

RESORT VILLAGE OF B-SAY-TAH

BYLAW NO. 4

A BYLAW TO PROVIDE FOR THE ESTABLISHMENT OF COUNCIL PROCEDURES

The council for the Resort Village of B-Say-Tah 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.

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 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 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 I 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 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 by 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) 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.
- (c) Notwithstanding subsection (b), an agenda displaying items to be discussed at the next regular meeting shall be available and distributed to council members no less than five (5) days prior to 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 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) 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.

8. Methods of Giving Notice

- (a) When notice is required for regular or special meetings of council or committees, it will be provided personally.
- (b) Public Notice as set out in the municipality's Public Notice Policy Bylaw # 2.

9. 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 the council that is open to the public.

10. Meetings to be in Public

- (a) Subject to subsection (b), Council and Council committees is 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 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

- (a) Harassment, threats, and profanity shall not be tolerated.
- (b) In the event that the offender is a member of council, the chairperson will ask that member of council to contain themselves or leave until the presentation has been completed.
- (c) In the event that the offender is a delegate, the chairperson will ask that person to leave immediately.

**PART II
COUNCIL PROCEDURE**

12. 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) Present or second a motion for consideration by council;
- (d) Take part in debate of a motion before council;

- (e) Relinquish the chair at any time and for any reason to the deputy mayor and reacquire the chair of he/she exercises this option during a meeting;
- (f) Suspend any municipal employee, not including the administrator, for cause and subsequent thereto shall report to council at its next meeting the suspension and the reasons for that action to the council, which shall then reinstate or dismiss the suspended employee;
- (g) Authorize the removal, without warrant, of any vehicle that, in his or her opinion, is parked or left on a municipal road at a place or in any manner that constitutes a hazard to other uses of the road or road allowance or unduly interferes with construction, maintenance or snow removal operations and cause said vehicle to be relocated to a suitable place where it no longer constitutes a hazard or interferes with construction, maintenance or snow removal operations;
- (h) Along with the Administrator on behalf of the municipality, sign cheques and agreements.

13. 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.
- (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.

14. Submissions/Correspondence to Council

- (a) Submissions/correspondence must be received seven (7) calendar days prior to the meeting in order that they be included in the next regular meeting.
- (b) Anonymous submissions/correspondence will not be placed on the agenda.
- (c) Incomplete communication may be delayed from placement on the agenda.

15. Delegations

- (a) That a person/group wishing to be a delegate at a regular meeting of council must submit verbally or in writing a request to the village Administrator seven (7) days prior to the council meeting.
- (b) That the number of delegations to be presented before council at a regular meeting shall not exceed four (4).
- (c) That a delegation shall be allowed up to fifteen (15) minutes for their presentation.
- (d) That a delegation with more than one (1) individual involved shall appoint a spokesperson to make the presentation.
- (e) That the chairperson shall permit each additional member of the delegation present an opportunity to speak once for one (1) minute upon completion of the spokesperson's presentation.
- (f) That each person wishing to speak in addition to the spokesperson's presentation must contact the village Administrator seven (7) days prior to the council meeting.
- (g) That each member of a delegation with more than one individual involved shall raise their hand and be recognized by the chair of the meeting before speaking out.
- (h) That discussion and/or questions may be permitted at the discretion of the chairperson.
- (i) That Council shall raise their hand and be recognized by the chair of the meeting before speaking out.
- (j) That harassment, threats, and profanity shall not be tolerated. In the event that the offender is a member of council, the chairperson will ask that member of council to leave until the delegation has completed its presentation. In the event that the offender is the delegate, the chairperson will ask that person to leave immediately.
- (k) That if the offender is the spokesperson for a delegation involving more than one (1) person, that another member of the delegation may be appointed as the spokesperson.

16. 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 present is valid.

17. 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 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, unless the council requires a greater percentage of votes.

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

19. Motions-General

- (a) All motions must 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; or
 - To adjourn the meeting

20. 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.

21. 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.

22. Motion to Adjourn

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

23. 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 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.

24. Motion to Rescind or Reconsider

- (a) A motion to rescind or reconsider a resolution shall only be considered by Council if at least one (1) 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 Council's decision.
- (c) A motion to reconsider shall require at least 85% of Council members to pass, regardless of the number of members present.

25. Withdrawal of Motions

- (a) 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.

26. 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.

27. 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.

28. 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, 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

29. 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 at least 24 hours previous to the commencement of the meeting they will be considered at.

**PART III
MISCELLANEOUS**

Suspension of Rules

- (a) Procedural rules set out in this bylaw may be set aside or suspended
- if all members are in attendance and agree when such a situation arises,
 - in emergency situations

Procedure for Repeal or Amendment of this Bylaw

- (a) Prior notice of intent to repeal or amend this bylaw must given to members of council;
- (b) All members of council must be present in order to repeal or amend this bylaw;
- (c) Repeal or Amendment of this bylaw may be done at a regular or special meeting

{Seal}

Mayor
Ron Cox

Administrator
Caralen M. Okolita

Read a third time and adopted
this 14th day of December, 2009

Administrator
Caralen M. Okolita