

**TOWN OF HANNA
PROVINCE OF ALBERTA
BY-LAW 1015-2021**

A BYLAW OF THE TOWN OF HANNA, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF GOVERNING THE PROCEEDINGS AND THE CONDUCT OF THE MEMBERS OF COUNCIL, APPOINTING COMMITTEES AND GENERALLY FOR THE TRANSACTION OF THE BUSINESS OF COUNCIL.

WHEREAS Section 145 of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26 provides the authority for Council to pass bylaws for the procedure and conduct of Council, Council committees and other bodies established by Council, the conduct of Councillors and the conduct of member of Council committees and other bodies established by Council and generally for the transaction of its business;

AND WHEREAS this bylaw shall be subject to the provisions of the *Municipal Government Act*, R.S.A. 2000 Chapter M-26 and amendments thereto.

NOW THEREFORE THE COUNCIL OF THE TOWN OF HANNA ENACTS AS FOLLOWS:

PART I BYLAW TITLE

1.1 This bylaw shall be known as “the Council Procedural Bylaw”.

PART II DEFINITIONS

2.1 “Act” means the *Municipal Government Act*, R.S.A 2000, Chapter M-26 and amendments thereto; as amended or substituted from time to time.

2.2 “Chief Administrative Officer” is the person appointed by Council in accordance with the Act and may be referred to throughout this bylaw as “CAO”.

2.3 “Closed Meeting” means a Meeting or part of a Meeting considered ‘closed’ to the public if:

2.3.1 any members of the public are not permitted to attend:

2.3.2 any members of the public are instructed to leave other than for improper conduct; or

2.3.3 any discussions are held separate from the public.

2.4 “Council” means the Council of the Municipality of the Town of Hanna.

2.5 “Deputy Mayor” means Deputy Chief Elected Official

2.6 “Mayor” means the Chief Elected Official.

2.7 "Meeting" means:

- 2.7.1 Organizational Meeting, a Meeting held after each general election and again each October to assign or reassign Councillor duties and formalize appointments to committees;
- 2.7.2 Regular Council Meeting, a scheduled Council Meeting typically held biweekly or monthly;
- 2.7.3 Special Council Meeting, an unscheduled Council Meeting to deal with a specific and typically time-sensitive issue;
- 2.7.4 Council Information Meeting, a scheduled Council Meeting typically held monthly; or
- 2.7.5 Council Committee Meeting, scheduled or unscheduled meetings of all or part of Council to deal with matters assigned to the committee under its terms of reference.

2.8 "Town" means the corporation of the Town of Hanna.

PART III GENERAL

Term of Deputy Mayor

- 3.1 Council, at the first Organizational Meeting following a Municipal Election, shall appoint Council members to serve terms of eight months as Deputy Mayor, to perform all the duties as permitted in the said Act. The order determined shall be limited only by the proviso that the first member to serve in a Council term shall not be a newly elected member of Council.
- 3.2 In the absence of the Mayor and Deputy Mayor, Council may appoint a Councillor as an Acting Chief Elected Official to act as the Chief Elected Official.

Agendas for Council Meetings

- 3.3 The agenda for each Council Meeting shall be organized by the Chief Administrative Officer and compiled together with copies of all pertinent correspondence, statements and reports. The agenda and information shall be provided to each member of Council at least two days prior to each Regular Council Meeting.
- 3.4 Any member of Council, Town official or any other person wishing to have an item of business placed on the agenda, shall make the submissions to the Chief Administrative Officer not later than six days prior to the scheduled Council Meeting date. The submission shall contain adequate information to the satisfaction of the Chief Administrative Officer to enable Council to deal with the matter.

- 3.5 No item of business shall be considered by the Council if the item has not been placed on the agenda unless members of Council present by a two-thirds majority vote agree to the item being placed on the agenda. The Mayor, any Councillor or the Chief Administrative Officer shall be given an opportunity to state why an item should receive consideration on the agenda because of its emergent nature before the motion is put to a vote.

Council Meetings

- 3.6 Every member of Council shall take the official oath prescribed by the Oaths of Office Act before entering upon any duties.
- 3.7 The Organizational Meeting shall be held annually not later than two weeks after the third Monday in October.
- 3.8 Council may decide at the annual Organizational Meeting, to hold regularly scheduled Council meetings and Council Information meetings on specified dates, times and places.
- 3.9 Regular Council meetings and Council Information meetings shall be held in the Council Chambers at the Town of Hanna Administration Offices.
- 3.10 As soon after the hour of the Meeting as there shall be a quorum present, the Mayor shall take the chair and call the Meeting to order.
- 3.11 If the Mayor and Deputy Mayor are not in attendance within 15 minutes after the hour appointed for a Meeting and a quorum is present, the Chief Administrative Officer shall call the Meeting to order and an Acting Mayor shall be chosen by the Councillors present who shall preside during the Meeting or until the arrival of the Mayor or Deputy Mayor.
- 3.12 If there is no quorum present within half an hour after the time appointed for a Regular Meeting of Council, the recording secretary shall record the names of the members of Council who are present, and the Meeting shall be absolutely adjourned until the next Regular Meeting unless a Special Meeting has been duly called in the meantime. Notice of adjournment shall be posted on the outside door of access to the Council Chambers.
- 3.13 Unless Council, by resolution from time to time otherwise determines, Regular Council meetings and Council Information meetings shall not exceed 4 hours in session unless the majority of Council members vote in favour of an extension of time.

Special Council Meetings

- 3.14 The Mayor, or designate, may call a Special Council Meeting whenever it is appropriate to do so, and must call a Special Council Meeting if a written request for the Meeting, stating its purpose, is received from a majority of the Councillors.

- 3.15 A Special Council Meeting called under Subsection 3.14 must be held within 14 days of the date that the Mayor receives the request, or any shorter period provided for by bylaw.
- 3.16 The Mayor calls a Special Council Meeting by giving at least 24 hours notice in writing to each Councillor and the public stating the purpose of the Meeting and the date, time and place at which it is to be held.
- 3.17 A Special Council Meeting may be held with less than 24 hours notice to all Councillors and without notice to the public if at least two-thirds of the whole Council agrees to this in writing before the beginning of the Meeting.
- 3.18 No matter other than that stated in the notice calling the Special Council Meeting may be transacted at the Meeting unless the whole Council is present at the Meeting and the Council agrees to deal with the matter in question.

Council Information Meetings

- 3.19 As determined by the annual Organizational Meeting or if proper notice is given as for Special Council meetings, Council Information Meetings may be held.
- 3.20 Council Information Meetings shall be conducted for the purpose of information sharing and Council shall have no power at such meetings to pass any bylaw or resolution apart from the resolution necessary to approve the agenda for the Meeting, accept items for information, the resolution to move in/out of closed session, or a resolution to refer an item to a Council Meeting.

Standing Committees

- 3.21 To enable Council members to become fully informed on issues requiring their attention and to allow Council to take advantage of administrative and lay representative advice, the following standing committees are formed:
 - 3.21.1 Personnel Committee
 - 3.21.2 Emergency Management Committee (Disaster Services)
 - 3.21.3 Finance & Audit Committee
- 3.22 All standing committee meetings are open to the public. Committees may, by consensus, exclude any person or persons from their meeting when it is deemed to be in the best interest of the citizens of Hanna.
- 3.23 Council, at each Organizational Meeting, shall appoint two councillors to each standing committee with the Mayor as an ex-officio member.
- 3.24 At each Organizational Meeting the Mayor shall present to Council a recommendation for the appointment of lay and council representatives to standing committees of Council.

- 3.25 The members of the standing committees shall select from among themselves the Chairman and Deputy Chairman who shall continue in such position until the next Organizational Meeting of Council.
- 3.26 In any case where a member of a standing committee is absent from the Town or is otherwise unable to attend a meeting of the Committee of which he is a member, the Mayor may appoint a member of Council to such Committee to attend the meetings of the Committee concerned, such appointment to be restricted to one meeting unless authorized by Council.
- 3.27 The member so appointed by the Mayor shall, during the term of such appointment, have all the powers, rights and duties as a member of the Committee concerned as if appointed by Council thereto.

Regulations for Conducting Business in Committee

- 3.28 The business of Council Committees shall be conducted under the following regulations and subject to the rules governing the procedure in the Council.
- 3.29 The Chairman shall preside at every meeting.
- 3.30 In the absence of the Chairman, the Deputy Chairman shall preside.
- 3.31 The minutes of the transactions of every committee shall be accurately recorded and sent to Council for information or action as the case may be.
- 3.32 When a division takes place on any question and the question may be put to a vote, the votes of the members may be recorded.
- 3.33 No report or recommendation with any matter or thing shall be recognized as emanating from any Committee unless it is recorded in the minutes of the Committee under which it is issued.
- 3.34 The Chief Administrative Officer, or a person designated by the Committee Chairman or Chief Administrative Officer, shall record the minutes of the Committee.
- 3.35 Any Council member not a member of a Committee shall have the right to attend Committee meetings with the right of debate, but not to make motions or to vote.

Closed Session

- 3.36 Council may conduct all or part of its meetings closed to the public if a matter to be discussed is within one of the categories of information referred to in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy (FOIP) Act*. The exemptions include matters where disclosures could be harmful to personal privacy, individual or public safety, law enforcement, intergovernmental relations, or economic or other interests; reveal confidential evaluations, local public confidences or advice from officials; or disclose information that is subject to legal privilege.

- 3.37 The Mayor will verbalize to members of the public that Council plan to go into closed session, and will provide instruction to the public regarding the process of the closed session.
- 3.38 If all or part of a Meeting is closed to the public, the Council or Council committee may allow one or more other persons to attend, as it considers appropriate.
- 3.39 The minutes of the Council Meeting must record the resolution providing for the specific matter to be heard by Council and names of those persons and the reason for their attendance.
- 3.40 When a meeting is closed to the public, no bylaw or resolution may be passed, except a resolution necessary to revert to an open Meeting.
- 3.41 Members of the public attending the meeting, but not allowed to attend the closed session will be asked to leave the council chambers for the duration of the closed session. Once the meeting reverts to an open meeting, members of the public will be allowed to be present for the remainder of the meeting.

Public Hearings

- 3.42 A resolution of Council providing for a specific public hearing on any matter to be heard by Council shall be conducted in accordance with the *Municipal Government Act*.
- 3.43 Any person who claims they will be affected by the subject matter of the public hearing shall be afforded an opportunity to be heard by Council; either by themselves or an agent.
- 3.44 Any person wishing to file a written submission relating to a public hearing shall file a submission to the Chief Administrative Officer.
- 3.45 The order of hearing for a Public Hearing shall be:
 - 3.45.1 The Chair will provide an explanation of the purpose of the Public Hearing.
 - 3.45.2 Agencies or Town representatives will be provided an opportunity to speak to the proposal.
 - 3.45.3 The Chair shall determine the names of those persons who wish to speak in favour of, who wish to speak against the proposal, and who wish to make general comments;
 - 3.45.4 Each person who is in favour of the proposal before Council, whether or not they have filed a written submission, shall be given five minutes to make representation before Council, exclusive of the time required to answer questions put to him/her by Council;

- 3.45.5 Each person who is opposed to the proposal before Council, whether or not they have filed a written submission, shall be given five minutes to make representation before Council, exclusive of the time required to answer questions put to him/her by Council;
- 3.45.6 Each person who wishes to make general comments on the proposal, whether or not they have filed a written submission, shall be given five minutes to make representation before Council, exclusive of the time required to answer questions put to him/her by Council.
- 3.45.7 If written submissions have been made in respect to the proposed public hearing, the Chair shall inform Council of the numbers, the nature of written submissions and the numbers in favour of and opposed to the subject matter of the public hearing.
- 3.45.8 The Chair shall then ask Council if any member has questions of those making submissions. Council Members may not debate the issue before Council;
- 3.45.9 The order of speaking shall be determined by the Chair; and
- 3.45.10 The decision of the Chair is final.
- 3.46 If no person or persons present desires to make an oral submission, the Chair will declare the public hearing closed and proceed to the Regular Meeting of Council.
- 3.47 An outline of the foregoing rules of procedure shall be provided in written form to any person who indicates that they will make a written submission, and further there shall be printed copies of the same available to those in attendance at the meeting.
- 3.48 The Chair shall strictly enforce the foregoing rules of procedure.

Proceedings

- 3.49 The Mayor or presiding officer shall preserve order and decorum and shall decide questions of order subject to an appeal to the Council by resolution, and the decision of the presiding officer shall be final unless reversed or altered by a majority vote of members present.
- 3.50 When the Mayor or presiding officer is called on to decide a point of order or practice, it shall occur without argument or comment and shall state the rule of authority applicable to the case.
- 3.51 Every member wishing to speak to a question or motion shall address the Mayor or presiding officer.

- 3.52 A motion submitted to Council does not require a seconder.
- 3.53 When a motion has been made and is being considered by Council, no other motion may be made and accepted except:
 - 3.53.1 a motion to refer the main question to some other person or group for consideration;
 - 3.53.2 a motion to amend the main question;
 - 3.53.3 a motion to postpone the main question to some future time.
- 3.54 Where a question under consideration contains distinct propositions, such proposition shall be voted on separately when any member so requests or when the Mayor or other presiding officer so directs.
- 3.55 After any question is finally put by the Mayor or other presiding officer, no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared. The decision of the Mayor or the presiding officer as to whether the question has been finally put shall be conclusive.
- 3.56 Voting on all matters shall be done by raising of the hand in such a clear manner that they may be easily counted by the presiding officer.
- 3.57 Every member of Council attending a Council Meeting must vote on a matter put to vote at the Meeting unless the Councillor is required or permitted to abstain from voting.
- 3.58 If there is an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.
- 3.59 Council shall hear all delegations that have brought their items of business onto the agenda in the order in which they are placed on the agenda or the order may be changed by a majority vote of members present. All rules of Council in this bylaw shall apply to each member of the delegation. Delegations shall have 15 minutes for presentation.
- 3.60 Council may adjourn from time to time to a fixed future date, any Regular or Special Meeting of Council that has been duly convened but not terminated. The object of adjourning is to finish the business for which the Meeting was called in the first place, but which has not been completed.
- 3.61 Any matter of Meeting conduct that is not provided for in this bylaw shall be determined in accordance with the current "Robert's Rules of Order, Newly Revised".

3.62 The agenda of each Regular Council Meeting shall contain a Public Presentation Session after the adoption of the agenda. The Public Presentation Session shall be no longer than 15 minutes in length allowing for no more than 5 minutes per speaker. The public will be encouraged to register for this session but walk in presenters will be allowed to speak if the allotted time period has not been exhausted by registered presenters. Public presenters will not be allowed to discuss issues that are before the Subdivision and Development Appeal Board or the Assessment Review Board or any issue currently being dealt with in a Statutory Public Hearing.

Debate of Motions

3.63 No member shall speak more than once on the same item without the leave of the Chair, except that a member may speak:

3.63.1 in explanation of a material part of their speech which may have been misunderstood; or

3.63.2 in reply after everyone else wishing to speak has spoken, if they presented the motion to Council, but a reply shall not be allowed to a member who has moved:

3.63.2a to extend the time of the Meeting;

3.63.2b to refer;

3.63.2c to amend;

3.63.2d to postpone; or

3.63.2e to adjourn.

3.64 A member may ask a question, stated concisely, of the previous speaker to explain any part of the previous speaker's remarks.

3.65 A member may ask questions of the Chief Administrative Officer or a municipal official to obtain information relating to a report presented to Council or to any clause contained therein, at the commencement of the debate on the report or on the clause.

3.66 A member's question shall not be ironic, rhetorical, offensive, or contain epithet, innuendo, satire or ridicule, be trivial, vague or meaningless.

3.67 Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.

3.68 When the motion has been declared as having been put to a vote, no member shall debate further on the question or speak any words except to request that the motion be read aloud.

3.69 The Chair shall determine when a motion is to be put to a vote.

Conduct of Members

- 3.70 When a member is addressing the Chair, every other member shall remain quiet, shall not interrupt the speaker except on a Point of Privilege or a Point of Order, and shall not carry on a private conversation.
- 3.71 When a member is addressing Council they:
- 3.71.1 shall not shout or immoderately raise their voice, or use profane, vulgar or offensive language;
 - 3.71.2 shall not speak on matters other than the matter then before Council;
 - 3.71.3 shall obey the rules of procedure of the Council; and
 - 3.71.4 shall not comment on the person of any member.
- 3.72 If any member acts contrary to Subsection 3.71, they shall be immediately admonished by the Chair.
- 3.73 A member called to order by the Chair shall immediately cease speaking but may afterward explain their position in making the remark which was called to order.
- 3.74 No member shall leave the Council Chambers after a question is put to a vote, until the vote is taken.

Expulsion/Exclusion from a Meeting

- 3.75 The Chair may cause to be expelled and excluded from any Meeting any person, other than a member of Council, who creates any disturbance during a Meeting or who, in the opinion of the Chair has been guilty of improper conduct and for that purpose, the Chair may direct that such a person be removed from the meeting.

Reconsideration of a Motion or Bylaws

- 3.76 When Council wishes to reconsider a motion or reading of a bylaw in its original form that has been defeated, then a Councillor who voted with the prevailing side shall bring the matter before Council by Notice of Motion which shall:
- 3.76.1 be given at a Regular Meeting preceding the Meeting at which Council wishes to reconsider the matter; and
 - 3.76.2 such Notice of Motion shall be provided to Council in writing, via the agenda, stating the information or conditions pertinent to reconsidering the motion or reading.

- 3.77 Subject to Subsection 3.76, a Notice of Motion may be accepted by Council to give reconsideration of a motion or a reading by a majority vote of all Council currently holding duly elected office. If the Notice of Motion is passed by a majority vote, the motion or reading may then be passed by a simple majority.
- 3.78 No motion or reading, in its original form, shall be given more than one reconsideration prior to the expiration of one year after the date of the original motion. Once one year has elapsed, a Notice of Motion would not be required.
- 3.79 Bylaws requiring a public hearing may be reconsidered for second reading, after the public hearing, once the appropriate advertising and legislated process has again been followed.

Amending Motions

- 3.80 Every amendment must be relevant to the question on which it is proposed.
- 3.81 No amendment shall be allowed that substantially destroys the intent of the motion or amendment to which it is intended to apply.
- 3.82 Every amendment shall be decided upon or withdrawn before the main question is put to a vote.
- 3.83 Only one amendment to the main motion at one time shall be allowed, and only one amendment to an amendment shall be allowed at one time.
- 3.84 A Council member may not amend his or her own motion.

Meeting Through Electronic Communications

- 3.85 Electronic or other communication facilities may be used to conduct Council meetings or Council Committee Meetings, as outlined in the *Municipal Government Act*, as amended from time to time.

Duties of Mayor and Council

- 3.86 The duties of Mayor and Council are in accordance with the *Municipal Government Act*.

Pecuniary Interest

- 3.87 Mayor and Council shall abide by the *Municipal Government Act*, with respect to pecuniary interest.

Recording of Minutes

- 3.88 The Chief Administrative Officer may delegate any duties to a Recording Secretary but shall accept all responsibilities of the duties.
- 3.89 Times shall be recorded in the minutes when a member of Council enters or exits a Council Meeting.
- 3.90 The Recording Secretary shall record in the minutes each time a member of Council excuses themselves from voting by reason:
- 3.90.1 of a pecuniary conflict of interest; or
- 3.90.2 of being absent from a public hearing.

PART IV READING OF PROPOSED BYLAWS AND PROCEEDINGS THEREON

- 4.01 When a proposed Bylaw is given first reading, the Chief Administrative Officer shall certify the date of the reading on the face thereof. When a Bylaw has been read a third time and finally passed, the Chief Administrative Officer shall keep on file correct copies thereof including amendments, if any.
- 4.02 Every Bylaw which has been passed by Council shall immediately, after being sealed with the seal of the Corporation, and signed by the Mayor and the Chief Administrative Officer, be securely deposited by the Chief Administrative Officer.
- 4.03 If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the bylaw is deemed valid.

PART V PERFORMANCE OF WORK

- 5.01 No member of the Council shall have the power to direct or interfere with the performance of any work for the Corporation, and the officers in charge shall be subject only to their superior officer. Nothing in the foregoing shall in any way interfere or restrict the right of a Councillor to seek information from any officer or employee of the Town through the office of the Chief Administrative Officer.

PART VI REVIEW AND ENACTMENT

- 6.01 Bylaw 1002-2019 Council Procedures Bylaw and amendments thereto are hereby repealed.
- 6.02 This bylaw shall be reviewed within its fourth year, being 2025; or at least once in every Council term.

6.03 This bylaw shall come into effect as of the date of final reading.

READ A FIRST TIME THIS 9th DAY OF FEBRUARY 2021.

READ A SECOND TIME THIS 9th DAY OF OCTOBER 2021.

Mayor Chris Warwick

Chief Administrative Officer
Kim Neill

READ A THIRD TIME AND FINALLY PASSED THIS 9th DAY OF FEBRUARY 2021.

Mayor Chris Warwick

Chief Administrative Officer
Kim Neill