

**PARKLAND COUNTY
BY-LAW NO. 52-2004**

A BY-LAW OF PARKLAND COUNTY IN THE PROVINCE OF ALBERTA TO REGULATE MEETING PROCEEDINGS.

The Council of Parkland County, in the Province of Alberta hereby enacts as follows:

1) PURPOSE

The purpose of this By-law is to regulate the non-statutory proceedings of the Council and Council of the Whole Committee(s) and Agricultural Committee meetings, and to define additional obligations of Council. The Municipal Government Act of Alberta controls the statutory obligations of Council, Council of the Whole Committee(s) and Agricultural Committee and the County.

2) TITLE

This By-law may be called the "Meeting Procedure Bylaw".

3) DEFINITIONS

a) The following words and phrases mean:

- i) "Act" means the Municipal Government Act of Alberta, as amended from time to time;
- ii) "Agenda" means the order of business for a regular or special meetings of Council or any meeting of a Council of the Whole Committee established by Council;
- iii) "By-law" is a By-law of the County;
- iv) "Chair" is the person who has been given authority to direct the conduct of a meeting;
- v) "Challenge" is a member expression of disagreement immediately following a decision of the Chair.
- vi) "Council" is the Mayor and Councillors of the County being duly elected pursuant to the provisions of the Local Authorities Election Act;
- vii) "Councillor" is a member of Council elected pursuant to the Act.
- viii) "County" is Parkland County;
- ix) "County Commissioner" is the designated Chief Administrative Officer as defined in the Act;
- x) "Deputy Mayor" is the Councillor appointed by Council to perform all the duties of the Mayor in the absence or incapacity of the Mayor;
- xi) "Meeting" is a meeting of Council or any meeting of a Council of the Whole Committee(s) established by Council;
- xii) "Member" is any member of Council, Council of the Whole Committee(s) and Agricultural Committee;
- xiii) "Mayor" is the Chief Elected Official as defined in the Act.
- xiv) "Notice of Motion" is the presentation of a motion, for consideration and debate at the next meeting;
- xv) "Peace Officer" means a member of the Royal Canadian Mounted Police or a Special Constable or Bylaw Enforcement Officer appointed under the Police Act of Alberta;
- xvi) "Point of Information" is a request directed to the Chair, to another member or to staff for information relevant to the business at hand but not related to a point of procedure;

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- xvii) "Point of Order" is the raising of a question by a Member to call attention to a departure from this By-Law;
- xviii) "Point of Procedure" is a question directed at the Chair to obtain information on the rules pursuant to section 4(c) of this bylaw, bearing on the business at hand in order to assist a member to make an appropriate motion, raise a point of order, or understand the situation or the effect of a motion;
- xix) "Public Hearing" is a pre-advertised public hearing that Council is required to hold under the Act or other enactments or any other matter at the direction of Council and may be separate from the Regular Meeting of Council;
- xx) "Question of Privilege" refers to all matters affecting the rights and privileges of Council collectively or any of its members individually;
- xxi) "Quorum" is a majority of those members elected and serving on Council, except where special Committee policies have been passed;
- xxii) "Recorded Vote" is the calling by a Member, prior to the vote being taken on a motion, for a record to be kept of the members voting for and against a motion.
- xxiii) "Regular Meetings" is a meeting of Council held in accordance with the Act, including Council of the Whole Committee(s) and Agricultural Committee meetings.
- xxiv) "Special Meeting" is a meeting called by the Mayor, or a majority of Councillors, pursuant to the Act;
- xxv) "Table" is a motion to delay consideration of any matter to another time;
- xxvi) "Unfinished Business" is business which was on the Agenda at the same or a previous Meeting which was not completed;

4) APPLICATION AND INTERPRETATION

- a) This By-law will govern Council, Council of the Whole Committee(s) and Agricultural Committee meetings.
- b) To the extent that a matter is not dealt with in the Act or this By-law, Council will have regard to Robert's Rules of Order.
- c) The precedent of the rules governing the procedure of council is:
 - i) The Act;
 - ii) Other provincial legislation
 - iii) This By-law; and
 - iv) Robert's Rules of Order.
- d) In the absence of any statutory obligation, any provision of this By-law may be waived by resolution of Council if the majority of Council members present, vote in favour of dealing with the matter under consideration.
- e) A resolution waiving any provision of this By-law as provided for in section (4)(d) will only be effective for the meeting during which it is passed.

5) COUNCIL, COUNCIL COMMITTEE(S) AND AGRICULTURAL COMMITTEE APPOINTMENTS

a) Nomination and Election Procedures

Nominations and elections for Deputy Mayor, Agricultural Committee members, and Council appointees to any Council Committee(s) other than a Committee of the Whole Committee, and any Council appointee to a Board or Commission, will be conducted as follows:

- i) The Deputy Mayor position will be rotated between all Council members, with each Council member appointed for six months, over a three-year period.

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- (a) The three-year Council member rotation schedule, indicating each Council member's appointment period, will be established at the organizational meeting following each general election.
- (b) Two Council Members will be annually appointed to the Deputy Mayor position at the organizational meeting held prior to the commencement of their Deputy Mayor term.
- ii) The Mayor will receive all nominations. Seconders to nominations are not required.
- iii) Nominations must be called for three times and nominations may be closed after the third call or by a "carried" motion that nominations cease.
- iv) If only one nomination is received for any position, the Mayor will declare the nominee elected by acclamation.
- v) If an election is required for any position, the appointed election officers must conduct the election. Voting will be by secret ballot and each voting member must be given a ballot for this purpose.
 - (a) In the event a tie vote occurs for any position, the winner will be determined by a draw from a receptacle.
- vi) All positions will be filled by Council appointing the candidates receiving the largest number of votes. In the event that more than one position is to be filled (including that of alternate) on any given committee, the candidates with the greater number of votes shall be declared appointed.
- vii) Collection and tabulation of ballots will be performed by two appointed election officers with the name of the successful nominee delivered to and announced by the Mayor without reference to the number of ballots cast.
- viii) Council may exercise the option for appointment of members to Committees, Boards, Commissions, etc. by nominations and elections; or by resolution of Council.
- ix) In the event that more than one position is to be filled on any given committee, board or commission, the candidates with the greatest number of votes will be declared elected.
- x) The election officers must destroy all ballots from any and all elections held.

6) MEETINGS

- a) **Regular Meetings**, once established by Council at the Organizational Meeting, will be advertised pursuant to Public Notice of Council and Council Committee Meetings Policy AD 033.
 - i) If Council changes the date, time or place of a Regular Meeting, the municipality must give at least 24 hours notice of the change to any Councillor not present at the meeting at which the change was made and to the public. Posting of a notice on the public notice board in the Parkland County Centre is sufficient notice to the public if the County Commissioner or designate is unable to advertise the change in the local newspaper.
- b) **Special Meetings** will be scheduled by the County Commissioner or designate at the request of the Mayor or a majority of Councillors, and will be advertised pursuant to Public Notice of Council and Council Committee Meetings Policy AD 033. The Special Meeting may:
 - i) Be scheduled by the County Commissioner within 14 days of the call of the Special Meeting and the County Commissioner or designate will ensure an agenda stating in general terms the nature of the business to be transacted at the meeting is provided to each Councillor and to the public.
 - ii) Be scheduled with less than 24 hours notice, with 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. The County Commissioner or designate will ensure that an agenda stating in general terms the nature of the business to be transacted at the meeting is provided to Council.

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- iii) Not conduct any other business than that stated in the notice of the Special Meeting of Council unless all the members of Council are present, and by unanimous consent, agree to deal with any other business transacted.
- c) **Council of the Whole Committee(s) and Agricultural Committee Meetings**, once established, will be advertised pursuant to Public Notice of Council and Council Committee Meetings Policy AD 033.
- i) If the Committee changes the date, time or place of a meeting, the municipality must give at least 24 hours notice of the change to any member not present at the meeting at which the change was made and to the public. Posting of a notice on the public notice board in the Parkland County Centre is sufficient notice to the public if the County Commissioner or designate is unable to advertise the change in the local newspaper.
- d) **Quorum**
- i) As soon as there is a quorum of members after the hour fixed for the meeting, the Chair will call the meeting to order.
 - ii) Unless a quorum is present within 30 minutes after the time appointed for the meeting, the meeting may, at the discretion of the Chair, stand adjourned until the next regular meeting date or until a Special Meeting is called to deal with the matters intended to be dealt with at the adjourned meeting. The County Commissioner, or his designate, will record the names of the members present at the end of the 30-minute time limit and such record will be appended to the next Agenda. The only action that can legally be taken in the absence of quorum is to fix the time to which to adjourn (if more than 30 minutes is being allowed), adjourn, recess or to take measure to obtain a quorum.
 - iii) In the event that quorum is lost after the meeting is called to order, the meeting will be suspended until quorum is obtained. If quorum is not obtained within 30 minutes, the meeting will stand adjourned.
- e) **Agendas**
- i) The preparation and distribution of meeting agendas will be the responsibility of the County Commissioner or designate.
 - (a) Items initiated by a member will be submitted to the office of the County Commissioner in accordance with the guidelines established for submission.
 - (b) Items initiated by Administration will be submitted to the office of the County Commissioner in accordance with the guidelines established for submission.
 - ii) The addition of items to the prepared Agenda will require approval of the majority of members at the meeting.
- f) **Delegations**
- i) People who wish to appear before Council, Council of the Whole Committee(s) and Agricultural Committee, individually and as a group, will make written submission to the County Commissioner or designate at least eight (8) working days prior the meeting unless the County Commissioner approves a lesser time in circumstances believed to warrant the lesser time.
 - ii) The written submission will indicate the topic and purpose for requesting to appear before the meeting.
 - iii) Delegations consisting of more than one individual will appoint a spokesperson that will be responsible for presenting the points of view or position for the group.
 - iv) Presentations will be directed to the Chair and be limited to ten (10) minutes with an additional ten (10) minutes for questions for clarification by members and administration. The Chair may extend the presentation and question time limits as necessary.
 - v) Information presented by the delegation will be restricted to the topic noted in the written submission and recorded on the meeting agenda.

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- vi) Debate concerning matters raised by a delegation will take place at the discretion of the members.
- vii) The members, by majority vote, may authorize members of the public or delegations to speak to the meeting at any time.

g) Recording Devices

- i) The use of audio and video recording devices at Council, Council of the Whole Committee(s) and Agricultural Committee meetings, by members, administration, the press or the public is prohibited unless authorized by resolution of the members.
 - (a) Meeting proceedings of Public and Subdivision and Development Appeal Board hearings will be recorded by administration to assist with minute taking, pursuant to Subdivision and Development Appeal Board/Public Hearing – Hearing Tapes Policy PD 005.

7) MOTIONS

a) Procedures

- i) A motion submitted to Council, Council of the Whole Committee(s) and Agricultural Committee meetings will not require a seconder unless a majority of members otherwise direct.
- ii) After a motion has been moved it is the property of Council and may not be withdrawn, modified or substituted without the consent of a majority of Council.
- iii) Council may give permission by majority vote to withdraw, modify or substitute any motion at the request of the mover before the motion has been voted on.
- iv) A motion that is withdrawn has the same effect as if it had never been made. After the motion is withdrawn, a member may introduce a new motion for the members consideration.
- v) A member may require the motion under discussion to be read at any time during debate, except when a member is speaking.
- vi) When a matter is under debate, no motion will be received other than a motion to:
 - (a) Fix the time for adjournment;
 - (b) Adjourn;
 - (c) Withdraw;
 - (d) Table;
 - (e) Call the Question (that the vote must now be taken);
 - (f) Postpone to a certain time or date (only debatable for time and date);
 - (g) Refer;
 - (h) Amend;
 - (i) Postpone indefinitely with no further motions on the same subject accepted until the original motion has been addressed under this bylaw.
 - (j) When the motion under consideration contains distinct propositions, the vote upon each proposition will, if requested by a member and approved by the Chair, be taken separately.
- viii) All motions should be concise and unambiguous.
- ix) No motion bringing a new matter before Council, Council of the Whole Committee(s) and Agricultural Committee may be made while any other motion is pending.

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- x) A motion may be tabled to enable Council, Council of the Whole Committee(s) and Agricultural Committee to deal with other more pressing matters.
- xi) If a motion is contrary to the rules and privileges of Council, Council of the Whole Committee(s) and Agricultural Committee, the Chair may refuse to accept it and must cite the applicable section of this bylaw.

b) Amendment to Motion

- i) All amendments must relate to the matter dealt with in the main motion and will not so substantially alter the motion as to change its intent or meaning.
- ii) Only one amendment to a motion may be before the meeting at any time, except for an amendment to an amendment, which may be before the meeting at the same time. An amendment to an amendment must be voted on before the first amendment.
- iii) An amendment to an amendment must be relevant to the first amendment.
- iv) When a motion to amend is passed the main motion will be amended accordingly.
- v) Following the completion of all amendments, the main motion as amended will be put to a vote.

c) Splitting Motions

- i) A member may request that a motion be divided if it contains parts that stand as complete propositions. Council, Council of the Whole Committee(s) and Agricultural Committee must then vote separately on each proposition.

d) Tabling Motions

- i) A motion to table takes precedence over all other motions connected with the motion being tabled.
 - (a) Debate may occur regarding the merits of tabling a motion.
- ii) Any member may move to take a motion from the table, provided no other motion is on the floor.
- iii) A tabled motion is brought back with all of the motions connected with it, exactly as it was when laid on the table.
- iv) The motion to take from the table is not debatable or amendable and requires only a majority vote.
- v) If a motion is not taken from the table within one year after the date that it was tabled, the motion is considered withdrawn and is null and void. Motions relating to bylaw readings are not subject to this section and the provisions of section 188 of the Municipal Government Act of Alberta prevail.

e) Rescinding Motions

- i) A motion to rescind a previous motion may be accepted by the Chair and if passed by a majority vote of the members present, the previous motion referred to would be declared null and void.

f) Reconsideration

- i) A motion to reconsider may not be applied to:
 - (a) Any vote which has caused an irrevocable action; or
 - (b) A motion to reconsider.

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- ii) Subsequent to the vote on a motion, but prior to proceeding with the next item on the agenda, any member who voted with the prevailing side may move for reconsideration and should state their reason(s).
 - iii) A motion to reconsider is only debatable when the motion proposed to be reconsidered was debatable.
 - iv) Debate on a motion for reconsideration must be confined to reasons for or against reconsideration.
 - v) Reconsideration may then be debated (if debatable), voted upon, and requires a majority vote of the members present.
 - vi) If a motion to reconsider is approved, reconsideration is the next order of business unless the motion defers reconsideration to a future meeting date. Debate on the matter resumes as though it had not previously been voted upon.
 - vii) If a motion for reconsideration is moved at a subsequent meeting it must be preceded by a Notice of Motion and requires a majority vote of the members present.
 - viii) A notice for reconsideration of any decided matter will not stop or delay action on the decided matter unless the members, by a majority vote, will so direct.
 - ix) A motion that has been approved for reconsideration and passes automatically suspends the original motion.
- g) **Notice of Motion**
- i) A Notice of Motion may be presented and described prior to the closing of the meeting by the member reading the Notice of Motion, which will then be recorded in the minutes and will form part of the agenda for the subsequent meeting.
 - ii) A member who hands a written Notice of Motion to the County Commissioner, to be read at a meeting, need not be present during the reading of the notice.
 - iii) If a motion is not made at the meeting indicated in the notice, it will appear on the agenda for, and may be made at any of, the next two regular meetings. After the third regular meeting, it will be removed from the agenda and may only be made by a new notice of motion.
 - iv) A notice of motion must give sufficient detail so that the subject of the motion and any proposed action can be determined, and it must state the date of the meeting at which the motion will be made. A notice must be given without discussion of the matter, but any written copies distributed may include explanatory paragraphs.

8) BY-LAWS

- a) **Presentation Process**
- i) Where a By-law is presented to a Council meeting for enactment, the County Commissioner, or designate, must include a By-law number, short title and brief description of the By-law to appear on the meeting agenda.
 - ii) A By-law should be introduced for first reading by a motion that it is read a first time specifying the number of the By-law.
 - iii) Any proposed amendments must be put to a vote, and if carried, are considered as having been incorporated into the By-law at time of reading.
 - iv) When all amendments have been accepted or rejected, the Chair must call the question on the motion for first reading of the By-law.
 - v) When a By-law is subject to a statutory Public Hearing, a Public Hearing date and time must be established following first reading.

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- vi) When a By-law requires the approval of an outside authority, the County Commissioner, or designate, following passage of first and/or second reading, must submit the By-law to the approving authority for approval.

9) VOTING

a) **Question**

- i) When the Chair ascertains that no further information is required or debate forthcoming on a motion, the Chair will immediately submit the motion to a vote of the members and no further discussion will take place until the vote has been completed.
- ii) When a motion to call the question is presented, it will be put to a vote without debate and if carried, the motion to which it referred will be immediately submitted to a vote of the members without debate.
- iii) A member, who disagrees with the announced result of a vote and wishes the vote to be retaken, will do so immediately following the announcement of the vote.

b) **Motion Carried**

- i) A motion is carried when a majority of members present at a meeting votes in favour of the motion, unless otherwise specified in this By-Law.

10) RULES GOVERNING DEBATE

a) **Order of Speakers**

- i) Members wishing to speak on a matter at the meeting should indicate their intention by raising their hand and being recognized by the Chair and, at the discretion of the Chair, normally should not speak more than once until every member has had the opportunity to speak except:
 - (a) In the explanation part of the speech which may have been misunderstood; or
 - (b) In reply, to close debate, after everyone else wishing to speak has spoken, provided that the member presented the motion to the meeting.
- ii) Supplementary questions or a series of questions relating to the matter before the meeting may be raised by a member, but each such question requires the consent of the Chair.
- iii) All questions or debate will be directed through the Chair.
- iv) Administration may at the pleasure of the Chair speak or question the issue being debated.

b) **Interruptions**

- i) Members who have been assigned their turn to speak may only be interrupted by other members including the Chair:
 - (a) When a member is discussing a subject and no motion is on the floor;
 - (b) By a Point of Procedure;
 - (c) By a Point of Order;
 - (d) By a Question of Privilege;
 - (e) By an objection to the consideration of a motion; or
 - (f) By a Challenge.

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c) Member Called to Order

- i) A member who is called to order must immediately stop talking, but must be given an opportunity to Challenge before debate is closed. Council, Council of the Whole Committee(s) and Agricultural Committee will decide the Challenge without debate.

11) DUTIES OF THE CHAIR

- a) The Chair will preside over the conduct of the meeting, including the preservation of good order and decorum, ruling on points of order, replying to Points of Procedures and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal by any member from any ruling of the Chair.
- b) The Chair will make reasonable efforts, 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 in accordance with the Act and this Bylaw.

12) MEMBER PROHIBITIONS

- a) A member will not:
 - i) Use profane, vulgar or offensive language in a meeting.
 - ii) Disobey the rules of the meeting or decision of the Chair or of members on questions of order or practice, or upon interpretation of the rules of the meeting.
 - iii) Leave their seat or make any noise or disturbances while a vote is being taken and the result is declared.
 - iv) Interrupt a member while speaking, except as provided for under Section 10(b) of this bylaw.
 - v) Pass between a member who is speaking and the Chair.
- b) A member who persists in a breach of section (a), after having been called to order by the Chair, the Chair may call for a vote of the members to:
 - i) Exclude the member from part or the remainder of the meeting.
 - ii) Expel the member from the meeting room for the duration of the meeting.
 - iii) Allow the member to maintain or resume their seat providing an apology is given.
- c) If a member has been expelled under section 12 b) ii), that member must leave the meeting room immediately. The Chair may order a peace officer to remove an expelled member if that member does not leave voluntarily.
- d) A member who wishes to leave the meeting permanently prior to adjournment will advise the Chair by means of a Question of Privilege and the time of their departure will be recorded in the minutes.

13) QUESTIONS OF PRIVILEGE

- a) 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 thereof, will be permitted to raise such Question of Privilege.
- b) A Question of Privilege will take precedence over all other matters and while the Chair is ruling on the Question of Privilege, no one will be considered to be in possession of the floor.
- c) Following the ruling of the Chair on the Question of Privilege and the dealing with same, the Chair will go immediately back to the pending question or debate.

14) POINTS OF ORDER

- a) A member who desires to call attention to a possible violation of the meeting rules and procedures will ask leave of the Chair to raise a Point of Order.
- b) When leave is granted by the Chair, the member will state the Point of Order with a concise explanation and will abide by the decision of the Chair upon the Point of Order.
- c) A member called to order by the Chair will immediately vacate the floor until the Point of Order is dealt with and will not speak again without the permission of the Chair except to appeal the ruling of the Chair.
- d) The member in possession of the floor when the Point of Order was raised will have the right to the floor when debate resumes.

15) CHALLENGE

- a) All decisions of the Chair will be final, subject to an immediate challenge by a member at the meeting.
- b) If a decision is challenged, the Chair will give reasons for their ruling and the members, without debate, will decide the question that will be final and binding on the meeting.

16) ADJOURNMENT

- a) A motion to adjourn is in order at any time unless:
 - i) A member is in possession of the floor; or
 - ii) A motion to call the question has been presented and passed and until the vote has been taken; or
 - iii) A vote is in progress.
- b) Any member may move that a meeting recess for a specific period. After the recess, business will be resumed at the point when it was interrupted. This motion may not be used to interrupt a speaker.
- c) A motion to recess may be amended only as to length of time, but neither the motion nor the amendments are debatable.
- d) A motion to adjourn is not debatable or amendable.
- e) Council, Council of the Whole Committee(s) and Agricultural Committee will take up a motion pending at the time of adjournment under unfinished business at the next meeting.
- f) The Chair may adjourn a meeting without a motion to adjourn.

17) BY-LAW PRECEDENCE

This By-law supersedes and takes precedence over all previously passed By-laws that refer to Meeting Procedures, as well as any previously passed resolutions that may be in conflict with this By-law.

18) BY-LAW REPEAL

Meeting Procedure By-law 12-91 is hereby rescinded.

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**THIS BY-LAW WILL COME INTO FORCE AND EFFECT ON THE FINAL DAY OF
PASSING AND SIGNATURE THEREOF.**

READ A FIRST TIME this 28th day of September 2004.

READ A SECOND TIME this 28th day of September 2004.

READ A THIRD TIME and passed this 28th day of September 2004.

MAYOR

MANAGER, LEGISLATIVE & ADMINISTRATIVE SERVICES



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