



BYLAW No. 1080/GEN/2022 OF THE TOWN OF FAIRVIEW

A BYLAW FOR THE TOWN OF FAIRVIEW IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF PROCEDURE AND TRANSACTIONS OF BUSINESS BY MUNICIPAL COUNCIL OF THE TOWN OF FAIRVIEW

Whereas, Pursuant to Part 2 Division 1 of the *Municipal Government Act*, c.M-26. R.S.A. 2000 and amendments thereto, a Council may make rules and regulations for calling meetings, governing its proceedings and the conduct of its members, appointing committees and generally for the transaction of its business, and

Whereas, The Council of the Town of Fairview deems it advisable to enact a bylaw for procedure and transactions of business.

NOW THEREFORE, Council of the Town of Fairview, duly assembled, enacts as follows:

Title

This Bylaw may be cited as the “*Council Procedural*” Bylaw of the Town of Fairview.

Effective Date and Repeal

Should any provision of this bylaw be deemed invalid, then the invalid provision shall be severed, and the remaining bylaw shall be maintained.

Bylaw No. 979/G/11 and amendments are hereby repealed upon the third and final reading of this bylaw.

This bylaw shall come into force and effect upon the third and final reading.

Read a first time in Council assembled this 02 day of May, 2023

Read a second time in Council assembled this 16 day of May, 2023

Council unanimously resolved to proceed to third reading this 16 day of May, 2023

Read a third time in Council assembled this 16 day of May, 2023

Gordon MacLeod, Mayor

Daryl Greenhill, Chief Administrative Officer

1. In this bylaw:

- 1.1 “Administration” is the Chief Administrative Officer and through the Chief Administrative Officer, the Directors, Managers, and employees of the Town of Fairview;
- 1.2 “Acting Mayor” is the Member selected by Council to preside at any meeting of Council in the absence or incapacity of both the Mayor and Deputy Mayor;
- 1.3 “Agenda” means the order of business for a regular or special meeting of Council prepared by the Legislative Services Coordinator and directed by the CAO;
- 1.4 “Bylaw” means a bylaw of the Town of Fairview;
- 1.5 “Chief Administrative Officer” means the person duly appointed to that position by Bylaw of the Town of Fairview and in accordance with Section 205 of the Municipal Government Act.
- 1.6 “Closed Session” is when the assembly has closed that portion of the meeting to the public in accordance with the Municipal Government Act s. 197(1) and relevant sections of the *Freedom of Information and Protection of Privacy Act* to discuss an item privately;
- 1.7 “Committee” a committee of Council that is either a Standing Committee, Special Committee, Special Taskforce or Council Committee that is carrying out a power, duty or function delegated to it by Council, but excluding Committee of the Whole;
- 1.8 “Council” means the Mayor and Councillors of the Town for the time being elected pursuant to the provisions of the Municipal Government Act and the Local Authorities Election Act;
- 1.9 “Council Committee” means a committee established by Council under the *Municipal Government Act*, including Special Task Forces, but not including Committee of the Whole, the Subdivision Development Appeal Board or the Municipal Planning Commission;
- 1.10 “Committee of the Whole” is Members of Council present at a public meeting of Council sitting in committee;
- 1.11 “Councillor” means a Member of Council, duly elected and continuing to hold office under the terms of the Municipal Government Act;
- 1.12 “Delegation” shall be one or more persons who have formally requested, and been granted, an audience with Council at a regular Council meeting, in accordance with this Bylaw;
- 1.13 “Deputy Mayor” is the Member who is appointed by Council pursuant to Section 152(1) of the Municipal Government Act to act as Mayor in the absence or incapacity of the Mayor;

- 1.14 “Electronic Means” is the delivery method available to hold Meetings of Council that include digital web-based meeting services and telephonic communications; and the electronic delivery methods for Council member notifications;
- 1.15 “Inaugural Meeting” is the Organizational Meeting immediately following a General Municipal Election as described in Subsection 3 of this bylaw;
- 1.16 “Legislative Services Coordinator” means the person who is responsible for recording minutes of Council, creating Meetings of Council Agendas and coordinating Correspondence on behalf of Council;
- 1.17 “Majority” means one-half the members present plus one;
- 1.18 “Mayor” is the Member duly elected as Mayor and continuing to hold office, and is the Presiding Officer of all Meetings of Council;
- 1.19 “Member” means any Meeting of Council, including a regular Meeting and a Special Meeting;
- 1.20 “Person” means any Delegation addressing Council, any Committee, or Special Task Force, any member of the media and any member of the public present at a meeting;
- 1.21 “Point of Information” is a request or statement directed to the Mayor or through the Mayor to another Member of Council *or* to the Administration, for or about information relevant to the business at hand, but not related to a Point of Procedure;
- 1.22 “Point of Order” is the raising of a question by a Member of Council with the view of calling attention to any departure from the Procedure Bylaw or the customary proceedings in debate or in the conduct of Council’s business;
- 1.23 “Point of Privilege” refers to all matters affecting the rights and exemptions of Council collectively or the positions and conduct of a Member of Council in their respective character as elected representatives;
- 1.24 “Point of Procedure” is a question directed to the Mayor to obtain information on a matter of parliamentary law or the rules of Council regarding the business at hand in order to assist a Member of Council to make an appropriate motion, raise a Point of Order or understand the parliamentary situation or the effect of a Motion;
- 1.25 “Presiding Officer” means the Mayor; or in the absence of the Mayor, the Deputy Mayor; or in the absence of the two, any other Member of Council chosen to preside at the Meeting from those Members of Council present;

- 1.26 “Public Hearing” is a Meeting of the Council which is convened to hear matters pursuant to:
- 1.26.1 the Municipal Government Act,
 - 1.26.2 any other Act,
 - 1.26.3 any other matter that Council directs may be considered at a Public Hearing;
- 1.27 “Put” is when the Chair calls for a vote or ‘puts the question to vote’. The Chair asks “Are you ready for the question?”
- 1.28 “Question of Privilege” is the raising of a question that concerns a Member of Council or Council collectively, when a Member of Council believes that another Member of Council has spoken disrespectfully towards them or Council, or when they believe their comments have been misunderstood or misinterpreted by another Member of Council;
- 1.29 “Quorum” means in the case of:
- 1.29.1 Council, the Majority of Members present,
 - 1.29.2 Committees of Council, a Majority of the appointed Members present,
 - 1.29.3 All other committees, a majority of the appointed Members present unless Council provides otherwise;
- 1.30 “Special Task Force” means any group appointed by Council to perform/investigate a specific task that has a start time and a finish time frame;
- 1.31 “Special Meeting” is a meeting called by the Mayor or Majority of Council, pursuant to the Municipal Government Act;
- 1.32 “Terms of Reference” a written statement that defines the composition, term, reporting requirements, objectives and mode of operation of a Committee or Task Force;
- 1.33 “Town” means the Corporation of the Town of Fairview and, where the context so requires, means the area included within the boundaries of the Town;

2. Application and Interpretation

2.1 This Bylaw applies to:

2.1.1 All Meetings of Council; and

2.1.2 All Meetings of Committees or Special Task Forces established by Council unless permission has been granted to them to establish their own procedures.

2.2 When any matter arises relating to proceedings in a Meeting which is not covered by a provision of this Bylaw, the matter shall be decided by reference to Roberts Rules of Order – Newly Revised.

2.3 In the event of any conflict between the provisions of this Bylaw and those contained in the authorities set above, the provisions of this Bylaw shall prevail.

MEETING OF COUNCIL

3. Inaugural Meeting

3.1 Council must hold its Inaugural Meeting no later than two (2) weeks after each General Municipal Election at the time and place fixed by the CAO. At this meeting:

3.1.1 All Councillors must be present in person, electronic means will not be eligible for the inaugural meeting.

3.1.2 All Councillors must sign the Code of Conduct bylaw.

3.1.3 All Councillors must take the oath of office;

3.1.4 If the Mayor has been elected at the last election immediately preceding the Organizational Meeting, the Chief Administrative Officer or Returning Officer shall preside over the meeting until every Member of Council present has made and subscribed to the official Oaths of Office Act.

3.1.5 Immediately upon completion of signing and the official oath by every Member of Council present, the Chief Administrative Officer or Returning Officer shall retire from the chair if acting, and the Mayor shall take the chair and call the Meeting to order.

3.1.6 The seating of the Councillors excepting that of the Mayor shall be determined by lot for the duration of the term following the Organizational Meeting of Council;

3.1.7 Rotation schedules for the position of Deputy Mayor shall be determined by Council for the duration of the term until the next Organizational Meeting of Council;

3.1.8 All other matters required under Subsection 4. must be dealt with.

3.2 Every Member of Council shall make and subscribe to the official oath, prescribed by the Oaths of Office Act, before entering the duties and shall deposit the oath with the Legislative Services Coordinator.

4. Organizational Meeting

4.1 When the Organizational Meeting is not preceded by an election, the Mayor or Deputy Mayor shall take the chair and call the Meeting to order.

4.2 At each Organizational Meeting the Mayor shall present to Council a recommendation for the appointment of Deputy Mayor/s for the upcoming year.

4.2.1 Council, at each Organizational Meeting, shall elect six of its Members to serve consecutive terms of two months each, who shall perform all the duties of the Mayor during his/her inability or absence.

4.3 Council shall, at its Organizational Meeting, establish the days and times of its regular Council and Council Committee Meetings. If a regular Meeting falls on a holiday, the Meeting shall be held on the next following day not a holiday.

4.4 The Mayor, at each Organizational Meeting shall recommend Council representatives to each Council Committee, Board, and Commission. Council will appoint representatives by resolution.

4.5 Council Committees shall be chaired by a selected Councillor. In the absence of the regular chair, the alternate Councillor appointed to the Committee shall chair the meeting.

5. Regular Meetings

5.1 A Quorum of Council shall be a majority of those members elected and serving on Council, including the Mayor.

5.2 Unless there shall be a Quorum present in half an hour after the time appointed for the Meeting of Council or a loss of electronic means connection for 5 minutes, the Legislative Services Coordinator shall call the roll and take down the names of Members present and the

Council shall then stand absolutely adjourned until the next date of a Regular Meeting unless a Special Meeting is called in the meantime.

- 5.3 Council shall hold its Meeting openly and no person shall be excluded, except for improper conduct.
- 5.4 Where a majority of the members present is of the opinion that it is in the public interest to hold a Committee of the Whole meeting or use part of a council meeting to discuss land, legal or personnel issues in Closed Session, a council may, by resolution, exclude any person or persons from the meeting, but it has no power at the meeting to pass any bylaw or resolution apart from the resolution necessary to revert back to an open meeting.
- 5.5 Town Council shall adjourn at 11:00 p.m. if in session at that hour unless otherwise determined by a vote of the majority of all the Members of Council.
- 5.6 When it is necessary to continue the Meeting beyond the day of the Meeting, it will be continued at 7:00 p.m. on the day following, unless otherwise determined by a majority vote of all the Members of Council.
- 5.7 In case the Mayor or Deputy Mayor shall not be in attendance within fifteen minutes after the commencing hour, an acting Mayor appointed by the Members present, shall immediately take the chair, and call the Meeting to order providing there is Quorum. If the Mayor or Deputy Mayor arrives later, then the presiding officer shall vacate the chair and turn the Meeting over to the more senior officer.
- 5.8 Every Member in speaking to any question or motion shall address himself only to the Mayor or Presiding Officer.
- 5.9 During the review of minutes, reports, communications, or other papers, and when a Member or any other Person is addressing the Council, silence will be observed, and no one shall disturb the Meeting.
- 5.10 Any Member may require the question or Motion under discussion to be read at any time during the debate.
- 5.11 Persons who cause disruption or display disorderly conduct during a Council Meeting may be ordered by the Mayor, Deputy Mayor or Presiding Officer to leave his/her seat for that Meeting, and in case of his/her refusing to do so, s/he may on order of the Mayor, Deputy Mayor or other Presiding Officer, be removed by authorities.

6. Special Meetings

- 6.1 The Mayor may call Special Meetings of Council whenever considered expedient to do so and shall do so when requested in writing by a majority of Council.
- 6.2 When a Special Meeting is requested by a majority of Council, the Meeting shall be held within fourteen (14) days of the date on which the request was delivered to the Mayor.
- 6.3 Written notice of a Special Meeting stating the time and place at which it is to be held and stating in general terms the nature of business shall be given to the public and each Councillor;
 - 6.3.1 to each Councillor; by delivering a notice to the Council Member or an adult person at the residence or place of business of the Member, not less than 24 hours prior to the Meeting, or by way of an alternate manner as specified by Council (Municipal Government Act Section 196 (1) & 196(2)).
 - 6.3.2 to the public; by insertion of such changes to the Town's website, Social Media accounts, and the main foyer of the Town Office.
- 6.4 The Mayor may call a Special Meeting of the Council upon such shorter notice, either oral or written, as s/he considers sufficient; however, no such Special Meeting may be held until a Majority of the Members of Council give their consent in writing to the CAO before the beginning of the Meeting.
- 6.5 No business other than what is stated in the notice shall be conducted at any Special Meeting of Council, unless all the Members of the Council are present, in which case, by unanimous consent any other business may be executed.

7. Electronic Participation in Meetings

- 7.1 Meetings of Council may be conducted through electronic or telephone services if:
 - 7.1.1 Meeting and hearing is held in accordance with the Municipal Government Act s.199.
 - 7.1.2 Determination has been made that electronic meetings are desired for reasons of ease and efficiency, or if they are required during an emergency, public health, or disaster events.
 - 7.1.3 Notice is given to the public of the meeting, including the way in which it is to be conducted;
 - 7.1.4 The public is able to view or listen to the meeting using avenues of attendance specified

in that notice; and

- 7.1.5 All the meeting's participants are able to view and/or hear each other.
- 7.2 Members are expected to participate in meetings in-person unless there is a clear need for electronic participation. Members may participate in a meeting electronically in accordance with this bylaw.
- 7.2.1 Any member, except the Chair of the meeting, may participate electronically in a meeting so long as the member participates in a location that is free of distractions, secure, and appropriate for participation in the meeting and:
- the member is outside of the Town of Fairview but desires to participate in the meeting electronically; or
 - the member is within the Town of Fairview but is unable to attend the meeting for personal or family reasons but desires to participate in the meeting electronically.
- 7.2.2 The Chair must be physically present at meetings and cannot preside over meetings electronically. To participate in a meeting electronically, the intended chair must vacate the chair for that meeting.
- 7.2.3 To participate in a meeting electronically, a member must notify the Chair and Chief Administrative Officer as soon as they are aware of their need to participate electronically.
- 7.2.4 The Chair has the authority to end a member's use of electronic participation in an in-person meeting if, in their opinion, the use of electronic participation is disruptive to the meeting or the location of the member is not secure or appropriate.
- 7.2.5 Councillors shall confirm identity before speaking when using telephone services to attend Meetings of Council.
- 7.2.6 Councillors shall confirm identity before verbally stating a vote.
- 7.3 Members attending Closed Session meetings electronically must be visible or audibly accounted for to ensure attendance accuracy.
- 7.3.1 Closed Session as per Municipal Government Act Section 197 shall not have media and general public attend session discussions; therefore, recording and electronic publications will cease until the Council Motions to move out of the Closed Session and return to Public Session.
- 7.3.2 Members shall verbally verify their attendance in Closed Session is confidential and the

contents of the Closed Session cannot be heard or obtained by any other person.

7.4 Should a loss of electronic means connection result in a Councillor's inability to participate in the Meeting of Council, the Meeting Chair shall call a recess to the meeting to attempt reconnection.

7.4.1 Failure to obtain electronic means connection to reconnect a Councillors ability to participate in the meeting of Council, will have the Legislative Services Coordinator proceed with 5.2

7.5 Councillors participating in a meeting conducted through electronic means are deemed to be present at the meeting

8. Recordings of Public Meetings

8.1 Meetings of Council public portions shall be recorded through electronic means and digital records be made available for transparency on the Town of Fairview's website.

9. Communication Intended for Town Council

9.1 Every written communication reaching the Legislative Services Coordinator or the Chief Administrative Officer and intended for Town Council shall be fairly written or printed on paper and shall be signed by at least one person whose address is also shown.

9.2 Any type of communication received by the Council may be referred to a Committee of Council or may be referred to the Chief Administrative Officer for a report.

10. Delegations

10.1 Notwithstanding any provision of this bylaw, Council shall grant an opportunity to persons entitled, under Provincial legislation, to make submissions to Council; and may from time to time invite persons or organizations to present information.

10.2 Delegations will be received during Meetings of Council during the Delegations session at the direction of the Chair, to begin at 7:00 p.m. or by prior arrangement through the CAO or as otherwise agreed by Council. Delegations will be limited to a 20-minute presentation time frame unless otherwise agreed by Council.

10.3 In questioning delegations, Councillors will ask only those questions which are relevant to the subject and will avoid repetition. Delegations will be restricted to speaking to the subject matter only.

10.4 A person wishing to make representation directly to Council shall so advise the Legislative Services Coordinator not less than four (4) days prior to the Council Meeting

date unless otherwise approved by a majority of Council Members present.

10.4.1 A person wishing to make representation to Council via electronic means must provide digital documentation to the Legislative Services Coordinator not less than seven (7) days prior to the Council meeting date.

10.4.2 The Legislative Services Coordinator shall provide the electronic means connection information to the delegation presenter not less than four (4) days prior to the Council meeting date.

10.4.3 Failure to obtain electronic means connection, or reconnect a lost connection for 5 minutes during a meeting of Council will result in termination of presentation time allowance.

11. Public Delegations

11.1 Persons, or persons representing an organization, wishing to speak to, or ask a question of Council shall be permitted to do so under the following guidelines:

11.1.1 The person's name, organization (if applicable), and subject matter are to be provided to the CAO or designate in advance of the meeting or listed on the form provided in the Council Chamber, or other appropriate location, prior to 2:00 p.m. of the meeting date;

11.1.2 Delegations shall be presented in person, or via electronic means subject to the approval of the CAO or designate.

11.1.3 At the place on the Agenda for the hearing of Public Delegations, the Chair shall call each delegation in order as it is listed;

11.1.4 Those presenting during the Public Delegations session shall address Council for no more than five (5) minutes;

11.1.5 A subject is to be in the form of a question or request and Councillors may ask questions of the presenter with regard to the subject only;

11.1.6 A Councillor or Administration may verbally answer the question or request during the question period if possible;

11.1.7 If an immediate answer is not available, the person will be given a reply through Administration or as Council may determine, as soon as available.

AGENDAS AND RECORDS OF MEETINGS

12. The Legislative Services Coordinator shall prepare the Agenda for Council, approved by the CAO, together with copies of all reports or communications to be dealt with at each Meeting of Council and shall place these at the disposal of Council, at least two (2) full days prior to a council meeting. Once distributed, items for addition to the Agenda may be added only with expressed approval from the CAO.
 - 12.1 Note of changes to regular Meeting dates and times will be deemed sufficiently delivered to any Councillor not present at the Meeting in which the change was made if the notice is delivered to Councillor's or Member's home or place of business in person or via electronic means; or by an alternate manner as specified by Council (Section 196(1) & 196(2) of the Municipal Government Act).
 - 12.2 Notice of changes to regular Meeting dates and times to the public will be deemed sufficiently given by insertion of such changes on the Town's website, Social Media accounts, and the main foyer of the Town Office.
 - 12.3 The general order of business at a meeting is the order of the items on the agenda except:
 - 12.3.1 When a previous meeting has been adjourned for lack of Quorum and a special meeting has not been called to address the business of the adjourned meeting. The Agenda items from the adjourned meeting shall be dealt with before any items on the current Agenda.
 - 12.3.2 When Council alters the order of business for the convenience of the meeting by a majority vote; and
 - 12.3.3 When the same subject matter appears in more than one agenda item and Council decides, on a majority vote, to deal with all the items related to the matter at the same time.
13. Council must vote to adopt the Agenda prior to transacting other business and may:
 - 13.1 By majority vote of Council enable additions of new agenda items; or
 - 13.2 Remove any matter from the Agenda by majority vote.
14. The CAO must ensure that all meetings of Council are recorded for records management and shall include:
 - 14.1 All decisions of Council and other proceedings;

- 14.2 Table of all Councillors present and with regrets from the meeting;
 - 14.3 Names of Councillors, Administrators, and other persons present during Closed Sessions;
 - 14.4 Any declarations of pecuniary interest made under the Act by any Councillor; and
 - 14.5 The signatures of the meeting Chair and the Legislative Services Coordinator.
15. The Legislative Services Coordinator shall ensure the minutes of each Meeting(s) of Council are prepared and shall include a copy in the Agenda package for the next Meeting of Council.
 16. The Mayor or designate shall present the minutes of each Meeting(s) of Council with a request for a motion to adopt the minutes.
 - 16.1 The minutes of a previous Meeting of Council shall not be read aloud unless requested by the majority of Councillors.
 - 16.2 Any Councillor may make a motion requesting that the minutes be amended to correct any inaccuracy or omission.
 - 16.3 Only minor changes may be made to correct errors in grammar, spelling, and punctuation or to correct the omission of a word necessary to the meaning or continuity of a sentence; No changes shall be allowed which would alter or affect in a material way the actual decision made by Council.
 - 16.4 Should a Councillor wish to challenge the accuracy of the minutes of a previous meeting, the Councillor must make the Challenge known to the CAO before Council has officially confirmed the minutes.
17. Signing Authority
 - 17.1 Agreements, Bylaws or documents made or executed on behalf of the municipality shall be signed by the Mayor or her/his designated alternates; excluding contracts.
 - 17.2 Responsibility to approve contracts for the purchase or hire for municipal use of goods, machinery, or equipment, and the services connected therewith are delegated in accordance with the Purchasing Policy.

BYLAWS

12. All proposed bylaws must have a bylaw number assigned by the Legislative Services Coordinator and a concise title indicating the purpose of the bylaw.
13. The bylaw number and the short title of a proposed bylaw must be included on the Agenda and the CAO must provide all Councillors with a copy of the proposed bylaw prior to any motion for first reading.
14. Every proposed Bylaw must have three (3) distinct and separate readings.

14.1 First Reading

- 14.1.1 A proposed bylaw must be introduced at a Regular Council Meeting by a motion that "Bylaw Number (specify the number assigned by the Legislative Services Coordinator) be read a first time".
- 14.1.2 Bylaws requiring a Public Hearing, excluding Road Closure Bylaws, shall be given first reading at a Council Meeting at least one Council Meeting prior to the scheduled Public Hearing date.
- 14.1.3 Council shall vote on the motion for the first reading of a bylaw without amendment or debate.

14.2 Second Reading

- 14.2.1 After the first reading has been given, any Councillor may move that "Bylaw Number(specifying the proposed bylaw number) be read a second time".
- 14.2.2 A proposed Bylaw must not have more than two (2) readings at a Council Meeting unless the Councillors present unanimously agree to consider third reading.

14.2.3 Amendments

- After a motion for the second reading has been made, Council may debate the substance of the bylaw and or propose and consider amendments to the bylaw.
- All amendments to a Bylaw made in Committee of the Whole shall be reported by the chairman to the Council. After a report has been received, the proposed Bylaw shall be open to debate and amendment.
- Any amendments to the bylaw which are carried prior to the motion for the third reading being Put will be considered to have been given the first and second readings and will be incorporated into the proposed bylaw. If

amendments to the proposed bylaw have been carried:

- a. all Councillors must be given an opportunity to review the full text of the amendments; and
- b. the Chair must Put the question that “Bylaw Number (specifying the proposed bylaw number) as amended, be given a third reading”.

14.3 Third Reading

14.3.1 After the second reading has been given, any Councillor may move that “Bylaw Number (specifying the proposed bylaw number) be read a third time and passed”.

14.3.2 When a bylaw is being considered for the third reading and the bylaw received its first and second readings at a previous meeting(s), after a motion for third reading has been made, Council may debate the substance of the bylaw and or propose and consider amendments to the bylaw.

14.4 Every Bylaw which has been passed by 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 Legislative Services Coordinator.

14.5 Failure of a Reading

14.5.1 If any reading of a proposed bylaw fails, any previous readings are rescinded.

14.6 Amendment and Repeal

14.6.1 Once a bylaw has been passed, it may only be amended or repealed by another bylaw made in the same way as the original bylaw unless another method is specifically authorized by statute.

PUBLIC HEARING MEETING

15. Public Hearing

15.1 When the *Act* or any other legislation requires Council to hold a Public Hearing on a proposed bylaw or resolution, the public hearing must be held unless another enactment specifies otherwise:

15.1.1 Before the second reading of the bylaw; or

15.1.2 Before Council votes on the resolution

16. Time of Public Hearing on a Bylaw

16.1 Any person or group of persons or persons acting on behalf of anyone who claims to be affected by a proposed bylaw may speak to the matter, and the following procedures will apply:

16.1.1 The Administration will introduce the proposed bylaw;

16.1.2 The person will be allowed five (5) minutes to speak;

16.1.3 After a person has spoken, any Councillor may ask that speaker relevant questions;

16.1.4 Any Councillor may ask Administration relevant questions after all persons who wish to speak have been heard;

16.1.5 Council must allow an opportunity to all persons to respond to any new information that has arisen; and

16.1.6 Any Councillor may then move that "The Public Hearing on Bylaw Number (specifying the proposed bylaw number) be closed".

17. Public Hearing Participation

17.1 In addition to attending a Public Hearing in person, members of the public may participate in Public Hearings in the following ways:

17.1.1 Written Participation

- Provide a written submission for inclusion in the Council Agenda. The submission must be received by 12:00 p.m. four (4) days prior to the Public Hearing;
- Written submissions received after the designated deadline up until 7:00 p.m. on the day of the Public Hearing will be summarized by Administration, noted during the Public Hearing and provided to Council in full.

17.1.2 Electronic Participation

- Provide a request to appear live at the Public Hearing via electronic means.
- Provide a pre-recorded video of an oral presentation.

Live or pre-recorded virtual presentation requests must be received by 12:00 p.m. on the day of the Public Hearing.

17.2 Representing More Than One Person

17.2.1 If an authorized speaker represents more than one person, the speaker will be allowed only five (5) minutes to speak unless Council decides otherwise.

MEETING PROCESS

18. Inquires

18.1 Councillor inquiries to administration may be presented with a maximum of two (2) inquiries per Councillor per meeting, by verbal inquiry.

18.2 Administration may respond verbally and immediately following an inquiry, or

18.2.1 Administration may provide a written response at the next regular council meeting, or

18.2.2 Administration may request that a response be provided at a future time.

19. Councillor Reports

19.1 Councillors shall provide verbal reports pertaining to the Board, Commission or Committee Meeting (s) the Councillors sit as appointed representatives.

19.2 Supporting documentation shall be provided to the Legislative Services Coordinator for addition to the agenda 4 days prior to the Meeting of Council.

19.3 Councillors may discuss non-municipal community information of interest after Board, Commission or Committee Meeting reports have been given.

19.4 Councillors shall not introduce a motion asking for consideration for a matter related to 19.3 Councillors may request to Council the addition of an Agenda item to the next scheduled meeting as per section 19.5

Motions

19.5 Notice of Motion

19.5.1 A Councillor may make a motion introducing any new matter only if:

- Notice is given at a Council Meeting held at least seven (7) days before the Regular Council Meeting at which the motion is proposed to be

made and a written copy of the content of the notice is made available to the CAO; or

- Council passes a Special Resolution waiving notice.

19.6 Detailed Notice of Motion

- 19.6.1 A notice of motion must give sufficient detail so that the subject of the motion and any proposed action can be determined, and it must state the date of the meeting at which the notice of motion is proposed to be made. A notice must be given without discussion of the matter, but any written copies distributed may include explanatory paragraphs.

19.7 Delay in Presenting Motion

- 19.7.1 If a motion is not made at the meeting indicated in the notice, it will appear on the Agenda for and may be made at any of, the next two (2) Regular Council Meetings. After the third (3rd) Regular Council Meeting, it will be removed from the agenda and may only be made by a new Notice of Motion.

19.8 Recommendations are Not Motions

- 19.8.1 A motion must be made on any Agenda item before it is debated. A recommendation in a report does not constitute a motion until a Councillor has expressly moved it.

19.9 Withdrawal

- 19.9.1 Once a motion has been moved and stated by the Chair, it is in the possession of Council, and may not be withdrawn without unanimous consent of all Councillors present at the meeting.

19.10 Urgent Business

- 19.10.1 A Councillor may move to discuss a matter of urgent public importance without prior notice.

- 19.10.2 A motion to bring a matter before Council as Urgent Business is subject to the following conditions:

- The matter proposed for discussion must relate to a genuine emergency, calling for immediate and urgent consideration;

- The motion must not involve discussion of a matter which has been discussed previously in the same meeting, excepting questions raised during Public Delegations; and
- The motion must not raise a Question of Privilege.

19.10.3 When a Councillor has made a motion to waive notice to bring a matter before Council as Urgent Business, the Mayor shall rule upon the admissibility of the matter.

19.11 Put by the Chair

19.11.1 The Chair must Put all motions before a vote is taken.

19.12 Motions to Postpone

19.12.1 Motions to Postpone are debatable and debate may deal with the merits of the motion being Postponed.

19.12.2 Motions to Postpone may only be brought back or reconsidered at a meeting of Council held two (2) months or more from the date of Postponement, or

19.12.3 A Special Resolution is passed allowing it to be brought back.

19.13 Amendments

19.13.1 An amendment proposed to a motion must be relevant to its subject matter and must not propose a direct negative of the motion.

19.13.2 Every amendment must be relevant to the question on which it is proposed. Any amendment offered which raises a new question can only be considered on a distinct motion after notice.

19.13.3 An amendment proposing a direct negative is out of order.

19.13.4 All amendments shall be put in the reverse order to that in which they are moved; and every amendment shall be decided upon or withdrawn before the main question is put to a vote. Only one amendment to the main motion at one time shall be allowed.

19.13.5 All motions for the appointment of any person to any office shall preclude any amendments.

19.13.6 No Member may move to amend his own motion.

19.13.7 A sub-amendment (amendment to the amendment), should not enlarge the scope of the amendment but should deal with matters not covered by the amendment.

19.14 Friendly Amendments

19.14.1 After debate on a main motion has begun, the Councillor making the motion may, with general consent, make minor changes to the wording or agree to a minor change proposed by another Councillor.

19.15 Amendments to Amendments

19.15.1 Only one amendment to a motion may be before the meeting at any time, but an amendment to the amendment may be before the meeting at the same time. The amendment to the amendment must be voted on before the amendment.

19.16 Debatability of Amendments

19.16.1 Councillors may debate the merits only of the amendment, not the merits of the motion it is applied to.

19.17 Cannot Amend Own Motion

19.17.1 A Councillor may not amend their own motion.

19.18 Referral Motions

19.18.1 A Councillor may move to refer any motion to a Committee, Administration, or for investigation and report, and the referral motion:

- Will preclude all further amendments to the motion;
- Is debatable; and
- May be amended only as to the body of membership to which the motion is referred and the instructions on the referral.

19.19 Referrals Refused by the Chair

19.19.1 The Chair may refuse to accept a referral motion that would have the effect of defeating the motion to which it applies (for example, due to time constraints).

19.20 Limiting or Ending Debate

19.20.1 Any motion to limit or end debate:

- Cannot be debated;
- Must be passed by a majority Vote; and
- Unless a motion to Postpone is made, when a motion limiting or ending debate is carried, the motion to which it applies must be Put without further debate or amendment.

19.21 Motions Disallowed

19.21.1 If a motion is contrary to the rules and privileges of Council, the Chair may refuse to accept it and must cite the rule or authority applicable without other comment.

19.22 Privileged Motions

19.22.1 The following motions are privileged motions and may, if the Chair determines that they are of overriding importance, interrupt the debate on another motion:

- A Point of Privilege;
- A motion to recess;
- A motion to adjourn; and
- A motion to fix the time to adjourn.

19.23 Point of Privilege

19.23.1 A Councillor may raise a Point of Privilege to remedy any pressing situation at any time. The Chair must immediately decide whether to accept the Point of Privilege. If accepted, it must be dealt with immediately.

19.24 Motion on Point of Privilege

19.24.1 If a motion is made resulting from an accepted Point of Privilege, it is not debatable or amendable.

19.25 Point of Order

19.25.1 A Point of Order, which requires immediate attention, may interrupt a speaker

and is not debatable or amendable. The Chair must rule on a Point of Order and no vote will be taken unless there is a Challenge.

19.26 Motion to Challenge

19.26.1 Any ruling of the Chair may be Challenged.

19.26.2 A motion to Challenge may be made only at the time of the ruling, whether or not another speaker has the floor.

19.26.3 A motion to Challenge is debatable unless it relates to decorum, the priority of business, or an undebatable pending motion.

19.26.4 If a motion is made to Challenge, the Chair must state the question “Is the ruling of the Chair upheld?” and may participate in a debate on the Challenge without leaving the Chair.

19.26.5 If the Chair refuses to Put the question on a Challenge, the person who would preside if the individual occupying the Chair were absent must Put the question to Council.

19.26.6 Unless there is a majority Vote against it, the ruling of the Chair will be upheld.

19.27 Objection of Consideration of a Motion

19.27.1 The purpose of an “Objection to the Consideration of a Motion” is to enable Council to avoid a particular original main motion when it would be undesirable for the motion to come before them, and may be dealt with in the following manner:

- A Councillor may move to object to the consideration of the main motion prior to any debate on the motion and the Chair must state the question “Will the motion be considered?”
- A motion to object to the consideration of a motion is not debatable or amendable. The motion objected to will be heard unless there is a majority Vote against hearing it.
- If Council passes a motion to object to the consideration of a motion, the motion objected to may be brought before Council only by renewal in accordance with Subsection 29.29 of this bylaw.

19.28 Dividing Motions into Parts

19.28.1 A Councillor may request that a motion be divided if it contains parts, which stand

as complete propositions. Council must then vote separately on each proposition.

19.29 Motions Previously Considered

19.29.1 Subject to Subsections 29.23 and 29.28 of this bylaw, once Council has dealt with any matter, a motion that would have a similar result may not be made.

19.30 Reconsidering Motions

19.30.1 A Councillor can only introduce a motion asking Council to reconsider a matter dealt with in a previous motion if:

- The motion is made at the same meeting; or
- The motion is made within two (2) meetings or six (6) weeks, whichever is the shortest length of time, from the passing of the motion at which the original matter was considered; and
- is moved by a mover who voted with the prevailing results; or
- The Councillor provides a notice in writing to Council prior to the meeting at which it is to be reconsidered, in which the Councillor sets out what special or exceptional circumstances warrant Council considering the matter again; and
- The motion to which it is to apply has not already been acted upon.

19.31 Reconsideration Motion Passed

19.31.1 If a motion to reconsider is passed, the original motion is on the floor.

19.32 Reconsideration Not Allowed

19.32.1 A motion to reconsider may not be applied to:

- Any vote which has caused an irrevocable action; or
- A motion to reconsider.

19.32.2 A motion to reconsider is only debatable when the motion being reconsidered is debatable.

19.33 Rescinding and Renewing Motions

19.33.1 A motion to rescind a motion, which has been passed, or to renew a defeated

motion may be offered subsequent to the meeting at which the motion was passed or defeated if the rescinding or renewal motion is:

- Brought more than six (6) months after the date of the original motion; or
- Brought after a General Municipal Election that has taken place since the date of the original motions; or
- Brought more than one (1) month after the date of the original motion when the original motion was defeated by a tie vote.

19.34 Notice of Rescission or Renewal

19.34.1 Notice of a motion to rescind or renew a motion must be given or dispensed with pursuant to the provisions of this bylaw.

19.35 Rescission Not Allowed

19.35.1 No motion to rescind may be made when:

- A vote has caused an irrevocable action; or
- A decision has been made to rescind or reconsider the motion.

19.36 Recess

19.36.1 Any Councillor may call for a recess at the discretion of the Chair. After the recess, business will be resumed by call of the Chair, at the point when it was interrupted. A recess may not be used to interrupt a speaker.

19.37 Adjournment

19.37.1 A motion to adjourn is not debatable or amendable.

19.38 Notices of Motion Given Prior to Adjournment

19.38.1 Before Putting the motion for adjournment, the Chair must allow an opportunity for any notices of motion to be given.

19.39 Adjournment of Regular Meeting

19.39.1 A motion to adjourn a Regular Council Meeting or a Public Hearing Meeting requires a majority vote.

VOTING

20. Motion Carried

20.1 A motion will be carried when a majority of Councillors present at a meeting vote in favour of the motion, unless otherwise specified in this bylaw. When a motion is carried unanimously, it shall be recorded as such.

21. Tie Vote

21.1 A motion is defeated when the vote is tied.

22. Failure to Vote

22.1 Each Councillor present must vote on every motion as outlined under the Act, unless that Act, or any other Provincial or Federal enactment requires or permits the Councillor to abstain, in which case the Councillor must cite the legislative authority for abstaining, and the abstention and reasons must be recorded in the minutes. As outlined in Bylaw 1042/GEN/2018 Code of Conduct for Members of Council.

23. Loss of Quorum

23.1 If a motion cannot be voted on because there would be no Quorum due to:

- A Councillor(s) declaring a pecuniary interest; or
- Any abstention allowed or required by statute;
- Loss of transmission via electronic means;

Then the matter will be dealt with as unfinished business and proceeded with at the next Regular Council Meeting. If Council is unable to achieve Quorum at any meeting on an issue due to the pecuniary interest of Councillors, then Council must ask the Minister of Municipal Affairs for an order or direction under the Act.

24. Voting Procedures

24.1 Votes on all motions must be taken as follows:

- 24.1.1 Councillors must be in their designated Council seat when the motion is Put;
- 24.1.2 The Chair must Put the motion;
- 24.1.3 Vote by a show of hands; or

- 24.1.4 Vote verbally by stating “for” or “against” the motion if participating by electronic means; and
- 24.1.5 the Chair must declare the result of the vote.

25. No Change Vote

- 25.1 After the Chair declares the result of a vote, Councillors may not change their vote for any reason.

26. Silence Once Question is Put

- 26.1 From the time the question is Put by the Chair until the result of the vote is declared, Councillors must be silent and must not leave their seats.

RULES GOVERNING DEBATE

27. Order of Speakers

- 27.1 The Chair will determine the speaking order when two or more Councillors wish to speak, subject to Challenge.

28. Interruptions

- 28.1 Councillors who have been assigned their turn to speak may only be interrupted by other Councillors including the Chair:

- 28.1.1 When a Councillor is debating a subject and no motion is on the floor;

- 28.1.2 When a Councillor has exceeded the five (5) minute time limit to speak;

- 28.1.3 By a Point of Privilege;

- 28.1.4 By a Point of Order;

- 28.1.5 By an objection to the consideration of a motion; or

- 28.1.6 By a Challenge.

29. Debate

29.1 Councillors, including the Mayor, may enter debate once a motion is on the floor.

30. Mayor Entering Debate

30.1 The Mayor may enter debate only after all Councillors have completed debate.

31. Councillor Called to Order

31.1 A Councillor who is called to order must immediately stop talking but must be given an opportunity to Challenge before debate is closed. Council will decide the Challenge without debate.

32. Request to Have Motion Considered

32.1 A Councillor may require that the motion being considered be read at any time during debate but must not interrupt the speaker.

33. Number of Speeches

33.1 Unless otherwise provided in this bylaw, Councillors may speak only once on any motion; however, the Chair may give permission to speak again.

34. Time Limits

34.1 Each Councillor may speak for five (5) minutes:

34.1.1 By asking questions on a motion;

34.1.2 In debate on a motion;

34.1.3 By asking questions on an amendment;

34.1.4 In debate on an amendment; and

34.1.5 In reply, when the Councillor is the mover of the motion;

- Unless Council gives permission, by a 2/3 Vote, to speak for an additional five (5) minutes.

35. Opportunity to Be Heard

35.1 Each Councillor will be given an opportunity to speak to a motion before it is Put to a vote unless a motion is passed to limit or end debate.

DUTIES OF THE CHAIR

36. Chair to Maintain Order

36.1 The Chair may call to order any Councillor who is out of order

37. Citing Reasons for Decisions

37.1 When the Chair makes a decision on a question of procedure, except a Parliamentary Inquiry, they must provide a reason for the decision.

DISCIPLINARY PROCEDURES

38. Naming a Councillor for an Offense

38.1 When 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 offense. The CAO or Legislative Services Coordinator must note the offense in the minutes.

39. Effect of Naming a Councillor

39.1 If a Councillor who has been named:

39.1.1 Apologizes and withdraws any objectionable statement, then:

- That Councillor may remain and continue participating in the meeting, and
- The Chair may direct that the notation of the offense be removed from the minutes;

39.1.2 If that Councillor fails or refuses to apologize, Council must vote on a motion to expel that Councillor. A motion to expel must be decided without debate and, if passed, that Councillor must immediately leave the Council Chamber.

40. Removal of Councillor

40.1 If a Councillor has been expelled pursuant to Subsection 49 of this bylaw, that Councillor must leave the Council Chamber immediately. The Chair may request removal of an expelled Councillor if that Councillor does not leave voluntarily.

41. Disturbance by Public

41.1 The members of the public during the proceedings of Council:

41.1.1 Shall not address Council without permission of the Chair;

41.1.2 Shall maintain order and quiet;

41.1.3 Shall not applaud or otherwise interrupt any speech or action of the Councillors, or any other person addressing Council; and

41.1.4 When granted permission to address Council, shall not use offensive words or speak disrespectfully of Council, any Councillor, or Administration.

42. Expel a Public Member

42.1 The Chair may at any meeting expel and exclude any person who creates any disturbance or acts improperly. A person who refuses to leave is guilty of an offense and the Chair may order law enforcement to remove the person.

**PUBLIC AND CLOSED
MEETINGS**

43. Public Meetings

43.1 Except as provided in the Act, Council and Council Committee meetings will be held in public and no person may be excluded except for improper conduct.

44. Closed Session Meetings

44.1 Council may by resolution move into a Closed Session and while in a Closed Session, Council may not pass any resolutions other than to revert to the public meeting.

COMMITTEE OF THE WHOLE

46. Order of Proceedings in Committee of the Whole

46.1 The rules of the Council shall be observed in Committee of the Whole, as far as may be applicable.

46.2 Questions of order arising in Committee of the Whole shall be decided by the

chairman, subject to an appeal to the Council.

46.3 The Deputy Mayor shall hold the position of chairman of Committee of the Whole.

COUNCIL COMMITTEES

47. Council Committees

47.1 The Legislative Services Coordinator or designate shall record the minutes of the Committee.

47.1.1 The minutes of the transactions of every Committee shall be accurately recorded and sent to Council for information or action as the case may be;

47.2 Council may appoint Council Committees comprised of Council Members, Administration or any other individuals to investigate and report to Council.

47.3 A Council Committee may consist of two or more of its members and may delegate any of the duties imposed on Council by the Municipal Act except the power to borrow money, to pass a bylaw, or to enter into an agreement.

47.4 No report or recommendation dealing with any matter or thing shall be recognized as emanating from any Committee unless it is in writing, has been certified correct by the CAO, or designate, and refers to the minutes of the Committee under which it is issues.

47.5 All standing Committee Meetings are open to the public. Committees may, by consensus, exclude any Person or Persons from their Meeting when it is deemed to be in the best interest.

47.6 Council may appoint Members at large to Committees.

47.7 Any Councillor, who is not a member of a Committee, shall have the right to attend Committee meetings with the right of debate, but may not make motions or vote.

47.8 When any Special Committee or Council Committee is appointed, Council must:

47.8.1 Name it;

47.8.2 Establish Terms of Reference;

47.8.3 Establish the term of appointment, or direct that the Council Committee or Special Committee exist at the pleasure of Council; and

47.8.4 Establish requirement for reporting to Council.

47.9 Committees:

47.9.1 May refer matters to other Council Committees

47.9.2 Will submit recommendations to Council on any action or decision recommended on any matter within the jurisdiction of the Committee

47.9.3 May not appropriate, expend or direct the expenditure of any money not provided for in the budget approved by Council.

48. Inter-Jurisdictional Committees

48.1 Subject to the provisions of the Municipal Government Act a Council may pass a Bylaw authorizing the making of an agreement with the Council of any other municipality for the performance of any matter or thing.

48.2 Council will appoint elected representatives to these Committee's in accordance with the agreements signed.

49. Special Task Forces

49.1 The Municipal Government Act authorizes Council to appoint Special Committees consisting of two or more of its Members and may delegate any matter for consideration and recommendation.

49.2 The Town of Fairview does, from time to time, require in depth review of certain municipal issues. Council, by motion, may choose to create a Special Task Force by adopting a Terms of Reference and Procedural Guidelines in regular session.