

## RURAL MUNICIPALITY OF COLONSAY No. 342

### BYLAW NO 01/2016

#### A BYLAW TO REGULATE THE PROCEEDINGS OF MUNICIPAL COUNCIL AND COUNCIL'S COMMITTEES

The Council of the Rural Municipality of Colonsay No. 342 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 clear, transparent, consistent and accessible rules for conducting business at meetings, for council members, administrations and the public to follow and participate in governing the municipality and for council in establishing council committees.

2.2 This Bylaw will also provide for the orderly conduct of the business of Council and any committees established by Council. If a matter arises that is not covered by the provisions of this Bylaw, Robert’s Rules of Order, current edition, shall govern.

##### 3. Definitions

3.1 In this bylaw:

- (a) “Act” means *The Municipalities Act*.
- (b) “Administration” means the administrator or an employee accountable to the administrator.
- (c) “Administrator” means the person appointed as administrator pursuant to section 111, *The Municipalities Act*.
- (d) “Amendment” means an alteration to a main motion by substituting, adding or deleting a word or words without materially altering the basic intent of the motion.
- (e) “Committee” means a committee, board, authority or other body duly appointed by council.
- (f) “Council” means the reeve and councillors of the municipality elected pursuant to the provisions of *The Local Government Election Act*.
- (g) “Councillor” means the council member duly elected in the municipality as a councillor, in accordance with *The Local Government Election Act*.
- (h) “Deputy reeve” means the councillor who is appointed by council, pursuant to section 18 of this bylaw, to act as reeve in the absence or incapacity of the reeve.
- (i) “Member” means the reeve, councillor or an appointed individual to a committee, commission or board of council.
- (j) “Municipality” means the Rural Municipality of Colonsay No. 342.
- (k) “Order of business” means the list of items comprising the agenda and the order in which those items appear on the agenda.
- (l) “Point of order” means the raising of a question by a member in a meeting claiming that the procedures of the meeting or of an individual council member are contrary to the procedural rules or practices.
- (m) “Point of privilege” is the raising of a matter by a member which occurs while the council is in session, where:
  - i. the rights, privileges, decorum or dignity of the council collectively or the rights and privileges of a member individually have been affected,
  - ii. when a member believes that another member has spoken disrespectfully toward them or the council, or
  - iii. when a member believes their comments have been misunderstood or misinterpreted by another member or members; or
  - iv. when a member believes that comments made by the member outside the council Chamber have been misinterpreted or misunderstood by the Community, the public or the news media in order to clarify his or her position.

- (n) "Point of procedure" means a question directed to the person presiding at a meeting to obtain information on the rules or procedures bearing on the business at hand.
- (o) "Quorum" is, subject to sections 98 and 146 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.
- (p) "Reeve" means the council member duly elected in the municipality as the Reeve in accordance with *The Local Government Election Act*.

## **PART II – MEETINGS**

### **4. First Meeting**

- 4.1 The first meeting of council immediately following a general election shall be held:
  - (a) within 31 days after date of the election; and
  - (b) the administrator is to set date, time and place and provide written notice to all members of council at least 24 hours before the meeting
- 4.2 At the first meeting of council:
  - (a) every newly elected council member shall take the oath of office pursuant to the Act.

### **5. Regular Meetings**

- 5.1 Regular meetings of council shall be held on the 2<sup>nd</sup> Wednesday of each month commencing at 8:30 a.m. except for those cases when this day falls on a statutory holiday, in which case the regular meeting shall be moved to a date set by council resolution.
- 5.2 Notwithstanding the foregoing provisions, council may, by resolution, dispense with or alter the date and time of a regular meeting of council.
- 5.3 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.

### **6. Special Meetings**

- 6.1 The administrator shall call a special meeting of council, whenever requested to do so, in writing, by the reeve or a majority of the members, stating the purpose of the meeting and the date, time and place.
- 6.2 Form 1, appended hereto and forming a part of this bylaw, shall be the form used to direct the administrator to call a special meeting of council.
- 6.3 A special meeting may be held with less than twenty-four (24) hours' notice to members, and without notice to the public, if all members sign a waiver of notice before the commencement of the meeting.
- 6.4 No business, other than that stated in the notice, shall be transacted at a special meeting, unless all the members are present and, by unanimous consent, they authorize other business to be transacted.

### **7. Notice of Meetings**

- 7.1 Notice of regularly scheduled council meetings is not required.
  - (a) 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 any members not present at the meeting at which the change was made and the public.

### **8. Method of Giving Notice**

- 8.1 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 or electronic mail or similar method at the number or to the address specified by the member.
- 8.2 Form 2, 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.
- 8.3 Notice of a council meeting is to be given to the public as set out in Public Notice Bylaw 2/2005 or on the municipal website.

## **9. Actions in Public**

- 9.1 An act or proceeding of council is not effective unless it is authorized or adopted by bylaw or a resolution at a duly constituted public meeting of council.
- 9.2 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.

## **10. Closed Sessions**

- 10.1 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.
- 10.2 A resolution to move into closed session shall state, in general terms, the topic of discussion.
  - (a) Where council resolves to close a portion of a meeting to the public, all persons shall be excluded from the meeting except members of council, the administration and such members of the public as may be allowed to attend by the council.
- 10.3 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*, as set out in section 120 of the act, relied upon for authority to close the meeting to the public.
- 10.4 No resolutions or bylaws may be passed during a closed meeting.
- 10.5 No other business may be discussed during a closed session.

## **PART III – COUNCIL MEETING PROCEDURES**

### **11. Agendas**

- 11.1 The administrator shall prepare the agenda for all regular and special meetings of council.
- 11.2 The agenda shall include the order of business and all items of business and associated reports, bylaws or documents and shall be set out in accordance with the order of business.
- 11.3 During the confirmation of the agenda, a member may move to add a report, communication or delegation to the agenda.
- 11.4 The general order of business of every regular council meeting shall be as follows:
  - (a) Call to order
  - (b) Approval of agenda
  - (c) Adoption of minutes
  - (d) Adoption of Financial Reports & Accounts
  - (e) Correspondence
  - (f) Foreman's Report
  - (g) New & unfinished business
  - (h) Committee Reports
  - (i) Delegations
  - (j) Adjournment
- 11.5 The business shall, in all cases, be taken up in the order in which it stands on the agenda, unless the reeve determines during the proceedings of council that for public interest a matter be moved forward to be dealt with promptly.

### **12. Quorum**

- 12.1 A quorum of council is a majority of members.
- 12.2 Any act or proceeding of council that is adopted at any council meeting at which a quorum is not present is invalid.
- 12.3 Subject to the Act, if at any meeting the number of members is reduced to less than the number required for a quorum, council shall stand adjourned.

### **13. Minutes**

- 13.1 The administrator shall record the minutes of each council meeting without note or comment and shall distribute copies of the minutes to each member of council.
- 13.2 The names of the members present at the meeting are to be recorded in the minutes of every meeting.
- 13.3 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.

### **14. Communications - General**

- 14.1 When a person wishes to have a communication considered by council, 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.
- 14.2 A communication received by the administrator, which does not meet the conditions in subsection 14.1 or is abusive in nature, shall be forwarded to the reeve for review and disposition.
- 14.3 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*.

### **15. Communications – Agenda**

- 15.1 A written communication received before the preparation of the agenda shall be placed by the administrator on the council agenda and shall be dealt with when the matter is considered by council at its meeting.
- 15.2 In the event that the communication to the administrator is received after the preparation of the agenda, the administrator will bring the request to the attention of council and advise the individual that the communication will be considered by council if approved at the council meeting

### **16. Delegations – Agenda**

- 16.1 When a person wishes to speak to council on a matter for which a hearing is not required, that person shall notify the administrator, which notice shall include the following:
  - (a) the name and correct mailing address of the spokesperson;
  - (b) telephone number where the representative of the delegation can be reached during the day;
  - (c) clearly set out the subject matter to be discussed and the request being made of council.
- 16.2 A request to speak to council pursuant to subsection 16.1 must be received by the administrator no later than the Preparation of the agenda in order to be included on the council agenda.
- 16.3 In the event that a delegation makes an application to the administrator after preparation of the agenda, the administrator will bring the request to the attention of council and advise the delegation that they will be heard by council if approved at the council meeting.
- 16.4 Upon the completion of a presentation to council by a delegation, any discourse between members and the delegation shall be limited to members asking questions for clarification and obtaining additional, relevant information only:
  - (a) Members shall not enter into debate with the delegation respecting the presentation; and
  - (b) Once a motion has been moved, no further representation or questions of the delegation shall be permitted.

## **PART IV – CONDUCT AT COUNCIL MEETINGS**

### **17. Reeve**

- 17.1 The reeve shall:
  - (a) preside at all council meetings;
  - (b) preserve order at council meetings;
  - (c) enforce the rules of council;
  - (d) decide points of privilege and points of order; and

- (e) advise on points of procedure.
- 17.2 The reeve shall have the same rights and be subject to the same restrictions, when participating in debate, as all other members.
- 17.3 The reeve shall have the same rights and be subject to the same restrictions as all other members to make a motion.

#### **18. Deputy Reeve**

- 18.1 The council shall, at its first meeting, appoint from the councillors a deputy reeve who shall hold office for a term of one year or until a successor is appointed.
- 18.2 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.

#### **19. Acting Reeve**

- 19.1 Council shall, appoint a member to act as 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.
- 19.2 The member to be appointed, pursuant to subsection 19.1, shall be elected by a majority of the members present.

#### **20. Conduct of Delegations**

- 20.1 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 council member, an employee of the municipality or a member of the public;
  - (c) reflecting on a vote of council except when moving to rescind or reconsider it;
  - (d) reflecting on the motives of the members who voted on the motion or the mover of the motion; or
  - (e) shouting or using an immoderate tone, profane, vulgar or offensive language.

#### **21. Conduct of Members**

- 21.1 Members of council wishing to speak at a meeting shall ensure they do not interrupt another member.
- 21.2 If more than one member wishes to speak at a meeting at the same time, the reeve shall indicate which member shall speak first.
- 21.3 When addressing a council meeting, a member 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) reflecting on a vote of council except when moving to rescind or reconsider it,
  - (d) reflecting on the motives of the members who voted on the motion or the mover of the motion; or
  - (e) shouting or using an immoderate tone, profane, vulgar or offensive language.
- 21.4 When a member is addressing the council, all other members shall:
  - (a) remain quiet and seated;
  - (b) refrain from interrupting the speaker, except on a point of order or point of procedure; and
  - (c) refrain from carrying on a private conversation in such a manner that disturbs the speaker.
- 21.5 Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.

#### **22. Improper Conduct**

- 22.1 The reeve may request that any person in the public gallery or in a delegation who disturbs the proceedings of council or acts improperly at a council meeting leave or be expelled from the meeting.
- 22.2 Any person who refuses to leave when requested to do so may be removed.

- 22.3 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.

### **23. Point of Order**

- 23.1 A member may rise and ask the reeve to rule on a point of order.  
23.2 When a point of order is raised, the member speaking shall immediately cease speaking until the reeve decides the point of order raised.  
23.3 A point of order must be raised immediately at the time the rules of council are breached.  
23.4 The member against whom a point of order is raised may be granted permission by the reeve to explain.  
23.5 The reeve may consult the administrator before ruling on a point of order.  
23.6 A point of order is not subject to amendment or debate.

### **24. Point of Privilege**

- 24.1 A member may rise and ask the reeve to rule on a point of privilege.  
24.2 After the member has stated the point of privilege, the reeve shall rule whether or not the matter raised is a point of privilege.  
24.3 If the matter is determined to be a point of privilege, the member who raised the point of privilege shall be permitted to speak to the matter.  
24.4 If the point of privilege concerns a situation, circumstance or event which arose between council meetings, the member shall raise the point of privilege immediately after adoption of the minutes of the previous council meeting.  
24.5 The reeve may consult the administrator before ruling on a point of privilege.  
24.6 A point of privilege is not subject to amendment or debate unless a motion regarding the point of privilege is put to council.

### **25. Point of Procedure**

- 25.1 Any member may ask the reeve for an opinion on a point of procedure.  
25.2 When a point of procedure is raised, the member speaking shall immediately cease speaking until the reeve responds to the inquiry.  
25.3 After the member has asked the point of procedure, the reeve shall provide an opinion on the rules of procedure bearing on the matter before council.  
25.4 The reeve may consult the administrator before providing an opinion on the point of procedure.  
25.5 A point of procedure is not subject to amendment or debate.  
25.6 The reeve's answer to a point of procedure is not a ruling, and cannot be appealed to the whole of council.

### **26. Appeal**

- 26.1 Whenever a member wishes to appeal any ruling of the reeve or a point of order or point of privilege to the whole of council:  
(a) the motion of appeal, "that the decision of the chair be overruled" shall be made;  
(b) the member may offer a brief reason for the challenge;  
(c) the reeve may state the reason for the decision; and  
(d) following which the question shall be put immediately without debate.  
26.2 The reeve shall be governed by the vote of the majority of the members present.  
26.3 A ruling of the reeve must be appealed immediately after ruling is made or the ruling will be final.

### **27. Calling a Member to Order**

- 27.1 When the reeve calls a member to order, the member shall resume his or her seat, but may afterwards explain his or her position in making the remark for which he or she was called to order.  
27.2 In the event that a member refuses to resume his or her seat when called to order, the reeve shall request the deputy reeve, or if the deputy reeve is absent or is the unruly member, any other member of council to move a resolution to remove the unruly member either:  
(a) for the balance of the meeting,  
(b) until a time, within the meeting, which shall be stated in the motion, or  
(c) until the member makes an apology acceptable to council for his or her unruly behavior, whichever shall be the shortest time.  
27.3 When the majority of council votes in favour of the resolution, the reeve shall direct the unruly member to leave the council chamber, and if the member refuses to leave, the reeve may:

- (a) recess the meeting until the person leaves or adjourn the meeting to another day; or
  - (b) direct that law enforcement officials be engaged to assist in the removal of the unruly member.
- 27.4 When council has directed an unruly member to leave the council chambers, and the member so directed makes an explanation and apology adequate and satisfactory to the council, it may, by a majority vote of the remaining members present, allow the offending member to remain in his or her place if he or she has not left or been removed, or to retake his or her place.

## **PART V – MOTIONS**

### **28. Motions and Debate**

- 28.1 A motion shall express fully and clearly the intent of the mover and shall not be preceded by any preamble or whereas clauses.
- 28.2 Any member may require the motion under debate to be read at any time during the debate, but not so as to interrupt a member while speaking.
- 28.3 When a motion is under debate no other motion may be made, except a motion to:
- (a) amend a motion;
  - (b) refer motion to a council committee or administration for a report back to council;
  - (c) postpone a motion to a fixed date;
  - (d) request that a motion be put to a vote;
  - (e) adjourn the meeting.
- 28.4 Notwithstanding any other provisions of this bylaw, the member, who moved a motion after a motion is under debate, may, with the consent of council:
- (a) on his or her own initiative while he or she is speaking on the same; or
  - (b) when requested by another member speaking on the motion; change the wording of the motion, or agree to a change proposed by another member, if the alteration does not change the intention of the motion.
- 28.5 Any motions allowed under subsection 28.3 shall be considered in the order in which they were moved.

### **29. Motion Contrary to Rules**

- 29.1 The reeve may refuse to put to council a motion which is, in the opinion of the reeve, contrary to the rules and privileges of council.

### **30. Withdrawal of Motions**

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

### **31. Motion to Reconsider**

- 31.1 A motion to reconsider shall apply to resolutions only, and shall not apply to bylaws passed by council.
- 31.2 A motion to reconsider is in order whether the original motion passed or failed.
- 31.3 A motion to reconsider may only be made at the same council meeting as the original motion was voted on.
- 31.4 A motion to reconsider must be moved by a member who voted with the prevailing side of the original motion.
- 31.5 When a motion loses on a tied vote, the prevailing side is those who voted against the motion.
- 31.6 A motion to reconsider is debatable only if the motion being reconsidered is debatable.
- 31.7 A motion to reconsider cannot be amended.
- 31.8 A motion to reconsider shall require a majority vote of the members present at the meeting.
- 31.9 If a motion to reconsider is adopted, the original motion is immediately placed before council to be reconsidered.
- 31.10 Once a vote on a motion to reconsider has taken place, there shall be no further motion to reconsider that resolution.

### **32. Motion to Rescind**

- 32.1 A motion to rescind shall apply to resolutions only, and shall not apply to bylaws passed by council.

- 32.2 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.
- 32.3 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.
- 32.4 A motion to rescind may be moved by any council member regardless how they voted on the original motion.
- 32.5 A motion to rescind is debatable.
- 32.6 A motion to rescind may be amended.
- 32.7 A motion to rescind shall, in all cases, require a majority vote of all council members to pass.
- 32.8 A motion cannot be rescinded:
  - (a) when the making or calling up of a motion to reconsider is in order;
  - (b) when action on the motion has been carried out in a way that cannot be undone; or
  - (c) when a resignation has been accepted or actions electing or expelling a person from membership or office have been taken.

### **33. Motion to Postpone**

- 33.1 Where a majority of all members decide to postpone a motion to a fixed date, the motion cannot be considered by council until the fixed date.
- 33.2 Notwithstanding subsection 33.1, council may consider a postponed motion before the fixed date if a majority of members agree that the motion may be considered before that date.
- 33.3 The only amendment allowed to a motion to postpone to a fixed date is to change the date.

### **34. Motion to Refer**

- 34.1 A motion to refer a matter shall not be amended or debated except with respect to the conditions of the referral or the time required to carry out the review.
- 34.2 A member making a referral motion generally should include in the motion:
  - (a) the terms on which the motion is being referred; and
  - (b) the time when the matter is to be returned.

### **35. Debate on Motion**

- 35.1 No member shall speak more than once to a motion, until each member has been provided an opportunity to speak on the motion, except to explain a material part of their speech which may have been misquoted or misunderstood.
- 35.2 The mover of the motion shall be given the first opportunity to speak.
- 35.3 The mover of the motion shall be allowed a reply at the conclusion of the debate.

### **36. Voting of council**

- 36.1 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.
- 36.2 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.
- 36.3 The administrator shall ensure that each abstention is recorded in the minutes of the meeting.

### **37. Voting of Reeve**

- 37.1 The reeve shall vote with the other members of council on all questions.

### **38. Majority Decision**

- 38.1 Unless a greater percentage of votes is required by any provision of this bylaw or the act, at every council meeting, all questions are to be decided by a majority vote of the members present.

### **39. Recorded Vote**

- 39.1 Before a vote is taken by council, a member may request that the vote be recorded.
- 39.2 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.

**40. Tied Vote**

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

**PART VI – COMMITTEES**

**41. Committee Procedures**

- 41.1 Council may from time to time establish a committee in response to specific issues requiring immediate or long term attention.
- 41.2 The membership and jurisdiction of a committee shall be as provided for in the enabling legislation or as directed by council.
- 41.3 Committee member appointments shall be made at the November council meeting.
- 41.4 Functions and authority of committees;
  - (a) Supervision of various departments
  - (b) Make recommendations on policy to council
  - (c) Any duties delegated by council.
- 41.5 The conduct of committee members and procedure of meetings shall be subject to all requirements as set out in this bylaw.

\_\_\_\_\_  
Reeve

[SEAL]

\_\_\_\_\_  
Administrator

Section 81.1 of *The Municipalities Act*

Read a third time and adopted  
this \_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Administrator

**Bylaw # 1/2016**  
**Form 1 – Request for a Special Meeting**

Date: \_\_\_\_\_

To: \_\_\_\_\_, Administrator, Rural Municipality of Colonsay No. 342

Pursuant to section 124(1) of the Act, I / we hereby request you to call a special meeting of the Council of the Rural Municipality of Colonsay No. 342 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 124(1) of the Act  
 Notice not provided pursuant to subsection 123(3) of the Act

**Bylaw # 1/2016**  
**Form 2 – Request for Method of Providing Notice**

Date: \_\_\_\_\_

To: \_\_\_\_\_, Administrator, Rural Municipality of Colonsay No. 342

From: \_\_\_\_\_ (\_\_\_\_\_)

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 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)