

R.M. OF ELDON NO. 471

BYLAW NO 4-2016

A BYLAW TO REGULATE THE PROCEEDINGS OF MUNICIPAL COUNCIL MEETINGS

The Council of the Rural Municipality of Eldon No. 471 in the Province of Saskatchewan enacts as follows:

PART I – INTERPRETATION

1. Short Title

1.1 This bylaw may be cited as “The Procedure Bylaw”.

2. Purpose

2.1 The purpose of this bylaw is to establish general rules and procedures to be followed in conducting business at council meetings and committee meetings.

3. Definitions

3.1 In this bylaw:

- (a) “Act” means *The Municipalities Act*.
- (b) “Acting reeve” means the councillor appointed by majority vote of council to act as the reeve if a vacancy arises in that office.
- (c) “Adjourn” means to suspend proceedings to another time or place.
- (d) “Administrator” means the person appointed as administrator pursuant to section 111 of the Act.
- (e) “Chair” means a person who has the authority to preside over a meeting.
- (f) “Committee” means a committee, board, authority or other body legally appointed by council.
- (g) “Communications” include, but are not limited to the following: letters, memorandums, reports, notices, electronic mail, facsimiles, petitions, brochures, or newspaper/magazine articles.
- (h) “Council” means the reeve and councillors of the municipality elected pursuant to the provisions of *The Local Government Election Act*.
- (i) “Councillor” means the council member duly elected in the municipality as a councillor, in accordance with *The Local Government Election Act*.
- (j) “Deputy Reeve” means the councillor who is appointed by majority vote of council, to act in the absence or incapacity of the reeve.
- (k) “Reeve” means the council member elected in the municipality as the reeve in accordance with *The Local Government Election Act*.
- (l) “Member” means the reeve, councillor or an appointed individual to a committee, commission or board of council.
- (m) “Motion” means a formal proposal placed before a meeting in order that it may be debated to a conclusion.
- (n) “Mover” means a person who presents or proposes a motion or amendment.
- (o) “Municipality” means the Rural Municipality of Eldon No. 471
- (p) “Public hearing” means a meeting of council or that portion of a meeting of council which is convened to hear matters pursuant to:
 - i. *The Municipalities Act*
 - ii. *The Planning and Development Act, 2007*;
 - iii. any other Act; or
 - iv. a resolution or bylaw of council.
- (q) “Quorum” is, subject to section 98 of the Act:
 - i. in the case of council, a majority of the whole council,
 - ii. in the case of a committee, a majority of the members appointed to the committee.
- (r) “Resolution” means a formal determination made by council or a committee on the basis of a motion, duly placed before a regularly constituted meeting or a special meeting of council or a committee for debate and decision, and is duly passed.

3.2 A reference in this bylaw to an enactment of the Legislative Assembly of Saskatchewan is a reference to the enactment as amended from time to time.

4. Application

- 4.1 This bylaw applies to all meetings of council and committees.

PART II – MEETINGS

5. First Meeting

- 5.1 The first meeting of council shall be held at the call of the Administrator within 31 days immediately following a general election.
- 5.2 At the first meeting of council:
- (a) the Returning Officer shall provide council with a copy of the declaration of results with respect to the election; and
 - (b) every council member shall take the oath of office pursuant to Section 94 of the Act.

6. Regular Meetings

- 6.1 Regular meetings of council shall be held on the 2nd Wednesday of each month commencing at 9:00 a.m. at the R.M. of Eldon No. 471 Municipal Office Boardroom in Maidstone, Saskatchewan.
- 6.2 Notwithstanding the foregoing provisions, council may, by resolution, dispense with or alter the time of a regular meeting of council.
- 6.3 Council may, by resolution, authorize the Reeve to reschedule a regular meeting of council pursuant to the Act during a period of time to be specified within the resolution.

7. Special Meetings

- 7.1 The Administrator shall call a special meeting of council, whenever requested to do so, by the reeve or a majority of the members of Council .
- 7.2 When a special meeting is to be held, the Administrator shall provide notice in accordance with Section 123 of The Act.

8. Notice of Meetings

- 8.1 Notice of regularly scheduled council meetings is not required to be given.
- 8.2 If council changes the date, time or place of a regularly scheduled meeting, at least twenty-four (24) hours' notice of the change will be given to:
- (a) any members not present at the meeting at which the change was made; and,
 - (b) the public.

9. Method of Giving Notice

- 9.1 Notice of a council meeting is deemed to have been given to a member if the notice is:
- (a) delivered personally;
 - (b) left at the usual place of business or residence of the member; or
 - (c) at the request of the member, sent by ordinary mail, telephone or voice mail, facsimile, electronic mail, text message or similar method at the number or to the address specified by the member.
- 9.2 Form 1, appended hereto and forming a part of this bylaw, shall be the form used to request the administrator to use an alternate method of providing notice of meetings.
- 9.3 Notice of a council meeting is to be given to the public by posting notice of the meeting at the municipal office and on the municipal website.

10. Actions in Public

- 10.1 An act or proceeding of council is not effective unless it is authorized or adopted by bylaw or a resolution at a legally constituted public meeting of council.
- 10.2 Every person has the right to be present at council meetings that are conducted in public unless the person presiding at the council meeting expels a person for improper conduct.

11. Closed Sessions

- 11.1 Council may close all or any part of its meetings to the public if the matter to be discussed:
- (a) is within one of the exemptions of Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*; or
 - (b) concerns long-range or strategic planning.
- 11.2 A resolution to move into closed session shall state, in general terms, the topic of discussion.

- 11.3 Where Council resolves to close a portion of a meeting to the public, all persons shall be excluded from the meeting except:
 - (a) the members of council;
 - (b) the Administrator and other members of administration as the members of Council may deem appropriate; and
 - (c) such members of the public as may be allowed to attend by the Council.
- 11.4 Where Council resolves to close a portion of a meeting to the public, in addition to the resolution to do so, the Administrator shall record in the minutes thereto:
 - (a) the time that the in-camera portion of the meeting commenced and concluded;
 - (b) the names of the parties present; and
 - (c) the legislative authority including the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* relied upon for authority to close the meeting to the public.
- 11.5 No resolutions or bylaws may be passed during a closed meeting.
- 11.6 No business other than that described within the resolution may be discussed.
- 11.7 Matters discussed or to be discussed in closed meetings are to be kept in confidence until discussed at a public meeting of council, unless otherwise provided for in this bylaw.

PART III – COUNCIL MEETING PROCEDURES

12. Agendas

- 12.1 The Administrator shall prepare the agenda for all regular and special meetings of council.
- 12.2 Council may permit additional material or items to be added to the agenda.

13. Order of Business at Meetings

- 13.1 The general order of business of every regular council meeting shall be set out on the agenda as prepared by the Administrator and as amended by Council
- 13.2 The business shall, in all cases, be taken up in the order in which it stands on the agenda, unless:
 - (a) the Reeve determines during the proceedings of council that for public interest a matter be moved forward to be dealt with promptly.
 - (b) the majority of Council determine the proceedings of the agenda should be altered in order for certain matters to be dealt with promptly.

14. Commencement of Council Meeting

- 14.1 At the hour set for the meeting, or as soon as all members of council present, the Reeve, or in his or her absence the Deputy Reeve, shall take the chair and call the members to order.
- 14.2 In case neither the Reeve nor the Deputy Reeve is in attendance within 30 minutes after the hour appointed, and subject to a quorum being present, Council shall appoint an Acting Reeve who shall call the meeting to order and shall preside over the meeting until the arrival of the Reeve or the Deputy Reeve, and all proceedings of such meeting shall be deemed to be regular, and in full force and effect.

15. Minutes

- 15.1 The Administrator shall record the minutes of each council meeting without note or comment. The names of the members present at the meeting are to be recorded in the minutes of every meeting.
- 15.2 Any member may make a motion amending the minutes to correct any mistakes.
- 15.3 The minutes of each meeting are to be approved at the next regular meeting of the Council and signed by the presiding member and the Administrator in accordance with the Act.

16. Public Hearing

- 16.1 If a public hearing is required by any Act, it shall be conducted in accordance with the provisions of this section.
- 16.2 The procedure by which the public hearing will be conducted or by which public input will be obtained shall be as follows:
 - (a) the Reeve shall declare the hearing on the matter open;

- (b) the Administrator shall present background information on the bylaw or resolution or matter under consideration including any recommendations;
- (c) if the hearing involves an applicant, the applicant shall be given an opportunity to make representations on the matter under consideration;
- (d) after the applicant, any person or group of persons or spokesperson acting on behalf of another person or group shall be given an opportunity to make representations on the matter under consideration;
- (e) if the hearing involves an applicant, at the conclusion of the speakers, the applicant shall be given an opportunity to respond to the representations of other people;
- (f) Council may request further information from administration;
- (g) Council shall formally receive all communications and written reports submitted to it on the subject matter of the hearing;
- (h) the Reeve shall declare the hearing closed; and
- (i) Council shall then consider the matter and at the conclusion of the deliberations, Council shall vote on the bylaw or resolution in accordance with the procedures contained in this bylaw.

17. Communications - General

- 17.1 In general, when a person wishes to have a communication considered by Council at a meeting, it shall be addressed to Council, and:
 - (a) clearly set out the matter in issue and the request; and
 - (b) for written communications, must be printed, typewritten or legibly written, contain the mailing address of the writer and be signed with the name of the writer; or
 - (c) for electronic communication, must contain the name of the writer and both the mailing and electronic address of the writer.
- 17.2 A communication received by the administrator which contains or relates to personal information shall be dealt with in accordance with the provisions of *The Local Authority Freedom of Information and Protection of Privacy Act*.

18. Delegations – Matters not on Council Agenda

- 18.1 A request to speak to Council must be received by the Administrator no later than the agenda deadline
- 18.2 In the event that a delegation makes an application to the Administrator after the agenda deadline, regarding a subject which is not on the agenda, the Administrator will bring the request to the attention of council:
 - (a) Delegations will be advised by the administrator that they may not be heard by council unless the majority of members vote to allow the delegation to speak.

19. Reeve and Councillors Forum

- 19.1 All comments will be verbal only and shall not be recorded in the minutes of the meeting.

20. Bylaws

- 20.1 Every proposed bylaw must have three (3) distinct and separate readings
- 20.2 When a bylaw has been given three (3) readings by council, it:
 - (a) becomes a municipal enactment of the municipality; and
 - (b) is effective immediately unless the bylaw or an applicable provincial statute provides otherwise.

21. Recess

- 21.1 The council may recess at any time during the meeting.

22. Adjournment

- 22.1 All regularly scheduled council meetings shall stand adjourned when the council has completed all business and a motion to adjourn is passed.

PART IV – CONDUCT AT COUNCIL MEETINGS

23. Reeve

- 23.1 The Reeve shall:
- (a) preside at all council meetings;
 - (b) preserve order at council meetings;
 - (c) enforce the rules of council;
- 23.2 The Reeve shall have the same rights and be subject to the same restrictions, when participating in debate, as all other members.
- 23.3 The Reeve shall have the same rights and be subject to the same restrictions as all other members to make a motion.

24. Deputy Reeve

- 24.1 If the Reeve, for any reason, is unable to perform the duties of his or her office, the Deputy Reeve shall have all of the powers of the Reeve during the inability.

25. Acting Reeve

- 25.1 Council shall, appoint a member as Acting Reeve if:
- (a) both the Reeve and the Deputy Reeve are unable to perform the duties of his or her office; or
 - (b) the offices of both the Reeve and the Deputy Reeve are vacant.

26. Conduct of Public

- 26.1 All persons in the public gallery at a council meeting shall:
- (a) refrain from addressing Council or a member unless permitted to do so;
 - (b) maintain quiet and order;
 - (c) refrain from disturbing the proceedings by words, gestures or actions including applauding, displaying flags, placards or similar material;
 - (d) refrain from talking on cellular telephones;
 - (e) refrain from making audio or video recordings of council proceedings; and
 - (f) ensure that all electronic devices are silent and operated in such a manner that does not interfere with the meeting or with another person's ability to hear or view the proceedings.

27. Conduct of Delegations

- 27.1 When addressing members at a council meeting, a delegation shall refrain from:
- (a) speaking disrespectfully of the federal government, the provincial government or another municipal council, or any official representing them;
 - (b) using offensive words in referring to a member, an employee of the municipality or a member of the public;
 - (c) shouting or using an immoderate tone, profane, vulgar or offensive language.

28. Conduct of Members

- 28.1 Members of council wishing to speak at a meeting shall ensure they do not interrupt another member.
- 28.2 If more than one member wishes to speak at a meeting at the same time, the Reeve shall indicate which member shall speak first.

29. Improper Conduct

- 29.1 The Reeve may request that any person in the public gallery who disturbs the proceedings of council or acts improperly at a council meeting leave or be expelled from the meeting.
- 29.2 The Reeve may request that any delegation who addresses council improperly leave or be expelled from the meeting.
- 29.3 No person shall refuse to leave a council meeting when requested to do so by the Reeve.
- 29.4 Any person who refuses to leave when requested to do so may be removed.
- 29.5 If a person disturbs the proceedings of council or refuses to leave when requested to do so, the Reeve may recess the meeting until the person leaves or adjourn the meeting to another day.

PART V – MOTIONS

30. Motion to Adjourn

- 30.1 A member may move a motion to adjourn a meeting when the business on the agenda has been concluded or at any other time, except when:
 - (a) a call for a recorded vote has been made;
 - (b) the members are voting or involved in another proceeding;
- 30.2 A motion to adjourn shall be decided without debate.

31. Motion to Move to a Closed Meeting

- 31.1 A member may make a motion that a council meeting move to a closed meeting.
- 31.2 The motion to move to a closed meeting must:
 - (a) be in accordance with *The Local Authority Freedom of Information and Protection of Privacy Act*;
 - (b) indicate the titles or subject of the item(s) to be discussed; and
 - (c) include the reason for the council meeting to be held in a closed meeting.
- 31.3 No bylaw or resolution shall be passed during a closed meeting.

32. Withdrawal of Motions

- 32.1 The mover of a motion may withdraw it at any time prior to a vote being taken or prior to the motion being amended.

33. Motion to Rescind

- 33.1 A motion to rescind shall apply to resolutions only, and shall not apply to bylaws passed by Council.
- 33.2 A motion to rescind is in order only when the original motion passed. No motion to rescind shall be necessary when the original motion failed.
- 33.3 A motion to rescind may be made at any time following the Council meeting at which the original motion was voted on regardless of the time that has elapsed since the original vote was taken.
- 33.4 A motion to rescind shall, in all cases, require a majority vote of all Council members to pass.

34. Legal Advice

- 34.1 Where a majority of the members present at a council meeting wish to receive legal advice in private, Council may recess for a period of time sufficient to receive legal advice.

35. Voting of council

- 35.1 The Reeve shall submit to Council every question on a motion by any member and no seconder is required.
- 35.2 A member attending a council meeting shall vote at the meeting on a matter before Council unless the member is required to abstain from voting pursuant to the Act or any other Act.
- 35.3 If a member is not required to abstain from voting on a matter before council and abstains from voting, the council member is deemed to have voted in the negative.
- 35.4 The Administrator shall ensure that each abstention is recorded in the minutes of the meeting.

36. Voting of Reeve

- 36.1 The Reeve shall vote with the other members on all questions.

37. Majority Decision

- 37.1 At every council meeting, all decisions are to be made and all questions are to be decided by a majority vote of the members present.

38. Recorded Vote

- 38.1 Before a vote is taken by Council, a member may request that the vote be recorded.
- 38.2 If a vote is recorded, the minutes must show the names of the members present and whether each voted for or against the proposal or abstained.

39. Tied Vote

- 39.1 If there are an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.

PART VI – COMMITTEES

40. Committee Procedures

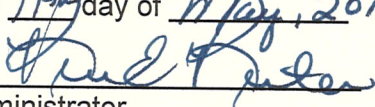
- 40.1 Council may from time to time establish a committee in response to specific issues requiring immediate or long term attention.
- 40.2 The membership and jurisdiction of a committee shall be as provided for in the enabling legislation or as directed by council.
- 40.3 The Reeve is an ex-officio voting member of all committees established by council pursuant to the Act, unless council provides otherwise, and when in attendance, possesses all of the rights, privileges, powers and duties of other members, whether elected or appointed.
- 40.4 The Reeve's attendance shall not, however, be included for the purpose of determining a quorum.
- 40.5 All council members may attend the meetings of committees established pursuant to the Act, and may take part in the proceedings of the same, except that non-committee members shall not have a vote.
- 40.6 Everyone has the right to be present at committee meetings that are conducted in public unless the chair expels a person for improper conduct.
- 40.7 Subject to subsection 12 of this bylaw, committees shall conduct all committee meetings in public.
- 40.8 Committees may close all or part of the meeting if the matter to be discussed is within one (1) of the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.
- 40.9 Notice of regularly scheduled committee meetings is not required to be given.
- 40.10 All minutes, once approved, shall be open for inspection by the public.
- 40.11 No member shall release or otherwise make public any information considered at a closed meeting, including discussion of the content of such a meeting with persons other than with members of council or with civic staff who are privy to that information:
 - (a) unless authorized by Council; or
 - (b) until the matter is included on a public agenda of Council.
- 40.12 Every committee shall report to Council, and no action of any committee shall be binding on the municipality unless:
 - (a) power to take such action is expressly conferred on the committee by legislation, bylaw or resolution of council; or,
 - (b) Council has considered the report of the committee and if adopted, shall become the resolve of Council.

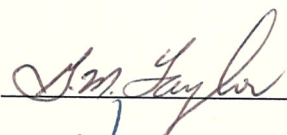
PART VII – MISCELLANEOUS

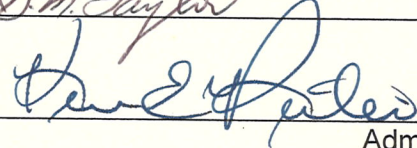
41. Miscellaneous

- 41.1 This bylaw shall come into force and take effect upon the date of final passing.
- 41.2 Bylaw #2-2016, A Bylaw To Regulate The Proceedings Of Municipal Council Meetings, is hereby repealed.



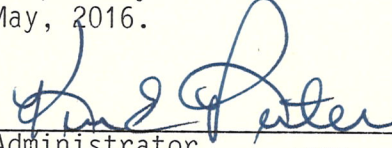
Read a third time and adopted
this 11th day of May, 2016

Administrator



Reeve


Administrator

Certified a true copy of Bylaw No.4-2016
adopted by Council on the 11th day of
May, 2016.



Administrator



Bylaw No. 4-2016
Form 1 – Request for a Special Meeting

Date: _____
To: _____, Administrator, R.M. of Eldon No.471

Pursuant to section ____ of the Act¹, I / we hereby request you to call a special meeting of the Council of the [Full Name of Municipality] to discuss the following matter(s):

- 1. _____
- 2. _____
- 3. _____

Meeting Details:

Location: _____
Date: _____
Time: _____

Dated this ____ day of _____, 20__

SIGNED:
Name: _____
Name: _____
Name: _____
Name: _____

Office Use Only: _____

- ☐ Members provided notice pursuant to subsection ____ of the Act²
- ☐ Notice not provided pursuant to subsection ____ of the Act³

¹ 97 CA, 123 MA, 141 NMA
² 98(1) CA, 124(1) MA, 142(1) NMA
³ 97(3) CA, 123(3) MA, 141(3) NMA

Bylaw No.4-2016
Form 2 – Request for Method of Providing Notice

Date: _____

To: Administrator, R.M. of Eldon No. 471

From: _____ (name of council member)

Pursuant to clause 124(1)(c) of the Act, I hereby request notice of council or committee meetings be provided to me by the alternate means:

- ☐ By text message (cell number)
- ☐ By regular mail (address)
- ☐ By telephone or voice mail (telephone number)
- ☐ By facsimile (fax number)
- ☐ By email (email address)

Check one of the above

This request remains in force until the end of my current term of office unless sooner revoked by me in writing.

Dated this ____ day of _____, 20__

(Signature of member)