

**BYLAW NO. 008-17**

**A BYLAW OF TOWN OF SMOKY LAKE  
TO PROVIDE FOR THE ORGANIZATIONAL AND PROCEDURAL MATTERS  
OF COUNCIL, COUNCIL COMMITTEES AND COUNCILLORS**

**WHEREAS**, the Municipal Government Act (MGA), Being Chapter M-26, of the Revised Statutes of Alberta, Current as of July 1, 2017 hereinafter referred to as the "MGA" provides for the establishment of Council, Council Committees and other bodies and

**WHEREAS**, the MGA provides for the conduct of organizational and procedural matters of Council, Council Committees, Councillors and members of other bodies established by Council.

**NOW THEREFORE**, the Council of the Town of Smoky Lake, duly assembled, enacts as follows:

**1. APPLICATION**

1.2 This bylaw shall govern all Town of Smoky Lake Council Meetings and Committees established by Council and shall be binding upon all Committee members, Councillors and Members-at-large.

**2. SEVERABILITY CLAUSE**

2.1 If any section of this policy or portion thereof is challenged and proven to be invalid, unenforceable and/or in direct opposition to a higher order of government the remainder of this policy shall remain valid and enforceable to the fullest extent permitted by law.

2.2 Any section of this policy may stand alone to be amended or deleted.

**3. OBJECTIVE**

3.1 The appropriate operation of local government requires that elected officials be independent, impartial and duly responsible to the people. To this end it is imperative that:

- i. Government decisions and policy be made through the proper channels of government structure,
- ii. Public office not to be used for personal gain,
- iii. The public have confidence in the integrity of its government.

3.2 Accordingly, it is the purpose of this policy to provide the Councillors of the Town of Smoky Lake with clear regulations for acceptable conduct and procedures with which to carry out their duties.

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**4. CHIEF AND DEPUTY CHIEF ELECTED OFFICIAL**

- 4.1 In accordance with the MGA., the chief elected official shall have the title of Mayor.
- 4.2 The position of Deputy Mayor shall be elected annually at the organizational meeting or elected at the next regular meeting should the position of Deputy Mayor become vacant.

**5. CLASSIFICATIONS OF MEETINGS OF COUNCIL**

5.1 Organizational Meetings

An Organizational Meeting of Council shall be held annually on the last Friday of October at 4:00 p.m. Any changes in **date, time** and/or **location** may be made by resolution at a Regular Council Meeting at least two weeks in advance of the given date and the public must be notified.

In an election year, the Organizational Meeting shall be chaired by the CAO until the Mayor has taken the prescribed Oath of Office after which the Mayor shall assume the Chair.

5.2 Regular Meetings

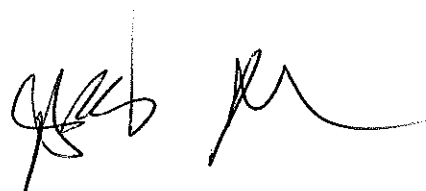
The dates and times of all Regular Meetings of Council shall be established at the Annual Organizational meeting and maybe amended by motion at any time. The Regular Council Meeting schedule will remain posted in the Town Office vestibule throughout the Municipal year. **Dates, times** and/or **locations** of Regular Meetings of Council may be amended by motion at any Regular Meeting, and the public must be notified.

5.3 Special Meetings

A Special Meeting of Council may be called by the Mayor or Deputy Mayor. A Special Meeting shall be in accordance with Section 194 of the MGA, RSA 2000 Chapter M-26.

**6. CONDUCT OF MEETINGS (GENERAL)**

- 6.1 All Council meetings shall be held in Council Chambers at the Town of Smoky Lake Office. Any variation in venue must be made by resolution at a Regular Council meeting and the public must be notified.
- 6.2 Meetings of Council shall be adjourned not more than four (4) hours after the Call to Order, unless a motion to continue receives unanimous consent of Council. Such a motion may extend the meeting.
- 6.3 Where the allocated time for a meeting expires before the approved agenda has been completed, the meeting shall be recessed to be reconvened at the earliest available time and date. The content of the agenda must be completed within 72 hours of the original Call to Order.
- 6.4 If quorum is not present within thirty (30) minutes after the time fixed for a Council Meeting, the Chief Administrative Officer shall record the names of the members present and the Council shall stand adjourned.
- 6.5 A Council Meeting adjourned for failure to constitute a quorum or due to loss of quorum as



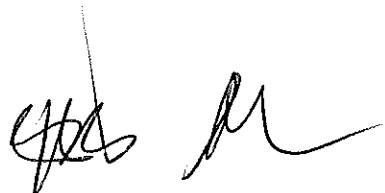
a result of a member leaving must be reconvened at the earliest available date and time. This meeting must be reconvened and completed before the next Regular Council Meeting.

- 6.6 The names and times of arrival and/or departure of Council members that arrive after a meeting has been called to order and/or leave prior to the declaration of adjournment shall be recorded in the minutes of the meeting.
- 6.7 Council meetings shall be chaired by the Mayor or in his/her absence, the Deputy Mayor and be called to order at the appointed hour unless:
- a. Neither are in attendance within thirty (30) minutes after the hour appointed for a meeting to begin and a quorum is present in which case the CAO shall call the meeting to order and a Chairperson shall be chosen by the Councillors present to preside for the duration of the meeting,
  - b. Both have given notice in advance of the meeting that they will not be in attendance at a meeting, in which case the Chief Administrative Officer shall call the meeting to order at the appointed hour and a Chairperson shall be chosen by the Councillors present.
- 6.8 All speakers must be recognized by the Chair.
- 6.9 At any time during a meeting, upon request of a Council member, the chair may with the consent of Council, authorize a person in the public gallery to address Council. The observations and/or explanations shall:
- a. Be of direct relevance to the issue on the table at that time and
  - b. Be heard within a predetermined time limit, this time limit to be specified by the chair prior to giving over the floor.
- 6.10 Public, staff, press and Councillors, shall for the duration of any Council Meeting, while in Council Chambers, turn off or set all cell phones and radios to silent mode, and shall place cell phones and/or radios in such a way that sound and/or visual signals will not interrupt the proceedings of the meeting.

## **7. CONDUCT OF MEETINGS (POINTS OF ORDER)**

### **7.1 The following are not debatable:**

- 7.1.1 A member may move to adjourn a Meeting at any time except when:
- a. Another Member has the floor.
  - b. A call for a vote has been made.
  - c. The Members are voting.
  - d. Council is In-Camera.
  - e. A previous motion to adjourn has been defeated and no other intervening proceedings have taken place.



- 7.1.2 Any member may move that Council recess for a specific period. This motion may not be used to interrupt a speaker. A motion to recess may be amended only as to length of time.
- 7.1.3 Any member may call for a question of privilege when he/she believes that another member has spoken disrespectfully towards him/her or towards Council or when he/she believes a comment has been misunderstood or misinterpreted by another member.
- 7.1.4 Any member may call for a point of order to call attention to any departure from this Bylaw or customary proceedings in debate or in the conduct of Council's business.
- 7.1.5 Any member may request to have a motion put to the question.
- 7.1.6 Where a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member requests a division of a question.

7.2 Motions:

- 7.2.1 Motions of Council or Council Committees do not need to be seconded.
- 7.2.2 A motion may be withdrawn by the mover at any time before it has been put to the question.
- 7.2.3 Motions shall be formulated and presented by council members. Assistance to the precise wording of the motion shall be accepted where the wording does not change the intent or particulars of the motion.
- 7.2.4 When a motion is being considered, no Member may make any other motion except to:
  - a. Amend the motion
  - b. Refer the main motion to some other group for consideration
  - c. Table the main motion to a specific meeting.
- 7.2.5 Amendments shall be addressed and put to the question before the motion is put to the question.
- 7.2.6 Each other Councillor shall be given the opportunity to speak to the motion or amendment on the table. Discussion shall be limited to new information or opinions not heard.
- 7.2.7 Where visual aids are not in place so Councillors can read the motion in its final form, the motion will be read back prior to being put to the question when:
  - a. It is requested by a Councillor, or
  - b. In any case where an amendment is carried and the motion has been re-worked.

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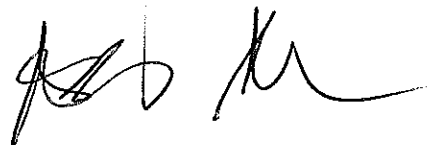
7.3 The procedure to address points of order shall be as follows:

- a. A member may interrupt a speaker only to rise to a point of order.
- b. A member may rise to a point of order at any time during discussion or debate.
- c. The chair shall rule immediately to uphold or dismiss a point/question.
- d. A member disagreeing with the ruling may appeal to the Chair at which time the chair will call for a show of hands (decided by majority)
  - I. Sustaining the ruling, or
  - II. Overturning the ruling.
- e. Points of order directed at a comment from or the conduct of the chair shall be ruled on through an immediate call for a show of hands to uphold or dismiss the question/point.

8. **COMMITTEES OF COUNCIL, BOARDS AND COMMISSIONS**

8.1 Committees established by Council:

- 8.1.1 Shall be governed by this policy and as further defined in the policy establishing the committee.
  - a. Task Force
    - I. Shall be established through a resolution of Council, the particular purpose and composition of the committee to be defined in the resolution.
    - II. Members of the committee shall appoint the Chair for the Committee.
    - III. Shall be dissolved on completion of the assignment or by resolution of Council.
  - b. Committees may be composed of:
    - I. Entirely Councillors or;
    - II. A combination of Councillors and other persons or;
    - III. Entirely of persons who are not Councillors.
  - c. Notice of Council Committee Meetings must be given to the members of the committee and to the public at least 24 hours in advance of the meeting.
  - d. May originate recommendations and motions concerning subjects within its area of responsibility without specific instructions from Council.
  - e. Will refer motions and recommendations back to Council for ratification to thereby become resolutions or the matter of bylaw or policy to be carried, read or approved by Council.



8.2 Council shall be provided with the Terms of Reference or Bylaws of any Committee, Board, or Commission not established by Council, to which Council members are appointed.

8.3 Councillors or Members-at-large appointed to any Committees that have legal decision making powers shall vote on all matters entertained by that Committee.

8.4 Councillors appointed to Committees, shall be in attendance at all meetings called by those Committees or shall be responsible for making arrangements to have the appointed alternate present at meetings called by those Committees where possible.

8.5 Where it is not prohibited by the bylaws of the Board or Commission, minutes of meetings to which Councillors are appointed may be submitted to the Town to be accepted as information by Council.

8.6 Council-appointed members shall report on their attendance at Committee meetings at the next Regular Council meeting.

8.6.1 Any action required as a result of a Committee Report shall be brought forward as a separate business item to be accepted as:

- a. A request for decision at the next Regular Council meeting.
- b. A motion of direction to the Chief Administrative Officer.

8.7 Financial commitments, pertinent to the Town of Smoky Lake budgeting, made at a Committee meeting shall be pending until ratified at a Regular Council Meeting.

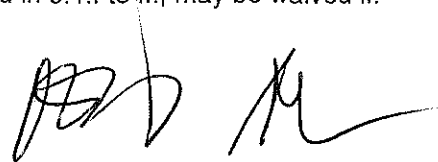
8.8 Rate changes or charges to the Town of Smoky Lake levied by Commissions or Boards in which Council does not have sole decision making authority shall be reported in Committee reports and shall be brought forward as matters of acceptance to be entered into Budget concerns.

8.9 Approval of Committees shall be passed by resolution; each Committee, Board or Commission weighed on its own merits.

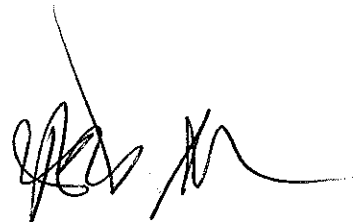
## **9. DELEGATIONS AND QUESTION PERIOD**

9.1. A delegation wishing to bring any matter to the attention of Council or wishing to have any matter considered by council shall:

- a. Address a written communication, which must include the signature, correct name and full address of the writer, to council outlining the matter.
- b. Ensure the communication reaches the desk of the Chief Administrative Officer before 4:00 pm at least seven (7) calendar days preceding the meeting at which it is to be presented.
- c. Advise the Chief Administrative Officer if the delegation will require time to appear before Council regarding the matter.
- d. Any part of or all of the procedure as outlined in 9.1.I to II., may be waived if:

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- I. The CAO determines whether the matter to be presented is time-sensitive and urgent in nature.
  - II. The presenter or delegation is responding to an invitation from Council made through the CAO to attend the meeting.
- 9.2. Each Regular Council Meeting shall set aside a reasonable amount of time to hear all delegations. The CAO will allocate time to specific delegations within this time frame and:
- a. Indicate on the agenda the amount of time allocated for each delegations and;
  - b. Advise the delegation of the amount of time allocated and the anticipated time for their presentation to begin.
- 9.2.1. The Chairperson will remind delegations of the time allocation immediately prior to the commencement of the presentation and terminate the presentation when the time period has expired.
- 9.2.2 Presentations expected to exceed 30 minutes may be scheduled for a Special Meeting of Council called for the purpose of the presentation.
- 9.2.3 Councillors may ask the delegation for clarification of points only after the presentation has been completed.
- 9.3 Where the delegation does not request time to appear before Council, the matter outlined in the letter will be added to the Agenda as an RFD in New Business and the written communication from the delegation shall be attached as information.
- 9.4 Delegations and public, bringing a matter to council as outlined in Section 10 shall be advised that:
- a. All matters brought to Council shall be given equal weight of consideration.
  - b. A question or matter that cannot be resolved at the Meeting in which it is posed will be placed on the Council Agenda for the next Regular meeting.
  - c. They may be asked to supply Council with additional information.
  - d. The information required should be presented to the Chief Administrative Officer as outlined in section 10.1.

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9.5 Question Period: A maximum of 15 minutes shall be allotted to questions from the public gallery.

9.5.1 People or groups who have not used the channels outlined for delegations in Section 10.1 may bring matters to the attention of the Council during Question Period.

9.5.2 The time allotted to each person or group shall be adjusted based on the number of speakers to be fitted into the maximum time allocated to Question Period.

9.5.3 The Chair will announce individual time allotments at the opening of Question Period.

## 10. AGENDA and ORDER of BUSINESS

10.1 Prior to every Meeting of Council, the Chief Administrative Officer shall prepare an agenda package for distribution to Councillors, staff and media. An Agenda shall be made available to any interested party.

10.2 The Chief Administrative Officer will, to the best of his/her ability, provide each council member with an agenda package 2 days or more before the Council Meeting's Call to Order.

10.3 Support documentation for issues that must be discussed "in-camera" will not be contained in the agenda package.

10.3.1 The Chief Administrative Officer will distribute such documentation to Councillors only after they have moved to go "in-camera" and shall collect the said documentation prior to the Councillors moving out of camera.

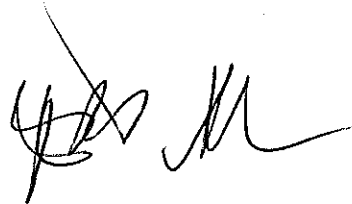
10.3.2 Where excessive amounts of documentation must be presented to fully examine an "in-camera" issue, the Chief Administrative Officer may distribute documentation to Councillors prior to the Council Meeting, however as with 10.3.1, all documentation must be returned to the Chief Administrative Officer once the "in-camera" session has been completed.

10.4 Additions to the agenda after Councillors have been provided with the agenda packages, shall be discouraged, and will only be accepted onto the agenda with majority consent of Councillors present.

## 11. MINUTES

11.1 Minutes for all Council meetings shall be taken by a recording secretary who shall be appointed by the CAO.

11.2 Minutes of Regular, Special and Organizational Meetings of Council shall be available to the Councillors and the public as "unapproved minutes", a maximum of three (3) working days following the meeting date.

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11.3 Where the staff recording Secretary is not in attendance, the Chief Administrative Officer shall appoint an attending member to take the required notes.


11.4 The minutes so recorded shall be approved at the next Regular Council Meeting and be made available to the public.


**12. GENERAL**

12.1 This Bylaw shall come into effect on third and final reading.

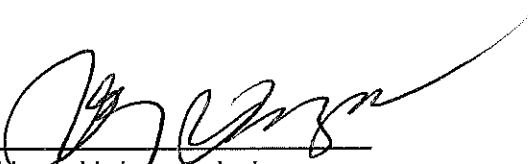
12.2 Bylaw 009-16 and any previous procedural bylaws are hereby rescinded.

**READ A FIRST TIME THIS 7<sup>th</sup> DAY OF NOVEMBER, 2017**

  
\_\_\_\_\_  
Hank Holowaychuk  
Mayor


  
\_\_\_\_\_  
Adam Kozakiewicz  
Chief Administrative Officer

**READ A SECOND TIME THIS 5<sup>th</sup> DAY OF DECEMBER, 2017**

  
\_\_\_\_\_  
Hank Holowaychuk  
Mayor

  
\_\_\_\_\_  
Adam Kozakiewicz  
Chief Administrative Officer

**READ A THIRD AND FINAL TIME WITH THE UNANIMOUS CONSENT OF ALL COUNCILLORS PRESENT, THIS 5<sup>th</sup> DAY OF DECEMBER, 2017**

  
\_\_\_\_\_  
Hank Holowaychuk  
Mayor

  
\_\_\_\_\_  
Adam Kozakiewicz  
Chief Administrative Officer