

VILLAGE OF LONGVIEW

BYLAW NO. 350-12

BEING A BYLAW OF THE VILLAGE OF LONGVIEW, IN THE PROVINCE OF ALBERTA, TO PROVIDE FOR THE PROCEDURE AND CONDUCT OF COUNCIL AND COUNCIL COMMITTEE MEETINGS

WHEREAS the Municipal Government Act, R.S.A. 2000, Chapter M-26, and amendments thereto, provides that a council may pass bylaws in relation to the procedure and conduct of Council and committees established by Council, and may regulate the conduct of Councillors and members of committees established by Council; and

WHEREAS the Council of the Village of Longview considers it desirable for effective governance to regulate the procedure and conduct of Council, Councillors and others attending Council and Council Committee meetings in the Village of Longview;

NOW THEREFORE the Council of the Village of Longview, duly assembled, enacts as follows:

Citation

1. This bylaw may be cited as "The Procedure Bylaw."

Definitions

2. In this bylaw
 - a. "Administrative Inquiry" means a request from a member to the administration, for the future provision of information and report;
 - b. "Agenda" means the statement of the order of business to be discussed;
 - c. "Bylaw" means a bylaw of the Village of Longview
 - d. "CAO" means the Chief Administrative Officer or their delegate, for the Village of Longview;
 - e. "Committee" means any committee, board, or task force created by bylaw in the Village of Longview;
 - f. "Committee of the Whole" means an in camera meeting that permits Council to function informally and with freedom of debate where decisions are referred to a regular or special meeting of Council;
 - g. "Delegation" means a person that has the permission of Council to appear before Council or a committee of Council to provide pertinent information and views about the subject before Council or committee of Council;

- h. "Member" means a Councillor or a person at large appointed by Council to a committee of Council;
- i. "Meeting" means a meeting of Council or a committee of Council;
- j. "Point of Order" means a demand by a member that the presiding officer enforce the rules of the procedure;
- k. "Point of Privilege" means a request made to the presiding officer or Council on any matter related to the rights and privileges of Council or individual Councillors and includes: the organization or existence of Council, the conduct of members, the conduct of employees or members of the public in attendance at the meeting;
- l. "Presiding officer" means
 - i. in the case of a Council meeting, the Mayor or Deputy Mayor of the Village of Longview; or
 - ii. in the case of meeting of a committee of Council, the individual appointed as the chair of that committee.
- m. "Public Discussion" means the portion of a meeting where a person or group may address Council.
- n. "Public Hearing" means a meeting of Council convened to hear matters pursuant to the *Municipal Government Act*, and any other Act, or any other matter at the direction of Council;
- o. "Request for Decision" is the means by which a member or administration brings business before Council;

Applicability

- 3. This bylaw applies to all the members attending meetings of Council and committees of Council of the Village of Longview.

Mayor and Deputy Mayor

- 4. The position of Mayor and Deputy Mayor shall be one (1) year in duration and chosen during the annual Organizational Meeting of Council.

Meetings

- 5. Regular meetings of Council shall be held in the Council Chambers on a day and at a time to be set by resolution at a Council meeting at which all the Councillors are present. When the meeting day falls on a statutory holiday, the meeting shall be held on the following day which is not a statutory holiday, unless otherwise set by resolution of Council.

6. Special meetings of Council shall be established by Council according to the provisions of the Municipal Government Act and the public shall be given notice thereof.

Quorum

7. If a quorum is not present within fifteen (15) minutes after the time fixed for the meeting, the CAO shall record the names of the members present and the meeting shall stand adjourned until the next meeting.

Conduct of Meetings

8. Each member or delegate, as the case may be, shall address the presiding officer but shall not speak until recognized by the presiding officer.
9. When addressing Council a member shall:
 - a. not use offensive, disrespectful, or unkind words in referring to any member, or to any official or staff member of the Village or any member of the public;
 - b. not reflect on any vote of Council except when moving to rescind it and shall not reflect on the motives of the members who voted on the motion, or the mover of the motion;
 - c. not shout or immoderately raise his voice or use profane, vulgar or offensive language;
 - d. assume personal responsibility for any statement he quotes to Council or upon request of Council shall give the source of the information.
10. The presiding officer may rule any member out-of-order for failing to observe any of the restrictions in section 9.
11. A member called to order or ruled out-of-order shall immediately cease to speak, but may afterwards explain, and the Council, if appealed to, shall decide the same without debate; if there is no appeal, the decision of the presiding officer shall be complied with.
12. The presiding officer may expel from a meeting any member or any person from the public who disturbs the proceedings of that meeting.
13. The presiding officer may request an RCMP or peace officer to remove the person expelled if the person refuses to leave.
14. In all cases not provided for in the proceedings, the "Revised Robert's Rules of Order" shall be followed and in such cases the decision of the presiding officer shall be final and accepted without debate.
 - a. In the event of conflict between the provisions of this bylaw and the "Revised Robert's Rules of Order," the provisions of this bylaw shall apply.

Resolutions

15. A resolution may be withdrawn at any time before voting, subject to no objection from any member.
16. The following resolutions are not debatable by Council:
 - a. adjournment,
 - b. recess,
 - c. question of privilege,
 - d. point of order,
 - e. limit debate on the matter before members,
 - f. division of a question,
 - g. refer,
 - h. table the matter to a time certain.
17. A motion to refer shall include
 - a. the terms on which the matter is being referred;
 - b. the time when the matter is to be returned;
 - c. whatever other explanation is necessary as to the purpose of the motion;
18. A motion to table any matter shall include
 - a. the time at the present meeting or the date of a future meeting to which the matter is to be tabled, or
 - b. a provision that the matter is to be tabled indefinitely.
19. A member may move a motion to adjourn a meeting at any time, except when
 - a. another member has the floor,
 - b. a call for a vote has been made,
 - c. the members are voting
 - d. the meeting is in camera
 - e. a previous motion to adjourn has been defeated and no other intermediate proceedings have taken place
20. When a motion is under debate, no new motion shall be received other than a motion to:
 - a. refer to some other party for consideration,
 - b. withdraw the motion,
 - c. amend the motion,
 - d. table the motion, or
 - e. call the question.
21. When a member wishes to amend a motion prior to the question being called,
 - a. only one amendment at a time shall be presented to the main motion. When the amendment has been disposed of, another may be introduced,
 - b. all amendments must relate to the motion being discussed in the main motion and shall not so substantially alter the motion so as to change the basic intent or

meaning of the main motion. The presiding officer shall rule on disputes arising from amendments.

- c. an amendment proposing a direct negative is out of order,
- d. a sub-amendment (amendment to an amendment) shall not enlarge the scope of the amendment, but should only deal with matters not covered by the amendment,

22. A motion to reconsider a motion shall:

- a. only be made at the same meeting as the original motion,
- b. only be made by a councillor on the prevailing side of the issue involved,
- c. not be reconsidered more than once at any one meeting of Council,
- d. be decided by a majority of the members of Council present, and
- e. not be allowed on a motion of adjournment.

23. A motion to rescind a previous motion of Council shall:

- a. be offered at any time subsequent to the meeting at which the original motion was passed,
- b. be made by any member,
- c. be provided for by a request for decision that is included as an item on the agenda and delivered to the members before the meeting at which is to be discussed.

24. Where a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member so requests or when the presiding officer so directs.

25. Whenever the presiding officer is of the opinion that a motion is contrary to the rules and privileges of Council, he shall inform the member thereof immediately, before putting the question, and shall cite his reasons applicable to the case without argument or comment.

26. If any member wishes to have a recorded vote, the request for the recorded vote must be made prior to the vote being taken.

27. A member who disagrees with the announcement made of the result of a vote may immediately object to the declaration and the vote shall be retaken.

Bylaws

28. A motion and subsequent vote of the first reading of a bylaw shall be decided without amendment or debate.

- a. A member may ask questions concerning the bylaw, provided such questions do not indicate the member's opinion for or against the bylaw.

29. At the request of any member of Council, a bylaw that has received second reading may be open to a period of public discussion prior to the vote on the second reading of the bylaw.
 - a. The period of public discussion shall be regulated by sections 35-36 of this bylaw.
 - b. During a public discussion on a bylaw, no discussion may occur that is not related to the bylaw in question.
30. After a member has made the motion for the second reading of the bylaw, Council may:
 - a. Debate the substance of the bylaw, and
 - b. Propose and consider amendments to the bylaw
31. 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.
32. When all amendments have been accepted or rejected, the motion for second reading of the bylaw as amended shall be put.
33. Proposed bylaws may be referred to administration, committees or special task forces.

Public Discussion

34. Prior to the adjournment of a Council Meeting, a period of public discussion may occur.
35. Any public discussion shall be regulated as follows:
 - a. Any resident or group of residents of the Village of Longview may speak to any agenda item or resolution made at the Council Meeting in progress.
 - b. Any resident or group of residents of the Village of Longview may not speak to any item not on the agenda of the Council Meeting in progress.
 - c. Any resident or group of residents may speak on any one topic for no longer than five (5) minutes, after which Council may ask questions of the speaker.
 - d. Any resident or group of residents may speak on more than one topic as long as all topics meet the requirements of subsections a. through c.
 - e. Any resident or group of residents who wish to speak on a topic not on the agenda for the current council meeting must submit, in writing, a communication as per section 44. of this bylaw.
36. The total time given for public discussion shall be thirty (30) minutes.
 - a. If the public discussion requires more time, any individuals may request at that time to have their discussion scheduled into the next Council meeting as per section 44. of this bylaw.

Public Hearings

37. At the commencement of a Public Hearing, the presiding officer shall, in the following order:

- a. state the matter to be considered at the hearing,
 - b. inform those present of the procedure which shall be followed in hearing the respective submissions,
 - c. request that administrative staff present a report on the issue at hand,
 - d. allow the applicant, and/or their representatives(s), up to ten (10) minutes to present their passion, exclusive of the time required to answer questions put to the applicant by a member, unless granted at time extension by Council, and
 - e. allow members to ask questions of administrative staff and the applicant.
38. Any person or group who claims to be affected by the subject matter of the Public Hearing shall be afforded an opportunity to speak in the following order:
- a. the presiding officer shall call on each person who is in favour of the proposal before Council,
 - b. the presiding officer shall call on each person who is opposed to the proposal before Council,
 - c. the presiding officer shall call on each person who is neither in favour or opposed to the proposal before Council.
39. Members may ask questions of speakers in section 38. immediately preceding their presentation and prior to the next speaker.
40. Before closing the public hearing the presiding officer will allow the applicant, followed by the presenting staff member, to make closing comments.
41. If a person is unable to attend a Public Hearing, that person may authorize an individual to speak on his behalf. The authorization must in writing and:
- a. name the individual authorized to speak,
 - b. indicate the proposed bylaw to be spoken to, and
 - c. be signed by the person giving authorization.
42. No person speaking in favour of or opposed to the proposal before Council shall speak for more than five (5) minutes.
43. All speakers must state their full name to be written into the public record prior to addressing Council.

Delegations

44. A person, group of persons, or representative of a group of persons, who wishes to bring any matter to the attention of Council, or wishes to have any matter considered by Council, shall address a letter or other written communication to the Council containing adequate information to enable Council to deal with the matter. Adequate information includes, but is not limited to, the following:
- a. name, address and telephone number of the person wishing to make the presentation,

- b. a clear identification of the topic to be discussed,
- c. a clear identification of the request being made to Council,
- d. any and all background information necessary.

If the person wishes to appear before Council it shall be stated in the letter.

- 45. A request to attend a Council meeting or have a topic discussed at a Council meeting must be received by the Village of Longview administration no later than 3:00 p.m. on a business day at least five (5) days immediately preceding the meeting at which it is to be presented.
- 46. Delegations shall be granted a maximum of fifteen (15) minutes to present the matter outlined in their letter. Where the presiding officer determines that additional time shall be granted to the delegation, additional time shall be granted in the length specified by the presiding officer.
- 47. Council will not entertain submissions from the public on issues that are before the Subdivision, and Development Appeal Board, a statutory Public Hearing, or are within any other public consultation or communication process.

Agenda and Order of Business

- 48. Prior to each meeting of Council, the CAO shall prepare the agenda of all business to be brought before the Council at such meeting. To enable the CAO to do so, all documents and notice of delegation intended to be submitted to the Council shall be received by the Village of Longview administration no later than 3:00 p.m. five (5) business days prior to the meeting.
- 49. Where the deadline in Section 48. is not met, only time sensitive, action items will be allowed to be added to the current agenda.
- 50. The CAO shall place at the disposal of each member of Council, a copy of the agenda and all supporting material no later than 4:30 p.m. two (2) days before the meeting.
- 51. Where the deadline in Section 22. is not met, the agenda and supporting materials shall be deemed to be acceptable when the agenda is adopted at the meeting.
- 52. The order of business at a meeting is the order of the items on the agenda except:
 - a. when the same subject matter appears in more than one place on the agenda and Council decides to deal with all items related to the matter at the same time; and,
 - b. Council decides not to deal with an item on the agenda without motion.

Committee of the Whole

- 53. A committee is hereby established called the "Committee of the Whole" with membership comprised of all members of Council and the CAO.

54. Committee of the Whole meetings will occur on a date and at a time as agreed upon by all those members of the committee.
55. Council Committee of the Whole may not make motions or take votes and shall refer items to a Council meeting if decisions are required.

Advisory Committees and Boards

56. Council may establish by bylaw any advisory committee as deemed necessary.
57. Bylaws adopted pursuant to Section 56. shall include the following:
 - a. the purpose and mandate of the committee,
 - b. the authority and responsibility of the committee
 - c. the membership of the committee
 - d. the term of office for the membership of the committee.
58. All committees established pursuant to this bylaw must comply with all bylaws of the municipality and the Municipal Government Act.
59. Members of Council who are appointed to any committee established by Council have the responsibility of keeping Council informed of any activities of the committees they are appointed to.
60. Any member of Council not a member of a committee shall have the right to attend committee meetings with the right of debate, but not to make motions or to vote.
61. The general duties of all committees of Council shall be as follows:
 - a. to report to Council whenever so desired by Council, and as often as the interests of the Village require, on all matters connected with the duties imposed on each such committee; and to recommend such action by the Council as it deems necessary within its terms of reference,
 - b. to observe, unless otherwise specifically permitted, the rules prescribed by the bylaws of Council,
 - c. the reports of all committees shall be made available to Council
62. No report or recommendation to do with any matter or thing shall be recognized as emanating from any committee unless it is in writing, nor unless it bears the name of the Chairman or Acting Chairman of the committee from which it has been issued.
63. A committee may create any sub-committee it considers necessary and shall designate the duties, powers and responsibilities of each sub-committee for reporting on its findings.
 - a. The same committee may terminate the existence of said sub-committee created by it and the sub-committee shall cease to exist on the submission of its final report.

64. The meetings of committees of Council shall be established by resolution of each committee and the public shall be given notice as required by the provisions of the Municipal Government Act.
65. All committee meetings shall be open to the public.

Administrative Inquiry

66. All questions or administrative inquiries should be directed through the office of Chief Administrative Officer.
67. All information regarding an administrative inquiry shall be distributed to all members of Council for information, regardless of who submitted the inquiry.
68. No member shall have the power to direct or interfere with the performance of any work for the Village. Nothing in the foregoing shall in any way interfere or restrict the right of a member to seek information from any officer or employee of the Village through the office of the Chief Administrative Officer.

General

69. Where the relationship between two or more members has deteriorated to a point so as to significantly interfere with the normal conduct of business, as judged by themselves, a majority of Council, or the Mayor, the two members shall seek to mediate their differences by any of the following steps:
 - a. a joint meeting to resolve their differences,
 - b. a joint meeting with the Mayor as a neutral mediator to resolve their differences,
 - c. a meeting with the Council to resolve their differences,
 - d. if the Mayor is unable to remain a neutral mediator, another member of Council, the CAO, or an outside consultant, may be appointed by a majority of Council as a neutral mediator in discussion.

Amendment

70. Any provision of this bylaw may be repealed, amended or varied and additions made by a majority vote of Council.
71. Notwithstanding section 70. and in the absence of any statutory obligation, any provision of this bylaw may be waived by resolution of Council, provided a unanimous vote of all the members, to deal with a specific matter under consideration.

Severability

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

Rescinds

1. Bylaw #309-07 is hereby rescinded.

Effect

2. This bylaw shall take effect upon the date of third and final reading and passage thereof.

READ for a first time this 13th day of January, 2012.

READ a second and third time this 10th day of February, 2012.



MAYOR



CHIEF ADMINISTRATIVE OFFICER