

VILLAGE OF LEGAL BY LAW #67-93

BEING A BY LAW OF THE VILLAGE OF LEGAL IN THE PROVINCE OF ALBERTA TO REGULATE THE PROCEEDINGS OF COUNCIL MEETINGS

Pursuant to Section 38 of the Municipal government Act, the Council of the Village of Legal duly assembled enacts as follows:

This by law may be cited as the Council Procedure By Law.

The Council hereby establishes the following rules and regulations for the order and conduct in which all Council meetings shall transact its business.

I. PROCEDURAL AUTHORITY

Any matter of meeting conduct, which is not herein provided for, shall be determined in accordance with the Municipal Government Act; and then, "Roberts Rules of Order", in that order.

This by law shall not be repealed, amended or suspended, except so far as the terms thereof themselves permit, unless it is repealed, amended or suspended, pursuant to the special provisions for procedural by law amendment contained in Section 109 of the Municipal Government Act.

II. AGENDAS FOR COUNCIL MEETINGS

1. The agenda for each regular meeting shall be prepared by the Administrator together with copies of all pertinent correspondence, statements and reports by 5:00 p.m. on the Thursday prior to the meeting.
2. Any member of Council, a Town Official, or any other person wishing to have an item of business placed on the agenda, shall make the submissions to the Administrator not later than noon on the Thursday of the week prior to the meeting, and/or at the Administrator's discretion. The submission shall contain adequate information to the satisfaction of the Administrator to enable Council to deal with the matter.
3. When a communication intended for Council is received by the Administrator, he/she shall place it on the agenda of Council, unless the Administrator considers the matter contained in the communication to be impertinent, improper, libellous or administrative in nature; in which case the Administrator shall advise the originator that the communication is not being sent to the Council.
4. The order of business on the agenda shall be as follows:
 - 1) Adoption of Agenda
 - 2) Confirmation of Previous Minutes
 - 3) Unfinished Business
 - 4) Committee of the Whole
 - 5) Reports/Questions
 - 6) Delegations, Petitions or Presentations
 - 7) Correspondence
 - 8) New Business
 - 9) Adjournment
5. The order of business as established in this by law shall apply for all regular Council meetings unless the members of Council present, by a two-thirds majority vote, agree to any change.
6. No item of business shall be considered by the Council if the item has not been placed on the agenda. The agenda of the Council as distributed may be amended if the members of Council present, by a two-thirds majority vote, agree to add the item to the agenda. The Mayor, any councillor, the Administrator shall be given an opportunity to state why an item shall receive consideration on the agenda because of its nature before the motion is put to a vote.

III. PETITIONS AND DELEGATIONS

1. When a person wishes to appear before the Council to present a petition or speak on behalf of a delegation, such appearances before Council shall be limited to (15) minutes.

IV. GENERAL RULES OF COUNCIL

1. Meetings of Council shall adjourn at 11:00 p.m. if in session at that hour, unless the members of Council present, by a two-thirds majority vote agree to extend the time.
2. As soon after the hour of the meeting as there is a quorum present, the Mayor shall take the Chair and call the meeting to order. A quorum is (3) members who are eligible to vote.
3. In case the Mayor or Deputy-Mayor is not in attendance within fifteen (15) minutes after the hour appointed for a meeting and a quorum is present, the Administrator shall call the meeting to order and a Chairman shall be chosen by the Councillors present who shall preside during the meeting or until the arrival of the Mayor or Deputy-Mayor.
4. If there is no quorum present within half an hour after the time appointed for a regular meeting of Council, the Administrator shall record the names of the members of Council who are present and the meeting shall be absolutely adjourned until the next regular meeting, unless a special meeting has been duly called in the meantime. Notice of adjournment shall be posted on the outside door of access to the Council Chambers.
5. The Mayor or presiding officer shall preserve order and decorum and shall decide questions of order, subject to an appeal to the Council by resolution; and the decision of the presiding officer shall be final unless reversed by a majority vote of members present.
6. When the Mayor or presiding officer is called on to decide a point of order or practice, the Mayor or presiding officer shall do so without argument or comment and shall state the rule of authority applicable to the case.
7. Every person wishing to speak during a Council meeting shall address the Mayor or presiding officer. The address to the Mayor or presiding officer shall be "Your Worship" and no person shall be permitted to speak unless and until, that person has been recognized by the presiding officer; and then, only so long as all remarks are addressed to the presiding officer.
8. A meeting may be adjourned by a motion or the declaration of the presiding officer.

V. MOTIONS

1. The Mayor or presiding officer shall have authority to set a time limit and the number of items that a member may speak on the same motion or matter, having due regard to the importance of the matter.
2. After a motion is accepted by the presiding officer, it shall be deemed to be in possession of the Council; but, may be withdrawn at any time before a decision or an amendment with the permission of all the members of Council present.
3. All motions shall be written by the Administrator before being debated or put from the Chair.



4. All motions shall be stated by the presiding officer or Administrator before being debated or voted upon.
5. When speaking to a motion a member shall, before entering upon the substance of his remarks, state whether he is for or against the motion.
6. No motion shall be offered that is substantially the same as one on which the judgement of the meeting has a motion under consideration contains distinct propositions, each proposition shall be made as a separate motion when any member so requests, or the presiding officer so directs. If the vote is taken on each proposition, it then becomes unnecessary to vote on the question which was separated.
7. After the vote has been called for by the Mayor or other presiding officer, no member shall speak to the motion, nor shall any other motion be made until after the result of the vote has been declared. The decision of the Mayor or the presiding officer as to whether the motion has been finally put shall be conclusive.
8. Voting on all motions shall be done by raising of the hand in such a clear manner that they may be easily counted by the presiding officer. After the presiding officer has counted the vote, the presiding officer shall declare whether it was "carried", "carried unanimously" or "defeated". Except where provided for in this by law or by the applicable legislation, a majority vote of the members present who are eligible to vote, shall decide a question or motion before the Council.

VI. MOTIONS BEFORE THE MEETING

1.
 - a) No motion will be made while delegate is present.
 - b) All relevant parties must be notified in writing of decision of Council.
2. When a motion has been made and is being considered by the Council, no other actions may be considered except:
 - a) a motion to refer the main motion to a committee, or the withdrawal of the motion;
 - b) a motion to amend the main motion;
 - c) a motion to table the main motion;
 - d) a motion to postpone the main motion to some future time;
 - e) a motion to adjourn the meeting, and any necessary resultant motion to postpone shall not be debated except as to the time when the matter will again be considered; or.
 - f) a motion of privilege, an incidental or a subsidiary motion.
3. A motion to refer, adjourn, postpone or lay on the table, until it is decided, shall preclude all amendments to the main question. A motion to refer or postpone is debatable while a motion to lay on the table is not debatable. A motion to adjourn is not debatable except as allowed in VI. 1.e).
4. Amendments
 - a) Every amendment must be relevant to the motion on which it is proposed. Any amendment offered which raises a new question can only be considered as a new distinct motion after notice.
 - b) An amendment proposing a direct negative is out of order.



- c) All amendments shall be put to the Council in the reverse order to that in which they are moved; and, every amendment shall be decided upon a vote. Only one amendment to the main motion at one time shall be allowed; and, only one amendment shall be allowed to an amendment at one time.
 - d) No member may move to amend his own motion.
 - e) An amendment to an amendment shall not enlarge the scope of the previous amendment.
5. A motion to reconsider a motion shall:
- a) only be made at the same meeting the motion was decided;
 - b) only be made by the prevailing side of 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;
 - e) not be allowed on a motion of adjournment.
6. A motion to rescind a previous motion of Council may:
- a) be offered at any time subsequent to the meeting at which the original motion was passed;
 - b) be made by any member of the Council;
 - c) be passed by:
 - i) a vote of two-thirds of the members of Council when the motion is without notice and;
 - ii) a simple majority of the members of Council present when notice has been given. Notice shall be a notice of the motion at the previous meeting or notice in the agenda of this meeting.
7. The motion that "By Law # ___ be read a first time", shall be decided without amendment or debate, but motions for subsequent readings are debatable. Every by law shall be read a third time before it is signed by the Mayor and Administrator. A motion cannot amend or change a By Law. Only an amending By Law can make the change.

VII. MISCELLANEOUS

- 1. No member shall use offensive words in or against the Council, nor shall he speak except upon the question in debate; and, no member shall reflect upon any vote of Council except for the purpose of moving that such a vote be rescinded or reconsidered; nor shall he resist the rules of the Council or disobey the decision of the Mayor or of the Council on any question of order or practice upon the interpretation of the rules of disobey, he may be ordered by the Council by a majority vote to leave his seat for that meeting, and in case of his refusing to do so, he may on order of the Mayor, Deputy Mayor or other presiding officer, be removed therefrom by the police, but in case of ample apology being made by the offender, he may by vote of the Council, without debate, be permitted forthwith to take his seat.
- 2. Council may adjourn from time to time to a fixed future date, any regular or special meeting of Council which has been duly convened but not terminated. The object of adjourning is to finish the business which the meeting was called to transact in the first place, but which has not been completed.

3. No member of the Council shall have the power to direct or interfere with the performance of any work for the corporation, and the officer in charge shall be subject only to his superior officer (if any) and to the Council, or to any Committee (while acting in the capacity and not otherwise) to which the Council may in any case give authority in that behalf. Nothing in the foregoing shall in any way interfere or restrict the right of a Councillor to seek information from any officer or employee of the Village through the office of the Administrator.

VIII. DEPUTY MAYOR

1. The Council at its organizational meeting each year or as required shall elect from its members a Mayor and Deputy Mayor.

IX. ADMINISTRATOR

1. The Administrator may delegate any duties to a recording secretary but shall accept all responsibilities of the duties.
2. If a member of Council arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, it shall be so recorded in the minutes.
3. The Administrator shall record in the minutes each time a member of Council refrains from discussion and voting by reason of pecuniary interest.
4. The Administrator shall, whenever a recorded vote is requested by a member of Council, record in the minutes the name of each member of Council present and whether each member voted for or against the matter.

X. COMMITTEES AND BOARDS

1. The Council shall appoint representatives to such Boards and Commissions as required by legislation, agreement or by law and as the Council may deem necessary.
2. A special Committee may be appointed at any time by the Council or by the Mayor acting upon the instructions of the Council, providing that a motion has been adopted specifying the matters to be dealt with by the Committee.
3. The business of standing and special committees including Council committee meetings in private, shall be conducted in accordance with the rules governing procedure in the Council, except that no motion need be recorded, no member shall be limited as to the number of times allowed to speak to the questions under consideration and no member may move the previous question.
4. It shall be the duty of the Chairman of each Board or Committee, or in case of his illness or absence from the Village, it shall be the duty of the Administrator to summon members for meetings and for special meetings when necessary or whenever requested in writing to do so by a majority of members of any such Committee.
5. The Mayor shall be advised in a similar manner as other members when any meetings are called.
6. The Mayor shall be ex-officio member of all Boards and Committees; and should he so desire, may direct another Councillor to attend a meeting in his place.
7. The general duties of all Boards and Committees of Council shall be as follows:

- a) Written reports to the Council whenever desired by the Council and as often as the interest of the Village may require, on all matters connected with the duties imposed upon such Board or Committee and to recommend such action by Council as it deems necessary within its terms of reference.
- b) Observe, unless otherwise specifically permitted, the rules prescribed by the by laws of the Council.
- c) The written reports of all Boards or Committees shall be made to the Council prior to the same being given to the public.

XI By Law #45-91 is hereby repealed.

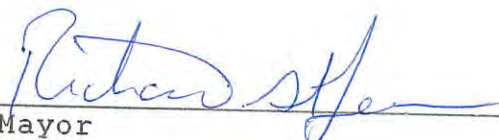
XII. EFFECTIVE DATE

This by law shall come into full force and effect on the date of its final passing.

READ A FIRST TIME IN COUNCIL THIS 16th day of February 19 93

READ A SECOND TIME IN COUNCIL THIS 16th day of February 19 93

READ A THIRD TIME AND FINAL TIME IN COUNCIL THIS 1st day of March 19 93.



Mayor



Administrator

