



Town of High Prairie

Bylaw 06-2024

Council Procedure Bylaw

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A Bylaw of the Town of High Prairie the Province of Alberta, pursuant to the provisions of the *Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26* (MGA) for the purpose of regulating the procedure and conduct of Council and Council Committee meetings.

WHEREAS, the Council of the Town of High Prairie has the authority under section 145 of the *Municipal Government Act, R.S.A. 2000 c.M-26*, and related amendments, to enact bylaws respecting the establishment of Council Committees, Procedure and Conduct of Council, Council Committees, and the Conduct of Councillors and Members of Council Committees;

AND WHEREAS, the Council of the Town of High Prairie considers it expedient and desirable for effective governance to regulate the procedure and conduct of Council, Councillors and others attending Council and Council Committee Meetings in the Town of High Prairie;

NOW THEREFORE, the Council of the Town of High Prairie enacts as follows:

1.0 TITLE

1.1 This Bylaw may be cited as the "Council Procedure Bylaw".

2.0 DEFINITIONS

2.1 In this Bylaw:

- 2.1.1 "Acting Mayor" shall mean the Member of Council who is assigned by Motion of Council from time to time to act as Mayor in the absence or incapacity of the Mayor and Deputy Mayor;
- 2.1.2 "Agenda" shall mean the list of items and order of business for any meeting;
- 2.1.3 "Amend" shall mean a Motion to add context or details to currently debated Motion;
- 2.1.4 "Business Day" shall mean a full regularly scheduled working day for the Administration Office.
- 2.1.5 "Bylaw" shall mean a Bylaw of the Town of High Prairie;
- 2.1.6 "Call the Question" shall mean where a member of Council can "Call the Question" at which time the chair has to immediately ask those assembled to vote to determine whether or not debate should be cut off or continue regarding the motion of the floor. The motion to "Call the Question" is not debatable;
- 2.1.7 "CAO" shall mean the Chief Administrative Officer, or duly appointed delegate, for the Town;
- 2.1.8 "CEO" shall mean the Chief Elected Officer as defined in the MGA, which shall be the Mayor unless otherwise determined by Council;

- 2.1.25 "Point of Order" shall mean the raising of question directed to the Chair to call attention to any departure from the Procedure Bylaw;
- 2.1.26 "Point of Procedure" shall mean a question directed to the Chair to obtain information of a matter of the rules of the Town 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 situation or the effect of a Motion;
- 2.1.27 "Postpone" shall mean to delay the consideration of any matter either to a definite time when further information is to be obtained or indefinitely;
- 2.1.28 "Question of Privilege" shall mean an urgent motion made at a meeting which seeks an immediate ruling on an alleged violation of the rights or privileges of members as a whole, or in regards to a negative personal remark.
- 2.1.29 "Quorum" is a majority (50% +1) of those members elected and serving on Council, except where Terms of Reference state differently in specific Committee policies;
- 2.1.30 "Raise from the Table" shall mean when a Member wishes to raise an item previously Tabled;
- 2.1.31 "Recess" shall mean a non-debatable Motion for a temporary cessation of Council/Committee business;
- 2.1.32 "Recording Secretary" shall mean the person assigned to recording minutes of the meeting;
- 2.1.33 "Table" shall mean a Motion to delay consideration of any matter in order to deal with more pressing matters, which does not set a specific time to resume consideration of the matter. Unless Tabled to a time specific, any item not Raised from the Table before the meeting is adjourned is deemed lost;
- 2.1.34 "Town" shall mean the Town of High Prairie;
- 2.1.35 "Urgency" (In reference to Addendums - Section 20.6). If an item (Addendum) is to be added to a previously distributed Agenda, then the Addendum shall pass a test of 'Urgency'. If the Addendum is time-sensitive or where failure to provide immediate action may cause financial or other distress to the Town, Council or a Committee, then the Chair may authorize the addition of the Addendum to the Agenda.

3.0 GENERAL INTERPRETATION

- 3.1 All schedules attached to this Bylaw form part of this Bylaw.
- 3.2 Headings or subheadings in this Bylaw are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.

- 6.2.1 Establishing regular meeting dates and times for Council for the next twelve months;
- 6.2.2 Establishing meeting dates and times for Committee of the Whole meetings for the next twelve months;
- 6.2.3 Establishing Council's standing committee structure;
- 6.2.4 Selection of Deputy Mayor by rotation or as designated by the Council;
- 6.2.5 Appointment of Councillors to Council Committees;
- 6.2.6 Appointment of Councillors to external agencies, boards, commissions, and committees;
- 6.2.7 Appointment of Members at Large to any agencies, committees, boards to which Council has the right to appoint members;
- 6.2.8 Any such other business as is required by the MGA;
- 6.2.9 Referring to Section 6.2.6, 6.2.7 and 6.2.8, the Mayor will provide a summary of appointment recommendations to Council by the following process:
 - 6.2.8.1 The CAO shall distribute a blank list of the standing committee assignments to the Councillors, and the Councillors shall mark those assignments that they would prefer.
 - 6.2.8.2 Councillors shall return those lists to the CAO, who shall compile a summary of those requests and forward that list to the Mayor.
 - 6.2.8.3 The Mayor shall, after consulting with each Councillor and by the using the Mayors' best judgment, create a list of appointment recommendations and bring that summary to the Organizational Meeting for ratification.
 - 6.2.8.4 Should a Councillor dispute or disagree with an appointment recommendation, Council as a whole shall debate the appointment and, by majority vote, complete the final determination. If it appears on the calculation of the votes that (2) two or more members of council for any appointment have received the same number of votes and if it is necessary for determining which member of council is appointed, the CAO shall write the names of those members of council separately on blank sheets of paper of equal size and of the same color and texture and after folding the sheets of paper in a uniform manner and so the names are concealed, shall deposit them in a receptacle and direct some person to withdraw one of the sheets, and the CAO shall declare the member of Council whose name appears on the withdrawn sheet to have one more vote than the other member of council or councillors.

- 8.2 If Council changes the date, time or place of a scheduled Committee of the Whole meeting, the Town shall give at least 24 hours' notice of the change:
- 8.2.1 To any Member of Council not present at the meeting at which the change was made, and such notice shall be in accordance with Section 196(1) of the MGA; and
 - 8.2.2 To the public, and such notice shall be by means of posting a Notice on the front door of the Municipal Office.
- 8.3 The business of a Committee of the Whole meeting shall be:
- 8.3.1 to review issues, matters and recommendations, which require more extensive briefing and/or informal discussion in order to develop a better understanding of the issues prior to decision.
- 8.4 Committee of the Whole is authorized only to make recommendations, by motion, to Council. Such recommendations will be submitted to a regular meeting of Council.
- 8.5 The following exceptions to this bylaw apply to committee of the whole:
- 8.3.1 Members must be recognized by the Chair before speaking, however Members may direct questions and answers to one another and to administration; and
 - 8.3.2 Members may discuss an issue without a motion on the floor.
- 8.6 Minutes of a committee of the whole meeting shall be adopted by motion at the following committee of the whole meeting, regardless of whether or not the same members are present.
- 9.0 Special Meetings**
- 9.1 Special Meetings shall be held as per Section 194 of the MGA.
- 10.0 Committee Meetings**
- 10.1 The times for the beginning of Council Committee meetings shall be set by Motion by the Committee.
- 10.2.1 Standing Committees of Council shall be established and governed by bylaw specifying the terms of reference of the committee approved by Council.
 - 10.2.2 Council members are only members of Council Committees and Boards, Commissions and other bodies to which they have been specifically appointed by Council.
 - 10.2.3 Town Administration may be asked to participate as advisors to Committees of Council. Unless otherwise specified in the terms of reference of a Committee, advisors are not authorized to participate as voting members.

- 10.7.7 not to bind its' actions on the Town unless power to take such action has been specifically delegated to the Committee by Council; and
- 10.7.8 to not give direct instructions to any Town employee, except to the CAO or designate authorized in the terms of reference of the Committee.
- 10.8 Committees must follow the procedural rules of Council as set out in this Bylaw.

11.0 Closed Sessions

- 11.1 Council recognizes that Section 198 of the MGA provides for the public to be present at meetings, and it is the intent and desire of Council to remain open, accountable, and transparent to the public.
- 11.2 Closed sessions shall only be permitted for matters pertaining to receiving legal counsel, for land-related negotiations, or matters pertaining to labour or personnel, as determined in Sections 16, 17, 18, 19, 20, 21, 23, 24, 25, 26 and 27 of *the Freedom of Information and Protection of Privacy Act, RSA 2000, F-25*.
- 11.3 Whenever Council or a Committee meets in closed session the CAO, or designate, shall be present. An exception is provided when Council meets to review the CAO performance.

12.0 Public Hearings

- 12.1 The conduct of any statutory Public Hearing shall be governed by this Bylaw.
- 12.2 Wherever possible, persons interested in speaking at a Public Hearing should register with the Recording Secretary prior to the Public Hearing.
- 12.3 The Chair shall declare the Public Hearing in session and shall outline the Public Hearing Procedures.
- 12.4 The Chair may call upon the CAO to introduce the Motion or Bylaw, and to briefly state the intended purpose.
- 12.5 Where applicable, the CAO shall advise of any third party officially applying for the Bylaw or Motion.
- 12.6 Immediately following the introduction of the Bylaw or Motion, any Member who has pecuniary interest in the Motion or Bylaw for which the Public Hearing is being held shall declare this interest and shall be excused from the table.
- 12.7 Upon leaving the table, the Member has the same rights as any other person attending the Public Hearing and may stay in attendance at the Public Hearing and make presentations. However, when the matter reviewed at the Public Hearing comes before Council for deliberation, the Member must adhere to all clauses of Section 24 of this Bylaw pertaining to Pecuniary Interest.

- 15.3 Any Member may require the Motion to be read at any time during the debate, except when a Member is speaking.
- 15.4 A mover of a Motion must be present when the Vote on the Motion is taken. If a Motion cannot be voted before the meeting is adjourned, the Motion shall be deemed as lost.
- 15.5 When a Motion is under debate, no Motion shall be received other than a Motion to:
- 15.5.1 **WITHDRAW:** When the mover wishes to withdraw the Motion, or substitute a different one in its place. Note: Once the Motion is withdrawn, the effect is the same as if the Motion had never been made;
 - 15.5.2 **TABLE:** When a Member wishes to decline to take a position on the main question. This Motion is non-debatable and, when passed, may only be resurrected by a Motion to Raise from the Table (Note: The motion remains pending in order to address another urgent matter at that meeting);
 - 15.5.3 **CALL THE QUESTION:** A member of Council must have the floor to make the motion to "Call the Question". It takes majority of the voting members of Council in favour to cut off debate;
 - 15.5.4 **POSTPONE:** A Motion to postpone can be made either to postpone to a time or date certain, or to postpone indefinitely. If the motion is made to postpone indefinitely then said motion should include a reason for postponement and is debatable (Note: Generally used as a method to dispose of a question without bringing it to a direct vote);
 - 15.5.5 **REFER:** Generally used to send a pending question to a Committee, department or selected persons so that the question may be carefully investigated and put into better context for Council to consider and should include direction as to the Person or Group to which it is being referred;
 - 15.5.6 **AMEND:**
 - 15.5.6.1 Only one amendment at a time shall be presented to the main Motion. When the amendment has been disposed of, another may be introduced. All amendments must relate to the matter being discussed in the main motion and shall not so substantially alter the Motion as to change the basic intent or meaning of the main motion. The Chair shall rule on disputes arising from amendment.
 - 15.5.6.2 The amendment shall be voted upon and, if any amendment is carried, the main motion, as amended, shall be put to Vote, unless a further amendment is proposed.
 - 15.5.6.3 Nothing in this section shall prevent other proposed amendments from being read for the information of the Members.



16.0 Rules of Debate

16.1 In Council, a Member of Council wishing to speak on a matter that has been brought before Council shall indicate their intention by raising their hand to be recognized by the Chair, and shall not speak more than once until every Member of Council has had the opportunity to speak except:

16.1.1 in the explanation of the material part of the speech which may have been misunderstood; or

16.1.2 in reply, to close debate, after everyone else wishing to speak has spoken, provided that the Member of Council presented the Motion to the meeting.

16.2 Through the Chair, a Member of Council may ask questions of another Member of Council or staff on a Point of Information relevant to the business at hand.

16.3 All questions or debate shall be directed through the Chair.

16.4 Members shall not:

16.4.1 use offensive words or unparliamentarily language in the meeting;

16.4.2 disobey the rules of the meeting or decision of the Chair or of the Members on questions of order or practice; or upon the interpretation of the rules of the meeting;

16.4.3 leave their seat or make any noise or disturbance while a vote is being taken and the result is declared;

16.4.4 interrupt a Member while speaking, except to raise a Point of Order or Question of Privilege;

16.4.5 pass between a Member who is speaking and the Chair.

16.5 A Member who wishes to leave the meeting prior to the adjournment shall so advise the Chair and the time of the departure shall be noted in the minutes.

17.0 Point of Order

17.1 The Chair shall preserve order and decide upon any Points of Order.

17.2 A member who desires to call attention to an infraction of procedure shall raise a Point of Order to the Chair. When the Member has been acknowledged, the Member shall state the Point of Order with a concise explanation and shall accept the decision of the Chair upon the Point of Order.

17.3 The speaker in possession of the floor, when the Point of Order was raised, shall retain the right to the floor when debate resumes.

- 18.9 With reference to the MGA Section 185, before a vote is taken by council, a Councillor may request that the vote is recorded. When a vote is recorded, the minutes must show the names of the Councillors present and whether each Councillor voted for or against the proposal or abstained. Abstention is allowed only with respect to MGA Section 184 as it relates to Public Hearings.
- 18.10 If there is an equality of votes for and against a Motion or Bylaw, then the Motion or Bylaw is defeated.

19.0 Adjournment of Meeting & Adjournment Time

- 19.1 If all items on the Agenda have been addressed, the Chair shall simply state that the Agenda has been completed, note the time to the Recording Secretary, and Call the Meeting Adjourned, without a Motion from the Members.
- 19.2 Should the Agenda not be completed, a non-debatable Motion to adjourn the meeting can be presented, but it must be supported by two-thirds majority (66%) of the quorum;
- 19.3 Unless otherwise determined pursuant to the provisions of this Bylaw, Adjournment Time is:
- 19.3.1 at the conclusion of the Agenda as adopted by Council; or
- 19.3.2 at Eleven o'clock (11:00 PM) if a meeting is in session at that hour.
- 19.4 Notwithstanding the provisions in Section 19.3, Council may, by a Unanimous Motion of Members present, agree to an extension of the meeting time. A vote to extend the time of the meeting beyond Eleven o'clock must be taken not later than eleven o'clock (11:00 PM).
- 19.5 Unless there has been a Unanimous Motion passed within the prescribed time extending the meeting beyond the Eleven o'clock in the evening (11:00 PM), all matters of business which appear on the Agenda for the Meeting, and which have not been dealt with by that time, shall be deemed to be postponed until the next Regular or Special Meeting.

20.0 Duties of the Chair

- 20.1 The Chair shall preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order, replying to Point of Procedure, and deciding on questions relating to the orderly procedure of the meeting, subject to an appeal by any Member from any ruling of the Chair.
- 20.2 It shall be the discretion of the Chair, whether or not upon the request of any Member, to call for a short recess between Agenda items, at any meeting. The Chair shall make reasonable efforts, including calling for a recess, to ensure all members in attendance at



- 21.6.2.1 If the Chair rules that the Motion stand, the Chair shall add the item to the end of the Agenda.
- 21.6.2.2 If the Chair rules that the Motion does not meet the test of Urgency, the item shall be tabled and added to the next Agenda.
- 21.7 The order of business at a meeting is the order of the items on the Agenda except:
 - 21.7.1 When the same subject matter appears in more than one place on the Agenda and Council decides, by Motion, to deal with all items related to the matter at the same time;
 - 21.7.2 When Council decides not to deal with an item on the Agenda and tables or postpones the matter to a subsequent meeting.
- 21.8 Prior to commencing discussions on the first item on the agenda, the Chair must ask Councillors to select the items they wish to debate, and any items with an accompanying written report that are not selected may be voted on by a single motion adopting the recommendations stated in the report.

22.0 DELEGATIONS

- 22.1 A person or a representative of any delegation or group of persons who wish to bring any matter to the attention of Council, or who wish to have any matter considered by Council, shall address a letter (or other written communication) to Council outlining the subject to be discussed. The letter shall be signed in the correct name of the writer; the address of the writer, and delivered (by hand, mail, fax, or email) to the CAO. The letter must arrive at least by 1:00 PM at least five (5) business days immediately preceding the meeting at which it is to be presented. If the person wishes to appear before Council on the matter, it shall be stated in the letter.
- 22.2 Delegates shall be granted a maximum of fifteen (15) minutes to present the matter outlined in the letter. Where the Chair determines that additional time shall be granted to a delegation, the length of the extension shall be specified, and the Chair may limit the time.
- 22.3 Delegations that have not submitted a letter in accordance with Section 22.1 of this Bylaw may be granted a brief opportunity to outline the matter they wish to present to Council.
- 22.4 Matters of confidential nature, as referred to in Section 11 of this Bylaw, shall not be discussed during Public Presentations to Council.
- 22.5 Information presented by a Person or Group shall relate only to the subject matter for which the presentation was originally requested.
- 22.6 Each Person or Group will be given an opportunity to make a public presentation only once in respect to a given issue. Council or the Committee may waive this restriction if it



- 24.2 The minutes shall indicate the declaration of disclosure, the time at which the Member of Council left the room, and the time the Member of Council returned.
- 24.3 Prior to the meeting, if a Member of Council is unsure of whether or not they may be in a 'conflict of interest' situation with regard to an upcoming issue or vote, the Member shall be encouraged to discuss the matter with the CAO. Note: Mayor and Council are always advised to 'err on the side of caution' if there is a concern about pecuniary interest.
- 24.4 Prior to the meeting, and after discussing the issue with the CAO (Section 24.3), if the Member of Council wishes to obtain legal advice on whether or not there is a conflict of interest situation with regard to an upcoming issue or vote, the CAO shall arrange for the Town's legal counsel to provide legal advice to the Member of Council concerning the matter in question.

25.0 BYLAW PROCEDURES

- 25.1 Where a Bylaw is presented to a meeting for enactment, the CAO or designate shall cause the number, short title and brief description of the Bylaw to appear on the Agenda. (As per Section 187 of the MGA, all Bylaws shall have three distinct and separate readings. The Motion to move a Bylaw for consideration shall be the First Reading.)
- 25.2 The following shall apply to the passage of a Bylaw:
 - 25.2.1 A Bylaw shall be introduced for First Reading by a Motion that it be Read a First Time specifying the number and short name of the Bylaw;
 - 25.2.2 After a Motion for First Reading of the Bylaw has been presented, Members may debate the substance of the Bylaw, and propose and consider amendments to the Bylaw;
 - 25.2.3 Any proposed amendments shall be put to vote, if required, and, if carried, shall be considered as having been incorporated into the Bylaw at First Reading.
 - 25.2.4 When all amendments have been accepted or rejected, the Chair shall Call the Question on the Motion for First Reading of the Bylaw.
 - 25.2.5 When a Bylaw is subject to a statutory Public Hearing, a Public Hearing date and time shall be established following First Reading.
 - 25.2.6 All aspects of the passage of a Bylaw at First Reading shall apply to Second or Third Reading of any Bylaw.

26.0 REPEALING

- 26.1 This Bylaw shall replace Bylaw 04-2022 and Bylaw 04-2022 is hereby repealed.

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**Schedule "A"
Agenda Format**

- 1 Call to Order**
- 1.1 Land Acknowledgement**
- 1.2 Adoption of Agenda**
- 2 Delegations**
- 2.1 Scheduled Delegations**
- 2.2 Public Delegations**
- 3 Protective Services**
- 4 Public Works**
- 5 Minutes**
- 5.1 Confirmation of Minutes**
- 6 Business Arising**
- 7 Public Hearing(s)**
- 8 New Business**
- 9 Finance**
- 10 Administration**
- 11 Planning**
- 12 Community Services**
- 13 Staff and CAO Written Reports**
- 14 Council Information (including correspondence)**
- 15 Notice of Upcoming Meetings**
- 16 Written/Verbal Reports**
- 17 Confidential Items**

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