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4

FISHING LAKE METIS SETTLEMENT BYLAW 2009 - 0128

**FISHING LAKE METIS SETTLEMENT IN THE PROVINCE OF ALBERTA
PROCEDURAL BYLAW NO. FLMS 2009-0128**

**A BY-LAW TO GOVERN THE PROCEDURE AND THE TRANSACTION OF BUSINESS BY THE
FISHING LAKE METIS SETTLEMENT.**

WHEREAS Section 42 of the Metis Settlements Act, S.A. Revised statute 2000, as amended c. M-14 authorizes a settlement council to establish rules and procedures for meetings; and

WHEREAS Section 2 of Schedule 1 to the Metis Settlements Act, S.A. Revised statute 2000 as amended, c. M-14 authorizes a settlement council to make a bylaw for the internal management of the settlement;

NOW THEREFORE the Council and members of the Fishing Lake Metis Settlement enact as follows:

Definitions

1. In this bylaw,

"Act" means the Metis Settlements Act;

"Administrator" means the person appointed by the Settlement Council to act as the Settlement Administrator;

"annual meeting" means a meeting of the Settlement membership called within 180 days after the end of each fiscal year as set out in Section 5 of the Metis Settlements Act;

"Chairperson" means the Councillor appointed as the chairperson by Council;

"committee of the whole meeting" means a meeting of Council or part of a Council meeting as requested as set out in Section 6 of this Bylaw;

"Council" means the Fishing Lake Metis Settlement Council;

"Council meeting" means a Special or Regular meeting of the Settlement Council;

"general meeting" means a meeting of the Settlement membership;

"member" means a member of the Settlement;

"organizational meeting" means the first meeting of Council that must take place within 14 days after an annual election as set out in Section 32 of the Act;

"regular Council meeting" means a meeting of Council scheduled in accordance with section 5(1) of this bylaw;

"Settlement" means the Fishing Lake Metis Settlement;

"Settlement meeting" includes annual, general, special general, and regular Council meetings.

"Special Council meeting" means a meeting of Council requested by the Chairperson or a majority of the Councillors as set out in Section 6 of this Bylaw;

"special general meeting" means a meeting of the Settlement membership requested as set out in Section 10 of this Bylaw; and,

unless the context makes it unreasonable, all other terms have the same meaning as defined in the Metis Settlements Act.

General

2. The order and dispatch of business in all annual, general, Council, and committee meetings shall follow these prescribed rules and regulations.

Settlement Meeting Agendas

3. (1) The Administrator shall have all Settlement meeting agenda packages, including relevant agendas, minutes, reports and communications, prepared and available for pick up at least two full days before the Settlement meeting.
- (2) The Administrator shall designate a Settlement meeting secretary to assist with agendas, recording, and producing Settlement meeting minutes.
- (3) The Administrator shall have all Settlement meeting minutes prepared within five working days after the Settlement meeting has adjourned and shall review and sign the minutes with the Chairperson before distributing and posting them.

Organizational Meeting

4. (1) The Settlement Administrator must give written notice of the date, time, and place of the Council organizational meeting within 14 days after the annual elections.
- (2) The newly elected or re-elected Councillors must, at this meeting, take an official oath prescribed by the Official Oath of Office Act in writing before starting his or her duties and must give the oath to the Administrator for filing.
- (3) The Councillors must, at this meeting, elect a chairman in accordance with section 10 of the Act.
- (4) The Council will by resolution schedule any regular council meetings or regular committee of the whole meetings to be transacted in the following year.
- (5) Council must by resolution appoint Council members to the standing advisory committees until the next annual organizational meeting.

Regular Council Meetings

5. (1) Council shall determine, by resolution, a Regular Council meeting schedule at the organizational meeting.
- (2) Council may change the Regular Council Meeting schedule by resolution and the revised schedule comes into effect upon passage of the resolution.

FISHING LAKE METIS SETTLEMENT BYLAW 2009 - 0128

- (3) The Chairperson may change the date, time, and place of a regular Council meeting 48 hours before the Council meeting by posting notice and verbally advising the Councillors of the change.
- (4) If a regular Council meeting date falls on a statutory holiday , the regular Council meeting is held on the day following the statutory holiday.
- (5) Council meetings adjourn at 6:00 pm unless otherwise determined by a majority vote of Councillors present.
- (6) If it is necessary to continue a Council meeting beyond the relevant day, the meeting continues at the normal meeting schedule time on the following day, unless otherwise determined by a majority vote of Councillors present.

Committee of the Whole Meetings

6. (1) (a) Council shall determine, by resolution, the committee of the whole meeting schedule at the organizational meeting.

(b) Council may change the regular committee of the whole meeting schedule, by resolution, and the revised schedule comes into effect upon passage of the resolution.
- (2) The Chairperson may change the date, time, and place of a committee of the whole meeting 48 hours before the meeting by posting notice and verbally advising the Councillors of the change.
- (3) If a committee of the whole meeting date falls on a statutory holiday, the committee of the whole meeting is held on the day following the statutory holiday.
- (4) Committee of the whole meetings adjourn at 6:00 pm unless otherwise determined by a majority vote of Councillors present.
- (5) If it is necessary to continue a committee of the whole meeting beyond the relevant day, the meeting continues at the normal meeting schedule time on the following day, unless otherwise determined by a majority vote of Councillors present.

Special Council Meetings

7. (1) The Chairperson shall call a special Council meeting by posting notice and verbally advising the Councillors of the meeting 24 hours before it is to begin, if the Chairperson;
 - (a) considers the meeting necessary; or
 - (b) is requested in writing by a majority of the Councillors to call a special Council meeting.
- (2) If five Councillors sign a "waiver of notice" to hold a special Council meeting stating the date, time, place, and the business to be dealt with, the 48 hours notice set out in section 6 (1) is not required.

(3) Council may only conduct the business specified in the notice calling the special Council meeting or in the waiver of notice, unless it is agreed, by the unanimous consent of Council, to conduct other business.

Quorum of Council

8. (1) A quorum of Council is three.

(2) If a quorum of Council is not present within 30 minutes after a Council meeting is scheduled to begin, then that meeting is cancelled.

(3) If a Council meeting is cancelled under subsection (2), the Settlement meeting secretary shall record the names of the Councillors present.

General Meetings

9. (1) General meetings are held monthly except Summer and December. A general meeting is held on the third Wednesday of the month, except on a statutory holiday when the general meeting is held on the Thursday immediately following the statutory holiday. *The Council may by resolution change the frequency of General Meetings and the new schedule, as determined by council resolutions must be posted for 15 days.*

(2) A quorum for general (Public) meetings is 15 Settlement members, council included, who are eligible to vote or any other number specified by settlement bylaw.

(3) A general meeting is to start at 7:00 pm at the location designated in the notice of meeting posting. If a quorum of Council and members is not present within 30 minutes after a General Meeting is scheduled to begin, then a meeting is cancelled.

(4) A general meeting adjourns at 11:59 pm unless otherwise determined by a majority vote of the members present who are eligible to vote.

(5) The Chairperson may change the date, time, and place of a general meeting by posting notice as set out in Section 233 of the Act at least seven days before the new date of the general meeting, and, if bylaws are scheduled for presentation for membership approval, notice must be posted for 14 days.

Special General Meeting

10. (1) Settlement members may request a special general meeting as set out in Section 6 of the Act.

(2) The Chairperson may call a special general meeting by posting notice as set out in Section 233 of the Act at least seven days before the date of the special general meeting, and, if by-laws are scheduled for presentation for membership approval, notice must be posted for 14 days.

(3) A quorum for a general meeting is 15 members who are eligible to vote.

(4) If a quorum of members who are eligible to vote is not present after 30 minutes of when the general meeting is to begin, then that meeting is cancelled.

(5) The Administrator and Chairperson shall prepare an agenda and copies of all relevant

reports, bylaws, and communications for a general meeting.

(6) Motions presented at a general meeting are the primary method of advising Council of members' requests, direction, or approval.

General Meeting Motions

11. (1) When motions are presented at a general meeting, the following shall apply;

(a) A Settlement member is eligible to vote on a resolution presented at a general meeting if:

(i) the member has resided in the Settlement area for the 12 months immediately preceding the date of the vote, or any lesser period prescribed in a Settlement bylaw, and

(ii) the member's principal residence is in the Settlement area on the date of the vote.

(b) Persons affected by an issue under discussion at a public meeting have the right to participate in the discussion of the issue but may not vote on it unless they are settlement members and eligible to vote on it.

(c) A bylaw or motion voted on at a public meeting is approved if a majority of the eligible Settlement members who vote, vote in favour of the bylaw or motion.

(d) Approved general meeting motions provide advice to Council.

(e) Council shall always consider the general meeting motions and exercise fair, equitable, and sound business and financial judgement when considering the members' requests.

(f) If Council does not approve a general meeting motion, Council shall place the motion on the next general meeting agenda and report the reasons for Council's decision to the members.

(g) After receiving Council's report at a general meeting, the members may consider alternative motions.

(2) If a bylaw is discussed at a general meeting and there is no motion for approval of the bylaw, the members may, by motion;

(i) refer the bylaw back to Council; and

(ii) if the motion is carried, Council shall consider the bylaw at a regular Council meeting for final reading.

(iii) refer the bylaw to a secret ballot vote, scheduling at the General Meeting by motion.

Annual General Meetings

12. The Council shall call an annual general meeting as set out in Section 5 of the Act.

Chairing of Settlement Meetings

13. (1) The Chairperson shall promptly call a meeting to order when a quorum is present.
(2) If the Chairperson is not present, the Vice-chairperson may call a meeting to order and chair the meeting.
(3) If the Chairperson and Vice-chairperson are not present, a Councillor may call a meeting to order and chair the meeting.
(4) If a meeting has been called to order, the agenda must be adopted and the previous meeting minutes must be read and adopted before any other business may be discussed.
(5) The chairperson shall preserve order and decorum, and shall decide upon questions of procedure. If a member wishes to appeal a decision made by the chairperson regarding procedure, the member may make a motion to overturn the decision.
(6) A member may speak to a question or motion by requesting permission to speak from the chairperson.
(7) When more than one member wishes to speak to an item of business, the chairperson shall establish the order in which the members may speak.

Point of Order

14. If the chairperson is called upon to decide upon a point of order, the point shall be stated without unnecessary comment and the chairperson shall cite the rule or authority applicable to the point of order ruling.

Decorum

15. (1) A member shall not speak disrespectfully of the sovereign, the royal family, the governor general, the lieutenant-governor, or persons administering the government of Canada or its provinces.
(2) A member shall not use abusive or threatening language against the Council, a Settlement employee, or another member.
(3) A member shall not speak until recognized by the chairperson and then the member shall speak only upon the issue or question in debate.
(4) (a) A member shall not resist or disobey the meeting rules or the chairperson's authority.
(b) A member shall not disrupt a meeting as a result of the use of abusive language, disorderly conduct, or disrespectful behaviour toward the meeting or the members in attendance.
(c) A member shall not be under the influence of drugs or alcohol.

FISHING LAKE METIS SETTLEMENT BYLAW 2009 - 0128

- (5) (a) If a member contravenes any of the rules set out in subsections (1) through (4), that member may be ordered, by motion, to leave the meeting.
- (b) If the member refuses to leave the meeting, the chairperson may have that member removed from the meeting by a police or bylaw enforcement officer and is guilty of an offence and liable on summary conviction to a fine of not more than \$500.00 per offence.
- (c) If the member apologizes regarding the disruptive behaviour, Council may vote, without debate, to permit the member to remain at the meeting.

Reading of Motions

16. (1) A member eligible to vote at a general meeting, or a Councillor at a Council meeting may have the question or motion under discussion read at any time during debate by requesting a reading from the Chairperson. A request for a reading must be done in an orderly manner by not interrupting a speaker and following the directions of the Chairperson.
- (2) The Chairperson must give each member eligible to vote at a general meeting, or Councillor at a Council meeting, the opportunity to speak before calling the question on a motion being considered at that meeting.

Recording of Votes

17. If a member eligible to vote at a general meeting, or a Councillor at a Council meeting requests a recorded vote on a particular motion, the request must be made before voting on the motion begins.

Withdrawal of Motions

18. After a motion is read by the meeting secretary it is in the possession of Council and may be withdrawn at any time before a decision or amendment with the permission of three Councillors or, at a general meeting, by a majority vote of the members who are present and eligible to vote.

Repeal of Similar Motion

19. (1) If a motion has been defeated at a meeting, a motion that is substantially the same may not be considered at the same meeting.
- (2) If the Chairperson believes that a motion offered is contrary to the rules and privileges of the meeting, the Chairperson shall inform the members present immediately, before calling the question, and shall cite the rule or authority applicable to the case without argument or comment.

Consideration of a Question

20. A question may be considered twice at a particular meeting.

Rescinding a Motion

21. (1) A motion to rescind a Council motion may be made at any Council meeting after the meeting at which the original motion was passed.
- (2) A motion to rescind a Council motion must be made by the Councillor who made the original motion and seconded by the seconder of the original motion.

(3) A motion to rescind a motion made at a general meeting may be made at any general meeting after the meeting at which the original motion was passed by a member who is eligible to vote. The same members who made the motion at a previous general meeting have to agree to rescind the motion.

(4) A motion to rescind is approved if a majority of the members present who are eligible to vote, vote in favour of the motion.

Amendments

22. (1) A proposed amendment must pertain directly to the motion in question.

(2) If a proposed amendment raises a new question, the amendment must be considered on a different motion.

(3) A proposed amendment that substantially changes, or that negates a motion is out of order.

(4) A proposed amendment must be accepted or rejected before the main question is put to a vote.

(5) Amendments must be considered one at a time.

Adjournment

23. A motion to adjourn a Settlement meeting shall always be in order.

Committee of the Whole Meetings

24. (1) Council shall follow the rules of this bylaw in committee of the whole meetings.

(2) Council shall not make motions or resolutions in committee of the whole meetings except for a motion to return to a public meeting.

(3) Minutes or recordings shall not be made or kept of committee of the whole meetings.

(4) The Settlement recording secretary shall report any proposed motions that are the result of committee of the whole meeting discussions to a public meeting.

(5) Council may move into committee of the whole for the purpose of discussing any or all of the following items:

(a) litigation, legal opinions and proceedings;

(b) personnel matters;

(c) land and resource transactions and negotiations;

(d) matters that may be considered to be sensitive and detrimental to the reputation of the Settlement; and

(e) concerns raised by members.

(6) Council shall determine by resolution who will be permitted to attend committee of the whole meetings.

Appointments to Committees and Agencies

25. (1) The Chairperson shall make recommendations to Council regarding the appointment of Councillors to particular agencies and advisory committees.

(2) Standing and special advisory committees and committee members are appointed by resolution of Council and any Councillor may be appointed to an advisory committee.

(3) The Chairperson is an ex-officio member of all committees and has all the powers and privileges of an advisory committee member except as indicated otherwise by the conditions set out in the by-laws establishing advisory committees.

(4) All advisory committees shall maintain minutes of their meetings.

(5) Minutes of advisory committee meetings shall be filed with the Settlement Administrator and Council within five days of adjournment of the meetings.

(6) If a motion of Council has adopted the terms of reference for a special advisory committee, Council or the Chairperson, acting under the authority of Council, may appoint a special advisory committee.

(7) All advisory committees shall act in an advisory capacity to Council and do not have the authority to expend funds, enter into contractual agreements, or direct Settlement employees.

(8) Council shall, at the annual organizational meeting, appoint the Councillors who are to serve on the standing advisory committees until the next organizational meeting.

(9) If a member of an advisory committee is unable to attend a committee meeting, the Chairperson may appoint a Councillor to attend that particular advisory committee meeting to participate in the same manner as the absent committee member.

Communications Intended for Council

26. (1) All written communication intended for Council's consideration must be in legible hand written or typed copy and must be signed by the originator of the communication.

(2) When a communication intended for Council is received by the Administrator, it shall be placed on the agenda of the next regular Council meeting when there is sufficient information contained in and attached to the communication to allow Council to render a decision.

(3) If Council decides by motion that a communication requires immediate action, then the matter may be dealt with at that Council meeting.

(4) Any type of communication received by Council may be referred to a committee of Council or to the Administrator for a report and recommendations.

Delegations

27. (1) Despite any provision of this bylaw, Council shall grant a full and fair hearing to a person entitled by law to make an oral submission to Council.
- (2) If a person wishes to make a presentation to Council, that person shall give written notice to the Administrator not less than two days before the Council meeting date.
- (3) A delegation speaking on a subject is restricted to speaking on that subject only and for a time limit of 15 minutes.
- (4) Council may ask only questions pertinent to the subject of the presentation and shall avoid repetition when questioning a delegation.

Procedural Reference

29. The reference book to be used in resolving procedural disputes not covered in this bylaw is the current edition of Robert's Rules of Order.

Repeal

30. Fishing Lake Metis Settlement Bylaw No. FLMS 2002-0128 is hereby repealed.

Effective Date

31. This bylaw comes into effect the day after it is given third reading.

READ a first time this 2nd day of February, 2009 at a Regular Council meeting at which (3) Council members were present and voted as follows:

3 for; 0 against;

READ a second time this 2nd day of February, 2009, at a Regular Council meeting at which (3) Council members were present and voted as follows:

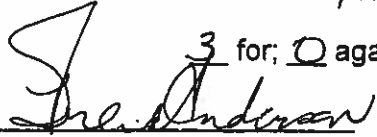
3 for; 0 against;

APPROVED by secret ballot vote scheduled at a Settlement public meeting on the 15th day of April 2009 at which 50 eligible voting members were present and voted to schedule a ballot vote on 22 day of April, 2009, which vote resulted the following:

42 for; 31 against;

READ a third time and adopted this 5th day of May, 2009 at a Regular Council meeting at which 4 Council members were present and voted as follows:

3 for; 0 against.


Irene Anderson
Settlement Administrator
[SEAL]

Effective Date:

May 5, 2009