

**TOWN OF OYEN**  
**BY-LAW NO. 888-22**

**Being A Bylaw Of The Town of Oyen In The Province of Alberta, To Provide The Organizational And Procedural Matters Of Council, Council Committees And Councillors**

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Statutes of Alberta, 2000, hereinafter referred to as the "M.G.A." provides for the establishment of Council Committees and other bodies, procedure and conduct of Council, Council committees and other bodies established by Council and the conduct of Councillors and members of Council committees and other bodies established by Council; and

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

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

**1.0 Title**

This Bylaw shall be called the Procedural Bylaw.

**2.0 Definitions**

In this bylaw:

- a) "delegation" means any person that has permission of council to appear before council or a committee of council to provide pertinent information and views about the subject before council or council committee
- b) "CAO" means the chief administrative officer or his delegate, for the Municipality.
- c) "member" means a councillor or person at large appointed by council to a committee of council.
- d) "meetings" means meetings of council and council committees.
- e) "Municipality" means the Town of Oyen, a municipal corporation of the Province of Alberta and includes the area contained within the boundaries of the Municipality.

**3.0 Rules**

The Precedence of the rules for guiding the business of Council is:

- a) The Municipal Government Act, RSA, 2000, c.M-26,
- b) Other applicable provincial legislation
- c) This bylaw, and
- d) Roberts Rules of Order and Parliamentary Procedure

**4.0 Chief and Deputy Chief Elected Official**

- a) In accordance with the M.G.A., the chief elected official shall have the title of Mayor and the other members of council shall have the title of Councillor.
- b) Annually, at the organizational meeting of Council, Council shall elect the Deputy Mayor.

**5.0 Meetings of Council**

- a) The **Organizational meeting** of Council shall be held annually, not later than two weeks after the third Monday in October. Any changes in the date, time and location may be made at a regular Council meeting at least four weeks in advance. At the organizational meeting, Council shall establish by resolution for the forthcoming year:
  - 1) The dates, time of commencement and locations of Regular Council Meetings and Committee of the Whole Meetings. If a scheduled meeting of Council falls on a holiday, the meeting shall be held on the next following day, not being a holiday.
  - 2) Seating of Council. The Mayor shall occupy the seat at the centre of the Council table. Seating of the Councillors shall be determined by lot or as otherwise agreed to by a unanimous consent of Council. In the event the seat of any Councillor becomes vacant by reason of death, resignation or otherwise, the member elected to fill his place shall occupy his seat in the Council Chambers until the next organizational meeting.
  - 3) Appointments to Boards and Committees
  - 4) The Deputy Mayor shall be appointed by Council

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**b) Inaugural Meeting**

The **Inaugural meeting** shall be the first organizational meeting immediately following a general municipal election

- 1) The Mayor and each Councillor shall take the prescribed oath of office as the first order of business at the inaugural meeting
- 2) Until the Mayor has taken the oath of office, the Chief Administrative Officer shall chair the inaugural meeting

**c) Regular Council Meetings**

- 1) Regular meetings of Council shall commence at such time as determined by resolution of Council at the annual Organizational meeting.
- 2) The CAO shall record the time of arrival and departure of Council members at meetings should a member of Council arrive late at a meeting or depart prior to the completion of a meeting
- 3) A quorum of Council is the majority of Council members. If a quorum is not present within thirty minutes after the time fixed for regular or special meetings, the CAO shall record the names of the members present, and the meeting shall stand adjourned until the next regular or special meeting.
- 4) The Mayor or other presiding officer shall preserve order, decorum and decide questions of procedure subject to an appeal of Council. The decisions of the Mayor or presiding officer on procedure shall be final unless reversed by a majority vote of the members present, without debate. A tie vote shall constitute defeat of a motion.

**d) Special Council Meeting**

- 1) A Special Council meeting may be held with less than 24 hours notice to all Councillors and without notice to the public if at least 2/3 (two thirds) of the whole Council agrees in writing before the beginning of the meeting.
- 2) Only the items listed on the special meeting agenda may be discussed at the special Council meeting

**e) Closed to the public (In camera)**

- 1) Council and Council committees may close all or part of their meetings to the public if a matter to be discussed is within one of the exceptions to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act.
- 2) When a meeting is closed to the public, no bylaw or resolution may be passed at a meeting, apart from the resolution necessary to resort back to an open meeting
- 3) A municipal planning commission, subdivision authority, development authority or subdivision and development appeal board established under Part 17 may deliberate and make its decisions in meetings closed to the public

**6.0 Motions**

- a) Councils decision making process is absolutely central to how well decisions are made and how effectively they can be implemented. The process needs to include the following:
  - 1) clear identification of the issues by staff
  - 2) research by staff into background factors relating to the issue
  - 3) input from any relevant external advisory bodies prior to council review
  - 4) a report by administration (signed by CAO)
  - 5) consideration of the research and report compiled by a standing committee of council or council itself
  - 6) review and adoption or deferral or defeat of motion by council
- b) A Councillor wishing to introduce a new matter for consideration should submit the motion in writing to the Municipal Administrator. This notice of motion allows administration time to collect and provide council with all relevant material to make an informed and educated decision.

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- c) Notice of motions shall be given in writing signed by the mover
  - 1) at a meeting of Council but shall not be debated until the next regular meeting
  - 2) delivered to the Administrator not later than 5 business days preceding the date of the meeting at which the motion is to be introduced
- d) A motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of two thirds of the Members present and voting.

**7.0 Consideration of Motions**

Unless otherwise determined by the Chair, no matter may be debated or voted on by Council unless it is in the form of a motion.

- a) A Councillor may move a motion whether or not the Councillor intends to support it.
- b) After a motion is moved it may only be withdrawn by the mover with the unanimous consent of the Councillors present
- c) A motion requires an affirmative vote of two-thirds of the Council present and voting to be approved. (Tie votes are considered defeated)

**8.0 Speaking to Motions**

- a) No Council member is permitted to speak unless and until recognized by the Chair.
- b) Unless permitted by the Chair, Council members may speak only twice on any motion, once in debate and once to ask questions.
- c) The Chair may grant further permission to a Council member to speak again to:
  - (1) provide an explanation of the member's previous remarks if misunderstood;
  - (2) in the case of the mover or seconder, to answer questions from the floor directed to the Chair;
  - (3) allow the mover to reply closing debate after the Chair has called for any further discussion and all others have had an opportunity of being heard.

**9.0 Time Limit**

- a) Council members shall not speak on any matter for longer than ten (10) minutes in total, unless otherwise permitted by the Chair.  
**Interruption of Speaker**
- b) A Councillor who is speaking may only be interrupted by another Councillor on:
  - (1) a point of privilege; or
  - (2) a point of order.
- c) A Councillor who is speaking when a point of order or privilege is raised will cease speaking immediately.
- d) The Chair may grant permission:
  - (1) to the Councillor raising the point to explain the point briefly, and
  - (2) to the Councillor who was speaking to respond briefly, but otherwise a point of order or privilege is not debatable or amendable.

**10.0 Ruling on Proceedings**

- a) The Chair will rule on a point of order or privilege and no vote will be taken unless there is a challenge by the Councillor to the ruling.
- b) The Chair may seek advice on a point of order or privilege to determine whether a matter is within the jurisdiction of the Council.

**11.0 Challenging a Ruling**

- a) Any Councillor may challenge the decision of the Chair on a point of order or privilege and if a decision of the Chair is challenged, the Chair will briefly state the terms of the Chair's decision and the point of the challenge and then put the question to Council, "Is the ruling of the Chair upheld?"
- b) Council will decide the challenge without debate by voting and the decision of Council is final.

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**12.0 Delegations**

- a. A person or a representative of any delegation or group of persons who wishes to bring any matter to the attention of the Council or who wishes to have any matter considered by the Council shall address a letter or other communication to the Council outlining the subject to be discussed. The letter shall be typewritten or legibly written and delivered or mailed to the office of the CAO so that it arrives at least 4:30 in the afternoon five business days immediately preceding the meeting at which it is to be presented, and it shall contain the full mailing address of the writer. If he or she wishes to appear before Council it shall be so stated in the letter.
- b. Delegations shall be granted a maximum of ten (10) minutes to present the matter outlined in their letter. Where the Mayor or other presiding officer determines that sufficient time has been granted to a delegation to present the matter outlined in their letter the Mayor or other presiding office may limit the length of time granted to the delegation.
- c. Delegations who have not submitted a letter in accordance with this section may be granted permission if it is an emergent matter and the majority of Council votes in favor of adding this to the agenda, to a maximum of ten (10) minutes to outline the matter they wish to present to Council.

**13.0 Agenda and Order of Meetings**

- a) Prior to each regular meeting, the CAO shall prepare a statement of the order of business to be known as the "Agenda" of all business to be brought before the Council at the regular meeting. Every reasonable effort shall be made to have the agenda prepared, compiled, and available for Council two (2) business days prior to the day the Regular Council meeting is to be held. Copies of material relevant to agenda items shall be made available prior to the meeting. If Council has a question from any of the information, it can be brought forward to the CAO for answers or back to Council
- b) To enable the CAO to prepare a proper agenda, all documents and notice of delegations intended to be submitted to the Council shall be submitted to the CAO not later than 4:30 in the afternoon five working days prior to the regular meeting.
- c) If past the deadline, Council items may be brought forward for placement on the following meeting agenda
- d) Only the Mayor or Chief Administrative Officer may authorize the inclusion of Agenda items of extenuating circumstances to be presented for consideration for inclusion on the Agenda of the day.

**14.0 Conduct in Council Meetings**

a) **Public Conduct**

The members of the public during a meeting will:

- (1) Not approach or speak to Council without permission of the Chair.
- (2) Not speak on any matter for longer than 10 minutes unless permitted by the Chair.
- (3) Maintain order and quiet.
- (4) Not interrupt a speech or action of Council or another person addressing the members.
- (5) The Chair may order a member of the public who creates a disturbance or acts improperly at a meeting to be expelled.

b) **Council Conduct**

Members of Council during a meeting will not:

- 1) Speak disrespectfully, use offensive words, or unparliamentary language in Council.
- 2) Address members without permission.
- 3) Carry on a private conversation.
- 4) Break the rules of Council or disturb the proceedings.
- 5) Leave their seat or make any noise or disturbance while a vote is being taken or the result declared.
- 6) Disobey the decision of the Chair on any question of order, practice or interpretation.

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c) **Breach of Conduct**

- 1) Should a member of Council persist in a breach of subsection 14.0, after having been called to order by the Chair, the Chair may call for a short recess.
- 2) At the discretion of the Chair, a member of Council may resume his or her seat after making an apology for the member's offending conduct.
- 3) If no apology is made, the chair or any member of Council may submit a breach of code of conduct as per Code of Conduct Policy #11-01 5) g).

d) **Robert's Rules**

When any matter relating to proceedings in Council arises which is not covered by a provision of this bylaw or another enactment, the matter will be determined in accordance with "Robert's Rules of Order – Newly Revised."

**15.0 Council Committees and Boards**

- a) Any Standing Committees Council wish to establish shall be done by Bylaw and shall be governed by the Terms of Reference adopted by Council.
- b) Members of Town of Oyen Committees or Boards that have legal decision making powers shall vote on all matters entertained by that Committee or Board.
- c) Where a Committee or Board member fails to comply with section 14.0 (a) that member shall be automatically disqualified from the Board.

Bylaw 798-10 is hereby repealed. This Bylaw shall come into full force and effect at the date of its final reading.

First reading given on the 10th day of May, 2022.

Second reading given on the 10th day of May, 2022.

Unanimous consent and third reading given on the 10th day of May, 2022.

  
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Mayor

  
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Chief Administrative Officer