

Council Procedure Bylaw

Resort Village of Glen Harbour

BYLAW NO. 14/2012

A BYLAW TO PROVIDE FOR THE ESTABLISHMENT OF COUNCIL PROCEDURES

The council for the Resort Village of Glen Harbour 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) Provide for the orderly conduct of the business of Council and any Committees established by Council.
- (c) Establish rules and procedures to be used by Council and Committees and administration regarding Council and Committee meetings.
- (d) Should a matter arise 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 resolution or an amendment by substituting, adding or deleting a word(s) without altering the basic intent of the resolution.
- (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) 'Resolution to Receive' means a resolution 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 resolution, raise a point of order or understand the effect of a resolution.
- (h) 'Quorum' is the majority of the members of Council or Committee

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. (The Municipalities Act, Subsection 121(1))
- (b) The Administrator shall determine the time, date and place of the meeting. (The Municipalities Act, Subsection 121(1))
- (c) The Administrator shall provide written notice of the time, date and place at least 24 hours prior to the meeting by ordinary mail to the mailing address specified by the member. (The Municipalities Act, Subsection 121(2))

5. Regular Meetings of Council and Committees

- (a) Council shall set regularly scheduled Council and Committee meetings stating the time, day and place that they will be held. When meetings are regularly scheduled public notice is not required. If Council is not scheduling regular meetings notice must be given to the public and all members of Council at least 24 hours prior to the meeting. (The Municipalities Act, Subsection 122(1), Subsection 122(2), Subsection 122(3) and Subsection 122(4))
- (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. (The Municipalities Act, Subsection 122(5))
- (c) The agenda for each regularly scheduled Council meeting and all information for consideration at the regular meeting of Council shall be provided, in confidence, by way of electronic mail or facsimile to each member of Council a minimum of seven (7) days prior to each regularly scheduled 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. (The Municipalities Act, Subsection 123(1) and Subsection 123(2))
- (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. (The Municipalities Act, Subsection 123(3))
- (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. (The Municipalities Act, Subsection 123(4))

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. (The Municipalities Act, Subsection 122(3))

8. Methods of Giving Notice

- (a) When notice is required for regular or special meetings of Council or Committees, it will be sent to the member by ordinary mail, telephone or voice mail, facsimile or electronic mail at the number or address specified by the member. (The Municipalities Act, Paragraph 124(1)(c))
- (b) Public Notice shall be given as set out in the Municipality's Public Notice Policy Bylaw # 2/2005.

9. Meetings Through Electronic Means

- (a) Council meetings may be held in the months of November through March each year by way of electronic means, as set out in The Municipalities Act in section 125.

10. Actions in Public

- (a) An act or proceeding of Council or a Council Committee, or any member of Council or a Council 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. (The Municipalities Act, Subsection 119(1) and Subsection 119(2))

11. Meetings to be in Public

- (a) Subject to subsection (b), Council and Council committees is required to conduct its meetings in public. (The Municipalities Act, Subsection 120(1))
- (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. (The Municipalities Act, Subsection 120(2))

12. Improper Conduct

- (a) Any member of the public who is verbally or physically disruptive shall be expelled from the Council meeting location by instruction of the Mayor.
(The Municipalities Act, Subsection 119(3))
- (b) In the event that an individual who is instructed to remove themselves from a Council meeting refuses to do so, the Council meeting will be immediately adjourned by the Mayor.

PART II COUNCIL PROCEDURE

13. **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.
(The Municipalities Act, Subsection 93(1))
- (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.
(The Municipalities Act, Subsection 93(2))
- (c) The Mayor shall be responsible to ensure that all members of Council are provided equal opportunity to express their opinions on all matters and to ensure that no decisions are made on any matter prior to hearing from all members of Council.
- (d) The Mayor shall be responsible to ensure that order is kept at all Council meetings.
- (e) The Mayor shall be allowed to participate in all discussions or debates.
- (f) The Mayor shall be permitted to make resolutions for discussion at Council meetings.
- (g) The Mayor shall be allowed to vote on each resolution, with his/her vote being the last made respecting each resolution.

14. **Deputy Mayor**

- (a) 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.
(The Municipalities Act, Subsection 91(1))
- (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. (The Municipalities Act, Subsection 91(4))

15. **Submissions/Correspondence to Council**

- (a) Submissions and correspondence for presentation to Council must be received by the Administrator a minimum of ten (10) days prior to each regularly scheduled Council meeting in order to be included on the agenda for that meeting.
- (b) The Administrator will include every submission and correspondence at its face value on the agenda that is received within the required timeframe prior to each regularly scheduled Council meeting. No research will be completed on any submission or correspondence until Council has reviewed it and determined if further information is required.
- (c) Anonymous submissions will not be included by the Administrator on the agenda for a regularly scheduled Council meeting. Any anonymous submissions or correspondence received by the Administrator shall be destroyed upon receipt and will have no consideration provided by Council.

16. **Delegations**

- (a) Any person who wishes to make a presentation to Council must contact the Administrator a minimum of ten (10) days prior to each regularly scheduled Council meeting with a request to be placed on the agenda as a delegation. This request may be made via telephone, facsimile, postal mail, or email and must include a return telephone number in order that the Administrator is able to confirm the delegation date and time.
- (b) The person who wishes to appear before Council must be the one who makes the request to speak to Council as a delegation. The request for a delegation to speak to Council may not be made by someone who will not be appearing before Council.
- (c) When a request for a delegation presentation has been made, the speaker must provide the following information in writing:
 - i. The name of the person who will be speaking;
 - ii. A copy of the written presentation that will be made; and
 - iii. A copy of all supporting information that will be used during the presentation.

- (d) Each delegation speaker will be allowed a maximum of ten (10) minutes speaking time for the presentation.
- (e) No delegation presentations will be allowed for items that have not been added to the agenda within the required time prior to the regularly scheduled meeting.

17. Public Hearing

- (a) The order of any public hearing held by the Council shall be:
 - i. The Mayor shall declare the hearing to be open;
 - ii. The Administrator shall present a report as to the legislated authority for the hearing and a summary of the purpose for the hearing. In the event that legislation requires another person other than the Administrator to make such a presentation, the other required person shall do so.
- (b) Each presentation made at a public hearing will be allowed to be a maximum of ten (10) minutes in length.
- (c) In the event of time constraints or presentations requiring additional research, a public hearing may be adjourned for a maximum of thirty (30) days.
- (d) Any member of Council who is not present for the entire public hearing shall abstain for voting on the matter.

18. Quorum

- (a) The quorum of a Council is the majority of members of Council, except as provided in any provincial or federal legislation. (The Municipalities Act, Subsection 98(1))
- (b) No act or proceeding that is adopted at any duly constituted meeting of Council in which a quorum is not present is valid. (The Municipalities Act, Subsection 98(2))

19. Voting

- (a) A Council member has one vote each time a vote is held.
(The Municipalities Act, Subsection 99(1))
- (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. (The Municipalities Act, Subsection 99(2))
- (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.
(The Municipalities Act, Subsection 99(3))
- (d) The Administrator shall ensure that each abstention and the reasons for the abstentions are recorded in the minutes of the meeting.
(The Municipalities Act, Subsection 99(4))
- (e) All questions are to be decided by the majority of the votes, unless the Council requires a greater percentage of votes. (The Municipalities Act, Section 100)

20. Recorded and Tied Vote

- (a) Prior to the vote being taken on a matter, any member of Council may request that the vote on that matter be recorded. (The Municipalities Act, Subsection 101(1))
- (b) If there are an equal number of votes for or against a resolution or bylaw, the resolution or bylaw is defeated. (The Municipalities Act, Section 102)

21. Resolutions - General

- (a) Resolutions are not required to be seconded.
- (b) When a resolution is under debate no other resolution may be made, except:
 - i. To refer the resolution to a Council committee or the administration;
 - ii. To amend the resolution;
 - iii. To defer the resolution to a fixed date;
 - iv. To request the resolution to be put to a vote; or
 - v. To adjourn the meeting

22. Resolution to Defer to a Fixed Date

- (a) If a majority of Council decides to defer a resolution to a fixed date, the resolution cannot be considered until the fixed date.

23. Request that Resolution be put to a Vote

- (a) A resolution requesting that a resolution be put to a vote can not be moved by a member of Council who has spoken to the original resolution.
- (b) A resolution requesting that a resolution be put to a vote can not be amended or debated.
- (c) If a resolution requesting that a resolution be put to a vote is passed by Council, the original resolution shall immediately be put to a vote of Council without any amendment or debate.
- (d) If a resolution requesting that a resolution be put to a vote is not passed by Council, the original question may be amended or debated.

24. Resolution to Adjourn

- (a) A resolution to adjourn is allowed at any time during a Council meeting, except:
 - i. When a member of Council is speaking;
 - ii. When the members of Council are voting on a motion;
 - iii. When a recorded vote is being taken
 - iv. When it has been requested that a motion be put to a vote;
 - v. When Council is in the Committee of the Whole or in Camera
- (b) A resolution to adjourn shall be decided without debate.

25. Resolution to Amend

- (a) A resolution to amend shall not:
 - i. Reverse the affirmative or negative intent of the original resolution
 - ii. Substantially change the intent of the resolution
- (b) Once a resolution to amend has been made, the original resolution is set aside until the amendment has been decided.
- (c) Any member of Council may make a resolution to amend, but only one amendment to an amendment shall be allowed until the amended resolutions are voted on.
- (d) Amendments shall be put to Council in the reverse order to the order in which they were moved.

26. Resolution to Rescind or Reconsider

- (a) A resolution to rescind or reconsider a resolution shall only be considered by Council if at least one of the following conditions are met:
 - i. Written notice has been given to each Council member, of the proposed resolution to rescind or reconsider, at least 24 hours prior to the meeting;
 - ii. By unanimous vote of all members of Council;
 - iii. 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 resolution to reconsider shall require at least 80% of Council members to pass, regardless of the number of members present.

27. Withdrawal of Resolutions

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

28. Point of Order

- (a) 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 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) The member of Council against whom the point of order is raised may be granted permission by the Mayor to explain.
- (d) A point of order is not subject to amendment or debate.

29. 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 ask 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, the member 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

30. Bylaws

- (a) Every bylaw must have three distinct and separate readings.
(The Municipalities Act, Subsection 103(1))
- (b) Each member of Council must be given an opportunity to read the full text.
(The Municipalities Act, Subsection 103(2))
- (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. (The Municipalities Act, Subsection 103(4))
- (d) Only the title or identifying number of the proposed bylaw must be read at each reading of the bylaw. (The Municipalities Act, Subsection 103(5))
- (e) Proposed bylaw(s) will be circulated to Council members a minimum of seven (7) days prior to the commencement of the meeting the bylaw(s) will be considered at.

**PART III
MISCELLANEOUS**

31. Suspension of Rules

- (a) The procedural rules set out in this bylaw may be set aside or suspended:
- i. If all members are in attendance and agree when such a situation arises,
 - ii. In the event of an emergency situation caused by a natural disaster or human error.

32. Procedure for Repeal or Amendment of this Bylaw

- (a) Prior notice must be provided to members of Council a minimum of seven (7) days prior to the commencement of the meeting that the bylaw will be amended or repealed at.
- (b) All members must be present at the meeting that the bylaw will be amended or repealed at.
- (c) Unanimous consent must be given in order to complete all readings of the bylaw to amend or repeal this bylaw.
- (d) A bylaw to amend or repeal this bylaw must be presented only at a regular meeting of Council.

33. Effective Date

This bylaw becomes effective on date of its adoption by the Council of the Resort Village of Glen Harbour.

{Seal}

Mayor

Administrator