

VILLAGE OF STIRLING

BY-LAW 397-04

THE PROCEDURE BY-LAW

The Council of the Village of Stirling enacts the following:

PART 1 – PURPOSE AND DEFINITIONS

PURPOSE

1. The purpose of this by-law is to establish rules to follow in governing the Village of Stirling.

DEFINITIONS

2. The following words and phrases mean:
 - (1) Administrative Inquiry – inquiry made at a meeting by a Council Member relating to the business of the Village;
 - (2) Chair – the person who has been given authority to direct the conduct of a meeting including the appointed head of a Committee;
 - (3) Village – the Village of Stirling
 - (4) Village Official – an official appointed by Council, including the Chief Administrative Officer, any designated officers appointed under the Municipal Government Act or any of their delegates;
 - (5) Committee – a committee of Council that is either a Standing Committee, Special Committee, or a Council Committee, that is carrying out a power, duty or function delegated to it by Council, but excluding Committee of the Whole;
 - (6) Committee of the Whole – a procedural device that permits Council greater freedom of debate;
 - (7) Council – the municipal Council of the Village
 - (8) Council Committee – any committee, board or other body established by Council under the Municipal Government Act, unless Council decides that this by-law does not apply to any particular Council Committee;
 - (9) General Municipal Election – an election held in the Village to elect the members of Council as described in the Local Authorities Elections Act.
 - (10) Mayor – the chief elected representative of the Village whether elected or appointed as described in the Municipal Government Act;
 - (11) Member – a member of Council;
 - (12) CAO – Chief Administrative Officer or their delegate;
 - (13) Orders of the Day – the order of business and time schedule for a meeting of Council or a Standing Committee;
 - (14) Organizational meeting – the meeting held as described in Section 7
 - (15) Person – includes a corporation;
 - (16) Presiding Officer – the Mayor, or in the absence of the Mayor, the Deputy Mayor, or in the absence of both, the Acting Mayor, or in the absence of all three, any other Council Member chosen to preside over a meeting;
 - (17) Previous Question – a motion to end debate and vote on the motion under debate;
 - (18) RCMP – Royal Canadian Mounted Police;
 - (19) Special Resolution – a resolution passed by a two-thirds majority of all Council Members or two-thirds of all members of a Committee;

- (20) Table - - a motion to delay consideration of any matter in order to deal with more pressing matters, which does not set a specific time to resume consideration of the matter;
- (21) Terms of Reference – a written statement that defines the composition, term, objectives and mode of operation of a Committee or Task Force;

PART 2 – ORGANIZATION OF COUNCIL

ORGANIZATIONAL MEETINGS

- 3. An organizational Meeting must be held in October in each year. At this meeting
 - (1) Council must:
 - (a) establish the dates, times and places for regularly scheduled Council and Standing Committee meetings
 - (b) appoint Council Members to Committees; and
 - (2) In the case of the first meeting following a General Municipal Election:
 - (a) every member of Council must take the Oath of Office
 - (b) appoint a Mayor

PART 3 – MEETINGS TIME, DATE AND LOCATION OF MEETINGS

- 4. Council will hold regular meetings on the dates established at the Organizational Meeting. If a regular Council meeting cannot be held it will be rescheduled by motion of council.

CANCELLATION

- 5. Council may cancel any meeting and a Committee may cancel any of its meetings on 24 hours notice.
- 6. The mayor may call a special Council meeting at any time and must do so if a majority of Council Members so request by a written notice, which includes a statement of the purpose of the meeting. A special meeting requested by Council members must be held within 14 days after the request is received by the Mayor.

QUORUM REQUIREMENTS

- 7. Quorum is a majority of Council Members.

WHEN NO QUORUM

- 8. If there is no quorum within 15 minutes after the time set for the meeting, the Recording Secretary will record the names of the Council Members present and the meeting will be adjourned to the time of the next regular Council meeting. The agenda for the adjourned meeting will be dealt with at the beginning of the next regular meeting, unless a special meeting is called before or after the next regular Council meeting to deal with the business of the adjourned meeting.

PART 4 – AGENDAS AND RECORDS OF MEETINGS

ADOPTION OF AGENDA

- 9. Council must vote to adopt the agenda prior to transacting other business and may:
 - (1) add new items to the agenda by Special Resolution; or
 - (2) delete any matter from the agenda by unanimous vote.

PREPARATION OF MINUTES

10. The council minutes will include:
- (1) all decision and other proceedings;
 - (2) the names of the Council Members present at and absent from the meeting;
 - (3) the signatures of the Presiding Officer, and the CAO or designate.

ADOPTION OF MINUTES

11. The minutes of each meeting must be circulated prior to the meeting at which they are to be adopted. If there are errors or omissions, Council must:
- (1) pass a motion to amend the minutes; and
 - (2) adopt the minutes as amended,

PART 5 – MOTIONS

PRESENTATION OF MOTIONS

12. No motion bringing a new matter before Council may be made while any other motion is pending.

RECOMMENDATIONS ARE NOT MOTIONS

13. A recommendation in a report does not constitute a motion until a Council Member has expressly moved it.

STATING MOTIONS

14. The chair prior to debate must state all motions.

MOTION FOR A VOTE

15. The Chair must call for a motion before a vote is taken.

MOTION TO TABLE

16. A motion may be tabled to enable Council to deal with other more pressing matters. A motion that has been tabled may be brought back at any time by a majority vote and when brought back, it will take precedence over other new motions.

PART 6 – VOTING

MOTION CARRIED

17. A motion will be carried when a majority of Council Members present at a meeting votes in favor of the motion, unless otherwise specified in this By-Law.

TIE VOTE

18. A motion is lost when the vote is tied.

LOSS OF QUORUM (ABSTENTION)

19. If a motion cannot be voted on because there would be no quorum due to any abstention allowed or required by statute, then the matter will be dealt with as unfinished business and proceeded with at the next regular meeting of Council. If Council is unable to achieve quorum at any meeting on an issue due to allowable abstentions, then Council must ask the Minister of Municipal Affairs for an order under the Municipal Government Act.

VOTING PROCEDURES

20. Votes on all motions must be taken as follows:
- (1) the Chair must call for a motion;
 - (2) Council Members must vote by a show of hands;
 - (3) The Chair must declare the result of the vote.

NO CHANGE TO VOTE

21. after the Chair declares the result of a vote, Council Members may not change their vote for any reason.

PART 7 – DUTIES OF THE CHAIR

LEAVING CHAIR

22. If the Chair wishes to leave the chair for any reason, he or she must call on the Deputy Mayor, or in his or her absence, the Acting Mayor, or in the absence of both, any other Council Member to preside.

PART 8 – PUBLIC AND PRIVATE MEETINGS

PUBLIC MEETINGS

23. Council and Council Committee meetings will be held in public and no person may be excluded except for improper conduct.

NO RESOLUTIONS IN A CLOSED SESSION OF COUNCIL

24. The only resolution that can be passed in a closed session of Council is a resolution to revert to open session.

PART 9 – COMMITTEE OF THE WHOLE

CHAIR OF COMMITTEE OF THE WHOLE

25. The Mayor will chair the Committee of the Whole.

QUORUM

26. Quorum of Committee of the Whole is a majority of Council Members.

RULES OF PROCEDURE IN COMMITTEE OF THE WHOLE

27. procedures in Committee of the Whole only differ from Council's in that:

- (1) the proceedings will not be recorded;
- (2) no motions will be permitted.

PART 10 – COUNCIL COMMITTEES

MEMBERSHIP OF STANDING COMMITTEES

28. All Council Members may attend any meeting of any Standing or Special Committee and participate in debate, but may not make motions or vote.

MAYOR EX OFFICIO MEMBER

29. The Mayor is an ex officio member of all Council Committees excluding the Subdivision Authority, Development Authority, Subdivision Appeal Board, Development Appeal Board and the Assessment Review Board. Council may also appoint the Mayor as an actual member of a particular Committee. If the Mayor is a member by virtue of office and is present at a Committee meeting, the Mayor must be counted to determine quorum and has all of the rights and privileges of the other Committee members including the right to make motions and vote.

AUTHORITY OF STANDING COMMITTEES

30. All Committees are advisory to Council unless authority to exercise or perform any power or duty is specifically delegated by Council.
31. Committees have the responsibility of analyzing all matters placed before them and submitting recommendations to Council on ways and means of dealing with these matters. In appropriate cases, Committees may submit matters to Council without recommendation.
32. Committee actions are not binding on the Village unless power to take such action has been specifically delegated to a Committee by Council.

DIVISION 2 – COMMITTEE APPOINTMENTS

33. A member of council may be appointed to a Committee even if the member is absent from the meeting as which the appointment is made.
34. Recommendations will be in the form of a nominating list, which will be considered by Council Committee of the Whole in private. The nominating list may be amended by the consensus of Council. The nominating list, as amended, will be submitted to Council in public session for approval.

COUNCIL RULES TO SUPPLEMENT COMMITTEE RULES

35. Unless specific rules for Committee procedures exist, Committees must follow the procedural rules of Council.

PART 11 – BY-LAWS

TITLE AND BY-LAW NUMBER

36. All proposed by-laws must have a by-law number assigned by the CAO and a concise title indicating the purpose of the by-law.

NOTICE OF PROPOSED BY-LAW

37. The by-law number and the short title of a proposed by-law must be included on the agenda, and the CAO must provide all Council Members with a copy of the proposed by-law prior to any motion for first reading.

FIRST READING

38. A proposed by-law must be introduced at a Council meeting by a motion that "By-law Number (specify the number assigned by the CAO) be read for a first time". Council may hear an introduction of the proposed by-law from the administration.

SECOND READING

39. After first reading has been given, any Council Member may move that "By-law Number (specifying the proposed by-law number) be read a second time".

THIRD READING

40. After second reading has been given, any Council Member may move that "By-law Number (specifying the by-law number) be read a third time and passed".

AMENDMENT PRIOR TO THIRD READING

41. Any amendments to the by-law which are carried prior to the motion for third reading being put will be considered to have been given first and second reading and will be incorporated into the by-law. If amendments to the proposed by-law have been carried:
- (1) all Council Members must be given an opportunity to review the full text of the amendments, and
 - (2) the Chair must put the question that "By-law Number (specify the by-law number), as amended, be given third reading".

Number of Readings Allowed At A Meeting

42. Council may not give a by-law more than two readings at a meeting unless all Council Members present at the meeting vote in favour of allowing a third reading at that meeting.

Failure of a Reading

43. If any reading of a proposed by-law fails:
- (1) any previous readings are rescinded, and
 - (2) first reading of a proposed by-law may not be dealt with again except in accordance with Sections 40.

Effective Date

44. A by-law is effective from the beginning of the day it is given third reading and signed, unless by the by-law or any applicable statute provides for another effective date.

Signing and Sealing By-laws

45. The Mayor or Presiding Officer must sign and the C.A.O. or person acting as C.A.O. at the meeting must sign and seal the by-law as soon as reasonably possible after third reading is given.

Amendment and Repeal

46. Once a by-law has been passed, it may only be amended or repealed by another by-law made in the same way as the original by-law, unless another method is specifically authorized by statute.

PART 12 – STATUTORY AND NON-STATUTORY HEARINGS

Division 1 – Non-Statutory Hearings

Persons Wishing To Address Council

47. If a person wishes to speak to Council or a Committee on any matter for which a hearing is not required by statute, that person must notify the CAO and must state the reason for the request. After receiving the request to speak, the CAO will place the matter on the Council or appropriate Committee Agenda under the delegation portion of the agenda.
48. A person may only address Council at any other time during a meeting if the Councilors present unanimously agree.

Division 2 – Statutory Hearings

When Speaker Present

49. If a person indicates that he or she is present to speak to the proposed by-law or resolution, the following procedures will apply:
 - (1) administration will introduce the proposed by-law or resolution.
 - (2) the Chair will inform Council on the nature of written submissions.
 - (3) persons will be allowed five minutes to speak, those in favour speaking first, followed by those opposed;
 - (4) after a person has spoken, any Council Member may ask that speaker relevant questions;
 - (5) any Council Member may ask the administration relevant questions after all persons who wish to speak have been heard;
 - (6) Council must allow an opportunity to all persons to respond to any new information that has arisen; and
 - (7) the Chair may then close the hearing.

When No Speaker Present

50. If no one is present to speak to a proposed by-law which requires a statutory hearing;
 - (1) Council may hear an introduction of the matter from the administration,
 - (2) the Chair will inform Council on the number and nature of written submissions,
 - (3) any Council member may ask administration relevant questions, and
 - (4) the Chair may close the hearing.
51. After the close of the statutory hearing, Council may debate the proposed by-law or resolution in accordance with the Order of Business, and may:
 - (1) pass the by-law or resolution, or
 - (2) make any necessary amendments to the by-law or resolution and pass it without further advertisement or hearing.

Abstention

52. A Council Member who was absent for all of a public statutory hearing on a proposed by-law or resolution must note vote. A Council Member who was absent for part of a statutory hearing may choose not to vote. If a Council Member does not vote, the abstention must be recorded.

PART 13 – COMMUNICATIONS

Requirements For Written Communications

53. Any written communication intended for Council or a Committee which reaches the CAO must:
- (1) be legible and coherent;
 - (2) be signed by at least one person who provides a printed name and address;
 - (3) be on paper; and
 - (4) not be libelous, impertinent or improper.

CAO To Process Communications

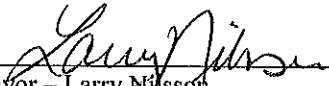
54. If the requirements of Section 53 are met, the CAO must:
- (1) prepare a direct response if appropriate;
 - (2) if it relates to an item already on an agenda, deliver a copy of the communication to Council Members with the agenda or at the meeting;
 - (3) send a copy of the communication or a summary of it to all Council Members; or
 - (4) take any other appropriate action on the communication.

This By-Law will come into force on the day of third and final reading.

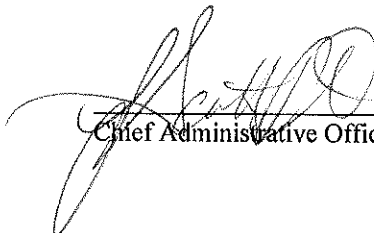
Read a first time this 15th day of December 2004

Read a second time this 18th day of May 2005

Read a third time and finally passed this 18th day of May 2005.



Mayor – Larry Nilsson



Chief Administrative Officer – J. Scott Barton