

BYLAW 621-2003

“Bylaw to Regulate the Procedures of Council of the Town of Fox Creek”

BEING A BYLAW OF THE TOWN OF FOX CREEK, IN THE PROVINCE OF ALBERTA

WHEREAS, the Municipal Government Act, Revised Statutes of Alberta 2000, Chapter M-26 AND amendments thereto, provides that a Council of a Municipality may pass Bylaws in relation to the establishment and functions of Council Committees and other Bodies, the procedure and conduct of Council, the procedure and conduct of Council Committees and other bodies established by the Council, the role and conduct of Councilors and Mayor, and generally for the transaction of its business; and

WHEREAS the Council of the Town of Fox Creek deems it expedient to make such rules and regulations; and

NOW THEREFORE, the Council of the Town of Fox Creek duly assembled and pursuant to the provisions of the said Municipal Government Act and amendments thereto, enacts as follows:

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1. DEFINITIONS

A. For the purposes of this Bylaw:

- (i) "Council" shall mean the elected Council members who comprise Town Council as elected from time to time.
- (ii) "Employee" shall mean those people employed full-time, part-time, casually, seasonally, on contract, or as a volunteer, by and for the Town of Fox Creek.
- (iii) "Policy" shall mean a statement of the Town's intention in certain areas of its responsibility for guidance when action is being taken in those areas.
- (iv) "Presiding Officer" shall mean the Mayor, Deputy-Mayor, or Chairperson charged with maintaining order and proceedings of a meeting.
- (v) "Procedures" shall mean instructions on how to carry out the intent of a Town Policy.
- (vi) "Town" shall mean the municipality of the Town of Fox Creek.

B. This Bylaw may be referred to as the "Council Procedures Bylaw".

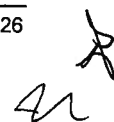
2. AMENDING PROCEDURES

A. This Bylaw shall not be repealed, amended or suspended, except so far as the terms hereof permit, unless it is repealed, amended or suspended:

- (i) by a Bylaw unanimously passed at a regular or special meeting of Council at which all of the Council members thereof are present; or
- (ii) by a Bylaw passed at a regular meeting of Council, pursuant to a notice in writing given and openly announced at the next preceding meeting of Council and setting out the terms of the substantial effect of the proposed Bylaw.

3. COUNCIL MEETING TIMES

- A. Council shall, at its organizational meeting each year, establish the days and times of its regular meetings. If a regular meeting falls on a holiday, the meeting shall be held on the next following day, not being a holiday.
- B. When it is necessary to continue the meeting beyond the relevant day, the meeting will be continued at 6:30 PM on the day following the said day, unless otherwise determined by a vote of 2/3 of all the Council members present.
- C. On the day of a Council Meeting, Town Council shall adjourn at 11:00 PM if in session at that hour, unless otherwise determined by a vote of the majority of all of the Council members present.



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4. CALLING OF THE MEETING TO ORDER AND QUORUM

- A. As soon after the hour fixed for the holding of the meeting of the Council as a quorum is present, the Mayor shall take the Chair and call the meeting to order;
- B. In the event that the Mayor or Deputy-Mayor shall not be in attendance within fifteen (15) minutes after the hour appointed, the Town Manager shall call the meeting to order until a chairperson be chosen, who shall preside during the meeting until the arrival of the Mayor or Deputy-Mayor;
- C. Unless there shall be a quorum present, in one-half of an hour (30 minutes) after the time appointed for the meeting of Council, the Town Manager shall call the roll and take down the names of Council members present, and the Council shall then stand absolutely adjourned until the next day of meeting unless a special meeting be duly called in the meantime;
- D. Whenever a vote on any order, resolution, or question before Council or Committee cannot be taken because of loss of a quorum, the loss of quorum resulting from:
 - (i) the excusing of a Council member or Council members of Council from voting by a resolution of Council; or
 - (ii) the disqualification of a Council member or Council members of Council from voting;

then the order, resolution or question shall be the first business to be proceeded with and disposed of at the next meeting of such committee or Council under that particular order of business. If a quorum is lost for any reason other than the aforementioned reasons in (i) or (ii), the meeting is at an end; and

- E. A quorum of Council shall be a majority of those Council members elected and serving on Council, including the Presiding Officer.

5. CONDUCT OF PROCEEDINGS AT A MEETING OF COUNCIL

- A. After the Presiding Officer has taken his/her seat, and the Agenda has been adopted, the Minutes of the preceding Council meeting shall be presented, in order that errors or omissions may be corrected. If those Minutes have been previously circulated to the Council, the Minutes may be adopted as presented, or adopted as amended, by a motion of Council;
- B. The Presiding Officer shall preserve order, decorum and decide questions of procedure subject to an appeal to Council, and the decision of the Presiding Officer shall be final unless reversed by a majority vote of the Council members present, without debate; and
- C. When the Presiding Officer is called upon to decide a point of order or practice, the point shall be stated without unnecessary comment, and the Presiding Officer shall cite the rule or authority applicable to the same.

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D. Recess:

- (i) The Presiding Officer shall have authority to move for a Council recess for a specific period, but this motion may not be made to interrupt a speaker.
- (ii) After the recess, business will resume at the point of when it was interrupted.
- (iii) A motion to recess may be amended only as to length of time, but neither the motion nor the amendment is debatable.

E. The Mayor may designate certain seating positions in Council Chambers for Mayor, Councilors, staff, delegations, press representatives, and public in the gallery, to permit the duties of Council as a whole to be carried out expeditiously.

F. Any member of the public who, while in the Council Chamber, 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 offense and liable on conviction to the penalties provided in the MGA, and shall be subject to removal from the Council Chambers by Peace Officers.

G. Electronic communication devices, except emergency equipment, shall be silenced during Council meetings.

6. AGENDA

A. The Agenda orders the business for a meeting and will follow the appropriate Orders of the Day set out in Schedule "G".

B. The Town Manager shall prepare the Council Meeting Agenda in cooperation with the Mayor.

C. The Town Manager shall ensure that Council Agenda Packages are delivered to each Councilor a minimum of 48 hours prior to the regularly scheduled Council Meeting.

D. Agendas, reports and supplementary materials that are received too late to be included with the Agenda Package, or that are intended for IN CAMERA discussions will be made available as soon as reasonably possible, or will be circulated at the Council Meeting.

E. Among the reports to each Council Meeting shall be written reports from Administration upon matters requiring the Council's decision or providing information to Council, or including any other matter that is submitted at the request of Council, or because Administration deems it to be a matter that should properly be placed before Council.

F. Council must vote to adopt the Agenda prior to transacting other business and may:

- (i) add new items, including reports that were to be distributed when available to the Agenda; and/or



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- (ii) delete any matter from the Agenda by unanimous vote.

7. RULES OF DEBATE

- A. Every Council member in speaking to any question or motion shall address him/herself only to the Presiding Officer.
- B. When two or more Council members desire to speak to a matter, the Presiding Officer shall settle the priority.
- C. Unless otherwise provided for in this Bylaw, Council members may speak only twice on any motion, once in debate, and once to ask questions; however, Council may, by majority of those present, give permission to speak again.
- D. During the reading of minutes, reports, communications or other papers, and when a Council member or any other person is addressing Council, silence shall be observed and no one shall be allowed to disturb the meeting.
- E. A Council member called to order shall immediately cease to speak, but may afterwards explain, and Council (if appealed to) shall decide the same without debate; if there be no appeal, the decision of the Presiding Officer shall be submitted to.
- F. When a Councilor has been warned about breaches of order but continues to engage in them, the Chair may name the Councilor by stating his/her name and declaring the offense. The Town Manager must note the offense in the Minutes.
- G. Council members must NOT:
 - (i) speak disrespectfully of the Sovereign, or any of the Royal Family, or of the Governor General, or the Lieutenant-Governor, or persons administering the Government of Canada or of this Province; or
 - (ii) use offensive words in or against Council or against any Council member thereof; or
 - (iii) speak except upon the question in debate; or
 - (iv) reflect upon any vote of Council except for the purpose of moving that such a vote be rescinded; or
 - (v) resist the rules of Council; or
 - (vi) disobey the decision of the Presiding Officer or of Council on any question of order or practice or upon the interpretation of the question of order or practice or upon the interpretation of the rules of Council; and in case any Council member shall so resist or disobey, he/she may be ordered by Council by a majority vote to leave his/her seat for that meeting, and in case of his/her refusing to do so, he/she may on order of the Presiding Officer, be removed therefrom by a Peace Officer, however, in case of ample apology being made by the offender, he/she may, by vote of Council without debate, be permitted forthwith to take his/her seat.

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- H. Any Council member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a Council member while speaking.
- I. The presiding officer will give each Council member who wishes to speak an opportunity to do so before putting the question to vote.
- J. All votes by a Council member, other than UNANIMOUS votes, shall be recorded in the Minutes.

8. MOTIONS

- A. When a motion is stated, and upon request by any Council member, it shall be re-stated by the Presiding Officer, or Administration may be called upon to read the motion before debate.
- B. After a motion is read by the Presiding Officer or Administration, it shall be deemed to be in possession of Council, but may be withdrawn at any time before decision or amendment with the permission of all of the Council members present.
- C. No motion shall be offered that is substantially the same as one on which the judgment of the meeting has already been expressed during the same meeting.
- D. 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 appraise the Council members thereof immediately, before putting the question to a vote, and shall cite the rule or authority applicable to the case without argument or comment.
- E. Reconsiderations of previous Council meeting decisions:
 - (i) No question shall be reconsidered more than once at any one meeting of Council.
 - (ii) A motion to reconsider shall not be allowed unless a majority of 2/3 of the Council members of Council present agree thereon.
- F. Rescinding:
 - (i) 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.
 - (ii) Any Council member may make the motion to rescind.
 - (iii) A majority vote of 2/3 of the Council members present is necessary for the passage of a motion to rescind.
- G. A motion to refer, until it is decided, shall preclude all amendments to the main question. The motion is debatable.
- H. Notwithstanding clause 8 (c), a motion to adjourn Council shall always be in order and is not debatable or amendable.

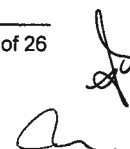
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- I. When the position under consideration contains more than one distinct proposition, upon the request of any Council member, the vote upon each proposition shall be taken separately. If the vote is taken upon each proposition, it then becomes unnecessary to vote on the whole.
- J. After any question is finally put to a vote by the Presiding Officer, no Council member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared.
- K. After the Presiding Officer has declared the vote, and subject to a motion for reconsideration, no change of vote can be made except by the unanimous consent of the Council members who were present when the vote was put.
- L. Whenever any matter of privilege arises, it shall be immediately taken into consideration.
- M. A recommendation does not constitute a motion until a Councilor has expressly moved it.
- N. A motion proposing a direct negative is out of order.

9. AMENDMENTS

- A. 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.
- B. An amendment proposing a direct negative is out of order.
- C. 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.
- D. Only one amendment to the main motion at one time shall be allowed, and only one amendment shall be allowed to an amendment at one time.
- E. All motions for the appointment of any person to any office shall preclude any amendments.
- F. No Council member may move to amend his/her own motion, but may be allowed to withdraw his/her own motion with the permission of all Council members present.
- G. A sub-amendment (amendment to the amendment) should not enlarge the scope of the amendment but should deal with matters not covered by the amendment.
- H. No amendment shall change the overall intent of the original motion.



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10. VOTING

- A. Unless otherwise specified in this Bylaw, a motion will be carried when a majority of Councilors present at the meeting vote in favor of the motion.
- B. A motion is DEFEATED when the vote is tied.
- C. Any Councilor who fails to vote will be recorded as having voted in the affirmative, unless a statute expressly allows or requires an abstention.
- D. The Presiding Officer must declare the result of the vote, and once declared, Councilors may not change their vote for any reason.
- E. From the time the question is put by the Presiding Officer, until the result of the vote is declared, Councilors must be silent and must not leave their seats.

11. ORDER OF PROCEEDINGS IN COMMITTEE OF THE WHOLE

- A. The rules of the Council shall be observed in Committee of the Whole, as far as may be applicable.
- B. Questions of order arising in Committee of the Whole shall be decided by the Presiding Officer, subject to an appeal to Council.
- C. Any Council member may move that Council resolve into Committee of the Whole to consider any matter.
- D. The Presiding Officer shall chair the Committee of the Whole.
- E. A quorum of the Committee of the Whole shall be a majority of those Council members elected and serving on Council, including the Presiding Officer.
- F. Proceedings of the Committee of the Whole shall not be recorded except the motion to go "IN CAMERA" and the motion to "REVERT TO OPEN MEETING".

12. READING OF PROPOSED BYLAWS AND PROCEEDINGS THEREON

- A. When a proposed Bylaw is read in Council Chambers, the Town Manager shall certify the reading and the date of the reading on the fact thereof. When a Bylaw has been read a third time and finally passed, the Town Manager shall keep on file correct copies thereof, including amendments, if any.
- B. A Bylaw appearing upon the Council Agenda when listed as ready for First Reading, shall be introduced by a Council member moving "That Bylaw No. (quoting Bylaw Number) be now read a First Time". After First Reading, the Bylaw may be debated, referred to, laid over, or given further readings. If a Bylaw fails to receive First Reading, then it may be struck from the Agenda.
- C. All amendments to a Bylaw made in a Committee of the Whole shall be reported by the Chairperson to Council, who shall receive the whole forthwith. After a

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report has been received, the proposed Bylaw shall be open to debate and amendment.

- D. Every Bylaw shall be read a Third time before it is signed by the Mayor or Deputy-Mayor. If a Bylaw fails to receive Third Reading, it shall remain on the Agenda to be dealt with at the next regular meeting of Council, unless it is removed from further agendas by Council.
- E. If all Three Readings of a Bylaw are requested at the same meeting, there must be a UNANIMOUS motion of Council to consider the Bylaw for Third Reading, prior to the Third Reading motion.
- F. Every Bylaw which has passed the Council shall immediately after being sealed with the Seal of the Corporation, and signed by the Mayor and the Town Manager, be securely deposited into the vault by the Executive Secretary.

13. DELEGATIONS

- A. Delegations concerning any matter pertaining to the welfare or development of the Town are encouraged.
- B. A person wishing to make a representation directly to Council shall so advise the Town Manager in writing, not less than five (5) days prior to the Council Meeting date. Such requirement may be relaxed by the Town Manager if the particular circumstances warrant such a relaxation. The Town Manager, Mayor and/or Council must approve the delegation for placement on the Agenda.
- C. In questioning delegations, whether statutory or otherwise, Council members will ask only those questions which are relevant to the subject of the hearing and will avoid repetition.
- D. Delegations speaking to the subject will be restricted to speaking to the subject matter only.
- E. Unless all of Council present agrees by unanimous vote, no decision shall be considered or rendered on an appeal by a delegation unless the delegation has submitted their issue in writing to the Town Manager by the established deadline for Council Agenda items.
- F. Out of courtesy to Council, Delegations are requested to limit their presentations to a maximum of 15 minutes. If required, the Presiding Officer may call a "Point of Order" and notify the Delegation one (1) minute prior to their 15-minute limit.

14. APPOINTMENT AND ORGANIZATION OF COMMITTEES

Whereas the MGA gives Council the authority to establish committees and determine functions of Council Committees, as well as regulate the procedure and conduct of those Committees, this Section is to set those functions, procedures and conduct.

All Boards, Committees and Commissions shall follow the guidelines stated in the MGA, and Sections 14 and 15 of this Bylaw, and in the attached Schedule "F".

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- A. All standing and special committees shall be appointed on motion of a Council member of Council by consent of a majority of the Council members present at a meeting of Council.
- B. When any Special Committee or Council Committee is appointed, Council must, by Bylaw:
- (i) name it;
 - (ii) establish Terms of Reference;
 - (iii) establish term of appointment, or direct that the special committee or Task Force exists at the pleasure of Council;
 - (iv) establish requirements for reporting to Council or a Standing Committee; and
 - (v) allocate any necessary budget or other resources.
- C. Any Council member may be placed on a committee notwithstanding the absence of any such Council member at the time of his/her being named upon such committee.
- D. The Mayor shall be 'ex-officio' a Council member of all committees and the Mayor as such Council member of the committees shall have all the powers and privileges of any Council member of the same including the right to vote upon all questions to be dealt with by such committee.
- E. Appointees in Absence:
- (i) In any case where a Council member of a standing or special committee is absent from the Town or is otherwise unable to attend meetings of the Committee of which he/she is a Council member, the Mayor may appoint a Council member to such committee to attend the meetings of the Committee concerned, such appointment to be restricted to one meeting unless authorized by Council; and
 - (ii) The Council member so appointed by the Mayor shall, during the term of such appointment have all the powers, rights and duties as a Council member of the Committee concerned as if appointed by Council thereto.
- F. Council members, at their Organizational Meeting, shall select from among themselves the Chairperson and Council members of all standing Committees of Council, who shall continue in such position until the next Organizational Meeting of Council, unless determined otherwise by a majority vote of Council.
- G. Council membership of Committees:
- (i) The Council membership of standing committees shall be subject to revision on a yearly basis at the Organizational Meeting of each year of a Council's term of office; and
 - (ii) Each proposed change will be noted upon and decided by a majority vote; and

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- (iii) The Mayor shall recommend to Council appointments of Councilors to Committees and Boards.
- (iv) The Mayor will base recommendations for appointments on the following considerations in the order listed:
 - a) the best interests of the Town,
 - b) the convenience of members,
 - c) the competence of members,
 - d) willingness to serve, and
 - e) the desires expressed by members

H. Committee actions are only binding on the Town when power to take such action has been specifically delegated to a Committee by Council.

15. REGULATIONS FOR CONDUCTING BUSINESS IN COMMITTEE

- A. The business of Council Committees shall be conducted under the following regulations and subject to the rules governing procedure in Council:
- (i) the Chairperson shall preside at every meeting; and
 - (ii) the name of the Chairperson shall appear upon all reports and recommendations made by the Committee; and
 - (iii) in the absence of the Chairperson, the back-up member (or acting Chairperson) shall preside; and
 - (iv) the Minutes of the transactions of every Committee shall be accurately recorded at regular meetings and transmitted to Council, to be received for information; and
 - (v) when a division takes place on any question and the question may be put to a vote, the votes of the members shall be recorded; and
 - (vi) no report or recommendation to do with any matter or thing shall be recognized as emanating from any Committee unless it is in writing, nor unless it bears the name of the Chairperson or acting Chairperson and has been certified correct by the Town Manager, and refers to the Minutes of the Committee under which it is issued. All administrative reports and recommendations going to a Committee must first be initialed by the Town Manager to indicate that he/she has reviewed the report; and
 - (vii) any Council member not being a member of a Committee shall have the right to attend Committee meetings with right of debate, but not to make motions nor to vote.

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16. COMMUNICATIONS INTENDED FOR TOWN COUNCIL

- A. Every written communication reaching the Town Manager and intended for Town Council shall be clearly legible or printed on paper, and shall be signed by at least one person whose address is also shown.
- B. When a communication intended for Town Council is received by the Town Manager, he/she may place it on the Agenda of the next regular meeting of Council, once he/she is assured that there is sufficient information contained therein or attached thereto to allow Council to render an informed decision.
- C. Any type of communication received by Council may be referred to a Committee of Council, or may be referred to the Town Manager for report.
- D. Unsigned or anonymous communication addressed or directed to Council shall be filed by the Town Manager, but not presented to Council.

17. COUNCIL REMUNERATION AND EXPENSES

- A. Each Councilor shall receive a monthly honorarium as set out in the attached "Schedule D"
- B. The Mayor shall receive a monthly honorarium as set out in the attached "Schedule D".
- C. Per Diem rates for attendance at meetings or for conducting business on behalf of the Town of Fox Creek will be paid in accordance with the attached "Schedule D".
- D. In accordance with Revenue Canada's provisions for Municipal Officials, one third (1/3) of the total allowances and honorarium paid to municipal officials shall be deemed in lieu of expenses. The remaining two-thirds (2/3) is deemed income from elected or appointed office, and is therefore subject to income taxation and considered as earnings.
- E. Council may, from time to time, by Resolution, amend or modify the rates of remuneration established in Schedule "D".

18. ITEMS NOT COVERED BY THIS BYLAW

The reference book in resolving procedural disputes not covered in this Bylaw shall be the most current edition of "Robert's Rules of Order".

19. GENERAL

- A. The following Schedules, attached to and forming part of this Bylaw, shall be amended by Resolution of Council from time to time:

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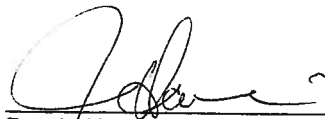
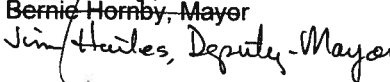
- (i) Schedule A – Role of Councilors
 - (ii) Schedule B – Role of Mayor
 - (iii) Schedule C – Council Members Attendance at Conferences
 - (iv) Schedule D – Council Remuneration and Expenses
 - (v) Schedule E – Hiring and Employing Family Members
 - (vi) Schedule F – Boards, Committees and Commissions
 - (vii) Schedule G – Orders of the Day – Council Agenda Format
- B. The Municipal Government Act Revised Statutes of Alberta 2000, Chapter M-26 with amendments from time to time, shall have precedence over this bylaw in case of error or contradiction.
- C. This Bylaw shall repeal Bylaw 325-87 and any other previously approved and passed Council Procedure Bylaws or Policies to do with Council or Committee Procedures.
- D. Any amendments to this Bylaw may be consolidated into this Bylaw copy as amended and changed from time to time.
- E. This Bylaw and Schedules attached thereto shall be copied and circulated to new Councilors upon election to Council.
- F. This Bylaw shall come into force and have effect from and after the date of third reading thereof.


FIRST READING of Bylaw No. 621-2003 granted this 16th day of June, 2003 A.D. by Councilor Holtet.

SECOND READING of Bylaw No. 621-2003 granted this 7th day of July, 2003 A.D. by Councilor English.

THIRD AND FINAL READING of Bylaw No. 621-2003 granted this 7th day of July, 2003 A.D. by Councilor Holtet.




Bernie Hornby, Mayor

Jim Charles, Deputy-Mayor


Larry Baran, Town Manager

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Schedule "A"

ROLE OF COUNCILORS

PURPOSE:

To establish the Role of Council and individual Council members.

STATEMENT:

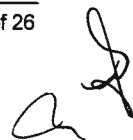
1. The role of the politician is that of policy-making. The role of staff is that of administration (the carrying out of Council-approved policies).
2. Unless otherwise specifically stated by Council resolution, individual Council members do NOT have the authority to make decisions binding the full Council.
3. Council members do not have the power to direct staff. This is an important aspect of a Councilor's role and one that will lead to inevitable problems if not followed regularly. This should not, however, prohibit or inhibit Councilors from having contact with staff.
4. Formal requests for information should be directed through the Town Manager.
5. No Council member shall have the power to direct or interfere with the performance of any work for the Town.
6. Information provided to one Council member shall be provided by copy to all Council members at the same time, unless the communication refers to individual or Committee business.
7. The Municipal Government Act (MGA) Revised Statutes of Alberta 2000 Chapter M-26 as amended from time to time, sets out the following significant responsibilities and obligations for Councilors:
 - A. To consider the welfare and interests of the Municipality as a whole, and to bring to Council's attention anything that would promote the welfare or interests of the municipality; and
 - B. To participate generally in developing and evaluating the policies and programs of the municipality; and
 - C. To participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council; and
 - D. To obtain information about the operation or administration of the municipality from the Town Manager, or a person designated by the Town Manager; and
 - E. To keep in confidence matters discussed in private at a council or council committee meeting until discussed at a meeting held in public; and

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Schedule "A" Continued

- F. To perform any other duty or function imposed on the Councilors by the MGA or any other enactment, or by the Council.
8. In addition to the foregoing, Councilors are responsible and obligated to:
- A. determine the wishes, priorities and requirements of the community's citizenry, and to represent these views to their colleagues on Council; and
 - B. advise the public on how they might become involved in the political process; and
 - C. pass Bylaws providing for public safety and good government; and
 - D. respond to public concerns in an appropriate manner; and
 - E. provide advise and community concerns to staff and Council, through work on the various committees, commissions and boards; and
 - F. facilitate and encourage the civic staff to deliver the best level of service possible within policy and budget constraints; and
 - G. review and approve the annual budget (estimate of expenditures) and ensure that staff appropriately monitor their spending accordingly; and
 - H. encourage innovation and reward excellence in the staff; and
 - I. research background information on Council issues using staff reports, Board, Commission, and Committee reports and any other relevant advice and documentation; and
 - J. approve policies which provide effective direction to Council decision-making.



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Schedule "B"

ROLE OF MAYOR

PURPOSE:

To adopt a statement that establishes the Role of Mayor.

STATEMENT:

1. The role of Mayor is that of Chief Elected Official of the Town of Fox Creek. While the Mayor is not given the ultimate authority in directing the affairs of the Town, he/she does have a significant role in leading the Municipality and in molding views and ideas at both the political and administrative levels of the Town. The Mayor is also a Council member and as such his duties would include the roles and duties of a Councilor.
2. The Mayor has the following significant responsibilities and obligations, in addition to performing the duties of a Councilor:
 - A. LEGISLATIVE DUTY AND AUTHORITY**
 - (i) The Municipal Government Act (MGA) Revised Statutes of Alberta 2000 Chapter M-26 as amended from time to time, sets out the following statutory obligations:
 - a) preside when in attendance at a council meeting unless a bylaw provides that another councilor or other person is to preside; and
 - b) perform any other duty imposed on a Chief Elected Official by the MGA or any other enactment or bylaw.
 - (ii) The Chief Elected Official is a Council member of all council committees and all bodies to which Council has the right to appoint Council members under the MGA, unless the Council provides otherwise.
 - (iii) In addition to the foregoing, the Mayor is responsible and obligated to:
 - a) cause the laws governing the Municipality to be executed; and
 - b) supervise and inspect the conduct of all officials of the Municipality in the performance of their duties; and
 - c) cause all negligence, carelessness and violation of duty to be corrected, prosecuted, and/or punished, as far as it is within his/her power to do so; and
 - d) communicate from time to time to Council all such information and recommend such measures that he/she considers will better the finances, health, security, cleanliness, comfort, ornamentation and prosperity of the Municipality.



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Schedule "B" Continued

B. CHIEF OFFICER AND SPOKESMAN

- (i) The Mayor is the Senior Executive of the Municipality and as such is to exercise additional duties. He/she is the Chairperson or Presiding Officer at all meetings of Council and thus must direct the course of Council's business. For that reason, the Mayor must become familiar with Council-adopted rules of procedure in order to preserve a reasonable process. The Mayor has the responsibility of ensuring that the right for each Council member to be listened to, is not violated.
- (ii) The Mayor is also the Chief Spokesman for the Municipality regarding Council policies. This does not mean that other Council members are to be silent, but rather reflects the Mayor's responsibility to convey the message of Council to the public. When speaking to the public on a policy or course of action determined by Council, the Mayor should set aside his/her personal views and only express the view of Council as a whole.

C. CHAIRPERSON OF COUNCIL

- (i) During the course of a Council meeting, the Mayor's primary function is to Chair the meeting, to direct and channel debate, to keep discussion on topic, and to bring matters to resolution.
- (ii) The role of the Mayor as the Chairperson of the Council is extremely important, not only during Council meetings, but also in the preparation for the meetings. One of the keys to a smooth functioning Council is the familiarity of the Mayor with the items before Council for resolution.

D. CONSENSUS SEEKER

As Chairperson of Council, the Mayor also has a role to play in building consensus among his/her colleagues. It is important that this consensus be built if Council is to be seen as a unit moving in a certain direction, rather than a collection of diverse interests.

E. RELATIONSHIP WITH STAFF

It is important that the Mayor and the Town Manager establish what the role of each is in relation to staff.

- (i) Generally the Town Manager is charged with the responsibility for all staff, however the Mayor, through the MGA, has the ability to observe and inspect Town staff members of the Municipality.
- (ii) The Mayor should advise the Town Manager if he/she finds any problems with Town staff. However, the Mayor is to be primarily concerned with the performance of the Town Manager.

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Schedule "B" Continued

- (iii) The Mayor should provide support and advice to the Town Manager on issues, especially when there are political considerations that must be considered.
- (iv) The Mayor should respect the established organizational hierarchy to avoid undermining the established employee / employer relationship of staff members, to the detriment of the Municipality.

F. MAYOR AS "EX OFFICIO"

The Mayor has the right to be a full Council member of any boards, associations, commissions, committees, or any other organization to which Council has the right to appoint Council members, pursuant to the MGA. While the Mayor may wish to attend some or all of the meetings that are being held, it is generally accepted that Council makes the appointments to the various committees.

G. CEREMONIAL RESPONSIBILITIES

As the Chief Elected Official and as the Chairperson of Council, the Mayor is the Senior Elected Official to whom most people turn to when local ceremonial events are staged. The Mayor should try to be available for a wide variety of these functions and ensure that the Town is well represented.

H. DEALING WITH OTHER GOVERNMENTS

As the Mayor is the Chief Elected Official of the Municipality, he/she is the one charged with communicating with other levels of government, especially at the political level. The Mayor should be the one that is the main point of contact between MLA's, Ministers and MP's. While the Mayor is to be seen as clearly in charge, the Town Manager should take care of administrative details and be available for any information that is required.

I. ROLE IN POLICY DEVELOPMENT

The Mayor normally has the greater access to the basis of policy-making and issue identification. He/she should be attuned to the community and thereby be in a position to advise Council and staff of issues requiring Council direction. These issues should be reviewed by staff and be presented to Council, if need be, for their input and resolution.

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Schedule "C" CONVENTION AND SEMINAR ATTENDANCE BY COUNCIL MEMBERS

PURPOSE:

To provide for giving approval for Council members to attend various conferences, conventions, education sessions and Town business.

STATEMENT:

1. The Town of Fox Creek wishes to encourage its Council members to attend selected conferences, conventions, educational sessions, and to attend to Town business, both to increase their operating knowledge of a Municipality, and to meet other Municipal Officials with whom they can exchange information, as well as to take care of Town-related projects and issues.
2. To achieve this goal, the Town, through the provisions of this policy, shall authorize the attendance of any Council member wishing to attend:
 - a. Annual AUMA Convention; or
 - b. Regional Educational Seminarsand reimburse those Council members wanting to attend, as per the Council Remuneration and Expense Schedule.
3. Attendance at any other conventions, conferences or seminars not included in Item 2 (a) (b), shall require the prior approval of Council by resolution.
4. Attendance of Council at out-of-town meetings, (except those required by Committee or Board Work), shall be approved by the Mayor or the Council by resolution, prior to attendance.



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Schedule "D"

COUNCIL REMUNERATION AND EXPENSES

Honoraria per Month:

Council members \$ 402.00

Mayor \$ 600.00

Per Diem \$ 250.00

Expenses:

Mileage \$ 0.35 per kilometer

Meals: Breakfast \$12.00

Lunch \$15.00

Dinner \$25.00



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Schedule "E"

HIRING AND EMPLOYING FAMILY MEMBERS

PURPOSE:

To establish practices that are fair and equitable, respecting the hiring and employing of family Council members, Council appointed Boards, Committees and Commissions.

DEFINITIONS:

For the purposes of this Policy, "immediate family member" shall mean:

- a. the spouse (married or domiciled)
- b. children, including step-children, foster children and grandchildren
- c. parents, or parents of the spouse
- d. siblings

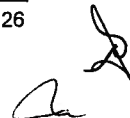
of an Elected Official or appointed Board or Commission Council member.

QUALIFICATION:

This Policy recognizes and is intended to conform with the Municipal Government Act (MGA) that establishes guidelines relating to pecuniary interest.

POLICY STATEMENT:

1. Immediate family members of elected officials shall be eligible for employment with the Town of Fox Creek, provided that:
 - a) the said elected official has not represented or referred the immediate family member in any manner, nor participates in interviews of candidates to consider a suitable applicant for a position of employment; and
 - b) the immediate family member of the elected official has not been hired directly by the Town Manager without the ratification of Council.
2. If an elected official does recommend, represent or otherwise act in an inappropriate action so as to recommend an immediate family member for employment, upon that recommendation the elected official shall:
 - a) disclose the general nature of his/her pecuniary interest, and submit his/her resignation from Council forthwith, conditional upon the hiring of the immediate family member; and
 - b) pursuant to the MGA, excuse him/herself from participating in any discussion or voting on the matter, by leaving the room in which the meeting is being held.

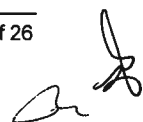


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Schedule "E" Continued

3. Immediate family members of Council appointed Board or Commission representatives shall be eligible for employment with the Town of Fox Creek, provided that:
 - a) the immediate family member, as an employee, would in no way be responsible to, supervised by, or in a position to affect the deliberations of the specific board or commission to which the said representative belongs.
 - b) The Town Manager has referred the recommendation of the immediate family member to Council for review and final ratification of the appointment.



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Schedule "F"

BOARDS, COMMITTEES AND COMMISSIONS

1. Whereas the MGA gives Council the authority to establish committees and determine functions of Council Committees, as well as regulate the procedure and conduct of those Committees, this policy is to set those functions, procedures and conduct.
2. All Boards, Committees and Commissions shall follow the guidelines stated below and in Sections 14 and 15 of this Bylaw.
3. Boards, Committees and Commissions shall formally report to Council no less than once annually, unless Council directs the Board, Committee or Commission to report more or less frequently.

4. TERMS OF REFERENCE

Terms of Reference define the Committee responsibilities.

<u>COMMITTEE OR BOARD NAME</u>	<u>REFERENCE</u>
Accounts Payable Committee	See "A" Below
Cultural Services Board	Bylaw 606-2002
Disaster Services Agency	Bylaw 558-2000
Municipal Library Board	Bylaw 39-69
Municipal Planning Commission	Bylaw 377-90 / 251-80
Risk Management Committee	See "B" Below
Subdivision and Development and Appeal Board	Bylaw 597-2002 / 596-2002 / 488-95 / 376-90

A. Accounts Payable Committee

- (i) Two Council members are annually and jointly assigned to review the Accounts Payable of the Town prior to payments being issued.
- (ii) The Accounts Payable are circulated prior to the Council Meeting with the Council Meeting Agenda for review.
- (iii) The Councilors assigned to this Committee shall share the task on a rotating basis.
- (iv) The Accounts Payable Committee is responsible for the following:

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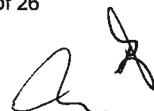
Council Procedures Bylaw

Schedule "F" Continued

- i. ensure that the Accounts Payable list shall only include items that are in the approved budget; and
- ii. verify that the Accounts Payable Policy is adhered to by reviewing:
 - a) that the purchase orders are fully signed within the appropriate level of authority; and
 - b) that the expense reports bear the approving signatures supported by the required receipts; and
 - c) that the invoice agrees with the "quoted prices" or if within 10% of "estimated prices"; and
 - d) that the invoice is authorized by the appropriate person identified in the Accounts Payable Policy.
- (v) Once reviewed and verified, the appointed Councilor shall recommend payment of the total amount of the list to Council at each regular Council meeting.
- (vi) The Accounts Payable Policy shall be the guideline to determine action when expenditures are not included in the budget.
- (vii) All Council members shall receive in their Council Agenda Packages, a list of all the Accounts Payable.

B. Risk Management Committee

- (i) At least two Council members are annually and jointly assigned to the Risk Management Committee. The remainder of the Committee is comprised of the CAO, the Senior Financial Officer, Department Heads, and any other Town staff or other person so assigned.
- (ii) The Senior Financial Officer assumes the responsibility of the Risk Management Committee head, and is responsible for scheduling Risk Management Committee meetings.
- (iii) The Risk Management Committee:
 - i. promotes the provision of safe working conditions,
 - ii. endeavors to provide a safe environment for Town residents and the public at large,
 - iii. endeavors to protect the Town's physical assets from undue exposures and hazards, and
 - iv. is responsible for the administration of the Risk Management Program in all departments.



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Schedule "F" Continued

- (iv) The Risk Management Committee implements a process of planning, organizing, leading and controlling the activities of the municipality to achieve its goals. This process includes:
 - v. Risk Identification,
 - vi. Risk Elimination and Reduction,
 - vii. Cost Effective Risk Financing, and
 - viii. The control of losses through planned inspections, appropriate bylaws and policies, and through accident investigation, documentation and review.

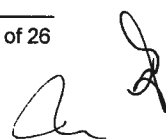
5. ADVERTISING VACANCIES ON BOARDS AND COMMISSIONS

PURPOSE:

To set a procedure for filling vacancies on the various boards, commissions and committees which Council appoints representatives to sit on.

STATEMENT:

- A. When a vacancy occurs on any Board, Committee or Commission which Council has established, the following rules will be followed:
 - (i) Council shall be advised of all vacancies by the respective Boards.
 - (ii) Council shall cause the vacancy to be advertised for interested individuals who wish to sit on the Board. Alternatively, Council may, if it so chooses, appoint an individual from applications previously received for a similar position, if that individual so allows.
 - (iii) Council will receive all applications for appointments to Boards.
 - (iv) Council may request the respective board to review all applications received, prior to appointment of members.
 - (v) Council shall make its appointment with the consideration for:
 - ii. the needs of the board; and
 - iii. the written recommendation of the board; and
 - (vi) No appointment will be granted unless made by Resolution of Council.



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Schedule "G"

ORDERS OF THE DAY

COUNCIL AGENDA FORMAT

Town Council Order of Business

1. CALL TO ORDER
2. ADOPTION OF AGENDA
3. ADOPTION OF MINUTES
4. DELEGATIONS
5. STAFF REPORTS
6. ACCOUNTS PAYABLE
7. FINANCIAL
8. OLD BUSINESS
9. NEW BUSINESS
10. COUNCILOR'S REPORTS
11. COUNCIL INFORMATION
12. ADMINISTRATION RESPONSIBILITY REVIEW
13. COMMITTEE OF THE WHOLE SESSION
14. MOTION TO ADJOURN

