



REGULAR MEETING OF COUNCIL
Held on Monday February 24, 2020 in the
Town Hall Council Chambers, commencing at 6:00 p.m.

IN ATTENDANCE: Mayor: D. Anderberg
Councillors: B. McGillivray, W. Elliott, L. Jackson
M. Barber and S. Korbett
Absent with regrets: S. O'Rourke
Staff: L. Wilgosh, Chief Administrative Officer;
L. Rideout, Director of Community Services;
A. Roth, Director of Operations and L. Goss,
Administrative Manager

1. CALL TO ORDER

Mayor Anderberg called the meeting to order at 6:00 pm.

2. SCHEDULED PUBLIC HEARING

3. AGENDA APPROVAL
JACKSON:

That Council for the Town of Pincher Creek approves the February 24, 2020 agenda as amended, the amendment being the addition of items 8.3 Early Learning Centre Landscaping, 8.4 Royal Canadian Legion – Request for Support, 8.5 Assessment Review Board Recertification, 8.6 Emergency Services and 11.4 Natural Resources Conservation Board Application.

CARRIED 20-106

4. DELEGATIONS

5. ADOPTION OF MINUTES

5.1 Minutes of the Regular Meeting of Council held on February 10, 2020
McGILLIVRAY:

That Council for the Town of Pincher Creek approve the minutes of the regular meeting of Council held on February 10, 2020 as presented.

CARRIED 20-107

6. BUSINESS ARISING FROM THE MINUTES

7. BYLAWS

7.1 Council Procedural Bylaw 1596
JACKSON:

That Council for the Town of Pincher Creek agree to give first reading to Council Procedural Bylaw 1596-20.

CARRIED 20-108

McGILLIVRAY:

That Council for the Town of Pincher Creek agree to give second reading to Council Procedural Bylaw 1596-20 as amended, the amendment being that section 98. b) read "Councillors may then debate the substance of the bylaw, or consider amendments to it."

CARRIED 20-109

KORBETT:

That Council for the Town of Pincher Creek unanimously agree to present Council Procedural Bylaw 1596-20 for third and final reading at the regular meeting of Council on February 24, 2020.

CARRIED 20-110

BARBER:

That Council for the Town of Pincher Creek agree to give third and final reading to Council Procedural Bylaw 1596-20 and that a copy of which be attached hereto and form part of the minutes.

CARRIED 20-111

7.2 Committee of the Whole Bylaw 1608

KORBETT:

That Council for the Town of Pincher Creek agree to give first reading to Committee of the Whole Bylaw 1608-20.

CARRIED 20-112

JACKSON:

That Council for the Town of Pincher Creek agree to give second reading to Committee of the Whole Bylaw 1608-20 as amended, the amendment being the addition of Committee Appointments to Schedule A.

CARRIED 20-113

McGILLIVRAY:

That Council for the Town of Pincher Creek unanimously agree to present Committee of the Whole Bylaw 1608-20 for third and final reading at the regular meeting of Council on February 24, 2020.

CARRIED 20-114

KORBETT:

That Council for the Town of Pincher Creek agree to give third and final reading to Committee of the Whole Bylaw 1608-20 and that a copy of which be attached hereto and form part of the minutes.

CARRIED 20-115

A. Roth joined the meeting at 6:10 pm.

8. NEW BUSINESS

8.1 Spring Municipal Leaders' Caucus

JACKSON:

That Council for the Town of Pincher Creek authorize the attendance of Mayor Anderberg at the Spring Municipal Leaders' Caucus in Edmonton on March 25 and 26, 2020.

CARRIED 20-116

8.2 Grant Extension Request for Green Trip – Public Infrastructure Funding

McGILLIVRAY:

That Council for the Town of Pincher Creek direct administration to apply for a grant extension from Alberta Transportation (Green Trip) for the Green Trip and Public Transit Infrastructure Fund (PTIF).

CARRIED 20-117

8.3 Early Learning Centre Landscaping

KORBETT:

That Council for the Town of Pincher Creek agree and authorize the expenditure of \$1500 to develop concept drawings and potential price listings for Early Learning Centre Landscaping at the St. Michaels facility to be funded from the Pincher Creek Community Early Learning Centre general ledger account 7414002230.

CARRIED 20-118

8.4 Royal Canadian Legion – Request for Support

ELLIOTT:

That Council for the Town of Pincher Creek agree to participate in the application for the Royal Canadian Legion Pincher Creek Branch #43's project for building renovations, submitted by the Town of Pincher Creek under the Community Priorities Grant to the Community Foundation of Lethbridge and Southwestern Alberta.

FURTHER That the Town of Pincher Creek, the applicant, agrees to enter into a Conditional Grant Agreement, governing the purpose and use of the grant funds.

CARRIED 20-119

8.5 Assessment Review Board Recertification

KORBETT:

That Council for the Town of Pincher Creek authorize the attendance of Councillor Elliott at the 2020 Assessment Review Board Training.

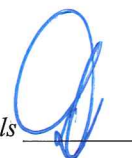
CARRIED 20-120

8.6 Emergency Services

BARBER:

That Council for the Town of Pincher Creek direct administration to prepare a thank you to the Pincher Creek Emergency Services, Regional Emergency Management Organization and all local business and services that stepped forward to assist with the King Edward Hotel Fire.

CARRIED 20-121



9. COUNCIL REPORTS:

ELLIOTT	February 10	Regular Council
JACKSON	February 10	Regular Council
	February 12	Social Needs Assessment
	February 10	Pincher Creek Foundation
	February 11-12	Asset Management Course
	February 13	Regional Council
	February 17	Community Hall Board
	February 18	Municipal Development and Subdivision Authority
KORBETT	February 5	Regular Council
	February 20	Early Learning Centre
	February 21	MLA Roger Reid Tour of Hospital
BARBER	February 19	Recreation Advisory Committee
	February 20	Golf Course Executive
McGILLIVRAY	February 10	Regular Council
	February 13	Regional Council
	February 18	Municipal Development and Subdivision Authority
	February 18	Intermunicipal Collaboration Framework Strategic Plan
	February 19	Crowsnest/Pincher Creek Landfill Association
	February 20	Intermunicipal Collaboration Framework
	February 20	Early Learning Centre
	February 21	Intermunicipal Collaboration Framework
	February 24	Intermunicipal Collaboration Framework
<u>Mayor's Report</u>		
ANDERBERG	February 10	Regular Council
	February 12	FCSS Social Needs Assessment
	February 13	Regional Council
	February 15	Emergency Operations Centre
	February 18	Intermunicipal Collaboration Framework Strategic Plan
	February 18	Family and Community Support Services
	February 20	Intermunicipal Collaboration Framework
	February 20	Early Learning Centre
	February 21	Intermunicipal Collaboration Framework
	February 24	Intermunicipal Collaboration Framework

BARBER:

That Council for the Town of Pincher Creek accepts the Mayor and Council Reports for February 24, 2020 as information.

CARRIED 20-123

10. ADMINISTRATION

10.1 Council Information Distribution List

McGILLIVRAY:

That Council for the Town of Pincher Creek accept the February 24, 2020 Council Information Distribution List as information.

CARRIED 20-124

10.2 Project Updates

BARBER:

That Council for the Town of Pincher Creek accept the Project Updates Report as information.

CARRIED 20-125

Mayor Anderberg called a recess at 7:53 pm.

L. Goss left the meeting at 7:53 pm.

Mayor Anderberg called the meeting back to order at 8:03 pm.

11. CLOSED MEETING DISCUSSION

JACKSON:

That Council for the Town of Pincher Creek agree to move to a closed session of Council on Monday, February 24, 2020 at 8:03 pm in accordance with section 19, 21, 24 and 27 of the Freedom of Information and Protection of Privacy Act, with the Chief Administrative Officer, Director of Community Services and Director of Operations in attendance.

CARRIED 20-126

Councillor McGillivray declared a potential conflict of interest with item 11.4 Natural Resources Conservation Board and left the meeting at 8:15 pm.

Councillor McGillivray returned to the meeting at 8:18 pm.

A. Roth left the meeting at 8:20 pm.

L. Rideout left the meeting at 8:30 pm.

ELLIOTT:

That Council for the Town of Pincher Creek agree to move out of a closed session of Council on Monday, February 24, 2020 at 9:02 pm.

CARRIED 20-127

11.1 Ag Society Lease Review and Follow Up – FOIP s. 27

McGILLIVRAY:

That Council for the Town of Pincher Creek defer the Ag Society Lease Agreement to a future meeting until further information is available from Alberta Health.

CARRIED 20-128

11.2 Recreation Master Plan – FOIP s. 21 & 24

KORBETT:

That Council for the Town of Pincher Creek proceed with a Regional Recreation Master Plan Request for Proposals to include the M.D. of Pincher Creek as amended, amending the "Key Objectives" in Schedule A as discussed.

CARRIED 20-129

11.3 Personnel – FOIP s. 19

ELLIOTT:

That Council for the Town of Pincher Creek finds that Councillor O'Rourke has breached the Council Code of Conduct Bylaw 1622-18, specifically subsection 1(e) and (k), and therefore imposes sanctions on Councillor O'Rourke, which includes retracting all Council Committee appointments, functions and events, excepting Council meeting and Committee of the Whole meetings, with said sanctions to be reviewed at the October 2020, Organizational meeting; as per Council Code of Conduct Bylaw 1622-18, subsection 1(e) and (k), schedule A and subsection (h) (i), schedule B.

FURTHER

That Council committee appointments revert to previous Councillors as listed below:

Police Advisory Committee – Councillor Barber
Community Housing Committee – Councillor Elliott
Operations Committee – Councilor McGillivray

CARRIED 20-130

1.4 Natural Resources Conservation Board Response

KORBETT:

That Council for the Town of Pincher Creek receive the information pertaining to the Natural Resource Conservation Board application LA19021 approval as provided.

CARRIED 20-131

12. NOTICE OF MOTION

13. ADJOURNMENT

JACKSON:

That this meeting of Council on February 24, 2020 be hereby adjourned at 9:14 pm.


CARRIED 20-132

*Regular Council Meeting
February 24, 2020*





MAYOR, D. Anderberg



CAO, L. Wilgosh

**APPROVED BY RESOLUTION
OF THE COUNCIL OF THE
TOWN OF PINCHER CREEK,
THIS 9th DAY OF MARCH 2020**

S E A L

**NEXT REGULAR MEETING OF COUNCIL TO BE HELD ON MONDAY MARCH 9, 2020 AT
6:00 P.M.**



BYLAW 1596-20
of the
Town of Pincher Creek

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BYLAW 1596-18B
Of the
TOWN OF PINCHER CREEK

**A BYLAW OF THE TOWN OF PINCHER CREEK, IN THE PROVINCE OF
ALBERTA, FOR THE PURPOSE OF REGULATING PROCEEDINGS OF COUNCIL MEETINGS**

WHEREAS pursuant to the provisions of the Municipal Government Act, R.S.A. 2000, Chapter M-26, as amended, the Municipality has the authority to pass bylaws for municipal purposes respecting citizens' safety, health and welfare, property, services and business activities;

AND WHEREAS Section 145 of the Municipal Government Act allows a Council to pass bylaws for the establishment, functions, procedures and conduct of Council committees and other bodies established by Council;

AND WHEREAS Section 146(b) of the Municipal Government Act allows a Council to pass bylaws where Council committees may consist of a combination of Councillors and other persons;

AND WHEREAS Section 153(e) of the Municipal Government Act states that a Councillor's duty is to keep in confidence matters discussed in private at a Council or committee meeting until discussed at a meeting held in public.

AND WHEREAS Section 180(1) of the Municipal Government Act requires Council to act only by resolution or bylaw;

AND WHEREAS Section 197(1) of the Municipal Government Act states that a Council and Council Committees must conduct their meetings in public;

AND WHEREAS Section 197(2) of the Municipal Government Act allows a Council and its committees to 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;

AND WHEREAS Section 198 of the Municipal Government Act states that everyone has a right to be present at Council and committee meetings conducted in public unless the person chairing the meeting expels a person for improper conduct;

NOW THEREFORE the Council of the Town of Pincher Creek, in the Province of Alberta, duly assembled in a regular meeting, hereby enacts the following rules for the order and conduct of all Council meetings.

TITLE

This bylaw shall be cited as the "Council Procedural Bylaw".

DEFINITIONS

All terms and phrases used in this bylaw shall be as defined in the Municipal Government Act, being Chapter M-26, of the Statutes of Alberta, 2000, and amendments thereto, unless otherwise noted.

"CAO" is the Town of Pincher Creeks Chief Administrative Officer in accordance with Section 205 of Alberta's Municipal Government Act;

"Committee" is a standing committee, special committee or ad hoc committee established in accordance with Section 145 of the Municipal Government Act;

"Committee of the Whole" is a committee consisting of all Councillors;

"Council" consists of a Chief Elected Official (Mayor) and six Councillors, all of which are elected by the citizens of the Town of Pincher Creek;

"Councillor" shall mean every Councillor including the Chief Elected Official;

"Closed Meeting" shall mean a Council or committee meeting or part of a meeting which is held in private and closed to the public may include any person or persons invited to attend by Council;

"Mayor" is the Town of Pincher Creek's Chief Elected Official;

"MGA" refers to the Municipal Government Act, being Chapter M-26, Statutes of Alberta, 2000 and amendments thereto;

"Notice of Motion" refers to the expression of a Councillors intention to place a motion before Council at a future Council Meeting;

"Presiding Officer" is the person who chairs a Council or committee and who shall be either the Mayor, the Deputy Mayor, a committee chairperson, or a Councillor appointed by council or that is selected by committee members as directed by the resolution establishing the committee;

"Special Meeting" is a public meeting of all Councillors scheduled outside of the regular Council meeting schedule;

"Special Resolution" is one that requires majority of Councillors to vote in support of a resolution;

"Town" is the Town of Pincher Creek in the Province of Alberta.

APPLICATION

1. This bylaw shall govern the proceedings of Council and committees established by Council.
2. If a matter relating to meeting procedure is not addressed in this bylaw, the law of the Parliament of Canada shall be followed. In such cases the decision of the Mayor or other presiding officer shall be final and accepted without debate.
3. In the absence of any statutory obligation, a provision of this bylaw may be waived by special resolution of Council in favour of dealing with the matter under consideration.
4. A resolution waiving any portion of this bylaw as provided for in this bylaw shall only be effective for the meeting during which it is passed.

ORGANIZATIONAL MEETING

5. Council shall hold an annual organizational meeting pursuant to the time frame specified in Section 192 of the MGA.
6. The first meeting following a general municipal election is an organizational meeting where;
 - a) the Mayor takes the Oath of Office of the Mayor,
 - b) every Councillor takes the Oath of Office of Councillor,
 - c) Councillors are assigned to Council's statutory, standing, and/or ad hoc committees and to other bodies on which Council wishes to be represented,
 - d) council may make a motion to appoint one or more Councillors as Deputy Mayor and if so, the Deputy Mayor(s) take the Oath of office of Deputy Mayor.

The election of Deputy Mayor is based on a rotational system whereby all Councillors are granted an opportunity so serve in that capacity over the term. Each of the six Councillors is to be designated for an eight-month term. The office of Deputy Mayor can be removed without reason or cause, by a majority vote.

7. At annual organizational meetings in years that do not have municipal elections, Council;
 - a) confirms membership on statutory, standing and ad hoc committees as well as other bodies on which Council wishes to be represented,
 - b) adopts Council's regular meeting schedule for the period until and including the next organizational meeting,
 - c) undertakes such organizational business as may be required.

COUNCIL AND COMMITTEE MEETINGS

8. All meetings of Council will be held in public except when;
 - a) a person is excluded for improper conduct,
 - b) when Council adopts a resolution to move to a closed session .

LOCATION, DATE AND TIME

9. All regular Council meetings shall be held in the Town's Council Chambers, located at 962 St. John Avenue, Pincher Creek, Alberta
10. Regular meetings shall be held on the second and fourth Mondays of each month, with the exception of July, August and December.
 - a) meetings shall be held on the fourth Monday of July and of August,
 - b) meetings shall be held on the second Monday of December,
 - c) when a statutory holiday falls on a Monday, the Council meeting will be moved to the following Tuesday.
11. Council may change the time, date or location of their respective meetings by special resolution provided that in both cases at least twenty-four (24) hours' notice of the change is given;
 - a) in writing to all Councillors,
 - b) by posting a notice of the change at the entrance of the Town Office for members of the public;
 - c) by posting a notice of the change on the home page of the Town's website, and in any other manner as directed by resolution of Council.

QUARUM

12. A quorum refers to a simple majority of Councillors or committee members present at a meeting.
13. Councillors may participate in Council meetings via electronic audio or visual communications under the following conditions;
 - a) the facilities' technology must allow all Councillors to hear the discussion involving all other participants at the meeting,
 - b) the remote Councillor shall be considered present and part of the quorum,
 - c) the recording secretary shall record the names and the electronic communications format by which the Councillor(s) participated.
14. If the Mayor or Deputy Mayor is not in attendance within twenty (20) minutes after the hour appointed for a meeting and a quorum is present, the CAO or designate shall call the meeting to order. A Presiding Officer shall be chosen by the Councillors present, who shall preside during the meeting until the arrival of the Mayor or Deputy Mayor.
15. Unless a quorum is present within twenty (20) minutes after the time appointed for the meeting, the meeting will stand adjourned until,
 - a) the next regular meeting date, or
 - b) until a special meeting is called to deal with the matters intended to be dealt with at the adjourned meeting.

The recording secretary shall record the names of the Councillors present at the expiration of the 20 minute time limit.

16. If a quorum is lost after the meeting is called to order, the meeting shall be suspended until quorum can be re-obtained.
17. If quorum is not obtained within 30 minutes, the meeting shall stand adjourned.

SPECIAL MEETINGS

18. Pursuant to Section 194 of the MGA,
 - a) the Mayor may call a special Council meeting by giving at least 24 hours written notice to all Councillors and the public, advising them of the meeting's purpose, location, date and time.
 - b) the Mayor must call a special Council meeting upon receipt of a written request for the meeting, stating its purpose, from a majority of the Councillors.
 - c) the Mayor may call a special Council meeting on shorter notice to all Councillors without providing notice to the public, if two-thirds of Councillors agree to this in writing before the beginning of the meeting.
 - d) no business other than that stated in the notice calling the special meeting shall be considered at the meeting unless all Councillors are present and council agrees to deal with the matter in question.

COMMITTEE MEETINGS

19. Unless otherwise established, the time and place for Council committee meeting shall be set at the call of the committee Chair or as set out in bylaw or policy.
20. All Council committees shall adhere to the rules of procedure established in this bylaw unless otherwise modified by Council.

COUNCIL MEETING AGENDAS

STANDARD ORDER OF BUSINESS

21. The business of regular Council meetings follows a standard format set out in Schedule A.
22. Notwithstanding the standard Order of Business, the Mayor and pertinent committee chair may arrange for items dealing with a particular subject to be grouped together on the agenda of any individual meeting.
23. The standard agenda may be amended from time to time by Council resolution.
24. The Mayor shall review the agenda with the CAO prior to distribution to Councillors.

SUPPORTING DOCUMENTS

25. All documents and notices of delegations intended to be addressed by Council shall be submitted to the CAO not later than 4:00 pm one week prior to the Thursday agenda posting.
26. If past the deadline, Council items may be brought forth for placement on a following meeting agenda.

DISTRIBUTION

27. By 1:00 pm on the Thursday before the regularly scheduled Council meeting, the CAO shall distribute to each Councillor;
 - a) the agenda,
 - b) the minutes of the last regular meeting and any subsequent special meetings,
 - c) a statement of quarterly accounts (if applicable),
 - d) any material pertinent to the forthcoming regular meeting including documents that support requests for decision.
28. By 1:00 pm on the Thursday before the regular Council meeting;
 - a) agendas for Council meetings and statutory, standing and ad hoc committee meetings shall be posted in the Council's area on the Town's web site,
 - b) a news release announcing the posting of the agenda for the upcoming Council meeting shall be posted on the home page of the Town's web site,
 - c) a calendar shall be placed in the public area of the Town of Pincher Creek's Administration Building, located at 962 St. John Avenue.
29. Any written communication intended for Council or a committee which reaches the CAO must;
 - a) be legible and coherent,
 - b) be signed by at least one person who provides a printed name and address,
 - c) be on paper or in an electronic format,
 - d) not be libelous, impertinent or improper.
30. When the CAO receives written communication meeting the requirements specified in Article 29, he/she must;
 - a) refer the communication to the administration for a report or a direct response, and inform Councillors through the agenda, of the referral,
 - b) if it relates to an item already on an agenda, provide a copy of the communication to Councillors with the agenda.
31. If the requirements of Article 29 are not met, the communication may be filed unless the CAO determines it to be libelous, impertinent or improper, in which case the CAO summarizes the communication and informs Council that it is being withheld.
32. Council may direct the communication being withheld to be forwarded to Council.
33. The CAO must make reasonable efforts to respond to the person sending the communication and to advise that person of any action taken on the subject of the communication.

GENERAL PROCEEDINGS AT MEETINGS

AGENDA

34. Council must vote to adopt the agenda.
35. Council may only make changes to the agenda by special resolution and these changes may only consist of adding new items or deleting items.
36. In no motion is made about a specific item on the agenda, Council need not deal with that item during the meeting.

MINUTES

37. The minutes of each meeting must be circulated to each Councillor prior to the meeting at which they are to be adopted.
38. Debate on the minutes of a previous meeting is limited to ensuring that the minutes are accurate.
39. If the minutes;
 - a) contain errors or omissions, Council must pass a resolution to amend the minutes and adopt the minutes as amended,
 - b) do not contain errors or omissions, Council must adopt the minutes as circulated.

DESIRE TO SPEAK

40. Any Councillor desiring to speak shall address all remarks to the Presiding Officer and shall confine communication to the question or motion on the table.
41. Councillors wishing to speak on an agenda item during a meeting must indicate their intention by raising their hand. Any Councillor present via electronic communications, shall address the Presiding Officer by stating "I wish to speak on the matter at hand".
42. Each Councillor should not speak more than once until every Councillor has had the opportunity to speak except;
 - a) in the explanation of a material part of the speech which may have been misunderstood,
 - b) in reply,
 - c) to close debate,
 - d) after everyone else wishing to speak has spoken.

MOTIONS AND RESOLUTIONS

43. Every motion or resolution shall be stated clearly by the mover and when duly moved, shall be open for consideration.
44. After a resolution has been stated or read, it shall be deemed to be in possession of Council, but may be withdrawn by unanimous consent of the Councillors present.
45. Each Councillor should limit discussion on any motion to ten (10) minutes.

ORDER AND DECORUM

46. The Presiding Officer shall maintain order and decorum and decide questions of order, subject to an appeal to the Council.
47. The decision of the Presiding Officer shall be final unless reversed or altered by a majority vote of the members present without debate.
48. When the Presiding Officer is called upon to decide a point of order or practice, he or she shall cite the rule of authority applicable, as set out in this bylaw or otherwise referred to in Roberts Rules of Order.
49. A member called to order by the Presiding Officer shall immediately discontinue speaking and the debate shall be suspended until the point of order is decided.

REPORTS

50. An information report from a committee, agency or administrative staff that does not request Council action other than receipt as information may only be;
 - a) received as information without debate,
 - b) referred to a committee or the CAO by majority vote without debate, or
 - c) debated, if a special resolution as passed to allow a motion to be made without notice.
51. Reports from the CAO or other management personnel which request a decision by Council may be debated and Council may;
 - a) vote on the request, or
 - b) refer the request to a committee or the CAO for investigation and report.

COUNCILLOR REQUEST FOR INFORMATION

52. Councillors may request information from the CAO on any matter within the municipality's jurisdiction.
53. When a Councillor requests information, the CAO or designate, will provide a response to each Councillor at the next Council meeting. If that is not possible, the CAO will provide a progress report indicating when the answer to the inquiry may be expected.

IN CAMERA SESSIONS

54. Council and committees may conduct all or a part of a meeting closed to the public;
 - a) only if a matter to be discussed is within one of the categories of private information referred to in Section 197 of the MGA, and, a majority of the Councillors present are of the opinion that it is in the public interest to close the meeting to the public;
 - b) shall state the purpose, time and those in attendance in the resolution to close the meeting to the public;
 - c) the rules of Council shall be observed in the closed meeting;

- d) the only resolution Council have the power to make in the closed meeting is to revert back to an open meeting.

DISCIPLINARY PROCEDURES

55. Councillors shall not;

- a) use offensive or unparliamentary language in the meeting or directed to Council, any Councillor or any other person;
- b) disobey the rules of the meeting or decision of the Presiding Officer or of Councillors on questions of order or practice; or upon the interpretation of the rules of the meeting;
- c) speak disrespectfully of the Sovereign, the Governor General, the Lieutenant Governor, of Council or of any other governing body in Canada;
- d) leave their seat or make any noise or disturbance while a vote is being taken and the result is declared;
- e) interrupt a Councillor while speaking, except to raise a point of order;
- f) discuss a vote of Council after the vote has been taken, unless to rescind;
- g) influence or direct any municipal employees;
- h) direct inquiries to municipal employees other than the CAO who will be responsible for ensuring that the inquiry is responded to.

COUNCILLOR BREACHES OF ORDER

- 56. When a Councillor has been warned about breaches of order but continues to engage in them, the Presiding Officer may name the Councillor by stating their name and declaring the offence. The Recording Secretary must note the offence in the minutes.
- 57. If a Councillor who has been named apologizes and withdraws any objectionable statement, then the Councillor may remain and continue participating in the meeting and the Presiding Officer may direct that the notation of the offence be removed from the minutes.
- 58. If the Councillor fails or refuses to apologize, then that Councillor must immediately leave the Council Chambers and Council must vote on a motion to expel that Councillor. A motion to expel must be decided without debate.
- 59. If a Councillor who has been expelled refuses to leave the Council Chambers, the Presiding Officer may request that the Royal Canadian Mounted Police remove the expelled Councillor.

PUBLIC BREACHES OF ORDER

- 60. Any members of the public are not allowed to approach or to speak to any Councillor during a Council meeting without the Presiding Officer's permission.
- 61. The Presiding Officer may order any member of the public who disturbs Council or committee proceedings by words or actions, to be expelled.
- 62. If the person refuses to leave voluntarily, the Presiding Officer may request that the Royal Canadian Mounted Police to remove the person.

MOTIONS AND RESOLUTIONS

MOTION BEFORE COUNCIL

63. After a motion is read or stated by the Presiding Officer, it shall be deemed to be in the possession of the Council, but may be withdrawn by the mover at any time before debate or decision.
64. A motion does not require a seconder.
65. The Mayor shall be permitted to put forward motions.
66. Any Councillor may require the motion under discussion to be read at any time during the debate, except when a Councillor is speaking.
67. The mover of a motion must be present when the vote on the motion is taken. Councillors participating via electronic audio or visual communications are deemed to be present.
68. When a motion is before the meeting and the mover wishes to withdraw or modify it, or substitute a different one in its place, and if no one objects, the Presiding Officer shall grant permission. If any objection is made however, it is necessary to obtain leave by motion to withdraw and this motion cannot be debated or amended.
69. Once a motion is withdrawn, the effect is the same as if it had never been made.
70. When a motion is under debate, no new motion shall be received other than a motion to;
 - a) adjourn (non-debatable);
 - b) withdraw (non-debatable);
 - c) table (non-debatable);
 - d) call the question (non-debatable);
 - e) postpone to a certain time or date (debatable);
 - f) refer (debatable);
 - g) amend (debatable);
 - h) postpone indefinitely (debatable).

SPECIAL RESOLUTIONS

71. When Council deems that it is necessary to take an expedient action for the benefit of the municipality and that it should happen before the next regularly scheduled Council meeting, it may pass a special resolution.
72. A Councillor addresses the Presiding Officer to request that Council consider a special resolution and states what the resolution is about.
73. If a majority of Councillors in attendance vote in favor of allowing the resolution, then it can be presented to Council.

74. If Council defeats the request, then the Councillor can present the resolution under the Council agenda item that addresses notices of motion and it will be dealt with at the next regular Council meeting.

NOTICES OF MOTION

75. A notice of motion must be used to introduce a new matter for Council's consideration which does not appear on the agenda, and should be used to give notice when an extended period of time is advisable prior to considering a subject.
- a) the Councillor shall read the notice of motion which must be recorded in the minutes and shall form part of the agenda for the subsequent meeting.
 - b) a Councillor who hands the written notice of motion to the CAO to be read at any regular meeting, need not necessarily be present during the reading of the motion.
76. A Councillor may make a motion introducing a new matter only if:
- a) notice is given at the previous regular Council meeting,
 - b) a legible copy of the content of the notice is made available to the CAO no later than 12:00 pm on the Monday before the regular meeting, or
 - c) Council passes a special resolution dispensing with notice.
77. A notice of motion must give sufficient detail about the subject of the motion and any proposed action and must state the date of the meeting at which the motion will be made.
78. A notice of motion must be given without discussion of the matter but any written copies distributed may include explanatory paragraphs.
79. When notice has been given, the CAO will include the proposed motion in the agenda of the meeting for the date indicated in the notice. If a motion is not made at the meeting indicated in the notice, it will be removed from the agenda and may only be made by a new notice of motion.

SIMILARITY OF MOTIONS

80. No motion shall be made that is the same as, or similar to the previous motion made during the same meeting.
81. Any issue addressed by Council at any regular Council meeting where a resolution has been voted upon (either carried or defeated), other than a motion to postpone, shall not be allowed to be brought back to any regular meeting for further consideration until at least three (3) months following the date of the Council meeting where it was originally addressed except by means of majority vote of Council in attendance.

LACK OF QUORUM FOR A MOTION

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

VOTING ON A MOTION

84. A motion, excepting a special resolution, shall be carried when a majority of Councillors at a meeting vote in favor of the motion.
85. A motion is lost when the vote is defeated or tied.
86. Where a question under consideration contains distinct propositions, the vote upon each proposition may be taken separately, at the request of any Councillor.

ABSTENTIONS FROM VOTING

87. Pursuant to Section 183 of the MGA, a Councillor must vote on a matter put to a vote at the meeting unless he or she is required or permitted to abstain from voting under this or any other enactment.
88. Councillors who have a pecuniary interest, as defined in Section 170 of the MGA where, in any matter related to a question put to a vote, shall, if present;
 - a) declare and disclose the general nature of the pecuniary interest prior to any discussion of the matter,
 - b) abstain from discussions or voting on any question relating to the matter, and
 - c) remove themselves from the room until the matter is concluded.
89. The minutes shall indicate each abstention and its reasons including the declaration of disclosure of a pecuniary interest, and shall also indicate the times at which the Councillor left and returned to the room.
90. Notwithstanding Article 88, if a matter related to a Councillor's pecuniary interest is a question upon which the Councillor as a taxpayer, an elector or an owner, has a right to be heard by Council, it is not necessary for the Councillor to leave the room.

PUTTING A MOTION TO A VOTE

91. Once the Presiding Officer puts a question to a vote;
 - a) no member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared,
 - b) every member present including the Presiding Officer, shall vote unless they are required to abstain.

VOTE VALIDITY

92. Votes on all motions must be taken according to the following procedure;
 - a) the Presiding Officer must put forth the motion,
 - b) all Councillors, including the Mayor, must vote by a show of hands,
 - c) the Presiding Officer must declare the result of the vote.

93. Notwithstanding Article 92, a Councillor who is present via electronic audio or visual communications when the motion is put forth, shall be counted as for the motion by stating clearly "in favor" or against the motion by stating clearly "against".

RECORDING A VOTE

94. Before Council takes a vote, a Councillor may request that the vote be recorded.
95. The recording secretary shall record the names of each Councillor present, whether they voted for or against the question, and the Presiding Officer shall announce the results of the vote.

VOTING RESULTS

96. After the Presiding Officer declares the result of a vote, the Councillors may not change their vote for any reason.

BYLAWS

PROCEDURE

97. Where a bylaw is presented to a Council meeting for enactment, the CAO shall cause the number, short title and brief description of the bylaw to appear on the meeting agenda.
98. The following shall apply to the passage of all bylaws:
- a) A bylaw shall be introduced for first reading by a motion that it be read a first time specifying the number of the bylaw.
 - b) Councillors may then debate the substance of the bylaw, or consider amendments to it.
 - c) Any proposed amendments shall be put to a vote if required. If carried, they shall be considered as having been incorporated in the bylaw at first reading.
 - d) When all amendments have been accepted or rejected, the Mayor shall call for a vote on the motion for first reading of the bylaw.
 - e) When a bylaw is subject to a statutory public hearing, a date and time shall be established for the hearing following first reading.
 - f) All aspects of the passage of a bylaw at first reading shall apply to second and third readings of any bylaw.

THREE READINGS

99. A bylaw shall not be given more than two readings at one meeting unless Councillors present at the meeting unanimously agree that the bylaw may be presented for third reading at the same meeting at which it received two readings.
100. A bylaw shall be passed when a majority of Councillors present vote in favor of third reading, provided that any applicable provincial statute does not require a greater majority.

ENACTMENT OF A BYLAW

101. When a bylaw has been given three readings and is signed in accordance with Section 213 of the MGA, it is considered an enactment of the Town and is effective immediately, unless the bylaw or an applicable provincial statute provides otherwise.
102. The previous readings of a proposed bylaw are rescinded if the proposed bylaw does not receive third reading within two years of first reading or is defeated on second or third reading.
103. After passage, a bylaw shall be dated, signed by the Mayor or designate, and by the CAO.

DELEGATIONS, PUBLIC HEARINGS AND PETITIONS

DELEGATIONS

104. A person or representative of any group of persons who wish to have any matter considered by Council shall address a written communication to the Town outlining the points they wish to bring to Council's attention.
 - a) Such communication shall be in the hands of the CAO not later than 4:00 pm one week prior to the Thursday agenda posting.
 - b) When a communication contains a request for an appearance to address Council, Councillors may either hear the representative by resolution or refer it to a Committee.
 - c) No person or group shall appear as a delegation to Council on the same or on a related subject until three months has passed since the date of the first presentation, unless specifically requested by a majority vote of Council in attendance.
 - d) When a person or representative of a group wishes to address Council on a matter which is not on the agenda, the Council may refer the matter to any appropriate committee, may defer the matter to another meeting of Council, may appoint a special committee to deal with the matter, or deal with the matter itself at the meeting, if so agreed upon by a special resolution of Council.
 - e) Matters presented by delegation shall be brought back to Council for disposition within 30 days.
105. Delegations appearing before Council may be addressed by any Councillor through the Presiding Officer, by asking the delegation or the CAO relevant questions but may not debate the matter or the answers.
106. The presentations by a person or a delegation must be;
 - a) limited to 15 minutes unless a special resolution extends allotted time,
 - b) received as information without debate,
 - c) referred without debate to a Committee or the CAO for a report, or debated, if a special resolution is passed to allow a motion to be made without notice.

PUBLIC HEARINGS

107. The conduct of any statutory public hearing to address a proposed bylaw or Council resolution shall be governed by this bylaw.

108. Public hearings shall be held on the same day as a regular Council meeting and will begin immediately following the meeting's Call to Order, unless otherwise set by Council resolution. Council's regular meeting will follow immediately after the public hearing.
109. Wherever possible, persons interested in speaking at a public hearing should register with the CAO prior to the public hearing.
110. The Presiding Officer shall declare the public hearing in session and shall outline public hearing procedures.
111. The CAO or their designate shall introduce the resolution or bylaw and shall briefly state the intended purpose. Department presentations shall follow the introduction of the bylaw or resolution.
112. The Presiding Officer shall request that those who wish to make presentations identify themselves. The Presiding Officer shall then open the floor to public presentations.
113. The Presiding Officer shall call upon those persons who have registered with the CAO to speak first, followed by other persons at the meeting who have not registered to speak but who wish to address Council. Persons who do not identify themselves will not be given the opportunity to speak.
114. Presentations by the public may be made verbally and/or in written format. Written submissions shall be collected by the CAO and retained for information purposes.
115. Each verbal presentation shall be limited to ten (10) minutes unless there is a majority vote of Council to extend the allotted time.
116. Following public presentations, the Presiding Officer shall close the public hearing.
117. If no one is present to speak to a proposed bylaw or resolution which requires a public hearing, Council may hear an introduction of the matter from the CAO or their designate, ask relevant questions, and then must close the public hearing.
118. After the close of the public hearing, Council may debate matters raised at the public hearing during the regular Council meeting following the public hearing, and may;
 - a) pass the bylaw or resolution, or
 - b) make any necessary amendments to the bylaw or resolution and pass it without further advertisement or hearing.
119. When a public hearing on a proposed bylaw or resolution is held, a Councillor must abstain from voting on the bylaw or resolution if the Councillor is absent from a part or all of the public hearing.

PETITIONS

120. When a group or a person wishes to present a petition to Council on any matter within its jurisdiction, the petition must;
 - a) be typewritten or legibly written,
 - b) clearly articulate the issue,

- c) be signed,
- d) indicate if a representative wishes to address the Council on the subject matter of the petition.

121. Before considering a petition, the Council may refer it to the appropriate committee for a report.

122. If the petition concerns a matter which the Council deems urgent, Council may consider it at the next regular Council meeting and may take immediate action thereon.

APPEAL OF PRESIDING OFFICER'S RULING

123. The decision of the Presiding Officer shall be final, subject to an immediate appeal by a Councillor present at the meeting.

124. If a decision is appealed, the Presiding Officer shall give concise reasons for the ruling and the Councillors, without debate, shall decide the question.

125. The ruling of the Councillors shall be final.

RECORD OF PROCEEDINGS

126. The CAO is responsible for the record of Council and committee proceedings but may delegate any duties to a recording secretary.

127. The record of proceedings shall include;


- a) all decisions and other proceedings without note or comment,
- b) the names of Councillors present at and absent from each meeting,
- c) any abstention pursuant to a declaration of pecuniary interest made by any Councillor in accordance with section 170 of the MGA and/or any other abstention permitted by statute,
- d) the signatures of the Presiding Officer and the Chief Administrative Officer.

ENACTMENT


128. Bylaw No. 1596-18B and amendments thereto is hereby repealed in its entirety.

129. Bylaw No. 1596-20 shall take force and effect on the day of its final reading and upon being signed.

READ a first time this 24th, day of February 2020 A.D.




Mayor Don Anderberg




CAO, Laurie Wilgosh

READ a second time this 24th day of February 2020 A.D.




Mayor Don Anderberg




CAO, Laurie Wilgosh

READ a third time this this 24th day of February 2020 A.D.



Mayor Don Anderberg



CAO, Laurie Wilgosh

APPENDIX A

STANDARD COUNCIL MEETING AGENDA

1. Call to Order
2. Public Hearings
3. Agenda Approval
4. Delegations
5. Adoption of Minutes
6. Business Arising from the Minutes
7. Bylaws
8. New Business
9. Reports
 - Council
 - Chief Administrative Officer
 - Others
10. Administration (Correspondence, Information)
11. Closed Meeting Discussion
12. Notice of Motion
13. Adjournment



**BYLAW No. 1608-20
of the
TOWN OF PINCHER CREEK**

A BYLAW OF THE TOWN OF PINCHER CREEK, IN THE PROVINCE OF ALBERTA, FOR THE PURPOSE OF REGULATING RESPONSIBILITIES AND AUTHORITY OF THE COMMITTEE OF THE WHOLE.

WHEREAS, pursuant to the provisions of the Municipal Government Act, R.S.A.2000, Chapter M-26 as amended, the Municipality has the authority to pass bylaws for municipal purposes respecting citizens' safety, health and welfare, property, services and business activities;

AND WHEREAS Section 145 of the Municipal Government Act allows a Council to pass bylaws for the establishment, functions, procedures and conduct of Council committees, and other bodies established by Council;

AND WHEREAS Section 153(e) OF THE Municipal Government Act states that a Councillor's duty is to keep in confidence matters discussed in private at a Council or committee meeting until discussed at a meeting held in public;

AND WHEREAS Section 180(1) of the Municipal Government Act requires Council to act only by resolution or bylaw;

AND WHEREAS Section 180(3) of the Municipal Government Act requires Council under this or any other enactment or bylaw to do something by resolution or to do something without specifying that it be done by bylaw or resolution, it may be done by bylaw or resolution.

AND WHEREAS Section 181(2) of the Municipal Government Act states that a resolution of a Council committee is not valid unless passed at a meeting of the committee held in public at which a quorum is present;

AND WHEREAS Section 197 (1) of the Municipal Government Act states that a Council and Council Committees must conduct their meeting in public;

AND WHEREAS Section 197(2) of the Municipal Government Act allows a Council and its committees to 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;

AND WHEREAS Section 199(1) of the Municipal Government Acts allows a Council and its committees to conduct a meeting by means of electronic or other communications facilities;

AND WHEREAS Section 203(1) of the Municipal Government Act allows a Council to delegate by bylaw any of its powers, duties and functions to a council committee;

AND WHEREAS Section 203(2) of the Municipal Government Act provides that a Council may not delegate:

- (a) its power or duties to pass bylaws,
- (b) its power to make, suspend or revoke the appointment of a person to the position of Chief Administrative Officer,
- (c) its power to adopt budgets under Part 8,
- (d) its power with respect to taxes under section 347, and
- (e) a duty to decide appeals imposed on it by this or another enactment or bylaw, whether generally or on a case by case basis, unless the delegation is to a council Committee and authorized by bylaw.

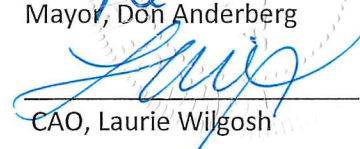
NOW THEREFORE the Council for the Town of Pincher Creek, in the Province of Alberta, duly assembled in a regular meeting, hereby delegates the following powers, duties and functions to the Committee of the Whole; as described in Schedule A as attached.

1. Committee of the Whole is a committee consisting of all Councillors;
2. Committee of the Whole meetings will be held in the Town Council Chambers, at any time as Council or COTW determines necessary.
3. Bylaw #1608-18 be repealed effective the date of final passing hereof.
4. Bylaw No. 1608-20 shall take force and effect on the day of its final reading.

Read a first time this 24 day of February, 2020.



Mayor, Don Anderberg

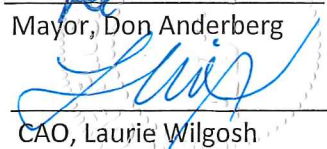


CAO, Laurie Wilgosh

Read a second time this 24 day of February, 2020.




Mayor, Don Anderberg



CAO, Laurie Wilgosh

Read a third time this 24 day of February, 2020.



Mayor, Don Anderberg



CAO, Laurie Wilgosh

SCHEDULE A – Bylaw No. 1608-20

The following list outlines the powers, functions and duties which may be delegated by Town Council to the Town Committee of the Whole.

1. Scheduled public delegations
2. Parade and other social invitations
3. Requests for waivers for town facilities fees
4. Unbudgeted funding powers under \$2500.00
5. Committee and Town Service Club requests
6. Policy Direction
7. Proclamation requests
8. Requests for letters of support
9. Citizen requests
10. Direct administration to provide information, reports, etc.
11. Direct ORRSC to provide information, reports, etc.
12. Review of upcoming agenda items (discretionary)
13. Council committee and board member reports
14. Committee Appointments
15. Other items at Council committee discretion



Schedule B – Bylaw No. 1608-20

TERMS OF REFERENCE

- 1.1 **Name** Committee of the Whole
- 1.2 **Purpose** This Committee meets on a regular monthly basis to discuss and review various issues and topics in detail for decision and/or referral to Town Council.
- 1.3 **Membership** All members of Town Council
- 1.4 **Meetings** Meetings are regularly scheduled on the first Wednesday of each month at 9:00 am in the Town Council Chambers. . Other meetings may be scheduled as required.
- 1.5 **Authority** To receive various delegations, review information related to planning, administration, finance, operations, community services, and citizen requests to Council. Including, but not limited to:
Budget
Corporate Management
Economic Development
Financial Planning
Land Sales and Planning
Legal Services
Town Facilities
- 1.6 **Term** A permanent standing committee of Council