

**BYLAW NO. 818-24
TOWN OF ONOWAY**

Being a Bylaw of the Town of Onoway to regulate the proceedings and the conduct of business at Town of Onoway Council and Committee Meetings.

WHEREAS, pursuant to the Municipal Government Act, R.S.A. 2000, c M-26, Council may pass bylaws related to the procedures to be followed by Council and Council Committees;

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

1. TITLE: The Bylaw may be cited as the Council Procedure Bylaw.

PART I – DEFINITIONS AND INTERPRETATION

2. DEFINITIONS.

2.1. In this bylaw:

- 2.1.1. "Act" means the Municipal Government Act, R.S.A. 2000, c M-26, any regulations thereunder, and any amendments or successor legislation thereto;
- 2.1.2. "Acting Mayor" means the Councillor appointed by resolution of Council to act as Mayor in the absence or incapacity of both the Mayor and the Deputy Mayor;
- 2.1.3. "Adjourn" used in relation to any meeting means to terminate the meeting;
- 2.1.4. "Administration" means the employees of the Town of Onoway, led by the CAO;
- 2.1.5. "Agenda" means the list of items comprising the agenda and the order in which those items appear on the agenda for a Regular or Special meeting of Council prepared pursuant to this bylaw;
- 2.1.6. "Bylaw" means a bylaw of the Town of Onoway;
- 2.1.7. "CAO" means the Chief Administrative Officer, or delegate, for the municipality;
- 2.1.8. "Chair" means the person who has the authority to preside over a meeting, and when in attendance at Council Meetings shall mean the Mayor;
- 2.1.9. "Closed Meeting" means a meeting or a portion of a meeting which is held without the public present in accordance with the Act and the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25;

- 2.1.10. "Committee" means a committee, board, commission, or other body established by Council under the Act, but does not include an assessment review board, or subdivision and development appeal board;
- 2.1.11. "Committee Meeting" means any gathering of quorum of a Committee where the Committee provides direction on any matter over which the Committee has jurisdiction;
- 2.1.12. "Consensus" means that no objection is raised on a non-substantive motion put to Council;
- 2.1.13. "Consent Agenda" means the items included under this heading in the Agenda, which are moved and voted on without debate in one motion, such items typically including routine business and reports;
- 2.1.14. "Council" means the Mayor and Councillors of the Town of Onoway elected pursuant to the provisions of the *Local Authorities Election Act* RSA 2000, c L-21;
- 2.1.15. "Council Chamber" means the room that has been designated for the purposes of holding regular Council Meetings;
- 2.1.16. "Councillor" means a member of Council who is duly elected and continues to hold office;
- 2.1.17. "Council Meeting" means any gathering of quorum of Council where Council provides direction on any matter over which Council has jurisdiction, and includes a Public Hearing;
- 2.1.18. "Deputy Mayor" means the Councillor who is appointed pursuant to the Act to act as Mayor in the absence or incapacity of the Mayor;
- 2.1.19. "Delegation" means any person(s) acting on behalf of themselves or authorized to act as representative(s) for another person, group, or organization appearing before Council at a Council Meeting to make a request or provide a presentation, but does not include speaking to a bylaw for which a Public Hearing has been held or scheduled;
- 2.1.20. "Disruption" means any act meant to impede the proceedings of a meeting whether the source be Council members, delegates or public at large;
- 2.1.21. "Election Officers" means the persons appointed by resolution of Council under Part II of this Bylaw to conduct an election, including collection and tabulation of results for such election, where required by this bylaw;
- 2.1.22. "Electronic Means" means an electronic or telephonic communication method that enables all participants attending a meeting to hear and communicate with each other during the course of the meeting;

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- 2.1.23. "General Election" means an election held for all Members of Council to fill vacancies caused by the passage of time in accordance with the *Local Authorities Election Act*, RSA 2000, c L-21;
- 2.1.24. "Hybrid Meeting" means a meeting where some participants attend by Electronic Means and some attend in person;
- 2.1.25. "Mayor" is the chief elected official of the Town;
- 2.1.26. "Member" means a Member of Council duly elected who continues to hold office, or a Member of a Committee, duly appointed by Council to that Committee, as the context requires;
- 2.1.27. "Minutes" means the record of decisions of a meeting recorded in the English language without note or comment;
- 2.1.28. "Municipality" means the Town of Onoway, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality;
- 2.1.29. "Notice of Motion" means the document by which a Member of Council brings forward an item that they wish to be considered at a subsequent Council Meeting;
- 2.1.30. "Peace Officer" means a peace officer as defined in the *Peace Officer Act*, SA 2006, c P-3.5.
- 2.1.31. "Pecuniary Interest" means a pecuniary interest as defined in the Act;
- 2.1.32. "Point of Order" means bringing to the attention of the Chair and to Members that a person has broken a rule or made an error in procedure and asking that the rule be followed or that the error in procedure be corrected;
- 2.1.33. "Point of Privilege" means a request to the Chair and to Members to immediately consider and take action to remedy a situation negatively affecting the rights or privileges of Members, or of Council or a Committee as a whole, despite other pending business currently before the meeting;
- 2.1.34. "Postpone" means to delay the consideration of any matter either to definite time when further information is to be obtained or indefinitely;
- 2.1.35. "Presentation" means information provided at a Council meeting by a Delegation or by representative(s) of an outside organization;
- 2.1.36. "Public Hearing" means a public hearing held pursuant to the Act or any other legislation, whether statutory or non-statutory;

- 2.1.37. "Public Input Session" means the time set aside at a Council Meeting for the public to address Council;
- 2.1.38. "Public Notice Posting Places" means, at minimum, the Town's website or, where the website is not accessible for technical reasons, at a location at the Town Hall which is accessible by the public;
- 2.1.39. "Quorum" means the number of Members to be present at a meeting to legally conduct business at the meeting;
- 2.1.40. "Recess" means to take a short break or intermission within a meeting that does not end the meeting, after which proceedings are immediately resumed at the point where they were interrupted;
- 2.1.41. "Recorded Vote" means that a record is kept in the Minutes of the Members voting for and against a motion;
- 2.1.42. "Special Meeting" is a special council meeting called pursuant to section 194 of the Act;
- 2.1.43. "Table" means a motion to delay consideration of any matter in order to deal with more pressing matters, which does not set a specific time to resume consideration of the matter;
- 2.1.44. "Town" means the Town of Onoway;
- 2.1.45. "Town Hall" means the municipal office for the Town, located at 4812 51 Street, Onoway, Alberta T0E 1V0.;
- 2.1.46. "Virtual Meeting" means a meeting at which all persons entitled to participate in that meeting participate by Electronic Means;

3. INTERPRETATION AND APPLICATION

- 3.1. This bylaw applies to all Council Meetings and those participating in and attending those meetings.
- 3.2. The precedence of rules governing the procedure of Council is:
 - 3.2.1. the Act;
 - 3.2.2. other provincial legislation;
 - 3.2.3. this bylaw; and
 - 3.2.4. the current edition of *Robert's Rules of Order – Newly Revised*.

- 3.3. Where Council makes this bylaw applicable to a Committee, it shall apply with all necessary modifications and:
- 3.3.1. any reference to the Mayor shall be treated as reference to Chair;
 - 3.3.2. any reference to Councillor shall be treated as reference to a Member; and
 - 3.3.3. any reference to Council shall be treated as reference to Committee.
- 3.4. Notwithstanding the procedures in this bylaw, if a Committee establishes procedures that differ from the procedures in this bylaw, and provided such procedures are not inconsistent with the Act or other applicable provincial legislation, the procedures established by the Committee shall take precedence to the extent of the difference.
- 3.5. Council may, by resolution in accordance with this bylaw, temporarily suspend the rules or a specific rule established by this bylaw provided that such a suspension does not conflict with the Act or another enactment. A suspension of rules is only in effect for the meeting at which the resolution is passed.

PART II - NOMINATION AND ELECTION PROCEDURES

4. NOMINATIONS AND ELECTIONS

- 4.1 The following process applies to nomination and election procedures:
- 4.1.1. Nominations must be called for three (3) times and nominations may be closed after the third call or by a "carried" motion that nominations cease.
 - 4.1.2. If only one (1) nomination is received for any one (1) position, the individual will be declared the nominee elected, by acclamation.
 - 4.1.3. If an election is required for any position, Election Officers shall be appointed by resolution of Council and the appointed Election Officers must conduct the election. Voting will be by secret ballot and each voting member must be given a ballot for this purpose.
 - 4.1.4. In the event a tie vote occurs for any position, the winner will be determined by a draw from a receptacle.
 - 4.1.5. All positions will be filled by Council appointing the candidates receiving the largest number of votes. If more than one (1) position is to be filled (including that of an alternate), on any given Committee, the candidates with the greater number of votes shall be declared appointed.
 - 4.1.6. Collection and tabulation of ballots will be performed by two (2) appointed Elections Officers with the name of the successful nominee delivered to, and announced by, the Mayor, without reference to the number of ballots cast.

- 4.1.7. Council may exercise the appointment of members to Committees, Boards, Commissions, etc. by nominations and elections or by resolution of Council.
- 4.1.8. If more than one (1) position is to be filled on any given Committee, Board, or Commission, the candidates with the greatest number of votes will be declared elected.
- 4.1.9. Once an election is completed, the appointed Election Officers must destroy all ballots from the elections held.

PART III – DESIGNATION OF COUNCILLOR TO ACT IN PLACE OF THE MAYOR

5. DEPUTY MAYOR AND ACTING MAYOR

- 5.1. The Deputy Mayor must act as the Mayor when the Mayor is unable to perform the duties of Mayor or if the office of the Mayor is vacant. The Deputy Mayor has the same powers and responsibilities as the Mayor when acting as the Mayor.
- 5.2. In the absence of both the Mayor and the Deputy Mayor, Council may, by resolution, appoint a Councillor as Acting Mayor. The Councillor designated as Acting Mayor must act as the Mayor if both the Mayor and Deputy Mayor are unable to perform the duties of Mayor, or if the office of the Mayor and Deputy Mayor are vacant. The Acting Mayor has all the same powers and responsibilities as the Mayor when acting as the Mayor.

PART IV – MEETINGS AND NOTICE OF MEETINGS

6. INAUGURAL MEETING

- 6.1. The date of the Inaugural Meeting shall be set by the CAO and notification provided as set out in section 11.1 of this Bylaw.
- 6.2. At the first meeting of Council after a General Election:
 - 6.2.1. the CAO will call the meeting to order until the Mayor has taken the official oath, at which point the CAO shall immediately retire from the Chair and the Mayor shall take position of the Chair;
 - 6.2.2. all Members will take the official oath as prescribed by the Act and the *Oaths of Office Act*, RSA 2000, c O-1;
 - 6.2.3. all Members will affirm that they will comply with the Council Code of Conduct Bylaw;
 - 6.2.4. Council will elect a Mayor from among their Members;

- 6.2.5. Council will elect a Deputy Mayor from among their Members;
- 6.2.6. Council will complete the business required for organizational meetings under this bylaw.

7. ORGANIZATIONAL MEETINGS

- 7.1. Council shall hold an organizational meeting annually pursuant to the *Act*.
- 7.2. At the organizational meeting, Council will:
 - 7.2.1. Elect a Mayor from among their Members, to hold such office until the next organizational meeting;
 - 7.2.2. Elect a Deputy Mayor from among their Members, to hold such office until the next organizational meeting;
 - 7.2.3. provided that all Members are present, set dates, time, and locations for regularly scheduled Council Meetings, as required;
 - 7.2.4. appoint Councillors as Members of Council Committees and any external boards, committees, and commissions, as required; and
 - 7.2.5. deal with any other business on the Agenda.
- 7.3. If not all Members are present at the organizational meeting, the schedule of meetings shall be postponed until the Next Council meeting at which all Members are present, and Council shall establish the date, time and location of the next Council meeting by resolution.

8. REGULAR COUNCIL MEETINGS

- 8.1. Regular Council Meetings are ordinarily held on the second and fourth Thursday of the month at 9:30 AM, at the Town Hall.
- 8.2. Council may, by resolution, establish other regular Council Meeting dates as may be required from time to time.
- 8.3. Council may change the date, time, or place of a regularly scheduled meeting by majority vote.
- 8.4. Notice of a change in date, time, or place of any Council Meeting will be provided at least 24 hours prior to the meeting to Councillors in accordance with the Act and to the public by:
 - 8.4.1. posting a notice at the Town Hall; and
 - 8.4.2. posting a notice on the Town website.

9. SPECIAL MEETINGS

- 9.1. The Mayor may call a Special Meeting at any time by giving at least twenty-four (24) hours' notice in writing to each Councillor and the public stating the matters to be considered and the date, time, and location of the Special Meeting.
- 9.2. The Mayor must call a Special Meeting if a written request is received from a majority of Councillors stating the purpose for such meeting.
- 9.3. A Special Meeting requested by Councillors must be held within fourteen (14) days after the request is received by the Mayor.
- 9.4. Council may set a Special Meeting by majority vote of all Council. The resolution must specify the following:
 - 9.4.1. the business to be placed on the Agenda for consideration; and
 - 9.4.2. the date, time, and location of the Special Meeting.
- 9.5. A Special Meeting may be held with less than twenty-four (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.
- 9.6. No business other than that stated in the notice calling the Special 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.

10. ELECTRONIC MEANS AND VIRTUAL MEETINGS

- 10.1. Council meetings, including Public Hearings, and Special Meetings, may be conducted using Electronic Means, and may be Hybrid Meetings.
- 10.2. Committee meetings may be conducted using Electronic Means and may be Hybrid Meetings, in accordance with the procedures and processes established for Council.
- 10.3. The following applies to meetings conducted using Electronic Means:
 - 10.3.1. Except for Virtual Meetings, the Chair must be physically present and cannot preside over meetings by Electronic Means. To participate in a meeting that is not a Virtual Meeting by Electronic Means, the Chair must vacate the chair for that meeting;
 - 10.3.2. Except for any part of a meeting that is a Closed Meeting, the CAO will provide live, publicly available audio and video of the location where the meeting is being held;

- 10.3.3. Councillors that are physically present at the meeting location or participating by Electronic Means are deemed to be present at the meeting and will be counted towards Quorum;
- 10.3.4. Immediately after a meeting is called to order, and after any recess exceeding 30 minutes, the Chair must conduct a roll call to confirm the identity of any Councillors participating by Electronic Means; and
- 10.3.5. For any meeting, or portion of a meeting, that is a Closed Meeting, Councillors participating by Electronic Means must confirm to the Chair that they are in a private location and able to maintain confidentiality over the item to be discussed, and that they are not recording the meeting.

10.4. Where a Virtual Meeting is held, the following applies:

- 10.4.1. Virtual Meetings may be held through a video or teleconference platform. The CAO will determine and provide for the specific platform through which Virtual Meetings will be held based on accessibility and technical limitations.
- 10.4.2. The CAO must give the public at least twenty-four (24) hours' notice that a Virtual Meeting will be held;
- 10.4.3. Notice of the Virtual Meeting must provide information identifying where the meeting can be accessed electronically, and the methods through which the public may participate by Electronic Means;
- 10.4.4. The CAO:
 - 10.4.4.1. must provide for email submissions in lieu of in-person Presentations from the public;
 - 10.4.4.2. must permit the submission of audio/visual Presentations for Public Hearing items; and
 - 10.4.4.3. may provide for other methods of public submission not found in this bylaw.
- 10.4.5. The Chair will do a roll call verbally at the start of each meeting.
- 10.4.6. A Councillor must announce if they wish to leave the meeting for any purpose and their departure and rejoining shall be recorded in the Minutes.
- 10.4.7. All documents that would otherwise be available to the public before or during an in-person meeting or hearing will be made available on the Town's website.

11. NOTICE OF MEETINGS

- 11.1. Notice of regular Council Meetings and organizational meetings will be posted on the Town's website.
- 11.2. Notice of a Special Meeting, Virtual Meeting, or meeting change will be provided:
 - 11.2.1. to Members by way of a written notice delivered electronically to the email address provided by the Member; and
 - 11.2.2. to the public by way of posting notice in the Public Notice Posting Places.
- 11.3. Notice of Public Hearings shall be given in accordance with the requirements of the Act.

PART V – MEETINGS – GENERAL MATTERS

12. PUBLIC PRESENCE AT MEETINGS AND CLOSED SESSIONS

- 12.1. All Council meetings shall be open to the public unless a meeting, or part of a meeting, is a Closed Meeting.
- 12.2. Before closing all, or any part of, a meeting to the public, Council must approve by resolution:
 - 12.2.1. the part of the meeting that is to be closed; and
 - 12.2.2. the basis on which the part of the meeting is to be closed pursuant to Division 2 Part 1 of the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25.
- 12.3. The Chair may, in consultation with the CAO, allow one or more other persons to attend a Closed Meeting, as is considered appropriate.
- 12.4. Council may exit from the Council Chamber to a meeting room that provides privacy away from the public to conduct a Closed Meeting.
- 12.5. No matters other than what was described in the resolution pursuant to section 12.2 may be discussed in a Closed Meeting. If a matter arises in a Closed Session which, in the opinion of Council, does not meet the criteria for a Closed Session, it may be referred to an open meeting.
- 12.6. All proceedings, discussions, opinions, advice, and materials provided in a Closed Meeting are confidential and must remain in confidence by those attending the Closed Meeting unless their release is authorized by resolution of Council.
- 12.7. No resolution or bylaw may be passed in a Closed Meeting except a resolution to revert to an open meeting where members of the public will be permitted to attend.

- 12.8. Before considering any motion arising from a Closed Meeting, the public will be provided with five (5) minutes notice that the meeting is back in an open meeting to allow for the public to return to the meeting.
- 12.9. Committees may vote to close all, or part of, a meeting authorized to be closed in accordance with the requirements of the Act, and in accordance with the processes established for Council.

13. QUORUM

- 13.1. Quorum for a Council meeting is a majority of all Members.
- 13.2. If Quorum is not present fifteen (15) minutes following the scheduled start time for a meeting, the meeting may be recessed to attempt to obtain Quorum.
- 13.3. If Quorum cannot be obtained within a reasonable time, the CAO will record the names of the Members present, and the meeting will be adjourned for lack of Quorum.
- 13.4. If Quorum is lost after a meeting is called to order, the meeting will be recessed until Quorum can be obtained, but if Quorum cannot be obtained within fifteen (15) minutes, the meeting will be adjourned for lack of Quorum.
- 13.5. When a Member wishes to leave a meeting while it is in progress:
 - 13.5.1. the Member shall await the formal acknowledgement of the Chair before leaving; and
 - 13.5.2. the time of the Member's departure, and return if applicable, shall be recorded in the Minutes.
- 13.6. The rules of Quorum in this bylaw apply to Committees.

14. AGENDA

- 14.1. A Member of Council, Administration, or the public may submit an item of business that they wish to be included in a Council meeting agenda to the CAO in accordance with this bylaw.
- 14.2. All written submissions of agenda items for consideration at a regular Council Meeting:
 - 14.2.1. must be received by the CAO by 4:00 PM on the Monday of the week prior to the week of the meeting; and
 - 14.2.2. must contain adequate information to the satisfaction of the CAO to enable Council to deal with the matter.
- 14.3. The CAO shall prepare a proposed agenda for all meetings.

14.4. The Agenda for a regular Council meeting includes the following sections as required:

1. Call to Order
2. Adoption of Agenda
3. Public Input Session
4. Consent Agenda, including approval of minutes from prior meetings
5. Public Hearings
6. Appointments/Presentations/Delegations
7. Financial Reports
8. Policies & Bylaws
9. Action Items
10. Council, Committee & Staff Reports
11. Information Items
12. Closed Meeting
13. Adjournment

14.5. The Agenda for a Special Meeting includes the following sections as required:

1. Call to Order
2. Adoption of Agenda
3. Action Items
4. Closed Meeting
5. Adjournment

14.6. The CAO shall ensure that the proposed agenda for meetings is distributed to Members and published on the Town's website as follows:

14.6.1. for regular Council meetings: by 4:30 PM on the Friday prior to the meeting;

14.6.2. for Special Meetings: as soon as practicable in the discretion of the CAO.

14.7. If, for any reason, the CAO is unable to meet the deadline required by section 14.6.1, the CAO shall prepare and distribute the agenda as soon as is reasonably possible prior to the meeting.

14.8. Where a bylaw is presented to Council for enactment, the CAO shall cause the number and the short title of the bylaw to appear on the Agenda in the appropriate place.

15. ORDER OF BUSINESS

15.1. The Agenda and any amendments to it must be confirmed by a majority vote at the start of meetings.

15.2. Unless an item has been scheduled for a specific time on the Agenda, items will be discussed at meetings in the order in which they appear on the Agenda.

- 15.3. Council may change the order of the Agenda by Consensus, but an item that has been scheduled for a specific time requires a majority vote to be moved to a different time.
- 15.4. The items included on the Consent Agenda for a Council meeting are moved and voted on without debate as one motion.
- 15.5. Items for the Consent Agenda are selected by the CAO but Council may, by Consensus, add any item or items to the Consent Agenda, and any Member may remove any item or items from the Consent Agenda.
- 15.6. If the Consent Agenda is changed because of the addition or removal of items as provided for in this bylaw, then the CAO will verbally confirm the item numbers on the Consent Agenda prior to the vote.

16. MINUTES AND MEETING RECORDS

- 16.1. Minutes of meetings will be recorded without note or comment and will be included in the agenda of a subsequent meeting for adoption by a majority vote.
- 16.2. If a Member arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, it shall be so recorded in the Minutes.
- 16.3. The name of a Member making a motion is recorded in the Minutes.
- 16.4. Motions receiving unanimous vote shall be recorded in the Minutes as "carried unanimously" or "defeated unanimously" and in the case of a split vote as "carried" or "defeated."
- 16.5. The Minutes of a Public Hearing shall record:
 - 16.5.1. the names of Administration and applicant, or representative of the applicant, who presented at a Public Hearing; and
 - 16.5.2. the names of the members of the public who provided verbal submissions at the Public Hearing, along with a general indication of support, opposition, or neutrality, but not a summary of the verbal submissions or a copy of the written submissions.
- 16.6. The CAO will prepare and distribute the Minutes.
- 16.7. The CAO may correct clerical, typographical, and grammatical errors in Minutes.
- 16.8. All meetings of Council may be audio and/or video recorded, except for those portions of a meeting which transpire during a Closed Meeting. These recordings shall be posted to the website and retained in the municipal records.
- 16.9. Notice to the public will be made of any video recording taking place. Such notice will be provided, at minimum, by providing verbal notification at the beginning of a

meeting

17. NOTICE OF MOTION

17.1. Members may add a new matter or motions to a regular Council meeting agenda by:

17.1.1. Submitting a Notice of Motion in writing to the CAO in accordance with section 14.1, in which case the motion shall appear as a Notice of Motion in the next regular Council meeting Agenda; or

17.1.2. By giving verbal notice at a regular Council Meeting of the intention to introduce a motion at the following regular Council Meeting and submitting a Notice of Motion to the CAO in writing in accordance with section 14.1, in which case the motion shall appear as a Notice of Motion in the next regular Council Meeting Agenda.

17.2. A Notice of Motion:

17.2.1. must provide sufficient detail so that the subject matter of the motion and any proposed action can be determined;

17.2.2. may include supporting documentation; and

17.2.3. may state the date of the regular Council Meeting at which the Member wishes the motion to be included in the Agenda.

17.3. If the Member who submitted the Notice of Motion is not in attendance at the meeting when the subject of that Notice of Motion is brought forward as a business item, the Notice of Motion will be postponed until the next meeting at which the Member who submitted the Notice of Motion is in attendance.

17.4. Notice of Motion applies only to regular Council Meetings and does not apply to Special Meetings.

18. PECUNIARY INTEREST

18.1. All Members of Council shall abide by the Act with respect to Pecuniary Interest.

18.2. Where a Member declaring a Pecuniary Interest under the Act is attending a meeting by Electronic Means, the Chair will end the Member's participation in the meeting by Electronic Means while the matter is being discussed and voted upon and the Member will be invited to rejoin the meeting once the matter has been discussed and voted upon.

18.3. Where a Member has disclosed a Pecuniary Interest under the Act, this must be recorded in the Minutes.

18.4. For certainty, Pecuniary Interest applies to all Committees and Committee Members.

19. ADJOURNING THE MEETING

19.1. Regular Council Meetings shall not extend beyond four (4) hours in duration except by majority vote of Members in attendance in favour of an extension.

19.2. Any unfinished business at a regular Council Meeting shall be Adjourned until the next regular Council Meeting or a Special Meeting scheduled for the purpose of completing the unfinished business.

PART VI – ROLE OF THE CHAIR AND MEETING CONDUCT

20. ROLE OF THE CHAIR

20.1. The Chair will facilitate effective decision-making while presiding over and preserving order and decorum for all Council Meetings.

20.2. If the Chair is absent for all or part of a Council meeting, the Deputy Mayor, or in the absence of the Deputy Mayor the Acting Mayor, will assume the role of the Chair.

20.3. The Chair must leave the chair to move and speak to their own motion and must remain out of the chair until the vote is taken and the matter is concluded.

20.4. The Chair may leave the chair to speak to a motion or to debate on an item on the Agenda for a Council meeting if the Chair determines that their participation in the debate prevents them from effectively managing the meeting.

20.5. The Chair's participation in debate is subject to all rules that apply to any other Member of Council.

20.6. When the Chair leaves the chair during a Council meeting, prior to leaving the chair, the Chair will turn over the Chair to:

20.6.1. the Deputy Mayor; or

20.6.2. in the absence of the Deputy Mayor, the Acting Mayor; or

20.6.3. in the absence of both the Deputy Mayor and Acting Mayor, the Councillor confirmed by resolution of the Councillors remaining to assume the role.

20.7. The Chair may make any procedural rulings or determinations provided for in this bylaw or otherwise necessary for the conduct of a meeting.

20.8. Immediately following a Chair's ruling, a Councillor may challenge the ruling, even if another Councillor has the floor.

20.9. When a challenge is made to a Chair's ruling:

20.9.1. the Chair will provide concise reasons for the ruling;

20.9.2. the Chair will immediately put the motion to challenge the ruling to a vote by stating, "Is the Chair's ruling upheld?"; and

20.9.3. debate is not allowed on the motion to challenge the Chair's ruling.

20.10. Despite the tied vote provision of this bylaw, the Chair's ruling is upheld by a vote of 50% or greater.

20.11. A Chair's ruling that is not challenged, or that is challenged and upheld, is final.

20.12. When the Chair's ruling is not upheld on challenge, Council's decision on the ruling is final.

21. CONDUCT AT MEETINGS

21.1. Members must:

21.1.1. obey the rules of the meeting and refrain from disturbing the proceedings;

21.1.2. obey the decision of the Chair or Council on any question of order, practice, or interpretation;

21.1.3. remain at their seat while a vote is being taken and while the result is declared;

21.1.4. only interrupt a Member who is speaking to raise a Point of Order or Point of Privilege; and

21.1.5. comply with the Council Code of Conduct.

21.2. Any Member may raise a Point of Order to request that the rules be followed or that an error in procedure be corrected.

21.3. Any Member may raise a Point of Privilege to request that the Chair take action to remedy a situation negatively affecting the rights or privileges of Council despite other pending business.

21.4. The Chair may call to order any Member who is out of order.

21.5. If a Member continues to breach order or decorum, the Chair may name the Member and direct the CAO to record the name of the Member and the offence in the Minutes.

21.6. If a Member who has been named apologizes for their breach of order or decorum, the Chair may direct that the offence be removed from the Minutes.

22. CONDUCT IN THE COUNCIL CHAMBER

- 22.1. Only Councillors, the CAO, and other individuals authorized by the CAO or Chair may be present on the floor of the Council Chamber.
- 22.2. The CAO, an employee or consultant authorized by the CAO, or a scheduled Presenter or Delegation may address Council from the floor of the Council Chambers if recognized by the Chair.
- 22.3. A person may address Council from the public gallery with permission from the Chair.
- 22.4. No person present on the floor of the public gallery of the Council Chamber shall cause any Disruption, interrupt any speaker, or interfere with the action of Council.
- 22.5. The Chair may expel any person, including a Member, from a meeting for improper conduct.
- 22.6. If a person refuses to leave the meeting after having been expelled by the Chair, the Chair may request that the person be removed from the meeting by a Peace Officer. If the person expelled from the meeting is attending by Electronic Means and refuses to disconnect their connection, the person's electronic connection to the meeting may be terminated.
- 22.7. During Council meetings, cell phones and personal electronic devices shall be turned off or set to a mode that will not be disruptive to the meeting, and shall not be used to make audio or video recordings, or take pictures, of the proceedings.

PART VII – RULES OF DEBATE AND LIMITS TO SPEAKING**23. RULES OF DEBATE**

- 23.1. Before a motion is put forward, an opportunity for questions to Administration will be provided. Any Member may ask questions to obtain facts relevant to the matter under discussion and necessary for a clear understanding. All questions should be stated concisely and should not be used for the purpose of making statements or assertions.
- 23.2. A motion must be made before Members can debate an item.
- 23.3. Motions do not require a seconder.
- 23.4. A Member who has made a motion may speak either in favour of, or in opposition to, the motion.
- 23.5. Unless otherwise provided for by resolution, bylaw, or permission of the Chair, a Member may speak only once on any motion or amendment to a motion.

24. LIMITS ON SPEAKING

- 24.1. The Chair will maintain the speaking order.
- 24.2. No Member may speak unless and until recognized by the Chair, except to raise a Point of Privilege or Point of Order.
- 24.3. Members may not speak more than once until every Member present has had the opportunity to speak except:
 - 24.3.1. in the explanation of a material part of the speech which may have been misunderstood;
 - 24.3.2. in reply, to close debate, after everyone else wishing to speak has spoken, provided that the Member made the motion in question; or
 - 24.3.3. to raise a Point of Privilege or Point of Order.
- 24.4. At the discretion of the Chair, a Member may ask a series of questions relating to the matter.
- 24.5. Through the Chair, a Member may ask questions of another Member or the CAO on a point of information relevant to the matter.
- 24.6. Members will ask all the questions of debate through the Chair.

PART VIII – MOTIONS

25.MAIN MOTIONS

- 25.1. A main motion may arise out of the following sources:
 - 25.1.1. recommendations related to reports from Administration;
 - 25.1.2. recommendations related to reports from Council Committees;
 - 25.1.3. proposed motions related to a Notice of Motion; or
 - 25.1.4. proposed motion from a Member without notice in accordance with the rules for a motion without notice.
- 25.2. Recommendations and proposed motions which come before Council or Council Committees should be concise, unambiguous, and within the jurisdiction of Council.
- 25.3. A recommendation or proposed motion is not a motion and debate will not commence until it is moved.
- 25.4. A motion once passed is a resolution.

- 25.5. Any Member may require that the motion under discussion be read or displayed at any time during the debate, except when a Member is speaking.

26. WITHDRAWING A MOTION

- 26.1. The mover of a motion cannot withdraw a motion except by Consensus or by majority vote.

27. DIVIDING THE VOTE

- 27.1. Any Member may request that a motion be divided and voted on separately, but only if the divided parts can stand on their own.
- 27.2. The motion can be divided by Consensus or by majority vote.

28. AMENDMENTS

- 28.1. A motion to amend is used to change the wording of another motion before voting on it.
- 28.2. A motion to amend may not interrupt a speaker and may not be contrary to the motion it purports to amend.
- 28.3. A motion to amend is debatable.
- 28.4. An amendment to an amendment is allowed, but a third level amendment is not.
- 28.5. An amendment to an amendment is voted on prior to the vote on the amendment.
- 28.6. A motion to amend requires a majority vote.
- 28.7. A friendly amendment means a change that does not affect the substance of the motion and clarifies the motion's intent.
- 28.8. The Member making a motion, after debate on a main motion has begun, may, with Consensus, propose a friendly amendment proposed by another Member without a motion to amend.

29. MOTION TO REFER

- 29.1. A motion to refer is used to send the pending motion to a Committee or to Administration with instructions.
- 29.2. A motion to refer may not interrupt a speaker and is debatable only as to:
- 29.2.1. the advisability of referral;

29.2.2. the body to which it is referred; and

29.2.3. the instructions on the referral.

29.3. A motion to refer requires a majority vote.

30. MOTIONS TO POSTPONE

30.1. A motion to postpone to a certain time is used to postpone the consideration of a main motion to a specified later meeting or to a specific time or place on the agenda.

30.2. The motion to postpone to a certain time may not interrupt a speaker and is only debatable or amendable as to the time to which the motion is to be postponed or the advisability of postponement.

30.3. A motion to postpone to a certain time requires a majority vote.

30.4. A motion to postpone indefinitely is used to dispose of a motion without bringing it to a direct vote.

30.5. The motion to postpone indefinitely may not interrupt a speaker and is debatable, including as to the merits of the main question, but is not amendable.

30.6. A motion to postpone indefinitely requires a majority vote.

31. MOTION TO RECESS

31.1. A motion to recess is used to formally request a break in the proceedings.

31.2. A motion to recess may not interrupt a speaker and is not debatable but can be amended as to the duration of the recess.

31.3. A motion to recess requires a majority vote or may be informally decided by Consensus.

32. MOTION TO CALL THE PREVIOUS QUESTION

32.1. A motion to call the previous question is used to close debate on a pending motion by moving to a vote immediately on a pending motion.

32.2. A motion to call the previous question may not interrupt a speaker and is not debatable.

32.3. A motion to call the previous question requires a majority vote.

33. MOTION TO SUSPEND THE RULES

- 33.1. A motion to suspend the rules is used to temporarily suspend the rules of procedure to allow Council to do something that would normally be a violation of this bylaw.
- 33.2. The motion to suspend the rules may not interrupt a speaker and is not debatable.
- 33.3. The motion to suspend the rules requires a unanimous vote.

34. MOTION TO RECONSIDER

- 34.1. A motion to reconsider is used to reconsider a decision after the taking of the vote on a motion at the same meeting.
- 34.2. A motion to reconsider may be moved after a motion has been voted upon but may only be moved prior to the meeting being adjourned.
- 34.3. A motion to reconsider must be moved by a Member who voted with the prevailing side.
- 34.4. The Member making the motion to reconsider must state the reason for reconsideration.
- 34.5. Debate on a motion to reconsider must be limited to reasons for or against reconsideration.
- 34.6. A motion to reconsider requires a majority vote.
- 34.7. If a motion to reconsider is carried, the reconsidered motion is then the next order of business.

35. MOTION TO RESCIND

- 35.1. A motion to rescind is used to overturn a motion made at a previous meeting.
- 35.2. A motion to rescind is debatable as to the merits of the motion it is proposing to rescind.
- 35.3. If a motion to rescind relates to an action taken at a previous meeting and the matter does not appear on the Agenda, a Notice of Motion, is required to introduce the motion to rescind.
- 35.4. A motion to rescind is not in order if it proposes to undo irrevocable actions that have been taken as a result of the motion previously passed.

36.MOTION TO AMEND SOMETHING PREVIOUSLY ADOPTED

36.1. The motion to amend something previously adopted is guided by the same rules as the motion to rescind; however, a motion to amend something previously adopted is used to change part of the text or to substitute alternative wording for a motion made at a previous meeting.

37.MOTION TO RENEW

37.1. If a motion fails, the same or substantially the same motion may not be renewed unless:

37.1.1. it is brought more than 6 months after the date of the original motion;

37.1.2. it is brought after a General Election which has taken place since the original motion; or

37.1.3. the Member who wishes to have Council renew a motion provides prior Notice of Motion setting out in writing what special circumstances or significant new developments have occurred in respect of the issue to warrant further consideration.

38.OBJECTION TO THE CONSIDERATION OF A QUESTION

38.1. An objection to the consideration of a question is used to avoid a main motion altogether when it is undesirable for the main motion to come before Council.

38.2. The objection to the consideration of a question must be raised before there has been any debate on the motion and before any subsidiary motion has been stated by the Chair.

38.3. The objection to the consideration of a question is neither debatable nor amendable and requires a unanimous vote.

39.MOTION TO ADJOURN

39.1. A motion to adjourn may be used to end the meeting, may not interrupt a speaker, and is neither debatable nor amendable.

39.2. The motion to adjourn requires a majority vote; however where there are no more agenda items to be addressed, the Chair may adjourn the meeting without a motion.

PART IX – VOTING

40.VOTING

- 40.1. Each Member must vote on every motion unless the Member is required or permitted to abstain from voting under the Act.
- 40.2. No Member shall leave the meeting after a motion is put to a vote until the vote is taken, unless during this timeframe the Member becomes aware of a Pecuniary Interest at which time the Member will declare the conflict of interest and leave the meeting.
- 40.3. A vote on any motion or bylaw will be conducted as follows:
- 40.3.1. the Chair must call for a vote;
 - 40.3.2. all Members present must be silent from the moment the vote is called until the results of the vote are declared;
 - 40.3.3. all Members present must vote by raising their hand, verbally by stating "in favour" or "opposed" if participating by Electronic Means, or by another method agreed upon by the Members;
 - 40.3.4. the Chair must declare the results of the vote.
- 40.4. A vote is final once declared by the Chair. However, if immediately after a vote the Chair determines that either the voting procedures prescribed by this bylaw were not followed, or one or more Members may have been mistaken as to the subject matter of the vote, the Chair may recall the vote and immediately call for another vote.
- 40.5. If there are an equal number of votes for and against a motion or bylaw reading, the motion or bylaw is defeated.
- 40.6. The Minutes will include a Recorded Vote for every motion.

PART X – PUBLIC INPUT OTHER THAN PUBLIC HEARINGS**41.PUBLIC INPUT SESSIONS**

- 41.1. The Agenda for each regular Council Meeting shall contain a Public Input Session after the adoption of the Agenda.
- 41.2. The Public Input Session shall be no longer than fifteen (15) minutes in length.
- 41.3. Members of the public who wish to address Council during a Public Input Session are encouraged to register with the CAO, and those persons registered will be heard first. Walk in speakers will be allowed to speak if the allotted time has not been exhausted by registered presenters.

- 41.4. Speakers at a Public Input Session may address Council for a maximum of five (5) minutes, excluding questions from Council, unless:
- 41.4.1. the Chair, in their discretion, extends the amount of time; or
 - 41.4.2. Council, by resolution, extends the amount of time.
- 41.5. If required by a Member, a vote must be taken to approve an extension of time given by the Chair.
- 41.6. Speakers at Public Input Sessions are permitted to discuss:
- 41.6.1. items on the current Agenda;
- 41.7. Speakers at Public Input Sessions are not permitted to discuss:
- 41.7.1. items that are before the Subdivision and Development Appeal Board;
 - 41.7.2. items that are before the Assessment Review Board; or
 - 41.7.3. items currently being dealt with in a statutory Public Hearing.

42. PRESENTATIONS AND DELEGATIONS

- 42.1. Members of the public may request in writing to be included in the "Presentations and Delegations" section on an agenda for a Council Meeting. The written request may be submitted through the Town's website or dropped off or mailed to the Town Hall and must:
- 42.1.1. include the name(s), address(es) and telephone number(s) of the person(s) or group wishing to make the presentation;
 - 42.1.2. clearly identify the topic to be discussed;
 - 42.1.3. clearly identify the request being made to Council, if applicable;
 - 42.1.4. contain any background information to support the request, if applicable; and
 - 42.1.5. be submitted to the CAO no later than 4:00 PM on the Wednesday of the week prior to the week of the Meeting.
- 42.2. When a Presentation or Delegation is scheduled, any written materials the presenter or Delegation wishes to be included in the Agenda package must be submitted no later than 4:00 PM on the Wednesday of the week prior to the week of the meeting.
- 42.3. Presentations and Delegations shall be heard in the order that they are placed on the Agenda; however, Council may change the order by a majority vote of Members

present.

42.4. A Presentation or Delegation shall not exceed fifteen (15) minutes, including questions of Council unless:

42.4.1. the Chair, at their discretion, extends the amount of time; or

42.4.2. Council, by resolution, extends the amount of time.

42.5. If requested by a Member, a vote of Members must be taken to approve an extension of time for a Presentation or Delegation given by the Chair.

42.6. A Member may ask questions of the presenter, Delegation, or Administration to clarify or correct information but must not enter debate about the subject of the Presentation or Delegation and Council will not enter into debate on the information received.

PART XI – PUBLIC HEARINGS

43. PUBLIC HEARINGS

43.1. Council shall hold Public Hearings in accordance with the Act and the procedures set out in this bylaw.

43.2. When Council is required to hold a Public Hearing on a proposed bylaw or resolution, the Public Hearing must be held before the second reading of the bylaw or before Council votes on the resolution.

43.3. Council may direct Administration through a resolution of Council to hold a non-statutory Public Hearing in accordance with the Act.

43.4. Public Hearings shall be held in conjunction with regular Council Meetings, and every effort shall be made to commence a Public Hearing as close as possible to the advertised time.

43.5. Council may change the date, time, and location of a Public Hearing by resolution. If any of the date, time, or location is changed, the Public Hearing must be re-advertised.

43.6. Any person who claims to be affected by the subject matter of the Public Hearing will be afforded a reasonable opportunity to present written submissions or to be heard by Council in person or through an agent.

43.7. A person wishing to file a written submission in response to advertised Public Hearing matters shall file a submission with the CAO at least ten (10) days before the Public Hearing to be included in the published Public Hearing Agenda package.

43.8. Written materials received less than ten (10) days before the Public Hearing but before the close of the Public Hearing will be distributed to Council on the date of the Public

Hearing and included in the Public Hearing record.

- 43.9. Any Member or member of the public may review the written submissions received before the commencement of the Public Hearing or during the Public Hearing.
- 43.10. All members of the public providing written submissions, or a verbal submission, must include their full name and indicate if their comment(s) are in favour of or opposed to the bylaw, or a general comment.
- 43.11. The order of business for a Public Hearings include:
 - 43.11.1. the Chair will explain the process of the Public Hearing;
 - 43.11.2. the Chair will open and state the purpose of the Public Hearing;
 - 43.11.3. Administration will provide an overview and summary of the proposed bylaw;
 - 43.11.4. the Chair will invite members of the public who wish to provide a verbal submission in favour of the proposed bylaw to come forward;
 - 43.11.5. the Chair will invite members of the public who wish to provide a verbal submission in opposition to the bylaw to come forward;
 - 43.11.6. once Council has heard from the public, Council may ask questions of Administration on any points raised by the public that were not answered in previous questioning; however, Council may not debate the subject of the Public Hearing.
- 43.12. Once a Public Hearing is closed, Council cannot receive any additional information on the bylaw proposed without holding another Public Hearing.
- 43.13. The Public Hearing must be closed before Council votes on second reading of the proposed bylaw.
- 43.14. Depending on the nature of the bylaw and the need for additional public circulation and response, Council may continue with subsequent readings of the bylaw at the same meeting or at subsequent meetings.
- 43.15. If a Member misses the entirety of the Public Hearing, the Member cannot vote on the matter.
- 43.16. If a Member misses only a portion of the Public Hearing, the Member can determine whether they will vote on the matter.

PART XII – BYLAWS

44. BYLAWS

- 44.1. A bylaw is passed after it receives three readings and is signed by the Mayor and the CAO.
- 44.2. A proposed bylaw must not be given more than two (2) readings at the same meeting, except with a unanimous vote of all Members present at the meeting.
- 44.3. If a vote on authorization for third reading is not adopted unanimously, the CAO will place third reading of the proposed bylaw on the Agenda for the next regular Council Meeting, or a Special Meeting called for that purpose.
- 44.4. If a reading of a proposed bylaw fails, the previous readings, if any, are rescinded.
- 44.5. If a proposed bylaw has not received any readings within two (2) years from the date that it is first presented to Council, the proposed bylaw is deemed to have been abandoned.
- 44.6. The CAO may consolidate a bylaw by incorporating all amendments to it into one (1) bylaw.
- 44.7. A copy of any bylaw, resolution, or record certified by the CAO as a true copy of the original is *prima facie* proof of the bylaw, resolution, or record.

PART XIII – ADMINISTRATION AND APPROVAL

45. SIGNATURES

- 45.1. A bylaw, or any other document requiring signature pursuant to this bylaw, may be signed by the application of an electronic or digital signature.

46. REVIEW

- 46.1. This bylaw shall be reviewed at least once in every Council term.

47. SEVERABILITY

- 47.1. Should any provision of this bylaw be invalid, then such provision shall be severed, and the remainder of the bylaw shall remain in force.

48. TRANSITION AND COMING INTO FORCE

- 48.1. This bylaw takes effect on the final passing thereof and, on such final passing, Bylaw 792-21 is repealed.

READ A FIRST TIME THIS 28th DAY OF November, 2024

READ A SECOND TIME THIS 28TH DAY OF November, 2024

UNANIMOUS CONSENT to proceeding to third reading this 28th DAY OF November, 2024

READ A THIRD TIME THIS 28th DAY OF November, 2024

TOWN OF ONOWAY

Signed by LENARD KWASNY
Mayor

Signed by JENNIFER THOMPSON
Chief Administrative Officer