

## BYLAW NO. 1079

### A BYLAW OF THE TOWN OF MILK RIVER, IN THE PROVINCE OF ALBERTA, TO DEAL WITH THE PROCEDURE AND THE TRANSACTING OF BUSINESS BY THE MUNICIPAL COUNCIL AND COUNCIL COMMITTEE MEETINGS.

**WHEREAS**, Section 145 of the Municipal Government Act, being Chapter M-26 R.S.A. 2000 and amendments thereto, deal with meetings of Council, this Bylaw, by virtue of the Act, provides for the regulation of the proceedings of Council and the Committees thereof.

**NOW THEREFORE**, the Council of the Town of Milk River, duly assembled enacts as follows:

#### 1. TITLE

This Bylaw shall be cited as the "Procedural Bylaw" of the Town of Milk River.

#### 2. DEFINITIONS

**Act** means the Municipal Government Act, Chapter M-26, as amended.

**Agenda** means the agenda for a Regular, Special or Committee of the Whole meeting prepared pursuant to Part 5 of this Bylaw.

**Bylaw** means a Bylaw of the Town.

**Chair** means the person who has been given authority to direct the conduct of a meeting including the appointed head of a committee.

**Committee** means any committee, board or other body established by Council under the Municipal Government, unless Council decides that this Bylaw does not apply to any particular Council Committee.

**Council** means the duly elected Council of the Town of Milk River.

**Deputy Mayor** means the person appointed by Council pursuant to the provisions of Part 4 of this Bylaw to act as Mayor in the absence or incapacity of the Mayor.

**Mayor** means the person elected as the Chief Elected Officer under Section 150 of the Act.

**New Business** means business dealing with a matter, which has not been introduced at the same or previous meeting and of which no notice has been given of the intention to present it.

**Old Business** means the business which has been raised at the same or previous meeting and which has not been completed.

**Privilege** means the rights and immunities of Council collective or the position and conduct of members of Council in their office character as elected representatives and a "matter of privilege" means any matter affecting privilege.

**Quorum** means minimum number of members of Council or Committee necessary to conduct business.

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**Town** means the corporation of the Town of Milk River and where the context so requires, means the area included within the boundaries of the Town.

### **3. GENERAL RULES OF COUNCIL**

- 3.1 This Bylaw shall govern all regular meetings, special meetings, committee of the whole, public hearings, annual organizational meetings, and any other meetings as may be directed by Council.
- 3.2 Council Committees shall be established and governed by policy of bylaw approved by Council, where appropriate, authority is delegated to a Council Committee and such committee, and its mandate shall be established by bylaw.
- 3.3 All Committees of Council and all members of Committees, including resident members shall be bound by the voting rules of this Bylaw.
- 3.4 The precedence of the rules governing the procedure of Council is:
  - 3.3.1 the Province of Alberta Municipal Government Act;
  - 3.3.2 Other Provincial Legislation;
  - 3.3.3 Town of Milk River Procedural Bylaw and any amendments thereto;
  - 3.3.4 Robert's Rules of Order.
- 3.5 Agenda
  - 3.5.1 The agenda for each Council meeting is established by the CAO in consultation with the Mayor. The Mayor has final approval of the agenda.
  - 3.5.2 All items for inclusion in the agenda must be submitted to the CAO by noon on the Wednesday before the meeting.
  - 3.5.3 The CAO will prepare and distribute the agenda electronically to Council no later than 4:30 p.m. on the Wednesday prior to the meeting.
- 3.6 Quorum
  - 3.6.1 Should a member of Council arrive late to a meeting or depart prior to the completion of the meeting, the CAO, or their designate, shall record the time of arrival and departure of the Councillor.
  - 3.6.2 If there is no quorum present within fifteen minutes after the time appointed for the meeting of Council, the CAO shall, for the purpose of remuneration, call the roll and take down the names of the members present, and the Council shall stand absolutely adjourned until the next meeting. The agenda for the adjourned meeting will be dealt with at the next regular meeting unless a special meeting is called before or after the next regular meeting to deal with the business of the adjourned meeting. A meeting cannot proceed without quorum.

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- 3.6.3 Absences of a member of Council shall be dealt with under the provisions provided in the Act and/or the Code of Conduct Bylaw.

#### **4. PROCEEDINGS AT MEETINGS**

- 4.1 The Mayor, when present, shall preside as Chair over all meetings of Council, unless otherwise provided for in this Bylaw.
- 4.2 The Deputy Mayor shall Chair Council meetings when the Mayor is absent or unable to function as Mayor and shall have the powers and responsibilities of the Mayor under this Bylaw.
- 4.3 In the absence or inability of the Mayor and Deputy Mayor to act, the next Councillor scheduled to be Deputy Mayor shall assume the Chair of Council and shall have the powers and responsibilities of the Mayor under this Bylaw.
- 4.4 As a rule, the Chair does not make any motion, but shall be able to voice what they see as a useful motion and seek someone to move the motion.
- 4.5 Direction to administration by Council shall be limited to Council as a whole directing the CAO.
- 4.6 The minutes of the preceding meeting shall have previously been circulated to the Councillors, allowing the minutes circulated to be adopted by a majority vote.
- 4.7 The Chair shall preserve order and decorum and decide questions of order, subject to an appeal to the Council, and the decision of the Chair shall be final unless reversed or altered by a majority vote of the members present without debate.
- 4.8 Every member wishing to speak to a question or motion shall address themselves only to the Chair.
- 4.9 When a request is made to have a member's vote recorded against a question, all present at that time shall be recorded, and the member's votes shall be recorded as voting for, against, and /or abstained for pecuniary interest only, pursuant to the Act.
- 4.10 Motions or Resolutions
- 4.10.1 In all cases not provided for in the proceedings of the Council or in Committee, Robert's Rule of Order shall be followed, and, in such cases, the decision of the Chair shall be final and accepted without debate.
- 4.10.2 No motion bringing in a new matter before Council may be made while any other motion is pending.
- 4.10.3 A recommendation in a report does not constitute a motion until a Council Member has expressly moved it.
- 4.10.4 A motion is not required to be seconded.





4.10.5 All motions shall be in writing and recorded before being debated or put from the Chair.

4.10.6 The Chair must call for a motion before a vote is taken.

4.10.7 A motion may be tabled to enable Council to deal with other more pressing matters. A motion that has been tabled may be brought back at any time by a majority vote and when brought back, it will take precedence over other new motions.

#### 4.11 Electronic Meetings

4.11.1 A member of Council shall be allowed to participate in a Regular or Special meeting of Council through electronic means, which may include using a telephone with the use of the speaker, via a personal computer, or other means as technology advances. A member of Council will only be able to participate in one meeting via electronics means in a row. The per diem rates for a member of Council participating in a meeting via electronic means will be paid at the same rate as if the member of Council is physically present. If the meeting goes into a Closed Session, while a member of Council is participating via electronic means, they will not be able to participate in the Closed Session portion of the meeting.

4.11.2 Audio and video recordings of all meetings of Council are prohibited, unless authorized by a unanimous vote of Council.

4.11.3 Pursuant to the Municipal Government Act a meeting of Council or Committee can be conducted through electronic means or through other communication facilities if:

4.11.3.1 Notice is given to the public of the meeting, including the way in which it will be conducted;

4.11.3.2 Required, an electronic version will be made available by appointment through administration in town hall;

4.11.3.3 The facilities enable the public to watch and/or listen to the meeting at a place specified in the notice and a designated officer is in attendance at that place;

4.11.3.4 The facilities enable all the meetings participants to watch and/or hear each other; and/or

4.11.3.5 Council Members participating in a meeting held by means of a communications facility, or by electronic means, are deemed to be present at the meeting.

#### 4.12 Voting

4.12.1 A Councillor has one (1) vote each time a vote is held at a Council meeting at which a Councillor is present either in person or virtually.



- 4.12.2 If there is an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.
- 4.12.3 Council shall vote by a show of hands unless other electronic means are available that clearly show how everyone voted.
- 4.12.4 Every member of Council present, shall vote on every matter of Council, unless they are required to or permitted to abstain from voting under this or any other enactment.
- 4.12.5 The Council must ensure that each abstention and the reasons for the abstention are recorded in the minutes of the meeting.
- 4.12.6 When a public hearing on a proposed bylaw or resolution is held, a Councillor:
  - 4.12.6.1 must abstain from voting on the bylaw or resolution if the Councillor was absent from all of the public hearing, and
  - 4.12.6.2 may abstain from voting on the bylaw or resolution if the Councillor was only absent from a part of the public hearing.
- 4.12.7 Before a vote is taken by Council, a Councillor may request that the vote be recorded. When a vote is recorded, the minutes must show the names of the Councillors present and whether each Councillor voted for or against the proposal or abstained.
- 4.12.8 Where a Councillor declares a pecuniary conflict of interest under the MGA, that Councillor will absent themselves from Council table while the matter is being discussed and voted upon. Prior to leaving the Council table, the Councillor will describe in general terms the nature of the pecuniary interest, which will be captured as part of the minutes.
- 4.12.9 The Chair of a meeting must verbally announce the outcome of all votes of Council.

## 5. ORDER OF BUSINESS

- 5.1. Regular Meetings
  - 5.1.1. Shall be held on the second Monday of each month provided that where a Regular Council Meeting falls on a holiday, the meeting shall be held on the next following day, not being a holiday, or on such other day as Council decides.
  - 5.1.2. Shall commence at 5:30 p.m. and adjourn by a unanimous vote of the members present. Adjournment of a meeting shall be no later than 9:30 p.m., unless a majority vote of Council extends the meeting for 30 minutes. The Council meeting must be completed before 10:00 p.m., including the extension.
  - 5.1.3. Additions to the agenda will be made by motion and accepted by majority vote of the Council.

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5.1.4. The Order of Business of a Regular Meeting shall be as follows:

- A) Call to Order
- B) Additions to the Agenda
- C) Delegations (5:40 pm.)
- D) Approval of Minutes
- E) Business Arising from Minutes
- F) Financial Reports
- G) Administration Reports
- H) Break (10-15 minutes)
- I) Old Business
- J) Bylaws and Policies
- K) New Business
- L) Councillors Reports
- M) Mayor's Report
- N) Closed Session (if required)
- O) Adjournment

5.1.5 Closed Session

5.1.5.1 The rules of the Council shall be observed when Council is in a closed session as far as may be applicable. Recommendations shall be voted on after returning to Regular Meeting.

5.2 Organizational Meeting

- 5.2.1 Council must hold an organizational meeting annually not later than two weeks after the third Monday in October.
- 5.2.2 If a meeting date falls on a statutory holiday, it shall be rescheduled for the next working day, unless otherwise authorized by resolution of Council.
- 5.2.3 Unless the Mayor has been elected at the last General Election, immediately preceding the Organizational meeting, the Mayor shall take the chair and call the meeting to order.
- 5.2.4 If the Mayor has been elected at the last General Election, immediately preceding the meeting, the CAO shall call the meeting to order and shall preside over the meeting until the oath, prescribed by the Oath of Office Act, has been administered to the Mayor.
- 5.2.5 After the Mayor has taken the oath, the Mayor shall preside over the meeting and the Councillors shall take the Official Oath of Office.
- 5.2.6 All Committees and other bodies that Council is entitled to appoint may be changed annually at the time of the Organizational Meeting as set by the statute then in effect.
- 5.2.7 Appointment and Organization of Committees of Council

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- 5.2.7.1 All elected officials and resident members of Committees of Council, will be appointed at an Organizational Meeting, or by a motion of Council.
- 5.2.7.2 Terms for Councillors appointed to any Committee are twelve months.
- 5.2.7.3 Terms for residents at large appointed to a Committee will be a twelve-month term.
- 5.2.7.4 Residents interested in volunteering to serve on Committees may apply to the Town by way of cover letter outlining their interest. Recommendations for appointments will be made using the following considerations:
  - 5.2.7.4.1 the best interests of the Town;
  - 5.2.7.4.2 the competence of members; and
  - 5.2.7.4.3 willingness to serve.

5.2.8 The Order of Business of the Organizational Meeting shall be limited to:

- A) The appointment of the Deputy Mayor;
- B) The appointment of Council to committees or other bodies;
- C) Setting the date, time and place for regular Council meetings;
- D) A review the Councillor Code of Conduct;
- E) A review of the remuneration and expenses policy;
- F) In an election year, a review of the Procedural Bylaw;
- G) Appoint the auditor;
- H) Appoint the assessor;

### 5.3 Special Meetings

- 5.3.1 Special Council meetings can be held under the provisions provided in Section 194 of the Act.
- 5.3.2 Special Council meetings should only be held to address time sensitive issues.

### 5.4 Committee of the Whole

- 5.4.1 The purpose of the Committee of the Whole is to allow for Council and Department heads to have discussions on operational and capital priorities and issues. It shall include Council, the CAO, the Public Works Supervisor, and the Fire Chief. Only the members of Council are able to vote. The Committee of the Whole meets, as required and as determined by Council.
- 5.4.2 The Committee of the Whole Meeting can, by resolution, move into a closed session and exclude any person or persons from the meeting. Recommendations shall be voted on after returning to the Meeting.

### 5.5 Public Hearing





5.5.1 A Public Hearing will be held in conjunction with a Regular Council or Special Council Meeting.

5.5.2 Council shall hold a public hearing when:

- 5.5.1.1 Required by the MGA;
- 5.5.1.2 Required by any other legislative or regulation;
- 5.5.1.3 Road Closure Bylaws; and
- 5.5.1.4 Or any other matter at the direction of Council.

5.5.2 Council, shall by resolution, set a time, date, and location of a public hearing.

5.5.3 Unless otherwise approved by resolution of Council, the following shall represent the procedure to conduct a public hearing:

- A) The Chair of a public hearing shall declare the public hearing open.
- B) A background shall be provided on the proposed bylaw or resolution.
- C) Presentations shall be limited to five (5) minutes.
- D) Persons speaking will be given an opportunity to speak only once.
- E) Order of presentations shall be as follows:
  - a. Those in support
  - b. Those opposed
  - c. Those deemed affected
- F) Council shall not allow cross examination of persons giving information and it will not be necessary for the persons giving information to verify their qualifications.
- G) For clarification purposes, Council may ask questions of the speakers after each presentation.
- H) No verbal or written submissions shall be received after the hearing has been deemed closed.
- I) The Chair of a public hearing shall declare the public hearing closed.

Where there are no persons present as delegations, the hearing procedure shall eliminate items c, d, e, f, and g, as listed above.

5.5.4 After the close of the public hearing, the process of Council is as follows:

- 5.5.4.1 Council may pass the bylaw or resolution.
- 5.5.4.2 Council may make any amendment to the bylaw or resolution as it considers necessary and proceed to pass it without further advertisement or hearing.
- 5.5.4.3 Council may defeat the bylaw or resolution.

## 6. DELEGATIONS

6.1. Delegations who wish to bring any matter to the attention of the Council or who wishes to have any matter considered by the Council, shall address a letter to the Council outlining the subject to be discussed. The letter shall be typewritten or legibly written, signed by the correct name of the writer, delivered, or mailed to the office of the CAO so that it arrives no later than 12:00 p.m. (noon) on the Wednesday immediately preceding the meeting at which it is to be presented, and it shall contain the full mailing address of the writer. If the delegation wishes to appear before Council, it shall be so stated in the letter. The CAO shall then place the person(s) on the next meeting agenda, if possible.

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- 6.2. Delegations will be allocated a maximum of 10 minutes to present the subject matter indicated in their request. The Chair of the meeting may extend this maximum time allocation at their choice.
- 6.3. A maximum of 2 delegations will be included on the agenda at a Regular Council meeting.
- 6.4. Delegations may present to Council no more than 2 times per calendar year on items considered to be the same issue.

## **8. REGULATIONS FOR CONDUCTING BUSINESS IN COMMITTEE**

- 8.1. The business of the Committee of the Whole, Authorities, Boards, and other Committees shall be conducted in accordance with the rules governing procedure in the Council, in addition, the following rules shall be adhered to:
  - 8.1.1. The Chairperson shall preside at each meeting, shall vote on all questions submitted and, upon an equal vote, the question shall be negative.
  - 8.1.2. The name of the Chairperson shall appear on all reports and recommendations made by a Committee/Authority/Board.
  - 8.1.3. In the absence of the Chairperson and unless another has been appointed by the Mayor or the Council, one of the other members shall be elected to preside and shall discharge the duties of the Chairperson during the meeting or until the arrival of the Chairperson.
  - 8.1.4. The minutes of the transactions of each Committee/Authority/Board shall accurately kept in a book provided for that purpose and, at each meeting, the minutes of the preceding meeting shall be submitted for approval. After they are approved by a majority of the members present, shall be signed by the Chairperson and the CAO.
- 8.2. The general duties of all the Committees of Council shall be as follows:
  - 8.2.1. To report to the Council, on all matters connected with the duties imposed upon each such Committee and to recommend such action by the Council as it deems necessary within its terms of reference.
  - 8.2.2. To observe, unless otherwise specifically permitted, the rules prescribed by the Bylaws of the Council.

## **9. SEVERABILITY**

- 9.1. Should any provision of this Bylaw be invalid, then the invalid provision shall be severed, and the remainder of this Bylaw shall be maintained.

## **10. REPEAL**

- 10.1. Bylaw 1060 is hereby repealed upon third and final reading.

  
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## 11. EFFECTIVE DATE

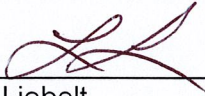
11.1. This Bylaw shall come into full force and effect on the final day of passing.

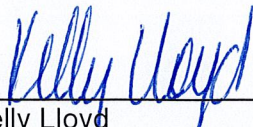
Read for a first time this the 12<sup>th</sup> day of May 2025.

Read for a second time this 12<sup>th</sup> day of May 2025.

Unanimous consent given for consideration of third reading this 12<sup>th</sup> day of May 2025.

Read for a third and final time this 12<sup>th</sup> day of May 2025.

  
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Larry Liebelt  
Mayor

  
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Kelly Lloyd  
Chief Administrative Officer

Signed by the Chief Elected Official and the Chief Administrative Officer this 12<sup>th</sup> day of May 2025.