

## BYLAW 213

### A BYLAW TO PROVIDE FOR THE ESTABLISHMENT OF PROCEDURES WITHIN THE VILLAGE OF NEILBURG

The Council for the Village of Neilburg in the Province of Saskatchewan enacts as follows:

#### Short Title

1. This Bylaw may be cited as the Procedure Bylaw.

#### Purpose and Scope

1. The purpose of this Bylaw is to provide for
  - 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 committee established by Council.
  - d) provide notice of regularly scheduled meeting
  - e) establish rules and procedures to be used by Council and Committees and administration regarding Council and Committee meetings.

#### Definitions

3. In this Bylaw
  - 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) "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.
  - f) "Point of Procedure" means a question to the 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.
  - i. "Quorum" is the majority of the members of council or committee.

### MEETINGS OF COUNCIL

#### First Meeting of Council

4. The first meeting of council following a general election will be held within 31 days after the date of the election.
5. The administrator shall determine the time, date and place of meeting.
6. 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.

#### Regular Meetings of Council

7. The regular meetings of the Council will be held in the Municipal Office in Neilburg on the first Monday evening of every month; except when the date proves to be a Public Holiday in which case the following Monday evening will be meeting night; meeting to commence at 7:30 p.m.

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8. 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.

#### **Special Meetings of Council**

9. The Administrator shall call a special meeting of council whenever requested by the Mayor or majority of council by giving at least 24 hours notice to the members or council and the public stating the purpose of the meeting and the date, time and place the meeting is to be held.
10. 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.
11. 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.

#### **Methods of Giving Notice**

12. When notice is required for regular or special meetings of council or committees, it will be provided personally.
13. Public Notice as set out in the Village of Neilburg's Public Notice Policy Bylaw No. 212.

#### **Actions in Public**

14. 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.

#### **Meetings to be in Public**

15. Subject to subsection (16), Council and Council committees are required to conduct its meeting in public.
16. Council and Council committees may close all or part of their meetings to the public if the matter being discussed is within on 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.

#### **Improper Conduct**

17. Every person has the right to be present at council and committee meeting that are conducted in public unless expelled for improper conduct. Improper conduct is any verbal or physical abuse directed towards the Administrator and/or any member of Council or committee.
18. A person who exhibits improper conduct will be asked to refrain from the abusive behavior, if the abuse continues the person will be asked to leave the meeting and if the abuse continues the meeting shall be adjourned.

### **COUNCIL PROCEDURE**

#### **Mayor**

19. 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.
20. The Mayor is a member of all council and committees and bodies established by council pursuant to *The Municipalities Act*, unless council provides otherwise.

#### **Deputy Mayor**

21. Council shall appoint a Deputy Mayor at the first meeting after the general election and/or yearly at the January meeting.
22. The Deputy Mayor acts as Mayor if the Mayor is unable to perform the duties of the Mayor or the office of Mayor is vacant.

### **Quorum**

23. The quorum of a council is the majority of members of council, except as provided in this or any other Act.
24. No act or proceeding that is adopted at any meeting of council in which a quorum is not present is valid.

### **Voting**

25. A Council member has one vote each time a vote is held.
26. 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.
27. 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.
28. The Administrator shall ensure that each abstention and the reasons for the abstentions are recorded in the minutes of the meeting.
29. All questions are to be decided by the majority of the votes, unless the council requires a greater percentage of votes.

### **Recorded and Tied Vote**

30. Prior to the vote being taken on a matter, any member of Council may request that the vote on that matter be recorded.
31. If there is an equal number of votes for or against a resolution or bylaw, the resolution or bylaw is defeated.

### **Motions – General**

32. Motions are not required to be seconded.
33. 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

### **Motion to Defer to a Fixed Date**

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

### **Request that Motion be put to a Vote**

35. 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.
36. A motion requesting that a motion be put to a vote can not be amended or debated.
37. 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.
38. 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.

### **Motion to Adjourn**

39. 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
40. A motion to adjourn shall be decided without debate.

**Motion to Amend**

- 41. A motion to amend shall not;
  - reverse the affirmative or negative intent of the original motion;
  - substantially change the intent of the motion.
- 42. Once a motion to amend has been made, the original motion is set aside until the amendment has been decided.
- 43. 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.
- 44. Amendments shall be put to council in the reverse order in which they were moved.

**Motion to Rescind or Reconsider**

- 45. 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 resind or reconsider, at least 24 hours prior to the meeting;
  - by unanimous vote of all members of Council;
  - a Council Committee or the administration recommend that the Council consider a motion to rescind or reconsider.

**Withdrawal of Motions**

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

**Bylaws**

- 47. Every Bylaw must have three distinct and separate reading.
- 48. Each member of Council must be given an opportunity to read the full text.
- 49. 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.
- 50. Only the title or identifying number of the proposed bylaw must be read at each reading the bylaw.

**MISCELLANEOUS**

**Suspension of Rules**

- 51. 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.

**Procedure for Repeal or Amendment of this Bylaw**

- 52. To amend or repeal this bylaw, all members of council must be present.



*[Handwritten Signature]*  
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 Mayor

*Janet Black*  
 \_\_\_\_\_  
 Administrator

CERTIFIED a true copy of Bylaw  
 No. 213 adopted by Council the  
 16<sup>th</sup> day of November, 2005.

*Janet Black*  
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 Administrator

