

**BYLAW NUMBER 2-2021**

**A BYLAW OF THE VILLAGE OF EMPRESS TO  
REGULATE THE PROCEEDINGS OF  
COUNCIL OF THE VILLAGE AND ITS  
COMMITTEES**

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**WHEREAS**, it is necessary to establish rules and provisions to regulate the conduct of business in Council Meetings and Council Committee Meetings;

**NOW, THEREFORE, THE COUNCIL OF THE VILLAGE OF EMPRESS ENACTS AS FOLLOWS:**

**PART ONE**

**INTERPRETATION**

1. This Bylaw is called "The Procedure Bylaw".
2. In this Bylaw:
  - (1) "*Administration*" means the CAO of The Village or an employee accountable to the CAO
  - (2) "*Administrative Inquiry*" is a written request from a Member of Council to the Administration, made at a Meeting, for the future provision of information and a report;
  - (3) "*Agenda*" is the order of items of business for a Meeting and the associated reports, bylaws or other documents;
  - (4) "CAO" is the Chief Administrative Officer
  - (5) "*Councillor*" is a Member duly elected as a Councillor under the Municipal Government Act to represent The Village, who continues to hold office;
  - (6) "*Chair*" means a person who has authority to preside over a Meeting;
  - (7) "*Combined Meeting*" is a Regular Meeting which combines Agenda items related to both a Regular Public Hearing and a Regular Business Meeting. The Meeting commences with the Regular Public Hearing;
  - (8) "*Committee*" means a Council Committee, board, commission or other body established by Council under the Municipal Government Act;
  - (9) "*Committee of the Whole*" refers collectively to those Members of Council present when Council moves to sit as a Committee;
  - (10) "*Council*" is the Mayor and Councillors duly elected in the Village and who continue to hold office;
  - (11) "*Council Committee*" means a Committee established by Council which reports directly to Council or a sub-Committee of a Committee established by this bylaw;
  - (12) "*Contrary Motion*" is an amendment which is opposite in nature to the essence of the motion being amended or a motion opposite in nature to the essence of a motion

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already adopted and still subject to reconsideration by a Two-Thirds Vote;

- (13) "*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 Empress corporate seal is affixed;
- (14) "*Deputy Mayor*" is the Councillor appointed by Council, pursuant to the *Municipal Government Act* and this Bylaw, to act as Mayor in the absence or incapacity of the Mayor;
- (15) "*Freedom of Information and Protection of Privacy Act*" means the *Freedom of Information and Protection of Privacy Act*, RSA 2000, Chapter F-25, as amended or legislation substituted therefor;
- (16) "*General Election*" means an election held for all the Members of Council to fill vacancies caused by the passage of time, in accordance with the *Local Authorities Election Act*;
- (17) "*improper conduct*" means any action by a member of the public at a Meeting which, in the opinion of the Mayor or the Chair of the Meeting, intimidates, threatens, harasses, obstructs, or physically injures any other person and includes the refusal to follow any directions of the Mayor or the Chair of the Meeting.
- (18) "*In Camera*" means in the absence of the public;
- (19) "*Local Authorities Election Act*" means the *Local Authorities Election Act* RSA 2000, Chapter L-21, as amended or legislation substituted therefor;
- (20) "*Mayor*" is the Councillor appointed by Council as the Chief Elected Official under the *Municipal Government Act* who continues to hold office;
- (21) "*Meeting*" means a Meeting of Council or Committee;
- (22) "*Member*" is a Member of Council duly elected who continues to hold office, or a Member of a Committee duly appointed by Council, under the *Municipal Government Act*, to that Committee;
- (23) "*Minutes*" are the record of decisions of a Meeting recorded in the English language without note or comment;
- (24) "*Municipal Government Act*" means the *Municipal Government Act*, RSA 2000, Chapter M-26, as amended or legislation substituted therefor;
- (25) "*Notice of Motion*" is the means by which a Member of Council brings business before Council;
- (26) "*Officer of Council*" is the Chief Administrative Officer;
- (27) "*Omnibus Motion*" is a motion to place on the floor and adopt, without debate, the recommendations of two or more reports;
- (28) "*Pecuniary Interest*" means a pecuniary interest within the meaning of the *Municipal Government Act*;
- (29) "*Point of Information*" is a request to a Member or the Administration, for information relevant to the business at hand, but not related to a Point of Procedure or the provision of information from a Member, which is not in the possession of other

Members, which would terminate debate;

- (30) "*Point of Order*" is a statement by a Member raising a departure from this Bylaw or other parliamentary procedure;
- (31) "*Point of Privilege*" refers to matters affecting the rights and immunities of Council collectively or the propriety of the conduct of individual Members and includes, but is not limited to, the following;
  - i. the organization or existence of Council,
  - ii. the comfort of Members,
  - iii. the conduct of Members,
  - iv. the conduct of Administration or members of the public in attendance at the Meeting, and
  - v. the reputation of Members or of Council as a whole;
- (32) "*Point of Procedure*" is a question to obtain information on the procedures of Council or Committee to assist a Member to;
  - vi. make an appropriate motion,
  - vii. raise a Point of Order,
  - viii. understand the procedure, or
  - ix. understand the effect of a motion;
- (33) "*Public Hearing*" is a Meeting;
  - x. to hear matters pursuant to the Municipal Government Act, and may be referred to as a "Planning Meeting", or
  - xi. other matters which Council directs be considered at a Public Hearing;
- (34) "*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";
- (35) "*Privilege*" is attached to motions that are important to safety, orderliness, comfort or well being of a Member(s) and these motions must be considered immediately;
- (36) "*Quorum*" is the majority of all Members, fifty (50) percent plus one (1), unless Council provides otherwise in this Bylaw or in the Terms of Reference with respect to a Committee;
- (37) "*Regular Business Meeting*" means a Regular Meeting other than a Regular Public Hearing, including the Regular Business Meeting portion of a Combined Meeting;
- (38) "*Regular Meeting*" means a Meeting of Council scheduled and published in accordance with this Bylaw, Section 43;
- (39) "*Regular Public Hearing*" is a Regular Meeting held as a Public Hearing;
- (40) "*Special Meeting*" is a Meeting called by the Mayor or Council in accordance with the

Municipal Government Act and this Bylaw;

- (41) "Terms of Reference" is a statement of the purpose of a Committee approved by Council and shall include, but is not limited to, composition, duties, powers, functions and termination clause, if applicable;
  - (42) "Two-Thirds Vote" is a vote requiring at least two-thirds of the Members who continue to hold office or appointment to vote in the affirmative;
  - (43) "Unfinished Business" is business on the Agenda at the same or a previous Meeting and which is not completed; and
  - (44) "Vice-Chair" is the person who has the authority to preside at a Meeting in the absence of the Chair.
  - (45) "Urgent Business" is a time sensitive matter which requires Council's immediate and urgent consideration.
3. This Bylaw applies to all Meetings, unless the Terms of Reference provide permission for the establishment of procedures. Committees created by Council and not staffed by the CAO are subject to the provisions of this Bylaw unless Council has given the Committee the power to establish procedures or the Committee passes a resolution to amend a non-substantive provision of this Bylaw, such as the grace period to establish Quorum. Sections of this Bylaw which are governed by the Municipal Government Act may not be altered.
  4.
    - (1) When a matter arises related to proceedings in a Meeting which is not covered by a provision of this Bylaw or the Municipal Government Act, the matter shall be decided by reference to Robert's Rules of Order Newly Revised, 10<sup>th</sup> edition.
    - (2) Procedure is a matter of interpretation by the Mayor or the Committee Chair.
    - (3) In the absence of a statutory obligation, provisions of this Bylaw, as listed in Appendix Two, may be temporarily altered or suspended by a Two-Thirds Vote. This motion to alter or suspend cannot be amended and may only be made by Council.

## **PART TWO**

### **ORGANIZATION OF COUNCIL & COMMITTEE (Establishment, Responsibilities, Membership, Chair and Quorum)**

#### **COUNCIL**

5. The Mayor, when present, shall preside as Chair over all Meetings of Council.
6. Council, at its Organizational Meeting, shall elect the Mayor and Deputy Mayor for the following year.
7.
  - (1) 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.
  - (2) Pursuant to subsection (1), if the Mayor is present at a Committee Meeting, the Mayor is counted to determine if the number of Members required for Quorum is present.

- (3) Pursuant to subsection (1), the Mayor has all of the rights and privileges of other Members.

**COMMITTEE ESTABLISHMENT**

8. (1) Council may establish Committees, pursuant to the *Municipal Government Act*, as are necessary or advisable for the orderly and efficient handling of the affairs of The City and shall establish the Terms of Reference and termination of a Committee.
- (2) The membership of a Committee shall be as provided for in the enabling bylaw or in the Terms of Reference.
9. (1) Each Committee shall elect one (1) of its Members to be the Chair unless Council designates otherwise. The enabling bylaw or the Terms of Reference must then state:
- (a) who may be the Chair of a Committee; or
- (b) the manner in which the Chair shall be selected.
- (2) Each Committee, using the CAO for Council Committees or for other Committees a representative of the Administration in the Chair, shall meet as soon as possible after appointment to elect a Chair and Vice-Chair using the following procedure:
- (a) call for nominations, three times;
- (b) declaration to close nominations;
- (c) ballot for office, if required;
- (d) declaration by the CAO or representative of Administration of the Chair; and
- (e) Chair assumes the Meeting and calls for the election of the Vice-Chair using the above process.
- (3) The Mayor is a full voting Member with all the rights and privileges of other Members and if present is counted to determine if the number of Members required for Quorum is present.
10. (1) The Chair shall preside at every Meeting and vote on all motions.
- (2) In the absence of the Chair, the Vice-Chair shall preside and in the absence of both, another Member shall be elected as acting Chair with the CAO as temporary Chair for the vote, in accordance with the process in Section 9(2).
11. The Chair of a Committee may be removed by a vote of the Committee. A motion to remove is not in order, unless a Notice of Motion has been given in writing at a regular Meeting of the Committee held at least seven (7) days prior to the Meeting at which the motion is to be considered.

**PART THREE**

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**MEETINGS OF COUNCIL & COMMITTEE**  
**(Dates, Times, Closed Meeting & Notice)**

**REGULAR MEETINGS**

12. (1) All Meetings of Council shall be held in the Council Chamber in the Municipal Building. A Two-Thirds Vote is required to change the location of a Meeting. The location cannot be outside of the Village of Empress limits and must have public access free from admission charge.
- (2) Notwithstanding sub-section 12.(1), the Mayor may direct that a Special Meeting of Council may be held within the municipal complex.
13. (1) Every Regular Meeting scheduled Council meetings for the Village of Empress will be held third Thursday of each month at 6:00 p.m. May through October, and 5:00 p.m. November through April at the Municipal Office located at 6 3<sup>rd</sup> Avenue West, unless otherwise provided for in a Council resolution.
- (3) Special Meetings, for which twenty-four (24) hours notice has been given, will Follow the regular meeting times, unless otherwise provided for in a Council resolution. A Special Meeting with less than twenty-four (24) hours notice will commence at the time specified by the Mayor.
- (4) In the year of a General Election, no Regular Meeting shall be held between nomination day, under the Local Authorities Election Act, and the organizational Meeting following the General Election.
14. (1) Council may, at a Regular Meeting, direct that the date, time or location of a subsequent Meeting be other than as provided in Sections 12 and 13, provided notice is given.
- (2) The CAO shall ensure notice is given under Sections 26-29.

**COMBINED MEETINGS**

15. In a Combined Meeting, the Regular Public Hearing Portion shall commence immediately following Consent Agenda in accordance with Appendix One.

**SPECIAL MEETINGS**

16. Special Meetings may be called in accordance with the Municipal Government Act. The CAO shall ensure notice is given under Sections 26 to 29.

**COMMITTEE OF THE WHOLE MEETING**

17. Council may adopt a resolution to go into Committee of the Whole to discuss a matter.

**ORGANIZATIONAL MEETING**

18. An organizational Meeting of Council shall be held annually not later than two (2) weeks after the third Monday in October.

19. The CAO shall set the time and place for the organizational Meeting.

**USE OF COUNCIL CHAMBERS**

20. The CAO may approve the use of Council Chambers for Meetings other than Meetings of Council.

**OTHER COMMITTEE MEETINGS**

21. Other Committees shall meet as soon as possible after appointment and, if required under The Terms of Reference, decide the day and time for holding its regular Meetings with consideration of the Council calendar. Council Committees must co-ordinate with the CAO to avoid conflicts and ensure notice is given.

**PUBLIC MEETINGS**

22. Except as provided in Section 23, all Meetings shall be held in public.

**CLOSED SESSIONS**

23. (1) No item shall be considered in a closed session unless one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act* applies.

(2) Notwithstanding Section 22, a Meeting held in closed session subject to the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act* may exclude the Administration, but not Members or the CAO.

24. No bylaw or resolution shall be passed at a closed session, except a resolution to revert to meeting in public or to recess.

25. Notwithstanding Sections 22 and 23, in accordance with the *Municipal Government Act* the Empress Municipal Planning Commission and the Subdivision and Development Appeal Board may deliberate and make their decisions in a closed session.

**PROVIDING NOTICE OF MEETINGS**

26. (1) Members and the public must receive notice of all Meetings.

(2) Notice of Regular and Special Council Meetings and other Committee Meetings is deemed to be given by the CAO posting a schedule in the Village Office.

27. For all Meetings requiring notice, the CAO shall ensure the notice is:

(1) issued a minimum of twenty-four (24) hours prior to the Meeting date;

(2) posted in the Village Office Complex and specifies the time, date, location and purpose of the Meeting; and

(3) delivered, faxed or e-mailed to each Member.

28. If a matter is not specified in the notice of a Special Meeting, it may not be dealt with, unless all Members are present and a motion is passed by a majority to deal with the matter.

29. Notwithstanding Sections 13(1), 16 and 17, the Mayor may call a Special Meeting of Council, on short notice without giving notice to the public, provided Two-Thirds of

Members give written consent to holding the Meeting before the Meeting begins. This does not apply to Committees.

**CANCELLATION OF MEETINGS**

30. (1) A Regular or Special Meeting may be cancelled:
  - (a) by a majority of Members at a previously held Meeting; or
  - (b) by a majority of Members at a special meeting called for the purpose of cancelling a meeting
  
- (2) Committee Meetings may be cancelled as per Section 30(1)(a) & (b), however at least twenty-four (24) hours notice of cancellation must be provided to the Members and the public.

**PART FOUR**

**RECORDS OF COUNCIL**

**AGENDA**

31. (1) The items on the Agenda for a Regular Business Meeting shall be approved by the Mayor and CAO a minimum of four (4) days prior to the Meeting.
  
- (2) The subject of the Agenda for a Special Meeting of Council, other than a strategic planning Meeting, is approved by the Mayor and CAO at the time of giving notice of the Meeting.
  
- (3) Once an Agenda is approved or otherwise published it is the property of Council. Items may only be removed from the Agenda by a unanimous vote or added as urgent business by a Two-Thirds Vote.
  
32. The CAO should provide copies of the Agenda as follows:
  - (1) for Regular Meetings, delivered to the Members on the 3 days prior to the Meeting;
  - (2) made available to the general public, by posting in the Village Office; and
  
33. Submissions for inclusion in a Regular Meeting Agenda must be submitted to the CAO as follows:
  - (1) all administrative reports for the Agenda of Regular Meetings shall be received no later than 12:00 p.m. on the Monday prior to the Meeting;
  - (2) all submissions in response to advertised Public Hearing matters, the titles and report numbers of all administrative reports and the signed Notices of Motion from Members shall be received no later than 10:00 a.m. on the Thursday two (2) Thursdays before the Meeting. No late submissions from the public shall be accepted and reports or Notices of Motion not received by the stated deadline can only be added to the Agenda as urgent business;
  - (3) when the date for receipt of submissions falls on a statutory holiday, the date for

receipt shall be the following business day;

- (4) only material received by the CAO in the time set out in subsections (1) to (3) shall be considered at the Meeting for which the Agenda is prepared;
  - (5) notwithstanding subsections (1) and (4), in exceptional circumstances, items may be sent out under "Separate Cover" if received after the time set if they are already on the Agenda;
  - (6) items of urgent business will be distributed to Members and Officers of Council as soon as available or when added to the Agenda by Council. If available, potential items may be distributed the Friday before the Meeting for information only. Items so distributed are not part of the Agenda until added at the Meeting;
  - (7) reports which are tabled to a specific Meeting are added to the Agenda by the CAO. Submission of supplemental reports, etc. to accompany a tabled report is the responsibility of the Administration; and
  - (8) items which are not tabled to a specific Meeting may return only with a supplemental report, submission of which is the responsibility of the Administration.
34. Submissions for inclusion on a Committee Agenda must be submitted to the CAO no later than:
- (1) for Special Meetings, with more than twenty-four (24) hours notice, ten (10) calendar days preceding the Meeting and for Special Meetings with less than ten (10) days notice, at the time of giving notice.
35. An additional business item, referred to as a "Blue Sheet", may be required by Administration to be added to the Agenda of a Meeting after approval of the Agenda because of urgent business. Each such additional item shall:
- (1) be approved by the Mayor in advance of the Meeting;
  - (2) be accompanied by a brief explanation from the CAO, indicating the reasons and degree of urgency;
  - (3) be considered as an addition to the Agenda at the Meeting, if the Members agree by a Two-Thirds Vote.
36. A Member of Council may desire to bring forward an item of urgent business. Four (4) copies of the item shall be brought to the Meeting by the Member. The item, referred to as a "Green Sheet" not as a Notice of Motion, shall be distributed only after addition to the Agenda by a Two-Thirds Vote.
37. The Agenda for Public Hearings shall include those items relating to planning matters in accordance with the Municipal Government Act, items which Council has directed to the Public Hearing, and items placed on the Agenda by the Mayor and CAO.

**CLOSED MEETING AGENDA**

38. (1) The items on the Closed Meeting Agenda are approved by the Mayor and CAO in accordance with the provisions of the Municipal Government Act, the Freedom of Information and Protection of Privacy Act and Section 31 of this Bylaw
- (2) The Closed meeting portion of the Agenda of a Regular Meeting of Council may be distributed to Members and other essential persons with the Agenda

- (3) The Closed meeting portion of the Agenda for other Meetings may be distributed to Members and other essential persons with the Agenda package.
- (4) In accordance with the *Municipal Government Act*, Section 153 and the *Freedom of Information and Protection of Privacy Act*, all Members are required to keep in confidence matters discussed in Closed Meeting until the item is discussed at a Meeting held in public.

### **MINUTES**

39. The CAO shall:

- (1) ensure that all Minutes of Meetings are recorded in the English language, without note or comment;
- (2) record the names of the Members voting on a challenge to a ruling of the Mayor, Sections 62-64;
- (3) record the names of those who vote for and against a motion in the Minutes when a roll call or a recorded vote is taken;
- (4) prepare the Minutes of every Meeting, in accordance with Section 208(1) of the *Municipal Government Act*, and distribute a copy to each Member in a subsequent Agenda for adoption at the Meeting;
- (5) record the name and general nature of a Pecuniary Interest declared by a Member;
- (6) record the names of persons who have spoken for or against a matter considered at a Public Hearing;
- (7) record the distribution of additional material authorized by the Mayor to be distributed to Council and to form part of the Corporate Record; and
- (8) record the sections of the *Freedom of Information and Protection of Privacy Act* that apply to an item being discussed In Camera and, if possible, a date or event following which the report becomes public if the decision of the Members is for the report to remain In Camera.

40. (1) A Member may make a motion requesting that the Minutes be amended to correct an inaccuracy or omission, however, the CAO shall be advised of the challenge to the Minutes before the Regular Meeting or at which they are officially confirmed, to allow the CAO to review the Draft Records of that Meeting.
- (2) If a Member questions the accuracy of a portion of the Minutes of a Meeting, the draft Records of that Meeting shall be used to decide the question.
- (3) 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, in a material way, the actual decision made by Council.
- (4) No Member may introduce extraneous evidence to support a challenge to the accuracy of the Minutes unless the evidence has been compiled or made under the direction or control of the CAO.

**CORPORATE SEAL**

41. (1) The CAO shall have custody of the corporate seal.
- (2) The corporate seal shall only be used under the direction of the CAO as prima facie evidence that The Village has assented to those documents to which the seal is affixed.
42. The corporate seal shall be affixed to the following documents:
- (1) 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;
- (2) debentures issued by The Village and signed by the Mayor;
- (3) certificates of registration of debentures signed by the CAO or other designated officer;
- (4) contracts signed by the CAO;
- (5) papers certified by the CAO as being true copies of original documents held in the CAO's Office; and
- (6) such other papers or documents which, in the opinion of the CAO, warrant the seal to be affixed.

**PART FIVE**

**PROCEDURES OF MEETINGS**

**DIVISION ONE**

**Control of and Conduct at Meetings**

**ROLE OF THE MAYOR**

43. The Mayor:
- (1) shall maintain order and preserve decorum and may, if necessary, call a Member to order;
- (2) shall decide Points of Order and Points of Procedure without debate or comment;
- (3) shall determine which Member has a right to speak;
- (4) shall ensure that all Members who wish to speak on a motion have spoken, that the Members are ready to vote and shall subsequently call the vote;
- (5) shall authorize, at the Meeting, the distribution of additional material for the Corporate Record;
- (6) shall rule when a motion is out of order; and
- (7) shall rule when a motion is contrary.

44. The Mayor shall have the same rights and be subject to the same restrictions, as to participation in debate, as all other Members.
45. The Chair assumes the role of the Mayor at Committees for procedural purposes.

**CONDUCT IN PUBLIC GALLERY**

46. The Members of the public gallery, during a Meeting, shall:
  - (1) not address the Members without permission;
  - (2) maintain order and quiet;
  - (3) not applaud or otherwise interrupt a speech or action of the Members or other person addressing the Members; and
  - (4) not engage in improper conduct as defined in Section 2 of this Bylaw.
47. The Mayor may order a member of the public, who disturbs or acts improperly at a Meeting by words or actions, be expelled. The Mayor may request the RCMP or a member of Council, if required, to remove the person.

**CONDUCT OF MEMBERS**

48. A Member wishing to speak at a Meeting shall obtain the approval of the Mayor before speaking.
49. When a Member is addressing the Mayor, every other Member shall:
  - (1) remain quiet and seated;
  - (2) not interrupt the speaker, except on a Point of Order or Point of Procedure;
  - (3) not carry on a private conversation; and
  - (4) not cross between the speaker and the Mayor.
50. A Member addressing the Meeting shall:
  - (1) not speak disrespectfully of Her Majesty the Queen, her official representatives or her government;
  - (2) not use offensive words in referring to a Member, or to an official of The Village or member of the public;
  - (3) not reflect on a vote except when moving to reconsider it, and shall not reflect on the motives of the Members who voted on the motion or the mover of the motion;
  - (4) not shout, use an immoderate tone of voice, profane, vulgar or offensive language, break the rules of Council, or disturb the proceedings; and
  - (5) assume personal responsibility for a statement quoted and, upon request of the Members, shall give the source of the information.
51. (1) A Member wishing to leave while a Meeting is in progress shall rise and await the permission of the Mayor before leaving.

- (2) Subject to the *Municipal Government Act*, no Member shall leave his/her seat after a question is put to a vote until the vote is taken and declared.

52. A Member must be seated, remain seated and be silent from the time the vote is called for until the vote is declared.

**CALLING A MEMBER TO ORDER**

53. When the Mayor calls a Member to order, the Member speaking shall be silent and remain silent. After the Mayor has ruled, the Member may explain the action resulting in the call to order.
54. In the event that a Member refuses to be silent when called to order, the Mayor may recess the meeting for 15 minutes and request an apology. Upon the recall of the meeting if the member has not apologized, the Mayor may adjourn the meeting.

**POINTS OF INFORMATION, ORDER, PROCEDURE AND PRIVILEGE**

55. When a Point of Order, Point of Procedure or Point of Privilege arises, it shall be considered immediately.
56. When a Point of Information is raised, the Mayor shall answer or direct the Point to the appropriate member of the Administration.
57. When a Point of Privilege arises, the Mayor shall rule upon the admissibility of the question and, if the Mayor rules favorably, the Member, who raised the Point of Privilege, shall be permitted to pursue the Point.
58. When the Mayor is called upon to decide a Point of Order or to answer a Point of Procedure:
  - (1) the Point shall be stated without unnecessary comment;
  - (2) the Mayor shall state the rule or authority applicable;
  - (3) after raising the Point, the Member speaking shall be seated;
  - (4) as soon as the Mayor decides the Point raised, the Member raising the Point may be granted permission by the Mayor to explain; and
  - (5) the Mayor shall advise the Members immediately when a decision that a motion is contrary to procedures is made, quoting the rule or authority applicable.
59. The decision of the Mayor shall be final unless a challenge is made pursuant to Sections 62-64.

**CHALLENGE TO THE RULING OF THE MAYOR**

60. When a Member wishes to challenge the ruling of the Mayor, the motion, "That the decision of the Mayor be overruled" shall be made, and the question shall be put to a vote immediately without amendment or debate. A vote against the motion is a vote to uphold the ruling of the Mayor.
61. The Mayor shall be governed by the vote of the majority of the Members present.

62. (1) If the Mayor refuses to put the motion, "That the decision of the Mayor be overruled", the Deputy Mayor shall be requested to proceed with putting the motion and the vote, from the floor if necessary.
- (2) A resolution carried under subsection (1), is effectual and binding as if carried with the Mayor as Chair.

## **DIVISION TWO**

### **General Meeting Procedures**

#### **CALL TO ORDER & QUORUM**

65. A Meeting is called to Order when sufficient Members are present to form a Quorum at the time set for the start of the Meeting. The Mayor shall take the Chair and call the Meeting to order; and
64. When there are insufficient Members present to form a Quorum at the time set for the start of the Meeting, the CAO shall record the names of the Members present and the Meeting shall be adjourned until the next Regular Meeting, unless a Special Meeting is called earlier. The Agenda delivered for that Meeting shall be considered at the next Regular Meeting prior to the consideration of the Agenda for the subsequent Meeting, or it shall be the Agenda for a Special Meeting called for that purpose.

#### **PRESENTATIONS/RECOGNITIONS**

65. (1) All non-standard presentations and recognitions made to Council at a Regular Meeting must be approved and placed on the Agenda
- (2) Standard and recurring presentations and recognitions may be added to the Agenda of a Regular Meeting through the approval process, Section 31(1), by the Mayor and CAO.

#### **CONFIRMATION OF AGENDA**

66. (1) The Agenda shall be confirmed at the start of every Meeting.
- (2) When a change in the order of business is desired, the Members may table, bring forward, or refer an item. This can be done during confirmation of the Agenda for items known to require such action.
- (3) Urgent business should be considered for addition to the Agenda at this time. However, urgent business may be added at another time in the Meeting.
- (4) Combined Meetings shall have only one Agenda.
- (5) The Agenda cannot be reconsidered.

#### **CONFIRMATION OF MINUTES**

69. (1) The Mayor shall request a motion to confirm the Minutes.
- (2) The Minutes of a previous Meeting shall not be read aloud unless directed by a unanimous vote of the Members present.

- (3) Committees shall confirm the Minutes of previous Meetings.

**PECUNIARY INTEREST**

70. (1) A 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
- (2) The Member declaring a Pecuniary Interest is not considered part of the Quorum for the item.

**ADJOURNMENT**

71. (1) A Meeting is deemed to be adjourned when:
- (a) at a Meeting, the number of Members is reduced to less than the number required for Quorum.
  - (b) The business of the agenda has been completed

**COMMUNICATIONS**

72. (1) When a person wishes to have a letter or other communication considered by Council or a Committee, it shall be addressed to the CAO, and shall:
- (a) clearly set out the matter at issue and the request; and
  - (b) (i) for written correspondence; must be printed, typewritten or legibly written, be signed with the name of the writer and contain the mailing address of the writer; or
  - (ii) for electronic communication; must contain the name of the writer and both the mailing and electronic address of the writer.
- (2) A communication received by the CAO which does not meet the conditions in subsection (1) or is abusive in nature may be filed by the CAO.
- (3) On receipt of a communication, the CAO may:
- (a) include it on the Agenda of the next Regular Meeting, in full or in summary form; or
  - (b) refer it to Administration for a report to the appropriate Committee; or
  - (c) refer it to the Administration for reply.
- (4) Once considered, no communication on substantively the same matter can be considered for at least six (6) months except subject to the provisions of Section 97.

73. Except for reports from a Member regarding attendance at a Meeting as a representative of Council or regarding an investigation of a matter directed by resolution of Council, Members shall not present matters for consideration by submitting communications for inclusion in the Agenda, but shall do so by written Administrative Inquiry or by Notice of

Motion.

**PERSONS WISHING TO ADDRESS COUNCIL**

74. If a person(s) wishes to address Council on a matter on an Agenda, for which a hearing is not required by statute, that person(s) should notify the CAO in writing and state the reason for the request to speak. The CAO shall forward the request to the Mayor for consideration.
75. The Mayor may:
- (1) refer the matter to a Committee;
  - (2) recommend that Council hear from the person(s); or
  - (3) refuse to hear from the person(s) and refer the matter to the Administration for reply.
76. Notwithstanding Section 74 and 75:
- (1) Council may allow a person(s) to address a matter that is on the Agenda;
  - (2) Council may, on a Two-Thirds Vote, allow a person(s) to address a matter that was not on the Agenda but only if the item has been added to the Agenda as urgent business; and
  - (3) No person shall address Council for more than five (5) minutes, exclusive of the time required to answer questions, unless and to the extent allowed by a motion approved by Council.
77. (1) A Committee must hear a person(s) referred to it by Council
- (2) Persons addressing Council or Committee shall limit their comments to the matter contained in the report and the recommendations being discussed.

**ADMINISTRATIVE INQUIRIES**

78. (1) A Member making an Administrative Inquiry for answer at a subsequent Regular Business Meeting shall put the Administrative Inquiry in writing and, prior to or during the Regular Business Meeting, hand it to the CAO who will read it aloud immediately prior to adjournment.
- (2) Unless an Administrative Inquiry specifies that the Member wishes the answer to appear on a subsequent Council Agenda, the Administration shall give the answer directly to the Member.
- (3) Notwithstanding subsection (1), Council may make a motion to waive the reading of an Inquiry.
79. When the Administrative Inquiry involves a written answer for a future Regular Business Meeting and the cost to The Village, which would be incurred by reason of:
- (1) time of employees which must be taken from performance of their regular duties or overtime which must be worked;
  - (2) the need to hire additional employees; or

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- (3) the necessity of obtaining and paying for the information from other than Village employees;

is likely to be more than \$1,000.00 and no appropriation has been made for such expenditure in the budget, the Administration shall report the anticipated cost to Council before undertaking the Administrative Inquiry. When the Administration has reported, Council may:

- (1) direct that the Administration proceed with the investigation necessary to answer the Administrative Inquiry; and
  - (2) shall provide for the payment of the costs.
80. An Administrative Inquiry is not debatable until the reply has been made or presented at a Regular Business Meeting.
81. A Member who requested an Administrative Inquiry may, at a Regular Business Meeting of Council where the Administrative Inquiry was made, instruct the Administration to abandon the Inquiry.

**EXCUSE FOR ABSENCE**

82. (1) A Member who will be absent from a Meeting must provide written notice to the Mayor and the CAO prior to commencement of the Meeting. The notice shall include the reason for the absence as either Council business or personal matters.
- (2) A motion to excuse a Member(s), absent for the whole of the Meeting, shall be made prior to adjournment.
- (3) Notwithstanding subsection (1), Council may excuse a Member who did not provide notice.
- (4) A Member must give a separate notice for each Meeting.

**DIVISION THREE**

**Motions in Meetings**

**GENERAL PROVISIONS ON MOTIONS**

83. (1) A motion in excess of ten (10) words must be submitted in writing to Council and the CAO.
- (2) The CAO shall, if requested, read the motion aloud for clarification,
- (3) After a motion has been moved and prior to a vote, it is the property of Council or Committee and may only be withdrawn by the mover with the unanimous consent of the Members present.
- (4) When a motion has been made and is being considered, no Member may make another motion except to:
- a. amend the motion;
  - b. amend the amendment to the motion;

- c. refer the main motion;
- d. table the main motion;
- e. move a motion which has Privilege, that is;
  - i. a motion to recess,
  - ii. a motion to adjourn,
  - iii. a motion to set the time for adjournment, or
  - iv. a motion to extend the time of the Meeting; or
- f. raise;
  - (i) a Point of Privilege,
  - (ii) a Point of Order,
  - (iii) a Point of Information, or
  - (iv) a Point of Procedure.

- (5) A recommendation in a report does not constitute a motion until it is moved.
- (6) A recommendation in a report may be moved as the main motion with an amendment included.

84. Except as provided elsewhere in this Bylaw, the Member making the motion, after the motion has been moved, may with the unanimous consent of Council:

- (1) on the Member's initiative, while speaking on the motion; or
- (2) when requested by another Member speaking on the motion;

make minor changes to the motion wording or agree to a minor change proposed by another Member to a maximum of three (3) words, if the change does not alter the intention of the motion.

#### **AMENDMENTS TO MOTIONS**

85. (1) No amendments shall be made to the following motions:

- (a) to refer, except as to time;
- (b) to table, except as to time;
- (c) to adjourn;
- (d) to first and third readings or authorization for third reading of a bylaw;
- (e) to recess except as to time to return; or
- (f) to suspend a section of this Bylaw.

(2) A Member may not move an amendment which:

- (a) does not relate to the subject matter of the main motion; or
  - (b) is contrary to the main motion.
- (3) At a given time, only one amendment to the main motion and only one amendment to that amendment shall be allowed.
  - (4) A Member who moved a motion may not move an amendment to it.
  - (5) The main motion shall not be debated until all amendments to it have been put to a vote.
  - (6) Amendments shall be put in the reverse order to which they have been moved.
  - (7) When all amendments have been voted on, the main motion shall be put to a vote incorporating all amendments adopted.

**MOTION ARISING**

- 86. (1) A Motion Arising must:
  - (a) be directly related to and arise from an item which has just been considered; and
  - (b) be made before another item is in front of the Meeting.
- (2) A motion arising at a Committee cannot be forwarded to Council as a motion arising. On the report to Council, it must go forward as an amendment to the Administration recommendation(s).

**DEBATE ON MOTIONS**

- 87. Except as provided elsewhere in this Bylaw, the following motions are debatable:
  - (1) a motion for adoption, refusal, or further consideration of a report;
  - (2) a motion arising;
  - (3) a motion for amendment to an amendable motion;
  - (4) a motion for second reading of a bylaw;
  - (5) a motion for appointment or dismissal of a Committee;
  - (6) a motion to go into Committee of the Whole;
  - (7) a motion to refer;
  - (8) a motion to file; and
  - (9) other motions made upon routine proceedings and required for;
    - (a) the observance of proprieties,
    - (b) the maintenance of authority,

- (c) the appointment or conduct of Officers of Council,
  - (d) the management of business,
  - (e) the arrangement of proceedings,
  - (f) the correctness of records, or
  - (g) the fixing of the days and times of Meetings.
88. Members, who have been recognized to speak, may not be interrupted by other Members except:
- (1) when a Member has risen to speak and there is no motion;
  - (2) when a Member has exceeded the time limit to speak;
  - (3) when a Member has a Point of Privilege or a Point of Information;
  - (4) when a Member has a Point of Order or a Point of Procedure; or
  - (5) when a Member has a Challenge to the Mayor.
89. No Member may speak twice on a motion, except under the following circumstances:
- (1) A Member who feels misquoted or misunderstood may, after receiving permission from the Mayor, explain without debate a material part of the speech but not introduce a new matter;
  - (2) A Member who moved the main motion, may close debate after all other Members have been given an opportunity to speak; and
  - (3) Before the debate is closed and the vote called, a Member may, request that the motion be read aloud, request a roll call or recorded vote, request a division of the vote or ask a question which;
    - (a) relates directly to the debate,
    - (b) contains no argument, and
    - (c) introduces no new material on the motion.
90. Unless a vote extends the time, no Member shall speak, including asking questions and debate but excluding responses, longer than:
- (1) five (5) minutes on a main motion; or
  - (2) three (3) minutes on an amendment; or
  - (3) three (3) minutes for closing debate on a main motion or on an amendment.
91. (1) When a Member has closed debate, the Mayor shall call for a vote on the motion.
- (2) When the vote has been called for on the motion, no Member shall debate further on the motion or speak, except to request that the motion be read aloud.

**MOTION TO FILE**

92. A Motion to File or Receive for Information is made to acknowledge an item, report or recommendation and have it placed in the Corporate Record for reference. No additional action is taken.

**MOTION TO LIMIT DEBATE**

93. A Member may make a motion to limit debate subject to the following conditions:
- (1) the motion takes Precedence over other motions except a Motion to table or a motion with Privilege;
  - (2) applies only to the next or a series of like debatable motions;
  - (3) the motion is amendable but not debatable;
  - (4) can be tabled but only with the main motion;
  - (5) requires a Two-Thirds Vote of Members; and
  - (6) can be reconsidered before the limited debate period ends but only for that portion of the debate that remains.

**NOTICES OF MOTION**

94. (1) A Member, wishing to introduce a new matter for consideration, shall submit the motion in writing to the CAO in accordance with Section 33(2) of this Bylaw. A Notice of Motion must stand on its own and cannot have attachments. Supporting documents may be distributed at the Meeting with the approval of the Mayor.
- (2) On a Two-Thirds Vote, the requirement for Notice contained in subsection (1) may be waived. However, the matter would then be considered as urgent business.
- (3) Subject to subsection 33(2), all Notices of Motion received by the CAO shall be added to the Agenda of the next Regular Business Meeting.

**MOTION TO MOVE TO A CLOSED MEETING**

95. (1) A Member may make a motion to Close a portion of the meeting which must:
- (a) be in accordance with the Freedom of Information and Protection of Privacy Act;
  - (b) include the titles or subject of the item(s) to be discussed; and
  - (c) include the reason for the In Closed Meeting.
- (2) When Council meets in a Closed meeting, it is meeting as the Committee of the Whole. This is implicit in the motion to move to a closed meeting.

**MOTIONS OUT OF ORDER**

96. (1) It is the duty of the Mayor to determine what motions or amendments to motions are in order, subject to challenge by a Member, and to decline to put to a vote a motion deemed to be out of order.
- (2) The Mayor shall advise the Meeting that a motion is out of order and shall cite the applicable rule or authority without further comment.
- (3) The Mayor may refuse to accept a motion to refer, that has the effect of defeating the motion being referred, e.g. time constraints.
- (4) The following motions are out of order:
- (a) a motion, similar to a motion voted on in the previous six (6) months, without reconsidering the original motion;
  - (b) a motion contrary to law or a previous motion;
  - (c) a motion similar to an item which has been tabled;
  - (d) a motion to reconsider a motion to reconsider at the same Meeting;
  - (e) a motion referring an item to a Committee, if the final report of the Committee is complete; and
  - (f) a motion which is out of scope of Council business.
- (5) Once a motion has been voted on, a similar motion may not be made for six (6) months without first reconsidering the original motion with a Two-Thirds Vote.
- (6) If a motion is contrary to the procedures and privileges, the Mayor may refuse to accept it and shall cite the rule or authority applicable without other comment.
- (7) A motion containing several distinct recommendations is not out of order for that reason alone.

**RECONSIDERING AND RESCINDING A MOTION**

97. (1) A Member wishing to reconsider, alter or rescind a motion already passed, or an action taken at a previous Meeting that does not appear on the Agenda, shall bring the matter forward by a Notice of Motion. The Notice of Motion shall:
- (a) be considered at a Regular Meeting following the Meeting at which reconsideration of the matter is requested;
  - (b) specify the Meeting proposed to bring the matter to for reconsideration; and
  - (c) indicate, in the substantive portion of the motion, the action which is proposed be taken on the matter.
- (2) Notwithstanding subsection (1), if a Notice of Motion was not provided, the requirement for Notice contained in this Section may be waived on a Two-Thirds Vote and the item considered as urgent business.
- (3) Notwithstanding the other provisions of this Section, no motion made or action taken shall be reconsidered unless:

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- (a) it is a motion made or an action taken at the same Meeting; or
  - (b) it is a motion made or an action taken at a Meeting held six (6) months or more before its reconsideration; or
  - (c) approval for reconsideration of a motion made or an action taken less than six (6) months earlier is given by a Two-Thirds Vote prior to reconsideration.
- (4) Only a Member who voted with the prevailing side may move to reconsider an item at the same Meeting unless the motion to reconsider occurs immediately after the vote and before another item is before the Members. When a motion loses on a tie, the prevailing side is those who voted against the motion.
- (5) The following motions or actions cannot be reconsidered:
- (a) a motion which created a contractual liability or obligation, shall not be reconsidered, altered, varied, revoked, rescinded or replaced except to the extent that it does not attempt to avoid or interfere with the liability or obligation;
  - (b) a motion to close nominations;
  - (c) a request for division of a question;
  - (d) a Point of Order, a Point of Procedure, a Point of Privilege or a Point of Information;
  - (e) a motion to recess, extend the time for recess or change the time of a scheduled recess;
  - (f) a motion to suspend the Procedure Bylaw, if adopted;
  - (g) a motion to lift from the table, if adopted;
  - (h) a motion to bring forward, if adopted;
  - (i) a motion to adopt the Agenda;
  - (j) a request for a roll call or recorded vote;
  - (k) a motion to table, if adopted;
  - (l) permission to withdraw a motion;
  - (m) a motion to rescind or abandon a bylaw, if adopted;
  - (n) first and third reading of a bylaw; and
  - (o) a motion to reconsider at the same Meeting.
- (6) A motion to reconsider or rescind is debatable only when the motion being reconsidered is debatable.
- (7) Notwithstanding subsections (1) to (6), a motion which alters or rescinds a motion already passed is a reconsideration regardless of the passage of time.

**REFERRAL MOTIONS**

98. A referral motion is made without amendment except as to time.
99. A Member moving a referral motion shall include in the motion:
  - (1) the terms on which the motion is being referred;
  - (2) the time when the matter is to return; and
  - (3) whatever explanation is necessary as to the purpose of the motion.
100. When a referral motion is made, only the Member making the motion may ask the Mayor questions relative to those matters provided in Section 99.

**TABLING MOTIONS**

101. A Member moving a motion to table shall include in the tabling motion:
  - (1) the time at the present Meeting or the date of a future Meeting to which the matter is to be tabled; or
  - (2) a provision that the matter is to be tabled sine die.
102. A motion to table is only debatable as to time by the Members, except the mover of the motion may debate.
103. A matter tabled to a set date shall not be considered before that date, except on a Two-Thirds Vote.
104. A motion to table takes Precedence over other motions related to the item being tabled. All motions which have been moved and are related to the tabled motion, are tabled along with the main motion.

**MOTION TO TABLE SINE DIE**

105. (1) A motion to table sine die is not debatable or amendable.
- (2) An item tabled sine die may be brought back after:
  - (a) more than one (1) year from the date of the tabling;
  - (b) a General Election; or
  - (c) on a Two-Thirds Vote.
- (3) An item tabled sine die must be accompanied by a new report, which must contain a recommendation to lift the tabled item from the table, when being brought back to a Meeting.
- (4) If subsections 2(a) or 2(b) does not apply, the motion to lift the item from the table must be passed by a Two-Thirds Vote.
- (5) An item which is tabled sine die may not return to Council after a period of five (5) years but rather must return as a new item.

**LIFT FROM THE TABLE MOTION**

106. A tabled item is brought back with all of the motions related to it, exactly as it was when laid on the table.
107. An item tabled to a set date or time is added to the Agenda at that date or time without the requirement to lift from the table.
108. An item tabled without a set date to return or a time must be lifted from the table before discussion. A motion to lift from the table:
  - (1) may be made provided no other motion is on the floor;
  - (2) is not debatable or amendable;
  - (3) if defeated, may only be made again after other business has intervened; and
  - (4) may be made at a Regular Meeting, but not at a Special Meeting, unless prior notice was given.
109. If a tabled motion is not lifted prior to a General Election or within one (1) year of tabling, whichever period is the longest, unless tabled sine die, it may not be lifted from the table, but may be made as a new motion.

**URGENT BUSINESS**

110. A Member may move to discuss a matter of urgent public importance without prior notice. A motion to bring urgent business before a Meeting is subject to the following conditions:
  - (1) the matter proposed for discussion must relate to a genuine emergency, calling for immediate and urgent consideration;
  - (2) the Mayor has determined the matter is urgent, prior to the start of the Meeting at which the motion is made;
  - (3) the motion must not involve discussion of a matter which has been discussed previously in the same Meeting;
  - (4) the matter should not be one which should receive written notice;
  - (5) the motion must not raise a Point of Privilege; and
  - (6) the motion must be adopted by a Two-Thirds Vote.
111. When a Member has made a motion to waive notice for urgent business, the Mayor may rule that the matter is not urgent business.

**VOTING ON MOTIONS**

112. (1) It is only necessary for each Member to vote separately on a roll call or recorded vote. In every other case, the decision may be expressed by a voice vote.
- (2) A Member shall not vote on a motion if absent from the Meeting or not seated in

his/her chair when:

- (a) the vote is called;
  - (b) the CAO has begun to poll the Members, if a roll call is being taken; or
  - (c) the decision is made to take a recorded vote.
- (3) A Member may change his/her vote on a motion if:
- (a) there is unanimous consent of the Members present;
  - (b) the request is made at the same meeting as the original vote; and
  - (c) the disposition of the motion remains the same. If the request changes the disposition of the motion, the motion must be reconsidered.
- (4) When this or another bylaw, Regulation or Act requires greater than a simple majority to pass a motion, the motion may not be rescinded or amended by less than the majority required to pass.
113. A motion shall be declared lost when it:
- (1) does not receive the required number of votes; or
  - (2) receives a tie vote.
114. Each Member present must vote on every division of every motion, unless Section 70 applies to a division.
- 115.
- (1) A Member may request a roll call or a recorded vote.
  - (2) For a recorded vote, each Member shall on a printed form:
    - a. sign the form; and
    - b. indicate whether for or against the motion.
  - (3) The CAO shall collect the forms and shall read the name of each Member and the vote.
  - (4) A Member may, at anytime before the motion is put to a vote, request the Mayor to call for a recorded vote or roll call vote when another matter remaining on the Agenda is considered.
116. (1) When a motion contains two (2) or more recommendations, a Member may request or the Mayor may direct, prior to the vote being called, that each recommendation shall be voted on separately.
- (2) A Member may request or the Mayor may direct that a recommendation, which has distinct parts which stand on their own as a motion, be divided and called separately.
117. The vote on an item for which a Public Hearing has been held must follow Section 130.

**MOTION TO WAIVE NOTICE**

118. (1) A motion to Waive Notice is presented to request the waiver of the requirements of providing written notice.
- (2) A motion to Waive Notice requires a Two-Thirds Vote.

**WITHDRAWAL OF A MOTION**

119. A motion which has been moved, or a motion at Committee, is the property of Council/Committee and may be withdrawn by the unanimous consent of all the members present without the requirement for a vote. If one Member does not provide consent the motion stands.

**DIVISION FOUR**

**Special Procedures and Procedural Exemptions at Meetings**

**COMMITTEE OF THE WHOLE**

120. (1) The proceedings of the Committee of the Whole, whether public or Closed, shall be reported by a rise and report to Council when it reconvenes. The minimum of the rise and report motion shall be to receive the report, oral or written, for information, the report name or title, and if the report is to remain Closed, the Section of the *Freedom of Information and Protection of Privacy Act* that applies and the date or event after which the report may be made public.
- (2) A Member may, at anytime, move that the Committee of the Whole rise and report. This motion is not debatable or amendable.
- (3) Notwithstanding subsection (1), a Member may, at any time, move that the Committee of the Whole rise without reporting. This motion is debatable and takes Precedence over other motions.
- (4) When the Committee of the Whole deems it necessary to suspend its Meeting before the matter referred to it is decided, but desires to continue debate at a later time, the Committee may move that they rise and table the matter until such time as Council determines.
- (5) Except in accordance with Section 24, no bylaw or resolution shall be passed at a Clsoed Meeting of Committee of the Whole.

**ORGANIZATIONAL MEETING**

121. The CAO shall place, on the website and bulletin board, an advertisement inviting applications for Committee citizen vacancies which will be required to be filled that year.
122. The business of the organizational Meeting shall be limited to:
  - (1) administering the oath of office and the introduction of Members at the first organizational Meeting following a General Election;
  - (2) appointing of Members to Committees;
  - (3) other business as directed by this Bylaw; and
  - (4) other business required by the *Municipal Government Act*, or which Council or

the CAO may direct.

123. (1) When the organizational Meeting is held in the year of a General Election, or if an election has been held for the office of the Mayor, the CAO shall:
  - (a) take the Chair;
  - (b) call the Meeting to order; and
  - (c) preside over the Meeting until the oath as prescribed by the Oaths of Office Act, RSA 2000, Chapter O-1, has been administered to the Mayor.
- (2) After the Mayor has taken the oath and assumed the Chair, the Members, who have been elected, shall take the oath as prescribed by the Oaths of Office Act.
- (3) Members of Council hold office from the beginning of the organizational Meeting following the General Election to immediately before the beginning of the organizational Meeting following the next General Election, in accordance with the Local Authorities Election Act.

**COMMITTEES**

124. The business of Committees shall be conducted in accordance with the rules governing the procedures of Council except for the following:
  - (1) there is no limit to the number of times a Member may ask questions for clarification, however, a Member may only debate a motion once;
  - (2) Committee decision shall be that of the majority of the Members voting, unless a Two-Thirds Vote is required by this Bylaw. A Two-Thirds Vote is two-thirds of the total membership of the Committee, rounded up if a fraction;
  - (3) a Committee Meeting may commence five (5) minutes later than the time set for the start of the Meeting when required to form a Quorum of its Members;
  - (4) recorded votes are not permitted, however, roll calls are permitted;
  - (5) subsections (3) to (4) do not apply to Committee of the Whole; and
  - (6) no audio recording is made of Committee Meetings.
125. Committee reports are forwarded to a Regular Meeting of Council, at least 10 days after the Committee Meeting, unless the Committee adopts a motion to forward the report to an earlier Regular Meeting because the item is of an urgent nature.
126. No action of a Committee shall be binding on The Village, unless:
  - (1) the power to take such action is expressly conferred on the Committee by legislation, bylaw or resolution; or
  - (2) Council has adopted the report of the Committee.
127. (1) When a Committee which reports directly to Council has tabled, referred, filed or otherwise determined not to send a report on its Agenda to Council, the report shall not be forwarded to Council unless a Member:

- (a) if present at the Meeting, verbally; or
- (b) if not present at the Meeting, by written notice to the CAO delivered within twenty-four (24) hours of the adjournment of the Committee Meeting;

requests that the report be forwarded to Council. The Committee decision not to forward shall then be restated and submitted as the recommendation to Council.

- (2) Notwithstanding subsection (1), a Committee cannot file, table or refer a report that Council has directed, by resolution, return to Council by a specific date, unless there is sufficient time to have the report return to Committee and proceed to Council by the specified date.
- (3) Committees shall not forward an item on its Agenda to Council without a recommendation from the Committee.
- (4) Committees which report directly to Council may not refer an item to another Committee.
- (5) If the recommendations of Administration on a report are lost at Committee, the report cannot be forwarded to Council without replacement recommendations.
- (6) A motion which has been lost at Committee shall not be forwarded to Council as a recommendation, however;
  - (a) a Member, present at the Meeting, may request the motion be forwarded to Council for information; and
  - (b) the lost motion shall appear in the body of the report as an excerpt from the Minutes of the Meeting.

## **DIVISION FIVE**

### **Public Hearings**

128. (1) 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 on an Agenda item subject to:
- (a) a five (5) minute time limit;
  - (b) the manner for receiving representations;
  - (c) the process of presentation of oral submissions as may have been established by Council; and
  - (d) an individual may only speak once on an item.
- (2) Individuals addressing a Meeting must state their name and who they represent, if anyone, and provide the CAO with the correct spelling of their name.
  - (3) Individuals addressing Council may, with the consent of the Mayor, provide presentation material to Council to be included in the Corporate Record for the Meeting.

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- (4) No late written submissions to CAO's office from the public are accepted, unless the individual or group addresses Council at the Public Hearing.
  - (5) In accordance with Section 230(4) of the *Municipal Government Act*, a Public Hearing:
    - (a) must hear from person(s), 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 outlined by Council; and
    - (b) may hear from another person(s) who wishes to make representations and whom Council wishes to hear.
  - (6) Members of the public addressing Council must conduct themselves in accordance with Sections 46-47.
129. (1) Members shall not ask questions of the Administration until all of the public or representatives have been heard, except under subsection (3)(a).
- (2) Members shall ask questions of clarification only once, unless authorized by the Mayor.
- (3) The order of business for each item of a Public Hearing shall be:
- (a) presentations from the Administration and questions of clarification;
  - (b) Public Hearing presentations by:
    - (i) those speaking in favour,
    - (ii) those speaking against, and
    - (iii) follow up questions from Members;
  - (c) questions of the Administration from Members; and
  - (d) motions.
130. (1) Members, who are absent for the whole of a Public Hearing, are not entitled to vote on the matter and must leave the Meeting before the vote is taken.
- (2) If the number of Members present is less than Quorum, after those Members referred to in subsections (1) or (2) leave, the Meeting is deemed adjourned.
131. A motion to open or close a Public Hearing is not required.

**DIVISION SIX**

**Bylaws**

132. 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.
133. Every proposed bylaw shall have three (3) separate and distinct readings. Only the title

or identifying number must be read at each reading.

134. A proposed bylaw shall be introduced for first reading by a motion that the bylaw be introduced and read a first time. The following applies at first reading:
- (1) Council shall vote on the motion for first reading of a bylaw without amendment or debate; and
  - (2) After first reading, a Member may ask a question concerning the bylaw.
135. A bylaw shall be introduced for second reading by a motion that the bylaw be read a second time. The following applies at second reading:
- (1) Council may debate the substance of the bylaw;
  - (2) Council may propose and consider amendments to the bylaw; and
  - (3) a Member may request all or a portion of the bylaw to be read.
136. (1) The CAO shall be responsible for keeping a record of amendments to a bylaw passed by Council.
- (2) A proposed amendment shall be put to a vote and, if carried, shall be considered as having been read a first time and incorporated in the bylaw.
  - (3) When all amendments have been accepted or rejected, a vote on second reading of the bylaw, as amended, shall be called.
137. (1) A bylaw shall not be given more than two (2) readings at one (1) Meeting, unless the Members present unanimously agree to a motion authorizing third reading.
- (2) A bylaw shall be introduced for third reading by a motion that the bylaw be read a third time. Council shall vote on the motion without amendment or debate.
138. (1) If a reading of a proposed bylaw fails the previous readings are rescinded and the proposed bylaw is deemed to be abandoned.
- (2) Subject to the Land Use Bylaw, failure of a reading of a proposed bylaw will not preclude the introduction of another proposed bylaw with similar terms and effect.
139. 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.
168. (1) A bylaw shall be signed by the Mayor or by the Member presiding at the Meeting at which the bylaw was given third reading, and by the CAO or delegate present at that Meeting, and shall be impressed with the corporate seal of The Village.
- (2) Notwithstanding subsection (1) and in accordance with the *Municipal Government Act*, the Mayor may authorize that a facsimile of The Mayor's signature be used, if the Mayor is unavailable due to absence, to sign a bylaw after the Meeting. The CAO shall retain a record of each authorization.
169. The CAO is designated to consolidate one (1) or more bylaws as deemed convenient and in doing so, must:

- (1) incorporate all amendments to the bylaw into one (1) bylaw; and
  - (2) omit a provision that has been repealed or that has expired.
170. Where a tabled item contains a bylaw which has received no readings and by the Passage of time is subject to Sections 105(5) and 109, the bylaw is deemed to be abandoned in the same manner as the item.

**PART SIX**

**AMENDMENTS AND ENFORCEMENT**

- 171. Bylaw 5-2017 as amended is repealed.
- 172. This Bylaw comes into force on the day it is passed.

READ A FIRST TIME THIS 15<sup>TH</sup> DAY OF April, 2021.  
READ A SECOND TIME THIS 15<sup>TH</sup> DAY OF April, 2021.  
READ A THIRD TIME THIS 15<sup>TH</sup> DAY OF April, 2021.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CAO

**APPENDIX ONE – ORDER OF BUSINESS AT MEETINGS**

Subject to other provisions of this Bylaw, the order of business for a Meeting shall be the order of the items contained in the Agenda, as follows:

**REGULAR BUSINESS MEETING**

1. Call to Order
2. Confirmation of Agenda;
3. Confirmation of Minutes;
4. Presentation(s)/recognition(s);
5. Tabled report(s) (including additional related/supplementary reports);
6. Items from Administration and Committees;
  - (1) Executive Reports,
  - (2) Other Committee reports for Meetings
7. Tender Openings
8. Items directly to Council;
  - (3) Notice(s) of Motion,
  - (4) Nominations, and
  - (5) Miscellaneous business;
9. Urgent business;
10. Closed items;
11. Urgent business In Closed meeting;
12. Administrative Inquiries;
13. Excusing absence of Members; and
14. Adjournment.

**REGULAR PUBLIC HEARING**

1. Opening;
2. Confirmation of Agenda;
3. Tabled report(s) (including additional related/supplementary reports);
4. Land use items (including all related bylaws, etc.);

5. Street and lane closures, (which are not part of a land use item);
6. Dispositions of public reserve land(s), (which are not part of a land use item);
7. Executive reports, (which are not part of a land use item);
8. Bylaw tabulation(s);
9. Urgent business;
10. Excusing absence of Members; and Adjournment.

**REGULAR COMBINED MEETING**

1. Opening;
2. Presentation(s)/recognition(s);
3. Question Period;
4. Confirmation of Agenda;
5. Confirmation of Minutes;
6. Consent Agenda;
7. Tabled report(s) (including additional related/supplementary reports) related to Public Hearing issues;
8. Land use items (including all related bylaws, etc.);
9. Street and lane closures, (which are not part of a land use item);
10. Dispositions of public reserve land(s), (which are not part of a land use item);
11. Executive reports, (which are not part of a land use item);
12. Empress Planning Commission report(s), (which are not part of a land use item);
13. Tabled report(s) (including additional related/supplementary reports) related to Regular Meeting issues;
14. Items from Administration and Committees related to Regular Meeting issues:
  - (1) Executive reports (not related to a land use item or another Public Hearing issue),
  - (2) Other Committee reports,
15. Items directly to Council related to Regular Meeting issues:
  - (1) Notice(s) of Motion,
  - (2) Nominations, and

- (3) Miscellaneous business;
- 16. Bylaw tabulation(s);
- 17. Urgent business;
- 18. Closed items;
- 19. Urgent business In Closed meeting;
- 20. Administrative Inquiries;
- 21. Excusing absence of Members; and
- 22. Adjournment.

**SPECIAL MEETINGS**

- 1. Opening;
- 2. Confirmation of Agenda;
- 3. Tabled and Referred Reports;
- 4. Items from Administration and Committees;
- 5. Closed items; and Adjournment.

**COMMITTEE MEETINGS**

- 1. Confirmation of Agenda;
- 2. Confirmation of Minutes;
- 3. Unfinished business;
- 4. Tabled reports;
- 5. Items from Administration and Committees;
- 6. Urgent business;
- 7. Closed items;
- 8. Urgent business In Closed meeting; and
- 9. Adjournment.

**APPENDIX TWO – SECTIONS WHICH MAY BE SUSPENDED**

**Motion**

Location of a Council Meeting

Time and date of Regular Meeting

Time length to address Council

Time for commencement of Public Hearing

**MOTIONS REQUIRING TWO THIRDS VOTE**

**Motion**

Addition to Agenda

Call a Special Meeting with less than 24 hours notice

Cancellation of Regular Meeting with less than 24 hours notice

Cancellation of Special Meeting with less than 24 hours notice

Change location of Meeting

Change time of recess

Change time of 9:30 p.m. recess to conclude item

Change time to reconvene at 1:00 p.m. next day to finish

Limit debate

Permit public to address item added as urgent business

Reconsideration of a motion (less than 6 months)

Suspend Procedure Bylaw )

Tabled item - to deal with at a date earlier than set

Tabled sine die item - to deal with before 1 year or General Election

Urgent business

Waive notice

**VOTES REQUIRING UNANIMOUS CONSENT**

Authorization of 3rd reading after 1st & 2nd at same meeting

Change a vote on a previous motion

Friendly amendment to maximum of 3 words

Requiring reading of the Minutes

Removal of item from the Agenda

Withdrawal of a motion

)

**Items which Can Not be Debated (ND) and/or Amended (NA)**

**Motion**

**No Debate/No Amend**

Administrative Inquiry

ND

Adjournment

ND/NA

Adoption of Consent Agenda

ND

Challenge the Chair

ND/NA

First reading of a bylaw

ND/NA

Lift from the table

ND/NA

Rise & report

ND/NA

Referral

NA – except as to time

Suspend Procedure Bylaw

NA

Table

ND/ NA – except time

Table Sine Die

ND/NA