

## BYLAW 2021-05

### OF THE MUNICIPAL DISTRICT OF OPPORTUNITY NO. 17 In The Province of Alberta

Being a Bylaw of the Municipal District to establish the organizational structure of Council and the meeting procedures and conduct for Council and its Committees and Boards

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**WHEREAS** Sections 143, 144, 145, 155 and other Sections of the Municipal Government Act, being Chapter M-26.1, R.S.A. 2000, provide for the organization of a Council and authorize it to establish meeting procedures and conduct for Council and Council committees,

**NOW THEREFORE**, the Council of the Municipal District of Opportunity No. 17, duly assembled, enacts as follows:

#### 1. NAME OF BYLAW

This bylaw shall be known as the Council Procedural Bylaw.

#### 2. DEFINITIONS

- a) **Municipality** means the Municipal District of Opportunity No. 17
- b) **Council** means the Council of the Municipal District of Opportunity No. 17.
- c) **Act** means the Municipal Government Act being Chapter M-26, R.S.A. 2000.
- d) **Department Managers** means the Managers as depicted in the organizational chart.

#### 3. MUNICIPAL OFFICE

- a) In accordance with Section 204 of the Act, the municipal office shall be the administration office located at Plan 022-3332 Civic Address #2077, Mistassiniy Road North.
- b) Council may from time to time, and by resolution, establish area offices in other communities within the municipality.

#### 4. CHIEF AND DEPUTY CHIEF ELECTED OFFICIAL

- a) The Chief Elected Official shall have the title of "Reeve" and the Deputy Chief Elected Official shall have the title of "Deputy Reeve".
- b) Annually, at the organizational meeting of Council, Council shall appoint the Deputy Reeve from amongst its members.
- c) The Chief Elected Official of the Municipal District of Opportunity No.17 shall be appointed by Council from among the Councillors of the Municipal District of Opportunity No.17. (To ensure consistency and to avoid confusion as to the method of selecting the CEO. Bylaw 2017-02 states that the Chief Elected Official shall be appointed by council.)

#### 5. COUNCIL ANNUAL BUDGET

- a) Council Members are annually allocated an operating and expense budget allowance for the purposes of:
  - i) Council or Committee Meetings and Conference/Events Attendance
  - ii) Monthly Preparation Time
  - iii) Telephone Expense
  - iv) Mileage Rate Expense
  - v) Subsistence Expense
  - vi) Lodging Expense
- b) Council Members are expected to operate within their allocated budget allowances and continually monitor their budgets. Council Members are not permitted to exceed their annual budget allocation unless approval is granted by a Council Motion.

## **6. MEETINGS OF COUNCIL**

### **A. Organizational Meetings**

- a) The organizational meeting of Council shall be held on the fourth Monday of October in each year commencing at 10:00 a.m. in the council chambers in the municipal office. Any changes in that date, time and location may be made at a regular council meeting at least two weeks in advance and must be advertised.
- b) Any members absent at the meeting when the meeting date was changed will be notified by the Manager. In the year of a general election, all newly elected members shall be notified by the Manager. All notices by the Manager shall be in writing and sent by regular mail, fax or hand delivery at least five days in advance of the meeting.

### **B. Regular & Delegation Meetings**

- a) Regular and delegation council meetings shall be held in accordance with a schedule established by Council at its organizational meeting. All "Regular & Delegation Meetings" shall be held in the Wabasca Council Chambers" or as otherwise specified by Council.
- b) The schedule of Regular and Delegation meetings shall be advertised to the general public by posting it at the municipal office and the area offices and advertising it in at least one newspaper circulating in the municipality.
- c) If the Council changes the date, time or place of a regular or delegation meeting, notice must be given at least 24 hours in advance of the change to any councillor not present at the Council meeting where the change was made, and to the public by posting a notice of change at the municipal office and the area offices.
- d) If a Council member is leaving the meeting prior to adjournment and/or any other time during a meeting, he/she must notify Council to be excused and his/her absence must be duly recorded in the minutes of the meeting.

### **C. Special Meetings**

- a) The Reeve, or in his absence from the municipality for an extended time the Deputy Reeve, may call a special meeting on his own initiative; or must call a special meeting upon the written request of a majority of councillors within fourteen days of receiving the written notice.
- b) A special meeting may be held with less than 24 hours of notice to all councillors and without notice to the public if at least 2/3 of the whole council agrees to this in writing before the beginning of the meeting.
- c) Councillors shall be notified of a special meeting by the Manager as soon as possible after it has been called, but in any event such notice shall not be given less than one full working day before the meeting unless approval for the meeting is given in accordance with clause b). The requirement for one full working day of notice shall be waived when the meeting is called to deal with a public safety emergency.
- d) Special meetings held under clause b) do not require notice to be given to the public. Notice of other special meetings shall be given to the public by posting such notice at the municipal office and area offices.
- e) No matter other than that stated in the notice calling the special 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.

### **D. Notice of Meetings**

- a) Where the schedule of regular or delegation meetings is changed, or where a special meeting is held, notice of the meeting shall be deemed to have been given to a councillor if the notice is delivered to, or telephone contact is made with, an adult person at the councillor's home or place of business.

**E. Public Meetings**

- a) Individual councilors who wish to hold or host a public meeting within their designated ward boundaries shall not do so on behalf of the MD Council unless prior authorization has been provided by MD Council by way of Council Motion.
- b) No individual councilor(s) shall utilize or create any notices, documentation or literature for the public meeting which bears the logo, insignia, trademark, letterhead, copyright, or any other proprietary interest of the MD of Opportunity No. 17 unless prior authorization has been provided by MD Council by way of Council Motion.
- c) Public meetings that are held or hosted on behalf of the M.D. of Opportunity to deal with specific issues must be authorized by way of a Council Motion.

**7. ELECTRONIC COMMUNICATION SYSTEM MEETINGS**

- a) In addition to ordinary public meetings, council meetings can be held by means of electronic or other communication facilities if:
  - i) it is to be a public meeting, public notice is given on the meeting, the way in which it is to be conducted, and where the public can watch or listen to it,
  - ii) the facilities allow the public to watch or listen to the meeting at a place specified in the public notice of the meeting, and at least one staff member is in attendance at that place,
  - iii) the facilities allow all the councillors at the meeting to participate in it and to hear or watch, as the case requires, the discussion by all of the other participants at the meeting, and to vote.
- b) For the purposes of Clause 7.a, the facilities allowing public to listen via speaker telephone are the community halls located in each community and is subject to the request to participate by the public. The capability to allow the public to participate by watching the meeting is not available.
- c) A councillor participating in a meeting described in clause a) is considered to be present at the meeting.

**8. PUBLIC ATTENDANCE AT MEETINGS**

- a) The regular meetings of Council shall be open to the public but a person may be excluded for improper conduct.
- b) Council may conduct all or part of its meetings closed to the public when Section 197(2) of the Act applies.

Division 2 and Part 1 of the Freedom of Information and Protection of Privacy Act:

- Disclosure harmful to business interests of a third party;
- Disclosure harmful to personal privacy;
- Disclosure harmful to individual or public safety;
- Confidential evaluations;
- Disclosure harmful to law enforcement;
- Disclosure harmful to intergovernmental relations;
- Cabinet and Treasury Board confidences;
- Local public body confidences;
- Advice from officials;
- Disclosure harmful to economic and other interests of a public body;
- Testing procedures, tests and audits;
- Privileged information;
- Disclosure harmful to the conservation of heritage sites, etc;
- Information that is or will be available to the public.

## 9. OPENING PROCEDURES

- a) As soon after the hour of meeting as there shall be a quorum present, the Reeve shall take the chair and call the members to order.
- b) If the Reeve is not in attendance at the appropriate time set out in clause a), the Deputy Reeve shall take the chair and call the members to order, and if the Deputy Reeve is also absent then one councillor in attendance shall call the meeting to order and Council shall select a chairman from the councillors present. Whoever presides has all the powers and is subject to the same rules as the reeve.

## 10. AGENDA

- a) Should there be no quorum present within thirty minutes after the time appointed for the meeting, the manager shall record in the minute book the names of the members present at the expiration of such thirty minutes and the meeting shall stand adjourned until the next day of meeting.
- b) Unless the Reeve or a majority of the Councillors present otherwise directs, the business at all regular meetings of the Council shall be proceeded with in the following order:
  - i) 1<sup>st</sup> Call to Order
  - 2<sup>nd</sup> Adoption of Agenda
  - 3<sup>rd</sup> Adoption of Minutes
  - 4<sup>th</sup> Business Arising
  - 5<sup>th</sup> Delegations
  - 6<sup>th</sup> Department Reports
  - 7<sup>th</sup> Council Activity Reports
  - 8<sup>th</sup> Adjournment
- c) The Manager shall prepare an agenda and review all business on the agenda with the Chief Elected Official before every regular meeting of the Council and shall circulate a copy to each member at least forty-eight hours before the meeting. Councillors having business to be placed on this agenda should advise the Manager at least seven days in advance of the meeting.
- d) Additions to the Agenda
  - i) Additions to the Agenda are permitted subject that adequate information about the item is provided to the Council at least one day in advance of the meeting.
  - ii) In the event other agenda items arise on the day of the meeting, which may or may not be deemed "emergent items", they may be added to the agenda for information purposes only and either the decision to defer to another meeting date or accept as information may be made which shall be determined by 2/3 vote of the councillors present.
- e) When any bylaw, resolution or question is lost by reason of the Council breaking up for want of a quorum, it shall be considered to have been tabled and will be dealt with as a tabled item at the next regular meeting of Council, unless the Reeve or a majority of the Council direct that it shall be dealt with at a special meeting.
- f) Tabled Agenda Items must be returned to the Council table on the next immediate meeting date or as otherwise specified.

## 11. RULES OF CONDUCT AND DEBATE

- a) Every councillor shall address himself/herself to the chair when speaking to any question or motion.
- b) Councillors shall address the chair in a respectful tone and shall treat other councillors in a respectful manner.
- c) A councillor, staff member, or member of the general public shall not:
  - i. use offensive words or unparliamentarily language in the meeting;
  - ii. disobey the rules of the meeting or decision of the Chair or of the Members on questions of order or practice; or upon the interpretation of the rules of the meeting;
  - iii. leave their seat or make any noise or disturbance while a vote is being taken and the result is declared;
  - iv. interrupt a Member while speaking, except to raise a Point of Order or Question of Privilege;
  - v. pass between a Member who is speaking and the Chair.

- d) Councillors shall be allowed to speak more than once to the same question, providing that they speak in the order determined by the chair.
- e) After a question is finally put by the reeve, no councillor shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared. The decision of the Reeve as to when the question has been finally put shall be conclusive.
- f) The councillor occupying the chair shall be allowed to participate in debate without leaving the chair.

**12. POINTS OF ORDER**

- a) The Reeve or the other councillor presiding at the meeting of the Council shall preserve order and decide all points of order which may arise, but subject to an appeal to the other councillors then present.
- b) If an appeal be taken by a councillor from the decision of the chair, the question "Shall the Chair be over-ruled?" shall be immediately put by her/him and decided without debate. The chair shall be governed by the vote of the majority of the councillors then present (exclusive of the chair). In the event of the votes being equal, the question shall be decided in the negative and the appeal is lost.
- c) If the chair refuses to put the question "Shall the Chair be over-ruled?" to Council, the Council shall forthwith appoint one of its number to preside temporarily and the councillor so temporarily appointed shall proceed in accordance with clause b).
- d) Any resolution or motion carried under the circumstances mentioned in clause c) is as effectual and binding as if carried out under the presidency of the reeve.

**13. ADJOURNMENT**

- a) The Council shall always adjourn at the hour of 4:00 p.m. if in session at that hour, unless otherwise determined by a majority vote of the councillors present. A motion of Council shall be required to continue past that hour.

**14. ATTENDANCE**

- a) In accordance with Section 174 of the Act, a councillor is disqualified from Council if the councillor is absent from regular council meetings held during any period of 8 consecutive weeks, starting with the date that the first meeting is missed, unless
- b) The councillor's absence is authorized by a resolution of Council passed at any time before the end of the last regular meeting of the Council in the 8 week period or, if there is no other regular meeting of the Council during the 8 week period, at any time before the end of the next regular meeting of the Council.
- c) Department managers are not required to attend all regular meetings; only the manager and recording secretary attends the regular and delegation meetings. Department managers may attend meetings at the discretion of the manager.

**15. QUORUM**

- a) A majority of the whole Council is a quorum. For the purpose of determining a quorum, a councillor required or permitted to abstain from a vote of Council is considered to be absent.
- b) If there is a vacancy on Council and Council is not required under the Act to hold a by-election then the majority of councillors remaining constitutes a quorum.
- d) Where illness, disability or vacancies reduce the number of councillors able to attend Council meetings to less than a quorum, the Minister of Municipal Affairs may determine a quorum.

**16. VOTING ON QUESTIONS**

- a) All acts whatsoever authorized or required by the Act to be done by Council, and all other questions, including questions of adjournment, that may come before the Council shall, save where otherwise so expressed, be done and decided in public by the majority of the members of Council who are present at a Council meeting.
- b) Every member who is present when a question is put has one vote and must vote thereon unless she/he is required or permitted to abstain in accordance with the Act.

- c) The Council must ensure that each abstention and the reasons for the abstention are recorded in the minutes of the meeting.
- d) A councillor requesting a recorded vote must do so in accordance with the requirements of the Act.
- e) When there is an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.
- f) Motions dealing with the sale of municipally owned property, goods or materials or with the expenditure of moneys do not require a seconder; one mover to a Motion is permitted.
- g) When the question under consideration contains more than one distinct decision, each decision shall be voted on separately if a councillor requests that such be done.

**17. PETITIONS AND DECLARATIONS**

- a) No person or group of persons wishing to appear before the Council may do so unless he or they have first notified the Manager in writing before the agenda has been prepared and circulated to the councillors, except on a majority vote of members present.
- b) Every delegation shall be allowed a maximum of thirty minutes to present its petition or submission unless the time allotted is extended by a two-thirds vote of Council.
- c) Every petition presented to the Council shall include the name of each petitioner with her/his address and a description, where appropriate, of the corporation or group she/he is representing.

**18. REPORTS**

- a) A standing or select committee of Council may report to the Council at any regular meeting or shall report as required by Council.
- b) The Reeve may provide monthly reports or activity reports at each meeting on her/his Council activities if requested by the Council.
- c) The manager shall provide a written report in all areas of the municipal departments which is included in the Agenda Package for Council.

**19. MOTIONS**

- a) Motions shall be worded in a positive form.
- b) Motions shall be put in writing upon the request of a councillor in attendance at the meeting in which they are considered and must be read back by the Recording Secretary to ensure accuracy and clarity.
- c) When a question is under consideration, no motion shall be received except for the following:
  - i) to commit
  - ii) to amend
  - iii) to table
  - iv) to postpone indefinitely
  - v) to postpone to a certain time
  - vi) to move the previous question
  - vii) to adjourn
- d) The motions set out in clause c) shall have precedence in the order in which they are named. Motions iii), iv), v) and vii) shall be neither amendable nor debatable.
- e) A motion to commit the subject matter to a committee until it is decided shall preclude all amendments of the main question.
- e) A motion to adjourn the Council or to adjourn the debate shall always be in order but, if such motion is defeated, no second motion to the same effect shall be made until some intermediate business or matter has been disposed of.

**20. COUNCIL COMMITTEES**

- a) Council from time to time as it sees fit may establish, by bylaw as circumstances or legislation require or allow, committees and boards to deal with items of specific or general nature. Terms of reference shall be established for council committees.
- b) Council will identify the membership of the committee or board, the role and authority of the committee, and the reporting requirements of the committee at the time it is established.
- c) The Reeve is *ex officio* a member of all Council committees and boards.
- d) Councillors will attempt to share the load of service on committees and boards.
- e) The Manager or her/his delegate shall provide secretarial support to committees and boards as required.
- f) Committee meetings are open to the general public and shall operate under the same rules of procedure and conduct as those set out for Council meetings.
- g) Committees established to deal with a specific item of business shall automatically be dissolved after their report is submitted to Council unless Council directs that additional work shall be done by the committee. Committees established for dealing with general issues shall be dissolved by order of Council, by bylaw in accordance with the manner in which they were established.

**21. COUNCIL/STAFF ROLES**

- a) Council is responsible for the development of policies and programs of the municipality. The manager ensures the implementation of those policies and programs. Councillors may seek information or make inquiries of employees of the municipality but not to the extent of individually directing the implementation of the policies and programs of the municipality.

**22. CIRCUMSTANCES NOT PROVIDED FOR**

- a) Where circumstances arise which have not been provided for in this bylaw, the Act shall provide primary guidance.
- b) In any event provided for or not, the Act shall hold precedence over this bylaw and "Robert's Rules of Order".

**23. SEVERABILITY**

- a) If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of this bylaw is deemed valid.

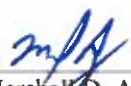
**24. EFFECTIVE DATE**


- a) This Bylaw shall take effect on the date of the third and final reading.
- b) This bylaw rescinds Bylaw 2007 - 04.
- c) This bylaw amends Bylaw 2009 – 02.

READ a first time this 24<sup>th</sup> day of March, 2021.

READ a second time 24<sup>th</sup> day March, 2021.

READ a third time, with unanimous consent, this 24<sup>th</sup> day of March, 2021.

  
\_\_\_\_\_  
Marshall D. Auger, Reeve

  
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Chad Tullis, Chief Administrative Officer