



**BYLAW NO. 2011-905
OF THE
TOWN OF TWO HILLS**

**A BYLAW OF THE TOWN OF TWO HILLS IN THE PROVINCE OF ALBERTA TO
DEAL WITH CONDUCT, PROCEDURE AND THE TRANSACTING OF BUSINESS BY
THE COUNCIL OF THE TOWN OF TWO HILLS**

WHEREAS the Town of Two Hills deem it advisable to establish rules and provisions to regulate the conduct of business in Council meetings and committees thereof, to control and maintain order in Council for the enactment of municipal legislation and to provide for dealing with petitions, remonstrations and submissions to the Council.

WHEREAS Section 145 of the Municipal Government Act (Revised Statutes of Alberta, 2000, Chapter M-26) and amendments thereto, authorizes Council to pass bylaws to deal with meetings of Council, and provide for the regulation of the proceedings of Council and the Committees thereof;

NOW THEREFORE the Council of the Town of Two Hills, in the Province of Alberta duly assembled, enacts as follows:

PART I - INTERPRETATION Division 1 - Title

1.1 This Bylaw shall be known as the "Town Council Procedural Bylaw"

Division 2 - Definitions

- 2.1 "Act" means the Municipal Government Act.
- 2.2 "Agenda" is the list of items and order of business of any meeting of Council.
- 2.3 "Bylaw" is the Bylaw of the Town of Two Hills.
- 2.4 "Council" is the Mayor and Councillors of the Town of Two Hills for the time being elected pursuant to the provisions of the Act whose term is unexpired, who has not resigned and who continues to be eligible to hold office as such under the terms of the Act.
- 2.5 "Councillor" is a member of Council duly elected pursuant to the Local Authorities Election Act.
- 2.6 "Delegation" is a person or a group of persons wishing to address Council on a matter.



- 2.7 “**Deputy Mayor**” is the member who is appointed by the Council pursuant to Section 152 of the Act, to act as Mayor in the absence or incapacity of the Mayor.
- 2.8 “**Mayor**” is the member of Council duly elected to office pursuant to Section 150 of the Act.
- 2.9 “**New Business**” is 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.
- 2.10 “**Public Hearing**” is a meeting of Council which is convened to hear matters pursuant to Part 17 of the Act, or any other matter which the Council directs may be considered at a Public Hearing.
- 2.11 “**Quorum**” is the majority of members eligible to vote pursuant to Section 167 of the Act.
- 2.12 “**Special Meeting**” is a meeting convened by the Mayor pursuant to Section 194 of the Act.
- 2.13 “**Old Business**” is a business which has been raised at the same or previous meeting and which has not been completed.

Division 3 - Application

- 3.1 This Bylaw applies to:
- 3.1.1 all meetings of Council, and
- 3.1.2 subject to the provisions of Section 145 of the Act, boards and authorities established by Council, unless permission has been granted to them to establish their own procedures.
- 3.2 Any matter of the meeting conducted which is not herein provided for shall be determined in accordance with the Act. In the event of any conflict between the provisions of this Bylaw and those contained in any or the authorities set out above, the provisions of this Bylaw shall apply.
- 3.3 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 the Bylaw is deemed valid.

PART II – MEETING OF COUNCIL

Division 1 – Organizational Meetings

- 4.1 Procedures for Organizational meetings are governed by Section 192 of the Act.

Division 2 – Regular Meetings

- 5.1 The regular meetings of Council shall be established by resolution of Council at its annual organizational meeting.



- 5.2 If Council changes the date, time or place of a regularly scheduled meeting, the municipality must give at least 24 hours notice of change to any member of Council not present at the meeting at which the change was made, and to the public.
- 5.3 The regular meetings of Council may be recorded by the Chief Administrative Officer or Recording Secretary for the purpose of minute preparation.
- 5.4 Regular meeting of Council shall commence at 7:00 o'clock P.M. and adjourn no later than 10:00 o'clock P.M., if in session at that hour, unless otherwise determined by a unanimous vote of the members present. Such a motion passed in Council may extend the time of adjournment to no later than 11:30 o'clock P.M.
- 5.3 If there is no quorum present within half an hour after the time appointed for the meeting of Council, the Chief Administrative Officer shall call the roll and take down the names of the members present. The Council shall stand absolutely adjourned until the next meeting unless a Special Meeting be duly called in the mean time.
- 5.4 As soon after the hour of the meeting as there shall be a quorum present, the Mayor shall take the chair and call the members to order.
- 5.5. In the case the Mayor is absent the Deputy Mayor shall take the chair.
- 5.6 In the case where the Mayor or Deputy Mayor are not in attendance within fifteen minutes after the hour appointed for a meeting, and a quorum is present, the Chief Administrative Officer shall call the meeting to order. A chairman shall be chosen by the Councillors present to preside during the meeting until the arrival of the Mayor or Deputy Mayor.
- 5.7 Attendance of Regular Council meetings are governed by Section 174 of the Act.

Division 3 – Special Meetings

- 6.1 Special meetings of Council shall be established as required by Council according to the provisions of the Act and the public shall be given notice.

Division 4 – Committee Meetings

- 7.1 Each Standing Committee shall meet at dates and times to be recommended by each committee and approved by Council.
- 7.2 A special committee may be appointed at any time by Council or by the mayor acting upon the instruction of Council, provided only that a motion has been adopted specifying the matter to be dealt with by the committee, and including the term of the committee.

PART III – GENERAL RULES OF CONDUCT

Division 1 – Rules of Conduct

- 8.1 The Mayor or other presiding officer shall preserve order and decorum and decide questions of order, subject to an appeal to the Council and the decision of the Mayor or other presiding officer shall be final unless reversed or altered by a majority vote of the members present without debate.



- 8.2 Councillors must not
- 8.2.1 speak disrespectfully of the Sovereign, the Governor General, the Lieutenant Governor, or of Council or any other governing body in Canada.
 - 8.2.2 use offensive words during Council or Standing Committee meetings or against Council, any Councillor or any other person
 - 8.2.3 discuss a vote of Council after the vote has been taken, unless to move to reconsider, renew or rescind
 - 8.2.4 break the rules of Council or disturb the proceedings, or
 - 8.2.5 disobey the decision of the Chair or of the Council or any question or order, interpretation or practice
 - 8.2.6 influence or communicate with any municipal employees except the Chief Administrative Officer or administrative personnel involved with committees of which they are members; any other communication or inquiries must be through the Mayor, Deputy Mayor or Chief Administrative Officer
- 8.3 The Chair must preserve order and decorum and decide all questions of procedure. When the Chair makes a decision on a question of procedure, he or she must give a reason for the decision.
- 8.4 The Chair may call to order any Councillor who is out of order.
- 8.5 A Councillor who is called to order must immediately stop talking, but must be given an opportunity to challenge the decision of the Chair before debate is closed. Council will decide the challenge without debate.
- 8.6 If a Councillor has been warned about breaches of order but continues to engage in them, the Chair may name the Councillor by stating his or her name and declaring the offence. The CAO must note the offence in the minutes.
- 8.7 If a Councillor who has been named
- 8.7.1 apologizes and withdraws any objectionable statement then he or she may remain and continue to participate in the meeting and the Chair may direct that the notation of the offence be removed from the minutes, or
 - 8.7.2 fails or refuses to apologize, then he or she must immediately leave the meeting room and if he or she does not leave voluntarily, Council must vote on a motion to expel without debate.
- 8.8 If a Councillor who has been expelled refuses to leave the meeting room, the Chair may request the Royal Canadian Mounted Police to remove the expelled Councillor.
- 8.9 The Chair may order any member of the public who disturbs the proceedings of Council or a Standing Committee by words or actions to be expelled. If the person refuses to leave voluntarily, the Chair may request the Royal Canadian Mounted Police to remove the person.



- 8.10. When the Mayor or other presiding officer is called upon to decide a point of order or practice, the point shall be stated without unnecessary comment, and the Mayor or other presiding officer shall cite the rule or authority applicable to the case.
- 8.11. Every member wishing to speak to a question or motion shall address himself only to the Mayor or other presiding officer.
- 8.12. When two or more members wish to speak to a matter, the Mayor or other presiding officer shall decide who is entitled to speak, but a motion may be made that any person who is addressing the chair “**be now heard**” or “**do now speak**” and such a motion shall be put without debate.
- 8.13. Any member may require the question or motion under discussion, or any portion thereof, to be heard at any time during debate, but not so as to interrupt a member while speaking.
- 8.14. No member shall speak more than once to the same question without leave of the Council, except to ask a question or in explanation of a material part of his speech which may have been misconstrued, and in doing so he is not to introduce a new matter, A reply is allowed to a member who has made a substantive motion, but not to any member who had moved an amendment, the previous question or any instruction to a committee, and no member without the leave of Council shall speak to the same question, or in reply for longer than ten minutes.
- 8.15. The Chair with the approval by resolution of the members may authorize a person in the public gallery to address the members only on the topic being discussed at that time and within the time limits specified by the Chair.

PART IV

Division 1 - PROCEEDINGS AT MEETINGS

- 9.1 Unless otherwise specified in the Bylaw the order or business for a regular meeting of Council shall be contained in the Agenda for the meeting, which shall be prepared by the Chief Administrative Officer in conjunction with the Mayor. Council agenda material shall be provided to members of Council by 12:00 p.m. the Friday prior to the Monday Council meeting.
- 9.2 The Order of Business in the Agenda shall be as follows:
 - 9.2.1 Call to Order
 - 9.2.2 Public Hearing(s) *(if required)*
 - 9.2.3 Adoption of Agenda
 - 9.2.4 Adoption of Minutes
 - 9.2.5 Delegation(s)
 - 9.2.6 Administrative Reports



- 9.2.7 Correspondence
 - 9.2.8 Old Business
 - 9.2.9 Bylaws and Policies
 - 9.2.10 New Business
 - 9.2.11 Council Member Reports *(only for first or only meeting of the month)*
 - 9.2.12 In Camera
 - 9.2.13 Adjournment
- 9.3 The Order of Business established in the foregoing paragraph shall apply unless Council has otherwise determined by a two-thirds majority vote of the members present, and the vote upon a matter of priority of Council business shall be decided upon without debate.
- 9.4 Notwithstanding the standard order of business, the Mayor and appropriate Committee may arrange for all items dealing with the particular subject to be grouped together on the agenda of any individual meeting.
- 9.5 **Adoption of Agenda:** Council must vote to adopt the agenda prior to transacting any other business and may:
- 9.5.1 add new items to the agenda by a 2/3 majority vote, or
 - 9.5.2 delete any matter from the agenda by unanimous vote.
- 9.6 **Adoption of Minutes:** The minutes of each meeting must be circulated to each member of Council prior to the meeting at which they are to be adopted. Debate on the minutes of a previous meeting is limited to ensuring that the minutes are accurate. If there are errors or omissions, Council must:
- 9.6.1 pass a motion to amend the minutes; and
 - 9.6.2 adopt the minutes as amended, and if there are no errors or omissions, Council must adopt the minutes as circulated.
- 9.7 **Delegation:** A person or a representative of any delegation or group of persons, who wish to bring any matter to the attention of Council, or who wish to have any matter considered by the Council shall address a letter or other communication 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 Chief Administrative Officer so that it arrives no later than 4:30 o'clock on the Wednesday immediately preceding the meeting at which it is to be represented and it shall contain the full mailing address of the writer. If he or she wishes to appear before Council it shall be so stated in the letter.
- 9.7.1 When a communication contains a request for an appearance to address the Council, the Council by resolution may hear the person, refer him to a Committee or, if the Council deems the matter to be urgent, deal with it at once but such person shall not speak for more than (10) minutes unless the time is extended by a majority vote of the Council.



- 9.7.2 No person or group shall appear as a delegation to Council on the same or on a related subject, unless specifically requested by Council to do so.
- 9.7.3 When a group or a person wish to present the Council a petition on any matter its jurisdiction the petition must be typewritten or legibly written, clearly set out the matter at issue, be signed by at least two (2) persons, and the signature of the petitioners shall be according to Part 7 of the Municipal Government Act and indicate if a representative wishes to address the Council on the subject matter of the petition.
- 9.7.4 Before considering a petition, the Council shall first refer it to any appropriate standing committee but if the petition concerns a matter which the Council deems urgent, or a personal grievance of the petitioner, the Council may consider and may, if it deems the urgency of the matter so requires, take immediate action thereon.
- 9.7.5 When person or representative of a delegation or group wishes to address the Council on a matter which the Council on a matter which is not on the agenda, the Council may refer the matter to any appropriate Committee, appoint a special Committee to deal with the matter, or deal with the matter itself at the meeting, if approved by 2/3 majority vote of Council.
- 9.7.6 After a person has spoken as a delegation, any Councillor may, through the Mayor or other presiding officer, ask that person or the Chief Administrative Office relevant questions but may not debate the matter or the answers.
- 9.7.7 The presentation by a delegation may only be:
 - 9.7.7.1 received as information without debate;
 - 9.7.7.2 referred without debate to a Standing Committee or the Chief Administrative officer for a report, or
 - 9.7.7.3 debated if by a 2/3 majority vote a resolution is passed to allow a motion to be made without notice.
- 9.8 **Information Reports:** An information report from a committee, agency or Administration that does not request Council action other than receipt as information may only be:
 - 9.8.1 received by Administration no later than 4:30 o'clock on the Thursday immediately preceding at which it is to be presented,
 - 9.8.2 received as information without debate,
 - 9.8.2 referred to a Standing Committee or the Chief Administrative Officer by majority vote without debate, or
 - 9.8.3 debated if by a 2/3 majority vote a resolution is passed to allow a motion to be made without notice.
- 9.9 **Action Reports from Management Personnel:** Reports from the Chief Administrative Officer or other management personnel which request a decision by Council may be debated and Council may:



- 9.9.1 Vote on the request or
- 9.9.2 Refer to a Standing Committee or the Chief Administrative Officer for further investigation and report
- 9.9.3 Request for information to be provided to Council on any matter within the municipality's jurisdiction.
- 9.9.4 The Chief Administrative Officer or other management personnel will provide an answer to the inquiry at the next Council meeting or, if that is not possible will provide a progress report indicating when the answer to the inquiry may be expected.
- 9.10 **New Business:** Any Councillor may make a motion introducing any new matter of municipal business only if:
 - 9.10.1 Notice is given at a meeting of Council held at least seven days before the meeting at which the motion is to be debated; or
 - 9.10.2 Council passes a resolution by 2/3 majority vote dispensing with notice.
- 9.11 A New Business item must give sufficient details on the subject of the new matter and any proposed action can be determined and it must state the date of the meeting at which the motion will be made.
- 9.12 A New Business item must be given without discussion of the matter but any written copies distributed may include explanatory paragraphs.
- 9.13 When the New Business item has been given, the Chief Administrative Officer will include the proposed motion in the agenda of the meeting for the date indicated in the notice.
- 9.14 If a motion is not made at the meeting indicated in the notice, it will be removed from the agenda and may only be made by a new notice of motion.

Division 2 – Proceedings In Camera

- 10.1 The rules of the Council shall be observed in Camera as far as may be applicable.
- 10.2 Where a majority of the members of Council present is of the opinion that 1) it is in the public interest to go into Camera, or 2) it would be unfair to the people involved to have an issue discussed in public, any Councillor or Councillors may by prior motion be excused, if appropriate pursuant to regulations of the **MGA** or the **Freedom of Information and Protection of Privacy Act**.
- 10.3 Council moving into Camera may by resolution exclude any person or persons from the meeting.
- 10.4 Council meeting in Camera has no power to pass any resolutions or Bylaws apart from the resolution necessary to revert back to an open meeting.



- 10.5 Any materials presented in Camera is to be returned to the Chief Administrative Officer prior to reverting back to an open meeting, unless the material is relative to a motion immediately made after the In Camera portion of the meeting.

PART V - VOTING

Division 1 - Motions and Putting Questions on Resolutions in Council

- 11.1 After a motion is read or stated by the Mayor or other presiding officer, it shall be deemed to be in the possession of the Council, but may be withdrawn at any time before debate or decision with the permission of the Council.
- 11.2 A motion to refer, until it is decided, shall preclude all amendments to the main question.
- 11.3 A motion is not required to be seconded.
- 11.4 When a motion is before the meeting, it may be:
- 11.4.1 debated, i.e. may be spoken on
 - 11.4.2 amended, i.e. modified by a subsidiary motion
 - 11.4.3 negative, i.e. defeated
 - 11.4.4 withdrawn, i.e. withdrawn at the request of the maker with permission of all members of Council present
 - 11.4.5 laid on the table, i.e. laying a pending question aside temporarily
 - 11.4.6 referred, i.e. turning the question over to a Committee for study
 - 11.4.7 postponed, i.e. postponed to a certain time, a means of avoiding a direct vote until a later time
 - 11.4.8 adjourned, i.e. a motion to close the meeting or adjourning to another place and time to continue the meeting, OR
 - 11.4.9 the previous question may be moved, i.e. a motion may be made to close debate and amendment of a pending motion so that it will come to an immediate vote
- 11.5 The previous question until it is decided, shall preclude all amendments and debate of the main motion and shall be put forth without debate in the form; **“That the main question be now put”**, and if this question is resolved in the negative, that the main motion is superseded and the next item of business or motion must be submitted to Council.
- 11.6 No motion shall be offered that is substantially the same as one on which judgment of the meeting has already been expressed during the same meeting.
- 11.7 A motion to adjourn the Council or the debate shall always be in order but no second motion to the same effect shall be made until after some intermediate proceedings have been had.



- 11.8 Unless otherwise specifically provided in this Bylaw the following motions are debatable by Council:
- 11.8.1.1. A motion arising out of any matter or thing included in the agenda for the Council meeting at which it is debated.
 - 11.8.2. A motion concerning any matter or thing tabled indefinitely from a previous meeting of Council or tabled for the meeting at which it is discussed.
 - 11.8.3. A motion for adoption of, rejection of, referral back or further consideration of a report to the Council, or a motion arising out of any matter dealt with in a report to the Council
 - 11.8.4. A motion for previous question.
 - 11.8.5. A motion for the second reading, or a motion for the third reading of a Bylaw.
 - 11.8.6. A motion for the appointment or dismissal of a Committee, or referral to a Committee of any matter before the Council.
 - 11.8.7. A motion for the Council to go into Council Committee of the Whole.
 - 11.8.8. A motion for amendment to any Bylaw properly before the Council, or to any matter arising directly out of any Bylaw properly before Council.
 - 11.8.9. Such other motion made upon routine proceedings of Council as may be necessary for conducting of the business of Council and the observance of its properties
- 11.9 When a motion has been made and is being considered by the Council, no other motion may be made and accepted except:
- 11.9.1. A motion to refer the main question to some other person or group for consideration.
 - 11.9.2. A motion to amend the main question.
 - 11.9.3. A motion to table the main question.
 - 11.9.4. A motion to postpone the main question to some future time.
 - 11.9.5. A motion for the previous question.
 - 11.9.6. A motion to adjourn the meeting provided that a motion to table shall not be debated except as to the time when the matter will again be considered.
 - 11.9.7. 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 Mayor or presiding officer so directs.
 - 11.9.8. After the Mayor or other presiding officer finally puts any question, no member 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 Mayor or other



presiding officer as to whether the question has been finally put shall be conclusive.

- 11.9.9. Whenever the Mayor or other presiding officer is of the opinion that a motion is contrary to the rules and privileges of the Council, he shall appraise the members thereof immediately, before putting the question, and shall cite the rule or authority applicable to the case without argument or comment.
- 11.9.10. Whenever any matter of privilege arises, it shall be immediately taken into consideration.

Division 2 – Reading of Proposed Bylaws and Proceedings Thereon

- 12.1. When a proposed Bylaw is read in Council, the Chief Administrative Officer shall certify the reading and the date of the reading on the face thereof. When a Bylaw has been read a third time and finally passed, the Chief Administrative Officer shall keep on file correct copies thereof, including amendments, if any.
- 12.2. A Bylaw appearing upon the Council Agenda when listed as read for the first reading shall be introduced by a member **moving “the Bylaw No. (quoting the Bylaw No.) be now read a first time”**. After first reading the Bylaw must be debated, referred or laid over. If a Bylaw fails to receive First reading, then it may be struck from the agenda.
- 12.3. Every Bylaw of general application shall be printed or otherwise duplicated so as to be available to all interested parties; other Bylaws shall be recorded and filed as well as amendments thereto, and the Chief administrative Officer shall retain the original of every Bylaw on file and properly record amendments thereto.
- 12.4. Every Bylaw which has passed the Council shall immediately after being sealed with the Seal of the Corporation and signed by the Mayor and the Chief Administrative Officer be securely deposited by the Chief Administrative Officer.

PART VI – COMMITTEES OF COUNCIL

Division 1 – Appointment and Organization

- 13.1 All standing and special committees shall be appointed by motion of Council.
- 13.2 At each organizational meeting following a general municipal election Council shall, as per respective Bylaws, appoint person(s) for the following:
 - 13.2.1 Assessment Review Board
 - 13.2.2 Subdivision Authority
 - 13.2.3 Development Authority
 - 13.2.4 Subdivision and Development Appeal Board
 - 13.2.5 Bylaw Enforcement Authority
- 13.3 By Resolution of Council the following Policy Committees are to be considered:
 - 13.3.1 The Committee of the Whole of Council



13.3.2 The Community Facilities Committee

- 13.4 A special committee may be appointed at any time by Council provided that a motion has been adopted specifying the matter to be dealt with by the committee, and including the terms of the committee.
- 13.5 Any member of the Council or resident may be placed on a committee notwithstanding the absence of any such member at the time of his being named upon such committee.
- 13.6 The Mayor shall be an ex-officio member of all committees and the Mayor, as such member of the committees, shall have all the power and privileges of any member of the same, including the right to vote upon all questions to be dealt with by such committees.
- 13.7 Ex-officio status is not conferred on any other elected official.
- 13.8 At the first organizational meeting following the general municipal election a Resolution is to be placed before Council for the appointment and election of the Deputy Mayor. This Resolution will establish that the Deputy Mayor serves at the pleasure of Council and can be removed without reason or cause by a majority vote. The election of Deputy Mayor will be according to a rotational system whereby all Councillors are granted an opportunity to serve in that capacity.

Division 2 – Regulations for Conduct of Business

- 14.1. The business of standing and special committees shall be conducted in accordance with the rules governing procedure in the Council, as provided by committee bylaw.
 - 14.1.1 The Chairman shall preside at each meeting and shall vote on all motions submitted, and upon an equal vote the motion shall be defeated.
 - 14.1.2 The name of the Chairman shall appear on all reports and recommendations made by a committee.
 - 14.1.3 In the absence of the Chairman, 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 Chairman during the meeting, or until the arrival of the Chairman.
- 14.2 The general duties of the Committees of Council shall be as follows:
 - 14.2.1 To report to the Council whenever desired by the Council and as often as the interest of the Municipality may require, on all matters connected with the duties imposed upon each committee and to recommend such action by the Council as it deems necessary within its terms of reference.
 - 14.2.2 To observe, unless otherwise specifically permitted, the rules prescribed by the Bylaws of the Council.
 - 14.2.3 The report of all committees shall be made to the Council prior to the same being given to the public.



14.3 It shall be the duty of the Chief Administrative Officer to give notice of all meetings to all members of each committee and such other persons whose presence is desired, and to attend, or cause to be attended by an assistant, all meetings of the committees, and to ensure the recording of minutes, reports, and request of all such meetings.

PART VII – PARLIAMENTARY RULES

Division 1 – Parliamentary Rules

15.1 In all cases not provided for in the proceedings of the Council or in Committee, the law of the Parliament of Canada shall be followed, and in such cases the decision of the Mayor or other presiding officer shall be final and accepted without debate.

BYLAW 2000-791 AND AMENDMENTS THERETO ARE HEREBY REPEALED.

This Bylaw shall take effect and come into force as of the date of the final reading thereof.

READ a first time this 12th day of September, 2011.

READ a second time this 12th day of September, 2011.

READ a third and final reading this 12th day of September, 2011.

TOWN OF TWO HILLS

ELAINE SOROCHAN
MAYOR

ELSIE HOWANYK
CHIEF ADMINISTRATIVE OFFICER

