

Council Procedure Bylaw

TOWN OF PONTEIX

BYLAW NO. 03/2006

A BYLAW TO PROVIDE FOR THE ESTABLISHMENT OF COUNCIL PROCEDURES

The council for the Town of Ponteix in the Province of Saskatchewan enacts as follows:

1. Short Title

Council 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) A Clause indicating that 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 Reeve; 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.

PART 1
MEETINGS OF COUNCIL

4. First Meeting of Council

- 4.1 The first meeting of council following a general election will be held within 31 days after the date of the election.

- 4.2 The administrator shall determine the time, date and place of the meeting.
- 4.3 The administrator shall provide written notice of the time, date and place at least 24 hours prior to the meeting.
- 4.4 The administrator shall provide to all members of council an Oath of Office, in prescribed form, to be taken and signed before taking their seat on council.
- 4.5 Notice of this first meeting must be left by personal service at the usual place of business or residence of the member.

5. Regular Meetings of Council and Committees (MA 122)

- 5.1 Regular council meetings shall be held at the Council Chambers Town of Ponteix on the second and fourth Tuesday of each month at 7:30 p.m.
- 5.2 Council or Committee meetings shall 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.
- 5.3 Council agenda shall be provided to council members one or two days prior to regularly scheduled meeting.

6. Special Meetings of Council (MA 123)

- 6.1 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. 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.
- 6.2 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 to transact other business.
- 6.3 When an emergency or other situation arises, council or a council committee may need to hold a meeting on less than 24 hours notice IF all council or council committee sign a waiver of notice before commencement of the meeting whether they attend the meeting or not.

7. Change of Meetings (MA 122)

- 7.1 The administrator shall give the public and all members of council or committee meeting that were not present at the meeting at which the change was made 24 hours' notice.

8. Methods of Giving Notice (MA 124)

- 8.1 Notice of a council or council committee meeting is deemed to have been given to the member if the notice is:
 - a. provided personal
 - b. left at the residence of the member
- 8.2 Notice to the public of a council or council meeting is sufficient if the notice is posted at the municipality office or given in any of the manner as specified by council in their Public Notice Policy Bylaw 01/2006.



9. Actions in Public (MA 119)

- 9.1 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.

10. Meetings to be in Public (MA 120)

- 10.1 Subject to subsection (8.2), Council and Council committees is required to conduct its meetings in public
- 10.2 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.

11. Improper Conduct (MA 119)

- 11.1 Person(s) that display improper conduct (raised voice, profane language ect) will be asked to leave the meeting, if they refuse to leave the meeting the meeting will be adjourned.

**PART II
COUNCIL PROCEDURE**

12. Mayor (MA 93)

- 12.1 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.
- 12.2 The Mayor is a member of all council and committees and bodies established by council pursuant to the *Municipalities Act*.
- 12.3 The Mayor shall enforce the rules of Council, preserve order, take part in debate etc.

13. Deputy Mayor (MA 91)

- 13.1 Council may appoint a councillor as Deputy Mayor. This shall be done at the first meeting after the annual election or as soon as conveniently possible.
- 13.2 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.
- 13.3 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.

14. Order of Business and Agenda

- 14.1 The order of business for every regular meeting of Council shall be as follows:
- a.) Call to Order
 - b.) Approval of Agenda
 - c.) Minutes
 - d.) Business from the Minutes
 - e.) Delegation
 - f.) Correspondence
 - g.) Committee Reports
 - h.) Staff Reports
 - i.) Mayors Report
 - j.) Financial Statement
 - k.) Bylaw



- l.) New Business
- m.) Accounts for Payment
- n.) Other
- o.) Adjourn

14.2 The business of Council shall be taken up in the order in which it stands on the agenda unless otherwise determined by a vote of a majority of members present.

14.3 The Administrator shall prepare the agenda for every regular meeting of Council in accordance with the order of business set forth in section (14.1).

14.4 The Administrator shall ensure copies of the agenda, plus supporting documentation are distributed to each member of Council at least forty eight hours preceding the meeting of Council for which it was prepared.

15. Submissions/Correspondence to Council

15.1 That submissions/correspondence must be received four clear days prior in order that they be included in the next regular meeting.

15.2 Submission/correspondence must be clearly defined to the administrator before it will be placed on the agenda.

15.2 Submissions/correspondence will not be placed on the agenda if they do not meet the deadline or clearly defined.

16. Delegations

16.1 A person wishing to speak to an item already on the agenda must apply in person to the administrator seven clear days prior to the regular meeting.

16.2 A person wishing to speak to council on an item not on the agenda may apply in person to the administrator four clear days prior to the regular days.

16.3 The application must include the name of the speaker addressing the issue, a concise description of the issue being addressed and length of time needed.

16.4 A single delegation shall not exceed fifteen minutes.

17. Public Hearing

17.1 The order of the public hearing: Mayor shall declare the hearing open, Administration shall present a report, (If the hearing is required pursuant to another Act – a different person may be required to make a presentation, (etc.)

17.2 Each presentation allowed fifteen minutes.

17.3 The hearing may be adjourned to a further date.

17.4 A member of council shall abstain from voting on the matter if the member was not present for the entire hearing.

18. Quorum (MA 98)

18.1 The quorum of a council is the majority of members of council, except as provided in this or any other Act.(At no time can this be less than the majority of council, however council may establish criteria where more than a majority is required)



18.2 No act or proceeding that is adopted at any meeting of council in which a quorum is not present is valid.

19. Voting (MA 99 & 100)

19.1 A Council member has one vote each time a vote is held.

19.2 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.

19.3 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.

19.4 The administrator shall ensure that each abstention and the reasons for the abstentions are recorded in the minutes of the meeting.

19.5 All questions are to be decided by the majority of the votes.

20. Recorded and Tied Vote (MA 101)

20.1 Prior to the vote being taken on a matter, any member of Council may request that the vote on that matter be recorded.

20.2 If there is an equal number of votes for or against a resolution or bylaw, the resolution or bylaw is defeated.

21. Motions-General (MA 23-32)

21.1 All motions must be seconded.

21.2 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

22. Motion to Defer to a Fixed Date

22.1 If a majority of Council decides to defer a motion to a fixed date, the motion can not be considered until the fixed date.

23. Request that Motion be put to a Vote

23.1 A motion requesting that a motion be put to a vote can not be moved or seconded by a member of Council who has spoken to the original motion.

23.2 A motion requesting that a motion be put to a vote can not be amended or debated.

23.3 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.

23.4 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.

24. Motion to Adjourn

24.1 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

24.2 A motion to adjourn shall be decided without debate.

25. Motion to Amend

- 25.1 A motion to amend shall not:
- Reverse the affirmative or negative intent of the original motion
 - Substantially change the intent of the motion
- 25.2 Once a motion to amend has been made, the original motion is set aside until the amendment has been decided.
- 25.3 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.
- 25.4 Amendments shall be put to council in the reverse order to the order in which they were moved.

26. Motion to Rescind or Reconsider

- 26.1 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.

26.2 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.

26.3 A motion to reconsider shall require at least 85% of Council members to pass, regardless of the number of members present.

27. Withdrawal of Motions

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

28. Notice of Motion

- 28.1 A motion introducing a new matter shall not be considered by Council unless notice of motion has been submitted in writing to the administrator.
- 28.2 Council may, by unanimous consent of the members present, waive the requirement for notice.
- 28.3 All notices of motion received by the administrator must be received in time to comply with the municipalities Public Notice Policy Bylaw and if not specified in the bylaw, at least 48 hours prior to the next scheduled meeting.

29. Point of Order

- 29.1 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 Mayor/Reeve rule on a point of order.
- 29.2 A Point of Order must be raised immediately at the time the rules of procedure are breached.
- 29.3 The of Council against whom the point of order is raised may be granted permission by the Mayor/Reeve to explain. member
- 29.4 A point of order is not subject to amendment or debate.

30. Question of Privilege

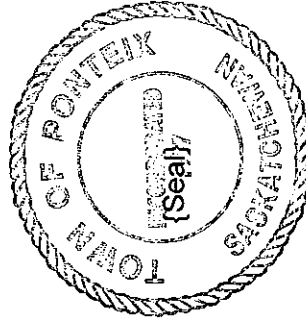
- 30.1 Any member of Council may make a request to the Mayor/Reeve on any matter related to the rights and privileges of Council or individual councillors and as that the Mayor/Reeve rule on a question of privilege.
- 30.2 The Mayor/Reeve shall rule whether or not the matter raised is a question of privilege.
- 30.3 If the matter is determined to be a question of privilege, the member of council who raised the question shall be permitted to speak to the matter.
- 30.4 If the question of privilege concerns a situation, circumstance or event which arose between meetings of Council, then members shall raise the matter immediately after the adoption of the minutes of the previous meeting.
- 30.5 A question of privilege is not subject to amendment or debate

31. Bylaws

- 31.1 Every Bylaw must have three distinct and separate readings.
- 31.2 Each member of Council must be given an opportunity to read the full text.
- 31.3 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 .
- 31.4 Only the title or identifying number of the proposed bylaw must be read at each reading of the bylaw.

Part III COMING INTO FORCE

- 32. This bylaw becomes effective on date of its final passing.



RV

Reeve / Mayor
Anna Almeida

Administrator

Read a third time and adopted

this 18 day of July, 2006