Bylaw No. 2016-001

COUNCIL PROCEDURE BYLAW

A BYLAW of the Village of Mortlach, in the Province of Saskatchewan, to provide for the establishment of procedures within the Village of Mortlach.

THE COUNCIL FOR THE VILLAGE OF MORTLACH 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 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* (MA)

(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 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 of 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 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**

(a) The first meeting of Council following an annual election will be held within 31 days after the date of the election.

(b) The Administrator shall determine the time, date and place of the meeting.

(c) The Administrator shall provide written notice of the time, date and place at least 24 hours prior to the meeting be personal service, delivery to the place of business or residence or at the request of the member by facsimile or electronic mail.

5. **Regular Meetings of Council and Committees**

(a) Council may wish to set regularly scheduled Council and/or 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.

(b) Council or Committee meeting may be held with less than 24 hours’ notice to the Council or Committee members without notice to the public IF all members of Council or Committee sign a waiver before the commencement of the 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 that 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 shall give notice of the change of date of regular meetings to any member of Council or Committee not present at the meeting at which the change was made 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 or Committees, it will be provided as per the Public Notice Policy Bylaw #194/06.

9. **Meetings through Electronic Means**

(a) A Council may hold meetings through electronic means as per MA 125.

10. **Actions in Public**

(a) 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 Council that is open to the public. (MA 119)

(b) Everyone has a right to be present at Council or Committee meetings that are conducted in public unless the person presiding at the meeting expels a person for improper conduct.

11. **Meetings to be Public**

(a) Subject to subsection (b), Council and Council Committees are required to conduct its meetings in public.

(b) Council and Council Committees may close all or part of their meetings to the public if the matter being discussed is within on the exemptions in Part III of *The Local Authority Freedom of Information and Protection Privacy Act* or concerns long-range or strategic planning. (MA 120)

12. **Improper Conduct**

(a) Improper conduct shall include but is not limited to a person who uses abusive language, abusive actions, or threats to Council or Committee members or the Administrator.

(b) Persons who have been found guilty of improper conduct shall be required to leave the meeting, and it he/she refuses to adhere to the request to leave shall be removed by using security methods as available through the Law Enforcement Officers.

13. **Long Range or Strategic Planning Meetings (Not necessary to have)**

Council may close these meetings to the public. All members of Council form the Long Range and Strategic Planning Committee.

**PART II**

**COUNCIL PROCEDURE**

14. **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.

(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.

(c) The Mayor shall be responsible to enforce the rules of Council

(d) The Mayor shall be responsible to preserve and maintain order during any Council or Council Committee meetings.

(e) The Mayor shall take part in each debate arising in any meetings of Council or Committees and ensure that each member is given an equal opportunity to speak to the particular item of debate.

15. **Deputy Mayor**

(a) Council shall name a Deputy Mayor for a term of four years.

(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 are unable to perform their duties or both the office of the Mayor and Deputy Mayor are vacant.

(d) The Deputy Mayor shall be appointed at the first meeting after the annual election.

16. **Order of Business and Agenda**

A Council may wish to 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, etc.

17. **Submission/Correspondence to Council**

(a) Submissions or correspondence must be received not later than 24 hours prior to a regularly scheduled meeting in order to be considered by Council subject to 17 (c).

(b) The Administrator shall include on the agenda any submissions or correspondence that have been brought forward in a timely manner pursuant to subsection 17 (a).

(c) Submissions or correspondence that is not submitted in a timely manner pursuant to subsection 17(a) may be included on the agenda of a regularly scheduled meeting of Council if deemed necessary by the Administrator.

(d) The Administrator may delay a communication, submission or correspondence from placement on the agenda if the communication, submission or correspondence requires research as to its validity and effect it may have to the Council and the municipality as a whole.

18. **Delegations**

(a) Any person wishing to speak to Council as a delegation to an item already on the agenda may do so by verbal request at least 24 hours prior to the commencement of the scheduled meeting.

(b) Any person wishing to speak to Council as a delegation on an item not on the agenda must do so in writing or verbal request at least 24 hours prior to the commencement of the scheduled meeting.

(c) Any person wishing to speak to Council as a delegation subject to subsection 18(a) and 18(b) must state who will be speaking to the item and a brief description of the issue that is being addressed.

(d) Any and all delegates to the Council meeting shall be allowed a maximum of 15 minutes to speak to the Council on a matter that has been presented to Council.

(e) Council reserves the right to extend the time limit on a matter that has been presented to the Council, if the whole Council agrees to the extension of time.

19. **Public Hearing**

(a) The Mayor shall declare the hearing open to the public.

(b) Presenters shall make a report to the Council on the matter for which the public hearing is to be held.

(c) Presenters shall be allowed a maximum of 20 minutes to make their presentation to the Council.

(d) The Council reserves the right to adjourn to a further date, any matter for which a public hearing has been set, if sufficient time has not been allotted.

20. **Quorum**

(a) The quorum of a Council is the majority of members of Council, except as provided in this or any other Act.

(b) No Act or proceeding that is adopted at any meeting of Council in which a quorum is not presented is valid.

21. **Voting**

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

(b) Every member of Council attending 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 Administrator 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 the votes.

22. **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.

(b) If there are an equal number of votes for or against a resolution or bylaw, the resolution or bylaw is defeated.

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:

\* 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;

\* To adjourn the meeting

(c) ***Items on the Council meeting agenda and motions debated, shall be spoken to for a maximum of 15 minutes.***

(d) ***Council reserves the right to extend the time limit as outlined in 23(c) as they see fit.***

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 cannot 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 cannot 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 cannot 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:

\* When a member is 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

(b) A motion to adjourn shall be decided without debate.

27. **Motion to Amend**

(a) A motion to amend shall not:

\* Reverse the affirmative or negative intent of the original motion

\* Substantially change the intent of the motion

(b) Once a motion to mend 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 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.

(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 Councils decision.

(c) A motion to reconsider shall require at least 66% of Council members to pass, regardless of the number of members present.

29. **Withdrawal of Motions**

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

30. **Notice of Motion**

(a) A motion introducing a new matter shall not be considered by Council unless notice of motion has been submitted in writing to the administrator.

(b) Council may, by unanimous consent of the members present, waive the requirement for notice.

(c) 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.

31. **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.

32. **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 questions 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.

33. **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 24 hours previous to the commencement of the meeting they will be considered at.

**PART III**

**COUNCIL COMMITTEES**

34. **Committees of Council**

(a) The following shall be the committees and appointments of Council:

(a) Mortlach Recreation Board

(b) EMO Committee

(c) Mortlach Museum Board

(d) Library Board

(b) Council shall appoint members to the committees at the November meeting of Council each year.

(c) Council committee members shall report to the Council at a regular meeting of Council.

**PART IV**

**MISCELLANEOUS**

35. **Suspension of Rules**

(a) The procedural rules set out in this Bylaw may be set aside or suspended when:

* If all members are in attendance and agree to set aside the procedural rules when a situation arises that Council deems to be of matters pertaining to the safety, health and welfare of the municipality.
* If all members are in attendance and agree to set aside the procedural rules when a situation arises that Council deems to be of an emergency nature.

36. **Procedure for Repeal of Amendment of this Bylaw**

(a) If an appeal or an amendment to the Bylaw is to be considered, the following shall apply:

(a) Prior notice must be given to members of Council;

(b) An appeal or amendment to this Bylaw must have unanimous consent for all readings;

(c) An appeal or amendment to this Bylaw must be done at a regularly scheduled meeting of Council.

**Effective Date**

This Bylaw shall come into force on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

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Mayor

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Administrator