

# VILLAGE OF BAWLF

## The Procedural Bylaw Bylaw No. 585/13

A bylaw of the Village of Bawlf to Regulate the Procedure and Conduct of Council and Council Committee Meetings

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**WHEREAS** GIVEN THAT Council of the Village of Bawlf considers it expedient and desirable for effective governance to regulate the procedure and conduct of council, councillors and others attending council and council committee meetings in the Village of Bawlf;

**NOW THEREFORE** the Council of the Village of Bawlf enacts as follows:

### Citation

1. This bylaw may be cited as “The Procedural Bylaw”.

### Definitions

2. In this bylaw:
  - (a) “Agenda” means order of business, program of a business meeting;
  - (b) “CAO” means the chief administrative officer or his/her delegate, for the Municipality;
  - (c) “Chair” means the member presiding over the meeting which may be the Mayor, Deputy Mayor or other selected member;
  - (d) “Committee” means a committee of councils that is a standing committee, special committee, or a council committee;
  - (e) “Delegation” means any person that has permission of council to appear before council or a committee of council to provide pertinent information and views about the subject before council or council committee;
  - (f) “Emergent items” shall be considered as those items of an emergency nature that cannot be left until the next meeting or that require immediate attention;
  - (g) “Member” means a councillor or person at large appointed by council to a committee of council;
  - (h) “Meetings” means meetings of council and council committees;
  - (i) “Motion” or “Resolution” means to move a formal suggestion in a meeting;
  - (j) “Municipality” means the Village of Bawlf, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality;
  - (k) “Oath” means a formal pledge;
  - (l) “Point of order” means a demand by a member that the Chair enforce the rules of procedure;

- (m) “Question of privilege”, also known as a point of personal privilege, means that when a situation is affecting the comfort, integrity or the rights and privileges of an individual member, that member may interrupt the business at hand to make an urgent statement, request or motion. Such a point may include a need for assistance, to be excused for illness or personal emergency, or the need to immediately answer a charge of misconduct made by another member;
- (n) “Quorum” means the number of members required to be present for business to be legally transacted and in the case of the Village of Bawlf, it shall be three (3) members;
- (o) “Standing Committee” means a committee that remains in existence;
- (p) “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 time certain);
- (q) “Withdraw a motion” permits a member to remove a question from consideration even after the motion has been restated by the Chair.

### **Applicability**

3. This bylaw applies to all members attending meetings of council and committees established by council of the Municipality.

### **Severability**

4. 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.

### **Meetings**

5. The day, time and location of regular meetings of council shall be established by a resolution of council at a council meeting at which all the councillors are present, usually the organizational meeting.
6. Special meetings of council shall be established as required by council according to the provisions of the Municipal Government Act and the public shall be given notice.
7. The meetings of council committees shall be established by resolution of each committee and the public must be given notice as required by the provisions of the Municipal Government Act.
8. Standing committees of council shall be established and governed by bylaw approved by council. Where appropriate authority is delegated to a standing committee, such committee and its mandate shall be established by bylaw.
9. Council and council committees must conduct their meetings in public.

10. Should a council member arrive after commencement of the meeting or depart prior to the adjournment of the meeting, the arrival or departure times shall be recorded.
11. If a quorum is not present within fifteen (15) minutes after the time fixed for the meeting, the CAO shall record the names of the members present and the meeting shall stand adjourned until the next meeting.
12. Regular meetings shall adjourn by 10:00 p.m., unless council passes a motion by a majority vote to extend the meeting to a time certain.

### **Conduct of Meetings**

13. Each member or delegate, as the case may be, shall address the Chair but shall not speak until recognized by the Chair.
14. All members, delegates and persons in the public gallery shall not shout, argue, raise his/her voice, or use profane, vulgar or offensive language. The Chair may expel or exclude any person who has demonstrated improper conduct at a meeting. The RCMP may be called if required.
15. A resolution does not require a seconder.
16. A resolution may be withdrawn at any time before voting.
17. The following situations or resolutions are not debatable by members:
  - a. adjournment
  - b. to take a recess
  - c. question of privilege
  - d. point of order
  - e. to limit debate on a matter before members
  - f. table the matter to a time certain
18. 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 Chair so directs.
19. Whenever the Chair is of the opinion that a motion is contrary to the rules and privileges of council, he/she shall inform the member thereof immediately, before putting the question, and shall cite his/her reasons applicable to the case without argument or comment.
20. In all cases not provided for in this bylaw, a majority vote of council shall determine to uphold the ruling of the Chair, or not, as the case may be.
21. In the absence of the Mayor and Deputy Mayor and quorum is maintained, the members shall select an acting Chair for the meeting.

### **Oath of Office and Code of Conduct**

22. After every election, each member shall take the Oath of Office prior to commencing their duties.
23. Upon commencing their duties, each member shall vow by signature to subscribe to the Code of Conduct and Values Policy, as attached in Appendix "A".

### **Delegations**

24. 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 council shall address a letter or other written communication to the council outlining the subject to be discussed. The letter shall be signed by the correct name of the writer; the address of the writer, and delivered or mailed to the CAO. The written material must arrive not later than 1:00 p.m. on a business day at least seven (7) days immediately preceding the meeting at which it is to be presented. If the person wishes to appear before council on the matter it shall be stated in the letter.
25. Delegates shall be granted a maximum of ten (10) minutes to present the matter outlined in the letter plus another five (5) minutes to answer questions from members. The Chair may, with consent of the majority of the members present, extend the time.

### **Order of Business**

26. The order of business at a meeting, established in sections 32 & 33, is the order of the items on the agenda except:
  - a. when the same subject matter appears in more than one place on the agenda and council decides, by motion, to deal with all items related to the matter at the same time;
  - b. when one subject matter is deemed to be of higher priority or is required to be dealt with prior to another, the order may be altered by a motion of council.

### **Agenda**

27. Prior to each meeting, the CAO shall prepare a statement of the order of business to be known as the "Agenda" of all matters to be brought before council. Council members may add items to the agenda by submitting a request to the CAO not later than seven (7) days before the meeting.
28. Each agenda item shall have appropriate background information and/or support materials included with the agenda. This information shall be received by the CAO not later than 1:00 p.m. on a business day at least seven (7) days before the meeting.
29. The CAO shall place at the disposal of each member, a copy of the agenda and all supporting materials not later than 4:30 p.m. five (5) days before the meeting, and shall also post it on the website.

30. If an emergent issue arises after the agenda has been distributed to each member, its acceptance for the agenda shall be determined by a majority vote of council. Emergent items may be added to the agenda any time prior to the Adoption of the Agenda.
31. Where the deadlines in sections 27 and 28 are not met, the item will be placed on the following council agenda. If the item is of an emergent nature, the procedures in section 30 shall apply.
32. The business intended to be dealt with shall be stated in the agenda in the following order where applicable:
  1. Call to Order
  2. Delegations
  3. General Government:
    - a. Adoption of Agenda
    - b. Adoption of Previous Minutes
    - c. Acceptance of Accounts Payable
    - d. Acceptance of Financial Statement
  4. Business Arising
  5. New Business
  6. Standing Committee Reports
    - a. Mayor's Report
    - b. Administration Report
    - c. Action List
    - d. Committee & Board Reports
  7. Correspondence
  8. Confidential Items
  9. Adjournment
33. The order of business for the annual organizational meeting shall be as follows, and the meeting shall be chaired by the CAO:
  1. Call to Order
  2. Adoption of Agenda
  3. Elect a Mayor
  4. Elect a Deputy Mayor
  5. Committee/Board Appointments, as required
  6. Establish Regular Meeting Schedule and Location
  7. Remuneration and Mileage Rates
34. Bylaw #519/03 is hereby repealed.

READ A FIRST TIME this 16th day of January, 2013.

READ A SECOND TIME this 20th day of February, 2013.

READ A THIRD TIME this 20th day of February, 2013.

SIGNED by the Mayor and Chief Administrative Officer this 20th day of February, 2013.

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Mayor

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Chief Administrative Officer



<b>Date Approved:</b> February 20, 2013 February 16, 2011 (original)	<b>Motion:</b>
<b>Title:</b> Council Code of Conduct and Values	<b>Policy No.</b> 21

**Purpose:**

The purpose of this Code of Conduct and Values is to outline certain basic rules for elected municipal government officials in Bawlf so that they may carry out their entrusted duties with impartiality and dignity, recognizing that the function of Council members is, at all times, service to their community and the public.

To further these objectives, certain principles should govern the conduct of Council members of the Village of Bawlf in order that they shall maintain the highest standards in public office and faithfully discharge the duties of office.

**Background:**

The proper operation of democratic local government requires that elected officials be independent, impartial and duly responsible to the residents. The residents of the Village of Bawlf have a right to expect that its local Municipal Government will conduct its business with integrity and in a professional manner. Therefore, it is imperative that there not be, nor appear to be, any conflict between the private interests of elected officials and appointed board members and their duty to the public. Furthermore, local government decision and policies are to be made through the proper channels of government structure.

**Policy:**

Council Members of the Village of Bawlf shall abide by the following rules and principles, known as the Code of Conduct:

1. GOVERN their conduct in accordance with the requirements and obligations set out in the municipal legislation of the Province of Alberta (Municipal Government Act);
2. COMMIT to ethical, businesslike and lawful conduct, including proper use of authority and appropriate decorum when acting as Council members;
3. AVOID the use of foul language during any and all business when acting as Council members;
4. REPRESENT, as a primary obligation superseding all other interests, the best interests of the community;
5. SERVE in a liaison role when appointed as members of committees or boards;
6. AVOID conflict of interest, by refraining from any conduct of private business or personal services between any Council members and the corporation, except as provided by the Municipal Government Act;

7. NOT USE their positions to obtain employment with the corporation for themselves, family members or close associates;
8. NOT USE confidential information for the personal profit of themselves or any other person;
9. DISCLOSE their affiliations or interest with an organization that may affect their decision making on matters before Council regarding that organization;
10. NOT ATTEMPT TO EXERCISE individual authority over the corporation;
11. RECOGNIZE, when interacting with the Chief Administrative Officer or with staff, the lack of authority vested in a Councillor except when explicitly Council authorized;
12. RECOGNIZE, when interacting with the public, press or other entities, the same limitation and the inability of any Council member to speak for the Council except to repeat explicitly stated Council decisions;
13. AVOID publicly degrading staff, Council members and past Councils;
14. DIRECT any comments on staff performance to the Chief Administrative Officer;
15. AVOID public comment on staff performance;
16. DIRECT any questions regarding staff duties, hours of work, coffee breaks, etc. to the Chief Administrative Officer, not the staff members themselves;
17. RESPECT the confidentiality of issues that are determined by policy of Council to be confidential and not communicate confidential information to anyone not entitled to receive same;
18. PRESERVE the integrity and impartiality of Council;
19. For a period of twelve (12) months after leaving office, abide by the standards of conduct listed above, except those related to confidential information, which shall apply in perpetuity;
20. Members of Council shall not assume that any unethical activities not covered by or specifically prohibited by this Code of Conduct and Values, or any legislation, are therefore condoned.

Council members of the Village of Bawlf shall abide by the following Values:

1. respect for individuals and each other
2. honesty and integrity
3. openness
4. willingness to listen
5. willingness to participate
6. commitment to the task at hand
7. receptive to new ideas
8. dedication to preparation
9. mutual support through positive feedback
10. speak with one voice

**Procedures for Handling Complaints:**

The Village of Bawlf takes breaches of the Code of Conduct and Values seriously and expects any member of Council who perceives a breach to take action immediately.

In the event that a member of Council believes that one (or more) of the clauses written above has been breached by another member of Council, the following steps shall be taken:

1. Any member who perceives that a violation has occurred shall advise the offending member. This advice should be in writing and copied to the Mayor. If the complaint is about the actions of the Mayor, then the complaint should be lodged with the Deputy Mayor.
2. The Mayor (or Deputy Mayor) shall call a special Council Meeting for the purpose of considering the complaint in camera.
3. If a majority vote of the members of Council, who are present, at the Council Meeting where the complaint is considered, determines that the complaint is a valid complaint against the member then any or all of the following sanctions may be imposed by the Council at a public Council Meeting:
  - a. Verbal reprimand provided by the Mayor or Deputy Mayor.
  - b. Written censure.
  - c. Initiate legal action to remove the Councillor from Council as per Section 175 of the Municipal Government Act if the breach relates to a conflict of interest pursuant to Sections 169-173 of the Municipal Government Act and if the Councillor refuses to resign immediately.
  - d. Termination of the Councillor's appointment to committees.
  - e. Council may request that an inquiry be conducted under Section 572 of the Municipal Government Act into the conduct of a Councillor.

It is essential that strict confidentiality be maintained in the handling of any potential violations of the Code of Conduct and Values for the Village of Bawlf.

By our signatures below, we vow to subscribe to the above Council Code of Conduct and Values as adopted at the \_\_\_\_\_, 20\_\_ Village of Bawlf Regular Council Meeting.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Deputy Mayor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

\_\_\_\_\_  
Councillor

**Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_.**