

TOWN OF WEMBLEY
PROCEDURAL BY-LAW NO. 725

A By-law of the Town of Wembley to Regulate the Procedure and Conduct of Council Meetings.

WHEREAS, given that the Council of the Town of Wembley considers it expedient and desirable for effective governance to regulate the procedure and conduct of council, councillors and others attending council meetings in the Town of Wembley.

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

TITLE

1. This by-law may be cited as “the Procedure By-law”.

DEFINITIONS

2. In this bylaw:
 - a) “Administration” means Managers, Officers, Supervisors, or any other employee of the Town;
 - b) “Agenda” means the list and order of business items for any meeting of Council, or committees;
 - c) “CAO” means the Chief Administrative Officer or his/her delegate, for the Town;
 - d) “CEO” means the Mayor;
 - e) “Chair” means the person who has been given authority to direct the conduct of a meeting.
 - f) “Committee of the Whole” is a committee consisting of all Members of Council;
 - g) “Council” means the Mayor and Councillors of the Town of Wembley;
 - h) “Council Meeting” means an Organizational Meeting, Regular Meeting and Special Meeting;
 - i) “Delegation” shall be one or more persons who have formally requested, and have been granted, an appointment with Council at a regular Council meeting;
 - j) “Deputy Mayor” means the Member of Council appointed pursuant to the By-law to act as Mayor in the absence or incapacity of the Mayor;
 - k) “Emergent items” shall be considered as those items of an emergency nature that cannot be left until the next meeting or require immediate attention;
 - l) “Ex-officio” by right of office, a member to all boards and committees in the absence of the appointed or alternate member;
 - m) “Close Session” means a part of the meeting closed to the public at which no resolution or by-law may be passed, except a resolution to revert to a meeting held in public;
 - n) “Mayor” means the Member of Council duly elected as Chief Elected Official and continuing to hold office, and is the Chair at all meetings of Council;
 - o) “Member” means a councillor or person at large appointed by Council to a Committee of Council;
 - p) “Point of Order” means a demand by a member that the Chair enforce the rules of procedure by-law;
 - q) “Point of Privilege” means that an interruption may occur only if necessary;
 - r) “Public Hearing” is a Meeting of Council which is convened to hear matters pursuant to: the Municipal Government Act; any other act; and any other matter that Council directs may be considered a Public Hearing.
 - s) “Rescind” means to repeal, cancel or revoke;
 - t) “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 (or may mean to table to a certain time); and
 - u) “Town” means the Town of Wembley.

APPLICATION

3. This by-law applies to all meetings of Council.

SEVERABILITY

4. If any portion of this by-law is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed, and the remainder of the by-law is deemed valid.

MEETINGS OF COUNCIL

5. The Council of the Town of Wembley shall consist of seven (7) elected officials being six (6) Councillors and one (1) Mayor.
6. The position of Deputy Mayor shall be appointed be appointed for a one (1) year term.
7. The regular meetings of Council shall be held in the Council Chamber, Town of Wembley Municipal Office on the 2nd and 4th Monday of each month.
8. When the meeting day falls on a statutory holiday, the meeting shall be held the following day which is not a statutory holiday, unless otherwise set by resolution of Council.
9. Council shall hold no less than two (2) meetings per month, except for July, August and December to adequately deal with the business of the Town. During the months of July, August and December, Council will pre-determine the meeting schedule for those three (3) months no later than the last meeting in June.
10. Regular meetings of Council shall commence at the hour of 7:00 p.m.
11. When a quorum is present at the time set for commencement of a Council meeting, the Mayor (Chair) shall call the meeting to order.
12. If a quorum is not present within thirty (30) minutes after the time fixed for regular or special meetings, the Chief Administrative Officer shall record the names of the members present, and the Council shall stand adjourned until the next regular or special meeting.
13. In the case the Mayor or Deputy Mayor is not in attendance within thirty (30) minutes after the time fixed for a meeting and a quorum is present, the Chief Administrative Officer shall call the meeting to order and a Mayor (Chair) shall be chosen by the Councillors present who shall preside during the meeting until the arrival of the Mayor or Deputy Mayor.
14. Regular meetings shall adjourn by 11:00 p.m., unless Council passes a motion to extend the meeting.
15. Special meetings of Council shall be established as required by Council according to the provisions of the Municipal Government Act.
16. A Councillor who wishes to leave the meeting prior to adjournment shall so advise the Mayor (Chair) and the time of departure shall be noted in the minutes.
17. No member shall, subject to the Municipal Government Act, leave the Council Chamber after a question is put to a vote until the vote is taken.
18. A Member who has a pecuniary interest in a matter before Council shall disclose the general nature of the pecuniary interest, and abstain from discussing the matter or voting on the matter, and leave the room until discussion and voting on the matter are concluded, as prescribed in the Municipal Government Act.

RESOLUTIONS (MOTIONS)

19. A resolution does not require a seconder.
20. A resolution may be withdrawn at any time before voting, subject to there being no objection from any member of Council.
21. The following resolutions are not debatable by members:
 - a) adjournment
 - b) to take a recess
 - c) point of privilege
 - d) point of order
 - e) to limit debate on a matter before members
 - f) postpone/table the matter to a certain time

22. Where a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member so requests or then the Mayor (Chair) so directs.
23. If any Member of Council wishes to have a Recorded vote, the request for a recorded vote must be made prior to the vote being taken. The Mayor (Chair) shall directly ask every Member in turn how they wish to vote on the matter at hand.
24. If there are an equal number of votes for and against a resolution or By-law, the resolution or By-law is defeated.

BY-LAWS

25. When a By-law is presented to Council for enactment, the Chief Administrative Officer shall publish the number and title of the By-law in the Agenda.
26. The Chief Administrative Officer shall copy the By-law in full and forward it with the agenda.
27. Every By-law shall have three distinct and separate readings. Only the title or identifying number must be read at each reading.
28. A By-law shall be introduced for first reading by a motion that the By-law be read a first time.
29. Council shall vote on the motion for first reading of a By-law without amendment or debate.
30. A By-law shall be introduced for second reading by a motion that it be read a second time.
31. After a Member has made a motion for second reading of a By-law Council may:
 - debate the substance of the By-law; and
 - propose and consider amendment to the By-law.
32. A By-law shall not be given more than two readings at one meeting unless the Members present unanimously agree that the By-law may be presented to Council for third reading.
33. When Council unanimously agrees that a By-law may be presented for third reading:
 - motion for third reading of the By-law shall be made;
 - council shall vote on the motion without amendment or debate;
 - the third reading requires no greater majority of affirmative votes than if it had received third reading at a subsequent meeting.
34. A By-law shall be passed when a majority of the Members voting on third reading vote in favour provided some other applicable Provincial Statute or By-law does not require a greater majority.
35. In conformance with the Municipal Government Act:
 - If a By-law does not receive third reading within two (2) years from the date of first reading, the previous readings are deemed to have been rescinded; and
 - If a By-law is defeated on second or third reading the previous readings are deemed to have been rescinded.

CONDUCT OF BUSINESS

36. The Mayor (Chair) shall preserve order, decorum, and decide questions of procedure subject to an appeal to the Council; and the decision of the Mayor (Chair) shall be final unless reversed by a majority vote of the members present, without debate.

37. The Mayor (Chair) shall give each Member of Council who wishes to speak on an item, an opportunity to do so before calling the question. No Member of Council shall speak without first being recognized by the Mayor (Chair); and being granted the floor.
38. Every Member of Council, and every member of Administration present at the meeting, in speaking to any question or motion, shall address himself/herself only to the Mayor (Chair).
39. When a member of Council is addressing Council, he/she shall:
 - not use offensive, disrespectful, or unkind words in referring to any Member, or to any official or staff member of the Town or any member of the Public;
 - not shout or immoderately raise his/her voice or use profane, vulgar or offensive language;
 - assume personal responsibility for any statement she/he quotes to Council or upon request of Council shall give the source of the information.
40. The Mayor (Chair) may rule any Member of Council out-of-order for failing to observe any of the above noted restrictions; and any Member of Council so ruled out-of-order shall immediately cease to speak.
41. When two or more Members of Council desire to speak to a matter, the Mayor (Chair) shall establish the priority.
42. During the reading of any reports, communications or other papers, and when a Member of Council or any other person is addressing Council, silence shall be observed and no person shall be allowed to disturb the meeting.
43. The procedures to be followed at a Public Hearing shall be as indicated on Schedule "A" attached to this By-law.

AGENDA AND ORDER OF MEETINGS

44. Prior to each regular meeting, the Chief Administrative Officer shall prepare an agenda of all business to be brought before the Council at such meeting, and to enable the Chief Administrative Officer to do so, all documents intended to be submitted to the Council shall be received by the Chief Administrative Officer no later than 1:00 p.m. on the Monday immediately preceding the regular meeting.
45. The Chief Administrative Officer shall place at the disposal of each member of Council, a copy of the Agenda and supporting materials not later than 5:00 p.m., the Friday immediately preceding the regular meeting.
46. Where the deadlines in Section 44 or 45 are not met, the Agenda and supporting materials shall be deemed to be acceptable by Council when the Agenda is adopted at the regular meeting.
47. The business intended to be dealt with shall be stated in the agenda in the following order where applicable:
 1. Call to Order
 2. Adoption of Agenda
 3. Adoption of previous minutes
 4. Public Hearings
 5. Delegations
 6. By-Laws
 7. Finance
 8. Reports
 9. Correspondence
 10. New Business
 11. Council and Committee Reports/Round Table
 12. Adjournment

48. The order of business established in Section 47 shall apply unless altered by the Mayor (Chair) with no objections from members, or otherwise determined by a majority vote of the members present, and the vote upon a matter of priority of business shall be decided without debate.

DELEGATIONS

49. Any person or a representative of any delegation or group of person who wishes to bring any matter to the attention of Council, or who wishes to have any matter considered by the Council shall address a letter or other communication to the Chief Administrative Officer outlining the subject to be discussed. The letter shall be signed by the correct name of the writer, delivered or mailed or emailed to the office of the Chief Administrative Officer so that it arrives before 1:00 p.m. on the Monday immediately preceding the meeting at which it is to be presented, and it shall contain the full mailing address of the writer. If the writer wishes to appear before Council it shall be so stated in the letter.

50. Delegations shall be granted a maximum of fifteen (15) minutes to present the matter outlined in their letter. The Mayor (Chair) may, with consent of the majority of the members present, extend the time.

51. Any taxpayer or Town of Wembley resident shall be provided the opportunity to address Council, provided they have not addressed Council on the same subject within the previous six (6) months. If the person or group wishing to address is not a taxpayer or Wembley resident, or if the subject is the same as one addressed within the previous six (6) months, then Council shall consider the request and determine whether or not to receive the delegation.

52. The rules and procedures to be followed for Council Meeting Delegations shall be as indicated on Schedule "B" attached to this By-law.

COMMITTEE REPRESENTATIVES

53. Council may, by motion, appoint Committee representatives consisting of one or more of the Members of Council and public representatives.

54. All Committee representatives shall be appointed by motion by consent of a majority of Members of Council present at a meeting of Council.

55. In any case where a representative of a Committee is absent from the Town or is otherwise unable to attend three (3) consecutive meetings of the Committee of which he/she is a member, the Mayor may appoint another Member of Council to such Committee to attend the meetings of that Committee.

56. The membership of the Committees shall be subject to revision on a yearly basis at the Organizational meeting of each year of a Council's term of office.

Read first, second time this _____ day of _____, A.D., 2020.

Read third and final time this 9th day of March, A.D., 2020.

(SIGNED)

Mayor, Chris Turnmire

(SIGNED)

CAO, Noreen Zhang

PUBLIC HEARING PROCEDURES

The procedures to be followed at a Public Hearing are as follows:

1. INTRODUCTION

The Mayor will introduce the first item on the Agenda and advise the public that all documents presented at this hearing are deemed to be public documents unless stated on the document that it is confidential. The Mayor (Mayor (Chair)) will then request Administration brief the hearing further on the issue at hand.

2. IN FAVOUR

The Mayor (Chair) will ask if there is anyone present who wished to speak in favour of the proposed item.

3. IN OPPOSITION

The Mayor (Chair) will ask if there is anyone present who wishes to speak in opposition of the proposed item.

4. GENERAL COMMENTS OF ISSUE

The Mayor (Chair) will ask if there is anyone present who wishes to make any general comments (neither in favour nor in opposition) to the proposed item.

5. FINAL COMMENTS FROM ADMINISTRATION

The Mayor (Chair) will ask if there are any further comments from Administration. Administration will advise, at this point, of any correspondence received from parties present at or absent from the Public Hearing.

6. CLOSING

If the proposed item is the only item on the Public Hearing Agenda, the Mayor (Chair) will ask for a motion to close the Public Hearing.

If there is more than one item on the Public Hearing Agenda, the Mayor (Chair) will indicate that discussion on the proposed item has closed and Council will hear the next item on the Agenda.

CONTROL AND CONDUCT OF MEETINGS

Persons addressing Council should give their name and address and indicate if they are speaking on their own behalf, or for a client, company, community association, club, organization or other group.

No person shall address Council:

- without the permission of the Mayor (Chair);
- for more than five (5) minutes, unless permission is granted by Council for a longer presentation.

Members of the Public who constitute the Gallery during a Public Hearing:

- shall maintain order and quiet; and
- shall not applaud or otherwise interrupt any speech or action of the Members of Council, or any other person addressing Council.

The Mayor (Chair) may, at any Public Hearing, cause to be expelled and excluded any person who creates any disturbance or acts improperly during a meeting.

SCHEDULE "B"
BY-LAW 725
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RULES AND PROCEDURES FOR COUNCIL MEETING DELEGATIONS

In order to provide for an early and fair method of dealing with delegations at Council meetings of the Town of Wembley, the following Rules and Procedures will apply:

1. Any person or a representative of any delegation or group of persons who wishes to bring any matter to the attention of Council, or who wishes to have any matter considered by Council shall address a letter or other communication to the Chief Administrative Officer outlining the subject to be discussed.
2. Request for delegations to be included on the agenda must be submitted to the CAO by 1:00 p.m. on the Monday prior to the next Council Meeting date and shall indicate the date of the Council Meeting that the delegation would like to appear too. In addition, any written material that you wish to place before Council must be submitted to the CAO at this time.
3. In order to ensure that Council will have adequate time to deal with municipal business, the CAO can limit the number of delegations appearing at any one meeting of Council.
4. In the case where a delegation is denied for a specific Council meeting, the CAO (in consultation with the Mayor (Chair)) shall review such denial and may reconsider the denial if the matter is deemed to be an emergency.
5. Delegations making application to discuss a matter that has already been discussed and dealt with through an earlier delegation may not be allowed to appear before Council.
6. The Mayor (Chair) will invite you to speak and you may make your presentation. If the delegation consists of more than one individual a spokesperson for the delegation must be chosen and only that person will be entitled to address council.
7. Delegations are limited to fifteen (15) minutes and the Mayor (Chair) shall interrupt the presenter when the expired time approaches to inquire as to the time required to complete the presentation. The Mayor (Chair) has the sole discretion of allowing additional time to complete the presentation.
8. Council will listen to the delegations' comments without interruption. At the end of the presentation, the Mayor (Chair) may invite Councillors to ask questions up to fifteen (15) minutes to clarify points.
9. Members of Council shall only ask questions for clarification from the delegation and shall not engage in any debate with the delegates.
10. When addressing Council or answering a question, regardless where the question came from, presenters should always address their comments to the Mayor (Chair). This helps maintain order in the meeting.
11. Presenters who deviate from the subject matter that was indicated in their request to be a delegate will be interrupted by the Mayor (Chair). If the presenter persists in deviating from the subject matter the Mayor (Chair) may terminate the presentation.

12. As a delegation, you should not speak disrespectfully of any person, use offensive language, or enter into cross debate with staff or Council members.
13. Once the questions have been addressed, the delegation is ended, and Council will not entertain any further comments from the delegation.
14. Council may not respond immediately to your request. The matter will be taken under consideration and dealt with at a later meeting. Council may also wish to have a report from staff, especially on a matter of technical nature which may require some research. You will be advised by the CAO of Councils decision in due course.