

VILLAGE OF CLIVE

BY-LAW #519-17

“PROCEDURAL BYLAW”

A Bylaw of the Village of Clive, in the Province of Alberta, to regulate the proceedings of Council of the Village and its Committees

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| WHEREAS, | pursuant to the <i>Municipal Government Act</i> RSA 2000, c. M-26 and amendments thereto, authorizes Council to pass Bylaws for the establishment and function of Council Committees and other bodies. As well, for the procedure and conduct of Council, Council Committees; |
| WHEREAS, | pursuant to the <i>Municipal Government Act</i> , Council may by bylaw delegate its powers, duties or functions to a Council Committee; |
| WHEREAS, | the <i>Municipal Government Act</i> , governs the conduct of Councils, Councils Members, Council Committees; municipal organization and Administration; public participation; and the powers of a municipality; |
| WHEREAS, | to provide a standard, clear format and conduct for Meetings for Members of Council or Committee Members, Administration, the media and the public to understand the decision-making process which shall be consistent with the principles of neutrality, equality, fairness and democracy; |
| THEREFORE, | be it resolved that the Council of the Village of Clive in the Province of Alberta, duly assembled hereby enacts as follows: |

Part 1:

INTERPRETATION

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| 1) | This By-law may be cited as the “Procedural Bylaw”. |
| 2) | Headings in this Bylaw are for reference purposes only. |
| 3) | Words in the masculine gender will include the feminine gender whenever the context so requires and vice versa. |
| 4) | Words in the singular shall include the plural or vice versa whenever the context so requires. |
| 5) | At no time is it the intent of this Bylaw to create undue strictness of adherence to the rules of order to cause intimidation or limit full participation. |

DEFINITIONS

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| 6) | In this bylaw, unless the context otherwise requires: |
| Act | means the <i>Municipal Government Act</i> , RSA 2000, c. M-26 and amendments thereto; |
| Acting Mayor | means a Council Member, selected by Council, to preside at a Meeting in the absence or incapacity of both the Mayor and Deputy Mayor. |
| Adjourn | means to end a meeting. |
| Administration | means the general operations of the Village, including all personnel, financial and other related resources, as permitted by the <i>Municipal Government Act</i> . |

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| Agenda | means the order of items of business for a Meeting and the associated reports, Bylaws or other documents. |
| Bylaw | means the Village of Clive Bylaw #519-17 as may be amended from time to time. |
| Chair | means the person who has authority to preside over the Meeting. |
| Challenge | means an appeal of the ruling of the Chair. |
| Chief Administrative Officer | also known as the “CAO” means the person or delegate appointed by Council to the position of Chief Administrative Officer under the <i>Municipal Government Act</i> . |
| Chief Elected Official | means the person elected or appointed as Mayor under the <i>Municipal Government Act</i> . |
| Combined Meeting | means a Regular Meeting which combines agenda items related to both a Public Hearing and a Regular Council Meeting. The Meeting commences with the Public Hearing. |
| Committee | means a Council Committee, board, or commission or other body established by Council under the <i>Municipal Government Act</i> . |
| Corporate Record | is the record of agendas, minutes and other related material which is dealt with by Council or a Council Committee. It also includes all documents to which the Village of Clive corporate seal is impressed. |
| Council | means the Mayor and Council Members duly elected in the Village of Clive and who continue to hold office. |
| Council Committee | means any Committee, board or other body established by Council under the <i>Municipal Government Act</i> . |
| Council Member | means a Member duly elected as a Council Member under the <i>Municipal Government Act</i> to represent a ward of the Village of Clive who continues to hold office. |
| Council Member Inquiry | means a written request from a Member of Council to the Chief Administrative Officer, made at a Meeting, for the provision of a report containing information relating to the business of the Village. |
| Delegation | shall mean a person or group of persons that are appearing before Council to address a specific matter. |
| Deputy Mayor | means the Council Member appointed by Council, pursuant to the <i>Municipal Government Act</i> , to act as a Mayor in the absence or incapacity of the Mayor. |
| Emergent Business | is business that is an emergency that poses an immediate risk to health, life, property or the environment and calls for prompt action. |
| External Auditor | means the person appointed pursuant to Section 280 of the <i>Municipal Government Act</i> . |

Freedom of Information & Privacy Act

means the *Freedom of Information and Privacy Act*, RSA 2000, F-25, as amended thereto, also known as FOIP.

General Election

means an election held in the Village of Clive to fill vacancies caused by the passage of time, as described in the *Local Authorities Election Act R.S.A. 2000 c. L-21*.

Improper Conduct

means any action by a Member of the public, Council, Committee or Administration at a Meeting which is offensive, disrespectful, intimidates, threatens, harasses, obstructs, or physically injures any other person and/or includes the refusal to follow any direction of the Mayor or the Chair of the Meeting.

In Camera

means a portion of the Meeting which is closed to the public in accordance with the *Municipal Government Act*.

Local Authorities Election Act

means *Local Authorities Election Act*, R.S.A. 2000, c. L-21.

Mayor

is the Council Member appointed by Council, pursuant to the *Municipal Government Act* and this Bylaw, to act as the Chief Elected Official.

Meeting

means a Meeting of Council, Committees, boards, commissions or other bodies established by the Council.

Minutes

are the record of decisions of a Meeting recorded in the English language.

Motion

means a proposal or proposition made at a Meeting and submitted for consideration, debate and vote to be decided upon.

Municipal Government Act

means *Municipal Government Act*, R.S.A. 2000, c. M-26 and amendments thereto also known as MGA.

Notice of Motion

is the means by which a Member of Council brings business before Council to be brought back at a future meeting.

Organizational Meeting

means the Meeting held as described in Section 8 of the *Municipal Government Act*.

Orders of the Day

means the Order of Business and time schedule for a Meeting of Council.

Pecuniary Interest

means a pecuniary interest within the meaning of the *Municipal Government Act*.

Person

includes an individual, partnership, association, corporation, trustee, executor, administrator, or legal representative.

Point of Information

is a request to a Council Member or the Administration, for information relevant to the business at hand, but not related to a Point of Procedure.

Point of Order

means a demand that the Chair enforce the rules of this Bylaw.

Point of

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| Privilege | means a raising of a question which concerns a Member of Council, Council, Administration, or Member of the public, when a Council Member believes that another Council Member, Administration or Member of the public, has spoken disrespectfully, or when they believe the comments made have been misunderstood or misinterpreted. |
| Point of Procedure | means a request made to the Chair to obtain information on a matter of parliamentary law or the rules of Council bearing on the business at hand in order to assist a Member to make an appropriate motion, raise a point of order or understand the parliamentary situation or the effect of the motion. |
| Postpone | means to delay the consideration of any matter either: <ul style="list-style-type: none"> (i) To a definite time when further information is likely to be obtained; or (ii) Indefinitely |
| Previous Question | means a motion to end debate and vote on the motion under debate. |
| Precedence | a motion has precedence when it can temporarily replace a motion on the floor and can only be superseded by a motion of higher rank or “precedence”. |
| Public Hearing | means; <ul style="list-style-type: none"> (i) To hear matters pursuant to the <i>Municipal Government Act</i>, or any other Act; or (ii) Other matters which Council directs be considered at a Public Hearing. |
| Quorum | is the majority of all Council Members that compromise the Council pursuant to the <i>Municipal Government Act</i> . If there is a vacancy on Council and the Council is not required to hold a by-election under the <i>Municipal Government Act</i> , quorum shall consist of the majority of the remaining Council Members that compromise the Council under the <i>Municipal Government Act</i> . |
| Recess | means an intermission or break within a Meeting that does not end the Meeting, and after which proceeding are immediately resumed at the point where they were interrupted. |
| Reconsider | means that motion that, if adopted, allows the Council to consider the vote again on the motion in the same Meeting in which the motion was first decided. |
| Referral | means to send a motion to a Committee or department for investigation, clarification and/or recommendations. |
| Regular Council Meeting | means a Council Meeting scheduled at the annual Organizational Meeting. |
| Regular Meeting | means a Meeting of Council scheduled and published in accordance with this Bylaw and the <i>Municipal Government Act</i> and amendments thereto. |
| Renew | means to renew a motion or to offer again a motion that was disposed of without being adopted or defeated. |
| Rescind | means to retract a motion or to repeal a motion. |
| Resolution | means a record of a motion or decision made at a Meeting. |
| Special Meeting | is a Meeting called by the Mayor or Council in accordance with the <i>Municipal Government Act</i> and amendments thereto and this Bylaw. |

Special Resolution

means a resolution passed by two-thirds majority of all Council Members.

Table

means to lay on the table or to set aside temporarily.

Terms of Reference

is a statement of the purpose of the Committee approved by Council and shall include, but is not limited to, composition, duties, powers, functions and termination clause, if applicable.

Two-Thirds Vote

is a vote requiring at least two-thirds of the Council Members who continue to hold office or appointment, to vote in the affirmative. This number is six (6) with nine (9) Council Members.

Unfinished Business

is business on the Agenda at the same or previous meeting which is not completed.

Urgent Business

is a time sensitive matter which requires Council's immediate and urgent consideration and a call for prompt action.

Village

means the geographic area contained within the boundaries of the municipality of the Village of Clive.

The Village

means the municipal corporation of the Village of Clive having jurisdiction under the *Municipal Government Act* and other applicable jurisdiction

Part 2:

APPLICATION

- 7) Unless otherwise noted, this Bylaw shall apply to all Meetings of Council and Council Committees.
- 8) Suspension of Rules – Council may suspend any provisions of this Bylaw, by Special Resolution and two-thirds (2/3) vote and shall only be effective for the Meeting during which it was passed, except:
 - a) The provisions about statutory hearings; and
 - b) The provisions from amending or repealing this Bylaw.
- 9) Reference Source – When a matter arises related to proceedings in a Meeting which is not covered by provision of this Bylaw or the *Municipal Government Act*, the matter shall be decided by reference to Roberts Rules of Order Newly Revised, 11th edition and revised editions thereto.
- 10) Interpretation – Procedure is a matter of interpretation by the Chair.
- 11) Paramount Rules – The precedence of the rules governing the procedure of Council is:
 - a) The *Municipal Government Act*;
 - b) Other Provincial or Federal Legislation;
 - c) This Bylaw; and
 - d) Roberts Rules of Order.
- 12) The *Municipal Government Act* requires all municipalities to name a place as its municipal office. The place for the municipal office and the Council Chambers for the Village of Clive is 5115 - 50th Street Clive, AB T0C 0Y0.
- 13) All Sections of the *Municipal Government Act* referenced in this Bylaw are for information only and may change as the *Municipal Government Act* is amended.

Part 3:

ORGANIZATION OF COUNCIL AND COMMITTEES

Organizational Meeting:

- 14) Council shall hold its Organizational Meeting, no later than two weeks after the third Monday in October. The time and place of the Organizational Meeting and agenda shall be set by the Chief Administrative Officer (“CAO”).
- 15) At the Organizational Meeting:
 - a) The CAO shall take the position of Chair and call the Meeting to order;
 - b) The CAO shall report and all Council Members shall take the “Oath of Office” as prescribed by the Oaths of Office Act, RSA 2000 at the first Meeting after an election;
 - c) The determination by secret ballot of the Position of Mayor (Chief Elected Official);
 - d) The CAO shall hand over the position of Chair to the newly elected Mayor (Chief Elected Official); and
 - e) The determination by secret ballot of the Position of Deputy Mayor (Deputy Chief Elected Official).
- 16) Members of Council hold office from the beginning of the Organizational Meeting following a general election until immediately before the beginning of the Organizational Meeting following the next general election, in accordance with the Local Authorities Election Act.
- 17) The Mayor and Deputy Mayor, as appointed from among the Council Members hold their appointment from immediately after the vote is announced by the CAO until immediately before the beginning of the next Organizational Meeting.
- 18) Council, at its Organizational Meeting shall:
 - a) Adopt a roster of appointments of all its Committees and the Chairs, Vice Chairs, Members and alternates to these Committees and boards (depending on the Terms of Reference for the Committee);
 - b) Set dates, times and places for Regular Council Meetings;
 - i. If a Regular Council Meeting is to fall on a Statutory Holiday the Meeting shall be the next business day following;
 - c) Set dates, times and places for Statutory Public Hearings;
 - i. If a Statutory Public Hearing is to fall on a Statutory Holiday the Meeting shall be cancelled.
 - d) Set Councillor fees and remuneration for mileage, meals, committee meetings, seminars and courses;
 - e) Set date and obtain a motion for destruction of election material and ballots at the first Organizational Meeting after an election; and
 - f) Any such other business as required by the *Municipal Government Act*.
- 19) At the Organizational Meeting, Council shall appoint the municipality’s Weed Inspector, Fire Chief, Solicitor and Municipal Auditor.

CHAIR OF COUNCIL MEETINGS

- 20) The Mayor shall preside as Chair over all Meetings of Council and in the Mayor’s absence the Deputy Mayor shall preside as Chair.

MAYOR AS EX-OFFICIO

- 21) Unless otherwise provided in a Bylaw, the Mayor shall be an ex-officio Member of all Committees established by Council under the *Municipal Government Act*.

COMMITTEES AND BOARDS

- 22). The Committee Meetings shall be conducted in accordance with the rules governing the procedures of Council.
- 23). Committee and Board reports shall be forwarded to the next Regular Council Meeting after the Committee or Board Meeting is held and shall be added to the Agenda of the Regular Council Meeting. A Council Committee or Board Member shall report on the Committee or Board Meeting along with any recommendations the Committee may have for Council's considerations.
- 24). No action of a Committee or Board shall be binding on the Village, unless the power to take such action is expressly conferred on the Committee or Board by legislation, Bylaw or resolution.

Part 4:**MEETINGS****Date of Meetings:**

- 25). Council shall hold Regular Meetings of Council on the dates established at the Organizational Meeting.
- 26). Except as provided for in Section 54 of this Bylaw, all Meetings shall be held in public.

Time of Meetings:

- 27). Regular Council Meetings shall begin at 1800 hours and adjourn by no later than 2100 hours. By motion, Council may extend the Meeting beyond 2100 hours with a two-thirds majority vote. All matters of business which appear on the Council's agenda for that Meeting and which have not been dealt with shall be deemed to be tabled until the next Regular Council Meeting.

Meeting Place:

- 28). Regular Council Meeting and Public Hearing Meetings shall be held in the Council Chambers in the Village Office building.

Meetings Notice:

- 29). Members of the public shall receive notice of all Meetings deemed a Public Meeting or a Public Hearing in accordance with the *Municipal Government Act*.

Change of Time, Date, Location of Council Meeting:

- 30). Council may change the time, date or location of any Council Meetings by Special Resolution.
- 31). Notification of the change in time, date or location of any Council Meeting shall be provided in accordance with the *Municipal Government Act*.

Cancellation of Meeting:

- 32). A Regular Meeting of Council may be cancelled:
- a) By a majority vote of Council Members at a previous Regular Council Meeting; or
 - b) With the written consent of the majority of Council Members, provided twenty-four (24) hours' is provided to Council Members and to the public.
- 33). A Special Council Meeting, called by the Mayor, may be cancelled:
- a) by the Mayor, if twenty-four (24) hours' written notice is provided to all Council Members and to the public; or

- b) If less than twenty-four (24) hours' notice is provided, the Mayor may cancel with the written consent of two-thirds of the Council Members.

- 34). A Special Council Meeting, requested in writing by a majority of Council Members, may be cancelled:
 - a) with the written consent of the requesting Council Members, if twenty-four (24) hours' notice is provided to the Council Members and the public; or
 - b) If less than twenty-four (24) hours' notice is provided, with the written consent of two-thirds of the Council Members.

- 35). Committee Meetings may be cancelled, however, at least twenty-four (24) hours' written notice of cancellation shall be provided to the Members and the public.

Special Council Meetings:

- 36). The Mayor may call a Special Council Meeting whenever the Mayor considers it appropriate to do so.
- 37). The Mayor shall call a Special Council Meeting under this Section of the Bylaw shall be held within fourteen (14) days after the date that the Mayor receives the request or any shorter period provided for by Bylaw.
- 38). A Special Council Meeting called under this Section of the Bylaw shall be held within fourteen (14) days after the date that the Mayor receives the request or any shorter period provided for by Bylaw.
- 39). The Mayor calls a Special Council Meeting by giving at least twenty-four (24) hours' notice in writing to each Council Member and the public stating the purpose of the Meeting and the date, time and place at which it is to be held.
- 40). A Special Council Meeting may be held with less than twenty-four (24) hours' notice to all Council Members and without notice to the public if at least two thirds (2/3) of the whole of Council agrees to this in writing before the beginning of the Meeting.
- 41). Special Council Meetings shall be held on the date and at the time and location specified in the Notice of the Special Council Meeting.
- 42). If a matter is not specified in the notice of the Special Council Meeting, it may not be dealt with unless all Council Members are present and Council passes a majority vote motion, to deal with the matter.

Meetings Requiring Notice:

- 43). For all Meetings requiring notice, the notice shall:
 - a) Be issued a minimum of twenty-four (24) hours prior to the Meeting date.
 - b) Be in writing and specify the time, date, location and purpose of the Meeting.
 - c) Be hand delivered or electronically mailed to each Council Member with read receipt.
 - d) Be posted in the front door of the Village Administration Building.
 - e) Give any other notification as request by Council.
 - f) Be in accordance with the *Municipal Government Act* or any other prevailing legislation.

Combined Meeting:

- 44). In a Combined Meeting, the Regular Public Hearing portion shall commence prior to the Regular Business of Council at a Regular Council Meeting.

Quorum Requirements:

- 45). A Council Meeting is called to order when majority of Council are present, as defined in the *Municipal Government Act*, to form a quorum at the time set for the start of the Meeting, unless specified otherwise by this or any other Bylaw.
- 46). If there is no quorum within fifteen (15) minutes after the time set for the Meeting, the Recording Secretary shall record the names of the Council Members present and the Meeting shall be adjourned to the time of the next Meeting. The agenda for the adjourned Meeting shall be dealt with at the beginning of the next Meeting, unless a Special Meeting is called before or after the next Meeting to deal with the business of the adjourned Meeting.

Starting the Meeting:

- 47). As soon as there is quorum after the time for commencement of a Council Meeting:
- a) The Mayor shall take the Chair and begin the Meeting, or;
 - b) If the Mayor and the Deputy Mayor are absent, the Chief Administrative Officer or designate shall begin the Meeting by calling for a motion to appoint a Chair.

Order of Business:

- 48). The Order of Business at a Meeting is the order of the items on the agenda except:
- a) When a previous Meeting has been adjourned for lack of quorum and no Special Meeting has been called to deal with the business of the adjourned Meeting, the agenda items from the adjourned Meeting shall be dealt with before any items on the current agenda;
 - b) When Council alters the Order of Business for the convenience of the Meeting by a two-thirds vote;
 - c) When the same subject matter appears in more than one place on an agenda and Council decides, by motion, to deal with all items related to the matter at the same time; or
 - d) When Council decides, by motion, to remove an item on the agenda.

Use of Council Chambers:

- 49). The Chief Administrative Officer may approve the use of Council Chambers for Meetings or training other than Meetings of Council and Council business.
- 50). Meetings of Council and Council Business will take priority over any other Meeting or training that will be or has been approved in the Council Chambers.

Meeting Priorities for Council Members:

- 51). The Council of the Village of Clive shall follow the Meeting priorities stated as follows:

First Priority – Regular Scheduled Council Meetings

Second Priority – Scheduled Council Committee Meetings or Council appointed Committee Meetings

Third Priority – Community Events and Council supported functions

Other Committee Meetings:

- 52). Other Committees shall meet as soon as possible after appointment and, if required under the Terms of Reference, decide the day and time of holding its Regular Meetings with consideration of the Council calendars. Council Committees shall coordinate with the CAO to avoid conflicts and ensure notice is given.

Public Meetings:

- 53). All Regular Council Meeting and Council Committee Meetings shall conduct their Meetings in public unless Section 54 of this Bylaw applies.

In Camera:

- 54). “In Camera” Meetings – No item shall be considered “In Camera” unless one of the exceptions to disclosure in Division 2 Part 1 of the *Freedom of Information and Protection of Privacy Act* applies or it is permitted under the *Municipal Government Act*.
- 55). No Bylaw or resolution shall be passed during “In Camera”, except a resolution to revert the Meeting into Public Meeting.
- 56). Items on the agenda that fall under “In Camera” shall be approved by the CAO and in accordance with the provisions of the *Municipal Government Act* and the *Freedom of Information and Protection or Privacy Act* and Sections 54-57 of this Bylaw.
- 57). In accordance with the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act*, all Council Members are required by law to keep in confidence matters discussed “In Camera”.

Part 5

AGENDA AND RECORDS OF MEETINGS FOR COUNCIL

DIVISION 1

AGENDA

Agenda Format:

- 58). The agenda orders the business for a Meeting and shall follow the appropriate Order of Business as set out in Section 137 in this Bylaw.

Agenda Submissions:

- 59). Submissions for inclusion in the Regular Council Meeting agenda and Public Hearing agenda shall be delivered to the CAO as follows:
- a) By way of electronic mail or hard copy, no later than 1200 hrs five (5) days prior to the Regular Council Meeting.
 - b) Shall clearly set out the matter and issue and any request made of Council.
 - c) External agenda submission; the agenda item shall be submitted in a legible format in the English language and shall:
 - (i) include name, address and telephone number; and
 - (ii) comply with Section 59 (a)(b) of this Bylaw.
 - d) When the date for receipt of submission falls on a statutory holiday, the date for receipt of submission shall be the previous business day; and
 - e) Only material received by the CAO in the time set out in Section 59(a) shall be considered at the Regular Council Meeting for which the agenda is prepared.
- 60). Notwithstanding Section 59, in exceptional circumstances, items may be sent out “under separate cover” if received after the time set for submission and the item is already on the agenda. The item sent out “under separate cover” is not deemed part of the agenda until it is adopted as part of the agenda by way of Council motion. Items to be sent out under separate cover shall be approved by the CAO.

- 61). Agenda items which have been tabled or referred to a specific Meeting may return only with a supplemental report, submission of which is the responsibility of Administration.
- 62). A Member of Council may bring forward an item of urgent or emergent business that cannot wait to be included on the next Regular Council Agenda. The Council Member shall supply information to Council and/or Administration by handout or electronic mail prior to the Regular Council Meeting. This shall be known as “Urgent/Emergent Business Issue Memorandum”, not a Notice of Motion. This information shall be distributed after the item has been accepted as an addition to the agenda and include the matter, brief detail and recommendation around the matter.
- 63). Sponsorships and funding requests are not considered urgent or emergent and shall be added to the next Regular Council Meetings as a Notice of Motion.
- 64). Council shall not entertain submissions from the public on issues that are before the Subdivision and Development Appeal Board, courts, require a Statutory Public Hearing; or any other public consultation/communication process.
- 65). Agenda submissions are at the discretion of the Mayor and CAO.
- Agenda Review:**
- 66). The CAO shall assemble the Regular Council Meeting agenda in consultation with the Mayor for review and approval.
- 67). Once an Agenda is approved or otherwise published, it is the property of Council.
- Agenda Distribution: Staged Posts**
- 68). After the Regular Council Meeting agenda content is approved by the CAO, the agenda shall be released electronically or by any other delivery method deemed necessary; the Council, the public and the media in that order, by the CAO. The agenda shall be released no less than four (4) days before the time of commencement of the Regular Council Meeting for which it was prepared.
- Agenda content; reports and supplementary material shall be released to Council with the agenda. The Agenda content shall be released to the public and media at the Regular Council Meeting.
- Addition of Late Reports:**
- 69). Reports and supplementary materials not submitted in accordance with Section 59 shall be approved by the CAO as an urgent or emergent issue to be added to the agenda as an addendum.
- 70). If approved by the CAO, the report or supplementary material shall be added to the agenda. The CAO shall electronically mail all Council Members the supplementary material. Once considered for adoption as part of the agenda and is adopted, it shall be included in the agenda that is available to Council, public and media on the day of the Regular Council Meeting.
- Adoption of Agenda:**
- 71). Council shall vote to adopt the agenda prior to transacting other business and may:
- a) Add new items as set out in this Bylaw, including reports that were to be distributed when available, to the agenda; and

- b) Delete or defer any matter from the agenda by majority vote.

DIVISION 2

RECORDS OF MEETINGS

Preparation of the Minutes:

- 72). The minutes shall be prepared in the English language for Regular Council Meetings which include:
- a) All Council Meetings shall be recorded.
 - b) All motions by Council, including a motion number.
 - c) The names of the Council Members present at and absent from the Meeting.
 - d) The names of the Council Members that arrive late, leave before the Meeting is adjourned, or are temporarily absent from the Meeting,
 - e) Any abstentions made under the *Municipal Government Act* by any Council Member and the reason for the abstention.
 - f) Signatures of the Chair and the CAO.
 - g) Record the names of the Council Members voting on a challenge to the ruling of the Mayor as per Sections 129-132 of this Bylaw.
 - h) Record the names of those who vote for and against a motion in the minutes when a recorded vote is taken.
 - i) Prepare the minutes of every Meeting, in accordance with the *Municipal Government Act*, and distribute a copy to each Council Member in a subsequent agenda for adoption at the Meeting.
 - j) Record the name and general nature of a pecuniary interest declare by a Council Member in accordance with the *Municipal Government Act*.
 - k) Record the Sections of the *Freedom of Information and Protection of Privacy Act* that apply to an item being discussed “In Camera”.

Adoption of the Minutes:

- 73). The minutes of each Meeting shall be circulated prior to the Meeting at which they are to be adopted. If:
- a) There are errors or omissions, Council shall pass a motion to amend the minutes and adopt the minutes as amended.
 - b) There are no errors or omissions, Council shall adopt the minutes as presented; or
 - c) Only minor changes may be made to correct errors in grammar, spelling and punctuation or to correct the omission of a word necessary to the meaning or continuity of a sentence; but no change shall be allowed which would alter or affect the intent and the actual decision made by Council.

- 74). No Council Member may introduce extraneous evidence to support a challenge to the accuracy of the minutes unless the evidence has been compiled under the direction and control of the CAO.

Retention and Storage of Minutes:

- 75). Regular Council Meeting minutes shall be retained permanently by the municipality in the original form in a safe and secure place in accordance with the *Municipal Government Act*.

Part 6

CORPORATE SEAL

Location of the Corporate Seal:

- 76). The CAO shall have custody of the corporate seal, which shall be held in a safe and secure location in accordance with the *Municipal Government Act*.

Use of the Corporate Seal:

- 77). The corporate seal shall only be used under direction of the CAO as prima facie evidence that the Village has assented to those documents to which the seal is affixed.

Impression of Corporate Seal:

- 78). Impression of Corporate Seal – The corporate seal shall be affixed to the following documents:
- a) All Bylaws of the Village signed by the Mayor, Deputy Mayor or Acting Mayor and the CAO, or Acting CAO presiding at the Meeting at which the Bylaw was given third reading;
 - b) Debentures issued by the Village and signed by the CAO and the Mayor or other designated officer;
 - c) Certificates of Registration of debentures signed by the CAO and the Mayor or other designated officer;
 - d) Contracts signed by the CAO and/or Mayor or other designated officer;
 - e) Paper documents certified by the CAO as being true copies of original documents held in the Village of Clive; and
 - f) Such other papers or documents which, in the opinion of the CAO warrant the seal to be affixed.

Part 7

COUNCIL MEMBER INQUIRY AND RESPONSES

Council Member Inquiry:

- 79). A Council Member Inquiry is a request for information from Administration.
- 80). Any Council Member may make a Council Member Inquiry through the Chair at any Regular Council Meeting or Council Committee Meeting.
- 81). Council Member Inquiries shall be made in writing and shall be addressed as a Notice of Motion to be added to a future agenda allowing Administration time to research the specific inquiry and give Council an up to date and informed response in a timely manner.
- 82). Council Members cannot make any Council Member Inquiries to the Village appointed Auditor or their employees.
- 83). Council Member Inquiries cannot be made at Special Village Meetings.
- 84). A Council Member shall not give direct instructions to the CAO or the employees of the CAO (Administration) without specific direction from Council confirmed by a Council motion.

Responses:

- 85). The CAO may verbally answer a Council Member Inquiry at the Meeting at which it was made; however, any Member of Council may request that the response be submitted to Council in writing.
- 86). Time for Inquiry on the Agenda – A Council Member Inquiry shall be added to the Meeting agenda under the heading “Council Member Inquiry” and only after a Notice of Motion is made to add to a future agenda.

Part 8

PROCEDURES OF MEETINGS

DIVISION 1:

CONTROL AND CONDUCT OF A MEETING

Role of the Chair:

- 87). The Mayor shall Chair all Public Meetings.

- 88). The Chair:
- a) Shall enforce this Procedural Bylaw;
 - b) Shall remain objective;
 - c) Shall maintain order and preserve decorum and may, if necessary, call a Council Member to order;
 - d) Shall decide Points of Order and Points of Procedure without debate or comment;
 - e) Shall determine which Council Member has a right to speak;
 - f) Shall receive, state and frame all motions presented to clarify their intent as moved;
 - g) Shall ensure that all Council Members who wish to speak on a motion have spoken once, that the Council Members are ready to vote and shall subsequently call the vote;
 - h) Shall authorize, at the Meeting, the distribution of additional material for the Corporate Record;
 - i) Shall rule when the motion is Out of Order;
 - j) Shall protect Council from motions that are obviously frivolous or with intention to cause delay, by refusing to acknowledge them;
 - k) Shall rule when the motion is contrary;
 - l) Shall recess the Council Meeting to consult with the CAO or legal for guidance in rulings; and
 - m) Shall recess if there is a threat or imminent threat to the health or safety of any person, or if there is the possibility of public disorder.
- 89). Provide information to Council Members on any matter related to the business of the Village, with the exception of during debate unless Section 91 applies.
- Role of Council:**
- 90). Council Members shall not exercise a power or function or perform a duty that is by this or another exactment or Bylaw specifically assigned to the CAO or a designated officer.
- 91). Council Members are to make decisions as a collective body for all matters. Individual Council Members do not have authority to bind Council or the Village to a specific course of action unless the authority has been expressly granted through resolution of Council.
- Dress Code of Council:**
- 92). Attire for Council Members shall consist of Business Casual and in good taste and appropriate for the environment.
- 93). Attire shall be professional looking, neat and tidy, and free from excessive wear and tears.
- 94). Attire shall comply with Occupational Health and Safety Legislation where required.
- Conduct in the Council Chambers and in Public Spaces:**
- 95). Individuals in the Council Chambers or in a public space, during a Meeting, shall:
- a) Not address Council without permission from the Chair;
 - b) Maintain order, remain quiet and seated;
 - c) Not applaud or otherwise interrupt a speaker or action of Council or other person addressing Council; and
 - d) Not engage in improper conduct as defined in this Bylaw.
- 96). The Chair may order a Member of the public, who disturbs the proceedings of the Meeting or acts improperly by words or actions, be expelled.

- 97). The Chair may request that the Royal Canadian Mounted Police (RCMP), if required, remove the person from the premises.
- 98). Anyone who is not a Council Member or Administration authorized by the CAO shall not be permitted to address Council unless they are given explicit permission by the Chair.
- Conduct of Council:**
- 99). A Council Member wishing to speak at a Meeting shall obtain the approval of the Chair before speaking.
- 100). Cellular devices shall be turned to silent while in a Meeting.
- 101). Council Members shall be respectful and attentive, shall avoid distracting themselves and others, and shall not cause disruptions during a Meeting.
- 102). When a Council Member is addressing the Chair, every other Council Member shall:
- a) Remain quiet and seated.
 - b) Not interrupt the speaker, except on a Point of Order or Point of Privilege.
 - c) Not carry on a private conversation.
 - d) Not cross between the speaker and the Chair.
 - e) Not disturb the proceeding; or
 - f) Not disobey the decision of the Chair or of the Council on any question of order, practice or interpretation unless a Motion to Challenge the Chair is put on the floor.
- 103). A Council Member addressing the Chair shall:
- a) Not speak disrespectfully of Her Majesty the Queen, her official representatives or the government.
 - b) Not speak disrespectfully of the Village, its official representatives or Administration.
 - c) Not reflect on a vote except when moving to reconsider it, and shall not reflect on the motives of the Council Members who voted on the motion or the mover of the motion.
 - d) Not shout, use an immoderate tone of voice, profane, vulgar or offensive language or gestures, break the rule of Council, or disrupt the proceedings; and
 - e) Assume personal responsibility for a statement quoted and, upon request of the Council Members, shall give the source of the information.
- 104). A Council Member requiring to leave while a Meeting is in progress shall raise of their hand and await the permission of the Chair before leaving the remainder of the Meeting.
- 105). A Council Member shall be seated, remain seated and be silent from the time the vote is called for until the vote is declared.
- 106). When a Council Member is before the media and public the Council Member shall conduct and represent the Village, and Council as a whole, in a respectful, positive manner.
- 107). The Mayor is designated as official spokesperson for the Village. He/she will speak to the news media on behalf of the Village at all times, other than in certain circumstances where the Mayor may designate another person.
- Calling a Council Member to Order:**
- 108). The Chair may call to order any Council Member who is Out of Order.

- 109). When the Chair calls a Council Member to order, the Council Member speaking shall cease speaking or otherwise engaging in the activity specific by the Chair and remain seated.
- 110). When a Council Member has been warned about breaches of order but continues to engage in them, the Chair may name the Council Member by stating his name and declaring the offence for the record. This is at the decision of the Chair. The CAO shall note the offence in the minutes.
- 111). In the event that the Council Member refuses to cease speaking or otherwise engaging in the activity specified by the Chair and/or remain seared when Called to Order, the Chair shall request the Deputy Mayor to move a motion to remove the unruly Council Member either:
- a) For the balance of the meetings
 - b) Until a time stated in the motion; or
 - c) Until the Council Member makes an apology acceptable to the Council Members, Administration and public present for the unruly behavior.
- 112). If the resolution passes by majority vote, the Chair shall direct the Council Member to leave.
- 113). If the Council Member is expelled pursuant to Section 114, that Council Member shall leave the Meeting immediately.
- 114). The Chair may request the Royal Canadian Mounted Police (RCMP), if required, to remove the Council Member from the premises.
- 115). When the Chair has directed the Council Member to leave and the Council Member makes a satisfactory apology, the Council may, by motion, allow the offending Council Member to return to the Meeting.

Points of Information, Privilege or Order:

- 116). When a Point of Order, Point of Procedure or Point of Privilege arises, it shall be considered immediately.
- 117). The decision of the Chair shall be final unless a challenge is made pursuant to Sections 126-132 of this Bylaw.

Point of Information:

- 118). When a Point of Information is raised it shall be considered immediately and the Chair shall answer or direct the point to the appropriate Member of the Administration.

Point of Privilege:

- 119). A Council Member may raise a Point of Privilege at any time during the Meeting.
- 120). The Chair shall immediately decide whether to accept the Point of Privilege.
- 121). A Point of Privilege requests the Chair to rule on any matter related to the rights and privileges of Council or individual Council Members and include:
- a) Organization or existence of Council
 - b) Comfort of Council Members
 - c) Conduct of Council Members, Administration or the public in attendance at the Meeting
 - d) Accuracy of the reports of Council's proceedings; and
 - e) Reputation of Council, Council Members and the municipality in which they serve.
- 122). If the Point of Privilege is accepted, it shall be dealt with immediately.

Point of Order:

- 123). When the Chair is called upon to decide a Point of Order or to answer a Point of Procedure:
- a) The Point shall be stated without unnecessary comment
 - b) The Chair shall state the rule or authority applicable; and
 - c) As soon as the Chair decides on the Point of Order raised, the Council Member raising the Point may be granted permission by the Chair to explain.
- 124). A Point of Order which requires immediate attention may interrupt a speaker and is not debatable or amendable.
- 125). The Chair shall immediately rule on the Point of Order.

Challenging the Chair:

- 126). When a Council Member wishes to challenge the ruling of the Chair, a motion “That the decision of the Chair be overruled” shall be made, and the question shall be put to a vote immediately without amendment or debate. The vote against the motion is a vote to uphold the ruling of the Chair.
- 127). The Chair shall be governed by the vote of the majority of the Council Members present.
- 128). A Motion to Challenge the Chair may be made only at the time of the ruling.
- 129). If the Chair refuses to put the question on the Challenge, the person who would preside in the absence of the Chair shall put the question to Council.

Pecuniary Interest:

- 130). A Council Member who has a Pecuniary Interest in a matter before Council shall:
- a) Disclose the general nature of the Pecuniary Interest; and
 - b) Leave the Meeting before debate and return after the vote is declared.
- 131). A Council Member declaring a Pecuniary Interest is not considered part of the quorum for the item.
- 132). Pecuniary Interests are to be noted in the Meeting minutes stating the agenda item to which they pertain and the general nature of the interest disclosed.
- 133). Pecuniary Interests for In Camera items are to be noted, however, the description is not required.

DIVISION 2: MEETING PROCEDURES

Order of Business – Council:

- 134). The agenda that orders the business for a Regular Council Meeting and shall follow the appropriate Order of Business as follows:
- 1. Attendance
 - 2. Call to Order and Quorum
 - 3. Recognitions and Introductions
 - 4. Adoption of Agenda
 - 5. Minutes Approval
 - 6. Public Hearings
 - 7. Delegations and Appointments
 - 8. Administrative Reports
 - 9. Bylaws
 - 10. Unfinished Business
 - 11. New Business

12. Workshops, Conferences, Seminars
13. Information Items
14. Urgent or Emergent Items
15. Notice of Motion
16. Council Inquiries
17. Addendum
18. Council Member Reports
19. Board and Committee Meeting Minutes
20. “In Camera”
21. Adjournment

135). The Order of Business can only be changed by Council motion.

Attendance – Regular Council Meeting

136). All Council Members and the CAO shall be documented in the minutes of their attendance or their absence.

138). A Council Member who shall be absent from a Regular Council Meeting shall notify the CAO by telephone prior to commencement of the Meeting. The notification shall include the reason for the absence.

139). A Motion to excuse a Council Member(s) that shall be absent for Regular Council Meetings and not to exceed eight (8) consecutive weeks, starting with the date the Council Member misses the first Meeting, shall be made after calling the Meeting to Order in accordance with the *Municipal Government Act*.

140). Notwithstanding Sections 141-142, the Chair may excuse a Council Member who did not provide notice.

Call to Order and Quorum:

141). The Meeting shall be Called to Order when sufficient Council Members are present to form a quorum at the time set for the start of the Meeting.

142). The Mayor shall take the Chair and call the Meeting to order.

143). If there are sufficient Council Members present to form a quorum at the time set for the start of the Meeting and the Mayor and Deputy Mayor are absent then the CAO or designate shall take the Chair and shall call for an Acting Chair to be appointed by a motion.

Recognitions and Introductions:

144). Administration to be introduced to Council shall include all staff including new, part-time, temporary, contract staff and seasonal staff. When introducing staff, you shall include in the memorandum; their position, their expected length of stay and a brief synopsis of their education and background.

Adoption of Agenda:

145). Council shall vote to adopt the agenda prior to the start of the Meeting and may:

- a) Include urgent or emergent business be considered for addition to the agenda
- b) Delete any matter from the agenda by unanimous vote.

146). Combined Meetings shall only have one agenda.

147). The agenda cannot be reconsidered.

Minutes Approval:

148). The minutes of each Meeting shall be circulated prior to the Meeting at which they are to be adopted. If:

- a) There are errors or omissions, Council shall pass a motion to amend the minutes and adopt the minutes as amended; or
- b) There are no errors or omissions, Council shall adopt the minutes as presented.

Public Hearings:

- 149). Members of the public or a representative may address Council on a planning matter or other matter directed by Council to be considered at a Public Hearing.
- 150). No matter that is not on the agenda for a Public Hearing can be addressed at this Meeting.
- 151). See Part 9 of this Bylaw.

Delegations and Appointments:

- 152). If a person or group wish to address Council on a matter on a Regular Council Agenda, for which a hearing is not required by statute, that person or group shall notify the CAO in legible writing or by electronic mail and state the topic, purpose and recommendation or financial request. This information shall become public unless deemed by the CAO to be confidential and “In Camera”.
- 153). The CAO may:
 - a) Recommend forwarding to Council to address the matter; or
 - b) Refer the matter to Administration to address.
- 154). Delegations consisting of more than one individual shall appoint a spokesperson who shall be responsible for presenting to Council.
- 155). Presentations shall be directed to the Chair who shall be addressed as Mister/Madam Chair.
- 156). Council may, on a two-thirds vote, allow a person or group to address a matter that was not on the agenda but only if the item has been added to the agenda as urgent or emergent business.
- 157). A person or group addressing Council on a matter shall only be allowed fifteen (15) minutes to present, exclusive of the time required to answer questions, unless approved by Council or the CAO.
- 158). A person or group addressing Council shall limit their comments to the matter contained in the report or presentation and the recommendations being discussed.
- 159). A person or group addressing Council that are requesting funding or action by Council on a matter shall only present on that matter once in a 365-day time period or after a Municipal Election, unless approved by Council by way of Notice of Motion to be heard on a subsequent Regular Council Meeting.

Administrative Reports:

- 161). Administrative Reports are updates from Administration on Village business.
- 162). Administrative Reports are for information only and no business or motions shall arise from this information.

Bylaws:

- 163). When a Bylaw is presented to Council for passage, the CAO shall publish the number and title of the Bylaw in the agenda and shall copy the proposed Bylaw in full and forward it with the agenda.

Unfinished Business:

- 164). Unfinished Business are matters of business carried forward from previous Meetings.

New Business:

- 165). New business are matters of business that Council has not previously heard in a Meeting in the last three hundred and sixty-five (365) days and is not unfinished business as described in Section 164 of this Bylaw.

Workshops, Conferences and Seminars:

- 166). Workshops, Conferences and Seminars added to an agenda are those associated with a cost to attend and require a motion authorizing attendance.

Information Items:

- 167). Information Items that are added to an agenda are items that are for information purposes only and do not require discussion or a motion, unless Council motions to do so.

Urgent or Emergent Items:

- 168). Urgent items are items which are time sensitive and require Council's immediate attention.
- 169). Emergent items are items which pose an immediate risk to health, life, property or the environment and calls for prompt action.

Notice of Motion:

- 170). See Sections 242-246 of this Bylaw.

Council Inquiries:

- 171). Any Council Member may make a Council Inquiry through the Chair to the Chief Administrative Officer at any Regular Council Meeting.
- 172). See Part 7 – Council Inquiries and Responses, of this Bylaw.

Addendum:

- 173). An addendum to the agenda is an addition of an item to the Meeting agenda. For an Addendum to a Meeting to be considered:
- a) It shall be after the Meeting agenda is finalized and released;
 - and
 - b) Shall be approved by the CAO.

Board and Committee Meeting Minutes:

- 174). Board and Committee Meeting Minutes are those minutes from Board and Committee meetings which Council members are appointed to.

Council Member Reports:

- 175). Each Council Member shall be provided a maximum of five (5) minutes for the purpose of providing a verbal update on Committees or community events in which municipal participation has been approved by Council.
- 176). Council Member Reports are for information only and no business or motions shall arise from this information except for the following:
- a) A motion for the letters of support or congratulations; or
 - b) A motion for letters of concern or advocacy; or
 - c) A motion to approve items equal to or less than four hundred dollars (\$400.00) in value.

In Camera:

- 177). An “In Camera” item means a portion of the Meeting which is closed to the public in accordance with the *Municipal Government Act*.
- 178). See Sections 54-57 of this Bylaw.

Adjournment:

- 179). A Motion to Adjourn is a motion to bring the Meeting to an end.
- 180). A Regular Council Meeting shall adjourn no later than 2100 hrs unless there has been a motion passed by majority to extend the Council Meeting beyond.
- 181). The Meeting is considered adjourned when the number of Council Members is less than what is required for the number for quorum within fifteen (15) minutes following the end of a recess.
- 182). A motion to adjourn shall be put without comment, debate or amendment.

DIVISION 3:

MOTIONS IN MEETINGS

General Provisions on Motions:

- 183). Motions shall be placed before Council by the mover and does not require a seconder.
- 184). All motions shall be concise and unambiguous and give clear action for Administration.
- 185). All motions shall be phrased in a positive manner.
- 186). The Chair shall read the motion aloud for clarification before the motion is voted on.
- 187). The Recording Secretary, if requested, shall read the motion aloud for clarification before the motion is voted on.
- 188). After a motion has been moved by the Chair and up for debate, prior to the vote, it is the property of Council and may only be withdrawn or modified by the mover with the unanimous consent of the Council Members present.
- 189). When a motion has been made and is being considered, no Council Member may make another motion except to:
- a) Amend the motion
 - b) Amend the amendment to the motion
 - c) Refer the main motion and any pending amendments
 - d) Table the main motion and any pending amendments
 - e) A motion to recess
 - f) A motion to extend the time of the Meeting
 - g) Raise a Point of Privilege
 - h) Raise a Point of Order; or
 - i) Raise a Point of Information
- 190). A recommendation on a report does not constitute a motion until a Council Member has expressly moved it.
- 191). Once a motion is carried it becomes a motion of Council and shall be supported by all of Council.

Motion to Move in Camera:

- 192). “In Camera” is deemed to mean in private and not open to the public.
- 193). A Council Member may make a motion to move “In Camera” which shall:
- a) Be in accordance with the *Freedom of Information and Privacy Protection Act* and *Municipal Government Act*.
 - b) Include the title or subject of the item to be discussed; and
 - c) Include the reason for the “In Camera” Meeting.

Motions Out of Order:

- 194). It is the duty of the Chair to determine what motions or amendments to motions are in order, subject to challenge be a Council Member, and to decline to put to vote a motion deemed to be Out of Order.
- 195). The Chair shall advise the Council Members that a motion is Out of Order and shall cite the application rule or authority without further comment.
- 196). The Chair may refuse to accept a motion to refer, which has the effect of defeating the motion being referred.
- 197). The following motions are Out of Order:
- a) A motion, similar to a motion voted on in the previous one (1) year
 - b) A motion contrary to law, bylaw, policy or a previous motion
 - c) A motion similar to an item which has been defeated, tabled, or referred; or
 - d) A motion which is out of the scope of Council business.

Motion to Recess:

- 198). A motion to Recess may be made at any time and shall include a time to reconvene.
- 199). A Motion to Recess shall not be debated.
- 200). A Motion to Recess may be amended only as to the time to reconvene.
- 201). A Motion to Recess shall not be made during debate.

Motion to Rescind:

- 202). A Motion to Rescind a previous motion may be accepted by the Chair and, if passed by a majority vote of the Members of Council present, the previous motion referred to would be declared null and void.
- 203). No Motion to Rescind may be made when a vote has caused an irrevocable action.

Motion to Reconsider:

- 204). A Motion to Reconsider a motion that has already been voted on:
- a) Shall be made by a Council Member who voted on the prevailing side of the motion in question.
 - b) Shall be made the same day the vote was taken on the motion in question, or added as a Notice of Motion at the next Meeting.
 - c) Is debatable.
 - d) May be postponed to a definite time; and
 - e) Shall be decided by a two-thirds vote.

Splitting Motions:

- 205). When a motion under consideration contains a number of distinct propositions, each proposition shall, if a Council Member moves, be voted upon separately.

Motions Previously Considered:

- 206). Once Council has dealt with any matter, a motion that would have a similar result may not be made.

Motion to Refer:

- 207). Any Council Member may move to refer any main motion, and any pending amendments to Administration.
- 208). A Council Member that makes a Motion to Refer shall include the following:
- a) The reason and/or terms for the motion to be referred.
 - b) Who it is being referred to; and
 - c) Date and/or time in which the matter is to return to a Meeting.

Motion to Table:

- 209). A motion may be tabled to enable Council to deal with other urgent or emergent issues. This requires majority vote.
- 210). A Motion to Table shall be brought back by way of motion To Take from the Table during the same Meeting by majority vote.
- 211). A Motion to Table shall include the following in the motion:
- a) The time during the present Meeting to which the matter shall be taken from the table.
 - b) A Motion to Table is only debatable as to the time; and
 - c) A Motion to Table takes precedence over the related matter to be tabled.

Amendments to Motions:

- 212). No amendments shall be made to the following motions:
- a) Motion to Refer (except as to date and time)
 - b) Motion to Table (except as to time)
 - c) Motion to adjourn
 - d) First and third reading of a Bylaw or authorization for third reading
 - e) Motion to Recess (except as to time; or
 - f) Motion to suspend a Section of this Bylaw.
- 213). Council may not move an amendment which:
- a) Does not relate to the subject matter of the main motion
 - b) Is contrary to the main motion; or
 - c) Is negative to the main motion.
- 214). Only one amendment to the main motion and only one amendment to that amendment shall be allowed.
- 215). A Council Member who makes the original motion may not amend the motion.
- 216). A main motion shall not be debated until all amendments to it have been put to vote.
- 217). When all amendments have been voted on, the main motion shall be put to a vote incorporating all amendments adopted.
- 218). An amendment to the amendment shall be voted on before the amendment.
- 219). An amendment to the amendment shall be relevant to the amendment of the main motion.
- 220). A “Friendly Amendment” means a change that does not affect the substance of a motion and clarifies the motions intent.

Withdrawing a Motion:

- 221). The mover may request to withdraw his motion if the vote has not yet been taken. The Chair shall ask if there is any objection to the withdrawal of the motion. If there is none, the motion is deemed withdrawn. If a Council Member voices an objection, the Chair shall put the matter to a vote. Majority vote shall permit withdrawal of the motion.

Debate on Motions:

- 222). Except as provided elsewhere in this Bylaw, the following motions are debatable:
- a) A motion for adoption or further consideration or a report
 - b) A motion for amendment to an amendable motion
 - c) A motion for second reading of a Bylaw
 - d) A motion for appointment or dissolution of a Committee
 - e) A motion to refer; or
 - f) Other motions made as part of routine proceedings and required for:
 - (i) Maintenance of Authority
 - (ii) Appointment or conduct of Council
 - (iii) Management of Village Council business
 - (iv) Arrangement of proceedings
 - (v) Correctness of records; or
 - (vi) Corrections to dates and times of Council Meetings.
- 223). The Chair shall determine the speaking order when two or more Council Members want to speak.
- 224). Council Members shall address the Chair when speaking.
- 225). Each Council Member shall be given an opportunity to speak to a motion before it is put to a vote, unless a motion is passed to end debate.
- 226). Council Members, who have the floor to speak to the Chair, may not be interrupted by other Council Members except for:
- a) Point of Privilege
 - b) Point of Information
 - c) Point of Order
 - d) Point of Procedure; or
 - e) Council Member has a Challenge to the Chair.
- 227). No Council Member may speak twice on a motion except when:
- a) A Council Member feels they have been misquoted or misunderstood, after receiving permission from the Chair to speak, may explain without debate or introduction of new matter.
 - b) A Council Member made the main motion, may move to close debate, after all of Council has had the opportunity to speak once.
 - c) To have the motion read back by the Chair or Recording Secretary.
 - d) To request a recorded vote; or
 - e) To introduce additional information that relates directly to the subject matter.
- 228). No Council Member may speak more than three (3) minutes on each of the main motion, debate or amendments.
- 229). When the vote has been called on a motion, there shall be no further debate on the motion, except to read aloud the motion on the floor.
- Notice of Motion:**
- 230). A Notice of Motion is when a Council Member makes a motion to introduce a new matter for consideration of Council.

- 231). A Notice of Motion shall be submitted to the CAO in writing to be added to the next Meeting agenda.
- 232). A Notice of Motion shall give sufficient detail so that the subject of the motion and any proposed action can be determined.
- 233). A Notice of Motion shall be given without discussion on the matter until such time as it is brought forward for discussion on a Council agenda. Any written copies distributed may include explanatory paragraphs.
- 234). A Notice of Motion shall not contain urgent or emergent business.
- Motion to Postpone Indefinitely:**
- 235). A Motion to Postpone Indefinitely is debatable and debate my deal with the merits of the motion being postponed.
- 236). A Motion to Postpone Indefinitely may only be brought back after:
- a) More than one (1) year from the date of the postponement
 - b) A general election; or
 - c) A special resolution is passed allowing it to be brought back by two-thirds vote.
- Motion to Postpone to a Definite Time:**
- 237). A Motion to Postpone to a Definite Time shall include a date and time.
- 238). A Motion to Postpone to a Definite Time may be made at any time during debate.
- 239). A Motion to Postpone to a Definite Time is only debatable as to advisability of the postponement and is amendable only as to the date and time specified.
- Motion to Adjourn:**
- 240). Adjournment is made by motion of Council.
- 241). A Motion to Adjourn is not debatable or amendable.
- 242). A Motion to Adjourn a Meeting requires a majority vote.
- 243). A Council Member may move a Motion to Adjourn except when:
- a) Another Council Member has the floor; or
 - b) A motion is on the floor for debate and vote.
- Motions Disallowed:**
- 244). If a motion is contrary to the rules and privileges of Council in accordance with the *Municipal Government Act* or any other prevailing legislation, the Chair shall refuse to accept it and shall cite the rule or authority applicable without other comment.
- Urgent or Emergent Business:**
- 245). A Council Member may move to discuss a matter of urgent or emergent business without prior notice. A motion to bring urgent business before a Council Meeting is subject to the following conditions:
- a) The matter proposed for discussion shall be a genuine urgent or emergent matter as defined in this Bylaw
 - b) The Mayor or CAO has determined the matter is urgent or emergent
 - c) The matter shall not involve discussion of a matter which has been discussed previously in the same Meeting; and
 - d) The matter shall be added as an amendment to the agenda or an addendum before the agenda is adopted.
- Voting on Motions:**

- 246). Unless otherwise specified in this Bylaw, a motion shall be carried when a majority of Council Members present at Meeting vote in favor of the motion.
- 247). A Council Member has only one vote for each time a vote is held at a Meeting at which the Council Member is present.
- 248). A vote may be done by raise of hands or verbal - yay or nay.
- 249). A Council Member attending a Meeting shall vote on a matter put to a vote at the Meeting and do so from his/her chair.
- 250). A Council Member shall not vote on a motion if absent from the Meeting or has declared a pecuniary interest when;
a) The vote is called; or
b) The decision is made to take a recorded vote.
The Chair and Recording Secretary shall ensure that each abstention and the reasons for the abstention are recorded in the minutes of the Meeting.
- 251). A motion shall be considered lost when:
a) The vote is called; or
b) The decision is made to take a recorded vote.
- 252). A Council Member may request a recorded vote.
- 253). During a recorded vote, the Chair shall ask each Council Member individually to vote “in favour” or “opposed” on the motion on the floor and shall be recorded by the Recording Secretary.
- 254). When a matter contains two (2) or more recommendations, the Chair or a Council Member may request, prior to the vote being called, that each recommendation be voted on separately. See Section 213 of this Bylaw.
- 255). If a Council Member is absent for the whole of a Public Hearing, they shall not be entitled to vote on the matter and shall leave the Meeting before the vote is taken.
- 256). No Council Member shall leave the Meeting after the question is put to a vote until the vote is taken.
- 257). The Chair of the Meeting shall declare the result of the vote.
- 258). Once a vote is carried, this is the decision of Council and shall be supported by all Council Members.

Part 9:**PUBLIC HEARINGS**

- 260). The public or a representative may address Council on a planning matter or other matter directed by Council to be considered at a Public Hearing on an agenda subject to:
a) A fifteen (15) minute time limit to present including both Administration and delegate
b) Presentation is in a respectful manner and in accordance with this Bylaw
c) An individual may only speak once to an item
d) Discussion shall only be regarding matter identified on the agenda.
- 261). Council Members shall not debate an issue with any speaker, but each Member of Council may ask questions for clarification of each speaker. All questions shall be directed through the Chair.
- 262). Council may accept a written submission in lieu of a verbal presentation as long as the document is signed, dated and shows the legal land address of the person making the submission.

- 263). Individuals addressing Council shall state their name clearly in English and who they represent, if anyone, and provide the Recording Secretary with the correct spelling of their name.
- 264). Individuals addressing Council may, with consent of the Chair, provide presentation material to Council to be included in the Corporate Records for the Public Hearing.
- 265). At the discretion of Planning and Development Department; no late submissions to the Village of Clive offices from the public are accepted, unless the individual or group addresses Council at a Public Hearing.
- 266). In accordance with the *Municipal Government Act*, a Public Hearing:
- a) Shall hear any person, group of persons, or person representing them, who claims to be affected by the proposed Bylaw or resolution and who has complied with the procedures outline by the Council; and
 - b) May hear any other person who wishes to make representations and whom the Council agrees to hear.
- 267). Individuals of the public at a Public Hearing of Council shall conduct themselves in accordance with Section 102 of this Bylaw.
- 268). Council shall ask questions of clarification only once, unless authorized by the Chair.
- 269). The Order of Business for each of a Public Hearing shall be:
- a) Presentations from Administration and questions of clarification
 - b) Public Hearing presentations by:
 - a. Those speaking in favor
 - b. Those speaking against
 - c. Follow up questions from Council
 - c) Questions of Administration from Council; and
 - d) Motions.
- 270). Applicant or delegation shall speak from the delegation table and those wanting to speak from the gallery shall speak from the podium when permitted by the Chair.
- 271). A Council Member who is absent from the whole of a Public Hearing is not entitled to vote on the matter and shall leave the Meeting before the vote is taken.
- 272). A motion to go into Public Hearing is required before the subject matter is discussed.
- 273). When all persons who want to speak to an issue have been given their opportunity to speak, the Chair shall declare the Public Hearing closed. Once a Public Hearing is closed, it cannot be re-opened. Council may hold a second Public Hearing on the same subject; however, it is subject to the same requirements of advertising and rules of speaking as the initial Public Hearing and in accordance with the *Municipal Government Act*.
- 274). A motion to come out of Public Hearing is required before a motion on the subject matter is put on the floor.

Part 10:**BYLAWS**

- 275). When a Bylaw is presented to Council for consideration, the CAO shall ensure that the number and the title of the Bylaw are added to the agenda and that the Bylaw in its entirety is attached to the agenda topic.

Readings of Bylaw:

- 276). Every proposed Bylaw shall have three (3) separate and distinct readings. Only the title or identifying number shall be read at each reading.
- 277). A proposed Bylaw shall be introduced to Council by a motion of first reading and read a first time. The following applies at first reading:
- a) Council may hear an introduction of the proposed Bylaw from Administration.
 - b) Council shall vote on the motion for first reading of a Bylaw without amendment or debate; and
 - c) After first reading, a Council Member may ask a question concerning the Bylaw.
- 278). A Bylaw shall be introduced for second reading by a motion that the Bylaw be read a second time. The follow applies at second reading:
- a) Council may debate the substance of the Bylaw
 - b) Council may propose and consider amendments to the Bylaw
 - c) A Council Member may request all or a portion of the Bylaw to be read; and
 - d) Council may refer by motion the Bylaw to Administration for further information, prior to second reading.
- 279). A Bylaw shall not be given more than two (2) readings at one (1) Meeting, unless Council present unanimously agree to a motion authorizing the consent for third reading.
- 280). A Bylaw shall be introduced for third reading by a motion that the Bylaw be read a third and final time. Council shall vote on the motion without amendment or debate.
- 281). If a reading of a proposed Bylaw fails, the previous reading(s) are rescinded and the proposed Bylaw is deemed to be abandoned.
- 282). Subject to the Land Use Bylaw, failure of a reading of a proposed Bylaw will not prevent the introduction of another proposed Bylaw with similar terms and effect.
- 283). In accordance with the *Municipal Government Act*, if a Bylaw does not receive third reading within two (2) years from the date of the first reading, the readings are deemed to have been rescinded and the Bylaw is deemed to be abandoned.

Amendments to Bylaw:

- 284). The CAO shall be responsible for keeping a record of amendments to a Bylaw passed by Council.
- 285). All amendments shall comply with Policy B19 – Passing and Rescinding Bylaws.
- 286). Any amendments to the Bylaw which are carried prior to the motion for the third reading being put forward shall be considered to have been given first and second reading and shall be incorporated into the proposed Bylaw.
- 287). When all amendments have been accepted or rejected, a vote on second reading of a Bylaw, as amended, shall be called.
- 288). A Bylaw shall be signed by the Mayor or Deputy Mayor in the Mayor's absence, providing the Mayor or Deputy Mayor were in attendance at which the Bylaw was given third reading, and by the CAO or his delegate, provided the CAO or his delegate were in attendance at which the Bylaw was given third reading, and shall be impressed with the corporate seal of the Village of Clive.

- 289). The CAO may consolidate a Bylaw by incorporating all amendments to it into one Bylaw.
- 290). The CAO shall be responsible for keeping record of all Bylaws, including amendments, in the Village’s Bylaw index, and shall update the Bylaw index after each Regular Council Meeting as required.
- 291). Clerical, typographical and grammatical errors in Bylaws may be corrected by the CAO and are not required to be re-read.
- 292). Bylaws must be retained permanently by a municipality in the original form, in a safe and secure place in accordance with the *Municipal Government Act*.

Part 11: **SEVERABILITY**

- 293). It is the intention of Council that each separate provision of this Bylaw shall be deemed independent of all other provisions herein and it is the further intention of Council that if any provision of this Bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion shall be severed and the remainder of the bylaw is deemed valid and enforceable.

Part 12: **REPEAL:**

- 294). This By-law hereby repeals Procedure Bylaw #399-95 and all amendments thereto.

Part 13: **EFFECTIVE DATE**

- 295). This Bylaw shall come into force and effect on the third and final reading.

This Bylaw shall take effect on the date of the third and final reading.

READ a first time this 21st day of August, ***2017***.

READ a second time this 11th day of September, ***2017***.

READ a third time & passed this 25th day of September, ***2017***.

Mayor

Chief Administrative Officer