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## A BYLAW OF THE SUMMER VILLAGE OF SUNDANCE BEACH FOR THE PURPOSE OF REGULATING THE PROCEEDINGS OF COUNCIL

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**WHEREAS** the MGA (as defined below) provides that the council of a municipality may pass bylaws with respect to procedures to be followed for meetings of that council;

**AND WHEREAS** the Council (as defined below) deems it advisable to enact such a bylaw;

**NOW THEREFORE**, the Council, duly assembled, enacts as follows:

### 1. SHORT TITLE

1.1 This Bylaw shall be known as the "Procedural Bylaw."

### 2. DEFINITIONS

2.1 Definitions used in this Bylaw, if not defined in this Bylaw, shall have the same meanings attributed to those definitions in the MGA.

2.2 In this bylaw:

- a) **"CAO"** means the Chief Administrative Officer of the Summer Village;
- b) **"Chair"** means the Mayor, the Deputy Mayor or any other person authorized to preside over a meeting of Council and, for greater certainty, the CAO shall act as Chair of an organizational meeting;
- c) **"Committee"** means a committee of Council established by Council by bylaw in accordance with the MGA;
- d) **"Council"** means the Council of the Summer Village;
- e) **"Councillor"** means a member of Council who is duly elected and continues to hold office and, for greater certainty, "Councillor" includes the Mayor;
- f) **"Deputy Mayor"** means the Councillor who is appointed by Council to act as Mayor in the absence or incapacity of the Mayor;
- g) **"FOIP"** means the *Freedom of Information and Protection of Privacy Act, Revised Statutes of Alberta, 2000 Chapter F-25*;
- h) **"Mayor"** means the Councillor who is appointed by Council to act as mayor or chief elected official;
- i) **"MGA"** means the *Municipal Government Act, Revised Statutes of Alberta, 2000 Chapter M-26*;



- j) **"Quorum"** means the minimum number of Councillors who must be present at a meeting of Council for business to be legally transacted at that meeting; and
- k) **"Summer Village"** means the Summer Village of Sundance Beach.

### **3. GENERAL INTERPRETATION**

- 3.1 All schedules attached to this Bylaw form part of this Bylaw.
- 3.2 Headings or subheadings in this Bylaw are inserted for ease of reference and guidance purposes only and do not form part of this Bylaw.
- 3.3 Words in the singular include the plural and words in the plural include the singular.
- 3.4 Where this Bylaw cites or refers to any act, regulation, code or other bylaw, the citation or reference to the act, regulation, code or other bylaw includes any amendments thereto before or after the commencement of this Bylaw, and includes reference to any act, regulation, code or other bylaw that may be substituted in its place.
- 3.5 Each provision of this Bylaw is independent of, and severable from, all other provisions and if any provision is declared invalid or unenforceable for any reason by a court of competent jurisdiction, all other provisions of this Bylaw remain valid and enforceable.
- 3.6 Nothing in this Bylaw relieves a Person from complying with any provision of any federal, provincial or municipal law or regulation or any requirement of any lawful permit, order or license.

### **4. GENERAL RULES**

- 4.1 The rules and procedures contained in this Bylaw shall be observed in all meetings of Council.
- 4.2 If applicable, the rules and procedures contained in this Bylaw shall be observed in all meetings of Committees after making any necessary contextual changes to such rules and procedures and after giving effect to any other changes to such rules and procedures which may be agreed upon by the members of the applicable Committee.
- 4.3 To the extent that a procedural matter is not dealt with in the MGA or this Bylaw, the matter will be determined by referring to the most recent version of *Robert's Rules of Order*.
- 4.4 The conduct of all business of the Summer Village shall be controlled by the general will of Council including the right of the majority to decide and the right of the minority to require the majority to decide only after a full and fair deliberation, in a constructive and democratic manner, of the issues involved.



- 4.5 A Councillor who has a pecuniary interest in a matter before Council shall, prior to any discussion on the matter, disclose the nature of the pecuniary interest and, subject to the MGA:
- a) abstain from participating in any discussion on the matter;
  - b) abstain from voting on any questions or motions relating to the matter; and
  - c) leave the meeting of Council at which the matter is being discussed until discussion and voting on the matter has concluded.

## 5. MEETINGS

- 5.1 With respect to an organizational meeting of Council:
- a) the meeting shall be held no later than August 31 in accordance with section 192 of the MGA; and
  - b) at the meeting: (i) all Councillors shall take the official oath prescribed by the *Oaths of Office Act (Alberta)* (but only in the event that the meeting follows an election or by-election of one or more members of Council), (ii) Council shall appoint the Mayor and the Deputy Mayor for the time period ending at the next organizational meeting of Council, (iii) Council may appoint members of any Committees, if any, or pass a resolution to defer the appointment of one or more of such members to a subsequent meeting of Council, (iv) Council shall establish the frequency, dates, times and locations of regular meetings of Council for the next 12 months, and (v) Council shall conduct any other business described in the agenda applicable to that meeting.
- 5.2 With respect to regular meetings of Council:
- a) except to the extent already established in accordance with section 5.1(b)(iv) above, Council may, at a meeting of Council at which all Councillors are present, establish the date, time and place for regular meetings of Council and, once established, notice of any meeting need not be given to the Councillors but shall be given to the public; and
  - b) Council may cancel any meeting or change the date, time or place of any meeting provided that not less than 24 hours' notice of such cancellation or change shall be given to the public and to any Councillor who was not present at the meeting at which the decision to cancel or change the meeting was made.
- 5.3 With respect to special meetings of Council:
- a) the meetings (i) may be called by the Mayor whenever the Mayor considers it appropriate to do so, and (ii) must be called by the Mayor if the Mayor receives a written request for a meeting, stating its purpose, from a majority of the Councillors;
  - b) a meeting called under section 5.3(a)(ii) above must be held within 14 days after the date that the Mayor receives the request;



- c) subject to section 5.3(d) below, not less than 24 hours' notice of the meeting shall be given to each Councillor and to the public and such notice shall state the purpose of the meeting and the date, time and place at which the meeting is to be held;
  - d) a meeting may be held with less than 24 hours' notice to all Councillors and without any notice to the public if at least two-thirds of all Councillors agree in writing to such notice before the beginning of the meeting; and
  - e) no matter, other than that stated in the notice calling the meeting, may be transacted at the meeting unless all of the Councillors are present at the meeting and Council agrees to deal with the matter in question.
- 5.4 Public hearings may be held during a regular meeting of Council or a special meeting of Council called for the purpose of holding a public hearing. Public hearings required in accordance with the MGA shall be called and held in accordance with that legislation. The procedure to be followed at a public hearing shall be as follows:
- a) the Chair shall outline the purpose of the public hearing, the process to be followed in the public hearing and any other preliminary matters;
  - b) the CAO shall introduce the proposed bylaw or resolution and such introduction shall be followed by questions by Council;
  - c) after identifying themselves in the manner required pursuant to section 5.4(e) below, members of the public shall be invited to make verbal presentations and such presentations shall be followed by questions by Council;
  - d) written submissions and other materials (including slides, maps and videos) shall be permitted provided that (i) such submissions and materials shall be submitted to the CAO not less than 72 hours prior to the public hearing, and (ii) such submissions and materials shall become the property of the Summer Village as exhibits to the public hearing;
  - e) members of the public who wish to speak at the public hearing shall (i) give their name and location of residence, (ii) advise the Chair whether they are speaking on their own behalf or on behalf of another person or group, (iii) address the Chair when responding to questions or providing information, (iv) speak for not more than five minutes (unless the Chair, in his or her discretion, decides to extend such time period), and (v) speak on only one occasion (unless the Chair, in his or her discretion, decides that such speaker has new information to provide); and
  - f) at the conclusion of the public hearing, the Chair shall (i) declare that the public hearing has closed, or (ii) declare that the public hearing will continue, declare a date for reconvening the public hearing and recess the public hearing.
- 5.5 Meetings of Council may be conducted by electronic or other communication means in accordance with Section 199 of the MGA.



5.6 Notice of a meeting of Council may be given to the public on the Summer Village's website.

## **6. QUORUM**

- 6.1 Unless otherwise specified in this Bylaw or the MGA, the Quorum for meetings of Council shall be a majority of Councillors.
- 6.2 If a Quorum is present at the time set for the commencement of the meeting or within 15 minutes after such time, then the Mayor shall take the Chair and begin the meeting provided that if the Mayor is absent, then the Deputy Mayor shall take the Chair and begin the meeting.
- 6.3 If there is no Quorum within 15 minutes after the time set for the commencement of the meeting, then the CAO shall record the names of the Councillors present and the meeting will be adjourned to the date, time and location of the next scheduled regular meeting of Council.
- 6.4 If, at any time during a meeting, a Quorum is lost, then the meeting shall be recessed and if a Quorum is not restored within 15 minutes following such recess, then the meeting shall be adjourned to the date, time and location of the next scheduled regular meeting of Council.

## **7. DUTIES OF THE CHAIR**

- 7.1 The Chair of the meeting shall:
- a) open the meeting;
  - b) chair the meeting;
  - c) preserve order in the meeting and may call to order any Councillor, member of the public or other person who is out of order;
  - d) decide all questions of procedure;
  - e) ensure that each Councillor who wishes to speak on a debatable motion is granted the opportunity to do so;
  - f) state and put to a vote all motions that legitimately come before Council and declare the results of all votes;
  - g) decide who, aside from Councillors, may address Council; and
  - h) declare meetings adjourned when Council so votes or at any time in the event of an emergency.
- 7.2 Any ruling of the Chair may be challenged. A motion to challenge may be made only at the time of the ruling. A motion to challenge is debatable unless it is related to decorum,



the priority of business or an undebatable pending motion. The Chair may participate in the debate concerning the challenge and may vote on the motion challenging the ruling. A majority vote of Council will decide the challenge of the ruling and the vote shall be final.

## **8. AGENDA**

- 8.1 The CAO shall ensure that copies of the agenda for a meeting (together with the accompanying materials) are:
  - a) distributed to the Councillors not less than 72 hours prior to time of commencement of the meeting; and
  - b) made available to the public as required but subject to FOIP.
- 8.2 Only the materials which have been received by the Councillors before or at the time of distribution of the agenda shall be considered at the meeting for which the agenda was prepared unless Council approves otherwise.
- 8.3 The agenda shall be adopted by Council prior to transacting other business and, in adopting the agenda, Council may, by resolution, amend the agenda prior to adoption in order to accommodate special circumstances or to ensure efficient use of time.
- 8.4 The agenda shall list the items of business to be conducted at the meeting.
- 8.5 Unless Council decides otherwise, the order of business for a regular meeting of Council shall be as follows:
  - a) Call to Order
  - b) Adoption of Agenda
  - c) Adoption of Minutes From Previous Meetings
  - d) Public Hearing (if applicable)
  - e) Delegations
  - f) Business Arising From Adjourned Meeting (if applicable)
  - g) Bylaws and Policies
  - h) Business
  - i) Council Reports
  - j) CAO Report



- k) Financial Reports
  - l) Correspondence
  - m) Closed Session
  - n) Date of Next Meeting
  - o) Adjournment
- 8.6 Any agenda items which have not been disposed of at the time of adjournment of a meeting shall be addressed at the beginning of the next scheduled regular meeting of Council unless a special meeting is convened to deal with the remaining business of the adjourned meeting.

## **9. PROCEEDINGS AT MEETINGS OF COUNCIL**

- 9.1 At all meetings of Council:
- a) all discussions shall be directed through the Chair;
  - b) no person shall be allowed to speak at the meeting unless and until recognized by the Chair;
  - c) all persons in attendance shall maintain order and quiet;
  - d) no person in attendance shall speak disrespectfully or use offensive words or gestures;
  - e) no person shall interrupt a speech or action of Council or another person addressing Council;
  - f) no person shall obstruct the proceedings or attempt to thwart the will of Council; and
  - g) no person shall disobey a decision of the Chair on any question of order, practice or interpretation.
- 9.2 The Chair may order any person (excluding Councillors) who breaches section 9.1 above to be expelled from the meeting provided that, in the discretion of the Chair, any expelled person may be allowed to return to the meeting after apologizing for his or her conduct and promising not to repeat such conduct.
- 9.3 Unless otherwise determined by the Chair, no matter may be debated or voted upon by Council unless it is in the form of a motion. With respect to motions:
- a) a motion does not require a seconder;
  - b) a Councillor may move a motion whether or not the Councillor intends to support the motion;



- c) when a motion is made and is being considered by Council, a Councillor may not propose an amending motion which (i) does not relate to the subject matter of the main motion, or (ii) is contrary to the main motion;
  - d) the main motion shall not be debated until any proposed amendments to it have been debated and voted on; and
  - e) when all proposed amendments have been voted on, the main motion, together with any amendments to it which have been adopted by Council, shall be debated and voted on.
- 9.4 Council may by resolution move a portion of its meeting into closed session in order to discuss any matter which is within one of the exceptions to disclosure in Division 2 of Part 1 of FOIP. The resolution shall state the portion of the meeting that is to be closed and the basis on which, under an exception to disclosure in Division 2 of Part 1 of FOIP, the portion of the meeting is to be closed. The closed session portion of the meeting shall:
- a) be chaired by the same person who acted as Chair for the other portion of the meeting;
  - b) be held without the presence of the public unless one or more members of the public are invited by Council to participate in the closed session; and
  - c) no bylaws, resolutions or motions shall be passed during the closed session except for a motion to move out of closed session and revert to open session.
- 9.5 A person or a group of persons who wishes to address Council in person at any meeting of Council concerning any matter shall submit to the CAO, not less than seven days prior to the date of the meeting, a written notice describing the matter to be discussed together with any material to be presented to Council. If the CAO, in his or her discretion, determines that the matter to be discussed is within the governance authority of Council, then the CAO shall assign to the person or group of persons a time slot in the agenda for the meeting and the person or group of persons shall be allowed to address Council at the meeting for not more than 10 minutes unless such time period is extended by Council. If the CAO, in his or her discretion, determines that the matter to be discussed is not within the governance authority of Council, then the CAO shall advise the person or group of persons of that determination and no time slot in the agenda will be assigned to the person or group of persons.

## **10. VOTING**

- 10.1 Voting on all motions before Council shall be conducted as follows:
- a) the Chair shall put the motion to a vote;
  - b) the Councillors shall vote by show of hands or other method agreed upon by Council; and
  - c) the Chair shall declare the result of the vote.





- 10.2 Unless otherwise provided in this Bylaw or the MGA, a motion is carried when a majority of Councillors present at a meeting vote in favour of the motion.
- 10.3 In the case of a tie vote, the motion shall be considered defeated.

## **11. MINUTES**

- 11.1 The CAO shall prepare minutes for each meeting of Council and such minutes shall include:
- a) the names of the Councillors and other persons present at the meeting;
  - b) the motions passed by Council;
  - c) any abstentions made by any Councillors and the reasons for the abstentions; and
  - d) the signatures of the Chair and the CAO once the minutes have been approved by Council.
- 11.2 The CAO shall distribute the draft minutes to Council for approval prior to or at the meeting of Council immediately following the meeting in respect of which the draft minutes were prepared.
- 11.3 Any Councillor may make a motion requesting that the draft minutes be amended in order to correct any inaccuracies or omissions.

## **12. BYLAWS**

- 12.1 All proposed bylaws shall be assigned a bylaw number by the CAO and shall have a short title indicating the purpose of the bylaw.
- 12.2 Councillors shall be entitled to review a copy of the proposed bylaw, in its entirety, prior to any motion for first reading of the bylaw.
- 12.3 A proposed bylaw shall be introduced at a meeting of Council by a motion that the bylaw be read a first time. Council may hear an introduction of the proposed bylaw from the CAO prior to the first reading.
- 12.4 Subject to the MGA, after the first reading, any Councillor may make a motion that the proposed bylaw be read a second time.
- 12.5 Council shall be entitled to discuss the proposed bylaw between readings of the bylaw.
- 12.6 Council shall not give a proposed bylaw more than two readings at the same meeting of Council unless all Councillors present at the meeting vote in favour of allowing a third reading at that meeting.



- 12.7 Any amendments to be made to a proposed bylaw which has not yet been passed or defeated shall be made after the first reading and prior to the third reading. Once a motion to amend a proposed bylaw has been passed, the amendment becomes part of the proposed bylaw.
- 12.8 The previous readings of a proposed bylaw shall be considered to be rescinded if the proposed bylaw does not receive third reading within two years after the first reading or if the proposed bylaw is defeated on second reading or third reading.
- 12.9 A bylaw shall be effective from the beginning of the day it is signed unless the bylaw or any applicable legislation provides for a different effective date.
- 12.10 The Mayor and the CAO shall sign and seal a bylaw as soon as reasonably possible after the third reading is given and the bylaw is passed by Council.
- 12.11 Subject to the MGA, once a bylaw has been passed, it may only be amended or repealed by another bylaw made in the same way as the original bylaw.
- 12.12 The CAO is hereby authorized to consolidate one or more bylaws, from time to time, in accordance with Section 69 of the MGA. Upon the consolidation of a bylaw, the CAO shall:
  - a) incorporate all amendments and / or revisions into one bylaw;
  - b) omit any provision that has been repealed or that has expired;
  - c) prepare a printed copy of the bylaw consolidated under this section and endorsed for printing by the CAO; and
  - d) include a provision in the bylaw stating that it has been consolidated under the authority of this Bylaw.

### 13. REPEAL

- 13.1 This Bylaw shall replace Bylaw No. 2020-06 and Bylaw No. 2020-06 is hereby repealed.

### 14. COMING INTO FORCE

- 14.1 This Bylaw shall come into full force and effect upon final passing.

**READ** a first time this 11<sup>th</sup> day of March, 2021.

**READ** a second time this 11<sup>th</sup> day of March, 2021.

**UNANIMOUS CONSENT** to proceed to third reading this 11<sup>th</sup> day of March, 2021.

**READ** a third and final time this 11<sup>th</sup> day of March, 2021.

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Peter Pellatt, Mayor  
Summer Village of Sundance Beach

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June Boyda, Chief Administrative Officer  
Summer Village of Sundance Beach