# BY LAW NO. 3-17

# PROVINCE OF ALBERTA

# SUMMER VILLAGE OF SEBA BEACH

**A Bylaw of the Summer Village of Seba Beach in the Province of Alberta to Regulate the Procedure and Conduct of Council and Council Committee Meetings.**

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**WHEREAS,** the Council of the Summer Village of Seba Beach 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 Summer Village of Seba Beach;

**NOW THEREFORE,** the Council of the Summer Village of Seba Beach hereby enacts as follows:

**Citation**

1. This Bylaw may be cited as the "The Procedure Bylaw".

**Definitions**

2. In this bylaw:

   a) "delegation" means any person that has 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.
   b) "CAO" means the Chief Administrative Officer or their delegate, for the Summer Village of Seba Beach.
   c) "Council" means the Mayor and Councillors of the Summer Village of Seba Beach for the time being elected pursuant to the provisions of the Local Authorities Election Act and the Municipal Government Act whose term is unexpired, who have not resigned and who continue to be eligible to hold office under the terms of the related provincial legislation;
   d) "Deputy Mayor" shall mean the member selected by Council to preside at a meeting of Council in the absence of the Mayor;
   e) "FOIP" means the Freedom of Information and Protection of Privacy Act of Alberta.
   f) "In-Camera" means a part of the meeting closed to the public at which no resolution or Bylaw may be passed, except a resolution to revert to a meeting held in public.
   g) "Mayor" shall mean the member selected by Council at the Organizational meeting to hold that position and to preside at a meeting of Council;
   h) "member" means a Councillor or person at large appointed by Council to a committee of Council.
   i) "meetings" means meetings of Council and Council committees.

j) "Municipality" means the Municipality of the Summer Village of Seba Beach, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality;

**Application**

3. This bylaw applies to all members attending meetings of Council and committees established by Council of the Municipality;

**Severability**

4. If any portion of this bylaw is declared invalid by a court of competent jurisdiction, then the invalid portion must be severed and the remainder of the bylaw is deemed valid;

**General**

5. The General Duties of Council shall adhere to the duties and responsibilities contained within Section 153 of the MGA as set out in Appendix A

6. The General Duties of the Chief Elected Official shall adhere to the duties and responsibilities contained within Section 154 of the MGA as set out in Appendix B

7. No Member of Council shall direct or interfere with the performance of any work for the Municipality, and shall seek all information through the office of the Chief Administrative Officer or their designate.

8. Members of Council shall subscribe to the Code of Conduct for Members of Council as set out in Appendix C.

9. A breach of the Section of the Bylaw by any Member of Council may place the Member of Council in the position of censure by Council.

10. Public Hearings, when required or requested by Council, will be held prior to second reading. Public Hearing shall be conducted in accordance with the procedures set out in Appendix D.

**Meetings**

11. The regular meetings of Council shall be established by resolution of Council at its annual organizational meeting.

12. Special meetings of Council shall be established as required by Council according to the provisions of the Municipal Government Act and the public shall be given notice.

13. Council by resolution may establish other Council meeting dates.



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14. The meetings of Council committees shall be established by resolution of each committee and the public must be given notice or advertised as required by the provisions of the Municipal Government Act.

15. Regular meetings of Council shall begin at 6:30 pm.

16. The times for the beginning of Council committee meetings shall be set by resolution of each committee.

17. As soon after the hour of which the meeting was called, and a quorum is present, the Mayor shall take the chair and call the meeting to order.

18. In a case where the Mayor is not in attendance within fifteen (15) minutes after the hour of which the meeting was called, and a quorum is present, the Deputy Mayor shall call the meeting to order.

19. If a quorum is not present within thirty (30) minutes after the time fixed for the meeting, the CAO shall record the names of the members present and the meeting shall stand adjourned until the next meeting;

20. Recordings: Council or Council committee meetings may not be filmed or recorded.

21. Other Recordings: Any other person may not use a mechanical or electronic recording device at a public Council or Council Committee Meeting or a Public Hearing. All such devices must be removed from the meeting room.

22. Recording Devices: No concealed electronic recording devices are permitted at any meetings.

**Conduct of Meetings**

23. Each member or delegate, as the case may be, shall address the chair but shall not speak until recognized by the chair.

24. The presiding officer with the approval by resolution 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 presiding officer.

25. A resolution does not require a seconder.

26. A resolution may be withdrawn at any time before voting subject to no objection from any member, as the case may be.

27. The following resolutions are not debatable by members:
    a) adjournment
    b) to take a recess
    c) question of privilege
    d) point of order

e) to limit debate on a matter before members
f) on division of a question
g) postpone the matter to a time certain
h) to table the matter

28. The Mayor or presiding officer may enter into any debate and make resolutions in the same manner as any member without relinquishing the chair.

29. Where an issue has been brought before Council, the same issue cannot be tabled more than three times.

30. Where a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member so requests or when the presiding chair so directs.

31. Whenever the presiding officer is of the opinion that a motion is contrary to the rules and privileges of Council, he shall inform the member thereof immediately, before putting the question, and shall cite his reasons applicable to the case without argument or comment.

32. The Mayor or presiding officer shall preserve order and decorum and shall decide questions or order, subject to an appeal to the Council by resolution. Decisions of the presiding officer shall be final unless reversed or altered by a majority vote of members present.

33. In all cases not provided for in the proceedings of the Council, a two-thirds majority of Council shall determine to uphold the ruling of the presiding officer or not as the case may be.

34. When a motion has been made and is being considered by Council no other motion may be made and accepted, except:
    a) a motion to refer the main question to some other person or group for consideration
    b) a motion to amend the main question
    c) a motion to table the main question
    d) a motion to postpone the main question to some future time
    e) a motion to adjourn the meeting, provided that a motion to table shall not be debated except as to the time when the matter will again be considered.

35. After any question is finally put by the Mayor or other presiding officer no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared. The decision of the Mayor or the presiding office as to whether the question has been finally put shall be conclusive.

36. Any member of the Council can call for a recorded vote, the names of those who vote for and those who vote against the motion shall be entered in the minutes. A request for a recorded vote must precede the voting on a motion.

37. Voting on all matters shall be done by raising of the hand in such a clear manner that they may be easily counted by the presiding officer.

38. Council may adjourn from time to time to a fixed future date any regular or special meeting of Council that has been duly convened but not terminated. The object of adjourning is to finish the business that the meeting was called to transact in the first place but which has not been completed;

39. A formal motion will be made to go "in camera", identifying Division 2 Parts 16 to 29 (Exceptions to Disclosure) of the Freedom of Information and Privacy Act. Confidential items can include items under Division 2 . Parts 16 to 29 of the Freedom of Information and Privacy Act and as identified within the Municipal Government Act under Section 197, as confidential items of discussion between Council, Administration and invited persons. No minutes, notes, or recordings of the discussions will take place and any printed reports provided to Council will be retrieved by the CAO as set out in set out in Appendix E.

**Delegations**

40. 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 the Council outlining the subject to be discussed. The letter shall be signed by the correct name of the writer; the address of the writer, and delivered or mailed to the CAO. The letter must arrive at least at 1:00 p.m. on a business day at least three (3) 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.

41. Delegates shall be granted a maximum of fifteen (15) minutes to present the matter outlined in the letter. Where the presiding officer determines that additional time shall be granted to a delegation the length of the extension shall be specified and the presiding officer may limit the time. The number of times that a member or delegate may speak on the same question or resolution is three (3) times, having due regard to the importance of the matter.

42. Delegations that have not submitted a letter in accordance with section 39 may be granted a brief opportunity to outline the matter they wish to present to Council, and following that outline, the presiding officer and members shall determine if the delegation is to be granted time under section 40 to present the matter outlined.

43. Members of the public who constitute the gallery in the Council Chambers during a Council meeting may not address Council without permission of the Council, shall maintain order and quiet, and shall not applaud or otherwise interrupt any speech or action of members of Council. Should the behaviour of a member or members of the gallery become unruly, they shall be required to leave the meeting immediately.

44. Council shall hear all delegations that have brought their items of business onto the agenda in the order in which they are placed on the agenda or the order may be changed by a majority vote of members present. All rules of Council in this Bylaw shall apply to each and every member of the delegation. Delegations shall have fifteen (15) minutes for presentation;

**Rules of Order**

45. Any matter of meeting conduct which is not herein provided for shall be determined in accordance with "Roberts Rules of Order";

**Agenda and Order of Business**

46. Prior to each meeting, the CAO shall prepare 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 not later than 1:00 p.m. on a business day at least three (3) days before the meeting.

47. The CAO shall place at the disposal of each member a copy of the agenda and all supporting materials not later than 4:30 p.m. two (2) days before the meeting.

48. Where the deadlines in section 46 and 47 are not met, the agenda and support materials shall be deemed to be acceptable when the agenda is adopted at the meeting.

49. The business intended to be dealt with shall be stated in the agenda in the following order where applicable:

1. Call to Order
2. Adoption of agenda
3. Adoption of Minutes
4. Delegations
5. Public Hearing
6. Bylaws
7. Business
8. Financial
9. Council Reports
10. Administrative Reports
11. Correspondence
12. In-Camera
13. Adjournment

50. The order of business established in section 49 shall apply unless altered by the presiding officer 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.

51. Standing Committees of Council shall be established and governed by 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;

**Recording of the Minutes**

52. The CAO may delegate any duties to a recording secretary but shall accept all responsibilities of the duties.

53. If a member of Council arrives late, leaves before the meeting is adjourned, or is temporarily absent from the meeting, it shall be so recorded in the minutes.

54. After each meeting, the CAO shall prepare a statement of what was done at the meeting which will be known as the "Minutes" of the meeting. The minutes will be the written record of the proceedings of the meeting and will be a record of what was done at the meeting, and not what was said at the meeting;

**Bylaws**

55. Where a bylaw is presented to Council for enactment, the CAO shall cause the number and the short title of the bylaw to appear on the Agenda in the appropriate place.

56. Every bylaw shall have three readings.

57. After a member has made the motion for the second reading of the bylaw Council may:

    a) debate the substance of the bylaw; and
    b) propose and consider amendments to the bylaw.

58. A proposed amendment shall be put to a vote and if carried shall be considered as having been read a first time and incorporated in the bylaw.

59. Unless the members present at a meeting unanimously agree that a bylaw may be presented to Council for a third reading at the same meeting at which it has received two readings, the bylaw shall not be given more than two readings at one meeting.

60. Where required by provincial statute, a bylaw shall be advertised or submitted to the electorate for voting as set out in the relevant statutes.

61. Bylaws shall not be repealed, amended or suspended, except so far as the terms thereof themselves permit, unless it is repealed, amended or suspended by:
    a) a Bylaw unanimously passed at a regular or special meeting of the

Council at which all members thereof are present; or

b) a Bylaw passed at a regular meeting of Council, pursuant to a notice in writing given and openly announced at the preceding meeting of the Council and setting out the terms of the substantial effect of the proposed Bylaw.

**Website Notifications**

62. Regular agenda packages are to be posted within 24 hours prior to the meeting.

63. Special meeting agendas are to be posted as soon as possible after the meeting is called.

64. Approved minutes are to be posted within 72 hours of the meeting.

65. Other items as directed by email to the CAO by the Official Administrator or Deputy Official Administrator.

This Bylaw repeals Bylaw # 2-98 and comes into full force and effect upon third and final reading.

Read a First time this 14th day of September, 2017.

Read a Second time this 14th day of September, 2017.

Unanimous Consent for Third Reading this 14th day of September, 2017.

Read a Third time and duly passed this 14th day of September, 2017.

Doug Thomas, Mayor

Susan Evans, CAO

SUMMER VILLAGE OF SEBA BEACH
APPENDIX A

Municipal Government Act Division 3
Duties, Titles and Oaths of Councillors

General duties of Councillors
153 Councillors have the following duties:

(a) to consider the welfare and interests of the municipality as a whole and to bring to Council's attention anything that would promote the welfare or interests of the municipality;
(b) to participate generally in developing and evaluating the policies and programs of the municipality;
(c) to participate in Council meetings and Council committee meetings and meetings of other bodies to which they are appointed by the Council;
(d) to obtain information about the operation or administration of the municipality from the chief administrative officer or a person designated by the chief administrative officer;
(e) to keep in confidence matters discussed in private at a Council or Council committee meeting until discussed at a meeting held in public;
(f) to perform any other duty or function imposed on Councillors by this or any other enactment or by the Council.

1994 cM-26.1 s153

SUMMER VILLAGE OF SEBA BEACH
APPENDIX B

Municipal Government Act Division 3
Duties, Titles and Oaths of Councillors

General duties of chief elected official

154(1) A chief elected official, in addition to performing the duties of a Councillor, must

(a) preside when in attendance at a Council meeting unless a bylaw provides that another Councillor or other person is to preside, and

(b) perform any other duty imposed on a chief elected official by this or any other enactment or bylaw.

(2) The chief elected official is a member of all Council committees and all bodies to which Council has the right to appoint members under this Act, unless the Council provides otherwise.

(3) Despite subsection (2), the chief elected official may be a member of a board, commission, subdivision authority or development authority established under Part 17 only if the chief elected official is appointed in the chief elected official's personal name.

1994 cM-26.1 s154;1995 c24 s21

SUMMER VILLAGE OF SEBA BEACH
APPENDIX C

Council Code of Conduct for Council

Purpose:

To articulate a Code of Conduct for members of Council, by which each member will conduct himself or herself.

Policy:

Council members commit to ethical, businesslike, and lawful conduct, including proper use of authority and appropriate decorum when acting as Council members. In support of this commitment, Council members adhere to a defined Code of Conduct, which each member shall affirm during Council's official inauguration following a general election.

Council Members' Code of Conduct:

Members of Council for the Village of Seba Beach hereby commit to the following Code of Conduct, including that each will:

1. COMMIT to ethical, businesslike and lawful conduct, including proper use of authorityand appropriate decorum when acting as a Council member;
2. REPRESENT, as a primary obligation superseding all other interests, the best interests of everyone in the Summer Village of Seba Beach;
3. SERVE in a liaison role, but not necessarily as an advocate for a committee or board, when appointed as a member of committees or boards;
4. AVOID conflicts of interest, by refraining from self dealing or any conduct of private business or personal services between any Council member and the Village, except as provided by the Municipal Government Act;
5. NOT USE their positions to obtain employment with the Village for themselves, family members or close associates;
6. DISCLOSE their affiliations or interest with an organization that may affect their decision making on matters before Council regarding that organization;
7. NOT ATTEMPT TO EXERCISE individual authority over the corporation, including the Chief Administrative Officer (CAO) or any Village staff or contractors who report directly or indirectly to the CAO.
8. RECOGNIZE, when interacting with the CAO, with Village staff or with contractors, the lack of authority vested in individuals except when explicitly Council-authorized;
9. RECOGNIZE, when interacting with the public, press or other entities, the same limitation and the inability of any Council member to speak for the Council except to repeat explicitly stated Council decisions or express personal opinions;
10. RECOGNIZE when seeking input from the community or a special interest group on any matter, they do not represent the Council as a whole. This should be clearly conveyed. In addition the Council member will inform Council and the CAO.
11. DIRECT any comments on unsatisfactory staff of contractor performance to the CAO;
12. AVOID public comment on unsatisfactory staff or contractor performance;
13. RESPECT the confidentiality of issues that are determined by policy of Council to be confidential, including but not limited to matters of a deliberative nature.
14. REFRAIN from using electronic devices to communicate during Council meetings except to facilitate the meeting or to respond to family members or emergencies.
15. NOT ACCEPT gifts or other benefits when serving in the role of Council member, other than the nominal exchange of gifts (less than $100 in value), normal exchange of hospitality, or tokens exchanged in accordance with protocol.

SUMMER VILLAGE OF SEBA BEACH
APPENDIX D
Public Hearing Procedure

Policy Council may adopt a procedure for statutory public hearings.

Council shall abide by the underlying principles for statutory public hearings. The process will adhere as closely to the procedures outlined as possible although Council may adjust the process in order to accommodate a smooth flow of the proceedings provided that there is adherence to the underlying principles.

Council may follow this process for those non-statutory public hearings on issues that Council determines would benefit from public input.

Public Hearing Principles

These principles shall apply only to the process for bylaws or resolutions that require a public hearing or that Council determines would benefit from a public hearing, and not to other bylaws or resolutions.

1. Council shall hear any person, group of persons, or persons representing them, who claims to be affected by a proposed bylaw or resolution and who has complied with the procedures outlined by Council.
2. Council, by majority vote, may decide to hear from any person other than those outlined in principle number 1.
3. The public hearing shall be held at a regular or special meeting of Council.
4. The public hearing shall be held before second reading of a bylaw or before Council votes on a resolution.
5. After the public hearing, Council may pass the bylaw or resolution, or make any amendments that it considers necessary.
6. If Council determines that the amendments to a bylaw or resolution that requires a statutory public hearing have changed the intent of the bylaw, Council shall re-advertise the public hearing, and commence with first reading of the bylaw again.

**PUBLIC HEARING PROCEDURES**

Definitions

1. "Chairman" refers to the Presiding Officer officiating the Public Hearing
2. "Secretary" refers to the CAO or his/her designate Introduction & Procedures

SUMMER VILLAGE OF SEBA BEACH PUBLIC HEARING
Date Time
Bylaw #****

INTRODUCTION & PROCEDURES

1 (Chairman) "The following Public Hearing is held pursuant to the Municipal Government Act"

2 (Chairman) "The following rules of conduct will be followed during the Public Hearing:"
Presentation should be brief and to the point
The order of presentation shall be

- Entry of written submission
- Comments from the **** Dept
- Those supporting the Bylaw
- Those opposing the Bylaw
- Any other person deemed to be affected by the Bylaw

The Public Hearing purpose is "to receive comments from any interested parties on the proposed Bylaws"

"I hereby declare the Public Hearing relating to Bylaw **** open"

3 (Secretary) "The purpose of Bylaw **** is to amend ***.

First Reading was given to Bylaw **** on (insert date) •

Notice of this Public Hearing was advertised on the website, on the (insert various method of advertising) in the week of (insert date)

The following written comments have been received to (insert d-ate)

4 (Chairman) "Are there any late written submissions relating to the Bylaw?"

(Note: If there are any, the secretary to read letter into record) "Comments from the **"* Department"

"Is there anyone who supports the Bylaw and wishes to speak?" "Is there anyone who opposes the Bylaw and wishes to speak?"

"Is there anyone deemed to be affected by the Bylaw and wishes to speak?"

5 (Chairman) "Are there any further comments from the **** Dept."

6 (Chairman) "Do the Councilors have any further questions"

7 (Chairman) "If not, I hereby declare this Public Hearing relating to Bylaw **** be closed and will accept a motion to adjourn this Public Hearing.

APPENDIX E
IN CAMERA MEETING

APPENDIX E

- Section 197(2) of the MGA authorizes a Council and its committees to close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure contained in Division 2 of Part 1of the FOIP Act. One of the exceptions includes disclosures of personal information that would be an unreasonable invasion of a third party's personal privacy (section 17(1)).

- The information of an identifiable individual must be discussed in a closed meeting if the disclosure would be an unreasonable invasion of privacy to have the discussion with members of the public present.

- Any motion arising from those discussions must then be voted upon in public. Consistent with the principle of open government, a municipality should try to make public as much information as possible about the general nature of the matter considered without disclosing the personal information of the individual in question.

- On October 1, 1999, section 197(2) of the MGA was repealed, and replaced with the following, "Councils and Council committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1of the Freedom of Information and Protection of Privacy Act." ,

- Councils and their committees can make a motion to go in camera when the substance of their deliberations relate to the matters covered by the exceptions to disclosure in the FOIP Act, sections 16 to 29. For example, a discussion regarding the employment of an individual should be held in camera to protect the privacy of that individual.

- There is no requirement to take notes or minutes during in camera sessions. If notes have been prepared, they may be requested as part of a FOIP request. The municipality has the discretion to refuse to disclose these notes under section 23 of the FOIP Act, local public body confidences.

- The Council minutes should show that a motion was made to go in camera and then another to return to the open meeting so that section 23 may be applied.