

BYLAW NO. 5-2005

**COUNCIL PROCEDURE BYLAW**

**A BYLAW OF THE RURAL MUNICIPALITY OF LUMSDEN NO.189, IN THE PROVINCE OF SASKATCHEWAN, TO PROVIDE FOR THE ESTABLISHMENT OF COUNCIL AND COMMITTEE PROCEDURES**

**THE COUNCIL FOR THE RURAL MUNICIPALITY OF LUMSDEN NO.189 IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:**

**1. Short Title**

This Bylaw may be cited as the Council Procedure Bylaw.

**2. Purpose and Scope**

The purpose of this bylaw is to promote the peace, order and good government of the municipality and:

- (a) *Establish Committees and any other bodies necessary;*
- (b) *Define the specific functions, including the delegation of authority, if any, for each committee or other body;*
- (c) *Provide for the orderly conduct of the business of Council and any committees established by council;*
- (d) *Provide notice of regularly scheduled meetings;*
- (e) *Establish rules and procedures to be used by Council and Committees and administration regarding Council and Committee meetings;*

**3. Definitions**

For the purpose of this policy, the following terms and words shall have the following meanings:

- (a) *"Act" means The Municipalities Act;*
- (b) *"Amendment" means an alteration of a main motion or an amendment by substituting, adding or deleting a word(s) without altering the basic intent of the motion;*
- (c) *"Committee or Committees" means a council committee as referred to in the Municipalities Act;*
- (d) *"Committee of the Whole" means members present at a meeting of Council sitting in committee;*
- (e) *"MA" means Municipalities Act;*
- (f) *"Member of Council" means the Reeve or a Councillor;*
- (g) *"Motion to Receive" means a motion which is made for the purpose of acknowledging the particular item, report or recommendation under consideration, and having the item, report or recommendation placed in the records of the municipality for future reference, with no additional action taken at this time;*
- (h) *"Point of Order" means the raising of a question by a member, with the view of calling attention to any departure from the Procedural Bylaw or the customary proceedings in debate or in the conduct of the Council's business;*
- (i) *"Point of Procedure" means a question to the Mayor, Reeve or Chairperson to obtain information on a matter of procedure in order to assist a member to make an appropriate motion, raise a point of order or understand the effect of a motion;*
- (j) *"Quorum" is the majority of the members of council or committee (Pursuant to Section 98 in the MA) ;*

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## PART 1

## MEETINGS OF COUNCIL

4. **First Meeting of Council (MA 121)**
  - (a) The first meeting of council following an annual election will be held within 31 days after the date of the election;
  - (b) The administrator shall determine the time, date and place of the meeting;
  - (c) The administrator shall provide written notice of the time, date and place at least 24 hours prior to the meeting by personal service, delivery to the place of business or residence or at the request of the member by telephone, voice mail, facsimile or electronic mail;
5. **Regular Meetings of Council and Committees (MA 122)**
  - (a) Council may wish to set regularly scheduled council and/or committee meetings stating the time, day and place that they will be held. When meetings are regularly scheduled public notice is not required. If Council is not scheduling regular meetings Notice must be given to the public in accordance municipal public notice policy and all members of council will be provided notice according to their preferred method;
  - (b) Council and/or committee meetings may in the event of an emergency or pressing issue(s) be held with less than 24 hour notice to the council or committee members AND NO NOTICE TO THE PUBLIC, if all members of the council or committee sign a waiver of notice before the commencement of the meeting;
6. **Special Meetings of Council (MA 123)**
  - (a) The administrator shall call a special meeting of council whenever requested by the Reeve or a majority of council giving notice, in accordance with the municipal public notice policy, to the members of council and the public stating the purpose of the meeting and the date, time and place the meeting is to be held;
  - (b) A Special meeting may be called with 24 hours notice or less to the members of council AND NO NOTICE TO THE PUBLIC, if all members sign a waiver of notice before the commencement of the meeting;
  - (c) No business other than that stated in the notice may be transacted at the special meeting, unless all members of council are present and agree unanimously by resolution to transact other business;
7. **Change of Meetings (MA 122)**
  - (a) If a Council or Committee changes the date, time or place of a regularly scheduled meeting, the council shall give notice to any members of the Council or Committee not present at the meeting at which the change was made and to the public at least 24 hours before the changed meeting;
8. **Methods of Giving Notice to Council/Committee Members (MA 124)**
  - (a) When notice to a council or committee member is required for regular or special meetings of council or committees, it will be provided personally or when requested by the member in writing, by telephone, voice mail, facsimile or electronic mail;
  - (b) Public Notice will be provided as set out in the municipality's Public Notice Policy Bylaw No. 4-2005;
9. **Meetings Though Electronic Means (MA 125)**
  - (a) A Council may at their discretion conduct a Council or Committee by means of telephonic, electronic or other communication facility providing all the provisions of section 125 of the Municipalities Act are met;
10. **Actions in Public (MA 119)**
  - (a) An act or proceeding of Council and/or Committee is not effective unless it is authorized or adopted by resolution or bylaw at a duly constituted meeting of the council that is open to the public;

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**11. Meetings to be in Public (MA 120)**

- (a) Subject to subsection (b), Council and Committees are required to conduct all meetings in public;
- (b) Council and Committees may close all or part of their meetings to the public if the matter being discussed is within one of the exemptions in Part III of The Local Authority Freedom of Information and Protection of Privacy Act or concerns long-range or strategic planning.

**12. Improper Conduct (MA119)**

- (a) Subject to section 11(b) Meetings of Council or Committee are open to the public at all times;
- (b) Members of the public may only be removed from meetings for improper conduct which includes verbal or physical actions;
- (c) Should a member of the public, Council or Committee fail to adhere to the request of the Reeve or Chairperson to cease the improper conduct the meeting shall be adjourned;

**13. Long Range or Strategic Planning Meetings (MA 120)**

- (a) A long range or strategic planning meeting may be called by resolution of Council and shall in accordance with the Municipalities Act be closed to the public;

**PART II  
COUNCIL PROCEDURE**

**14. Reeve (MA 93)**

- (a) The Reeve shall preside, when in attendance, at a council meeting unless The Municipalities Act or other Act or a bylaw of this council provides that another member of Council is required or permitted to preside.
- (b) The Mayor/Reeve is a member of all council and committees and bodies established by council pursuant to the Municipalities Act, unless council provides otherwise.

**15. Deputy Mayor/Deputy Reeve (MA 91)**

- (a) Council shall name a Deputy Reeve and they may wish to establish the length of time the Deputy is being appointed for if it is shorter than one year. This shall be done at the first meeting after the annual election or as soon as conveniently possible.
- (b) A Deputy Reeve acts as Reeve if the Reeve is unable to perform the duties of the Reeve or the office of Reeve is vacant.
- (a) A Council may appoint an Acting Reeve if both the Reeve and Deputy Reeve is unable to perform their duties or both the office of Reeve and Deputy Reeve are vacant

**16. Order of Business and Agenda**

- (a) A copy of the meeting agenda for regular and special Council meetings, except Emergency special meetings called with less than 3 days notice, shall be available to the public and council member 3 days prior to the meeting date by being posted on the municipal web site;
- (b) Council may by resolution and without debate change the order of business on the agenda for the meeting;

**17. Submissions/Correspondence to Council**

- (a) Submissions to Council shall be filed with the municipal office by 5:00 pm of the last working day of the month prior to the next regular council meeting;
- (b) Submissions and correspondence will be listed on the agenda in order that they be received at the municipal office;
- (c) The Administrator shall have the absolute discretion to include or submit submissions or correspondence to Council arriving after the time stated in clause 17(a) of this policy;

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- (d) The Administrator shall have the absolute discretion to delay or remove a submission or correspondence at the request of the writer or author of the document;

**18. Delegations**

- (a) Delegations interested in attending the Council or Committee meeting and making a verbal or written submission to Council shall contact the Administrator to receive a date and time to make such presentation;
- (b) The Administrator shall have absolute discretion in setting the date and time for delegations to make verbal and written submissions to Council, and shall base any decision on the length of the agenda;
- (c) Each delegation or group presenting shall be allowed 15 minutes to make their presentations and take questions from Council;
- (d) The Council may at their discretion extend the length of time for any presentation on any matter;

**19. Public Hearing**

- (a) The Reeve shall declare the public hearing open, the Reeve, Administration or planner shall present a report or overview on the matter;
- (b) Each presenter shall have 5 minutes to make a verbal presentation or highlight a written submission;
- (c) When considering the number of presenters, weather warnings or other conditions that may disturb the meeting, the Reeve may adjourn the public hearing to a further date.
- (d) A member of council not present for the entire hearing shall review all the transcripts or notes on the public hearing prior to voting on the matter;

**20. Quorum ( MA 98)**

- (a) The quorum of a council or committee is the majority of members of council or the committee, except as provided in the Municipalities Act or any other Act. At no time can a quorum be less than the majority of council or committee;
- (b) No act or proceeding that is adopted at any meeting of council in which a quorum is not present is valid.

**21. Voting (MA 99 & 100)**

- (a) A Council member has one vote each time a vote is held;
- (b) Every member of council attending a council meeting **shall vote** on every matter put before council unless the member is required or permitted to abstain from voting pursuant to this or any other Act;
- (c) If a member is not required or permitted to abstain from voting and abstains from voting, the member is deemed to have voted in the negative;
- (d) The Administrator shall ensure that each abstention and the reasons for the abstentions are recorded in the minutes of the meeting;
- (e) All questions are to be decided by the majority of the votes;

**22. Recorded and Tied Vote (MA 101)**

- (a) Prior to the vote being taken on a matter, any member of Council may request that the vote on that matter be recorded.
- (b) If there are an equal number of votes for or against a resolution or bylaw, the resolution or bylaw is defeated.

**23. Motions-General**

- (a) Motions are not required to be seconded;
- (b) When a motion is under debate no other motion may be made, except:
- To refer the motion to a Committee or the Administration;
  - To amend the motion;
  - To defer or the postpone the motion to a fixed date;
  - To Table or lay the motion on the table;
  - To request the motion to be put to a vote; or
  - To adjourn the meeting;

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**24. Motion to Defer to a Fixed Date**

- (a) If a majority of Council decides to defer a motion to a fixed date, the motion can not be considered until the fixed date;

**25. Request that Motion be put to a Vote**

- (a) A motion requesting that a motion be put to a vote can not be moved by a member of Council who has spoken to the original motion;
- (b) A motion requesting that a motion be put to a vote can not be amended or debated;
- (c) If a motion requesting that a motion be put to a vote is passed by Council, the original motion shall immediately be put to a vote of Council without any amendment or debate;
- (d) If a motion requesting that a motion be put to a vote is not passed by Council, the original question may be amended or debated;

**26. Motion to Adjourn**

- (a) A motion to adjourn is allowed at any time during a Council meeting, except:
- When a member of Council or Committee is speaking;
  - When the members of Council or Committee are voting on a motion;
  - When a recorded vote is being taken;
  - When it has been requested that a motion be put to a vote;
  - When Council or Committee is in the Committee of the Whole or in Camera;
- (b) A motion to adjourn shall be decided without debate;

**27. Motion to Amend**

- (a) A motion to amend shall not:
- Reverse the affirmative or negative intent of the original motion;
  - Substantially change the intent of the motion;
- (b) Once a motion to amend has been made, the original motion is set aside until the amendment has been decided;
- (c) Any member of Council may make a motion to amend, but only one amendment to an amendment shall be allowed until the amended motions are voted on;
- (d) Amendments shall be put to council in the reverse order to the order in which they were moved;

**28. Motion to Rescind or Reconsider**

- (a) A motion to rescind or reconsider a resolution shall only be considered by Council if at least one of the following conditions are met:
- Written notice has been given to each Council member, of the proposed motion to rescind or reconsider, at least 24 hours prior to the meeting;
  - By unanimous vote of all members of Council;
  - A Council Committee or the administration recommends that the Council consider a motion to rescind or reconsider;
- (b) Any question may be reconsidered if a change has occurred in any material fact relied upon by Council in deciding the question or in the event that new information is made available to members of Council, which was not available at the time of Council's decision.
- (c) A motion to reconsider shall require at least 70% of Council members to pass, regardless of the number of members present.

**29. Withdrawal of Motions**

- (a) The mover of a motion may withdraw it at any time prior to a vote being taken or prior to the motion being amended as long as no objection is raised from other members;

**30. Point of Order**

- (a) When any member of Council believes that another member of Council has not followed the rules of procedure of Council, they may ask that the Reeve rule on a point of order;
- (b) A Point of Order must be raised immediately at the time the rules of procedure are breached;

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- (c) The member of Council against whom the point of order is raised may be granted permission by the Reeve to explain;
- (d) A point of order is not subject to amendmant or debate;

**31. Question of Privilege**

- (a) Any member of Council may make a request to the Reeve on any matter related to the rights and priveleges of Council or individual councillors;
- (b) The Reeve shall rule whether or not the matter raised is a question of privelege;
- (c) If the matter is determined to be a question of privelege, the member of council who raised the question shall be permitted to speak to the matter;
- (d) If the question of privelege concerns a situatuion, circumstance or event which arose between meetings of Council, then the member shall raise the matter immediately after the adoption of the minutes of the previous meeting;
- (e) A question of privilege is not subject to amendmant or debate;

**32. Bylaws (MA 103)**

- (a) Every Bylaw must have three distinct and separate readings;
- (b) Each member of Council must be given an opportunity to read the full text;
- (c) Proposed bylaw shall be circulated to Council members 24 hours previous to the commencement of the meeting at which they will be considered;
- (d) A proposed bylaw must not have more than two readings at a council meeting unless the members of council present unanimously agree to consider the third reading;
- (e) Only the title or identifying number of the proposed bylaw must be read at each reading of the bylaw;

**PART III  
COUNCIL COMMITTEES**

**33. Each Committee established shall include a list of the powers and duties granted by Council, which may include any of the following, but is not limited to the following:**

- (a) Council shall appoint at least 2 members to a standing or special committee and Council may at their discretion appoint all members of Council to a special or standing committee;
- (b) The Reeve shall be ex-officio member of all standing and special committees created by Council;
- (c) Committee appointments for the new term shall be concluded by Council as soon as possible after the annual election;
- (d) Council shall by resolution state the functions and authority of committee which shall include some or all of the following powers:
  - Provide advice to Council;
  - Set policies on matters specific to their committee as delegated;
  - Prepare an initial operating and capital budget to be forwarded to the council;
  - Supervision of various departments;
  - Make recommendations on policy to council;
  - Council may delegate authority for a committee to make resolutions and act on those resolutions in accordance with the Municipalities Act; (MA 127 lists matters that cannot be delegated);
  - Increase Public awareness; (Road Transportation Committee or Animal Control Committee)
  - Receive, investigate and act upon concerns as delegated;
- (e) Meeting frequency or schedules;
- (f) Filing of Minutes;

**34. The Following Standing Committees shall be appointed Annually:**

- (a) **Joint Administration Committee**
  - o Provide recommendations to Council;

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- Set policies on matter specific to the committee and authorized in the Joint Administration Bylaw;
  - Prepare and initial operating and capital budget relating to the administration of the municipality;
  - Provide recommendations on administration employee matters including performance evaluations and employee concerns;
  - Provide Council with a copy of all meetings at which a quorum was present;
- (b) **Finance Committee**
- Provide recommendations to Council;
  - Set policies on matter specific to the committee as authorized by Council resolution;
  - Prepare and initial operating and capital budget relating to the municipality;
  - Provide Council with a copy of all meetings at which a quorum was present;
- (c) **Animal Control Committee**
- Provide recommendations to Council;
  - Set policies on matter specific to the committee as authorized by Council resolution;
  - Provide Council with a copy of all meetings at which a quorum was present;
- (d) **Nuisances Committee**
- Provide recommendations to Council;
  - Set policies on matter specific to the committee as authorized by Council resolution;
  - Provide inspections and designate property or vehicles to be a nuisance;
  - Direct the administration through designation of a property or vehicle as a nuisance to commence the process under the Nuisance Bylaw;
  - Provide Council with a copy of all meetings at which a quorum was present;
- (e) **Employee Committee**
- Provide recommendations to Council;
  - Set policies on matter specific to the committee as authorized by Council resolution;
  - Provide recommendations on public works employee matters including performance evaluations and employee concerns;
  - Provide Council with a copy of all meetings at which a quorum was present;
- (f) **Public Works Committee**
- Provide recommendations to Council;
  - Set policies on matter specific to the committee as authorized by Council resolution;
  - Prepare and initial operating and capital budget relating to the maintenance and construction of roads in the municipality as well as the replacement of public works buildings and equipment owned by the municipality;
  - Provide Council with a copy of all meetings at which a quorum was present;

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**PART IV  
MISCELLANEOUS**

**35. Rules of Order**

- (a) If a matter arises that is not covered by the provisions of the bylaw, Robert's Rules of Order, current edition, shall govern;
- (b) All Council and Committee members shall receive a copy of most current edition of Robert's Rules of Order as soon as possible after the annual appointments have been completed;

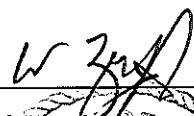
**36. Procedure for Repeal or Amendment of this Bylaw**

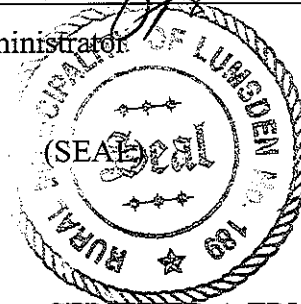
- (a) Procedures for repeal or amendment of this bylaw shall be in accordance with section 33 of this policy;

**37. Effective Date**

This bylaw becomes effective on date of passing.

  
 Reeve

  
 Administrator



CERTIFIED A TRUE COPY

  
 Administrator

*Read a first time this*                    10<sup>th</sup> day of November, 2005.  
*Read a second time this*            8<sup>th</sup> day of December, 2005.  
*Read a third time and passed this* 12<sup>th</sup> day of January, 2006.