

**TOWN OF DRUMHELLER  
BYLAW NUMBER 04.21**

*Repeal Bylaw 10.09*

BEING A BYLAW OF THE TOWN OF DRUMHELLER TO REGULATE THE PROCEEDINGS OF COUNCIL AND OTHER COMMITTEES AND TO DEFINE CERTAIN DUTIES OF THE COUNCIL AND DESIGNATED OFFICERS OF THE TOWN OF DRUMHELLER, IN THE PROVINCE OF ALBERTA.

WHEREAS pursuant to the provisions of the Municipal Government Act, Statutes of Alberta 2000 Chapter M-26.1, Section 145, a Council may pass bylaws respecting the establishment, function and procedures of Council, Council Committees and other bodies established by the council

NOW THEREFORE, the Municipal Council of the Town of Drumheller in the Province of Alberta, duly assembled, hereby enacts as follow:

1. NAME

This Bylaw shall be cited as "Council & Committee Meeting Procedure Bylaw".

2. DEFINITIONS AND INTERPRETATION

In this Bylaw, words have the meanings set out in the Act;

- (a) "Administration" means the employees of the municipality;
- (b) "Agenda" means the order of business for a meeting;
- (c) "Bylaw" means a Bylaw of the Town;
- (d) "Chief Administrative Officer" or "CAO" duly appointed to that position by Bylaw of the Town of Drumheller and in accordance with Section 205 of the Municipal Government Act;
- (e) "Closed Session" means the portion of the meeting at which only members of Council and other persons designated by Council may attend, approved by motion including the related section of the FOIP Act, and under the legislation of the Municipal Government Act;
- (f) "Chief Elected Official" or "Mayor" in addition to performing a Councillors duty, must preside as the Presiding Officer when attending Council or Committee of the Whole meetings; or in the absence of the Mayor, the Deputy Mayor; or in the absence of the two, any other Councillor chosen to preside at the meeting from those Councillors present;
- (g) "Committee" could be a committee established in accordance with the provisions of the MGA for the municipality, or a public committee with representation of Council or Administration;

- (h) "Council" means the Mayor and Councillors of the Town for the time being elected pursuant to the provisions of the Municipal Government Act and the Local Authorities Election Act;
- (i) "Committee of the Whole" consists of the Members of Council in a discussion-oriented meeting;
- (j) "Councillor" means a member of the Town of Drumheller Council, and includes the Chief Elected official;
- (k) "Delegation" shall be one or more persons who have formally requested, and been granted, an audience at a meeting;
- (l) "Deputy Mayor" is the Member who is appointed by Council pursuant to Section 5 to act as Mayor in the absence or incapacity of the Mayor; the deputy Mayor shall have all the powers and shall perform all the duties of the Mayor and shall hold office for such time as Council may fix any other business required by the Act, or which Council or the CAO may direct;
- (m) "Electronic Communications" shall mean that members of Council or Council committee may attend a meeting through electronic communications. This can include using a telephone with the use of the speaker; via personal computer, or other means as technology advances;
- (n) "Freedom of Information and Protection of Privacy Act" or "FOIP" protects an individual's privacy by setting out rules for collection, use or disclosure of personal information by public bodies;
- (o) "Lay on the Table" or "Table" is a motion to set a pending main motion aside temporarily, within the course of the same meeting, to accommodate something else of immediate urgency;
- (p) "Meeting" means any meeting where all members are eligible to attend and quorum is maintained throughout the meeting;
- (q) "Member" means a Member of Council duly elected who continues to hold office, or a Member of any and all Committees duly appointed by Council to that Committee;
- (r) "Municipal Government Act" or "MGA" means Municipal Government Act, R.S.A 2000,c M-26 and associated regulations, as amended;
- (s) "Person" shall refer to any Member of Council or Special Task Force member, any member of Town of Drumheller Administration, any delegation addressing Council or any Special Task Force, any member of the media and any member of the public present at a meeting.

- (t) "Point of Information" or "Request for Information" is a request directed to the presiding officer, or through the presiding officer to another officer or member, for information relevant to the business at hand but not related to parliamentary procedure.
- (u) "Point of Order" a statement by a member during a meeting as to the whether correct procedure is being followed.
- (v) "Point of Procedure" a question directed to the person presiding at a meeting to obtain information on the rules of procedure
- (w) "Point of Privilege" a request or motion, usually relating to the rights and immunities of the assembly collectively or of an individual member.
- (x) "Postpone to a Certain Time" a motion to postpone consideration of a main motion to a specific time during the same meeting or to a specified later meeting.
- (y) "Presiding Officer" synonym of Chairperson; could also refer to the Chief Elected Official or Mayor or Deputy Mayor in relation to meetings of council or council committees.
- (z) "Public Hearing" a formal hearing that must follow rules set out by provincial and local legislation which is convened to hear matters pursuant to: the Municipal Government Act any other Act any other matter that Council directs may be considered at a Public Hearing;
- (a.1) "Quorum" is the majority of membership entitled to vote who must be present in order to conduct a meeting. 4 of 7 as related to Council members or 50% plus 1. Two-thirds vote of quorum may be required on some items;
- (b.1) "Special Meeting" is a meeting called to deal with a specific topic, whose business to be transacted is described in general terms in the meeting notice;
- (c.1) "Town" means the Corporation of the Town of Drumheller and, where the context so requires, means the area included within the boundaries of the Town;

### 3. APPLICATION OF THIS BYLAW

- 3.1 This Bylaw shall govern all meetings of Council, public hearings and any other meetings as may be directed by Council including Council Committees and their members established and governed by policy or bylaw approved by Council unless permission has been granted to them to establish their own bylaws and procedures.
- 3.2 The precedence of the rules governing the procedures of Council is:
- (a) the MGA;
  - (b) other provincial or federal legislation;
  - (c) this Bylaw; and
  - (d) Robert's Rules of Order Newly Revised
- 3.3 When any matter arises relating to proceedings in a Meeting, which is not covered by a provision of this Bylaw or the Municipal Government Act, the matter shall be decided by reference to Roberts Rules of Order-Newly Revised.
- 3.4 This Bylaw, in part or whole, can only be repealed, amended, suspended or rescinded:
- (a) by a Request for Decision with written motion at the proceeding Regular Meeting of Council and setting forth the terms of the proposed change or,
  - (b) by a unanimous vote at a Regular Meeting or Special Meeting.

### 4. MEETING PROCEDURES

#### 4.1 Annual Scheduling

- (a) Annually, council will approve a schedule of meetings for the subsequent year, including date, time and place. All members must be present at the meeting when the schedule is approved.
- (b) Annually, council shall agree upon a day to hold regular council meetings. When the day specified is a statutory holiday, such meetings of council shall be held upon the next day following which is not a statutory holiday. Regular council meetings will be held every second week. Committee of the Whole meeting may be held on the alternate day.
- (c) Regular Council Meetings and Committee of the Whole Meetings will begin at such an hour as to allow for public attendance and shall not continue past 10:00pm of the same day if in session at that hour.

- (d) Notice to the public of the annual council meeting schedule will be deemed sufficiently given by one or more of the following methods, on the official Town of Drumheller website and/or social media, local print media, radio advertising.

#### 4.2 Changes to a Meeting, Time, Date or Place

- (a) If council changes the date, time or place of a regularly scheduled meeting, the municipality must give at least 24 hours' notice of the change
  - (i) to any councillors not present at the meeting at which the change was made, and;
  - (ii) to the public [MGA 193(1)]
- (b) Re-scheduling, cancelling or postponing a meeting may occur:
  - (i) by a vote of the majority of members at a previously held meeting or;
  - (ii) with the written consent of a majority of members, providing twenty-four (24) hours notice is provided to members and the public.
- (c) Notice of a change to a council or council committee meeting is deemed to have been given to a councillor or member of a council committee if the notice is delivered to an adult person at the councillors or member's home or place of business.
- (d) Notice to the public of changes to meeting dates and times will be deemed sufficiently given by one or more of the following methods; on the official Town of Drumheller website and/or social media, local print media, radio advertising.
- (e) Agenda items from meeting that has been re-scheduled, cancelled, and / or postponed will added to the agenda of the subsequent meeting.

#### 4.3 Meeting Conduct – Members and the Public

- a) In order to ensure a respectful meeting environment, councillors must abide by all applicable administrative and council policies and bylaws related to conduct.
- b) All councilors have the responsibility for ensuring that the rules of this Bylaw are adhered to. A Member may raise a Point of Order upon noticing a breach of rules, but this must not be done frivolously or when the breach of the rules is minor and causes no discernible harm to the proper transaction of business.

- c) Each councillor has an opportunity to speak about the matter at hand;
  - i) councillors must keep their comments relevant to the issue at hand.
  - ii) councillors must be recognized by the Presiding officer before speaking
  - iii) councillors shall not speak twice to the same item, without every other councillors having first received their opportunity to speak.
- d) When any Point of Order, Point of Procedure, or Question of Privilege arises, it shall be immediately taken into consideration by the Presiding Officer. The Presiding Officer will make a ruling without unnecessary comment.
- e) When a Point of Information is raised, the Presiding officer shall answer the question or direct the question to the appropriate councillor or administration.
- f) The Presiding officer at any meeting may expel or remove any person who is guilty of improper conduct, which shall solely be determined by the Presiding officer or CAO
- (g) Council and council committee must conduct their meeting in public unless 7.4 of this Bylaw applies.
- (h) Any Member of the public who, while in a meeting, interrupts and disturbs the proceedings of the meeting by words or actions and who, when so requested by the Presiding officer, refuses to end such interruption or to leave the meeting if so requested, shall be guilty of an offence shall be subject to removal from the meeting room.

## 5. ELECTRONIC MEETINGS AND LIVE STREAMING

- 5.1 In accordance with MGA Section 199 (1), any meeting may be conducted by means of electronic or other communication facilities if
- (a) notice is given to the public of the meeting, including the way in which it is to be conducted,
  - (b) the facilities enable the public to watch or listen to the meeting at a place specified in that notice and a designate officer is in attendance at that place, and
  - (c) the facilities enable all the meeting's participants to watch of hear each other.

- 5.2 With approval from the members, a member may attend a meeting by means of electronic device.
- 5.3 A member attending a meeting via electronic communications is deemed to be present at the meeting for whatever period of time the connection via electronic communications remains active.
- 5.4 Regular Council Meetings, Public Hearings, Special Meetings and Committee of the Whole Meetings will be live streamed to the Town's website when appropriate and will be available through archives provided the equipment is functional and no technical difficulties are experienced. The Town of Drumheller cannot guarantee that video streamed footage will always be available
- 5.5 If it is predetermined in the agenda that no further items and/or decisions are addressed or made following the Closed Session portion of any meeting other than the decision to adjourn the meeting, the member may decide to close the video stream function once the members move into a Closed Session.

## 6. QUORUM

- 6.1 If there are not sufficient numbers assembled within 15 minutes following the scheduled commencement time of any meeting to constitute a quorum the names of all the members present at that time shall be recorded; the meeting shall be deemed adjourned until the next regular meeting.
- 6.2 When a meeting is for want of a quorum, the agenda delivered for the proposed meeting shall be considered at the next regular meeting, prior to the consideration of the agenda for the subsequent meeting, or alternatively at a Special Meeting called for that purpose.

## 7. AGENDA - COUNCIL

- 7.1 The agenda for scheduled Regular Council meetings and Committee of the Whole meetings shall:
  - (a) be created under the joint direction of the Chief Elected Official and the CAO including input from Council;
  - (b) include minutes of previous Council meeting(s) and copies of all reports or communications to be dealt with at the meeting.
  - (c) include time, location and order of business for the meeting;
  - (d) be distributed to members at least (2) two full days prior to the Council meeting.

- (e) will only have items added the day of a Council meeting by the Presiding officer or a two-thirds (2/3) majority vote of Council. All business items presented for addition to agenda must include the topic to be discussed and, if a resolution is expected, the motion must be presented in writing.
- (f) have all matters of business that appear on the Council agenda which have not been dealt with added to the agenda of the next regular meeting of Council through a motion.

#### 7.4 CLOSED SESSIONS [MGA 197]

- (a) Council and council committees may close all or part of the meeting to the public if the matter being discussed is within one of the exceptions to disclosure in the *Freedom of Information and Protection of Privacy Act*.
- (b) Before closing all or any part of a meeting to the public, a council or council committee must by resolution approve;
  - (i) the part of the meeting that is to be closed, and
  - (ii) the basis on which, under the exception to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy Act* the part of the meeting is to be closed.
- (c) When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting held in public.
- (d) No motion will be allowed to follow the Closed Session discussion unless the item was placed on, or included in, the approved agenda.

#### 7.5 MOTIONS

- (a) No motion shall be offered on items that are not on the adopted agenda.
- (b) Any motion made in the negative shall be ruled out of order. All motions shall be written and read in the affirmative.
- (c) All motions shall be entered in the minutes and require a seconder before being debated. Failure to find a seconder means the motion is not considered.
- (d) A motion may be withdrawn at any time by the councillor or member who made the motion. At which point the debate would cease.
- (e) After the motion has been read by the Presiding officer, it shall be deemed to be in possession of the Members.



- (f) Once the question by the Presiding Officer is called:
  - i) a unanimous vote will be recorded as such
  - ii) if there is a split vote, the names will be recorded.

## 7.6 BYLAWS

- (a) A council may act only by resolution or bylaw.
  - (i) Where a council or municipality is required or authorized under this or any other enactment or bylaw to do something by bylaw, it may only be done by bylaw.
  - (ii) Where a council is required or authorized under this or any other enactment or bylaw to do something by resolution or to do something without specifying that it be done by bylaw or resolution, it may be done by bylaw or resolution.
- (b) Bylaws are to be presented by the CAO and must appear on the agenda with the number, short title, and a request for decision shall be included at the first reading at a minimum.
- (c) In accordance with the MGA;
  - (i) every bylaw shall have three (3) separate and distinct readings and;
  - (ii) shall not be given more than two readings at one meeting unless the Members present unanimously agree to consider third reading;
  - (iii) Council may be required by the MGA to hold a Public Hearing or when it may be in the best interest of the community to hold a Public Hearing for Public Participation;
  - (iv) may require the approval of a Provincial Authority prior to third reading.
- (d) The following shall apply to the passage of all bylaws:
  - (i) First Reading: a proposed bylaw shall be introduced for first reading by a motion that the bylaw be read a first time;
  - (ii) members shall vote on the motion for first reading of a bylaw without amendment or debate;

- (iii) bylaws that have a Public Hearing may only be given first reading before going to the Public Hearing,
- (e) Second Reading: a bylaw shall be introduced for second reading by a motion that the bylaw be read a second time;
  - (i) Council may debate the substance of the bylaw;
  - ii) Council may propose and consider amendments to the bylaw; and
  - iii) Council may refer by motion the bylaw to Administration for further information or from a Committee for further review prior to second reading.
- (f) Third Reading: all aspects of passage of a bylaw at second reading shall apply to third reading of any bylaw;
  - (i) a bylaw shall be passed when a majority of the Councillors present, vote in favour of third reading, provided that any applicable Provincial statute does not require a greater majority.

#### 7.7. PUBLIC HEARINGS

- (a) A resolution of Council providing for a specific public hearing on any matter to be heard by Council shall, subject to the applicable statute in respect to manner of notice, and the method of holding the hearing, be drawn up in accordance with the provisions of this section.
- (b) Public hearings notice will be advertised for at least two (2) weeks in local print media, the official Town of Drumheller website and social media accounts.
- (c) Any person who claims that they will be affected by the subject matter of the public hearings shall be afforded an opportunity to be heard by Council either personally or through their agent.

#### 7.7 DELEGATIONS AND PRESENTATIONS

- a) Any person or group of persons wishing to make direct representation to Council, shall advise the CAO's office using a submission form found on the website or available by request, for consideration not less than seven days prior to the subsequent meeting.
- b) The written submission shall state:
  - i) the name of the person or group representative wishing to speak and;
  - ii) their municipal and mailing addresses, phone numbers, email and;

- iii) description of the subject matter they wish to speak on and;
  - iv) provide presentation material in an approved format and;
  - v) handouts must be received no later than the Wednesday prior to the presentation.
- c) Any taxpayer or Town of Drumheller resident shall be provided the opportunity to address Council, provided they have not addressed Council on the same subject within the previous 3 months. If the person or group wishing to address is not a taxpayer or Drumheller resident, or if the subject is the same as one addressed within the previous six months, then Council shall consider the request and determine whether or not to receive the delegation.
- e) Council shall, at its next regular meeting following the delegation presentation, discuss any decisions or issues, if required, regarding the issue raised by the delegation-
- f) During the delegates presentation:
- i) delegations shall not speak for more than fifteen minutes, unless the time is extended by the majority vote of Council;
  - ii) in questioning delegations, Councillors will only ask questions which are relevant to the subject of the hearing and will avoid repetition;
  - iii) delegations will be restricted to speaking to the relevant subject matter only;

## 8. FIRST MEETING OF TOWN COUNCIL

- 8.1 The first meeting of Council after a general election shall be held not later than two weeks after the third Monday in October;
- 8.2 The CAO shall call the meeting to order and shall preside over the meeting until every member of Council present has made and subscribed to the official oath as prescribed by the Oath of Office Act or Solemn Affirmation;
- 8.3 A Councillor does not carry out any power, duty or function until that person has taken the official oath prescribed by the Oath of Office Act or Solemn Affirmation;
- 8.5 Immediately upon completion by every Councillor present making the oath and subscribing the official oath or solemn affirmation, the CAO shall retire from the Presiding officer, and The Mayor shall take the Presiding officer;

## 9. ORGANIZATIONAL MEETING OF TOWN COUNCIL

- 9.1 Council shall hold an Organizational Meeting not later than two weeks after the third Monday in October each year
- 9.2 The CAO shall set the time and place for the Organizational Meeting; the business of the meeting shall be limited to:
- a) the appointments of members to Committees which Council is entitled to make; Appointments of Council members to committees shall be for a term of one year, unless otherwise specified and reviewed at the Organizational Meeting.
  - b) establishing a roster of Deputy Mayors for the Council term in accordance with MGA Section 152(1) Council, each Deputy Mayor shall swear an oath of office in a ceremony which will be held during a regular scheduled Council meeting
  - c) In the absence, or inability, of the Mayor or Deputy Mayor to act, the next Deputy Mayor shall assume the presiding officer as Acting Mayor, or Council may appoint any other as Acting Mayor. An Acting Mayor shall have all the powers and shall perform all the duties of the Mayor.

## 10. COMMITTEE OF THE WHOLE MEETINGS OF TOWN COUNCIL

- 10.1 The Committee of the Whole is comprised of Councillors.
- 10.2 The CAO and other required administrative staff may be asked to attend Committee meetings to make presentations and answer questions.
- 10.3 The purpose of the COTW is to:
- a) Meet principally as a forum for discussion enabling all Committee members to discuss key items without the requirement to make a decision;
  - b) Receive updates and information on emerging and ongoing projects, initiatives and opportunities;
  - c) Minutes from Boards and Committees will be accepted as information;
  - d) Receive scheduled delegations and submissions;
- 10.4 Minutes will be taken for Committee of the Whole meetings.
- 10.5 The Committee may make the following motions:
- a) To adopt the minutes of a previous Committee meeting

- b) To receive agenda reports as information;
- c) To make recommendations to Council; and
- d) To move into a Closed Session meeting or to revert to an open meeting, pursuant to the MGA and the FOIP Act

## 11. SPECIAL MEETINGS OF TOWN COUNCIL [MGA 194]

### 11.1 The Chief Elected Official;

- a) may call a special meeting whenever the official considers it appropriate to do so, and;
- b) must call a special council meeting if the official receives a written request for the meeting, stating its purpose, from a majority of the councillors;

11.2 The Chief Elected Official calls a special council meeting by giving at least twenty-four (24) hours' notice in writing to each Councillor and the public stating the purpose of the meeting and the date, time and place at which it is to be held.

11.2 A special council meeting may be held with less than 24 hours' 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.

11.3 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.

11.4 A special meeting may be cancelled:

- a) by the Chief Elected Official if twenty-four (24) hours written notice is provided to all members and the public, or
- b) by the Mayor, with the written consent of two-thirds (2/3) of the members, if less than twenty-four (24) hours' notice is provided to all members.

## 12. COUNCIL SPECIAL TASK FORCES

12.1 Council may, by Bylaw, appoint Special Task Forces consisting of one or more Councillors and may include members of the public; but may not delegate to any such Task Force any of Council's powers, duties, or functions.

12.2 All Special Task Forces shall be appointed on motion of Council by consent of a majority of the Councillors present at a meeting of Council.

12.3 The intent of Special Task Forces is to investigate and report on special tasks a signed by Council and should be appointed for a specific time frame. Once the task is completed, the Special Task Force dissolves.

- 12.4 If in attendance at the time, any Member of Council may be eligible participate in any Special Task Force. The Chief Elected Official shall be an ex-officio member of all Special Task Forces without the right to vote upon all questions

### 13. COUNCIL COMMITTEES, BOARDS AND GROUPS

- 13.1 Council may establish Committees and Boards and appoint representatives as required by legislation, agreement or bylaw.
- 13.2 Unless authorized by Council or other legislation, Council established Boards and Committees are required to operate under the bylaws, policies and terms of reference developed and implemented by Council.
- 13.3 Council established organizations should submit bylaws, policies and procedures to the Town and submit any changes as necessary.
- 13.4 Appointed Council members shall keep the rest of the Council informed of the actions of committees or boards to which they are appointed by Council, by providing regular activity highlights at the Committee of the Whole meeting.
- 13.5 Council may make member appointments to a board or committee at any time.
- 13.6 Persons wishing to join a Council Committee or Board will submit an application to Legislative Services. The application will be forwarded to the Executive for a recommendation. Member appointments will be made at a regular Council Meeting.
- 13.7 Meetings dates, times, and locations will be decided by the organization.
- 13.8 Boards, Committees and Groups receiving funding, have an agreement or contract with the Town will be required to attend Council as a delegation at least yearly and submit approved minutes of Board meetings within one week of approval of minutes. These minutes will be published on the town website and included with council agendas as information. As a condition of the funding, agreement or contract, a representative of the Town may be assigned to attend meetings.
- 13.9 If the Boards, Committees or Groups in 13.8, do not provide minutes on a regular basis or allow a representative from the Town to attend meetings, Council may elect to withhold future funding, agreements or leases until such items are resolved to the satisfaction of the Town.
- 13.10 Councillors may choose to become a member of a Board or Committee that is not Council established.

15. TRANSITIONAL

15.1 This Bylaw shall take effect on the day of the third and final reading.

15.2 Upon third reading of this Bylaw, Bylaw 10-09 and all amendments are repealed.

READ A FIRST TIME THIS 13<sup>th</sup> DAY OF SEPTEMBER, 2021

READ A SECOND TIME THIS 13<sup>th</sup> DAY OF SEPTEMBER, 2021

READ A THIRD AND FINAL TIME THIS 20<sup>th</sup> DAY OF SEPTEMBER, 2021

  
MAYOR

  
CHIEF ADMINISTRATIVE OFFICER