members of Council must be aware of the definition, disclosure and effects of pecuniary interests, as laid out in the MGA (Section 169-173).

Disclosure

63. All Members of Council must disclose at the earliest opportunity all gifts given and prizes won while representing the Town of Calmar.

Breach of Trust

64. No Member of Council shall use their position or have it appear that they are using their position on Council to secure favour privileges or gain of any kind, monetary or otherwise, for themselves or family members.

Exceeding Council Powers and Duties

65. No member of Council has the authority to promise or authorize anything on behalf or as an agent for the Town of Calmar, unless the Council has specifically authorized such activity by any particular Member through resolution, policy or bylaw.

Abuse of Council Powers and Duties

66. No Member of Council shall knowingly coerce or threaten or put themselves in a position where it may appear that they are coercing or threatening any Town of Calmar employee or other person working for the Town in any way.

Disqualification

67. All Members of Council must familiarize themselves with the regulations governing disqualification as laid out in the MGA (Sections 174-179).

Personal Presentation and Appearance

68. All Members of Council shall conduct themselves in a professional manner and dress in an appropriate manner, as determined by Council, while representing the Town of Calmar on or in a official capacity.

Part XI. COUNCIL REMUNERATION

- 69. Compensation and expenses for Council will be paid out as laid out in the Council Compensation and Expense Policy.
- 70. Compensation and expense claim forms are to be completed and submitted for review to the Mayor in accordance with Council Compensation and Expense Policy. No claims submitted after 60 days can be approved without authorization from Council.
- 71. Cash advancement for estimated expenses for out of town travel occurred may be provided for up to 80%. The request must be presented to the Chief Administrative Officer at least two (2) weeks prior to departure.
- 72. Prepayment of registration fees will be initiated by the Chief Administrative Officer upon request and receipt of a completed registration form.
- 73. Council compensation review will be reviewed as part of the annual budget process of Council.
- 74. Administration to provide Council with a monthly legislative trial balance.

Part XII. EFFECTIVE DATE

This Bylaw shall come into full force and effect on final reading.

READ A FIRST TIME THIS 20 DAY OF March, 2006

READ A SECOND TIME THIS 20 DAY OF March, 2006

READ A THIRD TIME AND FINALLY PASSED THIS 20 DAY OF March, 2006

Mayor

Chief Administrative Officer