

TOWN OF STURGIS
BYLAW NO. 1, 2014
A BYLAW TO PROVIDE FOR THE ESTABLISHMENT
OF COUNCIL PROCEDURES

The Council for the Town of Sturgis 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 this bylaw, Robert's Rules of Order, current edition, shall govern.

3. Definitions

- a) "Act" means *The Municipalities Act*.
- b) "Administrator or CAO" means the Administrator or Chief Administrator Officer of the Town of Sturgis.
- c) "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.
- d) "Committee of the Whole" means members present at a meeting of Council sitting in committee.
- e) "Improper Conduct" means any action that disrupts the meeting.
- f) "Member of Council" means the Mayor 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, 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)
- k) "MA" mean *The Municipalities Act*.

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 CAO shall determine the time, date and place of the meeting.
- c) The CAO 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 electronic mail.
- d) The CAO shall have ready for pick up by the council members, at the Town Office, a copy of the agenda and related items at least 2 clear days prior to the meeting or shall have access to provide this information by electronic mail

5. Regular Meetings of Council and Committees

- a) Regular Meetings of Council shall be held on the third Thursday of the month through out the year, at the hour of 7:00 p.m. unless otherwise ordered by motion.
- b) In the case of the regular meeting of Council shall fall on a statutory or civic holiday, Council shall set a meeting date prior.
- c) Council may change their regular meeting date, time or place of a regularly scheduled meeting, notice shall be given of the change to any members of Council not present at the meeting at when the change was made and to the public at least 24 hours before the changed meeting.
- d) The CAO shall have ready for pick up by the council members, at the Town Office, a copy of the agenda and related items at least 2 clear days prior to the meeting or shall have access to provide this information by electronic mail.

6. Special Meetings of Council

- a) The CAO 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, unless all members of council are present and agree unanimously to transact other business.

7. Change of Meetings

- a) Council may change the date, time or place of a regularly scheduled meeting, the council shall give notice of the change to any members of council 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

- a) When notice is required for regular or special meetings of council it will be Provided personally or left at the usual place of business or residence of the Member or provided sent to the member by regular mail, telephone, voice mail, or electronic mail at the number or address specified by the member.
- b) Notice to the public of a council meeting is sufficient if the notice is posted at the municipality office or given in any other manner specified by council, by bylaw as the means of public notice in such cases is to be provided.

9. Meetings Through Electronic Means

- a) A council meeting may be conducted by means of a telephone, electronic Or other communication facility as per set out in Section 125 of the MA.

10. Actions in Public

- a) An act or proceeding of a council is not effective unless it is authorized or adopted by a bylaw or resolution at a duly constituted public meeting of the council.
- b) Everyone has a right to be present at council meetings that are conducted In public unless the person presiding at the meeting expels a person for improper conduct.

11. Meetings to be in Public

- a) Subject to subsection (b) Council is required to conduct its meetings in public.
- b) Council may close all or part of their meetings to the public if the matter Being discussed is within one of the exemptions in *Part 111 of the Local Authority Freedom of Information and Protection of Privacy Act* or concerns long-range or strategic planning.

12. Improper Conduct

- a) Every person has the right to be present at council meetings that are conducted in the public unless expelled for improper conduct.
 - 1. Displaying aggressive action towards member of council, CAO or other person in attendance.
 - 2. Using profane language at the meeting.
 - 3. If a person in attendance at the meeting doesn't comply to when called to order by the chair or asked to leave the meeting, if the action continues the offender shall be removed from the meeting by the RCMP. Council may also chose to adjourn the meeting.

13. Long Range or Strategic Planning Meetings

- a) Council may establish who and or how long range or strategic Planning committee shall be called and whether or not these Meetings shall be closed to the public as per the MA section 120.

**PART 11
COUNCIL PROCEDURE**

14. Mayor

- a) The Mayor shall preside, when in attendance, at a council meeting unless the MA 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 MA.
- c) Council may establish other procedure or rule for the Mayor such as enforcing the rules of Council, preserving order, taking part in debate.

15. Deputy Mayor

- a) Council may appoint a councillor as Deputy Mayor and establish the length of time the Deputy is being appointed for. This shall be done after the annual election or as soon as conveniently possible.
- 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.
- c) 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. Order of Business and Agenda

- a) Council may establish a standard order of business and/or other Procedures that shall be followed such as, preparation and notification of agenda prior to meeting, motion to change the order shall be decided without debate.

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17. Submissions/Correspondence to Council

- a) Notification of presentations or correspondence to Council must be received by noon, two days prior to the meeting of council.
- b) Council may upon unanimous consent deal with items on a shorter notice.(mail correspondence, emergency nature).
- c) Items that are included in Administrator and Procedural and Policy shall not be placed on the agenda be dealt with by Administrator excluding the necessity of policy change.
- d) If an issue must be researched extensively it may be referred for further study.

18. Delegations

- a) Notification of a delegation must be received by noon two days prior to the meeting of council.
- b) Delegation must submit topic that wish to speak upon.
- c) A maximum of ten minutes will be allowed for each delegation to make their presentation.
- d) A maximum of two delegations per meeting shall be allowed and shall be on a first come first serve basis.

19. Public Hearing

- a) The order of the public hearing shall be:
 - 1. The Mayor shall declare the hearing open
 - 2. The CAO shall present a report (if the hearing is required pursuant to another Act – a different person may be required to make a presentation.
- b) A maximum of ten minutes will be allowed for each presentation.
- c) Council may determine if the hearing may be adjourned to a further date.
- d) A member of council shall abstain from voting on the matter if the member was not present for the entire hearing.

20. Quorum

- a) The quorum of a council is the majority of members of council, except as provided in the MA section 98.
- b) No act or proceeding that is adopted at any meeting of council in Which a quorum is not present is valid.

21. Voting

- 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 CAO 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 votes.

22. Recorded and Tied Vote

- a) Prior to the vote being taken on a matter, an 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.

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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:
 - 1. To refer the motion to a council committee or the administration;
 - 2. To amend the motion;
 - 3. To defer the motion to a fixed date;
 - 4. To request the motion to be put to a vote; or
 - 5. 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) 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.
- 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:
 - 1. When a member of council is speaking;
 - 2. When the members of council are voting on a motion;
 - 3. When a recorded vote is being taken;
 - 4. When it has been requested that a motion be put to a vote;
 - 5. 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:
 - 1. Reverse the affirmative or negative intent of the original motion;
 - 2. 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 shall only be considered by council if a least one of the following conditions are met:
 - 1. 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;
 - 2. By unanimous vote of all members of council;
 - 3. 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 support of a majority of council members to pass, regardless of the number of members present.

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29. Withdrawal of Motions

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

30. Point of Order

- a) When a member of council believes that another member of council has not followed the rules of procedure of council they may ask that the Mayor rule on a point of order.
- b) A point of order must be raised immediately at the time the rules of procedure are breached.
- c) A point of order is not subject to amendment or debate.

31. Question of Privilege

- a) Any member of council may make a request to the Mayor on any matter related to the rights and privileges of council or individual councillors and as that the Mayor rule on a question of privilege.
- b) The Mayor shall rule whether or not the matter raised is a question of privilege.
- c) 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.
- d) 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.
- e) A question of privilege is not subject to amendment or debate.

32. 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.
- e) Proposed bylaws will be circulated to council members two days prior to the commencement of the meeting they will be considered at.

**Part 111
MISCELLANEOUS**

Suspension of Rules

- a) The procedural rules set out in this bylaw may be set aside or suspended:
 - 1. If all members are in attendance and agree when such a situation arises;
 - 2. Emergency situations.

Procedure for Repeal or Amendment of this Bylaw

This Bylaw may be amended or repealed:

- 1. Prior notice to member of council shall be given;
- 2. Simple majority for all readings;
- 3. Amendment may take place at a regular meeting or at a special meeting.

Bylaw Repealed

Bylaw No. 1, 2007 is hereby repealed.

Effective Date

This Bylaw becomes effective on date of passing.

Mayor

CAO

CERTIFIED A TRUE COPY
OF THE ORIGINAL DOCUMENT

Shiva Patel
Passed By Resolution
On March 11, 2014

