

## **Council Procedure Bylaw**

### **Village of Loreburn**

#### **BYLAW NO. 9-2014**

### **A BYLAW TO PROVIDE FOR THE ESTABLISHMENT OF COUNCIL PROCEDURES**

The Council for the Village of Loreburn in the Province of Saskatchewan enacts as follows:

**1. Short Title**

This Bylaw may be cited as the Procedure Bylaw.

**2. Purpose and Scope**

- (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.*
- (f) *If a matter arises that is not covered by the provisions of the bylaw, Robert's Rules of Order, current edition, shall govern.*

**3. Definitions**

- (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 of the Whole' means members present at a meeting of Council sitting in committee.*
- (d) *'Member of Council' means the Mayor; or a Councillor*
- (e) *'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.*
- (f) *'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.*

- (g) *'Point of Procedure' means a question to the Mayor 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.*
- (h) *'Quorum' is the majority of the members of council or committee.(Pursuant to Section 98 in the MA)*

## **PART 1 MEETINGS OF COUNCIL**

### **4. First Meeting of Council**

- (a) *The first meeting of council following a general 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 facsimile or electronic mail.*

### **5. Regular Meetings of Council and Committees**

- (a) *Council may 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.*
- (b) *A council or committee meeting may be held with less than 24 hour notice to the council or committee members AND no notice to the public IF all members of council sign a waiver before the commencement of the meeting.*

### **6. Special Meetings of Council**

- (a) *The administrator shall call a special meeting of council whenever requested by the Mayor or a majority of council by giving at least 24 hours notice 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 less than 24 hours notice 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.*

### **7. Change of Meetings**

- (a) *If the date and time or place of a meeting is changed, the public and all members of council that were not present at the council or committee meeting at which the change was made must be given 24 hour notice of that change.*

**8. Methods of Giving Notice**

- (a) *When notice is required for regular or special meetings of council or committees, it will be provided personally.*
- (b) *Public Notice as set out in the municipality's Public Notice Policy Bylaw # 8-2014.*

**9. Meetings Through Electronic Means**

- (a) *A council meeting may be conducted by means of telephone if restrictions under Section 125 (1) (a-c) are met.*

**10. Actions in Public**

- (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.*

**11. Meetings to be in Public**

- (a) *Subject to subsection (b), Council and Council committees is required to conduct its meetings in public*
- (b) *Council and Council 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 (MA 119)**

*Improper Conduct shall be described as:*

- (i) *Verbally abusing council or staff and using profane language;*
- (ii) *disrupting council proceedings;*
- (iii) *any person who is conducting themselves improperly will be asked by the Mayor or Chairperson to the leave the meeting room. If this person does not comply with the request of the Mayor or Chairperson, then the RCMP will be requested to come to the meeting to remove that person.*

**13. Long Range or Strategic Planning Meetings**

- (a) *To be called by the Administrator upon request by the Mayor or a majority of Council.*
- (b) *These meetings will be closed to the public.*

**PART II**  
**COUNCIL PROCEDURE**

**14. Mayor**

- (a) *The Mayor 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 is a member of all council and committees and bodies established by council pursuant to the Municipalities Act, unless council provides otherwise.*
- (c) *The Mayor shall be entitled to propose a motion without relinquishing the Chair.*

**15. Deputy Mayor**

- (a) *Council may appoint a councillor as Deputy Mayor.*
- (b) *A Deputy Mayor acts as Mayor if the Mayor is unable to perform the duties of the Mayor or the office of Mayor is vacant.*
- (a) *A Council may appoint an Acting Mayor if both the Mayor and Deputy Mayor is unable to perform their duties or both the office of Mayor and Deputy Mayor are vacant.*

**16.Submissions/Correspondence to Council**

- (a) *All submissions/correspondence must be received in the office 7 days before the next regular council meeting in order that they be included in the next regular meeting.*

**17.Order of Business and Agenda**

- (a) *The Administrator shall prepare the Agenda for the Council. Additions to the Agenda can be added by Council until the meeting for which it represents.*

**18.Delegations**

- (a) *Anyone wishing to speak to Council must contact the Administrator to receive a time in which they may be heard and the length of time allowed and their request must be received 7 days prior to the regular meeting date.*

**19. Public Hearing**

- (a) *The Mayor will chair all public hearings 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.*

**20. Quorum (MA 98)**

- (a) *The quorum of a council is the majority of members of council, except as provided in this or any other Act.*
- (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, unless the council requires a greater percentage of 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 is 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 Council committee or the administration;*
  - *To amend the motion;*
  - *To defer the motion to a fixed date;*
  - *To request the motion to be put to a vote; or*
  - *To adjourn the meeting*

**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) *The Mayor or Chairperson will call for the vote of a motion.*

**26. Motion to Adjourn**

- (a) *A motion to adjourn is allowed at any time during a Council meeting, except:*
  - *When a member of Council is speaking;*
  - *When the members of Council 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 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 85%( any percentage over the majority council may choose) 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.*

**30. Notice of Motion**

- (a) *A motion introducing a new matter shall not be considered by Council unless notice of motion has been submitted in writing to the administrator.*
- (b) *Council may, by unanimous consent of the members present, waive the requirement for notice.*
- (c) *All notices of motion received by the administrator must be received 7 days prior to the next regularly scheduled meeting of council.*

**31. Point of Order**

- (a) *A Point of Order must be raised immediately at the time the rules of procedure are breached.*
- (b) *The member of Council against whom the point of order is raised may be granted permission by the Mayor to explain.*

**32. Question of Privilege**

- (a) *The Mayor shall rule whether or not the matter raised is a question of privilege.*

**33. Bylaws**

- (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) *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 .*
- (d) *Only the title or identifying number of the proposed bylaw must be read at each reading of the bylaw.*

**34.Repealed**

*Bylaw # 4-2006 and 1-2007 are hereby repealed.*