

**SUMMER VILLAGE OF SANDY BEACH
PROCEDURE BYLAW
BYLAW NO. 04 - 2016**

Being A Bylaw Of The Summer Village Of Sandy Beach In The Province Of Alberta, To Provide The Organizational And Procedural Matters Of Council, Council Committees And Councillors

WHEREAS, the Municipal Government Act, being Chapter M-26.1 of the Revised Statutes of Alberta, 2000, hereinafter referred to as the "M.G.A." provides for the establishment of Council Committees and other bodies, procedure and conduct of Council, Council committees and other bodies established by Council and the conduct of Councillors and members of Council committees and other bodies established by Council; and

WHEREAS, the M.G.A. provides for organizational and procedural matters of Council, Council committees and Councillors; and

WHEREAS, GIVEN THAT the Council of the Summer Village of Sandy 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 Sandy Beach;

NOW THEREFORE, the Council of the Summer Village of Sandy Beach, duly assembled, enacts as follows:

1.0 Municipal Office

1.1.0 In accordance with the M.G.A., the main municipal office shall be the administration office located at 1208A Hwy 642, Sandy Beach, Alberta or at any other location as may be established by resolution of Council from time to time.

2.0 Definitions

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 his/her delegate, for the Municipality.
- c) "member" means a councillor or person at large appointed by council to a committee of council.
- d) "meetings" means meetings of council and council committees.
- e) "Municipality" means the Summer Village of Sandy Beach, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality.
- f) "quorum" means the majority:
 - i) of the valid, subsisting members of Council, or
 - ii) in the case of the Committee, Board, Commission or other organized and recognized group, a majority of the members thereof.

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3.0 Chief and Deputy Chief Elected Official

- 3.1.0 In accordance with the M.G.A., the chief elected official shall have the title of Mayor and the deputy chief elected official shall have the title of Deputy Mayor(s).
- 3.1.1 Annually, at the organizational meeting of Council, Council shall elect the Mayor and Deputy Mayor(s).

4.0 Meetings of Council

4.1 Organizational Meetings

- 4.1.0 The Organizational meeting of Council shall be held annually, not later than the thirty-first day of August. Any changes in the date, time and location may be made at a regular Council meeting at least four weeks in advance.

4.2 Regular Meetings

- 4.2.0 The dates, times, and place of regular meetings of Council shall be established at the Organizational meeting annually and may be amended by motion of Council at any time.
- 4.2.1 The Chief Administrative Officer shall record the time of arrival and departure of Council members at meetings should a member of Council arrive late at a meeting or depart prior to the completion of a meeting.
- 4.2.2 If a quorum is not present within thirty minutes after the time fixed for regular or special meetings, the Chief Administrative Officer shall stand adjourned until the next regular or special meeting.
- 4.2.3 Notice of regularly scheduled meeting need not be given (section 193(2) of the MGA).
- 4.2.4 If council changes the date, time or place of a regularly scheduled meeting, the municipality must give at least 24 hours' notice of the change
 - (a) to any councillors not present at the meeting at whichg the change was made, and
 - (b) to the public
- 4.2.5 Whenever possible, a Council member shall notify the CAO or a fellow Council member if he/she is unable to attend a Council or Council committee meeting

4.3 Special Meetings

- 4.3.0 The CEO
 - (a) may call a special council meeting whenever the official considers it appropriate to do so, and
 - (b) must call a special council meeting if the official receives a written request for the meeting, stating its purpose, from a majority of councillors

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- 4.3.1 A special council meeting called under subsection (1)(b) of the MGA must be held within 14 days after the date that the CEO receives the request or any shorter period provided by bylaw.
- 4.3.2 The CEO calls a special council meeting by giving at least 24 hours' notice in writing to each councillor and the public stating the purpose of the meeting and the date, time and place at which it is to be held.
- 4.3.3 A special council meeting may be held with less than 24 hours' notice to all councillors and without notice to the public if at least 2/3 of the whole council agrees to this in writing before the beginning of the meeting.
- 4.3.4 No matter other than that stated in the notice calling the special council meeting may be transacted at the meeting unless the whole council is present at the meeting and the council agrees to deal with the matter in question.

4.4 Annual Meetings

- 4.4.0 An annual meeting shall be held no later than August 31 of each year.
- 4.4.1 The following shall be available at the annual meeting:
- approved audited financial statement from the previous year
 - approved budget for the current year
 - year end report on activities from previous year, and individual Councillor/Administration reports
 - presentation and discussion of above noted, with question/answer opportunity
 - if deemed appropriate, presentation by Auditor
 - if deemed appropriate, presentations by invited parties

4.5 Public Presence at Meetings

- 4.5.0 Pursuant to section 197(1) of the MGA Council and Council committees must conduct their meetings in public unless 4.5.1 and 4.5.2 applies.
- 4.5.1 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 1 of the Freedom of Information and Protection of Privacy Act.
- 4.5.2 When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting held in public.
- 4.5.3 Everyone has a right to be present at council meetings and council committee meetings conducted in public unless the person chairing the meeting expels a person for improper conduct.

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4.6 Electronic Communication System Meetings

- 4.6.0 Council meetings may be conducted by means of electronic communication systems provided the facilities allow all councillors at the meeting to participate and to hear the discussion by all other participants at the meeting.
- 4.6.1 A Councillor participating in a meeting will be considered to have voted in the affirmative unless that councillor voices a negative vote on the motion.
- 4.6.2 A Councillor participating in a meeting considered to be present at the meeting and will be recorded in the minutes as being present via electronic communication.

4.7 Conduct of Meetings

- 4.7.0 Every delegate to a regular Council meeting and each member of Council shall address the chair but shall not speak until recognized by the chair.
- 4.7.1 The Mayor or other presiding officer may, upon request of a member of Council, authorize a person in the public gallery to address Council, only on the topic being debated at that time in the meeting and with time limits specified by the Mayor or other presiding officers.
- 4.7.2 A motion may be withdrawn by the mover at any time before voting.
- 4.7.3 Motions of Council or Council Committees do not require a seconder.
- 4.7.4 Any member of Council may request a recorded vote after a motion has been made, and prior to the vote being called. The recording secretary shall record the names of those Councillors voting For and Against said motion.
- 4.7.5 Any member of Council who has a conflict of interest in a matter before Council must declare same prior to discussion, and must abstain from voting, on said matter.
- 4.7.6 The following motions are not debatable:
 - a. Adjournment.
 - b. Take a Recess.
 - c. Question of Privilege.
 - d. Point of Order.
 - e. Limit Debate on the Matter before Council.
 - f. Division of a Question.
 - g. Postpone/Defer the Matter to a Time Certain.
 - h. Table the Matter.

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- 4.7.7 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 Mayor or other presiding officer so directs.
- 4.7.8 When the Mayor or other presiding officer is of the opinion that a motion is contrary to the rules and privileges of the Council or Council committee, he/she shall apprise the member thereof immediately, before putting the question to discussion and shall cite the rule or authority applicable to the case without argument or comment, unless otherwise decided by a two thirds majority vote of the members present.
- 4.7.9 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 may be the case.

4.8 Delegations

- 4.8.0 A person or a representative of any delegation or group of persons who wishes to bring any matter to the attention of the Council or who wishes to have any matter considered by the Council shall address a letter or other communication to the Council outlining the subject to be discussed. The letter shall be typewritten or legibly written and delivered or mailed to the office of the Chief Administrative Officer so that it arrives fourteen (14) calendar days immediately preceding the meeting at which it is to be presented, and it shall contain the full mailing address and phone number of the writer. If he or she wishes to appear before Council it shall be so stated in the letter.
- 4.8.1 Delegations shall be granted a maximum of fifteen (15) minutes to present the matter outlined in their letter. Where the Mayor or other presiding officer determines that sufficient time has been granted to a delegation to present the matter outlined in their letter the Mayor or other presiding office may limit the length of time granted to the delegation.
- 4.8.2 Delegations who have not submitted a letter in accordance with this section may be granted by the Mayor or other presiding officer a maximum of 15 minutes to outline the matter they wish to present to Council.
- 4.8.3 All delegations must book an appointment time with the CAO fourteen (14) days prior to the Meeting (as noted in 4.8.0) Appointments may be granted after this time if just cause is given and at the discretion of the CAO or a Council member.

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4.9 Agenda and Order of Meetings

- 4.9.0 Prior to each regular meeting, the Chief Administrative Officer shall prepare a statement of the order of business to be known as the "Agenda" of all business to be brought before the Council at the regular meeting.
- 4.9.1 To enable the Chief Administrative Officer to prepare a proper agenda, all documents and notice of delegations intended to be submitted to the Council shall be submitted to the Chief Administrative Officer not later than fourteen (14) days before the regular meeting.
- 4.9.2 Additions placed on the agenda at the meeting shall be discouraged, however, an addition may be made to the agenda with a simple majority consent of Councillors present. Actions resulting from the agenda additions require unanimous consent given by those Councillors present. Exception to actions given by unanimous consent are a tabling motion or that the agenda item be received as information.
- 4.9.3 The Chief Administrative Officer shall, to the best of his/her ability, place at the disposal of each member of Council, a copy of the agenda and all supporting materials not later than five calendar days before the regular meeting.
- 4.9.4 The only exception to section 4.9.3 shall be "in camera" issues, which shall be distributed at the Council meeting and shall be returned to the Chief Administrative Officer immediately after the Council meeting. Large volume documentation supporting "in camera" issues may be distributed to Council prior to the council meeting.
- 4.9.5 Prior to each regular Council meeting, Council may conduct a Committee of the Whole meeting. The Committee of the Whole meeting provides Council with an opportunity to discuss issues before they are brought to the table in the form of a motion.

4.10 Individual Recording of Council Proceedings

- 4.10.0 No person shall, unless a two-thirds majority consent of Council is given, record the proceedings of Council through tape recorder, video camera, or other devices. This provision does not apply to the preparation of the minutes of the Council meetings by the Chief Administrative Officer or the designate of the Chief Administrative Officer.

4.11 Council Committees and Boards

- 4.11.0 Standing Committees shall be established by Council from time to time and shall be governed by the Terms of Reference adopted by Council.
- 4.11.1 Members of any Summer Village of Sandy Beach Committees or Boards that have legal decision making powers shall vote on all matters entertained by that Committee or Board.
- 4.11.2 Where a Committee or Board member fails to comply with section 4.11.1 that member may be disqualified.

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5.0 Code of Ethics

- 5.1.0 The proper operation of democratic local government requires that elected officials be independent, impartial and duly responsible to the people. To this end it is imperative that:
- a. Government decisions and policy be made through the proper channels of government structure.
 - b. Public office is not used for personal gain.
 - c. The public have confidence in the integrity of its government.
- 5.1.1 Accordingly, it is the purpose of these guidelines of conduct to outline certain basic rules for the Summer Village of Sandy Beach Council so that they may carry out their duties with impartiality and equality of services to all, recognizing that the basic functions of elected local government officials are, at all times, services to their community and the public.
- 5.1.2 To further these objectives, certain ethical principles should govern the conduct of the Summer Village of Sandy Beach Council in order that they shall maintain the highest standard of conduct in public office and faithfully discharge the duties of office without fear or favour.
- 5.1.3 Councillors shall:
- a. Govern their conduct in accordance with the requirements and obligations set out in the municipal legislation of the Province of Alberta.
 - b. Not use confidential information for personal profit of themselves or any other person.
 - c. Not communicate confidential information to anyone not entitled to receive the applicable confidential information.
 - d. Not use their position to secure special privileges, favours, or exemptions for themselves or any other person.
 - e. Preserve the integrity and impartiality of Council.
 - f. For the period of twelve (12) months after leaving office, abide by the ethical standards of conduct listed above, except those related to confidential information which shall apply in perpetuity.
 - g. Not assume that any unethical activities (not covered by or specifically prohibited by these ethical guidelines of conduct, or by any legislation) will be condoned.

6.0 Code of Conduct

6.1 General Conduct

- 6.1.0 In the appointment to Council of elected Councillors the public has the right to expect a level of conduct that is above reproach and a personal level of conduct that reflects the values of the community as a whole. Councillors should at all times keep in mind that they are public servants and any action or comment, whether intended as an action or

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comment of council, may be perceived by the public to represent the decision or opinion of Council. In general Councillors shall

- a. Refrain from threatening, harassing or otherwise implying to an individual or group of individuals that the weight of Council or the Municipality shall be brought to bear against the individual or group of individuals for the personal monetary gain or satisfaction of the Councillor.
- b. Report violations of the bylaws of the Municipality in a timely and appropriate manner to Council or to the Chief Administrative Officer.
- c. Not counsel or offer advice to the public to undertake actions that are a violation of the bylaws of the Municipality.
- d. Not promote a violation of the bylaws of the Municipality by assisting the public in violation of the bylaws.
- e. Ensure that the bylaws of the Summer Village of Sandy Beach are enforced equally and uniformly for the benefit of all citizens.

6.2 Conduct of Councillors at Meetings

6.2.0 In attendance to council, council committee, special and meetings of other bodies at which a Councillor is acting on behalf of the electorate the public has the right to expect that the Councillors will

- a. Attend council, council committee and meetings of other bodies in a capacity to make clear representation of the public interest without incapacitation due to the influence of alcohol, narcotics or other substances.
- b. Represent the consensus position of Council when representing council or in attendance at joint meetings with other Councils, Council committees, special and meetings of other bodies.
- c. Conduct themselves with respect and courtesy to other members of council, council committees, other bodies, administrative staff and the public.
- d. In accordance with section 172(1) of the Municipal Government Act, a Council member shall declare a pecuniary interest and abstain from discussion and voting on that particular matter.

6.3 Council Representation on External Boards

6.3.0 In recognition of the value of representation and benefits of participation in Committees, Boards or other organizations external to the Council or Council committees Council may deem it suitable to assign representation to sit on Committees, Boards or other organizations that have influence on or within the Summer Village of Sandy Beach. It is expected that Councillors sitting on external Committees, Boards or other organizations shall abide by the same code of conduct that applies at regular or special Council meetings as well as the following

- a. Councillors may state their opinion provided such statements are clearly prefaced by a disclaimer
- b. Councillors are obligated to represent the decisions of the elected Council and may not make representations that do not have the consensus, in writing, of the Council

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- c. Councillors attending external meetings in a capacity representing the Summer Village of Sandy Beach shall be in attendance for the full duration of the meeting unless previously authorized by Council

7.0 Failure to Comply

- 7.1.0 Should a Councillor fail to comply with the guidelines set out in this bylaw Council may invoke one or more of the following measures;
- a. Council may by majority consensus require the offending Councillor to apologize for his or her actions. Should such actions have been directed toward a member of the public, that apology shall be made in writing to the offended party or parties.
- b. Council may by majority consensus require that the offending Councillor vacate the meeting and the facility. Should the offending Councillor refuse the request the meeting shall recess and a law enforcement officer summoned to remove the offending party.
- c. Council may by majority consensus pass a motion of censure against the offending Councillor. The motion shall include a full description of the offending action, public submissions and any documentation deemed relevant to the motion. Motions of censure shall be included in the report of Chief Administrative Officer at the municipality's annual general meeting.

This Bylaw rescinds Bylaw 01-2008.

This Bylaw shall take effect on the date of the third and final reading.

READ a first time on this 13th day of October 2016.

READ a second time on this 13th day of October 2016.

READ a third and final time on this 8 day of December, 2016.

Signed this 8 day of December, 2016.


Chief Elected Official




Chief Administrative Officer