



Town of Bowden  
Box 338, 2101 20<sup>th</sup> Ave  
Bowden, Alberta, T0M 0K0

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**Town of Bowden – Province of Alberta  
COUNCIL PROCEDURAL BYLAW  
04 / 2025**

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A Bylaw of the Town of Bowden, in the Province of Alberta, pursuant to provisions of the Municipal Government Act, being Chapter M-26 of the revised statutes of Alberta 2000 and amendments thereto, for the purpose of regulating the procedure of Council and Council Committee Meetings.

**Whereas** section 145 of the Municipal Government Act, RSA2000, Chapter M-26 states that a council may pass bylaws in relation to procedures to be followed by council, council committees and other bodies established by the council,

**Now therefore**, the Council of the Town of Bowden hereby enacts as follows:

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### **1 SHORT TITLE**

This bylaw may be known as, and cited as, the "Council Procedural Bylaw"

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### **2 PURPOSE**

To provide a standard format for conducting meetings and to provide members of Council, Council Committees, Town Administration and the public with an understanding of the process by which Council meetings are conducted and how decisions are made.

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### **3 DEFINITIONS**

In this bylaw the following definitions apply:

#### **Adjournment**

Means to set the time to which the meeting shall adjourn.

#### **Agenda**

Is a statement of the order of business for a meeting including any documents and reports that form part of the agenda.

#### **Chair**

For Council means the Mayor, or,

For a Council Committee, the individual appointed as Chair pursuant to the Town of Bowden Council Committee Bylaw, or,

Means the person presiding at a meeting who is responsible for making sure that each meeting is conducted according to any regulatory or policy requirements and for ensuring that meeting matters are dealt with in an orderly manner.

**CAO (Chief Administrative Officer)**

Is the person appointed by the Council into the position of Chief Administrative Officer for the Town of Bowden in accordance with the MGA and is the administrative head of the Municipality (and includes any person given designated responsibilities by the CAO).

**Council**

Means the duly elected Municipal Council of the Town of Bowden.

**Councillor**

Persons elected to represent the municipality and includes the chief elected official (the Mayor).

**Council Committee**

Means a committee, or other bodies established by bylaw under section 145 of the Municipal Government Act, to provide advice and make recommendations to Council.

**Delegation**

Means a person or group of persons that has permission of Council to appear before Council or a Council Committee to provide pertinent information or views on a specific matter or matter for discussion.

**Division of Question**

Is where a motion is used to separate a main motion or amendment into parts to be voted on individually.

**Electronic Means**

Means an electronic or telephonic communication method that enables all persons attending a meeting to hear and communicate with each other during the course of the meeting.

**Enactment**

Means an Act or a regulation or any portion of an Act or regulation

**FOIP**

Means the Freedom of Information and Protection of Privacy Act, RSA2000, Chapter F-25.  
(to be replaced by new legislation in spring 2025)

**Emergent Items**

Are items that require immediate attention & discussion. They are added to the agenda on a motion of two-thirds of the Councillors present

**Limit Debate**

Means to reduce or increase the number and length of speech permitted or limit the length of debate on a specific question.

**Member**

Means either a Councillor or a "person at large" appointed by Council to a Council Committee.

**Meetings**

Means open public meetings of Council or Council Committee held in accordance with sections 192 to 200 of the Municipal Government Act, RSA2000, Chapter M-26.

**MGA**

Means the Municipal Government Act, RSA2000, Chapter M-26.

**Minutes**

Means to accurately record the decisions, actions, motions and recommendations of a meeting.

**Motion**

A motion is a formal request made by a Councillor (or member) for a matter to be discussed at a meeting and following debate for a decision to be made.

**Municipality**

Means the Town of Bowden, a municipal corporation within the Province of Alberta.

**MGA**

Means the Municipal Government Act, RSA2000, Chapter M-26, and any regulations made thereunder.

**Notice of Motion**

Is the presentation of a motion for consideration and debate of business at a meeting.

**Person**

Means any of the following:

- i. an individual
- ii. a legal entity or business entity, including a firm, developer, contractor, association, partnership, society, or corporation
- iii. a trustee, executor, administrator, agent, legal representative, or employee of either a) or b)

**Point of Order**

Is where the "Chair" enforces the rules of procedure.

**Postpone the Matter to a Certain Time**

Means to delay the consideration of a matter to either a definitive time (when further information is to be obtained) or indefinitely.

**Public Hearing**

Means an open hearing where members of the public must be invited in accordance with statutory legislation. A public hearing under Part 17 of the MGA must allow for electronic meetings to be held.

A public hearing is a Council Meeting (Regular or Special).

**Public Meeting**

Means an open meeting where members of the public are invited to attend the meeting. The public can attend either in person or electronically at the discretion of Council.

All Council meetings and Council Committee Meeting are public meetings.

**Question of Privilege**

Means to bring an urgent request to the meeting relating to the comfort, dignity, safety, or rights of either the assembly or an individual up for immediate consideration.

**Quorum**

Means the majority of all the Councillors that comprise the Council.

**Recess**

Means a short interruption which does not close the meeting.

**Resolution**

Means a record of a decision or of the wishes of Council including passing bylaws, establishing policies, formulating strategies, planning and routine administrative matters.

**Special Resolution**

Means a resolution passed by two-thirds of all members present.

**Table the Matter**

Means a motion to delay consideration of a matter in order to deal with more pressing matters does not set a time to resume consideration of the matter.

**Terms of Reference**

Is a statement of the purpose and procedures of a Council Committee as defined in the Council Committee Bylaw.

**Town**

Means the municipal corporation of the Town of Bowden.

**Words (interpretation)**

- i. "may" is to be interpreted as permissive (allowed but not obligatory, optional).
- ii. "must" is to be interpreted as imperative (obligatory, mandatory, required, unavoidable).
- iii. "shall" is to be interpreted as "must".
- iv. "should" is to be interpreted as a recommended (desirable, not required to conform).
- v. "including but not limited to" means when listing a number of items, does not limit the bylaw term to only those words or those items listed.

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**4 STRUCTURE OF COUNCIL**

**4.1**

The Council of the Town of Bowden shall consist of seven elected officials.

**4.2**

Council will be elected by a vote of the electors within the Town of Bowden.

**4.3**

The chief elected official (the Mayor) shall be elected by a separate vote of the electorate.

**4.4**

The position of Deputy Mayor will be agreed upon by Council in the annual organizational meeting of Council or at any time upon resolution of Council.

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**5 STATUTORY NOTICES**

Section 606 of the MGA sets out the requirements for the advertising of statutory notices.

Statutory notices must be advertised in accordance with the Town of Bowden Advertising Bylaw.

Statutory notices are, including but not limited to:

- bylaws,
- resolutions,
- meetings (Regular Council Meetings, Special Council Meetings, Organizational Meetings, Council Committee Meetings),

- changes and cancellation of meetings,
  - public hearings,
  - other matters as required by the MGA (including development & planning applications, hearings, and appeals),
  - other matters as required by other enactments including, for example, the requirements of the Local Authorities Election Act:
    - LAEA section 26 Notice of Nomination Day.
    - LAEA section 35 Notice of Election.
    - LAEA section 53.01 Proof of elector eligibility.
    - LAEA section 74 Notice of Advance Vote.
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## **6 MEETINGS**

### **6.1 Regular Council Meetings**

#### **6.1.1**

Regular Council meetings shall be held in accordance with section 193 of the MGA.

The date, time and location of Regular Council Meetings will be determined by Council during the annual Organizational Meeting of Council and will be posted on the Town of Bowden website.

Once published, notice of regularly scheduled Council meetings need not be given.

If, however, there is a change in the meeting date, time or location the CAO will deliver notice to all members of the Council and to the public at least 24 hours prior to the day of the rescheduled Regular Council Meeting.

Public notices will be advertised in accordance with the Town of Bowden Advertising Bylaw.

#### **6.1.2**

Any meeting that goes past three hours must obtain unanimous consent of Council.

Failure to achieve unanimous consent, the meeting shall resume at 7:00 pm the next evening unless Council through a majority decision consents to an alternate evening.

#### **6.1.3**

The Mayor shall preside over all Regular Council Meetings.

In the absence of the Mayor, the Deputy Mayor will be appointed chair.

In the absence of both the Mayor and the Deputy Mayor, the CAO must assume the chair and call for nominations of Council members in attendance to conduct a vote to elect a chair.

### **6.2 Special Council Meetings**

#### **6.2.1**

Special Council meetings shall be held in accordance with section 194 of the MGA which states:

- i. Special Council meetings are held whenever the Mayor considers it appropriate to do so.*
- ii. the Mayor must call a Special Council Meeting if a written request is received, stating its purpose, from the majority of the Councillors.*
- iii. A Special Council Meeting must be held within 14 days of receipt of the written request.*
- iv. At least 24 hours' notice shall be provided in writing to each Councillor and in writing to the public stating the purpose of the meeting and the date, time and location at which the Special Council Meeting shall be held.*

- v. *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 of the whole Council agrees to this in writing before the beginning of the meeting.*
- vi. *No matter, other than that specifically stated as the purpose for holding the meeting, may be discussed at that meeting unless the whole Council is present at that meeting and Council agree by resolution to deal with the matter in question.*

Written notice of a Council Special Meeting will be advertised in accordance with the Town of Bowden Advertising Bylaw.

### **6.2.2**

The Mayor shall be appointed as chair of Special Council Meetings.

In the absence of the Mayor, the Deputy Mayor shall be appointed chair.

In the absence of both Mayor and Deputy Mayor, the CAO shall assume the chair and call for nominations of Council members in attendance to conduct a vote to elect a chair.

## **6.3 Organizational Meetings**

### **6.3.1**

Organizational Meetings shall be held in accordance with section 192 of the MGA which states, "*that a Council must hold an Organizational Meeting, annually, not later than 14 days after the third Monday in October*".

### **6.3.2**

In the case where a new Mayor has been elected immediately preceding the organizational meeting the CAO will call the meeting to order and will preside over the meeting until every member of Council has made the official oath of office as prescribed by the Oath of Office Act.

### **6.3.3**

The Organizational Meeting will deal with matters of Council business as follows:

- i. Agenda and adoption of the agenda for the Organizational Meeting,
- ii. the administration of the oath and introduction of new members if the meeting immediately follows a municipal election,
- iii. date, time and location of Regular Council Meetings for the following 12-month period,
- iv. Council Per Diems & Expenses,
- v. appointment of Deputy Mayor, or Deputy Mayor List
- vi. Council Committee appointments,
- vii. banking services,
- viii. other matters,
- ix. adjournment (of meeting).

## **6.4 Council Committee Meetings**

### **6.4.1**

Council Committees are established by the Council Committee Bylaw under section 145 of the MGA.

### **6.4.2**

Council Committee functions (terms of reference) are defined by the Town of Bowden Council Committee Bylaw.

**6.4.3**

Council may by bylaw delegate any of its powers, functions and duties to a Council Committee, the CAO or a designated officer unless the MGA or any other bylaw or enactment provides otherwise, (section 203(2) of the MGA provides exceptions to this).

**6.4.4**

A schedule of times for the meeting of Council Committees shall be defined within the terms of reference for each Council Committee.

**6.4.5**

Council Committees may consist, (section 146 of the MGA):

- i. *entirely of Councillors,*
- ii. *of a combination of Councillors and other persons,*
- iii. *of persons who are not Councillors.*

**6.4.6**

Council Committee meetings shall be held in accordance with section 195 of the MGA which states that *"the Municipality must give at least 24 hours' notice of a Council Committee Meeting (including date, time and location) to members of the Council Committee and to the public"*.

Written notice of a Council Committee Meeting will be advertised in accordance with the Town of Bowden Advertising Bylaw.

**6.4.7**

The Mayor is "ex officio" (by virtue of office), a member of all Council Committees.

**6.4.8**

If the Mayor is present at a Council Committee meeting (ex officio) the Mayor forms part of the quorum and when present is entitled to vote.

**6.4.9**

The Mayor has all of the rights and privileges of the other Council Committee members.

**6.4.10**

A Council Committee does not have the power to commit the Municipality to any action, or financial or legal liability, contract or agreement.

**6.4.11**

Council Committees may not pass resolutions in contravention of term 6.4.10, but may pass a resolution to report to, or make recommendations to, Council for debate at a regular or special meeting of Council.

Any action required following a recommendation made by Council Committee must be discussed as a separate business item (or Notice of Motion) at a Regular or Special Council Meeting and any decision made can only be passed by resolution of Council.

**6.4.12**

Written reports or minutes of Council Committee meetings shall be submitted as soon as reasonably possible to a regular meeting of Council  
or  
as defined within the terms of reference for each Council Committee.

These should be submitted to the CAO for inclusion in the agenda package prior to a meeting of Council.

Minutes that are unapproved should be marked as such.

#### **6.4.13**

Council Committee meetings are meetings which are open to the public. Where a meeting or part of the meeting is closed to the public members of the Council Committee may only deliberate and must not make any decisions.

#### **6.4.14**

A Council Committee meeting may at its discretion permit members of the public to address the Council Committee when it is deemed appropriate and in the context of the business of the Council Committee.

Members of the public do not have a right to speak at a Council Committee meeting unless the Council Committee wishes to hear from them. This request should be addressed through the meeting Chair.

#### **6.4.15**

A Councillor (except the Mayor) who is not appointed as a member of a Council Committee does not have any special right to attend or address that Council Committee. They may attend as an observer only and are not entitled to vote on any matter.

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## **7 CANCELLATION OF MEETINGS**

### **7.1**

Regular Council meetings may be cancelled (and / or rescheduled):

- i. by a majority consent of Councillors at a previous meeting,
- ii. with consent of a majority of Councillors provided that 24 hours' notice was given to all Councillors and the public.

### **7.2**

Special Council meetings may be cancelled (and / or rescheduled) by the Mayor provided that 24 hours' notice was given to all Councillors and the public

### **7.3**

Council Committee meetings may be cancelled (and / or rescheduled) by the meeting chair provided that 24 hours' notice was given to all members and the public

### **7.4**

Written notice of the cancellation of the meeting will be advertised in accordance with the Town of Bowden Advertising Bylaw.

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## **8 HEARINGS**

### **8.1 Public Hearings**

Council will hold a public hearing whenever the MGA or another enactment or policy requires.

Public hearings must satisfy (including but not limited to) the requirements of:

- i. section 199 of the MGA (meetings by electronic means),
- ii. section 216(1) of the MGA (public participation policy),
- iii. section 216(4) of the MGA (when to hold a public hearing),
- iv. section 692(1) of the MGA (planning bylaws).

Where a public hearing is held on a proposed bylaw or resolution the MGA states that:

*“when this or another enactment requires council to hold a public hearing on a proposed bylaw or resolution the public hearing must be held, unless another enactment specifies otherwise:*



- (a) before second reading of the bylaw or
- (b) before council votes on the resolution”

## **8.2**

Council by resolution will set a time, date and location of a public hearing.

## **8.3**

A typical order of business for a public meeting or public hearing may be:

- i. Chair to declare meeting open,
- ii. Chair to provide background as to purpose of the meeting and of any bylaw or resolution proposed by Council (ie, the purpose of the public hearing),
- iii. Town Administration statement, (by the CAO),
- iv. Town representative statement, (by Red Deer County Development Officer),
- v. presentations by those in favour,
- vi. presentations by those opposed,
- vii. any person affected who wishes to be heard (who has complied with the procedures outlined by the Chair, or this bylaw),
- viii. any other person who wishes to be heard and whom Council agrees to hear.

If a public hearing is being held the meeting Chair will provide guidelines at the beginning of the meeting as to the meeting rules including procedures necessary in terms of disconnection or technical issues.

## **8.4**

The Mayor (or meeting Chair) may allow questions after each presentation.

## **8.5**

Persons speaking will be given the opportunity to speak only once, however the Mayor (or meeting Chair) may allow a concluding statement from those that have made a presentation.

## **8.6**

After all presentations have been made the Mayor (or meeting Chair) will declare the hearing closed.

## **8.7**

No verbal or written submissions may be received after the public hearing is closed unless otherwise agreed by resolution of Council.

## **8.8**

Section 216(5) of the MGA states:

*After the close of the public hearing Council may:*

- i. pass a bylaw or resolution,*
- ii. further debate the bylaw or resolution and either:*
  - a. make any further amendment to the bylaw or resolution it considers necessary,*
  - b. proceed to pass the bylaw or resolution without further public hearing,*
- iii. defeat the bylaw or resolution,*

and in accordance with any requirement of the MGA or any other regulation or bylaw.

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## **9 PUBLIC PRESENCE AT MEETINGS**

### **9.1**

Section 197 of the MGA applies which states:

- i. All Council and Council Committee meetings must be held in public unless subsection (ii), (iii) or (iv) applies below.*
- ii. Councils and Council Committees may close all or part of their meetings to the public (“in camera” sessions) 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.*
- iii. A municipal planning commission, subdivision authority, development authority or subdivision and development appeal board established under part 17 (of the MGA) may deliberate and make its decisions in meetings closed to the public.*
- iv. When a meeting is closed to the public, no resolution or bylaw may be passed at the meeting, except a resolution to revert to a meeting of a council or council committee held in public. Before closing all or any part of a meeting to the public, a council or council committee must by resolution approve*
  - (a) the part of the meeting that is to be closed, and*
  - (b) the basis on which, under an exception to disclosure in Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act, the part of the meeting is to be closed.*

## **9.2**

Everyone has a right to be present at Council and Council Committee meetings conducted in public, unless the person chairing the meeting expels a person for improper conduct (section 198 of the MGA).

## **9.3**

A Council or Council Committee may require a person appearing before it or making any claim or submission to it, to do so under oath (section 200 of the MGA applies).

## **9.4**

When a meeting is closed (in camera) to the public, the majority of members present may at their discretion invite any person or persons to attend that closed session.

The minutes of the meeting must show the names of the additional persons attending the closed session and the reason for that person(s) be present.

## **9.5**

The media and the general public cannot attend a closed session but are permitted to return to the meeting following the closed session.

## **9.6**

Where a Council Meeting (or part of a meeting) is closed to the public no resolution may be passed at that closed meeting or session, other than a resolution to revert back to an open meeting held in public.

If direction is given or a decision is reached (in a closed meeting) then a resolution must be made in the open meeting so that the Council’s direction is subsequently recorded (prior to being acted on).

## **9.7**

### **9.7.1**

Closed session discussions will not be recorded, or any notes taken as these could form part of a future closed session of Council.

### **9.7.2**

All members are required to keep matters discussed in a closed session in confidence until the matter is discussed at an open meeting or a meeting held in public.

### **9.7.3**

The Freedom of Information and the Protection of Privacy Act (FOIP) defines items that allows Council to conduct a closed meeting.

The basis under which part of a meeting is held under closed session must be given (as follows):

*Exception to disclose under Division 2 of Part 1 of the Freedom of Information and Protection of Privacy Act, RSA2000, Chapter F-25 (as amended over time) is stated as:*

- i. Section 16 harmful to the business interests of a third party*
- ii. Section 17 harmful to personal privacy (including Town employees)*
- iii. Section 18 harmful to individual or public safety*
- iv. Section 19 confidential evaluations*
- v. Section 20 harmful to law enforcement*
- vi. Section 21 harmful to intergovernmental relations*
- vii. Section 22 cabinet and treasury board confidences*
- viii. Section 23 local public body confidences*
- ix. Section 24 deemed to be advice from officials*
- x. Section 25 harmful to economic and other interests of a public body*
- xi. Section 26 on testing procedures, tests and audits where disclosure could prejudice tests or results*
- xii. Section 27 deemed to be privileged information*
- xiii. Section 28 harmful to the conservation of heritage sites*
- xiv. Section 29 being made available to the public with 60 days*

Reference to the FOIP Act is necessary for the specific details of each of the sections listed above.

## **9.8**

The use of digital, audio, and video recording devices by meeting members (including Town Administration staff, the press or members of the public) is prohibited at all Council meetings unless authorized by the Mayor, or the Chair of the meeting (with the exception of public hearings on planning and development matters).

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## **10 MEETING THROUGH ELECTRONIC COMMUNICATION**

### **10.1**

Council may elect to hold a Council meeting by electronic means.

Section 199 of the MGA states that:

- i. A council may by bylaw provide for council meetings or council committee meetings to be conducted by electronic means.*

### **10.2**

Council must hold a public hearing by electronic means under Part 17 to be conducted by electronic means.

Part 17 of the MGA is specific to Planning and Development.

### **10.3**

Electronic will be by means of a communications platform that allows users to connect with video, audio and chat. The chosen platform will either be Zoom Communications or MS Teams. This requires the user to have an internet connection and a supported device. This is the responsibility of the user.

### **10.3**

Councillors must give prior notice of their intention to attend electronically.

Councillors must declare a conflict of interest or pecuniary interest at least 6 hours before attending a meeting electronically in order that the meeting Chair can establish procedures for efficient and consistent handling of the meeting.

#### **10.4**

Councillors participating in a meeting held by means of an electronic communication facility are deemed to be present at the meeting.

However, a Council meeting must have the required number of Councillors present in person in the meeting to meet the requirements of a Quorum.

#### **10.5**

Where a Councillor attends a meeting remotely and part of that meeting is held in closed session the Councillor must ensure that they are alone when communicating by electronic means.

A Councillor will be required to identify themselves (by video) at the time of joining a meeting or when a vote is cast or when joining a closed session.

#### **10.6**

A person wishing to attend a public hearing electronically must register for participation at least 24 hours prior to the meeting commencement time.

A request should be submitted to: [communications@bowden.ca](mailto:communications@bowden.ca).

#### **10.7**

All persons attending a public hearing by electronic means must adhere to any guidelines issued by the meeting Chair.

#### **10.8**

Notice of a public hearing conducted by electronic means will be advertised in accordance with the Town of Bowden Advertising Bylaw.

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## **11 QUORUM**

### **11.1**

Section 167 of the MGA applies which states that:

*"The quorum of a council (for a Council Meeting or Special Council Meeting) is defined as the majority of all the Councillors that comprise the Council".*

### **11.2**

If a quorum is not present within fifteen minutes after the time fixed for a meeting, the meeting Chair will record the names of the members present and the meeting will stand adjourned until the next regular meeting date.

The only action that can be taken in the absence of quorum is to fix a time to which to adjourn, decision to recess (allow more time to achieve the quorum), or to take measures to obtain a quorum.

### **11.3**

If a quorum is lost after the meeting has been called to order, the meeting will be suspended until quorum is obtained. If a quorum cannot be obtained, then the meeting must be adjourned.

**11.4**

The CAO must record (minute) attendance at Council meetings and record details whenever a meeting was either adjourned or recessed.

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**12 DELEGATIONS & REQUESTS TO COUNCIL**

**12.1**

A person or a representative of any delegation or group of persons who wish to bring any matter to the attention of Council, or who wish to have any matter considered by Council must request a Delegation Request Form from Town Administration.

The form must clearly set out the matter at issue (or the request being made) and be completed in full outlining the subject to be discussed and any other specific request to Council.

**12.2**

The Delegation Request Form must be signed by the legal name of the person(s) completing the form and must include the full address of the person completing the form and the name of any organization they represent.

**12.3**

The Delegation Request Form must be received by the CAO by 1:00 pm on a business day at least five (5) calendar days immediately preceding the meeting, at which it is to be presented. If the person wishes to appear before Council on the matter, it must be stated on the form.

**12.4**

The Delegation Request Form must make reference to all any supporting documents that will be presented at the meeting.

**12.5**

All documents to be submitted at a public hearing must be submitted in accordance with section 12.3 of this bylaw.

This is to allow the documents to be included in the agenda package and made available for public scrutiny before the meeting commences.

**12.6**

Delegates shall be granted a maximum of fifteen (15) minutes to present the matter outlined in the Delegation Request Form. Where the meeting Chair determines that additional time shall be granted to a delegation the length of the extension shall be specified, and the meeting Chair may set a limit to this time.

**12.7**

A delegation request to Council may be refused if the subject involves current or pending litigation, insurance claims, matters beyond jurisdiction of Council or matters protected by protection of information statutes or regulation.

**12.8**

Delegations will conduct themselves in an orderly manner. Only delegates listed on the Delegation Request Form may address Council.

Only the meeting Chair may provide an exception to this.

## **13 AGENDA AND ORDER OF BUSINESS**

### **13.1**

Prior to each Council meeting the CAO will prepare an agenda (statement of the order of business) of all matters to be brought before Council.

The agenda package will include reports from Council Committees, reports from Town Administration and any other relevant or supporting documentation.

A Request for Decision document should be prepared for Council by Administration on matters that require resolution.

Administration may prepare a suggested choice of the recommended / alternative resolution(s).

### **13.2**

In order to enable the CAO to do so, all appropriate supporting documents, correspondence and delegation notices intended to be submitted to the Council should be received by the CAO no later than 1:00 pm on a business day at least five (5) calendar days before the meeting.

### **13.3**

The CAO shall place at the disposal of each Council member a copy of the agenda and all supporting materials not later than 5:00pm three (3) calendar days before the meeting.

### **13.4**

Only items listed in the agenda and documents submitted within the deadlines noted in sections 13.2 and 13.3 of this bylaw may be discussed at a meeting, unless a resolution to add an item to the agenda is passed by a majority of members present.

### **13.5**

Generally, the order and content of the agenda will be:

- i. Call to Order,
- ii. Additions / Deletions to the Agenda (eg: urgent business & emergent items),
- iii. Adoption of the Agenda,
- iv. Adoption of Previous Minutes,
- v. Business Arising from the Minutes,
- vi. Public Hearings,
- vii. Delegations,
- viii. Bylaws & Policies,
- ix. New Business,
- x. Financial,
- xi. Correspondence,
- xii. Reports
  - a. CAO's Report,
  - b. Council Committee Reports,
  - c. Society & Other Reports.
- xiii. "In Camera" matters,
- xiv. Adjournment.

The Chair of the meeting must review and approve the order and content of the agenda prior to distribution and public release.

"In Camera" agenda items can appear on the agenda in any order as deemed appropriate or deemed practical to do so.

**13.6**

The general order of business of the agenda items will apply to all Council and Council Committee meetings unless as otherwise determined by a majority vote of the members present.

**13.7**

Any vote upon a matter of priority of business shall be decided without debate.

**13.8**

Submitted reports to Council may be presented in a “closed session” of Council if deemed necessary to protect the privacy of the information contained within.

All members are required to keep the content of all submitted private reports presented in a closed session in confidence until the report is made available at an open meeting or the report is placed in the public domain by the report’s authors.

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**14 URGENT BUSINESS**

**14.1**

A member may move to discuss a matter of urgent public importance without Notice of Motion during the Additions / Deletions to the Agenda period of the meeting.

**14.2**

A motion to bring a matter before Council as urgent business must satisfy the following conditions:

- i. the matter proposed for discussion is urgent requiring immediate attention,
- ii. the matter is not one which should have been dealt with by giving written notice of motion,
- iii. the matter does not require substantial review or reference to written documents, enactments, legal documents or be of a complex nature (eg, planning).

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**15 NOTICE OF MOTION**

**15.1 Notice of Motion Prior to Council Meeting**

- i. a member who wishes to present a written notice of motion to Council must submit the motion to the CAO not later than 1:00 pm on a business day at least five (5) calendar days before the Council meeting,
- ii. the notice of motion must give sufficient detail so that the subject of the motion and any proposed action can be determine and evaluated,
- iii. the notice of motion must include sufficient detail about the motion’s proposed action,
- iv. the notice of motion must be made without comment or debate by any other member but may include supporting documentation,
- v. the member who submitted the motion must be present during the reading of the motion,
- vi. if a notice of motion is given in accordance with this section, the motion will be added to the agenda for the Council or Standing Committee meeting on the date specified in the motion.

**15.2 Notice of Motion during a Council Meeting**

- i. a member who wishes to present a notice to Council during a meeting may do so only if Council (by majority) agrees to waive the requirements set out in section 15.1 of this Bylaw.

## **16 MINUTES**

### **16.1**

The minutes of Council Meetings and Council Committee Meetings form the legal record of the resolutions and actions made during the meeting.

The CAO must ensure that all minutes of Council Meetings and Council Committee Meetings are made in accordance with the requirements of the MGA.

### **16.2**

A Council may act only by resolution or bylaw that is passed at a public meeting.  
Council's direction to Town Administration (via the CAO) shall be enacted by Council resolution.

Where a resolution creates an action for Administration the resolution must provide clear direction in order that there is no ambiguity or need to conject or interpret the intent.

### **16.3**

The legislative, recording and procedural requirements for recording the minutes of Council meetings are determined by the Town of Bowden, Minutes of Council Meetings Policy.

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## **17 PROCEEDINGS AT MEETINGS**

### **17.1**

Duties of the meeting Chair include:

- i. the Chair will preside over the conduct of the meeting including the preservation of good order & decorum, ruling on points of order, replying to points of procedure, and deciding on all questions relating to the procedure of the meeting,
- ii. the Chair will make all reasonable effort, including the calling of a recess, to ensure all members in attendance at the meeting are present while a vote is being taken, unless a member is excused from voting under the MGA, or any other enactment.

### **17.2 Question of Privilege**

- i. a meeting member who wishes to permanently leave a meeting prior to its adjournment will advise the chair, by means of a Question of Privilege. Their departure time must be recorded in the minutes of the meeting,
- ii. a member who desires to address the meeting upon a matter that they believe concerns the rights or privileges of the members collectively, or of themselves as members, will be permitted to raise a Question of Privilege,
- iii. a Question of Privilege will take place over all other matters. After the ruling of the Chair on the matter the meeting will resume immediately back to the pending matter or debate.

### **17.3 Appeal**

- i. all decisions of the Chair will be final, subject to an immediate challenge (appeal),
- ii. the Chair will give reasons for the ruling and the members will decide the outcome that will be final and binding on the meeting,
- iii. if the decision is challenged, then the chair will put the appeal to the members present,
- iv. the decision will be decided by the majority vote of members present without debate.

### **17.4**

Cell phones (or other electronic communication devices) may be referenced to during meetings provided they are set to mute and do not disturb or record the proceedings of the meeting and providing the meeting Chair has not ruled out their use.



## **18 RULES GOVERNING DEBATE**

### **18.1**

Each member or delegate shall address the Chair but shall not speak until recognized by the Chair.

### **18.2**

All questions or debate will be directed through the meeting Chair.

Through the Chair a member may ask:

- i. questions of another member (or of administrative staff) on a "point of information" relevant to the business in hand, and,
- ii. a question to obtain information relating to the minutes presented to the meeting, or any clause contained therein.

### **18.3**

The meeting Chair, with the approval by resolution of the members, may authorize a person in the public gallery to address members only on the topic being discussed at that time and within the time limits specified by this bylaw or by the Chair.

### **18.4**

Supplementary questions, or a series of questions relating to the matter before the meeting may be raised by a member, but each question requires the consent of the Chair.

### **18.5**

After any question is finally put to the Chair no member shall speak to the question, nor shall any other motion be made until after the result of the vote has been declared. The decision of the Chair as to whether the question has been finally put shall be conclusive.

### **18.6**

A motion does not require a seconder.

### **18.7**

A motion may be withdrawn at any time before voting subject to no objection being raised by any member.

### **18.8**

The following are not debatable by members of a meeting:

- i. adjournment,
- ii. to take a recess,
- iii. a question of privilege,
- iv. point of order,
- v. to limit debate on a matter before members,
- vi. on division of a question,
- vii. postpone the matter to a certain time,
- viii. to table the matter,
- ix. quorum.

### **18.9**

Where a question under consideration contains distinct propositions, the vote upon each proposition shall be taken separately when any member so requests or when the meeting Chair so directs.

### **18.10**

Whenever the meeting Chair is of the opinion that a motion is contrary to the rules and privileges of Council, the Chair will inform the member immediately and will provide reasons applicable to the case without argument or comment, unless otherwise decided by a majority of members present who shall determine to uphold the ruling of the Chair or not as the case may be.

**18.11**

**18.11.1**

The meeting Chair has the authority to set a time limit that a member may speak on the same question or resolution, with regard to the importance of the matter.

**18.11.2**

The meeting Chair has the authority to determine the number of times that a matter may be brought to Council with regard to the importance of the matter or additional information received since the time of last debate.

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**19 VOTING**

**19.1**

Unless otherwise stated in this bylaw or an enactment, Council may act by bylaw or motion passed by a majority vote (quorum)

A Council Committee may only act by motion passed by a majority vote (quorum)

**19.2**

Section 183 of the MGA applies which states that,

*“every member attending a Council or Council Committee meeting shall vote on every matter, unless the member is required or permitted to abstain from voting under this or any enactment”.*

**19.3**

When the meeting chair ascertains that no further information is required or debate forthcoming on a motion, the meeting Chair will immediately submit the motion to a vote of the members present and no further discussion will take place until the vote has been completed.

**19.4**

All elected officials (Council) shall cast a vote on every voting matter unless they are excused by resolution from voting or unless disqualified from voting by reason of pecuniary interest / conflict of interest.

**19.5**

Voting shall be made by the raising of hands as directed by the meeting Chair and in such a clear manner that they may be easily counted by the chair.

**19.6**

An equality of votes (a tied vote) on any matter, resolution or bylaw shall be deemed to be decided as defeated.

**19.7**

The Chair is responsible for the recording of votes, if requested, as set out in section 185 of the MGA.

The minutes must show the names of the members voting for or against all motions and those who were absent or abstained from the vote. The minutes must specify for each voter whether they voted “for” or “against” the proposal or “abstained”. The motion outcome will be recorded as “carried” or “defeated”. A tied vote is a defeated vote.

**19.8**

Councillors must declare if they have a pecuniary interest in a matter and / or a conflict of interest in a matter.

A Councillor is deemed to have a conflict of interest in a matter if it could affect a private interest of the Councillor or an employer of the Councillor or the Councillor knows or should know that the matter could affect a private interest of the Councillors family.

If a Councillor believes they have a conflict of interest or a perceived conflict of interest they must disclose the general nature of that conflict prior to or during any discussion on that matter.

If the Councillor makes such a disclosure, they must abstain from voting on any question relating to the matter

The Councillor should leave the room in which the meeting is being held until the discussion is concluded.

### **19.9**

The CAO (or recorder) shall record in the minutes each time a member of Council makes a disclosure by reason of "pecuniary interest" or conflict of interest.

The CAO (or recorder) shall record in the minutes each time a member of Council excuses themselves from a meeting by reason of "pecuniary interest" or conflict of interest.

The minutes of the meeting will indicate the declaration of disclosure, the time at which the member left the meeting and the time the member returned.

### **19.10**

The behavior and conduct of Council members is covered by the Town of Bowden, Councillors Code of Conduct Bylaw.

The applicable procedures prescribed by the Councillors Code of Conduct Bylaw should apply equally to those members at a Council Committee meeting.

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## **20 BYLAWS & POLICIES**

### **20.1**

The CAO must review and approve the final draft of every proposed bylaw or policy prior to its submission to Council.

### **20.2**

All proposed bylaws must have a bylaw number and concise title assigned to it.

### **20.3**

Council shall vote on the motion for the first reading of a proposed bylaw without amendment or debate.

After a first reading Council may:

- i. debate the content of the proposed bylaw,
- ii. propose amendments to the proposed bylaw,
- iii. refer by motion that Administration provides further information prior to second reading.

### **20.4**

Council may decide to submit a proposed bylaw for public participation engagement if deemed appropriate.

Reference to the procedures contained within the Town of Bowden Public Participation Policy should be made.

**20.5**

When all amendments (if any) have been accepted the motion for second reading of the bylaw as presented or amended shall be considered.

If there are any further amendments to a proposed bylaw all Councillors must be given an opportunity to review the full text of the amendments prior to the third reading.

**20.6**

All aspects of passage of a bylaw at second reading shall apply to the third reading of a bylaw.

**20.7**

Council may not give a proposed bylaw more than two readings at a meeting unless all Councillors present at the meeting unanimously vote on a motion in favour of allowing a third reading at that meeting.

**20.8**

The Mayor and CAO must sign the bylaw as soon as practicably possible after the third reading has passed and shall declare the bylaw adopted and enacted with immediate effect unless the bylaw itself provides otherwise.

**20.9**

A bylaw can only be amended or repealed by another bylaw made in the same way as the original bylaw.

**20.10**

Council may consolidate a bylaw by incorporating all amendments into a single revised bylaw.

**20.11**

Resolutions (motions passed) shall come into effect as soon as they are passed unless they contain a specific (deferred) implementation date.

**20.12**

A Council Policy after being presented for discussion can be passed by simple majority vote of Councillors and shall come into effect as soon as the policy is passed by motion unless the policy contains a deferred implementation date.

**20.13**

Upon being passed a Council Policy must be signed by the CAO and by the chair of the meeting at which it was passed.

**20.14**

A signed copy of all Town of Bowden bylaws and Council policies must be:

- i. kept in the Bylaws & Policies folders maintained by the CAO,
- ii. digitally filed in the Bylaws and Policies folder within the Towns data server,
- iii. posted on the Town's web site.

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**21 APPLICABILITY**

**21.1**

This bylaw applies to all Council and Council Committee meetings.

This bylaw applies to all persons attending Council meetings and Council Committee meetings.

## 21.2

This bylaw sets the rules and regulations for the order and conduct of business in all meetings of Council, Council Committee meetings, public hearings and any other meetings directed by Council.

## 21.3

A procedural provision contained within this bylaw may be waived if approved by the majority of members in a meeting. Any waiver can only be made effective for that meeting in which the motion was passed.

Note: any enactment or statute contained within the Municipal Government Act cannot be waived.

## 21.4

The precedent of rules governing the procedure of meetings is:

- i. the Municipal Government Act of Alberta, RSA 2000 Chapter M-26 (as amended over time)
- ii. any other applicable legislation or enactment
- iii. this bylaw and the Councillor Code of Conduct Bylaw
- iv. Roberts Rules of Order (at the discretion of the chair).

## 21.5

Where a Council Committee contains members that are not appointed Councillors:

- i. the applicable procedures prescribed by this bylaw will apply equally to those members,
- ii. the applicable procedures prescribed by the Councillors Code of Conduct Bylaw will apply equally to those members.

## 21.6

Nothing in this bylaw (either by inclusion or omission) exempts or relieves any person from any statutory enactment, regulation, code, bylaw, policy, or Ministerial Order including, but not limited to the:

- i. Municipal Government Act, RSA2000 Chapter M-26,
- ii. \* Freedom of Information and Protection of Privacy (FOIP) Act,
- iii. Revision to Advertising Bylaw 06 / 2024,
- iv. Council Committee Bylaw 06 / 2023,
- v. Councillor Code of Conduct Bylaw 07 / 2022,
- vi. CAO Bylaw 08 / 2022,
- vii. Minutes of Council Meetings Policy 02 / 2020,
- viii. Public Participation Policy 1900 02.

\* In December 2024, Alberta's government passed legislation that replaces the *Freedom of Information and Protection of Privacy (FOIP) Act* with two separate pieces of legislation – the *Access to Information Act (ATIA)* and the *Protection of Privacy Act (PPA)*.

The Acts and associated regulations will come into force in Spring 2025.

## 21.7

All references in this bylaw to an act, statute, regulation, or other Town of Bowden bylaw refer to the current version of that enactment, as amended or replaced from time to time including all successor legislation.

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## 22 SEVERABILITY

Every provision of this bylaw is independent of all other provisions. If any provision of this bylaw is declared invalid for any reason by a Court of competent jurisdiction, all other provisions of this bylaw shall remain valid and enforceable.

Nothing in this bylaw relieves a person from complying with the provision of any federal, provincial, or municipal law or regulation or any requirement of any lawful permit, order, or enactment.

The Municipal Government Act (as amended over time) prevails at all times.

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## 23 SCHEDULES

Schedules attached to this bylaw:

### Schedule A

Section 169 MGA	Definitions
Section 170 MGA	Pecuniary interest and conflict of interest
Section 171 MGA	Bylaw requiring statement of disclosure
Section 172(1) MGA	Disclosure of Pecuniary Interest
Section 172(1)1 MGA	Disclosure of conflict of interest or perceived conflict of interest
Section 172(2) MGA	No review of Councillors Decision
Section 173 MGA	Effect of pecuniary interest on agreements

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## 24 BYLAW PRECEDENCE

This bylaw supersedes and takes precedence over all previously passed bylaws relating to the procedure of Council meetings.

Bylaw 08 / 2020 and all amendments thereto are hereby repealed.

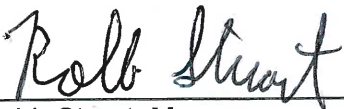
This bylaw will come into effect on the final day of passing and signature thereof.

Read a first time in open council this 14<sup>th</sup> day of April 2025.

Read a second time in open council this 28<sup>th</sup> day of April 2025,

and

Read a third time in open council this 28<sup>th</sup> day of April 2025.



Robb Stuart, Mayor



Arno Glover, Chief Administrative Officer

## **SCHEDULE A**

**Extracts from the Municipal Government Act (MGA) current as of January 1, 2025**

**Division 6 – Pecuniary Interest and Conflict of Interest of Councillors**

**Sections 169 to 173.**

- (a) in accordance with the Minister's order under subsection (3)(a), or
  - (b) for the purpose of complying with the results of a vote conducted under subsection (3)(b).
- RSA 2000 cM-26 s168;2021 cR-5.7 s71;2024 c11 s2(3)

### **Division 6 Pecuniary Interest and Conflict of Interest of Councillors**

#### **Definitions**

**169** In this Division,

- (a) "corporation", "director", "distributing corporation", "officer", "shareholder", "voting rights" and "voting shares" have the meanings given to them in the *Business Corporations Act*;
  - (b) "councillor's family" means the councillor's spouse or adult interdependent partner, the councillor's children, the parents of the councillor and the parents of the councillor's spouse or adult interdependent partner;
  - (b.1) "private interest" does not include the following:
    - (i) an interest in a matter that
      - (A) is of general application,
      - (B) affects a councillor as one of a broad class of the public, or
      - (C) concerns the remuneration and benefits of a councillor;
    - (ii) an interest that is trivial;
  - (c) "spouse" means the spouse of a married person but does not include a spouse who is living separate and apart from the person if the person and spouse have separated pursuant to a written separation agreement or if their support obligations and family property have been dealt with by a court order.
- RSA 2000 cM-26 s169;2002 cA-4.5 s60;2014 c8 s17;2024 c11 s2(5)

#### **Pecuniary interest and conflict of interest**

**170(1)** Subject to subsection (3), a councillor has

- (a) a pecuniary interest in a matter if



- (i) the matter could monetarily affect the councillor or an employer of the councillor, or
  - (ii) the councillor knows or should know that the matter could monetarily affect the councillor's family,
- and
- (b) a conflict of interest in a matter if
    - (i) the matter could affect a private interest of the councillor or an employer of the councillor, or
    - (ii) the councillor knows or should know that the matter could affect a private interest of the councillor's family.
- (2) For the purposes of
- (a) subsection (1)(a), a person is monetarily affected by a matter if the matter monetarily affects
    - (i) the person directly,
    - (ii) a corporation, other than a distributing corporation, in which the person is a shareholder, director or officer,
    - (iii) a distributing corporation in which the person beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the person is a director or officer, or
    - (iv) a partnership or firm of which the person is a member,
- and
- (b) subsection (1)(b), a person's private interest is affected by a matter if the matter affects
    - (i) the person directly,
    - (ii) a corporation, other than a distributing corporation, in which the person is a shareholder, director or officer,
    - (iii) a distributing corporation in which the person beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the person is a director or officer, or

- (iv) a partnership or firm of which the person is a member.
- (3) A councillor does not have a pecuniary interest or a conflict of interest by reason only of any interest
- (a) that the councillor, an employer of the councillor or a member of the councillor's family may have as an elector, taxpayer or utility customer of the municipality,
  - (b) that the councillor or a member of the councillor's family may have by reason of being appointed by the council as a director of a company incorporated for the purpose of carrying on business for and on behalf of the municipality or by reason of being appointed as the representative of the council on another body,
  - (c) that the councillor or member of the councillor's family may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor or member of the councillor's family may be entitled by being appointed by the council to a position described in clause (b),
  - (d) that the councillor may have with respect to any allowance, honorarium, remuneration or benefit to which the councillor may be entitled by being a councillor,
  - (e) that the councillor or a member of the councillor's family may have by being employed by the Government of Canada, the Government of Alberta or a federal or provincial Crown corporation or agency, except with respect to a matter directly affecting the department, corporation or agency of which the councillor or family member is an employee,
  - (f) that a member of the councillor's family may have by having an employer, other than the municipality, that is monetarily affected or whose private interest is affected, as the case may be, by a decision of the municipality,
  - (g) that the councillor or a member of the councillor's family may have by being a member or director of a non-profit organization as defined in section 241(f) or a service club,
  - (h) that the councillor or member of the councillor's family may have
    - (i) by being appointed as the volunteer chief or other volunteer officer of a fire or ambulance service or

emergency measures organization or other volunteer organization or service, or

(ii) by reason of remuneration received as a volunteer member of any of those voluntary organizations or services,

(i) of the councillor, an employer of the councillor or a member of the councillor's family that is held in common with the majority of electors of the municipality or, if the matter affects only part of the municipality, with the majority of electors in that part,

(j) that is so remote or insignificant that it cannot reasonably be regarded as likely to influence the councillor, or

(k) that a councillor may have by discussing or voting on a bylaw that applies to businesses or business activities when the councillor, an employer of the councillor or a member of the councillor's family has an interest in a business, unless the only business affected by the bylaw is the business of the councillor, employer of the councillor or the councillor's family.

(4) Subsection (3)(g) and (h) do not apply to a councillor who is an employee of an organization, club or service referred to in those clauses.

RSA 2000 cM-26 s170;2024 c11 s2(6)

#### **Bylaw requiring statement of disclosure**

**171** A council may by bylaw

(a) require that each councillor file with a designated officer a statement of the name or names of

(i) the councillor's family,

(ii) the employers of the councillor,

(iii) each corporation, other than a distributing corporation, in which the councillor is a shareholder, director or officer,

(iv) each distributing corporation in which the councillor beneficially owns voting shares carrying at least 10% of the voting rights attached to the voting shares of the corporation or of which the councillor is a director or officer, and

- (v) each partnership or firm of which the councillor is a member,

and

- (b) require the designated officer to compile a list of all the names reported on the statements filed with the officer and give a copy of the list to the employees of the municipality indicated in the bylaw.

1994 cM-26.1 s171;1996 c30 s10

#### **Disclosure of pecuniary interest**

**172(1)** When a councillor has a pecuniary interest in a matter before the council, a council committee or any other body to which the councillor is appointed as a representative of the council, the councillor must, if present,

- (a) disclose the general nature of the pecuniary interest prior to any discussion of the matter,
- (b) abstain from voting on any question relating to the matter,
- (c) subject to subsection (3), abstain from any discussion of the matter, and
- (d) subject to subsections (2) and (3), leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

(2) If the matter with respect to which the councillor has a pecuniary interest is the payment of an account for which funds have previously been committed, it is not necessary for the councillor to leave the room.

(3) If the matter with respect to which the councillor has a pecuniary interest is a question on which, under this Act or another enactment, the councillor as a taxpayer, an elector or an owner has a right to be heard by the council,

- (a) it is not necessary for the councillor to leave the room, and
- (b) the councillor may exercise a right to be heard in the same manner as a person who is not a councillor.

(4) If a councillor is temporarily absent from a meeting when a matter in which the councillor has a pecuniary interest arises, the councillor must immediately on returning to the meeting, or as soon as the councillor becomes aware that the matter has been considered, disclose the general nature of the councillor's interest in the matter.

(5) The abstention of a councillor under subsection (1) and the disclosure of a councillor's interest under subsection (1) or (4) must be recorded in the minutes of the meeting.

(6) If a councillor has disclosed a pecuniary interest at a council committee meeting and council considers a report of the committee in respect of which the councillor disclosed a pecuniary interest, the councillor must disclose the pecuniary interest at the council meeting and subsection (1) applies to the councillor.

1994 cM-26.1 s172

**Disclosure of conflict of interest or perceived conflict of interest**

**172.1(1)** When a councillor believes the councillor may have a conflict of interest or perceived conflict of interest in a matter before the council, a council committee or any other body to which the councillor is appointed as a representative of the council, the councillor may disclose the general nature of the conflict of interest or perceived conflict of interest prior to or during any discussion of the matter.

(2) If a councillor discloses a conflict of interest or perceived conflict of interest under subsection (1), the councillor may, if present, do any one or more of the following:

- (a) abstain from voting on any question relating to the matter;
- (b) abstain from any discussion of the matter;
- (c) leave the room in which the meeting is being held until discussion and voting on the matter are concluded.

(3) The disclosure of a councillor's conflict of interest or perceived conflict of interest under subsection (1) and the abstention of a councillor under subsection (2) must be recorded in the minutes of the meeting.

2024 c11 s2(7)

**No review of councillor's decision**

**172.2** If a councillor decides to take or not to take any or all of the actions in section 172.1(2), that decision is not to be considered during

- (a) any hearing respecting the potential disqualification of the councillor, or
- (b) the process established by bylaw pursuant to section 146.1 to determine the validity of a complaint alleging a breach of the code of conduct by the councillor.

2024 c11 s2(7)

**Effect of pecuniary interest on agreements**

**173** No agreement with a municipality under which a councillor of the municipality has a pecuniary interest is binding on the municipality unless

- (a) the agreement is for work in an emergency,
- (b) the agreement is
  - (i) for the sale of goods, or
  - (ii) for the provision of services to the municipality or to persons contracting with the municipality  
at competitive prices by a dealer in those goods or services that is incidental to or in the ordinary course of the business,
- (c) the proposed agreement is approved by council before the agreement is signed by the municipality, or
- (d) the agreement was entered into before the term of the councillor started.

1994 cM-26.1 s173;1996 c30 s11

### **Division 7 Disqualification of Councillors**

**Reasons for disqualification**

**174(1)** A councillor is disqualified from council if

- (a) when the councillor was nominated, the councillor was not eligible for nomination as a candidate under the *Local Authorities Election Act*;
- (b) the councillor ceases to be eligible for nomination as a candidate under the *Local Authorities Election Act*;
- (b.1) the councillor
  - (i) fails to file a disclosure statement as required under section 147.4 of the *Local Authorities Election Act* before the end of the time period referred to in section 147.7 of the *Local Authorities Election Act*, and
  - (ii) has not been relieved from the obligation to file a disclosure statement by a court order under section 147.8 of the *Local Authorities Election Act*;