BYLAW NO. 263-2019

OF THE SUMMER VILLAGE OF KAPASIWIN

A BYLAW OF THE SUMMER VILLAGE OF KAPASIWIN IN THE PROVINCE OF ALBERTA

FOR THE PURPOSE OF ESTABLISHMENT OF REGULATING FUNCTIONS, PROCEDURES AND CONDUCTS OF MEETINGS OF VILLAGE COUNCIL AND ITS AUTHORIZED COMMITTEES WITH THE SUMMER VILLAGE OF KAPASIWIN.

WHEREAS, a Council may pass bylaws relating to the right to govern the Summer Village of Kapasiwin in the manner that Council considers appropriate; and,

WHEREAS, Council has deemed it necessary to regulate the conduct of Council and authorized Council Committee meetings in order to promote orderly proceedings and provide for open and effective government;

NOW THEREFORE, the Council, hereby enacts as follows:

1. Title

a) This Bylaw may be cited as the Procedural Bylaw.

2. Definitions

a) "Act" means the *Act* RSA 2000 Chapter M-26 and regulations made under the *Act*, as amended;

d) "Administrative Staff" means any employee or representative of the staff of the Summer Village of Kapasiwin. May also be referred to as Administration. Elected Officials are not considered employees;

c) "Agenda" means the list and order of business items for any meeting of Council or authorized Council Committees;

d) "Bylaw" means a bylaw of the municipality, or a section, clause, or provision of such bylaw;

e) "Carried Motion" means the resolution put forward by a Member has been voted on and passed;

f) "Chief Administrative Officer" means the Chief Administrative Officer (CAO) for the Summer Village of Kapasiwin;

g) "Chief Elected Official" means the Chief Elected Official (CEO). The Chief Elected Official is to be called Mayor in the Summer Village of Kapasiwin;

h) "Chair" means the Member of Council, or an authorized Council Committee, acting as the presiding officer for the meeting;

i) "Closed Session" means a meeting that permits Council, or an authorized Council Committee, to function informally, in accordance with the FOIPP Act. A part of the meeting closed to the public that allows for freedom of debate but where no resolution or bylaw may be passed, except a resolution to revert a meeting held in public to an open portion of a meeting. May also be referred to as Committee of the Whole;

j) "Conflict of Interest" means a situation when an Elected Official's personal interests are in conflict with their duties as an Elected Official of the Summer Village of Kapasiwin;

k) "Council" means the Municipal Council for the Summer Village of Kapasiwin;

l) "Council Committee" means a committee, commission, board or other body established by a Council under the *Act*, entirely of Council member, entirely of other persons, or a combination thereof appointed by Council under Section 146 of the *Act* to provide advice and make recommendations to Council.

m) "Defeated Motion" means a resolution put forward by a Member that has been voted on, and not passed;

n) "Delegation" means any person or group that has permission to appear before Council, or an authorized Council Committee, to provide pertinent information and views about a specific subject;

o) "Deputy Mayor" means the Member of Council appointed pursuant to this Bylaw to act as Mayor in the absence or incapacity of the Mayor. May also be referred to as Deputy Chief Elected Official;

p) "FOIPP Act" means the *Freedom of Information and Protection of Privacy Act*, Revised Statutes of Alberta 2000 Chapter F-25, and all amendments thereto;

q) "Friendly Amendment" means a proposal to change a motion being considered, and are offered with positive intent;

r) "Mayor" means the Member of Council appointed pursuant to this Bylaw as the Chief Elected Official. The Mayor is the presiding officer at all meetings of Council unless otherwise specified;

s) "Member" means a Member of Council, or an authorized Council Committee, duly elected, or appointed;

t) "Motion" means a formal suggestion that is put to a vote;

u) "Municipality" or "Village" means the Summer Village of Kapasiwin

v) "Organizational Meeting" means a meeting that is held annually by Council in accordance with the provisions of Section 192(1) of the Act;

w) "Pecuniary Interest" is as defined in Section 170(1-4) of the Act. If a matter before Council may financially benefit an Elected Official and/or his or her family to the exclusion of benefitting others, that Elected Official has a pecuniary interest in the matter;

x) "Point of Order" means the raising of a question by a Member with the view of calling attention to any departure from this Bylaw or the customary proceedings in debate or in the conduct of business;

y) "Presiding Officer" means the Mayor, or in absence of the Mayor, the Deputy Mayor, or in the absence of the Deputy Mayor the acting Chief Elected Officer or Chair;

z) "Public Hearing" means a meeting of Council convened to hear matters pursuant to the Act;

aa) "Quorum" means a simple majority of Members in attendance of Council, or an authorized Council Committee;

bb) "Recording Officer" means the Chief Administrative Officer or any person directed or appointed by the Chief Administrative Officer to record the minutes of the meeting;

cc) "Regular Meeting" means a reoccurring scheduled meeting of Council, or an authorized Council Committee, pursuant to the Act and as described in the Bylaw;

dd) "Repeal or Rescind" means to render a bylaw, policy, or motion no longer in affect;

ee) "Special Meeting" means a meeting called by the Mayor pursuant to the Act;

ff) "Tabled Motion" means to delay consideration of any matter until a specified time, either at another time in the meeting or at another meeting. The resolution to table is not debateable, nor amendable;

gg) "Teleconference Services" means suitable electronic methods to participate in the live (real-time) meeting, allowing Members to participate in discussion, debate, resolutions and voting;

hh) "To Refer Motion" means the opportunity to postpose the issue being addressed either to another time in the meeting or to another meeting. The resolution to refer allows for debate and amendment; and

jj) "Withdraw Motion" means a resolution brought forward by a Member that has been removed from the floor by the Member prior to voting.

3. Application and Governance

a) This Bylaw applies to Regular Meetings, Special Meetings, Public Hearings, Organizational Meetings, and Closed Session.

b) The precedence of the rules governing the procedure of Council is:
   i) The Act;
   ii) Other Provincial Legislation;
   iii) This Bylaw; and
   iv) Robert's Rules of Order.

c) In the absence of a statutory obligation, any concern about the procedure or process of a Council meeting may be decided upon and approved by a majority vote of all Members present.

d) Notwithstanding any other provision in this Bylaw, Council may by a special majority recorded vote (2/3 of all Councillors in attendance at the meeting), temporarily suspend, waive or alter any provision of this Bylaw for any particular matter or any particular Council meeting, providing that at all times Council acts and individual Councillors act in accordance with the Act and any other applicable legislation.

4. Council

4.1 Size of Council

a) The Council of the Summer Village of Kapasiwin shall consist of (3) Elected Officials. The Council shall be made up of one (1) Chief Elected Official, one (1) Deputy Chief Elected Official, and one (1) Councillor.

4.2 Election of the Chief Elected Official

a) Council must appoint one Councillor as Chief Elected Official who shall be referred to as Mayor.

4.3 Duties of the Mayor

a) The duties of the Mayor, in addition to those of a Councillor as outlined in Section 5.5 of this Bylaw are:
   i) To preside when in attendance at a Council Meeting;
   ii) To perform any other duty imposed on the Mayor by this or any other enactment or Bylaw; and
   iii) To be a member of all Council Committees and all bodies to which Council has the right to appoint members under the Act, unless otherwise indicated by Council.

4.4 Election of a Councillor

a) Councillors shall be elected by the eligible electors of the Village as a whole, pursuant to the *Local Authorities Election Act*, being Chapter L-27, Revised Statutes of Alberta, 2000 and amendments thereto.

4.5 Duties of a Councillor

a) To consider the welfare and interest of the Municipality as a whole and to bring to Council's attention anything that would promote the welfare or interests of the municipality;

b) To participate generally in developing and evaluating the policies and programs of the Municipality;

c) To participate in Council meetings and Council Committee meetings to which they are appointed to by Council;

d) To obtain information about the operation or administration of the Municipality from the Chief Administrative Officer, or their designate;

e) To keep in confidence matters discussed in Closed Session at a Council Committee meeting until discussed at a meeting held in public;

f) To adhere to the Code of Conduct established by the Council under Section 146.1 (1) of the Act;

g) To perform any other duty or function imposed on Councillors by this or any other enactment or by Council; BUT,

h) A Council must not exercise a power or function or perform a duty that is by this or another enactment or bylaw specifically assigned to the Chief Administrative Officer or a Designated Officer;

i) A Council may not delegate:

   i. Its power or duty to pass a bylaw;

   ii. Its power to make, suspend or revoke the appointment of a person to the position of Chief Administrative Officer;

   iii. Its power to adopt budgets;

   iv. Its power with respect to set and collect taxes; or

   v. A duty to decide appeals imposed on it by this or another enactment or bylaw, whether generally or on a case-by-case basis, unless the delegation is to an authorized Council Committee and authorized by bylaw.

4.6 Election of Deputy Mayor

a) Council must appoint one or more Councillors as Deputy Chief Elected Official who shall be referred to as Deputy Mayor so that:

   i. Only one Councillor will hold that office at anyone time; amd

   ii. The office will be filled at all times.

4.7 Duties of Deputy Mayor

a) The Deputy Mayor shall assume all responsibilities and duties of the Mayor when he or she is unable to perform their duties or when the office is vacant.

b) Council may appoint an Acting Mayor to act as the Mayor if both the Mayor and Deputy Mayor are unable to perform their duties or if both offices are vacant.

4.8 Pecuniary Interest/Conflict of Interest

a) Elected Officials who have a pecuniary interest, or a conflict of interest, as per sections 170(1)(a, b, c) of the Act, shall disclose his or her pecuniary interest to Council, describe the nature of the pecuniary interest, and ask that it be recorded in the Council minutes.

b) Any Elected Official with a pecuniary interest, or a conflict of interest, must leave Council Chambers before the discussion and abstain from voting on the matter.

4.9 Committees, Boards and Commissions

a) Council shall from time to time pass bylaws establishing authorized Council Committees. These bylaws shall establish the parameters of responsibility and protocols.

5. Meeting Procedures

5.1 Regular Meetings

a) All Regular Meetings of the Council shall be determined by resolution of Council.

b) Regular Meetings shall be determined by resolution of Council.

c) When the day specified in Section 5.1(b) is a Statutory Holiday, such meeting of Council shall be held upon the next day following whish is not a Statutory Holiday.

d) Notwithstanding Section 5.1(b) and 5.1(c), Council may direct by resolution at any Regular Meeting, that that the next Regular Council Meeting will be held on another day and time as determined by a majority vote of members present.

e) The Mayor may, whenever they consider it expedient to do so, and upon giving each member of Council at least two day's written notice, postpone any regular meeting of Council.

f) Each notice postponing a regular meeting shall give the reasons and name the time and day and place the postponed regular meeting shall be held.

g) Any delegation named in the agenda as planning to appear before Council at the postponed regular meeting shall be given notice of the postponed regular meeting, and the new time and day the postponed regular meeting shall be held.

h) In accordance with the Act, the public has the right to be present at all Council, or Council Board, Committee, or Commission meetings.

i) Notice of all Council meetings and Council Committee meetings shall be advertised on the Summer Village of Kapasiwin website. This shall constitute notification to the public.

5.2 Quorum

a) If there is no quorum present within fifteen (15) minutes after the time appointed for the meeting of Council, the Chief Administrative Officer shall, call the roll and take down the names of the members present, and advise that the Council shall stand adjourned until the next meeting, unless a Special Meeting is duly called in the meantime.

b) As soon after the hour of the meeting start time as there shall be quorum present, the Mayor shall take the Chair and call the meeting to Order.

c) In the case that the Mayor or Deputy Mayor is not in attendance within fifteen (15)

minutes after the hour appointed for a meeting, and quorum is present, the Chief Administrative Officer, or designate, shall call the meeting to Order and a Chair shall be chosen by the Councillors present, who shall preside during the meeting until the arrival of the Mayor or Deputy Mayor.

d) The Mayor, Deputy Mayor, or Chair as indicated above shall maintain order and decorum and decide questions of order, subject to appear before Council, or an authorized Council Committee, the decision of the Chair shall be final unless reversed or altered by a majority vote of the members present without debate.

5.3 Meeting Decorum

a) When the Chair is called upon to decide a point of order or practice, the Chair shall cite the rule or authority applicable, as set out in this Bylaw or otherwise referred to in Roberts Rules of Order.

b) Every Member wishing to speak to a question or resolution shall address themselves only to the Chair.

c) When two or more Members wish to speak to a matter, the Chair shall decide who is entitled to speak.

d) Councillors shall not:

i. Use offensive words during Council or Committee meetings or against Council, any Councillor or any person.

ii. Discuss a vote of Council after the vote has been taken, unless to move to reconsider or rescind.

iii. Disturb the proceeds of the meeting.

iv. Influence or communicate with any administrative staff, except the Chief Administrative Officer, or administrative staff involved with committees of which they are members; any other communication or inquires must be through the Mayor, Deputy Mayor or Chief Administrative Officer, or designates.

e) A Member called to order by the Chair shall immediately discontinue speaking and debate shall be suspended until the point of order is decided.

f) Any Member may ask for the resolution under discussion, but not so as to interrupt a member while speaking.

g) The names of those who voted for and against the question shall be entered upon the minutes if it is requested by a member of Council, prior to the Chair calling for the question.

h) The Chair may order any member of the public who disturbs the proceedings of the Councillor any Committee by words or actions to be expelled. If the person refuses to leave voluntarily, the Chair, may request a Peace Officer or RCMP Officer to remove the person.

5.4 Closed Session Procedures

a) Council and Council Boards, Committees, and Commissions may conduct all or part of their meetings closed to the public if a matter to be discussed is within one of the categories of information referred to in the FOIPP Act, and amendments hereto.

b) Council shall state the purpose and time in the resolution to move into Closed Session.

c) In accordance with the Act, where Council, or an authorized Council Committee closes all or part of a meeting to the public, the Council or authorized Committee, may allow one or more other persons to attend, as it considers appropriate, and the minutes of the meeting must record the names of those persons and the reasons for allowing them to attend.

5.5 Agenda Procedures

a) Agendas shall be prepared under the joint direction of the Mayor, Chair, or designate, Chief Administrative Officer, or designate, and Administrative staff.

b) The deadline for Agenda Items shall be 12:00 Noon the Wednesday prior to day on which the Regular Meeting is to be held.

c) The Agenda shall be prepared, compiled and be available to Council, and authorized Council Committees no later than two (2) days before the Regular Meeting.

d) Copies of all reports, correspondence, minutes, financial statements or other communications to be dealt with shall be placed at the disposal of Council.

e) Failure to meet the deadlines imposed in Section 5.5 c) does not invalidate the Agenda.

f) Only the Mayor, or Chair may authorize the consideration of Agenda Items of extenuating circumstances to be presented for consideration for inclusion of the Agenda of the day.

g) The Agenda, or order of business, for each meeting shall be as follows:

i. Call to Order
ii. Adoption of Agenda (additions/deletions)
iii. Adoption of the Minutes
iv. Public Hearing
v. Appointments
vi. Bylaws and Policies
vii. Business
viii. Financial
ix. Report from Council
x. Administration Report
xi. Information/Correspondence
xii. Additions
xiii. Closed Session
xv. Adjournment

h) The Agenda, or order of business, established in the foregoing shall apply unless Council otherwise shall, by resolution, change the order so as to deal with a matter of priority.

5.6 Notice of Motion

a) If past the Agenda deadline listed in Section 5.5, items may be brought forth as a Notice of Motion under Agenda Item No. 2 Adoption of the Agenda for consideration of placement on the current meeting, the next meeting or other meeting date Meeting Agenda.

b) A Member may present and describe a Notice of Motion. In this event, the Member shall read the Notice of Motion, which shall be recorded in the minutes and shall form

part of the Agenda for the next meeting or other meeting date as specified by the Member.

c) A Member who hands a written Notice of Motion to the Chief Administrative Officer, or designate, to be read at any Regular Meeting need not necessarily be present during the reading of the motion.

5.7 Resolution Procedures

a) After a resolution is read or stated by a Member, it shall be deemed to be in the possession of the Council, or authorized Council Committee, but may be withdrawn by the Member at any time before debate or decision.

b) A resolution is not required to be seconded.

c) When a resolution is before the meeting, it may be:
   i. Debated - may be spoken to
   ii. Requested for the consideration of a friendly amendment - as agreed to by the mover
   iii. Carried - majority voted in favor
   iv. Carried Unanimously - all members voted in favour
   v. Defeated
   vi. Withdrawn - at the request of the maker
   vii. Tabled - as defined in Section 2(ee) of this Bylaw

d) Members shall take their places when any vote is called for and shall remain in their places until the Mayor or other presiding officer has declared the result of the vote.

e) Voting on all matters shall be done by raising of the and in such a clear manner that they may be easily counted by the presiding officer.

f) Any Bylaw or resolution upon which there is an equality of votes shall be deemed to be decided in the negative.

g) The Mayor or other Presiding Officer, with the approval by resolution of the members, may authorize a person in the public gallery to address members only on the topic being discussed at the time and within the time limits specified by the presiding officer.

h) No resolution shall be offered that is substantially the same as one on which judgement of the meeting has already been expressed during the same meeting.

j) Any issue addressed by Council, or an authorized Council Committee, at any Regular Meeting where a resolution has been voted upon, either carried or defeated, other than a motion to table, shall not be allowed to be brought back to any Regular Meeting for further consideration until at least six (6) months following the date of the Council meeting where it was originally addressed.

5.8 Bylaw Procedures

a) Every Bylaw shall have three readings.

b) Every proposed bylaw should be introduced on a motion specifying in general terms its intent. When a proposed bylaw is read in Council, the CAOAdmi shall certify the reading and the date of the reading on the face thereof.

c) A bylaw appearing upon a Council Agenda when listed as ready for first reading shall be introduced for its first reading by the motion that the bylaw specifying its short title be

read a first time. After first reading, the bylaw may be debated, referred or laid over. If a bylaw fails to receive first reading, then it may be struck from the Agenda.

d) A bylaw shall be introduced for its second reading by the motion that it be read a second time, specifying the short title or number of the bylaw. The bylaw shall then be open to debate and amendment before it is ordered for a third reading. When a bylaw is reported without amendment, it shall forthwith be ordered to be read a third time at such time as may be appointed by Council.

e) Every bylaw shall be read a third time before it is signed by the Mayor or Deputy Mayor. If a bylaw fails to receive third reading, it shall remain on the Agenda to be dealt with at the next Regular Council Meeting. However, if a bylaw fails to receive third reading at three consecutive Regular Council Meetings, it shall be deemed to have failed and shall be struck from the Agenda.

f) Unless the members present at a meeting unanimously agree that a bylaw may be presented to Council for a third reading at the same meeting at which it has received two readings, the bylaw shall not be given more than two readings at one meeting.

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

h) Every bylaw of general application shall be printed or otherwise duplicated so as to be available to all interested parties; other bylaws shall be recorded and filed as well as amendments thereto, and the CAO shall retain the original of every bylaw on file and properly record any amendments thereto, and the CAO shall retain them when a bylaw has been read a third time and finally passed.

i) Every bylaw which has passed Council shall immediately after being sealed with the seal of the Corporation, and signed by the Mayor and CAO, be securely deposited by the CAO.

5.9 Delegation Procedures

a) Council, or its authorized Council Committees, shall receive a maximum of two delegations at a regularly scheduled meeting. The delegations shall be scheduled for the presentation not to exceed ten (10) minutes.

b) The Mayor, or Chair. may allow for the inclusion of additional delegations, or presentations that would exceed ten (10) minutes.

c) All requests to appear before Council must be in writing.

d) When multiple delegation requests are received, it is at the Mayor's, or Chair's, discretion as to which delegations appear for the upcoming meeting.

5.10 Organizational Meeting

a) The Organization Meeting of Council shall be held annually, the time and place of which shall be fixed by the CAO in accordance with Section 192 of the Act.

b) Every member of Council and the Mayor shall make and subscribe to the official Oath prescribed by the Oaths of Office Act before entering upon the duties of Council and shall deposit the Oath with the CAO.

c) The CAO shall call the meeting to order.

d) The CAO shall call for nominations for the positions of Mayor. Once elected, the Mayor will preside over the meeting.

e) Deputy Mayor, and members of Council to the standing committees of the Council shall be appointed by Council.

f) Citizen members of the various other Council Committees and other bodies which are within Council's jurisdiction shall be appointed by Council.

5.11 Public Hearings

a) At the commencement of a Public Hearing, the Chair shall:

i. State the matter to be considered at the meeting.

ii. Request that Administration or designate present a report on the matter at hand.

iii. Allow any delegation involved in the matter and/or their representatives up to ten (10) minutes to present their position. This time does not include the time necessary to answer questions put by Council. This time may be extended by Council.

b) Following the presentations, Council shall allow time for anyone from the gallery, who wishes to do so speak in favour or against the proposed bylaw. Persons speaking must state their name, address, and if they are speaking for themselves or on behalf of a group or organization.

c) No person may speak longer than 5 minutes exclusive of the time required to answer questions of Council. This time limit may be extended by Council.

d) Following the time allowed for all persons to speak, Council may close the public hearing.

e) At Council's next Regular Meeting, in accordance with the Act, Council may then:

i. Make such amendments as it considers necessary and proceed to pass the proposed bylaw;

ii. Defeat the proposed bylaw; or

iii. Postpone the proposed bylaw.

5.12 Special Meetings

a) When extenuating circumstances arise and a Council resolution or bylaw is required, Council may, with the required signing of a waiver, hold a Special Meeting.

b) A Special Meeting of Council may be called at the discretion of the Chief Elected Official in accordance with Section 194 of the Act.

5.13 Alternative Method for Meeting Participation

a) Members of Council, or authorized Council Committees, who are unable to attend meetings in person, under extenuating circumstances, have the option to participate in a Meeting through teleconference services or electronic communication services.

b) Members of Council, or authorized Council Committees, who wish to use teleconference services or electronic communication services to participate in the meeting must provide notice to the Mayor, or Chair, and Chief Administrative Officer, or designates

prior to the start of the meeting.

5.14 Council Meeting Minutes

a) The Recording Officer shall record the minutes of the Council Meetings.

b) The Recording Officer in supervision of the preparation of minutes shall see that they include the proper place, date and time of the meeting, the roll of the Council present and absent, the roll of staff members present, the roll of visitors and delegations, and record faithfully and without comment the proceedings of the meeting.

c) The Recording Officer shall record the time of arrival and departure of Members should a Member of Council arrive late at a meeting or depart prior to completion of the meeting.

d) The Mayor shall present the minutes to Council with a request for a motion for the minutes adoption.

e) Unless requested by a majority of the members the minutes of the previous meeting need not be read aloud but each member shall have a copy of the minutes for perusal.

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

g) In the event a member of Council is absent from the meeting in which minutes are passed which he considers requires corrections, he may address the correction.

h) The Recording Officer shall cause the minutes of each Council Meeting to be prepared, copied and distributed to the member of Council for the next subsequent Council Meeting.

6. Access to Information

a) The Summer Village of Kapasiwin shall provide access to information as legislated by the Provincial and Federal Governments.

7. Severability

a) Should any provision of the Bylaw be found to be invalid, the invalid provision shall be severed, and the remaining Bylaw shall be maintained.

8. Effective Date

a) This Bylaw shall come into full force and effect, on the date of third and final reading.

Read a first time this 21st day of November 2019.

Read a second time this 5th day of December 2019.

Read a third and final time this 5th day of December 2019.

Mayor

Chief Administrative Officer