

**TOWN OF DRUMHELLER  
BY-LAW 10.09**

BEING A BY-LAW OF THE TOWN OF DRUMHELLER TO REGULATE THE PROCEEDINGS OF COUNCIL AND THE SPECIAL TASK FORCES, AND TO DEFINE CERTAIN DUTIES OF THE COUNCIL, THE SPECIAL TASK FORCES AND CERTAIN OFFICERS OF THE TOWN OF DRUMHELLER, IN THE PROVINCE OF ALBERTA.

**WHEREAS** pursuant to the provisions of the Municipal Government Act, Statutes of Alberta 1994, Chapter M-26.1 as amended, a Council may pass bylaws respecting the procedure and conduct of Council, Council Special Task Forces, and the conduct of the members thereto; and to define the duties of the Chief Administrative Officer and designated officers with respect to Council and Council Special Task Force meetings;

**NOW THEREFORE**, the Municipal Council of the Town of Drumheller in the Province of Alberta, duly assembled, hereby enacts as follow:

**1. NAME**

This By-law shall be cited as "**Council Procedure By-law**".

**2. DEFINITIONS AND INTERPRETATION**

In this By-law:

- (a) In this Bylaw, words meaning male persons include female persons.
- (b) "Acting Mayor" is the Member selected by Council to preside at any meeting of Council in the absence or incapacity of both the Mayor and Deputy Mayor.
- (c) "Agenda" means the order of business for a regular or special meeting of Council prepared by the Chief Administrative Officer;
- (d) "By-law" means a By-law of the Town;
- (e) "CAO" means the Chief Administrative Officer duly appointed to that position by Bylaw of the Town of Drumheller and in accordance with Section 205 of the Municipal Government Act.
- (f) "Chief Administrative Officer" means the person duly appointed by Council.

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- (g) "Committee" shall refer to the following bodies: Subdivision and Development Appeal Board; Drumheller Municipal Planning Commission; Any other Public Committee that is approved by Council from time to time; and any other board, commission, task force, or other body appointed by Council to perform an advisory function to Council; but does not include the Committee of the Whole.
- (h) "Council" means the Mayor and Councillors of the Town for the time being elected pursuant to the provisions of the Municipal Government Act and the Local Authorities Election Act;
- (i) "Committee of the Whole" is Members of Council present at a public meeting of Council sitting in committee.
- (j) "Councillor" means a member of Council, duly elected and continuing to hold office under the terms of the Municipal Government Act;
- (k) "Delegation" shall be one or more persons who have formally requested, and been granted, an audience with Council at a regular Council meeting, in accordance with this by-law.
- (l) "Deputy Mayor" is the Member who is appointed by Council pursuant to Section 5 to act as Mayor in the absence or incapacity of the Mayor;
- (m) "Ex-officio" means membership by virtue of one's office and/or where appointed by Council as defined in the Municipal Government Act.
- (n) "In Camera" means a meeting of Council that is held in private, excluding the public, and has been called in accord with the provisions of the Municipal Government Act. No formal decisions of Council are permitted in an "In Camera" Meeting
- (o) "Motion to accept as Information" is a motion which is made for the purpose of acknowledging the particular item, report or recommendation under consideration and of having the item, report or recommendation placed on record for future reference with no additional action being taken at the present time.
- (p) "Mayor" is the Member duly elected as Mayor and continuing to hold office, and is the presiding officer at all Meetings of Council;
- (q) "Meeting" means any meeting of Council, including a Regular Meeting and a Special Meeting;

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- (r) "Member" is a member of Council, duly elected and continuing to hold office, or a member of a Special Task Force duly appointed to that Task Force;
- (s) "New Business" shall be any matter appearing before Council for the first time on an Agenda that requires a decision of Council;
- (t) "Officer of Council" includes the Chief Administrative Officer of the Town, and/or delegates of the Chief Administrative Officer, and the City Solicitor, all of whom shall be recorded in the official minutes.
- (u) "Person" shall refer to any Member of Council or Special Task Force member, any member of Town of Drumheller Administration, any delegation addressing Council or any Special Task Force, any member of the media and any member of the public present at a meeting.
- (v) "Point of information" is a request or statement directed to the Mayor or through the Mayor to another Member of Council or to the Administration, for or about information relevant to the business at hand, but not related to a Point of Procedure.
- (w) "Point of Order" is the raising of a question by a Member of Council with the view of calling attention to any departure from the Procedure By-Law or the customary proceedings in debate or in the conduct of Council's business.
- (x) "Point of Privilege" refers to all matters affecting the rights and exemptions of Council collectively or the position and conduct of Members of Council in their respective character as elected representatives.
- (y) "Point of Procedure" is a question directed to the Mayor to obtain information on a matter of parliamentary law or the rules of Council regarding the business at hand in order to assist a Member of Council to make an appropriate motion, raise a point of order or understand the parliamentary situation or the effect of a motion.
- (z) "Presiding Officer" means the Mayor; or in the absence of the Mayor, the Deputy Mayor; or in the absence of the two, any other Member of Council chosen to preside at the meeting from those Members of Council present;
- (aa) "Public Hearing" is a Meeting of the Council which is convened to hear matters pursuant to:
  - the Municipal Government Act (the M.G.A.)
  - any other Act

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- any other matter that Council directs may be considered at a Public Hearing.
- (bb) "Public Question Period" is a period set aside prior to the commencement of the regular Council meeting, for the purpose of allowing members of the Gallery to ask questions to Council on any municipal matter.
- (cc) "Question of Privilege" is the raising of a question that concerns a member of council, or Council collectively, when a Member of Council believes that another Member of Council has spoken disrespectfully towards her/him or Council, or when she/he believes her/his comments have been misunderstood or misinterpreted by another Member of Council.
- (dd) "Quorum" means in the case of:
  - (i) Council, the majority of Members;
  - (ii) Committees of Council, a majority of the appointed members present.
  - (iii) All other committees, a majority of the appointed members unless Council provides otherwise.
- (ee) "Special Task Force" means any group appointed by Council to perform/investigate a specific task that has a start time and a finish time frame.
- (ff) "Special Meeting" is a meeting called by the Mayor pursuant to the Municipal Government Act.
- (gg) "Town" means the Corporation of the Town of Drumheller and, where the context so requires, means the area included within the boundaries of the Town;
- (hh) "Unfinished Business" means business which has been raised at the same or a previous meeting and which has not been completed;

**3.0 APPLICATION OF BY-LAW**

- 3.1 This By-law applies to
- (a) all meetings of Council; and

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- (b) all meetings of Committees or Special Task Forces established by Council unless permission has been granted to them to establish their own procedures.
- 3.2 When any matter arises relating to proceedings in a Meeting, which is not covered by a provision of this by-law, the matter shall be decided by reference to Roberts Rules of Order-Newly Revised.
- 3.3 In the event of any conflict between the provisions of this by-law and those contained in the authorities set above, the provisions of this by-law shall apply.
- 3.4 Procedure is a matter of interpretation by the Mayor, the committee Chairman, or other presiding Member, subject to the appeal process as described in this by-law.
- 3.5 In the absence of any statutory obligation, any provision of this by-law may be temporarily altered or suspended by an affirmative vote of two-thirds of the Members.
- 3.6 Neither this By-law nor any provision contained in it may be repealed, amended or suspended by Council when in session (except so far as the terms thereof shall themselves permit); unless
  - (a) by a By-law unanimously passed at a subsequent regular meeting or special meeting of the Council at which all the members are present and vote; or
  - (b) by a By-law passed at a regular meeting of the Council in pursuance of a notice of motion in writing given at the next preceding regular meeting of Council and setting forth the terms of substantial effect of the proposed By-law.

**4.0 ORGANIZATIONAL MEETING OF COUNCIL**

- 4.1 An organizational meeting of Council shall be held annually in accordance with Section 192 of the Municipal Government Act.
- 4.2 The Chief Administrative Officer shall fix the time and place for the Organizational Meeting.
- 4.3 Written notice of the organizational meeting of Council stating the time and place at which it is to be held, and the nature of the business to be transacted, shall be delivered to each Council member not less than 24 hours prior to the meeting.

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- 4.4 When the Organizational Meeting is not preceded by an election, the Mayor or Deputy Mayor shall take the chair and call the meeting to order.
- 4.5 If the Mayor has been elected at the last election immediately preceding the Organizational Meeting, the Chief Administrative Officer shall preside over the meeting until every member of Council present has made and subscribed the official oath prescribed by the Oaths of Office Act.
- 4.6 Every member of Council shall make and subscribe the official oath prescribed by the Oaths of Office Act before entering upon the duties and shall deposit the oath with the Chief Administrative Officer.
- 4.7 Immediately upon completion by every member of council present and making and subscribing the Official Oath, the Chief Administrative Officer shall retire from the chair if acting pursuant to Subsection 4.5, and the Mayor shall take the chair and call the meeting to order.
- 4.8 The business of Council at the first Organizational Meeting following the Town election shall be limited to the calling of the meeting, the making and subscribing of the Oath, the introduction of new members, the appointment of a Deputy Mayor, and the appointment of members to act on Committees or Special Task Forces, if any, Commissions, Boards, and other bodies on which Council is entitled to representation.

**5.0 DEPUTY MAYOR**

- 5.1 In accordance with Section 152(1) of the Municipal Government Act, Council, at its Organizational Meeting, shall adopt a roster of Deputy Mayors for the following year.
- 5.2 Each Deputy Mayor shall swear an oath of office in a ceremony which will be held during a regular scheduled Council meeting.
- 5.3 In the absence, or inability, of the Mayor or Deputy Mayor to act;
  - (a) the next Deputy Mayor shall assume the chair as Acting Mayor, or
  - (b) Council may appoint any other Member as Acting Mayor.
- 5.4 An acting Mayor appointed pursuant to Section 5.3(b) shall have all the powers and shall perform all the duties of the Mayor and shall hold office for such time as Council may fix.

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**6.0 PLACES, DATES, AND TIMES OF MEETINGS**

- 6.1 All regular meetings of Council shall be held in the Council Chambers at Town Hall;
- (a) every second Monday, or
  - (b) when the day specified in Subsection (a) is a legal holiday, such meeting of Council shall be held upon the next day following which is not a legal holiday.
- 6.2 Regular Council Meetings shall commence at four thirty o'clock in the evening (4:30 p.m.) and shall continue no longer than ten o'clock in the evening (10:00 p.m.) of the same day if in session at that hour.
- 6.3 Notwithstanding Sections 6.1 and 6.2, Council may direct by resolution at any regular meeting, that
- (a) the next regular Council meeting will be held on a day other than the Monday on which it would fall due, and/or
  - (b) the regular meeting of Council will commence at any time other than 4:30 o'clock in the evening, and/or no regular meeting be held for any portion of any month or months designated by Council.
- 6.4 Notice of changes to regular meeting dates and times will be deemed sufficiently delivered to any Councillor not present at the meeting at which the change was made if the notice is delivered to an adult person at the councillor's or member's home or place of business (Section 196 (1) of the Municipal Government Act).
- 6.5 Notice of changes to regular meeting dates and times to the public will be deemed sufficiently given by insertion of such changes in the "Town Page" advertisement in the local weekly newspaper and / or in the main foyer at Town Hall.
- 6.6 Notwithstanding Subsection 6.2, Council may extend the time for closure of a meeting of Council by an affirmative vote of the majority of the members present and voting, such vote being carried out prior to ten o'clock in the evening (10:00 p.m.) as herein before mentioned.
- 6.7 Unless a motion has been passed pursuant to Subsection 6.6, all matters of business which appear on the Council agenda for a meeting and which have not been dealt with by the time outlined in Subsection 6.2 shall be deemed to be tabled until the next regular meeting of Council.

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- 6.8 Notwithstanding the other provisions of this section, if no motion is passed before ten o'clock in the evening by the required majority for extension of the meeting and if a member has risen and is addressing Council at ten o'clock, the Presiding Officer shall, as soon as the member resumes his seat, call the attention of Council to the time and if Council there upon considers and votes on a motion to extend the meeting, such motion shall be deemed validly put and passed or defeated, as the case may be, notwithstanding that it is later than ten o'clock.
- 6.9 If it appears that any of the matters included in the agenda for a Council meeting are of an urgent nature which require action before the next regular meeting, the Presiding Officer shall call, prior to the adjournment of the meeting, a Special Meeting to deal with such matters, pursuant to the provisions of Section 194 of the Municipal Government Act.
- 6.10 When a regular or special meeting of Council is adjourned
- (a) in order to terminate the debate on a certain subject, or
  - (b) because the business on the agenda has been completed
- it shall be deemed to be the end of that meeting and a subsequent meeting shall be considered to be a new meeting.
- 6.11 Special Meetings of Council may be called in accordance with Section 194 of the Municipal Government Act.
- 6.12 The Mayor may, whenever he considers it expedient to do so, and upon giving each member of Council at least two days' written notice, postpone any regular meeting of Council.
- 6.13 Each notice postponing a regular meeting shall give the reasons and name the time and day and place the postponed regular meeting shall be held.
- 6.14 Any delegation named in the agenda as planning to appear before Council at the postponed regular meeting shall be given a notice of the postponed regular meeting, and the new time and day the postponed regular meeting shall be held.
- 6.15 Public notice of the postponed meeting will be given by posting the notice in the main foyer of Town Hall.
- 6.16 All proceedings at the postponed regular meeting shall be considered in the same manner as if it had been the regular meeting.

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- 6.17 When the Mayor and the Deputy Mayor, through illness, absence, or other cause, are unable or unwilling to perform the duties of the office, and upon receiving a written request from and signed by the majority of the remaining members of Council, the Chief Administrative Officer shall summon a special meeting of Council.

**7.0 MAKE-UP OF AGENDA**

- 7.1 Unless otherwise specified in this Bylaw, the order of business for a regular meeting of Council shall be contained within the Agenda for the meeting. Agendas shall follow the format outlined as per Schedule "A" to this bylaw, or as amended from time to time by resolution of Council.
- 7.2 The agenda of Council shall be prepared under the joint direction of the Mayor and the CAO, and shall include minutes of previous Council meeting and copies of all reports or communications to be dealt with at each regular meeting. The agenda is to be distributed to Council at least (2) two full working days prior to the Council meeting.
- 7.3 When correspondence intended for Council is received by the Mayor, C.A.O., or other Officer, she/he shall place it on the agenda of the next regular meeting of Council, once she/he is assured that there is sufficient information contained therein to allow Council to render a decision. Items must be received by the C.A.O. no later than 12:00 noon, the Wednesday before the Council meeting or Public Hearing.

Every written communication reaching the Mayor, C.A.O. or the Officer, and intended for Council, shall be fairly written or printed on paper, and shall contain the following information: Name, mailing address, and phone number of the correspondent; and an indication of what action is desired.

Administration reports shall be in the format as per Schedule "B" to this Bylaw; and shall contain, as the recommendation, the clear wording of the motion suggested by C.A.O.

- 7.4 No item shall be added on to any agenda as a Business item, at the Council meeting, unless it is of an emergency nature or is permitted to be so added by the Presiding Officer or a two-thirds (2/3) majority vote of Council; such items may however, be added on as Correspondence or Information items.
- 7.5 Two-thirds majority (2/3) will be interpreted by the Presiding Officer as five of seven, four of six, three of five, three of four.

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- 7.6 All business items presented for addition to agenda must include the topic to be discussed and, if a resolution is expected, the motion must be presented in writing.
- 7.7 In Camera agenda items must include the topic to be discussed and the reason(s) why they must be in camera. Items not including this information will not be accepted.
- 7.8 No motion will be allowed to follow the in camera discussion unless the item was placed on, or included in, the approved agenda.
- 7.9 Items added to the agenda under “Business Arising from the Minutes” and “Unfinished Business” must reveal the topic to be discussed and what resolution is expected. Since these items often follow the finalized agenda, a 2/3 majority of Council will be required to add these items to the agenda (unless they are submitted in time to the Officer to be included in the agenda as it is being prepared) All motions must be in writing.

**8.0 QUORUM**

- 8.1 If there are not sufficient numbers assembled within one half hour following the scheduled commencement time of any meeting to constitute a quorum pursuant to Section 167 of the Municipal Government Act, the Chief Administrative Officer shall record the names of all the members present at that time; and unless a Special Meeting be duly called in the meantime, Council shall be deemed to be adjourned until the next regular meeting.
- 8.2 When Council is unable to meet for want of a quorum, the agenda delivered for the proposed meeting shall be considered at the next regular meeting, prior to the consideration of the agenda for the subsequent meeting, or alternatively at a Special Meeting called for that purpose.
- 8.3 If there are sufficient members present to constitute a quorum at the time set for the commencement of the meeting or as soon thereafter as a quorum is present, the Mayor, or in the absence of the Mayor, the Deputy Mayor, or in the absence of both of them, the acting Mayor shall take the chair and call the members to order.
- 8.4 The Mayor shall preside at all meetings of Council whenever he is present, unless excluded by virtue of Part 5, Division 6 of the Municipal Government Act.

**9.0 CONTROL AND CONDUCT OF COUNCIL MEETINGS**

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- 9.1 The Presiding Officer shall preserve order, decorum, and decide questions of procedure subject to an appeal to the Council; and the decision of the Presiding Officer shall be final unless reversed by a majority vote of the members present, without debate.
- 9.2 When any Point of Order, Point of Procedure, or Question of Privilege arises, it shall be immediately taken into consideration. When the Presiding Officer is called upon to decide a Point of Order, Point of Procedure, Question of Privilege or practice, the point shall be stated without unnecessary comment, and the Presiding Officer shall cite the rule or authority applicable to same.
- 9.3 When a Point of Information is raised, the Presiding Officer shall answer the question or direct the question to the appropriate Member of Council, or the C.A.O.
- 9.4 When a Point of Order is raised or when a Member of Council is called to order by the Presiding Officer, the Member of Council speaking shall immediately cease speaking until the Presiding Officer decides the point raised.
- 9.5 The Presiding Officer shall give each Member of the Council who wishes to speak on an item, an opportunity to do so before calling the question. No Member of Council shall speak without first being recognized by the Presiding Officer; and being granted the floor. No member of council shall speak twice to the same item, without the leave of council, except to make an inquiry or an explanation of a part of her/his speech that may have been misconstrued; and no member of council shall speak twice without every other member of council having first received their opportunity to speak. No member of council shall speak to the same question, or in reply, for longer than five (5) minutes.
- 9.6 Every member of council and every member of administration present at the meeting, in speaking to any question or motion, shall address himself only to the Presiding Officer. When a member of Council is addressing council he/she shall:
  - Not speak disrespectfully of Her Majesty the Queen, her Official Representatives or her Government;
  - Not use offensive, disrespectful, or unkind words in referring to any Member, or to any official or staff member of the Town or any member of the public.
  - Not reflect on any vote of Council except when moving to rescind it and shall not reflect on the motives of the Members who voted on the motion, or the mover of the motion;
  - Not shout or immoderately raise his/her voice or use profane, vulgar or offensive language;
  - Assume personal responsibility for any statement she/he quotes to Council or

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upon request of Council shall give the source of the information.

The Presiding Officer may rule any Member of Council out of order for failing to observe any of the above-noted restrictions; and any member of Council so ruled out of order shall immediately cease to speak.

- 9.7 When two or more Members of Council desire to speak to a matter, the Presiding Officer shall establish the priority.
- 9.8 A Member of Council called to order shall immediately cease to speak, but may afterwards explain, and the Council, if appealed to, shall decide the same without debate; if there be no appeal, the decision of the Presiding Officer shall be complied with. During the reading of the minutes, reports, communications or other papers, and when a member of Council or any other person is addressing Council, silence shall be observed and no person shall be allowed to disturb the meeting.
- 9.9 Any member of council may require the question, or motion under discussion to be read at any time during the debate, but not so as to interrupt a member of council while speaking.
- 9.10 All motions shall be made in writing and seconded before being debated or put from the Chair. When a motion is stated, and upon request by any member of Council, it shall be read by the Presiding Officer before debate. After the Presiding Officer reads a motion, it shall be deemed to be in possession of Council, but may be withdrawn at any time before a decision or amendment with the permission of all the members of council present.
- 9.11 Whenever the Presiding Officer is of the opinion that a motion offered to Council is contrary to the rules and privileges of Council, he/she shall apprise the members of council thereof immediately, before putting the question, and shall cite the rule or authority applicable to the case without argument or comment.
- 9.12 No motion shall be offered on items that are not on the Council or Special Task Force agenda as adopted. Members of Council wishing to introduce motions at a meeting shall do so by Notice of Motion for a future regular meeting.
- 9.13 No motion shall be offered that is subsequently the same as one on which the judgement of the meeting has already been expressed during the same meeting.
- 9.14 A Motion to Refer any matter, until it is decided, shall preclude all amendments to the main question; further, said motion to refer is open to debate, but only as to whether or not to refer. A member of Council making a Motion to Refer shall be required to include in the motion;

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- The terms on which the matter is being referred;
  - The time when the matter is to be returned;
  - Whatever explanation is necessary as to the purpose of the motion.
- 9.15 A member of council moving a Motion to Table any matter shall include in the tabling motion:
- The time at the present meeting or the date of a future meeting to which the matter is to be tabled or
  - A provision that the matter is to be tabled indefinitely.
- 9.16 A Motion to Table a matter shall not be put forward until every member of council has had an opportunity to speak on the item, and will not be debated thereafter, except as to the time when council will again consider the matter.
- 9.17 When the question under consideration contains distinct propositions, upon the request of any member of council, the vote upon each proposition shall be taken separately. If the vote is taken upon each proposition, it then becomes unnecessary to vote upon the whole question.
- 9.18 A motion to rescind an action of council may be offered at any time subsequent to the meeting at which the original motion was passed, upon service of a Notice of Motion by the member of Council intending to seek the rescinding of the motion. Any member of council may make the motion to rescind; a majority vote of 2/3 of the members of council is necessary for the passage of a motion to rescind.
- 9.19 Notwithstanding anything provided in this section where pursuant to any motion duly passed by Council, the Town has a contractual liability or obligation, Council shall not reconsider, alter, vary, revoke, rescind or replace the motion except to the extent that it does not attempt to avoid or interfere with the liability or obligation.
- 9.20 A member of council may move a Motion to Adjourn a meeting at any time, except when:
- Another member of council has the floor;
  - A call for a vote has been made
  - The members of council are voting
  - Council is in camera
  - A previous Motion to Adjourn has been defeated, and no other intermediate proceedings have taken place.
- 9.21 A Motion to Adjourn shall be put without comment or debate; and a Motion to Adjourn cannot be reconsidered.

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- 9.22 After any question is finally put by the Presiding Officer, no member of council 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 Presiding Officer as to whether the question has been finally put may be subject to appeal, subject to confirmation by the Members of council of the question being finally put. After the presiding officer has declared the vote, no change of vote can be made except by the unanimous consent of the members of Council who were present when the vote was put.
- 9.23 All motions duly passed by Council shall be a recorded vote with the exception of motions carried unanimously which shall be recorded as such. The Presiding Officer shall directly ask every member in turn how they wish to vote on the matter at hand.
- 9.24 Every amendment must be relevant to the question on which it is proposed. Any amendment offered which raises a new question can only be considered on a distinct motion after notice.
- 9.25 All amendments shall be put in the reverse order to that in which they are moved; and every amendment shall be decided upon or withdrawn before the main question is put to a vote. Only one amendment to the main motion at one time shall be allowed, and only one sub-amendment shall be allowed to an amendment at one time.
- 9.26 A sub-amendment should not enlarge the scope of the amendment, but should deal with matters not covered by the amending motion.
- 9.27 An amendment proposing a direct negative to the original motion is out of order.
- 9.28 Any motion made in the negative shall be ruled out of order.

**10.0 ADMONISHING ANY MEMBER OF COUNCIL**

- 10.1 If any member of council acts contrary to Section 9, he shall be immediately admonished by the Presiding Officer.
- 10.2 When a member of Council has been admonished by the Presiding Officer, the Chief Administrative Officer shall record the same in the minutes of the meeting of Council.
- 10.3 If any member of Council acts contrary to Section 9 for a second or more times in a meeting of Council, he shall, on the order of the Chair, be excluded from the Council Meeting and the Council Chamber.
- 10.4 Council may then proceed to an in camera session to consider the excluded Council

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Member.

- 10.5 If the excluded Council Member should adequately apologize to Council, he may, by a majority vote of the remaining members of Council, be permitted to forthwith take his seat.
- 10.6 No exclusion of a Council member shall be for more than the meeting then in progress.
- 10.7 A Council member called to order by the Presiding Officer shall immediately cease speaking, but may afterward be allowed to explain his position in making the remark for which he was called to order.
- 10.8 The decision of the Presiding Officer shall be final, unless the member called to order appeals to Council.
- 10.9 Upon a matter or order being appealed in Council, the matter or order shall be decided without debate.

**11.0 APPEAL**

- 11.1 The decision of the Presiding Officer may be appealed to Council by the member of Council raising the point of order stating "I appeal from the decision of the chair."
- 11.2 Upon the decision of the Chair being appealed, the Presiding Officer shall give the terms of the decision and the point of appeal, and put the question to Council stating "The question is now, shall the decision of the Chair stand as the judgement of this meeting?"
- 11.3 The question shall be decided by majority vote of Council members present without debate.

**12.0 LEAVING COUNCIL CHAMBER**

- 12.1 Where a member wishes to leave the Council Chamber while a meeting of Council is in progress, he shall raise his hand and await the silent acknowledgement of the Presiding Officer before leaving his place.
- 12.2 No member shall leave the Council Chamber after a question is put to vote until the vote is taken.

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**13.0 INQUIRY**

- 13.1 Any member of Council requiring information may make an inquiry to the C.A.O. and that person shall, subject to subsection 13.3, supply the necessary information within a reasonable time.
- 13.2 Unless an inquiry from a Councillor specifies that he wishes the inquiry and the answer thereto to appear on a subsequent Council agenda, the Chief Administrative Officer shall send or give the answer directly to the member of Council making the inquiry and neither the inquiry nor the answer shall appear on the Council agenda.
- 13.3 Where a member's inquiry involves a written answer and it appears to the Chief Administrative Officer that a cost to the Town will be incurred by reason of
- (a) time of Town employees, which must be taken from performance of their regular duties or overtime which must be worked;
  - (b) the need to hire additional employees; or
  - (c) the necessity of obtaining and paying for the information from other than Town employees;
- and no appropriation has been made for such expenditure in the budget of any department, the C.A.O. shall report the anticipated cost to Council and shall not proceed with the investigation necessary to answer the inquiry unless and until Council directs that the inquiry shall be made and provides for the payment of the costs.
- 13.4 Notwithstanding anything else contained in this section or elsewhere in this by-law, the subject matter of the inquiry is not debatable until the reply thereto has been made or presented to Council.
- 13.5 Notwithstanding the other provisions of this section, a member of Council wishing to obtain information or to make an inquiry may, instead of following the procedure hereinbefore set forth, reduce the inquiry to writing and forward the same to the Chief Administrative Officer with the request that it be discussed with the Mayor.
- 13.6 On receipt of the inquiry and the request, the Chief Administrative Officer shall discuss the inquiry with the Mayor as requested, who may
- (a) refer the inquiry to an appropriate Committee or Special Task Force
  - (b) refer the inquiry to the appropriate Department of the Town for a report to

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be made either

- (i) to an appropriate Committee or Special Task Force
- (ii) to the Council; or
- (iii) directly to the Councillor who made the inquiry.

**14.0 DELEGATIONS, PRESENTATIONS & PETITIONS**

- 14.1 Any person or group of persons wishing to make direct representation to Council, shall so advise the Officer in writing not less than seven days prior to the regular Council meeting, for consideration for the subsequent regular Council meeting. The written submission shall state a specific request to speak to Council, the name of the person or group representative wishing to speak before Council, their municipal and mailing addresses and phone numbers and a description of the subject matter they wish to speak on.
- 14.2 Any taxpayer or Town of Drumheller resident shall be provided the opportunity to address Council, provided they have not addressed Council on the same subject within the previous six months. If the person or group wishing to address is not a taxpayer or Drumheller resident, or if the subject is the same as one addressed within the previous six months, then Council shall consider the request and determine whether or not to receive the delegation.
- 14.3 In questioning delegations, whether statutory or otherwise, members of council will only ask questions of clarification which are relevant to the subject of the hearing and will avoid repetition. Delegations speaking to the subject will be restricted to speaking to the relevant subject matter only.
- 14.4 Delegations shall not speak for more than fifteen minutes, unless the time is extended by the majority vote of Council.
- 14.5 Council shall, at its next regular meeting following the delegation presentation, make any decisions, if required, regarding the issue raised by the delegation; unless there is unanimous support for council decision at the regular meeting at which the delegation presentation was made, and the issue is discussed under the appropriate agenda heading.

**15.0 PUBLIC HEARINGS**

- 15.1 A resolution of Council providing for a specific public hearing on any matter to be heard by Council shall, subject to the applicable statute in respect to manner of notice, and the method of holding the hearing, be drawn up in accordance with the provisions of this section.

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- 15.2 Any person who claims that he will be affected by the subject matter of the public hearings shall be afforded an opportunity to be heard by Council either personally or through his agent.
- 15.3 At the time called for the public hearing, the chair shall state the matter to be considered at the hearing.
- 15.4 If no written submissions relating to the public hearing have been received by the Chief Administrative Officer, the chair shall
- (a) ask the public present at Council if there is any person present who wishes to make an oral submission to Council pertaining to the matter of the public hearing;
  - (b) if there is a person or persons present who desire to make an oral presentation, request the wishes of Council regarding allowing the submission to be made;
  - (c) allow, if Council approves, the person or persons to make their submission(s);
  - (d) prior to the presentation if any, state the rules of procedure;
  - (e) if no person present desires to make an oral submission, declare the public hearing closed and proceed to other matters before Council.
- 15.5 If written submissions have been made in respect to the proposed public hearing, the Presiding Officer shall inform Council of the numbers, the nature of written submissions and the numbers in favour of and opposed to the subject matter of the public hearings.
- 15.6 Where written submissions have been filed for a public hearing, the Presiding Officer shall inquire of the public present if there is any person or persons present who failed to make a written submission, but now desire to make oral representation.
- 15.7 Any person or persons desiring to make an oral representation to the public hearing will stand, and upon being recognized by the Presiding Officer shall state their name and purpose of their submission.
- 15.8 The Presiding Officer shall present to Council each name separately for its consideration, approval or rejection of the right to be heard.

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- 15.9 If Council by a majority vote of members approves, the Chief Administrative Officer shall add the name of the approved person to the list of persons to make representation to the public hearing.
- 15.10 Prior to the commencement of a public hearing and subject to an applicable statute or other overriding law in force in the Province of Alberta requiring a time longer than specified, the Presiding Officer shall inform those present of the following procedure which shall be followed in hearing the respective submissions, namely:
- (a) each person who is in favour of the proposal before Council and has filed a submission in writing, shall be given five minutes to make representation before council, exclusive of the time required to answer questions put to him by the Council;
  - (b) each person who is in favour of the proposal before Council and who has not filed a written submission shall be given five minutes to make representation before Council in the order on the list of the Chief Administrative Officer exclusive of the time required to answer questions put to him by Council;
  - (c) each representation which is opposed to the proposal before Council and which has been filed in writing shall be given an additional five minutes in order to make an oral expansion or clarification of the written submission, exclusive of the time required to answer questions put to him by Council;
  - (d) each person who is opposed to the proposal before Council, but has not filed a written submission shall, in the order on the list to the Chief Administrative Officer, be allowed five minutes to make representation, exclusive of the time required to answer questions put to him by the council.
  - (e) the Presiding Officer shall then ask Council if any member has questions of those making submission. Council members may not debate the issue before Council;
  - (f) the Presiding Officer shall then allow any person who has made a written submission a period of five minutes to rebut any points that he wishes or to introduce any new material to the hearing. In no case shall he allow reiteration of arguments already made;
  - (g) decisions of the Presiding Officer may be appealed by any person present and shall be decided by a majority of Council members present.

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15.11 An outline of the Rules and Procedures shall be provided in written form to any person who indicates that he will make written submission, and further, there shall be printed copies of the same available to those in attendance at the hearing.

15.12 The Presiding Officer shall rigidly enforce the rules of procedure.

**16.0 COUNCIL COMMITTEE OF THE WHOLE**

16.1 Whenever Council sits as Committee of the Whole, the presiding officer shall be the Chair thereof and shall maintain order in the Committee of the Whole.

16.2 The rules of order for the conduct of a meeting of Council shall apply to a meeting of the Committee of the Whole, except

(a) No formal business will be conducted at Committee of the Whole meetings.

(b) No motions or resolutions shall be accepted by the Chair, and

(b) Any member may speak more than once to any question.

16.3 Committee of the Whole meetings are informal meetings called for the purpose of providing "information to Council"; this could include such matters as tracking of previous Council decisions and progress; Administration updates to Council on plans and projects; allow for Council liaison with Special Task Forces or for such other informative matters which Council may decide.

16.4 Delegations normally will not be a part of Committee of the Whole agendas; however, Council may request audiences or presentations be arranged for Committee of the Whole meetings.

**17.0 BY-LAWS**

17.1 Where Council approves the principle of the subject matter of a proposed By-law, it shall refer the matter with instructions for preparation of the By-law to

(a) the Chief Administrative Officer alone or with

(b) the Town Solicitor and / or

(c) a Special Task Force.

17.2 Where a By-law is presented to Council for enactment, the Chief Administrative Officer shall cause the short title of the by-law to appear in the agenda in the appropriate place.

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- 17.3 Unless a letter or report forwarding the By-law for enactment by Council adequately sets out the substance of the By-law, the Chief Administrative Officer shall cause the By-law to be copied in full and forwarded to the members of Council with the agenda.
- 17.4 Every By-law shall have three readings.
- 17.5 Unless the Municipal Government Act, some other Provincial Statute, or a Town By-law requires a greater majority, a By-law shall be passed when a majority of the members present and voting on the third reading vote in favour of the By-law.
- 17.6 A By-law shall be introduced for its first reading by the motion that the By-law specifying its short title be read a first time.
- 17.7 Council shall vote on the motion for the first reading of the by-law without amendment or debate.
- 17.8 If a member does not elaborate on the subject matter of the By-law or phrase his question so as to set out his opinion for or against the By-law, notwithstanding the provisions of subsection 17.7, he may ask a question or questions concerning the By-law.
- 17.9 A By-law shall be introduced for its second reading by the motion that it be read a second time, specifying the short title or number of the By-law.
- 17.10 After a member has made the motion for the second reading of the By-law, Council may
  - (a) debate the substance of the By-law; and
  - (b) propose and consider amendments to the By-law.
- 17.11 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 By-law.
- 17.12 Where a By-law is on an important or an involved matter, council may after the first reading thereof go in camera to debate the By-law. All amendments made in camera shall be reported by the Presiding Officer to the Council, who shall receive the same forthwith.
- 17.13 After a motion has been made for a second reading of a By-law or after the Council has gone in camera to debate the second reading of the By-law, a member may require all or any portion of the by-law to be read at length.

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- 17.14 The Chief Administrative Officer shall be responsible for keeping a record of
- (a) any amendments to the By-law passed by Council; and
  - (b) amendments reported by the in camera session.
- 17.15 When all amendments have been accepted or rejected, the motion for second reading of the by-law as amended shall be put to a vote.
- 17.16 A motion for third reading of a By-law shall give the short title or number of the By-law.
- 17.17 It shall not be necessary to read the By-law aloud for the third reading.
- 17.18 Unless the members present at a meeting unanimously agree that a By-law may be presented to Council for a third reading at the same meeting at which it has received two readings, the By-law shall not be given more than two readings at one meeting.
- 17.19 If a Council unanimously agrees that a By-law may be presented for a third reading at a meeting at which it has received two readings, the third reading requires no greater majority of affirmative votes to pass the By-law than if it had received a third reading at a subsequent meeting.
- 17.20 After Council votes affirmatively for a third reading of a By-law, it
- (a) becomes a Municipal Enactment of the Town; and
  - (b) is effective immediately unless the By-law provides otherwise.
- 17.21 After passage, a By-law shall be signed by the Mayor or a member presiding at the meeting at which it was passed and by the Chief Administrative Officer and shall be impressed with the corporate seal of the Town.
- 17.22 A By-law which requires the approval of a Provincial Authority shall be signed by the Mayor or a member presiding at the meeting, and by the Chief Administrative Officer prior to submission of a certified copy to the Provincial Authority and prior to receiving a third reading.

**18.0 BY-LAW SUBMITTED TO THE ELECTORATE**

- 18.1 Unless there is a Provincial Statutory Provision requiring it to be submitted at a different time and subject to Subsection 18.2, Council shall submit a By-law, which is to be submitted to the electorate for voting

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- (a) after it has received second reading by Council; and
- (b) at the time of the next municipal election.

18.2 Notwithstanding the provisions of Subsection 18.1, the by-law may be submitted before the next municipal election, if

- (a) it is a money By-law; or
- (b) it is for an expenditure required for a project which must be paid for prior to the next election; or
- (c) Council, by majority vote of the members, deems for some other sufficient reason that the By-law should be submitted earlier.

18.3 When

- (a) a By-law which is to be submitted to the electorate has been read a second time as provided in Subsection 18.1, or
- (b) a resolution has been passed directing a matter to be submitted to the electorate and determining the manner in which it is to be submitted.

it shall not again be debated in Council before the electorate has voted on it.

**19.0 LIMITATION OF MEMBERS POWER**

19.1 No Member of Council shall have the power to direct or interfere with the performance of any work for the Town, and the Officer in charge shall be subject only to her/his superior officer (if any) and to the Council, or to any Special Task Force (while acting in the capacity and not otherwise) to which the Council shall in any case give authority in that behalf. Nothing in the foregoing shall in any way interfere or restrict the right of a Councillor to seek information from any officer or employee of the Town through the office of the Chief Administrative Officer.

**20.0 SPECIAL TASK FORCES**

20.1 Council may, by Bylaw, appoint Special Task Forces consisting of one or more Members of Council and may include members of the public; but may not delegate to any such Special Task Force any of Council's powers, duties, or functions.

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20.2 All Special Task Forces shall be appointed on motion of Council by consent of a majority of the Members of Council present at a meeting of Council. Any Member of Council may be placed on a Special Task Force, notwithstanding the absence of any such Member of Council at the time of her/his being named upon such Special Task Force; the Mayor shall be ex-officio a member of all Special Task Forces and the Mayor, as such member of the Special Task Forces shall have all the powers and privileges of any member of the same, including the right to vote upon all question to be dealt with by such Special Task Force.

20.3 In any case where a member of a Special Task Force is absent from the Town or is otherwise unable to attend meetings of the Special Task Force of which she/he is a member, the Mayor may appoint a Member of Council to such Special Task Force to attend the meetings of the Special Task Force concerned, such appointment to be restricted to one meeting unless authorized by Council.

The Member so appointed by the Mayor shall during the term of such appointment have all the powers, rights and duties as a member of the Special Task Force concerned as if appointed by Council thereto.

20.4 The membership of the Special Task Force shall not be subject to revision on a yearly basis as members of other bodies, which have been appointed by Council. Each proposed change will be voted upon and decided by a majority vote.

The intent of Special Task Forces is to investigate and report on special tasks assigned by Council and should be appointed for a specific time frame. Once the task is completed, the Special Task Force dissolves.

Each Special Task Force shall select one of its members to be the Chairman unless Council designates:

- The Chairman;
- The manner in which the Chairman shall be selected.

20.5 The business of Special Task Forces shall be conducted under the following regulations and subject to the rules governing procedure in Council:

- The Chairman shall preside at every meeting:
- The name of the Chairman shall appear upon all reports and recommendations made by the Special Task Force;
- In the absence of the Chairman, the Deputy Chairman shall preside;

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- The minutes of the transactions of every Special Task Force meeting shall be accurately recorded without note or comment;
- When a division takes place on any question and the question may be put to a vote, the votes of the members may be recorded;
- No report or recommendation to do with any matter or thing shall be recognized as emanating from any Special Task Force unless it is in writing, nor unless it bears the name of the Chairman or Acting Chairman and has been certified correct by the Secretary and refers to the minutes of the Special Task Force under which it is issued;
- The Town staff person in attendance, or a Special Task Force member designated by the Special Task Force Chairman, shall record the minutes of the Special Task Force meetings;
- Any Member of Council not a member of a Special Task Force shall have the right to attend Special Task Force meetings with right of debate but not to make motions or to vote.

20.6 The general duties of all the Special Task Forces of Council shall be as follows:

- To report to Council whenever so desired by Council, and as often as the interests of the Town may require, on all matters connected with the duties imposed on each such Special Task Force; and to recommend such action by the Council as it deems necessary within its terms of reference.
- To observe, unless otherwise specifically permitted, the rules prescribed by the bylaws of Council;
- The reports of all Special Task Forces shall be made available to Council prior to same being made available to the public

20.7 Each of the Special Task Forces may create any sub-Special Task Forces it considers necessary and shall designate the duties, powers and responsibilities of each sub-Special Task Force, including the requirements for reporting on its findings.

A Special Task Force may terminate the existence of any of the sub-Special Task Forces created by it and a sub-Special Task Force shall cease to exist on the submission of its final report.

20.8 All Special Task Force meetings shall be open to the public.

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**21.0 GENERAL**

- 21.1 No Member of Council shall resist the rules of Council, or disobey the decision of the Presiding Officer and Council on any question of order or practice or upon the interpretation of the rules of Council; and in case any Member of Council shall so resist or disobey, she/he may be ordered by Council by a majority vote to leave her/his seat for that meeting; and in case her/his refusing to do so, she/he may on order of the Presiding Officer, be removed therefrom by the Police, but in the case of ample apology being made by the offender, she/he may by vote of Council without debate be permitted forthwith to take her/his seat.
- 21.2 Any Member of the public who, while in the Council Chambers, interrupts and disturbs the proceedings of Council by words or actions and who, when so requested by the Presiding Officer, refuses to end such interruption or to leave the Council Chambers if so requested, shall be guilty of an offence and liable upon summary conviction to the penalties provided in the General Penalty Bylaws of the Town of Drumheller and shall be subject to removal from the Council Chambers by the Police.
- The Presiding Officer at any meeting may cause to be expelled and excluded any person who has been guilty of improper conduct.
- 21.3 Members of Council shall subscribe to the Alberta Urban Municipalities Association Ethical Guidelines of Conduct for Members of Council, as per Schedule "C" attached to this Bylaw. In addition to these Guidelines, Members of Council shall refrain from uttering malicious or libelous comments with respect to each other or members of Administration, either in Council Chambers or in the community at large.
- 21.4 Where the relationship between two Members of Council has deteriorated to a point so as to significantly interfere with the normal conduct of Council business, as judged by themselves, a majority of Council, or the Mayor, the two Members of Council shall seek to mediate their differences by any of the following steps:
- A joint meeting to resolve their differences;
  - A joint meeting with the Mayor as a neutral mediator to resolve their differences;
  - A meeting with the Council to resolve their differences.
- 21.5 The reference book in resolving procedural disputed not covered in this Bylaw shall be Robert's Rules of Order, Newly Revised edition.

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- 21.6 Notice of Council and Special Task Force meetings shall be by any one or more of the following methods:
- Through advertisement or notice in a weekly newspaper circulating in the community;
  - Through posting of notice in the main foyer at Town Hall;
  - Through advertisement or public notice on the radio station operating in the area.
- 21.7 The Agenda format for Council meetings is attached to this Bylaw as Schedule "A".
- 21.8 The Administration Request for Decision Report format is attached to this Bylaw as Schedule "B".
- 21.9 The Alberta Urban Municipalities Association Ethical Guidelines of Conduct for Members of Council is attached to this Bylaw as Schedule "C".

**22.0 FINAL READING**

This By-law shall take effect on the day of the final reading thereof.

**23.0 REPEALS**

By-law 03-05 of the Town of Drumheller is hereby rescinded

READ A FIRST TIME this 14<sup>th</sup> day of April, 2009

READ A SECOND TIME this 14<sup>th</sup> day of April, 2009

READ A THIRD AND FINAL TIME this 14<sup>th</sup> day of April, 2009.

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Mayor

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Chief Administrative Officer