

BYLAW NO. 482-0406

A BYLAW OF THE VILLAGE OF ELNORA IN THE PROVINCE OF ALBERTA, TO DEAL WITH PROCEDURE AND THE TRANSACTING OF BUSINESS BY THE COUNCIL OF THE VILLAGE OF ELNORA

WHEREAS the Municipal Government Act provides that a Council may make rules and regulations for calling meeting, governing its proceedings and the conduct of its members, appointing committees and generally for the transaction of its business.

NOW THEREFORE the Council of the Village of Elnora in the Province of Alberta, duly assembled, enacts as follows:

1. This bylaw may be cited as "The Council Procedure Bylaw".

Definitions and Interpretations

2. in this Bylaw:

- a) "Acting Mayor" means the member selected by the Council to act in the absence or incapability of both the Mayor and Deputy Mayor pursuant to Section 30.
- b) "Agenda" means the agenda for a regular or special meeting of Council prepared pursuant to Section 32.
- c) "Bylaw" means a bylaw of the Village of Elnora.
- d) "Council" means the Mayor and Councilors of the Village of Elnora for the time being elected pursuant to provisions of the Municipal Government Act whose term is unexpired, who has not resigned and who continues to be eligible to hold office as such under the terms of the Municipal Government Act.
- e) "Deputy-Mayor" means the member of Council who is appointed by council pursuant to the provisions of Section 28, to act as Mayor in the absence incapacity of the Mayor.
- f) "Mayor" means that member of Council elected pursuant to Local Authorities Election Act and the Municipal Government Act to the Office of Mayor.
- g) "Member" means that member of Council elected pursuant to Local Authorities Election Act and the Municipal Government Act to the Office of Mayor.

- h) "Quorum" means:
 - 1) In the case of Council, 2 valid subsisting members of Council, or
 - 2) In the case of the committee, board, commission or other organized and recognized group, unless the bylaw or resolution establishing such a body specifies a different quorum, the majority of the members thereof.
- i) "Village" means the Corporation of the Village of Elnora and, where the the context so requires, means the area included within the boundaries of the Village.
- j) "Village Administrator" means that individual appointed as the Village's Chief Administrative Officer pursuant to a bylaw duly passed by Council.

Adoption and Amendment of Council Procedure Bylaw

- 3. This bylaw may only be repealed or amended at a meeting at which all members of Council are present.

Role and Philosophy of Council

- 4. Council shall provide good, responsible and fair Municipal Government to the citizens of the Village and each member of Council shall fulfill the duties and expectations of the position as a member of Council in a diligent and faithful manner.
- 5. Members of Council shall conduct themselves in accordance with the ethical guidelines of conduct for elected local government officials of the Alberta Urban Municipalities Association adopted as part of this Bylaw and contained in Schedule "A" of this Bylaw.
- 6. It shall be the role of Council to develop and adopt such policies as may be necessary to govern the Village in a responsible and fair manner and it shall be the duty of the Village Administrator to carry out and fulfill the requirements to Council's policies and directives.
- 7. Members of Council shall not attempt to direct the operations and administration of the Village personnel except where provided by this Bylaw and any official interaction with Village personnel should be conducted through the Village Administrator only.

Organizational Meeting of Council

8. The organizational meeting of Council shall be held annually no later than 2 weeks after the 3rd Monday of October with the Village Administrator providing notice in the prescribed manner to members of Council advising of the date, time and place of the meeting.
9. The Mayor shall act as Chairman of the organizational meeting unless the meeting is held subsequent to a general election in which case the Village Administrator shall call the meeting to order and preside over the meeting until the oath of office is administered to the Mayor.
10. After the Mayor has taken the oath, he/she shall preside over the meeting and the Councilors shall take the official oath of office.
11. The Mayor shall nominate and the Council shall by resolution appoint annually at the Organizational Meeting:
 - a) The Members of Council and other persons who will represent the Village on Boards, Commissions and Committees to which the Village has the right to appoint representation.
12. The Mayor is by virtue of his/her office, a member of all Board, Commissions, Associations, Committees or other organizations to which the council has the right to appoint members pursuant to the Municipal Government Act and the Mayor, when in attendance possesses all the rights, privileges, powers and duties of other members, whether elected or appointed.
13. Appointments made pursuant to Section 11 shall generally be for a one year term unless other bylaws, agreements or statutes prescribe a term of differing length.
14. The business of Council at the Organizational Meeting shall be limited to the calling of the meeting, the administration of the oath, the introduction of new members, the appointment of a Deputy-Mayor and the appointment of members to act on Committees, Boards, and other bodies on which council is entitled to representation, and such other business as is required by the Municipal Government Act.

Regular Meetings

15. All meetings of Council shall be held in the Council Chambers in the Village Administration Building, unless Council, by a majority vote, determines that a subsequent meeting of Council shall be held at a different location.
16. If it is decided to hold a meeting of Council at a different location other than the Council Chambers of the Village Administration Building, then the Village Administrator shall:
 - a) affix a notice of such change to the agenda for the meeting.

- b) provide notice on the front of the Village Administrative Building
 - (i) posting a notice on the front of the Village Administrative Building
 - (ii) taking any other steps he/she deems appropriate, such as posting a notice in several public places or publishing a notice of the change in the local newspaper.
- 17. Regular meetings of Council shall be held on dates and times as set forth by Council at their organizational meeting.
- 18. Evening meetings of Council shall be held on dates and times as set forth by Council at their organizational meeting.
- 19. Unless there has been a motion passed pursuant to section 19 within the prescribed time extending the Council meeting beyond 10:30 P.M. unless a resolution to proceed past 10:30 is passed unanimously by all members present.
- 20. If it appears to the Mayor that any of the matters included in the agenda for a Council Meeting which were not disposed of by the meeting prior to the adjournment thereof are of an urgent nature which requires action before the next Regular Meeting, he/she may call a Special Meeting of Council to deal with such matters.

Special Meetings of Council

- 21. Council may hold a Special Meeting(s) of Council as per the conditions as set forth in the Municipal Government Act.
- 22. The Mayor may on his/her own initiative call a Special Meeting(s) of Council as per the conditions set forth in the Municipal Government Act.
- 23. The Mayor shall summon a Special Meeting of Council when requested to do so by a majority of Council in writing as per the conditions set forth in the Municipal Government Act.
- 24. Notice for Special Meetings shall be provided as per the conditions set forth in the Municipal Government Act.

Mayor

- 25. The Mayor is the Chief Executive Officer of the Village and shall:
 - a) Preside at all meetings of the Council whenever he/she is present.
 - b) Cause the laws governing the Village to be executed.

- c) Supervise and inspect the conduct of all officials of the Village in the performance of their duties.
- d) Cause all negligence, carelessness and violation of duty to be prosecuted and punished as far as it is within his/her power to do so.
- e) Communicate to the Council all information and recommend all measures that he/she considers will better the finances, health, security, cleanliness, comfort, ornamentation and prosperity of the Village.

Deputy-Mayor and Acting Mayor

- 26. The Council at the organizational meeting held following a general election, shall appoint from among the members of Council a Deputy-Mayor for a one year term ending at the next organizational meeting. This position shall be filled annually thereafter at each organizational meeting for a one year term.
- 27. When the Mayor, through illness, absence of other cause, is unable to perform the duties of his/her office, or when the office is vacant, the Deputy-Mayor has all the powers and shall perform all the duties of the Mayor during his/her inability or absence.
- 28. In the absence or inability of the Mayor and the Deputy Mayor to perform the Mayor's duties, Council shall appoint one of its members to fill the position of Acting Mayor as per the Conditions set forth in the Municipal Government Act.

Agenda for Council Meetings

- 29. The Village Administrator, or his/her designate, in consultation with the Mayor, shall prepare an agenda, complete with backup materials, which shall list all the items of business to be considered by the Council at its meeting.
- 30. The agenda shall combine items into the following classification and shall place them in an appropriate order:
 - a) Adoption of Agenda and Supplementary Agenda by Council
 - b) Confirmation of minutes of previous Regular and Special Meetings of Council.
 - c) Delegations of individuals or groups to address Council.
 - d) Matters dealing with Council, its operation and legislative function.
 - e) Matters pertaining to the Municipal departments and functions.
 - f) Other reports.
- 31. The Village Administrator shall cause the agenda and backup materials to be copied and delivered to each member of Council so that it will be received in each case not less than three clear days before the time for commencement of the meeting for which it is prepared.

32. If requested, a copy of the agenda shall also be made available to representatives of the press, other media representatives, and other parties as approved by Council, prior to the meeting of Council. Backup materials shall be provided to any of the above when approved by Council.
33. Prior to the commencement of any Regular Meeting of Council, the Council shall adopt the proposed agenda deleting those items of business with which Council does not wish to deal with or altering the order in which business was to be considered.

Delegations

34. Where a citizen or organization wishes to make a presentation to a meeting of Council, the Village Administrator shall schedule such a request at the soonest time convenient to Council.
35. The Village Administrator must be advised of the subject matter of the presentation and shall include such information and any other written material with the agenda of Council.
36. Those requesting a delegation may make oral or written presentations to Council. In the interest of economy and time, the Mayor may require the following:
 - a) The appointment of a single spokesperson by the delegation.
 - b) The length of each delegation's presentation shall be limited to 15 minutes
37. Where a citizen or organization appears at a meeting of Council and has not been included in the agenda of the meeting, Council may at its discretion, amend the agenda by a majority vote to hear the representation.

Control and Conduct of Council Meetings

38. Subject to being over-ruled by a majority vote of members of council, a vote of which shall be taken without debate, the Mayor or other presiding officer shall:
 - a) maintain order and preserve decorum of the meeting.
 - b) decide points of order without debate or comment other than to state the rule governing.
 - c) determine which member has a right to speak.
 - d) Ascertain that all members who wish to speak on a motion have spoken thereon and that the members are ready to vote by asking the question: "Are you ready for the question?" and shall thereafter take a vote by a show of hands of those members voting on the question
 - e) rule when a motion is out of order, and
 - f) have the authority to call a member to order.
39. Meetings of Council and related Committees, Boards and Commissions shall be conducted in accordance with the rules of Parliamentary Procedure as set out in the

“Roberts Rules of Order”, subject to the limitation and requirements of this bylaw and provincial legislation excepting where a seconder is required for each motion. Once a motion has been made, Council may vote to carry or defeat it based solely on the original motion without being seconded.

Motions, Resolutions and Bylaws

40. All decisions of Council shall be made by motions, resolution or bylaw as per the requirements set forth in the Municipal Government Act.
41. No more than two readings may be given to any Bylaw at a single meeting, unless a resolution to do so has been unanimously passed as per the Municipal Government Act.
42. Motions and resolutions where the wording of such can be anticipated, may be prepared in advance of the meeting by the Village Administrator, or may be prepared at the meeting by members of Council or Administrative staff.
43. The Mayor and each Council Member must vote on each matter put to a vote at the meeting, unless the Mayor or Council Member is required or permitted to abstain from voting under the Municipal Government Act or any other provincial legislation.
44. Each abstention and the reason for the abstention shall be recorded in the minutes of each meeting.
45. A request for a recorded vote must be made by a Council Members prior to a vote being taken. The minutes must show the names of the Council Members who voted for and against the resolution or abstained.
46. Should there be an equal number of votes for and against a resolution or bylaw; the resolution or bylaw shall be defeated.

Minutes

47. Minutes will remain unofficial until their confirmation at the next regular council meeting. The Village Administrator may at his/her discretion provide copies of these unofficial minutes to other parties, with the condition that these minutes be clearly marked as “unofficial”.

Meetings Held in Public

48. Council and any Council Committee meetings must be conducted in public unless sections 49 and 50 apply.

49. Council and Council Committees may conduct all or part of their meetings closed to the public if a matter to be discussed is within one of the categories of information referred to in the Municipal Government Act.
50. The Municipal Planning Commission and Subdivision and Development Appeal Board may deliberate and make its decisions in meetings closed to the public.
51. Prior to closing a meeting to the public:
 - a) a resolution to close a meeting to the public must be placed on the floor. This resolution shall include a brief description of the matter to be discussed and the reason that the matter cannot be discussed in public.
 - b) opportunity must be given to debate a resolution to close a meeting to the public in the public meeting.
 - c) a resolution to close a meeting to the public must be passed by a simple majority of the Council Members present at that meeting.
52. When a meeting is closed to the public:
 - a) only the matter set out in the resolution to close the meeting to the public may be discussed while the meeting is closed.
 - b) no resolution or bylaw may be passed at the closed meeting, except a resolution to revert to a meeting held in public.

Special Committees

53. Council may, at any time, form special committees of Council which may include members of Council, other Board and Commissions members, staff members and citizens to examine and make recommendations on any subject or matter within the Village's jurisdiction and responsibility.
54. Council shall prescribe the mandate and terms of reference for such Committees, appointing a Chairman, prescribing remuneration for members and may delegate certain powers such as the ability to extend Village funds so far as such delegation is not inconsistent with the Municipal Government Act.

Complaints, Appeals and Committees of Inquiry

55. Complaints made by citizens regarding actions or lack of action by the Village Administration and operations shall be made to the Village Office, recorded on appropriate forms and directed to the appropriate department.

56. A copy of the form detailing the complaint and the action taken shall be circulated to the Village Administrator, the Mayor and the appropriate department.
57. Where further consideration is warranted or where the complainant is not satisfied with the action taken by the Village Administration, the matter shall be reviewed by Council.
58. Where citizens or organizations make complaints regarding the actions and decisions of the administration directly to members of Council, Councilors shall either convey the complaint to the Village Administrator or encourage the citizen to lay a complaint at the Administration Office in accordance with Section 55 above.
59. Notwithstanding sections 56 and 58 every citizen shall have the right to appeal directly to Council either by written communication or oral presentation at a meeting of Council.
60. When requested to do so, the Village Administrator shall place on an agenda of a meeting of Council such citizen appeals or reserve time for a representation at a meeting of Council advising by way of the agenda the nature and background to the appeal.
61. When considering appeals, Council may make such independent inquiries with Village personnel and others either through a committee of enquiry or by Council as a whole.
62. Where an employee of the Village has raised a grievance and is not satisfied with the action and response of the administration that employee shall have the right of appeal to Council.
63. An appeal referred to Council pursuant to Section 57 shall be referred to a committee of Council composed of the Mayor and the Deputy Mayor.
64. The Committee formed under Section 63 shall investigate the grievance, making such inquiries with the Administrator and other employees as necessary, and shall make whatever recommendations are deemed appropriate.

Administration in the Absence of a Village Administrator

65. Where the position of the Village Administrator is vacant or the Village Administrator is incapacitated or absent from the position for an extended length of time and where an acting Village Administrator from the staff has not been appointed, the Mayor except as restricted below shall act as the Village administrator on an interim basis.

66. Department Heads will continue to supervise and direct their respective departments in accordance with existing policy and convention and the Acting Village Administrator will direct all those matters that cannot be resolved or completed by existing administrative staff to the Mayor.
67. The Mayor in consultation with the Standing Committee Chairman will direct the Acting Village Administrator on what issues and other matters will be included in meeting agendas.

Remuneration

68. Council shall affix from time to time the rates of remuneration payable to members of Council for the performance of their duties as Mayor and Councilors.
69. Council shall also prescribe:
 - a) The insurance coverage to be arranged for members of Council.
 - b) The magnitude of reimbursement to members for expense incurred in the performance of duties.
 - c) Any other payment, reimbursement or allowance made to members of Council which Council deems appropriate and which is not inconsistent with the Municipal Government or any other act.
70. The rates of remuneration and other such payments and allowances shall be set out in Schedule "B" of this Bylaw which may be amended from time to time by a resolution of Council.


Repeal of Previous Bylaw

71. This By-Law shall come into effect upon final passing thereof and shall repeal By-law No.444

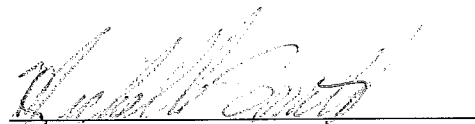
Read a 1st time this 8th day of February, 2005

Read a 2nd time this 13th day of September, 2005

Read a 3rd and final time this 12th day of OCTOBER and finally passed.



Mayor



Administrator

Schedule "A"

ETHICAL GUIDELINES OF CONDUCT FOR ELECTED LOCAL GOVERNMENT OFFICIALS

Primary Focus

1. Both Council and its administration recognize that their allegiance and loyalties are to the community as a whole and not to any individual(s) or group(s).

Relationships between Members of Council and Its Administration

2. Each Council member shall ensure that his/her behaviour towards other members of Council and the administration is based on the following principles:
 - Respect for the right of others to offer their opinion
 - Tolerance for viewpoints, which may be at odds with those of others
 - Respect for views and opinions, which may well, be in the minority
 - Respect for the role of the CAO as the key employee of Council and its chief policy advisor
 - Respect for the right of the administration to present reports and advice which may not be that which is acceptable to Council.

Fair Treatment for Those Presenting to Council

3. Each person presenting to Council will be afforded fair treatment by all members of Council who will seek to ensure that:
 - Presenters are treated fairly regardless of race, gender, religion, age, disability or occupation
 - Presenters are dealt with in good faith
 - Presenters are given an adequate time in which to present their views
 - Presenters are treated without bias and are accorded respect for their time and views.

Chair of Meetings

4. The Mayor (or chair of meetings) will not tolerate
 - discourtesy by one member to another member
 - rudeness to members of staff or to the public
 - disruptive behaviour
5. The Mayor (or chair of the meeting) should personally speak to any member guilty of such behaviour requesting that he/she desist from such remarks or behaviour. If necessary, the chair shall call a brief recess and speak in private to the offending parties.

Authority and Powers

6. Each member of Council will respect the legislation that accords to Council as a whole the authority to make decisions that guide the actions of the administration. This authority is vested in Council when it is convened as a body at a duly constituted meeting. Council members will therefore refrain from attempting to guide or influence individual members of the administration.

Requests for Information

7. Council members will direct their requests for information or action to the office of the

CAO (unless otherwise delegated to a member of staff by the CAO). If the matter is subject to a current Council policy, the administration will respond as quickly as possible in filling the request. If the request is not covered by a current policy, it will be forwarded to the CAO who will place the matter before Council to receive its direction.

Conflict of Interest

8. Neither Council members nor members of the administration will act in such a way as to constitute a conflict of interest. All residents will be treated equally. No special favour will be granted unless it is approved by a legal resolution of Council.

Decisions on matters of pecuniary (either direct or indirect) which impact family members in a way not consistent with the population as a whole will be deferred pending the advice of the municipality's solicitor. In this, as in all matters, the legislation will prevail.

Council Spokesperson

9. The official decisions of Council will be conveyed to the public and all others by way of Council resolutions, bylaws and policies. These decisions will be conveyed by the Mayor (or his designate) to the media as directed by the official Council decision.

Any other comments on Council positions by any other member of Council which are not consistent with the official position should be prefaced as personal opinion only.

Public Statements

10. A member is not restricted in any public statement they choose to make, but as a member of the Council they are expected to:

- support the role of the Council, and
- support the current policies, bylaws and resolutions of the Village of Elnora.

11. Any requests by the media to a staff member for comment or information on matters pertaining to a matter within the jurisdiction of the Council and not yet subject to an approved policy should be immediately referred to the Mayor.

Acceptance of Gifts

12. A member is expected to avoid any actual or reasonable apprehension of bias in the acceptance of gifts and shall:

- accept only those gifts of protocol or social obligation that occur in normal business relationships less than a value of fifty dollars (\$50), and
- not accept a fee, gift or other benefit that is connected directly or indirectly with the performance of the member's office.

Bribery

13. A member is to be alert to any attempt of bribery and shall:

- reject bribery in any form, and
- report any attempt or perceived attempt to bribe a member to the CAO.

Bias

14. A member is expected to avoid any actual or reasonable apprehension of bias in the dealings with relatives and those not defined as family and shall avoid any actual or reasonable apprehension of bias when acting as a member of Council.

Treatment of Others

15. Each member shall ensure that their behaviour towards other Council members, the

CAO and members of the administration, consultants, lawyers, the public and/or their agents is at all times:

- courteous, professional, fair and unbiased
- contributes to the preservation of orderly decorum
- avoids sarcasm, derogatory comments, questions or comments designed to embarrass
- respectful of the rulings and direction of the Chair, and
- where a member is the Chair, they shall be responsible to immediately rule such behaviour out of order and require the offending member to offer an apology to all present at the hearing.

16. Each member has a responsibility to ensure that all persons appearing before or otherwise having dealings with Council are:

- treated fairly regardless of race, gender, religion, age, disability or occupation,
- dealt with in good faith,
- dealt with without bias and in a judicial temper, and
- given an adequate opportunity to state their case.

Confidentiality

17. Each member shall retain in confidence any matters presented to the Council in camera until such time as that matter is determined by Council resolution to be a public matter. Councillors shall be asked to sign a confidentiality agreement to that effect.

Partisan Politics

18. Council members are entitled to serve as members of provincial or federal parties.

19. Council members will not allow their party affiliation or responsibilities interfere with the requirements and responsibilities of serving this Village as a member of Council.

20. Council members will not engage in political activities in the Village Office or at any event sponsored by the Village or by one of its commissions or committees.

Adherence to Code, Charter, Act and Procedures

17. Each member shall;

- adhere to all aspects of this code of ethics;
- adhere to the requirements of the Municipal Government Act;
- adhere to the procedural guidelines provided for by the Council's approved Procedural Bylaw; and
- adhere to the requirements of Council policies and procedures.