

VILLAGE OF ROSEMARY
In the Province of Alberta



Bylaw No. 473-19
Procedural Bylaw

A Bylaw of the Village of Rosemary in the Province of Alberta for the purpose of regulating the procedure and conduct of Council and Council committee meetings.

WHEREAS: The Council of the Village of Rosemary has the authority under section 145 of the Municipal Government Act, R.S.A. 2000 c-M-26, and related amendments, to enact bylaws respecting the establishment of Council Committees, Procedure and Conduct of Council, Council Committees, and the Conduct of Councillors and Members of Council Committees; and

WHEREAS: The Council of the Village of Rosemary considers it expedient and desirable for effective governance to regulate the procedure and conduct of Council, Councillors and others attending Council and Council Committee Meetings in the Village of Rosemary;

NOW THEREFORE: The Council of the Village of Rosemary enacts as follows:

1.0 **TITLE**

1.1 This Bylaw may be cited as the "**Council Procedural Bylaw**" and applies to all members attending meetings of Council and Committees established by Council of the municipality.

2.0 **DEFINITIONS**

In this Bylaw;

2.1 "**Act**" shall mean the Municipal Government Act, R.S.A. 2000 c-M-26, and related amendments;

2.2 "**ad hoc**" shall mean an organization, committee, or commission created for a specific task;

2.3 "**Administration**" shall mean the general operations of the Village, including all personnel, financial and other related resources, as permitted by the Act;

2.4 "**Agenda**" shall mean the list of items and order of business for any meeting;

2.5 "**Amend**" shall mean a motion to add context or details to currently debated motion;

2.6 "**Bylaw**" shall mean a Bylaw of the Village of Rosemary;

- 2.7 **"CAO."** shall mean the person appointed to the position of Chief Administrative Officer by the Council of the Village of Rosemary and includes any person that the Chief Administrative Officer may appoint as his/her designate for purposes of carrying out his/her responsibilities.
- 2.8 **"CEO"** shall mean the Chief Elected Officer as defined in the Act, which shall be the Mayor unless otherwise determined by Council;
- 2.9 **"Chair"** shall mean the person presiding over and conducting meetings;
- 2.10 **"Closed Meeting"** shall mean a session which is held *in private* (closed to the public) and may include specific persons invited to attend by the Chair, Council or the Committee. All discussions in a *closed meeting* are deemed as confidential, and no motions can be made in a *closed meeting*;
- 2.11 **"Committee"** shall mean a committee created by Council (such as at the annual Organizational Meeting) that is either a Standing Committee, Special Committee, or an external Council Committee;
- 2.12 **"Committee of the Whole"** shall mean a Committee consisting of all members of Council. A meeting of the Committee of the Whole may be held *closed* (in private) or in public session depending on the issue being discussed;
- 2.13 **"Council"** shall mean the Mayor and members of Council of the Village of Rosemary elected pursuant to the provisions of the Local Authorities Election Act;
- 2.14 **"Councillor"** shall mean a Councillor elected to represent the Village of Rosemary;
- 2.15 **"ex officio"** shall mean by right of office, the CEO is a member of all Council Committees and all bodies to which Council has the right to appoint members. Unless the named member or alternate to the Committee, the C.E.O. does not have voting privileges;
- 2.16 **"Delegation"** shall mean any person or persons having permission of Council to appear before Council, or a Committee of Council to provide pertinent information and views about the subject before Council or Council Committee;
- 2.17 **"Deputy Mayor"** shall mean the Member of Council who is appointed pursuant to the Act to act as Mayor in the absence or incapacity of the Mayor;
- 2.18 **"Mayor"** shall mean the Chief Elected Official (CEO) for the Village;
- 2.19 **"Member"** shall mean a Councillor or Member at Large, appointed by Council to a Committee of Council;
- 2.20 **"Member at Large"** shall mean a member of the public appointed by Council to a committee of Council;

- 2.21 **"Meetings"** shall mean meetings of Council and Council Committees;
- 2.22 **"Minutes"** shall mean the record of decisions of any meeting recorded in the English language without note or comment;
- 2.23 **"Motion"** shall mean an action presented by a Councillor or member of a Committee and made through the Chair that requests some consideration of action by Council or Committee. For a motion to be structurally complete, it is required to address the who, what, when, where and why questions;
- 2.24 **"Municipality"** shall mean the Village of Rosemary, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Village;
- 2.25 **"Person"** shall include an individual, partnership, association, body corporate, trustee, executor, administrator, or legal representative;
- 2.26 **"Pecuniary Interest"** shall mean a pecuniary interest within the meaning of the Act;
- 2.27 **"Public Hearing"** shall mean a meeting of Council convened to hear matters pursuant to the MGA or any other Act or any other matter at the direction of Council;
- 2.28 **"Quorum"** shall mean a majority (50% + 1) of those members elected and serving on Council;
- 2.29 **"Recess"** shall mean a non-debatable action for a temporary break of Council/Committee business; any member may request a recess through the Chair;
- 2.30 **"Recording Secretary"** shall mean the person assigned to record minutes of the meeting;
- 2.31 **"Table"** shall mean a motion to delay the consideration of any matter to a definite time, when further information is to be obtained.
- 2.32 **"Urgency" or "emergent items"** (*in reference to Addendums Section 14.7 of this bylaw*). If an item (Addendum – addition to the agenda) is to be added to a previously distributed agenda, then the addendum shall pass a test of 'Urgency'. If the addendum is time-sensitive or where failure to provide immediate action may cause financial or other distress to the Municipality, Council or a Committee, then the Chair may authorize the addition of the addendum to the agenda. All additions must be supported by written background information.
- 2.33 **"Village"** shall mean the Village of Rosemary;
- 2.34 **"Working Day"** shall mean each Monday to Friday, excluding general holidays as outlined in the government of Alberta's employment standard.

3.0 GENERAL

- 3.1 This bylaw shall govern all meeting of Council, Council Committee, Public Hearings and any other meeting as may be directed by Council.
- 3.2 When a matter arises relating to proceedings in a meeting which is not covered by a provision of this bylaw or the Act, the matter shall be decided by the Chair.
- 3.3 In the absence of any statutory obligation to the contrary, the strict application of this bylaw may be waived if approved by a vote of the majority of Council.
- 3.4 A motion to waive any provision of this bylaw, as provided for in Section 3.3, may be brought at any time, and if accepted, the resolution waiving the strict application of the bylaw will only be effective for the meeting during which it was passed.
- 3.5 The precedence of the rules governing the procedure of Council is:
- 3.5.1 the Act;
 - 3.5.2 other provincial legislation;
 - 3.5.3 this bylaw; and
 - 3.5.4 Robert's Rules of Order Newly Revised
- 3.6 All sections of the Act referenced in this bylaw are for information only and may change as the Act is amended.
- 3.7 In accordance with Section 204 of the Act, the municipal office shall be the Village of Rosemary Administration Office located at 103 Railway Avenue, Rosemary, Alberta.
- 3.8 Council of the Village of Rosemary shall consist of three (3) elected officials.
- 3.9 At the Organizational Meeting following the date of the general election, and annually thereafter, not later than two weeks after the third Monday in October, Council Members shall elect one of its elected officials as Mayor and one of its elected officials as Deputy Mayor.
- 3.10 The CEO shall be referred to as the Mayor.
- 3.11 Responsibilities of the Mayor are established in Part 5, Division 3, Duties, Titles, and Oaths of Councillors of the Act.
- 3.12 When the Mayor, through illness, absence or other cause, is unable to perform the duties of this office, or when the office is vacant, the Deputy Mayor has all the powers and shall perform all the duties of the Mayor during the Mayor's inability or absence.

- 3.13 When both the Mayor and Deputy Mayor, through illness, absence or other cause, are unable to perform the duties of the office, the Council may appoint a temporary Acting Mayor or Chair as per Section 152(3) of the Act.
- 3.14 A Mayor and/or Deputy Mayor who have been appointed to their offices by the Council may resign their appointments while retaining their seats on the Council.
- 3.15 When the office of Mayor or Deputy Mayor become vacant by death, resignation, forfeiture or otherwise, the Council shall forthwith elect one of the Councillors to fill the position for the remainder of the term of office and in accordance with Section 162 of the Act.
- 3.16 The Mayor and Members of Council may be paid remuneration, travel, subsistence and out-of-pocket expenses that may be set by the Council and outlined in Council policy.
- 3.17 General duties of Councillors and the Mayor are established in Part 5, Division 3, Duties, Titles, and Oaths of Councillors of the Act.
- 3.18 The Council of the Village is responsible for:
- 3.18.1 Developing and evaluating the policies and programs of the Village;
 - 3.18.2 Ensuring that the powers, duties and functions of the Village are appropriately carried out;
 - 3.18.3 Carrying out the powers, duties and functions expressly given to it under the MGA or any other enactment.
- 3.19 The Council of the Village will not exercise a power or function or perform a duty that is by this or any other enactment or by bylaw specifically assigned to the CAO or designated officer.
- 3.20 These duties and roles of Councillors as established in this bylaw may only be amended, repealed or suspended by a bylaw passed at a regular or special meeting of Council at which time all Council must be present.

4.0 SEVERABILITY

- 4.1 If any portion of this bylaw is declared invalid by a Court of competent jurisdiction, then the invalid portion shall be severed, and the remainder of the bylaw shall be deemed valid.

5.0 MEETINGS

5.1 Organizational Meetings

- 5.1.1 An Organizational Meeting of Council shall be held annually not later than two weeks after the 3rd Monday in October, as per Section 192 of the Act. Until the Mayor has

taken the Oath of Office, the CAO shall chair the Organizational Meeting.

5.1.2 The Councillors shall take the Oath of Office upon being elected. (Part 5, Section 3, #156 as per the Act). By right of this office and taking of the Oath, the Councillor is a Commissioner for Oaths.

5.1.3 The agenda of the Organizational Meeting shall be restricted to:

- Establishing regular meeting dates, times and location for Council for the next twelve months and all members of Council must be present;
- Establishing any Council Committees;
- Selection of the Mayor and Deputy Mayor by election of elected Councillors;
- Appointment of Councillors, Designates and Members'-at-Large as members and alternates to Council Boards and Committees and ad hoc Council Committees, as well as any external agencies, boards and committees to which the Council has the right to appoint members;
- Establish the remuneration, travel, subsistence and out of pocket expenses to be paid to members and members-at large;
- Any such other business as is required by the Act;
- Annual appointment of professionals including but not limited to Assessor, Auditor, Legal Advisor, Engineer and Banking Services.
- The Mayor will lead Council through the Boards & Committees list. If a Councillor wishes to be the representative or alternate on a particular board or committee, they must verbally indicate their desire when that board or committee is being addressed. In the case of two or more Councillors wishing to be the representative or alternate to a board or committee, a vote of Council shall be taken, by either show of hands or secret ballot. The voting method shall be determined by show of hands.
- Should a Councillor dispute or disagree with an appointment recommendation, Council as a whole shall debate the appointment and, by majority vote, complete the final determination.

5.2 ***Regular Council Meetings***

5.2.1 Notice of regularly scheduled meetings do not need to be advertised unless changed.

5.2.2 Attendance by Councillors is required as pursuant to the Act.

5.2.3 All meetings shall be held in public excepting closed meetings of Council.

- 5.2.4 The time for Regular Council Meetings shall be the time determined at the annual Organizational Meeting.
- 5.2.5 Regularly scheduled council meetings can only be changed or cancelled by resolution of Council.

5.3 *Special Meetings*

- 5.3.1. Special Meetings shall be held as per Section 194 of the Act.

5.4 *Council Committee Meetings*

- 5.4.1 Standing Council Committees shall be established and governed by a policy or bylaw approved by Council. Where appropriate authority is delegated to a Standing Committee, such committee and its' mandate shall be established by bylaw.
- 5.4.2 The Mayor shall be deemed to be an *ex officio* member of all committees of Council. The Mayor cannot be a member to a committee if the Mayor is not appointed in the personal name.
 - 5.4.2.1 When attending a Committee meeting, to which the Mayor has not been specifically assigned as a representative, the Mayor shall have a right to vote only when an appointed member of Council assigned to that committee is absent and the Mayor has been asked, either formally or informally, to be the representative or alternate.
- 5.4.3 Administration may be asked to participate as advisors to committees of Council. Unless otherwise specified in the Terms of Reference of a Committee, advisors are not voting Members.
- 5.4.4 For Committees of Council, the position of Chair shall be selected by vote of the members appointed by Council, which shall include members-at-large appointments.
- 5.4.5 Where the Village and another Municipality share representation on the Council Committee or Board, the members shall select the Chair by a vote of the members.

5.6 *Closed Meetings of Council (In Camera)*

- 5.6.1 Council recognizes that Section 198 of the Act provides for the public to be present at meetings, and it is the intent and desire of Council to remain open, accountable and transparent to the public unless the matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the *Freedom of Information and Protection of Privacy (FOIP) (s. 16 to 29)*.

- 5.6.2 A council or council committee must pass a resolution stating the reason and the section of *FOIP* that applies before closing all or any part of a meeting to the public.
- 5.6.3 No resolutions or bylaws may be passed during a closed session and no notes are taken.
- 5.6.4 Whenever Council or a committee moves to a closed session the CAO, or designate, shall be present. An exception is provided when Council meets to discuss the CAO's annual performance.

5.7 ***Public Hearings***

- 5.7.1 As per Section 230 of the MGA, a public hearing must be held before second reading of a bylaw or before council votes on the resolution. Council must give notice of the hearing in accordance with section 606 of the MGA and conduct the hearing during a regular or special meeting of council.
- 5.7.2 A resolution is required to move into and out of a Public Hearing. The resolution should provide some identifying information as to why the hearing is being held.
- 5.7.2 Wherever possible, persons interested in speaking at a Public Hearing should register with the CAO or submit their questions, comments and/or concerns in writing prior to the Public Hearing.
- 5.7.3 The Chair shall declare the Public Hearing in session and shall follow these procedures:
- The Chair may call upon the CAO to introduce the motion or bylaw, and to briefly state the intended purpose.
 - Where applicable, the CAO shall advise of any third party officially applying for the bylaw or motion (For example, as in proposed bylaws to amend the Land Use Bylaw).
 - Immediately following the introduction of the bylaw or motion, any member who has pecuniary interest in the motion or bylaw for which the Public Hearing is being held shall declare this interest and shall be excused from the table.
 - Upon leaving the table, the member has the same rights as any other person attending the Public Hearing and may stay in attendance at the Public Hearing and make presentations. However, when the matter reviewed at the Public Hearing comes before Council for deliberation, the member must adhere to all clauses of Section 20 in this bylaw pertaining to pecuniary interest.
 - Any presentation by Village staff or agents shall follow the introduction of the bylaw or motion.
 - The Chair shall request those who wish to make presentations to identify themselves so that their names can be recorded in the minutes. Presentations and public comments shall follow the procedures outlined in the Village of Rosemary Public Hearing Policy.

- 5.7.4 Once Council has moved out of a public hearing session, council may:
- may pass the bylaw or resolution,
 - make any amendment to the bylaw or resolution it considers necessary and proceed to pass it without further advertisement or hearing, or
 - defeat the bylaw or resolution.
- 5.7.5 Public hearings are to be recorded by the same process as regular council meeting minutes, however providing more information when required.

6.0 MEETING PROCEDURES

6.1 *Quorum*

- 6.1.1 As soon as there is a quorum of members of Council after the hour fixed for the meeting, the Chair shall call the meeting to order; in the case of the Mayor or Deputy Mayor not in attendance within fifteen (15) minutes after the hour appointed for the meeting and a quorum is present, the CAO shall call the meeting to order and a Chairman shall be chosen by the Councillors present who shall preside during the meeting until the arrival of the Mayor or Deputy Mayor. The arrival and departure of Council members at meetings, should a member of Council arrive late at a meeting or depart prior to the completion of the meeting, shall be recorded in the minutes of the meeting.
- 6.1.2 Unless a quorum is present within fifteen (15) minutes after the time appointed for the meeting, the meeting shall stand adjourned until the next regular meeting date or until a Special Meeting is called to deal with the matters intended to be dealt with at the adjourned meeting.
- 6.1.3 The names of the members of Council present at the expiration of the fifteen (15) minute time limit shall be recorded and such record shall be appended to the next agenda.
- 6.1.4 The only action that can legally be taken in the absence of quorum is to fix the time in which to adjourn (if more than fifteen (15) minutes is being allowed), recess, or to take measures to obtain a quorum.
- 6.1.5 In the event that quorum is lost after a meeting is called to order, the meeting shall be suspended until quorum is obtained. If quorum is not obtained within fifteen (15) minutes, the meeting shall stand adjourned.

7.0 CONDUCT OF MEETINGS

- 7.1 Each member or delegate shall address the Chair but shall not speak until recognized by the Chair.

- 7.2 The Chair, with the approval by motion of the members, may authorize a person in the public gallery to address members, only on the topic being discussed at that time and within the time limits specified by the Chair.
- 7.3 The Chair may order a member of the public who creates a disturbance or acts improperly at a meeting to be expelled.
- 7.4 The preparation and distribution of minutes of Council and Committees shall be the responsibility of the CAO and may be delegated to a Recording Secretary (Section 209 of the Act) and be recorded without note or comment.

8.0 DUTIES OF THE CHAIR

- 8.1 The Chair shall preside over the conduct of the meeting, including the preservation of good order and decorum, and deciding on questions relating to the orderly procedure of the meeting, subject to an appeal by any member from any ruling of the Chair.
- 8.2 It shall be at the discretion of the Chair whether or not upon the request of any member to call for a short recess between agenda items, at any meeting. The Chair shall make reasonable efforts, including calling for a recess, to ensure all members in attendance at a meeting are present while a vote is being taken, unless a member is excused from voting in accordance with the Act or this bylaw.
- 8.3 The Chair may invite persons forward from the audience to speak with the permission of the Council or Committee, if it is deemed to be within the best interests of the issue being discussed, the public and the conduct of good business.
- 8.4 The Chair shall endeavor to provide every member the opportunity to speak to each agenda item.
- 8.5 In the absence or inability of the Mayor or Deputy Mayor to act as Chair of the meeting, Council shall appoint a Councillor as Acting Mayor or Chair as provided by the Section 152(3) of the Act.
- 8.6 The Chair shall be expected to participate in debate and vote, without relinquishing the Chair.

9.0 AGENDA and ORDER OF BUSINESS

- 9.1 The agenda is a document used by Council or Committee, therefore although the duty to collate the agenda may be delegated. Council or the Committee shall have final determination as to what will or will not be included on the agenda.
- 9.2 Prior to each meeting, the CAO shall cause to be prepared a statement of the order of business to be known as the "Agenda" of all matters to be brought before Council. To enable the CAO to do so, all documents and notice of delegation intended to be submitted to the Council shall be

received by the CAO no later than 1:00 PM on the third (3rd) working day prior to the meeting.

9.3 The CAO shall place at the disposal of each member a copy of the agenda and all supporting materials no later than 1:00 PM, two (2) working days prior to the meeting.

9.4 The business intended to be dealt with shall be stated in the agenda after the manner as displayed in Schedule "A", attached.

9.5 The order of business established in Section 9.4 of this bylaw shall apply unless altered by the Chair with no objection from members, or otherwise determined by a majority vote of the members present, and the vote upon a matter of priority of business shall be decided without debate.

9.6 Where the deadline in Section 9.2 & 9.3 of this bylaw are not met, the agenda and supporting materials shall be deemed to be acceptable by Council when the agenda is adopted at any Council meeting.

9.7 **Addendums:**

9.7.1 Council may consider the Urgency of any item(s) proposed to be added only with supporting written documentation, or proposed to be deleted, before voting to adopt the agenda "As Amended".

9.7.2 During the course of the meeting, should a member of Council deem that an item be added to the agenda for Council's consideration, the member shall propose the addendum by motion, after which the Chair shall rule on the urgency;

9.7.2.1 If the Chair rules that the motion stand, the Chair shall add the item to the end of the pertinent section of the Agenda.

9.7.2.2 If the Chair rules that the motion does not meet the test of Urgency, or no written supporting documentation is presented, the item shall be tabled and added to the next agenda.

9.8 The order of business at a meeting is the order of the items on the agenda except:

9.8.1 When the same subject matter appears in more than one place on the agenda and Council decides, by motion, to deal with all items related to the matter at the same time;

9.8.2 When Council decides not to deal with an item on the agenda and tables the matter to a subsequent meeting.

10.0 SCHEDULED DELEGATIONS

- 10.1 A person or a representative of any delegation or group of persons who wish to bring any matter to the attention of Council, or who wish to have any matter considered by Council, shall address a letter (or other written communication) to Council or CAO outlining the subject to be discussed. The letter shall be signed in the correct name of the writer; the address of the writer, and delivered (by hand, mail, fax, or email) to the CAO. The letter must arrive by noon at least five (5) working days immediately preceding the meeting at which it is to be presented. If the person wishes to appear before Council on the matter it shall be stated in the letter.
- 10.2 Scheduled delegates shall be granted a maximum of fifteen (15) minutes to present the matter outlined in the letter. Where the Chair determines that additional time shall be granted to a delegation, the length of the extension shall be specified, and the Chair may limit the time.
- 10.3 Delegations that have not submitted a letter in accordance with Section 13.1 of this bylaw may be granted a brief opportunity to outline the matter they wish to present to Council and following that outline, the Mayor or other presiding officer shall determine if the delegation is to be granted time under Section 13.2 of this bylaw.
- 10.4 Matters of confidential nature, as referred to in Section 5.6 of this bylaw, shall not be discussed during public presentations to Council.
- 10.5 Information presented by a person or group shall relate only to the subject matter for which the presentation was originally requested.
- 10.6 Each person or group will be given an opportunity to make a public presentation only once in respect to a given issue. Council or the Committee may waive this restriction if it is of the view that there have been significant new developments in respect of the issue or if sufficient time has elapsed such that Council, or the Committee, is prepared to consider the issue again.
- 10.7 Extensions of time limits for any verbal presentations during the public presentation to Council or the Committee may be granted by consent of Council or the Committee, based on one or more of the following:
- 10.7.1 The issue or bylaw under discussion is deemed by Council or the Committee to be contentious or complex and the allotted time is not sufficient, in the opinion of Council or the Committee, to give the matter due consideration;
- 10.7.2 The granting of an extension of time will not prejudice the rights of other presenters to their allotted presentation time as prescribed by this bylaw.
- 10.8 Where a delegation requests support from Council, requiring a motion of Council, Council shall

first refer the matter to Administration, who shall bring back more information and a recommendation at a subsequent meeting so that Council can make an informed decision.

10.8.1 Where a delegation requests correspondence in regard to clarifying the topics of the delegation, Council will direct Administration to compile the necessary information and prepare correspondence for the delegation to be signed by the Chairperson. Once a decision by Council has been made on a topic from a delegation, Council is not obligated to hear the matter again.

11.0 PUBLIC DELEGATIONS

11.1 As part of the Council agenda, the Mayor shall also call for and recognize any public delegations. Public delegations may or may not be scheduled (as per Section 15 of this bylaw) and may request an opportunity to outline a matter they wish to present to Council or a committee at a meeting, and following the outline, the Mayor or other presiding officer shall determine if the delegation is to be granted time under Section 10.2 of this bylaw.

11.2 A public delegation may be recognized by the Chair and granted a maximum of five (5) minutes to present their matter.

11.3 A public delegation shall follow the guidelines in Sections 10.4, 10.5, 10.6, 10.7, & 10.8 as outlined in this bylaw.

11.4 Council and Council Committees will hear no more than three delegations in total, being scheduled or public.

12.0 ROLE OF MANAGEMENT IN REGARD TO DELEGATIONS

12.1 Administration will schedule the delegation and notify the delegation of the time and place of the meeting they wish to attend.

12.2 Administration will notify the delegation of the time and place of the meeting they wish to attend.

12.3 The CAO shall explore the reasons why the delegation wishes to attend and provide members and committee members with all back up information for their perusal prior to the arrival of the delegation.

12.4 Delegations will be scheduled at least 15 minutes after the start of the meeting.

12.5 Delegations will be scheduled at least 15 minutes apart. More time may be required for more complex issues.

12.6 The Administration may question the delegation to clarify the issue; however, shall not debate the issue with the delegation.

13.0 ROLE OF CHAIRPERSON IN REGARD TO DELEGATIONS

- 13.1 The Chair reserves the right to accept delegations to the Council or Committee meeting.
- 13.2 The Chair shall notify the CAO of any delegations wanting to make a presentation to the Council or Committee and ensure the delegation arranges a meeting date with the CAO.
- 13.3 If there is more than one member in the delegation, the Chair shall request that the delegation appoint a spokesperson and inform the spokesperson that all questions and comments be addressed to the Chair.
- 13.4 The Chair shall ensure that all points of this bylaw are followed by members, committee members and administration.
- 13.5 The Chair may question the delegation to clarify the issue; however, shall not debate the issue with the delegation or members.
- 13.6 The Chair shall not criticize staff, government employees or members while the delegation is present.
- 13.7 The Chair should direct all questions to the delegation's spokesperson.
- 13.8 Comments of intent by the Chair, members or committee members in the presence of the delegation shall not be made.
- 13.9 The Chair shall ensure that the delegation restricts its presentation to the issue.
- 13.10 After Council or the committee has obtained all the information from the delegation, the Chair shall dismiss the delegation to allow Council or the committee to discuss the matter.
- 13.11 The Chair may request the Council or committee to go into a closed session to discuss the issue if the matter falls within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy (FOIP) (s. 16 to 29).

14.0 ROLE OF COUNCILLORS OR COMMITTEE MEMBERS IN REGARD TO DELEGATIONS

- 14.1 Members of Council or the committee shall notify the CAO of any delegations wanting to make a presentation to Council or the committee and ensure the delegation arranges a meeting date with the CAO.
- 14.2 Members of Council or the committee may question the delegation to clarify the issue; however, shall not debate the issue with the delegation.

- 14.3 Members of Council or the committee shall not criticize staff, government employees or other Council or committee members while the delegation is present.
- 14.4 No comments or motions of intent will be entertained until the delegation has been dismissed from the table. The persons making up the delegation may remain in the Council Chambers but may not participate in any further discussion.

15.0 PECUNIARY INTEREST

- 15.1 Members of Council who reasonably believe that they have a pecuniary interest (as defined in the Act, Part 5, Division 6, Sections 169 -173) in any matter before Council, any Committee of Council, or any Board, Commission, Committee or Agency to which they are appointed as a representative of Council shall, if present, declare and disclose the general nature of the pecuniary interest prior to any discussion of the matter, abstain from discussions or voting on any questions relating to the matter and shall where required by the Act, remove themselves from the room until the matter is concluded. *Note: It is the responsibility of each member to determine and/or declare whether they have a pecuniary interest, not other members of Council or Administration.*
- 15.2 The minutes shall indicate the declaration of disclosure, the general nature of the pecuniary interest, the time at which the member of Council left the room, and the time the member of Council returned.
- 15.3 Prior to the meeting, if a member of Council is unsure of whether or not they may be in a 'conflict of interest' (pecuniary) situation with regard to an upcoming issue or vote, the member shall be encouraged to discuss the matter with the CAO.
- 15.4 Prior to the meeting and after discussing the issue with the CAO (as per Section 15.3 of this bylaw), a Councillor may wish to seek a legal opinion at their own expense to determine whether or not there is a conflict of interest situation with regard to the upcoming issue or vote.
- 15.5 If the matter with respect to which the Councillor has a pecuniary interest is a payment of an account for which funds have previously been committed, it is not necessary for the Councillor to leave the room.
- 15.6 If the matter with respect to which the Councillor has a pecuniary interest is a question on which the Councillor as an elector or property owner has the right to be heard by the Council:
- 15.6.1 It is not necessary for the Councillor to leave the room; and
- 15.6.2 The Councillor may exercise the right to be heard in the same manner as a person who is not a member of the Council.

15.7 If a Councillor is temporarily absent from a meeting when a matter in which the Councillor has a pecuniary interest is introduced, the Councillor shall immediately on returning to the meeting, or as soon thereafter, as the Councillor becomes aware that the matter has been considered, disclose the general nature of the Councillors' interest in the matter.

16.0 BYLAW PROCEDURES

16.1 Where a bylaw is presented to a meeting for enactment, the CAO or designate shall cause the number, short title and brief description of the bylaw to appear on the agenda.

16.1.1 As per Section 187 of the Act, all bylaws shall have three distinct and separate readings. The motion to move a bylaw for consideration shall be the first reading.

16.1.2 As per Section 187(4) of the Act, any proposed bylaw must not have more than two (2) readings at a Council Meeting unless the Councillors present unanimously agree to consider third reading, which requires a motion of Council.

16.2 The following shall apply to the passage of a Bylaw:

16.2.1 A bylaw shall be introduced for first reading by a motion that it be read a first time specifying the number and short name of the bylaw;

16.2.2 After a motion for first reading of the bylaw has been presented, members may debate the substance of the bylaw, and propose and consider amendments to the bylaw;

16.2.3 Any proposed amendments shall be put to vote, if required, and, if carried, shall be considered as having been incorporated into the bylaw at first reading;

16.2.4 When all amendments have been accepted or rejected, the Chair shall Call the Question on the motion for first reading of the bylaw;

16.2.5 When a bylaw is subject to a Statutory Public Hearing, a Public Hearing date and time shall be established prior to proceeding to second reading;

16.2.6 When a bylaw must receive approval of a Minister of the Crown, it must be forwarded for such approval prior to proceeding to second reading;

16.2.7 All aspects of the passage of a bylaw at first reading shall apply to second or third reading of any bylaw.

17.0 BYLAW AND POLICY APPEAL

17.1 When a bylaw or policy is defeated by Council, the bylaw or policy shall not be available for review by Council for a period of six (6) months from the date the bylaw or policy being defeated unless there is a reconsidering motion where information relevant to the defeated motion may change the result.

18.0 EFFECTIVE DATE

18.1 Village of Rosemary Council Procedural Bylaw #423-11 is hereby repealed.

18.2 This bylaw shall come into effect upon the date of final passing of the same.

18.3 This bylaw comes into effect upon the date of the third and final reading and proper signature thereof.

Read a First Time this 22nd day of October 2019.

Read a Second Time this 13th day of November 2019.

Read a Third and passed by Council this 13th day of November 2019.

William Marshall, Mayor

Sharon Zacharias, CAO

SCHEDULE "A"

Agenda Format REGULAR COUNCIL MEETING

1. Call to Order / Excused from Meeting
2. Acceptance of Agenda
3. Adoption of Minutes
 - a) Regular/Special Meeting Minutes
4. Delegations / Public Hearings
5. Business Arising from the Minutes
6. New Business
 - a)
 - b)
7. Financial
 - a) Cheque Listing
 - b) Financial Statements
8. Written Reports
 - a) Mayor
 - b) Deputy Mayor
 - c) Councillor
 - d) CAO
 - e) Public Works Foreman
 - f) Members at Large
9. Correspondence
 - a) CPO Report
 - b) RMCP Report
10. Confidential Items
11. Adjournment