

## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

**A Bylaw of Wheatland County to provide for the orderly proceedings of Meetings held by Council and the various boards, committees, and other bodies established by Council.**

**WHEREAS** Wheatland County Council may pass bylaws establishing procedures to be followed by Council, committees, and other bodies established by Council pursuant to the *Municipal Government Act*;

**AND WHEREAS** Wheatland County may pass bylaws establishing procedures for public hearings pursuant to the *Municipal Government Act*;

**NOW THEREFORE** the Council of Wheatland County enacts as follows:

#### Title

- 1 This Bylaw may be cited as the *Procedure Bylaw*.

#### Definitions

Words in this Bylaw have the same meaning as set out in the *Municipal Government Act* except for the following:

- 2 **“Administration”** means the operations and staff under the direction of the Chief Administrative Officer.
- 3 **“Annual Open House”** means an opportunity for the public to engage in informal interactions with Council members, facilitating discussions, and gaining insights into various County initiatives twice per year.
- 4 **“Bylaw”** means a bylaw of Wheatland County.
- 5 **“Chair”** means the person with the authority to preside over a Meeting and direct the proceedings and conduct of that Meeting.
- 6 **“Chief Administrative Officer”** means the Chief Administrative Officer of Wheatland County pursuant to the *Municipal Government Act* or their authorized delegate.
- 7 **“Closed Session”** means a Meeting or part of a Meeting that is closed to the public in accordance with the *Municipal Government Act* and the *Freedom of Information and Protection of Privacy Act*, or as permitted under other governing legislation.
- 8 **“Code of Conduct Bylaw”** means the Council Code of Conduct Bylaw, as amended, or replaced from time to time.
- 9 **“Committee”** means a committee, board, appeal board, commission, or other body of Wheatland County established by Council and with Members appointed by Council.
- 10 **“Committee of the Whole”** means a Meeting to provide an opportunity for Council Members to engage in informal discussion on ideas and proposals which may result in a recommendation to Council.
- 11 **“Council”** means the duly elected Councillors of Wheatland County.
- 12 **“Councillor”** means a duly elected Councillor of Wheatland County and includes the Reeve and Deputy Reeve.
- 13 **“Deputy Reeve”** means the individual appointed by Council as deputy chief elected official for Wheatland County under section 152 of the *Municipal Government Act*.
- 14 **“Divisional Town Hall or Open House”** means an opportunity for the public to meet with the Councillor who represents their division.
- 15 **“Election”** means a general election as defined in the *Local Authorities Election Act* but does not include a by-election or a vote on a Bylaw or question.

## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

- 16     **“Emergent Business”** means a matter that was not included on a Meeting agenda but due to time constraints or unusual circumstances needs to be considered on an urgent basis.
- 17     **“Freedom of Information and Protection of Privacy Act”** means the *Freedom of Information and Protection of Privacy Act*, RSA 2000, c F-25 as amended or replaced from time to time.
- 18     **“Group”** means three or more persons with a common interest in a matter before Council or a Committee pursuant to this Bylaw.
- 19     **“Local Authorities Election Act”** means the *Local Authorities Election Act*, RSA 2000, c L-21, as amended or replaced from time to time.
- 20     **“Majority”** means more than half of the Members present. For example, the Majority for a body of seven Members is four.
- 21     **“Meeting”** means an Organizational, Regular, Committee of Whole or Special Meeting of Council or a Committee meeting.
- 22     **“Member”** means either:
- (1)     a Councillor; or
- (2)     an individual appointed by Council to a Committee who is not a Councillor.
- 23     **“Municipal Government Act”** means the *Municipal Government Act*, RSA 2000, c M-26, as amended or replaced from time to time.
- 24     **“Notice of Motion”** means a verbal and written notice provided by a Member to all Councillors present at a Meeting and to the CAO of a motion that a Member intends to make at a subsequent Meeting.
- 25     **“Organizational Meeting”** means a Meeting of Council held pursuant to section 192 of the *Municipal Government Act*.
- 26     **“Public Hearing”** means a public hearing held pursuant to the *Municipal Government Act* or any other statute, and includes non-statutory public hearings directed by Council.
- 27     **“Public Presentation Committee”** means a Meeting for Members of the public and stakeholder Groups to present information and updates to the County to ensure the County understands the needs and concerns of its communities.
- 28     **“Quorum”** is the minimum number of Members who must be present at a Meeting to conduct business. For example, the Quorum for a Council of seven Members is four.
- 29     **“Reeve”** means the individual appointed as chief elected official for Wheatland County in accordance with section 150 of the *Municipal Government Act*.
- 30     **“Regular Meeting”** means a regularly scheduled Meeting of Council held pursuant to section 193 of the *Municipal Government Act*.
- 31     **“Resolution”** means a motion that is passed by Council or a Committee.
- 32     **“Special Meeting”** means a Meeting of Council held pursuant to section 194 of the *Municipal Government Act*.

#### Application and Interpretation

- 33     This Bylaw applies to all Council and Committee Meetings and to those participating and attending those Meetings. The procedures established in this Bylaw are to be used for the orderly consideration of business and to be applied in the spirit of fairness, equality, and common sense.
- 34     Notwithstanding the procedures established in this Bylaw, if a Committee establishes procedures that differ from the procedures in this Bylaw, the procedures of the Committee take precedence to the extent of the difference.

## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

35 Meeting procedure is a matter of interpretation by the Chair subject to the rights and privileges of Members. The Chair is encouraged to seek advice when interpreting Meeting procedures.

- (1) Although Meeting procedures are a matter of interpretation by the Chair, it is all Members' responsibility to ensure that the procedures in this Bylaw are followed during Meetings.

36 Council or a Committee may by Resolution temporarily suspend the rules, or a specific rule, established in this Bylaw. A suspension of the rules is only in effect for the Meeting at which the Resolution is passed.

- (1) Rules in this Bylaw that originate from the *Municipal Government Act* or other governing legislation cannot be suspended.

37 Seconding a motion is not required during any Meeting of Council or a Committee.

#### **Duties of the Reeve, Deputy Reeve, Chairs, and Vice Chairs**

38 The Chair of a Meeting is responsible for:

- (1) presiding over the Meeting when in attendance unless otherwise required by this Bylaw or provided for in Wheatland County's Bylaws, policies, and procedures;
- (2) presiding over conduct at Meetings, including providing for the orderly consideration of business, preserving good order and decorum, deciding on, and responding to questions of procedure, ruling on points of order and points of privilege, adjourning the meeting, and responding to challenges of the Chair;
- (3) managing the flow of business at Meetings, including changing the order of the agenda when appropriate and calling for recesses of the Meeting; and
- (4) providing for the orderly queuing of speakers, including other Members, Administration, and the public, and ensuring that each Member who wishes to speak on a matter is provided an opportunity to do so in accordance with this Bylaw.

39 The Reeve presides over Council Meetings as the Chair when present. The Deputy Reeve is the Chair of Council Meetings when the Reeve is not present at a Meeting.

40 The Deputy Reeve has all the same powers and responsibilities under this Bylaw when presiding as the Chair.

41 An Acting Chair presides over Council Meetings as the Chair when both the Reeve and Deputy Reeve are unable to perform the position's duties. The Acting Chair has all the same powers and responsibilities under this Bylaw when presiding as the Chair.

- (1) An Acting Chair is chosen by consensus of the Members in attendance or, if required, by a Resolution of the Members in attendance. The Chief Administrative Officer will act as Chair until the Acting Chair is appointed.

#### **Term of Appointment of the Reeve and Deputy Reeve**

42 The term of appointment of the Reeve and Deputy Reeve is for one year and established at the Organizational Meeting.

43 The term of appointment of the Reeve and Deputy Reeve must be made, suspended, or revoked by Resolution. A Resolution to suspend or revoke the appointment of the Reeve or Deputy Reeve must provide for the appointment of another Councillor to that position.

#### **Regular Meeting, Special Meeting, Committee of the Whole, Organizational Meeting and Public Presentation Committee Meeting**

##### Regular Council Meetings

44 At its annual Organizational Meeting, Council establishes the dates and times of the Regular Council Meetings for the ensuing year.

## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

- 45 Council may establish additional Regular Council Meeting dates and times by Resolution. All Councillors must be present when establishing the dates and times of additional Council Meetings.

#### Special Meetings

- 46 Special Council Meetings may be called by the Reeve in accordance with and through the processes established in section 194 of the *Municipal Government Act*.
- 47 No item, other than what was advertised, may be dealt with at a Special Meeting unless the entire Council is present, and Council agrees to deal with the matter in question as per section 194(5) of the *Municipal Government Act*.

#### Committee of the Whole Meetings

- 48 Committee of the Whole Meeting dates may be established at the Organizational Meeting. Council may establish additional Meetings with the dates and times by Resolution.
- 49 Council may ask questions, however debate that leads to a decision is not allowed. The Meeting is to discuss, ask questions and an informal consideration of a matter.

#### Organizational Meetings

- 50 Council holds an annual Organizational Meeting pursuant to section 192(1) of the *Municipal Government Act* for the purpose of appointing the Reeve and Deputy Reeve, establishing Regular Council Meeting dates, appointing Members to Committees, and any other business included on or added to the Organizational Meeting agenda.
- 51 At Organizational Meetings, Council:
- (1) appoints the Reeve and Deputy Reeve for the term of appointment provided for in this Bylaw;
  - (2) establishes the dates and times of Regular Council Meetings as required. All Councillors must be present when establishing the dates and times of Regular Council Meetings pursuant to section 193(1) of the *Municipal Government Act*;
  - (3) makes Council and Committee appointments as required, including appointments for Council representatives, Member at large positions, and Chair and Vice Chair positions;
  - (4) establishes the dates and times of the Public Presentation Committee Meetings;
  - (5) establishes the dates and times of the Committee of the Whole Meetings;
  - (6) establishes the dates and times of two Annual Open Houses;
  - (7) reviews the Code of Conduct;
  - (8) appoints signing authorities for banking;
  - (9) appoints the auditor; and
  - (10) considers any other matter on or added to the Organizational Meeting agenda.
- 52 At the first Organizational Meeting of the Council term, Council also:
- (1) administers the oath of office and introduction of Council Members;
  - (2) reviews the Procedure Bylaw; and
  - (3) appoints the Integrity Commissioner for a four-year term.
- 53 During Organizational Meetings:

## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

- (1) the Chief Administrative Officer calls the Meeting to order, presides over the appointment of the Reeve and their oath of office; and
  - (2) once appointed, the Reeve presides over the appointment of the Deputy Reeve, and all subsequent matters on the Organizational Meeting agenda.
- 54 During the appointment of vacant positions at the Organizational Meeting, or as otherwise required from time to time, the following voting procedures apply:
- (1) if only one nomination is received for a vacant position, the nominee will be appointed by acclamation; or
  - (2) if more than one nomination is received for a vacant position, a vote by secret ballot will be conducted, using the following ballot procedure:
    - (a) if no nominee receives a Majority of votes on the first ballot, the nominee who received the least number of votes is dropped from the ballot and a subsequent ballot is conducted with the remaining nominees; and
    - (b) on any subsequent ballots, the nominee who receives the least number of votes is dropped from the ballot until a nominee receives a Majority of votes.
  - (3) If after repeated ballots it is clear that no one nominee will receive a Majority of votes, Council may use an alternate method of determining the successful nominee. The alternative method may be established by consensus or, if required, by Resolution.
- 55 All appointments, including appointments determined by secret ballot and alternates to Committees, must be confirmed by Resolution pursuant to section 185.1(2) of the *Municipal Government Act*.
- 56 All ballots for secret ballot votes conducted at the Organizational Meeting are destroyed after the Meeting is adjourned.

#### Public Presentation Committee Meetings

- 57 The Committee as per Public Presentation Committee Bylaw as amended or replaced from time to time, provides a forum for Members of the public and stakeholder Groups to present information and updates to the County to ensure the County understands the needs and concerns of its communities.

#### **Electronic Participation in Meetings**

- 58 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 through the County provided teleconference solution.
- 59 Any Member, except for 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.
- 60 The Chair must be physically present at Meetings and cannot preside over Meetings electronically. To participate in a Meeting electronically, the Chair must vacate the Chair for that Meeting.
- 61 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.
- 62 The Chair has the authority to end a Member's use of electronic participation in a 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.

#### **Holding Meetings and Hearings Electronically**

- 63 Council or Committee Meetings and hearings may be held electronically so long as they are held in accordance with section 199 *Municipal Government Act* and comply with the

## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

notification and participation requirements of the *Municipal Government Act* and Wheatland County's Bylaws, policies, and procedures.

- 64 Council or a Committee may direct that their Meetings and hearings be held electronically if, in its determination, electronic Meetings are desired for reasons of ease and efficiency, or if they are required during emergency, public health, or disaster events.
- 65 If directed by Council or a Committee, electronic Meetings may be held through a video or telephone conference platform. The Chief Administrative Officer will determine and provide for the specific platform, such as Microsoft Teams, through which electronic Meetings will be held based on accessibility and technical limitations.
- 66 Notice of an electronic Meeting or hearing must provide the methods through which the public may access and make submissions during the Meeting or hearing. The Chief Administrative Officer will determine and provide for the specific methods based on accessibility and technical limitations.
- (1) The Chief Administrative Officer must, at a minimum, provide for email submissions in lieu of in-person presentations from the public when Meetings and hearings are held electronically.
  - (2) The Chief Administrative Officer may provide for other methods not found in this Bylaw, such as virtual presentations through the electronic Meeting platform.
- 67 When a Meeting or hearing is held electronically:
- (1) Councillors must identify themselves by name when they are calling into a meeting;
  - (2) all participants must identify themselves by name through their usernames on the electronic Meeting platform. Participants may further identify themselves by position and/or organization; and
  - (3) all documents that would otherwise be available to the public during an in-person Meeting or hearing will be made available through Wheatland County public website.

#### Closed Sessions

- 68 Council and Committees may consider a matter, or a portion of a matter, in a Closed Session only in accordance with section 197 of the *Municipal Government Act* and the relevant sections of the *Freedom of Information and Protection of Privacy Act*.
- 69 Closed Sessions may be held electronically, and Members may participate in a closed session if the Member is in the Meeting electronically in accordance with this Bylaw.
- 70 The Chair of a Meeting presides over any Closed Sessions held at that Meeting and ensures that only those matters included in the Resolution to move into Closed Session are considered during the Closed Session.
- 71 All Members may participate in a Closed Session provided that the Member has not abstained from participating in the matter or is not required to abstain from participating in the matter, to be considered in the Closed Session.
- 72 Council or the Committee may allow others to attend Closed Sessions and may direct that others leave the Closed Session as required. The Meeting minutes will record the names of those in attendance for the Closed Session.
- 73 All proceedings, discussion, opinions, advice, and materials provided in Closed Sessions are confidential and must remain in confidence indefinitely by those attending the Closed Session unless their release is authorized by Resolution of Council or the Committee.
- 74 Those attending Closed Sessions must not record, take notes, or otherwise document the proceedings of a Closed Session.
- 75 Council or a Committee cannot pass a Resolution during a Closed Session except for a Resolution to move back into a Meeting held in public. All decisions arising from a closed

## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

session must be made by Resolution passed in a Meeting held in public pursuant to section 197(3) of the *Municipal Government Act*.

- 76 Before considering motions arising from a Closed Session, the Chair of the Meeting will provide reasonable notice to the public that the Meeting is now open to the public and will allow sufficient time for the public to return to the Meeting in accordance with section 197(5) of the *Municipal Government Act*.

#### Notice of Meetings

- 77 Notice of Regular Council Meetings is provided in accordance with section 193 of the *Municipal Government Act* and Wheatland County's Bylaws, policies, and procedures.
- 78 Notice of Special Council Meetings will be made according to section 194 of the *Municipal Government Act*.
- 79 Notice of Committee Meetings will be made according to section 195 of the *Municipal Government Act*.
- 80 Council may only change the date, time, or place of Regular Meetings by Resolution and with no less than 24 hours' notice of the change. Notice of the change will be made in accordance with section 193(3) of the *Municipal Government Act*.

#### Meeting Agendas

##### Agenda Preparation and Distribution

- 81 The Chief Administrative Officer, in collaboration with Administration, compiles the agenda.
- 82 The Chief Administrative Officer distributes Council agendas to Council no later than five days before each Meeting.
- 83 The Chief Administrative Officer posts the agenda on Wheatland County's public website no later than five days prior to each Meeting.
- 84 Submissions from Members of Council for inclusion in the agenda should be submitted to Administration in writing no later than 11:59 p.m., one week before the Meeting.
- 85 Councillors may contact Administration prior to the Meeting and inform them of any grammatical or clerical issues within the agenda.
- 86 If a Member is unable to attend a Meeting, that Member must advise the Chair and the Chief Administrative Officer of their absence and the reasons for their absence as soon as possible after they are aware that they will be unable to attend.

##### Consent Agenda

- 87 A consent agenda is moved and voted upon without debate regardless of the number of reports included.
- 88 A consent agenda may include reports, Council, Committee of the Whole, Public Presentation and Committee minutes, and information.
- 89 A Member of Council may select one or more items from a consent agenda and remove them for debate. A motion is required to remove an item from the consent agenda without debate.
- 90 The item(s) will be placed next on the agenda after the consent agenda.

##### Agenda Additions and Deletions

- 91 Council or a Committee may only add or remove items from an agenda by Resolution. Changes to an agenda should be considered before its adoption at the Meeting.
- 92 Only Emergent Business may be added to a Council or Committee Meeting agenda.

## **WHEATLAND COUNTY**

### **Procedure Bylaw 2023-03**

- 93 Administration or a Member may propose that an Emergent Business item be added to a Meeting agenda. Emergent Business may only be added to an agenda by Resolution.

#### **Notices of Motion**

- 94 During each Council Meeting, the Chair must ask all Councillors present if they wish to provide a Notice of Motion.
- 95 A Notice of Motion must include the complete precise text of the Motion to be considered, the date of the Council Meeting at which the Motion will be made, purpose and background information. The Motion, precisely as stated in the Notice of Motion will then appear on the applicable Council agenda.
- 96 A Notice of Motion can be withdrawn at any time in writing to all Councillors and the CAO.
- 97 Council may by Resolution agree to waive notice and address the matter at the same Meeting at which the Notice of Motion was presented if Council considers it appropriate to do so.
- 98 Where possible, a Member should pursue all other avenues to advance a new matter prior to serving a Notice of Motion, including consultation with the Chief Administrative Officer to determine if there are any ongoing or planned priorities or initiatives that may coincide or otherwise conflict with the proposed Motion.

#### **Meeting Minutes**

- 99 The Chief Administrative Officer prepares written records of the proceedings and decisions of all Meetings that include, but are not limited to, the following:
- (1) the names of the Members present and absent from the Meeting;
  - (2) the names of the staff and the public who participated in the Meeting by presenting or responding to questions;
  - (3) the names and times of Members who arrive or leave throughout the course of the Meeting or who are temporarily absent for a portion of the Meeting;
  - (4) the names of Members of the public who speak in support and in opposition at a Public Hearing;
  - (5) all Motions, which Member moved each Motion, whether each Motion was carried or defeated, and any Members who were absent or abstained from the vote on the Motion;
  - (6) if a vote is a recorded vote, the names of which Members voted in favour and in opposition to the Motion if the result of the vote is not unanimous; and
  - (7) any abstentions made by Members and the reasons provided by the Member in their declaration.
- 100 Meeting minutes must be approved by Resolution of Council or the Committee and be signed in accordance with section 213 of the *Municipal Government Act*.

#### **Recording and Virtual Attendance**

- 101 Council Meetings are recorded, and virtual attendance by members of the public is available by calling the phone number listed on the agenda, subject to technical availability. Closed Sessions of Council are not recorded, and the public cannot attend the sessions.
- 102 At the start of a Meeting, the Chair notifies those present that the Meeting is being recorded and that a copy of the recording will be made available on Wheatland County's public website within 48 hours after the Meeting is adjourned.
- 103 If technical difficulties with virtual attendance cannot be resolved, the Chair advises those present at the Meeting that it is not available. Notice of the technical difficulties will be provided to the public on Wheatland County's website.



## **WHEATLAND COUNTY**

### **Procedure Bylaw 2023-03**

- (1) The Meeting may continue without virtual attendance and the Meeting can still be recorded by other means and the recording may be made available on Wheatland County's website after the Meeting is adjourned.
- 104 The use of audio/video recording devices by the public or the media during a Meeting is prohibited unless prior authorization is provided by the Chair and Chief Administrative Officer.
- 105 Meeting recordings will be retained and provided in accordance with Wheatland County's Bylaws, policies, and procedures. Meeting recordings will only be transcribed by Wheatland County if required in connection with any litigation, audit, or investigation.

#### **Quorum and Commencement of Meetings**

- 106 After the advertised start time of a Meeting, and after Quorum is present, the Chair call the Meeting to order.
  - (1) For Council, if the Reeve or Deputy Reeve are not present within 30 minutes after the advertised start time of the Meeting, the Chief Administrative Officer calls the Meeting to order and the Members present choose an Acting Chair for the Meeting by consensus or, if required, by Resolution.
  - (2) If Quorum is not present within 30 minutes after the advertised start time of the Meeting, the Meeting is adjourned and all business on the agenda is rescheduled to the next available Meeting.
  - (3) if Quorum is lost at any time during a Meeting, the Meeting is recessed and if Quorum is not met within 15 minutes, the Meeting is adjourned and all remaining business on the agenda is rescheduled to the next available Meeting.
- 107 Immediately after calling a Meeting to order, the Chair calls for a motion to approve the agenda, subject to any additions or deletions.
- 108 The order of business following the approval of the Meeting agenda is determined by the Chair, subject to:
  - (1) the time of any advertised Public Hearings or scheduled public presentations;
  - (2) a request, point of order or privilege raised by a Member; or
  - (3) a request raised by Administration.

#### **Pecuniary Interests and Abstentions**

- 109 When a Member is aware or believes that they have a pecuniary interest in a matter before Council or a Committee, the Member must declare their pecuniary interest and abstain from participating in the matter in accordance with section 172 of the *Municipal Government Act*.
- 110 The Member's declaration, abstention, and time away from the Council Chambers while the matter is being discussed are recorded in the Meeting minutes.

#### **Meeting Proceedings**

- 111 All proceedings during a Meeting must be directed through the Chair, including presentations, questions, responses, and debate. The Chair, when directing the proceedings of a Meeting, should apply the rules in this Bylaw in the spirit of fairness and to advance the business before Council or the Committee.
- 112 No Member or participant in a Meeting may speak until they are recognized by the Chair unless they are attempting to gain the attention of the Chair, in which case they must do so in the least disruptive way possible.
- 113 Unless otherwise permitted by the Chair, Members may speak three times on a Motion, once to ask questions and twice in debate. The Chair may allow Members to speak more than twice in debate in the following cases:

## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

- (1) the Member is seeking clarification from another Member, from Administration, or from a presenter;
- (2) the Member is responding to a question or comment made by another Member, by Administration, or by a presenter;
- (3) the matter under consideration warrants, in the opinion of the Chair or by general consensus of the Members, further questioning or debate;
- (4) to allow the mover of a Motion to close debate; or
- (5) for any other reason that the Chair, in their opinion, considers reasonable.

#### Voting

114 Votes are taken as follows:

- (1) The Chair calls the question on the Motion;
- (2) The Chair calls for those in favour of the Motion and asks for a show of hands; and
- (3) The Chair calls for those opposed to the Motion and asks for a show of hands.
- (4) A roll call vote will be used if a Member is participating electronically, or the meeting is being held electronically.
- (5) If an electronic voting system is made available, all Councillors must vote using the electronic voting system.

115 After the Chair calls for a vote on a Motion, no Member may speak to the motion or move another motion until the results of the vote are declared. Members must remain in their seats after the voting process begins and until the voting results are declared.

116 Every Member present at a Meeting must vote on every Motion put to a vote unless that Member is permitted or required to abstain from voting on the matter in accordance with section 183(1) of the *Municipal Government Act*.

117 A Motion is carried when a Majority of Members present and voting vote in favour of the Motion. A Motion is defeated when it does not receive the required number of votes in favour or if the vote results in a tie.

#### Recorded Votes

118 Before the vote on a Motion is taken, a Member may request that the results of the vote be recorded pursuant to section 185 of the *Municipal Government Act*.

119 When a vote is a recorded vote, the Meeting minutes show the names of the Member who moved the Motion, who voted in favour and in opposition to the Motion, who abstained or were absent from the vote, and whether the Motion was carried or defeated.

#### Points of Order and Challenges of the Chair

120 Any Member may question the behaviour of another Member, a procedural decision or interpretation made by the Chair, or to bring attention to a potential or actual breach of the rules of this Bylaw by raising a point of order.

121 The Member raising the point of order must state what is in question and the reasons for raising the point of order. The point of order must be raised immediately after the action in question.

122 The Chair must rule on the point of order by agreeing or disagreeing with the point of order and stating the reasons for their decision.

123 A Member may challenge the ruling of the Chair on a point of order by stating they wish to challenge the ruling of the Chair. The Members then decide on the question raised by the

## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

point of order by voting on whether to uphold or overturn the ruling of the Chair. The decision of the Members is final.

- 124 There is no debate on a point of order or on a challenge to the ruling of the Chair, and points of order and challenges to a ruling of the Chair are not recorded in the Meeting minutes.

#### Points of Privilege

- 125 A Member may raise a question of comfort by raising a point of privilege, including the ability to see or hear the proceedings, the conditions of the room used to hold the Meeting, or the effectiveness of the technology used to support the Meeting.
- 126 The Member raising the point of privilege must state what is in question and the reasons for raising the point of privilege.
- 127 The Chair, in consultation with the other Members, rules on the point of privilege by either recessing the Meeting to attempt to alleviate the concerns raised by the Member or continues with the Meeting despite the concerns raised by the point of privilege.
- 128 There is no debate on a point of privilege, and they are not recorded in the Meeting minutes.

#### Public Conduct at Meetings

- 129 When in attendance at a Council or Committee Meeting, members of the public must maintain order, decorum, and quiet for the duration of the Meeting. Members of the public must not:
- (1) approach or address, or attempt to approach or address, Council or the Committee without prior permission being granted; or
  - (2) otherwise disturb or interrupt the proceedings of Council or the Committee.
- 130 The Chair may order that a member of the public be expelled from a Meeting for disturbing or interrupting the proceeds of a Meeting, or for otherwise acting improperly during the Meeting in accordance with section 198 of the *Municipal Government Act*.

#### Member Conduct at Meetings

- 131 When in attendance at a Council or Committee Meeting, Members must maintain order and decorum during the Meeting. Members must:
- (1) speak and listen respectfully to all those participating or attending the Meeting;
  - (2) be acknowledged by the Chair prior to speaking;
  - (3) refrain from using unparliamentary language;
  - (4) respect the rules and proceedings of Council or the Committee;
  - (5) refrain from side conversations with each other when another person is speaking;
  - (6) refrain from use of electronic devices during the Meeting other than for following along with the agenda;
  - (7) respect the decisions of the Chair and of Council or Committee, respect the submissions made by the public, and respect the advice provided by Administration;
  - (8) keep hands raised until the vote has been counted;
  - (9) remain seated while voting is occurring and until the result of the vote has been declared; and
  - (10) comply with the Wheatland County Code of Conduct Bylaw.

## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

#### Motions

- 132 Unless otherwise allowed by the Chair, Members may not debate a matter until a Member has moved a Motion. The Chair should, whenever possible, ensure a Motion is on the floor before allowing debate on a matter.
- 133 Unless otherwise determined by the Chair, Members may ask questions of clarification on the matter under consideration prior to moving a Motion.
- 134 Unless otherwise determined by the Chair, Members may ask questions of clarification after a Motion has been made and debate has begun if the questions are specific to the Motion under consideration.
- 135 A Member may move a motion regardless of whether the Member intends to support the motion.
- 136 Motions must be displayed prior to the vote on the Motion and the Chair may request that a Motion be submitted by a Member in writing or electronically prior to moving the Motion.

#### Debating Motions

- 137 After a Motion has been moved by a Member, debate may begin, and each Member can speak to it before it is voted on unless debate is closed.
- (1) The Chair must allow the mover of a Motion to open and close debate on the Motion they have moved. The order of debate among the Members between the opening and closing of debate on a Motion is determined by the Chair.
  - (2) The Chair is encouraged to allow all other Members to participate in debate before the Chair participates in debate, except for allowing the mover of a Motion to close debate.
- 138 When a Member is speaking to a Motion, other Members must not interrupt the speaker unless the Member is raising a point of order or point of privilege or is attempting to gain the attention of the Chair.
- 139 Members may ask clarifying questions during the debate on a Motion provided that the questions are directly related to the debate on the Motion.
- 140 The Chair must call for a vote on a Motion after debate on the Motion has concluded. The Chair may close debate in the following circumstances:
- (1) all Members have been provided an opportunity to debate and ask questions on the motion and no Member wishes to further debate or ask questions on the Motion;
  - (2) all Members have been provided an opportunity to debate and ask questions on the Motion and debate has become repetitious or unproductive; or
  - (3) if the Members pass a Resolution to close debate on the Motion.

#### Motions to Close Debate

- 141 A Member may move to close debate on a Motion if, in the opinion of the Member, the debate has become repetitious or unproductive.
- 142 If a Motion to close debate passes, no further debate on the Motion is allowed and no further amendments to the Motion are allowed. The Chair must immediately call for a vote on the Motion.
- 143 If a Motion to close debate is defeated, the Chair must allow for the debate to continue and further amendments to the Motion are permitted.
- 144 Motions to close debate are not debatable and cannot be amended. They are not recorded in the Meeting minutes.

## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

#### Withdrawing Motions

- 145 After a Member moves a Motion, it may be withdrawn by the mover before a vote on the Motion is called.
- 146 Withdrawn Motions are not recorded in the Meeting minutes.

#### Severing Motions

- 147 When a Motion has two or more proposals, a Member may request, after a Motion has been moved but before the vote on the Motion, that the proposals be severed and considered as separate Motions. The Chair determines whether the Motion will be severed.
- 148 The mover of the original Motion is considered the mover of the severed Motions.

#### Motions Out of Order

- 149 The Chair may rule a Motion out of order subject to a point of order raised by a Member or a challenge of the ruling of the Chair by a Member.
- 150 When ruling a Motion out of order, the Chair must provide the reasons for their ruling and may consider, but is not limited to, the following:
- (1) whether an amending Motion would nullify or contradict the intent of the original motion;
  - (2) whether the Motion would be contrary to the Bylaws of Wheatland County, the *Municipal Government Act*, or other governing legislation; and
  - (3) whether the Motion would be contrary to the established procedures of Council or the Committee.
- 151 Motions ruled out of order are no longer motions and are not considered by Council or the Committee and are not recorded in the Meeting minutes.

#### Minor Corrections to Motions or "Friendly Amendment"

- 152 Minor corrections to a motion require the unanimous consent of the Members present. If a minor correction does not receive unanimous consent, it may be made in the form of an amending motion.

#### **Main Motions**

- 153 Motions that bring a proposed action on a matter before Council or a Committee are known as main motions. When a main motion has been moved and is being considered, a Member cannot make another motion except to:
- (1) move a subsidiary motion, such as an amending motion, a tabling motion, or a referral motion, in accordance with this Bylaw;
  - (2) move a privileged motion, such as a motion to recess; or
  - (3) raise a point of order, raise a point of privilege, or challenge a ruling of the Chair in accordance with this Bylaw.
- 154 Main motions are debatable and may be amended unless otherwise provided for in this Bylaw.

#### **Subsidiary Motions**

##### Amending Motions

- 155 A Member may propose an amendment to a motion by moving an amending motion. The amending motion must be made after the main motion and before the vote on it.

## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

- 156 An amending motion should be used to improve the wording of the main motion. Amending motions are used for the purpose of adding words, removing words, or replacing words in the original motion. Amending motions must relate to the subject matter of the original motion and must not be contrary to the original motion.
- 157 Only one amending motion is permitted. When there is an amendment to the main motion, the amendment is considered prior to the main motion, resulting in the main motion being considered last.
- 158 All amending motions are debatable.

#### Referral Motions

- 159 A Member may move to refer a matter or motion, and any pending amendments to a motion, to another body, such as a Committee or Administration, to complete further actions or to provide more information on a matter or motion under consideration.
- 160 Referral motions should be used in circumstances where doing something further is the main consideration, whether that is for further action or for more information, prior to deciding on the matter or motion.
- 161 Referral motions are debatable and may be amended.

#### Tabling Motions

- 162 A Member may move to table a matter or motion, and all amendments to a motion, either temporarily or indefinitely with the intention of bringing the matter or motion back for consideration at a different time.
- (1) When the matter or motion is subsequently lifted from the table, consideration resumes at the same point at which it was left when the matter or motion was tabled.
- 163 Tabling motions should be used in circumstances where timing is the main consideration. If further action or more information on a matter or motion is desired, a referral motion should be considered instead of a tabling motion.
- 164 A matter or motion may be tabled to a different point in the same Meeting, be tabled to a specific future Meeting date, or be tabled indefinitely with no set return date identified.
- 165 Tabling motions are debatable and may be amended.

#### Lifting from the Table

- 166 When a matter or motion that has been tabled is lifted from the table, either automatically or by Resolution depending on the tabling motion, the matter or motion is brought back as it was when it was tabled, including any pending amendments to a motion.
- (1) If the matter or motion was tabled to a different point in the same Meeting or was tabled indefinitely with no set return date or conditions identified, it must be lifted from the table by Resolution prior to resuming consideration of it. If a motion to lift from the table is defeated, the matter or motion will remain on the table until a motion to lift it from the table is passed.
- 167 If the matter or motion was tabled to a specific Meeting or with a set return date or conditions identified, it is deemed to be lifted from the table without Resolution by including the matter or motion on an agenda.
- 168 A matter or motion may be lifted from the table earlier than the time identified in the tabling motion by Resolution.
- 169 Motions to lift from the table are debatable but cannot be amended.

## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

#### Privileged and Incidental Motions

##### Motions to Recess and to Reconvene

- 170 A Member may move to recess a Meeting for a specific period or until a specific time. If a Meeting is recessed by Resolution, it must be reconvened by Resolution.
- 171 The Chair may recess a Meeting for a specific period or until a specific time. If a Meeting is recessed by the Chair, it may be reconvened by the Chair or by Resolution.
- 172 Motions to recess or to reconvene are not debatable and cannot be amended.

##### Motions to Reconsider

- 173 A Member may attempt to revisit a previous decision by moving a motion to reconsider a motion that was voted on previously in accordance with this Bylaw.
- (1) The Member moving a motion to reconsider must have voted on the prevailing side of the original motion, except in the case of a motion defeated on a tie, in which case any Member who voted for the original motion may move the motion to reconsider.
- 174 If a motion to reconsider is moved during the same meeting at which the original motion was voted on and is passed, the original motion is back on the floor as if the original mover of the motion had just made the motion:
- (1) The Chair reopens debate on the original motion; and
- (2) After the debate is closed, the Chair calls for a vote on the original motion.
- 175 The same motion can only be reconsidered once during the same Meeting, and a motion to reconsider cannot be reconsidered.
- 176 A motion to reconsider may only be moved at a subsequent meeting by way of Notice of Motion.

#### Public Hearings

- 177 Public Hearings are held when required by the *Municipal Government Act* or when Council directs that a matter be considered through a Public Hearing.
- 178 Public Hearings may be held at Regular or Special Council Meetings.
- 179 When a Public Hearing is required to be held on a proposed Bylaw or Resolution by the *Municipal Government Act*, the Public Hearing will be held prior to first or second reading of the proposed Bylaw or prior to a vote on the proposed Resolution.
- (1) Additional Public Hearings may be held on a proposed Bylaw, but any additional Public Hearings must be held prior to second reading of the proposed Bylaw.
- 180 Public Hearings are advertised in accordance with the *Municipal Government Act* and Wheatland County's Bylaws, policies, and procedures.

##### Public Hearing Submissions

- 181 Public Hearing circulations and advertisements must meet the requirements of section 606 of the *Municipal Government Act* and must include the process and deadlines for Public Hearing submissions.
- 182 Public Hearing submissions may be in the form of a written submission. Alternate forms of Public Hearing submissions may be provided if the Public Hearing is being held at an electronic Meeting without public access to the Council Chambers.
- 183 An individual or Group may provide a written submission for a Public Hearing to present, but an individual cannot speak for themselves and for a group.

## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

- 184 For a submission to be included as part of a Public Hearing, submissions must be received prior to the advertised submission deadline and must include the following:
- (1) the name of the person providing the submission and how they are affected by the subject of the Public Hearing, preferably in the form of a statement of whether they are in support or in opposition and with reasons why;
  - (2) an indication of where the person lives in proximity to the subject of the Public Hearing, preferably in the form of a municipal address or legal land description;
  - (3) the names, if any, of any additional people that the submission is on behalf of;
  - (4) an indication of where any additional people named in the submission live in proximity to the subject of the Public Hearing, preferably in the form of a municipal address or legal land description; and
  - (5) how any additional people named in the submission are affected by the subject of the Public Hearing, preferably in the form of a statement of whether they are in support or in opposition and with reasons why.
- 185 Public Hearing submissions that otherwise comply with this Bylaw but are received after the advertised submission deadline will only be provided at the Public Hearing if Council passes a motion to receive the late submissions at the Public Hearing.
- 186 Public Hearing submissions containing the following may not be included as part of the Public Hearing:
- (1) personal attacks derogatory or defamatory statements; or
  - (2) statements that promote discrimination against a person or class of persons or is likely to expose a person or class of persons to hatred or contempt, pursuant to the *Alberta Human Rights Act*.

#### Presenting at a Public Hearing

- 187 People who wish to present at a Public Hearing, whether on their own behalf or on behalf of a Group, should speak as either in support or in opposition of the subject of the Public Hearing when attending the Public Hearing in-person.
- 188 Presentations at a Public Hearing are limited to five (5) minutes for an individual, or ten (10) minutes for a Group, unless extended by a Resolution of Council.
- 189 When presenting at a Public Hearing, each presenter must provide:
- (1) their name and how they are affected by the subject of the Public Hearing, preferably in the form of a statement of whether they are in support or in opposition and the reasons why;
  - (2) an indication of where they live in proximity to the subject of the Public Hearing, preferably in the form of a municipal address or legal land description;
  - (3) the names, if any, of any additional people that the presentation is on behalf of;
  - (4) an indication of where any additional people named in the presentation live in proximity to the subject of the Public Hearing, preferably in the form of a municipal address or legal land description; and
  - (5) how any additional people named in the submission are affected by the subject of the Public Hearing, preferably in the form of a statement of whether they are in support or in opposition and the reasons why.
- 190 Presentations may include supplemental materials such as photos, videos, maps, and PowerPoint presentations. All presentation materials provided at a Public Hearing will be collected by Wheatland County to retain with the Meeting minutes and will be provided to the public upon request.



## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

#### Group Submissions and Presentations

- 191 A Group may provide a written submission or presentation at a Public Hearing if the Group is comprised of three or more people who claim to be affected by the subject of the Public Hearing and they have agreed to put forward common interests or concerns.
- (1) If a Group wishes to provide a presentation at a Public Hearing, the Group must designate one individual as its spokesperson to be solely responsible for presenting on behalf of the Group.
- 192 All the same requirements under this Bylaw that would apply to a presentation or submission by an individual apply to a presentation or submission by a Group.

#### Public Hearing Procedure

- 193 The Chair calls for a motion to open the Public Hearing. The Public Hearing will begin only after a motion has passed to open the Public Hearing.
- (1) The Chair informs the public in attendance of the general process and procedures to be followed at the Public Hearing. Public hearings are conducted in the following sequence:
- (2) staff report by Administration;
- (3) presentation by the applicant;
- (4) presentations by the public in support of the proposal;
- (5) presentations by the public in opposition of the proposal;
- (6) rebuttal presentation by the applicant limited only to the comments read or heard in opposition to the proposal; and
- (7) final questions of Administration.
- 194 The Chair calls for the staff report from Administration to introduce the proposed Bylaw, Resolution, or other subject to the Public Hearing.
- (1) Questions of clarification from Members to Administration are permitted by the Chair during this portion of the Public Hearing.
- 195 Following the staff report from Administration, the Chair calls for the applicant to present their application.
- (1) Questions of clarification from Members to the applicant are permitted by the Chair during this portion of the Public Hearing.
- (2) Presentations from the applicant are limited to a maximum of twenty (20) minutes unless Council passes a motion to extend the presentation time limit.
- 196 Following the presentation from the applicant, the Chair calls for presentations from the public, either in support of or in opposition to the proposed Bylaw, Resolution, or other subject to the Public Hearing.
- (1) Public presentations begin with those in support, the Chair calls upon those to present who are in support;
- (2) after every individual or Group presents in support, the Chair asks three times whether anyone else wishes to present in support and provides them an opportunity to present;
- (3) after the public presentations in support have concluded, the Chair calls upon those to present who are in opposition;

## WHEATLAND COUNTY

### Procedure Bylaw 2023-03

- (4) after every individual or Group presents in opposition, the Chair asks three times whether anyone else wishes to present in opposition and provides them an opportunity to present; and
  - (5) questions of clarification from Members to the public presenters, whether in support or opposition, are only permitted by the Chair during this portion of the Public Hearing.
- 197 Following presentations from the public, the Chair invites the applicant to provide a rebuttal to any points raised in opposition to their application. The opposition must have been raised through a written submission or a presentation provided at the Public Hearing.
- (1) The rebuttal by the applicant is limited to a maximum of ten (10) minutes unless a motion is passed by Council to extend the rebuttal time limit.
  - (2) The Chair allows questions of clarification from Members to the applicant during this portion of the Public Hearing only regarding the information provided by the applicant during their rebuttal.
- 198 Following the rebuttal from the applicant, the Chair allows for any final questions from Members to Administration.
- 199 The Chair calls for a motion to close the Public Hearing. The Public Hearing must be closed before Council votes on the proposed Bylaw, Resolution, or other matter that was the subject of the Public Hearing.

#### Bylaws

- 200 Proposed Bylaws must be assigned a unique number, be provided with a concise title, and have a statement of their general purpose.
- 201 Council must be provided or have reviewed a copy of the proposed Bylaw before considering a motion to provide it with first reading.
- 202 All amendments to a Bylaw must be made in the form of a motion and must be made prior to consideration of third reading of the Bylaw.
- 203 When considering a proposed amendment to a Bylaw, Council must be provided or have had the opportunity to review the full text of the amendment before a vote is called on the amendment.
- 204 Council shall not debate or make amendments to a bylaw that requires a Public Hearing under the Municipal Government Act until after the Public Hearing has taken place.
- 205 Council may consider first reading of a Bylaw that does not require a Public Hearing with amendments and debate.
- 206 Administration schedules a Public Hearing for the Bylaw if one is required by the *Municipal Government Act*, and further readings of the Bylaw are considered by Council following the Public Hearing.
- 207 If the Bylaw is required to be advertised by the *Municipal Government Act* or other governing legislation but does not require a Public Hearing, Administration schedules consideration of further readings of the Bylaw at a future Meeting.
- 208 If a Public Hearing or advertisement is not required for the Bylaw, Council may proceed to consider further readings of the Bylaw.
- 209 Previous readings of a proposed Bylaw are rescinded if the proposed Bylaw does not receive third reading within two (2) years after first reading. If a Bylaw fails to receive a second or third reading, it is also considered defeated, and all previous readings of the Bylaw are rescinded in accordance with section 188 of the *Municipal Government Act*.
- 210 Any Bylaw that fails to receive unanimous permission for third reading when required by section 187(4) of the *Municipal Government Act* will be included on the agenda for the next

WHEATLAND COUNTY

Procedure Bylaw 2023-03

available Regular Council Meeting, or on the agenda of a Special Council Meeting for consideration of third reading.

- 211 A Councillor must abstain from voting on a proposed Bylaw or Resolution if the Councillor was absent from all of the Public Hearing as per Section 184(a) of the MGA.
- 212 A Councillor may abstain from voting on a proposed Bylaw or Resolution if the Councillor was only absent from a part of the Public Hearing as per Section 184(b) of the MGA.
- 213 Once a Bylaw receives third reading and the final version is available for signing, the Reeve and Chief Administrative Officer must sign the Bylaw in accordance with section 213(3) of the *Municipal Government Act*.
- 214 The Chief Administrative Officer is authorized to prepare consolidations of Bylaws as required from time to time in accordance with Section 69 of the *Municipal Government Act*.

Severability

- 215 Each provision of this Bylaw is independent of all other provisions. If any provision of this Bylaw is declared invalid for any reason by a court of competent authority, all other provisions of this Bylaw will remain valid and enforceable.

Transitional

- 216 Bylaw 2018-19, being the *Procedural Bylaw*, and all amendments thereto are repealed upon this Bylaw passing and coming into full force and effect.
- 217 Bylaw 2023-03 being the *Procedure Bylaw*, comes into full force and effect on the day the bylaw is duly signed.

READ A FIRST TIME

19th day of September, 2023

READ A SECOND TIME

19th day of September, 2023

READ A THIRD AND FINAL TIME

3rd day of October, 2023

  
\_\_\_\_\_  
Reeve

  
\_\_\_\_\_  
Chief Administrative Officer