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Bylaw 1-13	
Resolution 84-13	

**RURAL MUNICIPALITY OF BEAVER RIVER # 622  
BYLAW NO. 1-13**

**A BYLAW TO PROVIDE FOR THE ESTABLISHMENT OF COUNCIL PROCEDURES**

The council for the Rural Municipality of Beaver River # 622 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 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 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 Reeve; 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) 'Pecuniary Interest' shall mean a potential financial conflict of interest and applies if the interest is beneficial or harmful.

- (g) '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.
- (h) 'Point of Procedure' means a question to the Mayor, Reeve 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.
- (i) '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 (or following an annual election for a rural municipality) 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 mail, facsimile or electronic mail.

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

- (a) Council at their first meeting in November shall set regularly scheduled council meetings stating the time, day and place that they will be held. When meetings are regularly scheduled public notice is not required.
- (b) Special Meetings may be scheduled providing all members of council and the public is given at least 24 hours notice prior to the meeting.
- (c) 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.

### **6. Special Meetings of Council**

- (a) The administrator shall call a special meeting of council whenever requested by the Reeve 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) Regular Meeting schedule maybe amended from time to time by resolution of council and Public Notice must be given of this change.
- (b) Special Meeting schedule maybe changed from time to time however 24 hours notice must be given to every member of council and the public.

### **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 # 11-05.

**9. Meetings Though Electronic Means**

- (a) A council meeting or council committee meeting may be conducted by means of a telephone, electronic or other communication facility as set out in Section 125(1) of *The Municipalities Act*.
- (b) Members of a council or council committee participating in a meeting held by means of a communication facility are deemed to be present at the meeting.

**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 the council that is open to the public.

**11. 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.

**12. Improper Conduct**

- (a) A member of the public observing the council meeting shall not address council or speak at the meeting unless schedule as a delegate to do so.
- (b) Any person causing a disturbance or verbally or physically abusing any member of council or staff by threatening, swearing and shouting will be requested to leave immediately.
- (c) Failure to comply with request will result in the RCMP being summoned.

**PART II  
COUNCIL PROCEDURE**

**13. Reeve**

- (a) The Reeve shall preside, when in attendance, at a council meeting.
- (b) The Reeve is a member of all council and committees and bodies established by council pursuant to *The Municipalities Act*, unless council provides otherwise.

**14. Deputy Mayor/Deputy Reeve**

- (a) Council shall name a Deputy Reeve for a term of one year. This shall be done at the first meeting after the annual election or at the November Regular Meeting on non-election years.
- (b) A Deputy Reeve acts as Reeve if the Reeve is unable to perform the duties of the Reeve or the office of Reeve is vacant.
- (c) A Council may appoint an Acting Reeve if both the Reeve and Deputy Reeve is unable to perform their duties or both the office of Reeve and Deputy Reeve are vacant

**15. Order of Business and Agenda**

- (a) Council may pass a motion to adopt the agenda as a guideline for the meeting.

**16. Submissions/Correspondence to Council**

- (a) Agenda items and correspondence must be submitted to Administrator five office days prior to the scheduled regular meeting to be placed on the agenda.
- (b) Additional Agenda items may be added at the meeting by administrator and council.
- (c) The Administrator will send out meeting information and agenda as soon as practical following the deadline to add items to the agenda.

## 17. Delegations

- (a) A person wishing to speak as a delegate must make the request to be placed on the agenda 5 office days prior to the scheduled meeting they wish to attend.
- (b) Anyone wishing to speak as a delegate must submit to the administrator the following information:
  - Name of spokesperson
  - Concise description of the issue being addressed

## 18. Public Hearing

- (a) Reeve shall declare the hearing open,
- (b) Administration shall present a report.
- (c) If the hearing is required pursuant to another Act – a different person may be required to make a presentation, etc.
- (d) The hearing may be adjourned to a further date if council requires further information.
- (e) A member of council shall abstain from voting on the matter if the member was not present for the entire hearing.

## 19. 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.

## 20. Pecuniary Interest

- (a) It is the personal duty of each council establishing the existence of pecuniary interest.
- (b) If a matter comes before council that a member believes he or she has a pecuniary interest in, the following procedures must be followed:
  1. Member must declare the pecuniary interest before discussion of matter.
  2. Abstain from voting on any question relating to the matter.
  3. Abstain from discussion on the matter.
  4. Leave the meeting prior to the matter being discussed and voted on.
- (c) A member of council shall not attempt, either before, during or after meeting to influence voting in any way.
  - (d) A member of council may raise a “Point of Order” if he or she considers another member of council to be in Pecuniary Interest.
  - (e) The administrator shall record in the minutes when a member of council raises a “Point of Order”.

## 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 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.

**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.
- (c) If a motion is not passed unanimously it shall be a recorded vote.

**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; or
  - 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 cannot be moved by the 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:
  - 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.

**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 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 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 Council's decision.
- (c) A motion to reconsider shall require at least 51 % 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 Reeve 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 Reeve 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 Reeve on any matter related to the rights and privileges of Council or individual councillors and as that the Reeve rule on a question of privilege.
- (b) The Reeve 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 aft the adoption of the minutes of the previous meeting.
- (e) A question of privilege is not subject to amendmant 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  
MISCELLANEOUS**

**34. Suspension of Rules**

- (a) The procedural rules set out in this bylaw maybe set aside or suspended.
  - if all members are in attendance and agree when such a situation arises,
  - emergency situations regarding health and safety of council or employees