



Procedural Bylaw

Bylaw 2019-15

PURPOSE A Bylaw of Birch Hills County, in the Province of Alberta, to provide for the orderly proceedings of Council meetings and the transacting of business by the Council of Birch Hills County.

WHEREAS Section 145(a) of the Municipal Government Act allows a Council to pass a bylaw for "the establishment and functions of Council committees and other bodies"; and

WHEREAS Section 145(b) of the Municipal Government Act allows a Council to pass a bylaw in relation to the "procedures to be followed by council, council committees and other bodies established by the council";

NOW THEREFORE the Council of Birch Hills County, duly assembled, enacts as follows:

TITLE

1. That this Bylaw shall be known as the Birch Hills County "Procedural Bylaw".

DEFINITIONS

2.1 That definitions, for the purpose of this Bylaw, unless the context otherwise requires, the term:

- (a) "**Act**" means the Municipal Government Act, R.S.A. 2000, Chapter M-26.
- (b) "**Administrative Inquiry**" is a request by a Councillor to the Chief Administrative Officer for the future provision of information.
- (c) "**Agenda**" is the order of business of a meeting and the associated reports, bylaws or other documents.
- (d) "**Chief Administrative Officer**" means the Chief Administrative Officer of Birch Hills County or designate.
- (e) "**Chair**" means the Reeve, Deputy Reeve or other person authorized to preside over a meeting.
- (f) "**Closed Session**" means a meeting or portion of a meeting of Council without the presence of the public where the matter to be discussed is within one of the exceptions to disclosure in Division 2, of Part 1 of the Freedom of Information and Protection of Privacy Act.

- (g) "**Council**" means the municipal Council of Birch Hills County.
- (h) "**Councillor**" means a member of Council who is duly elected and continues to hold office and includes the Reeve.
- (i) "**Council Committee**" means any committee, board or other body established by Council by bylaw under the Act.
- (j) "**Deputy Reeve**" means the Councillor appointed by Council to act as the Reeve when the Reeve is unable to perform the duties of the Reeve, or if the office of Reeve is vacant.
- (k) "**General Election**" means an election held in Birch Hills County to elect the members of Council as described in the Local Authorities Election Act.
- (l) "**Inaugural Meeting**" means the Organizational Meeting immediately following the General Election.
- (m) "**Member**" includes a Councillor or a member of a Council Committee who is not a Councillor.
- (n) "**Organizational Meeting**" means the meeting held as described in section 4.3 and 4.4 and includes the Inaugural Meeting.
- (o) "**Pecuniary Interest**" means a pecuniary interest with the meaning of the Municipal Government Act.
- (p) "**Point of Order**" means a demand that the Chair enforce the rules of procedure.
- (q) "**Postpone**" means the motion by which action on a pending question can be put off, within limits, to a definite day, meeting, or hour, or until after a certain event.
- (r) "**Public Hearing**" is a pre-advertised public hearing that Council's required to hold under the Act or other enactments or any matter at the direction of Council.
- (s) "**Question of Privilege**" means a request made to the Chair, unrelated to the business on the floor that affects the comfort, dignity, safety, or reputation of Council or individual Councillors.

- (t) **"Quorum"** is the minimum number of Members that must be present at a meeting for business to be legally transacted.
- (u) **"Reeve"** means the Chief Elected Official of the County.
- (v) **"Resolution"** can also be referred to as a motion.
- (w) **"Table"** means a motion to delay consideration of any matter, which does not set a specific time to resume consideration of the matter.
- (x) **"Two-Thirds Vote"** means a vote by at least two-thirds of Members present at the meeting and entitled to vote on the motion.

GENERAL

- 3.1 The procedures contained in this bylaw shall be observed in all proceedings of Council.
- 3.2 The procedures contained in this bylaw shall be observed in Council Committee meetings with the exception of the limit of the number of times for speaking. However, no Member shall speak more than once to any question until every other Member choosing to speak shall have spoken.
- 3.3 To the extent that a procedural matter is not dealt with in the Act or this Bylaw, the matter will be determined by referring to the most recent version of Robert's Rules of Order Newly Revised 10th Edition. Should provision of this bylaw conflict with provisions of Robert's Rules of Order, the provisions of this bylaw shall prevail.
- 3.4 Subject to any statutory obligation to the contrary, Council or a Council Committee may temporarily suspend any provision of this Bylaw by a Two-Thirds Vote.
- 3.5 A Resolution suspending any provision of this Bylaw as provided for in Section 3.4 is only effective for the meeting during which it is passed.

MEETINGS

Inaugural Meeting

- 4.1 Council must hold its Inaugural Meeting not later than two weeks after the third Monday in October following the General Election.
- 4.2 At this meeting:

- (a) All Councillors must take the official oath prescribed by the Oaths of Office Act;
- (b) Council must confirm the Council Chambers seating arrangements of Councillors;
- (c) Council must review the Council Code of Conduct Bylaw at a minimum every four (4) years, that being following the general municipal election; and
- (d) All other matter required by Section 4.d must be dealt with.

Organizational Meetings

- 4.3 An Organizational Meeting must be held not later than two weeks after the third Monday in October each year.
- 4.4 At the Organizational Meeting, Council must:
 - (a) appoint a Councillor to the position of Reeve;
 - (b) appoint a Councillor to the position of Deputy Reeve;
 - (c) appoint Members to Council Committees; and
 - (d) conduct other business as identified within the Organizational Meetings Agenda.

Regular Council Meetings

- 4.5 Regular Council meetings are held every second and fourth Thursday of each month in the Council Chambers at the Birch Hills County Administration Office from 9:00a.m. to 4:00 p.m.
- 4.6 Council may, by Resolution, extend a meeting past 4:00 p.m.
- 4.7 Council may, by Resolution, establish other Regular Council meeting dates as may be required from time to time.
- 4.8 Council may change the date, time or place of a regularly scheduled meeting by a Two Thirds (2/3) Vote.

- 4.9** Notice of a change in date, time or place, of any meeting of Council will be provided at least 24 hours prior to the meeting to Councillors in accordance with the Act and to the public by:
- (a)** posting a notice in the Birch Hills County Administration Office; and
 - (b)** posting a notice on the Birch Hills County website.
- 4.10** Council may cancel any meeting if notice is given in accordance with section 4.9.

Special Meetings

- 4.11** The Reeve may call a special Council meeting at any time and must do so if a majority of Councillors make a request in writing stating the purpose of the meeting.
- 4.12** A special Council meeting requested by Councillors must be held within 14 days after the request is received.
- 4.13** Notice of a special Council meeting must be given at least 24 hours in advance and in accordance with section 4.9.
- 4.14** A special Council meeting may be held with less than 24 hours' notice to all Councillors and without notice to the public if a least Two-Thirds of the whole Council agrees to this in writing before the beginning of the meeting.
- 4.15** 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.

Electronic Recording of Proceedings

- 4.16** The recording of a Council meeting by electronic or other means is allowed unless, in the sole determination of the Chair, the recording of a Council meeting by electronic or other means is disruptive to the process or if the recording of a Council meeting will inhibit or discourage any member of Council or the public from fully participating in the Council meeting. Recording of Public Hearings or quasi-judicial meetings (e.g. Subdivision Appeal Board) will not be permitted. If the Chair determines that the recording of a Council meeting by electronic or other means is disruptive or will inhibit or discourage any member of Council or the public from fully participating in a Council meeting the Chair may prohibit, limit or restrict the recording of a Council meeting by electronic or other means.

Meetings through Electronic Communications

- 4.17** A Councillor may participate in a meeting by means of electronic or other communication facilities if:
- (a)** a quorum of Council cannot be achieved by Councillors attending a Council meeting or Public Hearing in person; or
 - (b)** there is a specific item on the agenda of interest to a Councillor and where the Councillor wishes to participate in the discussion and voting on the specific agenda item they may do so provided:
 - (i)** the Councillor provides 48 hours' notice to the Chief Administrative Officer; and
 - (ii)** the participation by a Councillor can be reasonably accommodated through existing technology and/or facilities;
- 4.18** Councillors participating in a meeting held by means of a communication facility are deemed to be present at the meeting.
- 4.19** Delegations or other persons may participate in a Council meeting or Public Hearing by electronic or other means if Council passes a resolution authorizing participation of a delegation or other persons in a Council meeting or Public Hearing by electronic or other means.

PUBLIC HEARINGS

- 5.1** Public Hearings will be held in conjunction with a Regular Council meeting. However, a special Council meeting for the purpose of holding a Public Hearing may be called.
- 5.2** The procedure for a Public Hearing is as follows:
- (a)** The Chair will call for a motion to go into Public Hearing;
 - (b)** The Chair will introduce members of Council and staff, outline the purpose of the Public Hearing, the process to be followed in the Public Hearing and any preliminary matters;
 - (c)** If applicable,
 - (i)** Birch Hills County staff will present their report followed by questions for clarification by Council; or

- (ii) The proponent or their agent will be requested to present his/her application within a reasonable time period followed by questions for clarification by Council;
 - (d) After identifying themselves, members of the public will be invited to make a verbal presentation followed by questions for clarification by Council;
 - (e) Depending on the number of written submissions, Birch Hills County staff may provide a report on the number of written submissions received and if appropriate a general overview of the contents of the written submissions;
 - (f) Verbal or written representation from the federal governments or federal agencies will be invited to make a verbal presentation followed by questions for clarification by Council;
 - (g) Verbal or written representation, representatives from the provincial government or provincial agencies will be invited to make a verbal presentation followed by questions for clarification by Council;
 - (h) After identifying themselves, representatives from municipal governments or municipal agencies will be invited to make a verbal presentation followed by questions for clarification by Council;
 - (i) If applicable
 - (i) Birch Hills County planning staff will present a closing summary and respond to any questions that may have been raised in the presentations; and
 - (ii) The proponent or their agent will present a closing summary and respond to any questions that may have been raised in the presentations.
- 5.3** The use of slides, maps, videos and other similar materials is permitted and these along with written submissions become the property of Birch Hills County as exhibits to the hearing.
- 5.4** Persons addressing Council shall give their name, location of residence, an indication as to whether they are speaking on their own behalf or for another person or a group, and address the Chair when responding to questions or providing information.
- 5.5** Individuals may speak for a maximum of five (5) minutes.

- 5.6 One spokesperson per petition or group may speak for a maximum of ten (10) minutes.
- 5.7 At the discretion of the Chair, the time limits for speaking and presentations may be extended to ensure that all interested parties have had a fair and equitable opportunity to express their views.
- 5.8 At the discretion of the Chair, after everyone has had an opportunity to speak once, those interested in speaking a further time and providing new information, may be granted further opportunity to speak.
- 5.9 The Chair is hereby authorized to make any other decisions or determinations with respect to the process or rules of order for the Public Hearing.
- 5.10 The minutes of a Council meeting during which a Public Hearing is held must contain the names of the speakers and a summary of the nature of representations made at the Public Hearing.

COUNCIL REVIEW HEARING

- 6.1 In this section, the following terms have the following meanings:
 - a) "Order to Remedy" means an order issued under 545 or 546 of the Act;
 - b) "Review Hearing" means a review by Council of an Order to Remedy in accordance with section 547 of the Act;
 - c) "Staff" means a designated officer of Birch Hills County or an employee of Birch Hills County that has been delegated the responsibility to issue an Order to Remedy.
- 6.2 A request for a Review Hearing must meet the requirements of section 547 of the Act and shall include:
 - a) the name of the appellant;
 - b) the address of the property to which the Order to Remedy relates;
 - c) the reasons for the request to review the Order to Remedy;
 - d) daytime contact telephone number of the appellant; and
 - e) any address to which documents relating to the Review Hearing may be delivered.

- 6.3** The Chief Administrative Officer will schedule the Review Hearing to be heard at a regular Council Meeting as soon as practicable following receipt of the request after ensuring that all parties have sufficient time to prepare for the Review Hearing.
- 6.4** Written submissions from the appellant and Staff must be submitted not less than seven (7) days prior to the Review Hearing and will be distributed as part of the Council Agenda.
- 6.5** A Review Hearing is open to the public unless upon application of any party, Council, pursuant to section 197 of the Act, decides that it would be advisable to hold the hearing in private.
- 6.6** The parties to a Review Hearing are entitled to appear before Council, in person or by an authorized agent, and to be represented by counsel.
- 6.7** The rules of evidence in judicial proceedings do not apply to a Review Hearing and evidence may be given in any manner Council considers appropriate.
- 6.8** The procedure in a Review Hearing is as follows:
 - a)** the Chair will open the Review Hearing, introduce members of Council, Staff and the appellant or their representative;
 - b)** the Chair will describe the Review Hearing process and deal with any preliminary matters;
 - c)** the appellant will be invited to make opening remarks and presentation (maximum of fifteen (15) minutes) followed by questions to the appellant by Councillors;
 - d)** Staff will be invited to make opening remarks and presentation (maximum of fifteen (15) minutes) followed by questions to the Staff by Councillors;
 - e)** the appellant will be invited to make a rebuttal (maximum of five (5) minutes) followed by questions to the appellant by Councillors;
 - f)** Staff will be invited to make a rebuttal (maximum of five (5) minutes) followed by questions to the Staff by Councillors; and
 - g)** The appellant will be invited to make closing remarks (maximum of five (5) minutes) followed by questions to the appellant by Councillors.

- 6.9** If the appellant fails to attend the Review Hearing despite having been given notice, Council may proceed with the Review Hearing in the absence of the appellant.
- 6.10** The Chair may establish such other rules of procedure as may be necessary to conduct the Review Hearing properly and fairly.
- 6.11** At the conclusion of the Review Hearing, Council may confirm, vary, substitute or cancel the Order to Remedy by passing a resolution indicating its decision and its reasons.
- 6.12** If Council confirms, varies or substitutes the Order to Remedy, the Resolution should require the appellant to comply with the Order to Remedy (or complete the required action) by a specific date, failing which the County may rectify the problem at the appellant's cost.
- 6.13** Council may go In-Camera to deliberate but the Resolution embodying Council's decision must be made in public.
- 6.14** The Chief Administrative Officer will cause a notice of the decision of Council to be delivered or mailed to the appellant at the address provided to the Chief Administrative Officer within 15 days after the conclusion of the Review Hearing.
- 6.15** Service is presumed to be effective under section 6.14:
- a)** Seven days from the date of mailing if the document is mailed in Alberta to an address in Alberta; or
 - b)** Subject to (a), fourteen days from the date of mailing if the document is mailed in Canada to an address in Canada;
- unless the document is returned to the sender other than by the addressee, or the document was not received by the addressee, the proof of which lies on the addressee.

QUORUM

- 7.1** Quorum for Council is a majority of Councillors unless specified otherwise by this or any other bylaw, or the Act.

No Quorum

- 7.2** If there is no Quorum within thirty (30) minutes after the time set for the meeting, the Chief Administrative Officer will record the names of the Councillors present

and the meeting will be adjourned to the time of the next Regular Council meeting.

Lost Quorum

- 7.3** If at any time during a meeting Quorum is lost, the meeting will be recessed and Quorum is not achieved again within fifteen (15) minutes, the meeting will be deemed to be adjourned.

COMMENCEMENT OF MEETINGS AND HEARINGS

- 8.1** As soon as there is a Quorum after the time for commencement of a Council meeting:
- a)** the Reeve must take the Chair and begin the meeting; or
 - b)** if the Reeve is absent the Deputy Reeve must take the Chair and begin the meeting; or
 - c)** if the Reeve and Deputy Reeve are not in attendance within fifteen minutes after the time set for the meeting and there is a Quorum, the Chief Administrative Officer must begin the meeting by calling for a motion for the appointment of a Chair.
- 8.2** Upon their arrival, the Reeve or Deputy Reeve will assume the Chair.

DUTIES OF THE REEVE OR CHAIR

- 9.1** The Reeve or Chair:
- a)** opens Council meetings;
 - b)** chairs Council meetings;
 - c)** preserves order in Council meetings;
 - d)** decides all questions of procedure;
 - e)** ensures that each Councillor who wishes to speak on a debatable motion is granted the opportunity to do so; and
 - f)** decides who, aside from Councillors, may address Council.



AGENDA

Preparation of Agenda

- 10.1** The Agenda for each Council meeting shall be established by the Chief Administrative Officer.

Agenda Delivery

- 10.2** The Chief Administrative Officer will distribute the Council Agenda to the regular designated address of members of Council on the Monday afternoon prior to the Council meeting. However, if a Monday falls on a holiday, the Council Agenda will be distributed on the Tuesday preceding the Council meeting.

Late Submissions

- 10.3** Reports and supplementary materials related to items on the Agenda and that are received too late to be included with the Agenda package will be made available as soon as reasonably possible.
- 10.4** Additional Agenda items, reports and supplementary material that are time sensitive and received too late to be included on the Agenda may be made available for consideration of Council as an additional Agenda item and will be delivered to Council members in paper or electronic format as soon as possible.
- 10.5** The Chief Administrative Officer will make copies of the Agenda and background information available to the public after distribution to Council.

Adoption of the Agenda

- 10.6** Council must vote to adopt the Agenda prior to transacting other business and may add new items or delete any matter from the Agenda by a Two-Thirds Vote.
- 10.7** The Agenda of an adjourned meeting will be dealt with at the beginning of the next regular meeting unless a special meeting is called to deal with the business of the adjourned meeting.

ORDER OF BUSINESS

- 11.1** The Order of Business for each meeting shall be as outlined in Schedule "A"

Deviation from Order of Business

- 11.2** The Chair, in his/her sole determination, may deviate from the Order of Business to accommodate special circumstances and ensure effective and efficient use of time.

MINUTES

- 12.1** The Chief Administrative Officer will prepare minutes for all Council meetings which will include:
- a)** the names of Councillors and members of Administration present at Council meetings;
 - b)** a brief description of the subject matter;
 - c)** all decisions and other proceedings;
 - d)** the names of staff or members of the public who speak to an item;
 - e)** any abstentions made under the Act by a Councillor and the reason for the abstention;
 - f)** the signatures of the Chair and the Chief Administrative Officer.

PROCEEDINGS

Discussion Directed through Chair

- 13.1** All discussion at a Council meeting must be directed through the Chair who will be addressed as "Reeve" or Mister/Madam Chair".

Absence from Proceedings

- 13.2** When a Councillor has a Pecuniary Interest in a matter before Council or a Council Committee the Councillor must, if present, disclose the general nature of the Pecuniary Interest prior to any discussion on the matter, abstain from voting on any question relating to the matter and, subject to the Act, abstain from any discussion of the matter and leave Council Chambers until discussion and voting on the matter are concluded.

Speaking to Motions

- 13.3** A Councillor may not speak unless and until recognized by the Chair.

- 13.4** Unless permitted by the Chair, a Councillor may only speak twice on any motion, once in debate and once to ask questions.

Time Limit

- 13.5** Each Councillor may speak for only five (5) minutes, unless otherwise permitted by the Chair.

Interruption of Speaker

- 13.6** A Councillor who is speaking may only be interrupted by another Councillor:

- a) by a Question of Privilege; or
- b) by a Point of Order.

- 13.7** A Councillor who is speaking when a Question of Privilege or a Point of Order is raised must cease speaking immediately.

- 13.8** The Chair may grant permission:

- a) to the Councillor raising a Question of Privilege or a Point of Order to explain the Question or Point briefly; and
- b) to the Councillor who was speaking to respond briefly.

but otherwise a Question of Privilege or Point of Order is not debatable or amendable.

Ruling on Proceedings

- 13.9** The Chair will rule on a Question of Privilege or Point of Order.

- 13.10** The Chair may seek advice on a Question of Privilege or Point of Order to determine whether a matter is within the jurisdiction of Council.

Challenging a Ruling

- 13.11** Any ruling of the Chair may be challenged.

- 13.12** A motion to challenge may be made only at the time of the ruling, whether or not another speaker has the floor.

- 13.13** A motion to challenge is debatable unless it related to decorum, the priority of business, or an undebatable pending motion.
- 13.14** If a motion to challenge is made the Chair must state the question "Is the ruling of the Chair upheld?", and may participate in debate on the challenge without leaving the Chair.
- 13.15** If the Chair refuses to put the question on a challenge, the person who would preside if the individual occupying the Chair were absent must put the question to Council.
- 13.16** Council will decide the challenge by voting and the decision of Council is final.

MOTIONS

Consideration of Motions

- 14.1** Unless otherwise determined by the Chair, no matter may be debated or voted on by Council unless it is in the form of a motion.
- 14.2** A Councillor may move a motion whether or not the Councillor intends to support it.
- 14.3** Once a motion has been moved and stated by the Chair, it is in the possession of Council, and may only be withdrawn with the unanimous consent of the Councillors present at the meeting.
- 14.4** All motions shall be presented in a manner that will allow Council to take a positive action.
- 14.5** When required to do so by the Act, Council will provide reasons why a motion was defeated.
- 14.6** A motion does not require a seconder.

Motions to the Main Motion

- 14.7** When a motion is made and is being considered, no Councillor may make another motion except to:
- a)** amend the motion;
 - b)** amend any amendment to the motion;

- c) refer the main motion for consideration;
- d) Table the motion;
- e) Postpone the motion; or
- f) move a privileged motion.

Privileged Motions

14.8 The following motions are privileged motions:

- a) a motion to recess;
- b) a motion to adjourn;
- c) a motion to set the time for adjournment; and
- d) a Question of Privilege.

Motion to Recess

14.9 The Chair, without a motion, may recess the meeting for a specific period.

14.10 Any Councillor may move that Council recess for a specific period.

14.11 After a recess, business will be resumed at the point where it was interrupted.

Severing Motions

14.12 The Chair may sever a motion and the original mover of the motion will remain as the mover of the severed motion.

Amending Motions

14.13 A Councillor may not amend a motion or make an amendment which:

- a) does not relate to the subject matter of the main motion;
- b) is contrary to the main motion.

14.14 Only one amendment to the main motion and only one amendment to that amendment are allowed.

14.15 The main motion will not be debated until any proposed amendments to it have been debated and voted on.

14.16 When all proposed amendments have been voted on, the main motion, incorporating the amendment that has been adopted by Council, will be debated and voted on.

Referring Motions

14.17 A Councillor may move to refer any motion to the appropriate Council Committee or the administration for investigation and report, and the motion to refer:

- a) precludes all further amendments to the motion;
- b) is debatable; and
- c) may be amended only as to the body to which the motion is referred and the instructions on the referral

Motion to Limit or End Debate

14.18 Any motion to limit or end debate:

- a) cannot be debated;
- b) must be passed by a Two-Thirds Vote; and
- c) may only be amended as to the limit to be placed on debate.

Motion to Table

14.19 A motion to Table another motion:

- a) cannot be debated;
- b) takes precedence over any other motion connected with the motion being Tabled; and
- c) may be raised from the Table at any time by a majority vote of Council.

14.20 A Tabled motion is brought back with all of the motions connected with it, exactly as it was when Tabled.

Motion to Postpone

14.21 A motion to Postpone:

- a) takes precedence over any other motion connected with the motion being postponed;
- b) can only be debated as to the time, or date; and
- c) cannot be amended.

Reconsideration of Motions

14.22 If a motion is voted on by Council, the same matter dealt with in the motion cannot be reconsidered by Council unless:

- a) a General Election has been held; or
- b) six months has passed since the date that motion was considered; or
- c) a motion to reconsider has passed.

14.23 A Councillor may introduce a motion asking Council to reconsider a matter dealt with in a previous motion providing:

- a) the motion is made at the same meeting of Council at which the original matter was considered and is moved by a Councillor who voted with the prevailing result; or
- b) a Notice of Motion is submitted by a Councillor who voted with the prevailing result, prior to the meeting at which it is to be considered, in which the Councillor sets out what special or exceptional circumstances warrant Council considering the matter again; and
- c) the motion to which it is to apply has not already been acted upon.

14.24 If a motion to reconsider is passed the original motion is on the floor.

CLOSED SESSION

Motion to go Into Closed Session

- 15.1** Any Councillor may move that Council convene into Closed Session if a matter to be discussed is within one of the exceptions to disclosure in Divisions 2 of Part 1 of the Freedom of Information and Protection of Privacy Act.

Closed Session Meeting

- 15.2** All In-Camera meetings will:

- a) be chaired by the Reeve; and
- b) be held without the presence of the public unless invited by Council.

- 15.3** No bylaw or motion will be passed at an In-Camera meeting except for a motion to revert to a meeting to be held in public.

NOTICE OF MOTION

- 16.1** A Councillor wishing to introduce a new matter for consideration must submit the motion in writing to the Chief Administrative Officer.

- 16.2** A Councillor may make a motion introducing any new matter only if:

- a) notice is given at a previous Council meeting;
- b) notice is submitted to the Chief Administrative Officer to be included in the next Council Agenda; or
- c) Council, by a Two-Thirds Vote, agrees to dispense with notice.

VOTES OF COUNCIL

Requirement to Vote

- 17.1** Each Councillors present must vote on every motion, unless the Councillor is required or permitted to abstain from voting under the Act.

Voting Procedure

- 17.2** Votes on all motions must be taken as follows:

- a) except for a meeting conducted through electronic or other communication facilities, Councillors must be in their designated Council seat when the motion is considered;

- b) the Chair puts the motion to a vote;
- c) Councillors vote by a show of hands or other method agreed to by Council; and
- d) the Chair declares the result of the vote.

17.3 Unless otherwise specified in this bylaw, a motion is carried when a majority of Councillors present at a meeting vote in favor of the motion.

Declaring Results of a Vote

17.4 After the Chair declares the result of the vote, Councillors may not change their vote for any reason.

17.5 A question on the results of a vote may be resolved by the Chair immediately calling for a revote on the motion.

Tie Votes

17.6 A motion is lost when the vote is tied.

BYLAWS

Basic Requirements

18.1 All proposed bylaws must have:

- a) a bylaw number assigned by the Chief Administrative Officer; and
- b) a concise title indicating the purpose of the bylaw.

18.2 Councillors will be provided the opportunity to review a copy of the proposed bylaw, in its entirety, prior to any motion for first reading.

Introducing a Bylaw

18.3 A proposed bylaw must be introduced at a Council meeting by a motion that the bylaw be read a first time. Council may hear an introduction of the proposed bylaw from the Chief Administrative Officer.

18.4 After first reading has been given, subject to the requirements of the Act, any Councillor may move that the bylaw be read a second time.

- 18.5** Council may not give bylaw more than two readings at a meeting unless all Councillors present at the meeting vote in favor of allowing a third reading at that meeting.

Amendments to Bylaws

- 18.6** Any amendments to the bylaw which are carried prior to the vote on third reading will be considered to have been given first and second readings and will be incorporated into the proposed bylaw.

Defeated Bylaws

- 18.7** The previous readings of a proposed bylaw are rescinded if the proposed bylaw:
- a) does not receive third reading within two years after first reading; or
 - b) is defeated on second or third reading.

Effective Date

- 18.8** A bylaw is effective from the beginning of the day it is signed unless the bylaw or any applicable statute provides for another effective date.

Bylaws Signed and Sealed

- 18.9** The Reeve and the Chief Administrative Officer must sign and seal the bylaw as soon as reasonably possible after third reading is given.
- 18.10** Once a bylaw has been passed, it may only be amended or repealed by another bylaw made in the same way as the original bylaw, unless another method is specifically authorized by the Act or another enactment.

ADMINISTRATIVE INQUIRIES

Verbal or Written Administrative Inquiries

- 19.1** Any Councillors may make an Administrative Inquiry:
- a) verbally, if the Councillor does not require a written response; or
 - b) in writing, if the request requires a written response.

Submission of Administrative Inquiries

19.2 Administrative Inquiries may be submitted:

- a) at any regular meeting of Council; or
- b) for inclusion on the Agenda of a Council meeting; or
- c) outside a regular Council meeting if the response to the Inquiry is not a substantive task.

Response to Administrative Inquiries

19.3 Administrative Inquiries made at a Council meeting will be responded to at the next meeting of Council following the meeting at which the Inquiry was submitted, unless:

- a) the financial or other resources required to answer the Inquiry are substantial and a decision of Council or the Chief Administrative Officer is required to approve such allocation of resources; or
- b) additional time is required to prepare the response or compile the requested information.

19.4 Administrative Inquiries made outside a Council meeting will be responded to within two weeks from the date the inquiry was submitted, unless:

- a) the financial or other resources to answer the inquiry are substantial and a decision of Council or the Chief Administrative Officer is required to approve such allocation of resources; or
- b) additional time is required to prepare the response or compile the requested information.

19.5 Councillors will be advised as to when the response to an Administrative Inquiry will be provided.

19.6 The Chief Administrative Officer may determine if the information acquired in response to an Administrative Inquiry is of benefit to Councillors and may direct that the Administrative Inquiry and the response be distributed to all Councillors.

19.7 A Councillor who requested an Administrative Inquiry may request that the Inquiry be abandoned.

COMMUNICATIONS TO COUNCIL

Presentations at Council Meetings

- 20.1** Requests for an appointment to make a presentation to Council must be received by the Chief Administrative Officer and must:
- a)** be in writing and received at least seven (7) days prior to the Council meeting date;
 - b)** clearly identify the reason or purpose of the appointment;
 - c)** identify the individual or primary contact for a group or organization; and
 - d)** include contact information of the individual or organization;
- 20.2** A decision on a request from a delegation will be dealt with after all other new and unfinished business agenda items have been addressed by Council.
- 20.3** If a delegation presents a request and the Chief Administrative Officer has not presented a background report and recommendation, the matter will be referred back to administration for review, preparation of a background report and recommendation from the Chief Administrative Officer. The administrative report and recommendation from the Chief Administrative Officer shall be included on the next Council meeting agenda.
- 20.4** Presentations from sales persons will not be allowed.
- 20.5** Delegations shall not appear before Council if a member of the public has spoken at a public meeting or hearing held by Council in respect of the same matter.
- 20.6** The amount of time allocated for delegations is at the sole discretion of the Chair.

Criteria for Written Submissions

- 20.7** Any communication intended for Council must be forwarded to the Chief Administrative Officer in writing and must:
- a)** be legible and coherent;
 - b)** be able to identify the writer and the writer's contact information;
 - c)** be on paper or, in a printable format; and
 - d)** not be libelous, impertinent or improper.

Responsibilities of the Chief Administrative Officer

- 20.8** If the Chief Administrative Officer determines the communication or presentation is within the governance authority of Council, the Chief Administrative Officer will:
- a)** if it relates to an item already on the Agenda, deliver a copy of the communication or a summary of it to Councillors prior to or at the meeting at which the Agenda is being considered; or
 - b)** acquire all information necessary for the matter to be included on a future Council agenda for consideration by Council.

Decisions on Communications

- 20.9** If the Chief Administrative Officer determines the communication and/or presentation is not within the governance authority of Council, the Chief Administrative Officer will:
- a)** refer the communication to administration for a report or a direct response and provide a copy of the original correspondence and the referral to the Councillors;
 - b)** take any other appropriate action on the communication.
- 20.10** If a Councillor objects to the process determined by the Chief Administrative Officer, a Councillor may introduce a notice of motion requesting the item be included for Council consideration on a Council Agenda.
- 20.11** If the standards set out in section 20.7 are not met, the Chief Administrative Officer may file the communication without any action being taken.
- 20.12** The Chief Administrative Officer will respond to the person sending the communication and advise that person of the process to be followed and any action taken on the subject of the communication.

CONDUCT IN COUNCIL MEETINGS

Public Conduct

- 21.1** During a Council meeting member of the public must:
- a)** not approach or speak to Council without permission of the Chair;

- b) not speak on any matter for longer than five (5) minutes unless permitted by the Chair;
- c) maintain order and quiet; and
- d) not interrupt a speech or action of Council or another person addressing Council.

21.2 The Chair may order a member of the public who creates a disturbance or acts improperly at a meeting to be expelled.

Council Conduct

21.3 During a Council meeting, Councillors must not:

- a) imply attribution of motive, speak disrespectfully, or use offensive word;
- b) address Councillors without permission;
- c) carry on a private conversation;
- d) break the rules of Council or disturb the proceedings;
- e) leave their seat or make any noise or disturbance while a vote is being taken or the result declared; or
- f) disobey the decision of the Chair on any question of order, practice or interpretation.

Cell Phones and Personal Electronic Devices

21.4 During a Council meeting cell phones and personal electronic devices shall be turned off or set on a mode that will not be a disruption to the meeting.

Breach of Conduct

21.5 A Councillor who persists in a breach of subsection 21.3 or 21.4, after having been called to order by the Chair, may, at the discretion of the Chair, be ordered to leave for the duration of the meeting.

21.6 At the discretion of the Chair, a Councillor may resume his or her seat after making an apology for the Councillor's offending conduct.



SEVERABILITY PROVISION

22.1 Should any provision of this Bylaw be invalid, then such provision shall be severed and the remaining Bylaw shall be maintained.

REPEAL

23.1 Bylaw 2014-06, the Procedures Bylaw, is repealed.

EFFECTIVE DATE

24.1 This Bylaw will come into force and effect on the final day of passing and signature thereof.

READ for a first time this 28th day of November, 2019

READ for a second time this 28th day of November, 2019

READ a third time and passed this 28th day of November, 2019

SIGNED this 28th day of November, 2019

Original to be signed by _____

Reeve
Gerald Manzulenko

Original to be signed by _____

Chief Administrative Officer
Hermann Minderlein



**SCHEDULE A
“Sample Agenda”**

**AGENDA
BIRCH HILLS COUNTY
REGULAR COUNCIL MEETING
TO BE HELD IN WANHAM AT THE
BIRCH HILLS COUNTY OFFICE
DATE OF MEETING**

- 9:00 A.M.**
- 1. CALL THE MEETING TO ORDER**
 - 2. ADOPTION OF THE AGENDA**
 - 3. ADOPTION OF THE MINUTES**
 - 4. DELEGATIONS (if required)**
 - 5. PUBLIC HEARING (if required)**
 - 6. COUNCILLOR REPORTS**
 - 7. CHIEF ADMINISTRATIVE OFFICER’S REPORTS**
 - 8. BUSINESS ARISING OUT OF THE MINUTES
UNFINISHED BUSINESS (if required)**
 - 9. BYLAWS (if required)**
 - 10. NEW BUSINESS**
 - a. Council**
 - b. Administration**
 - c. Emergency Services**
 - d. Public Works**
 - e. Agriculture**
 - 11. FOR INFORMATION**
 - 12. CORRESPONDENCE**
 - 13. CLOSED SESSION (if required)**

NEXT REGULAR COUNCIL MEETING DATE – date