

BYLAW NO 2-2011

COUNCIL PROCEDURE BYLAW

A **BYLAW** of the Northern Town of Creighton, in the Province of Saskatchewan to provide for the establishment of procedures within the Town of Creighton.

THE COUNCIL FOR THE TOWN OF CREIGHTON IN THE PROVINCE OF SASKATCHEWAN ENACTS AS FOLLOWS:

1. Short Title

This Bylaw may be cited as the “**Procedure Bylaw**”.

2. Purpose and Scope

Whereas it is deemed expedient to set forth rules and regulations for the order and dispatch of business of the Town of Creighton Council including:

- (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) In the matter of procedure not herein provided for in the bylaw, the proceedings of Council shall be guided by the Robert’s Rules of Order, current edition.

3. Definitions

For the purpose of this bylaw the expression:

- (a) “Act” means The Northern Municipalities Act, 2010
- (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) “Council” shall mean the Council of the Town of Creighton

3. Definitions continued

- (e) "Improper Conduct" shall mean, but not limited to, addressing any person while not recognized by the presiding officer, the use of profane language, the creating of unnecessary noise, the recording of meeting proceeding by electronic machines without prior approval of Council and scandalous, criminal or offensive remarks.
- (f) "Member of Council" means the Mayor or a Councilor/Alderman
- (g) "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.
- (h) "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 motion, raise a point of order or understand the effect of a motion.
- (j) "Quorum" is the majority of a members of Council or committee – pursuant to Section 112, in the Municipalities Act, 2010.
- (k) "Town" shall mean the Town of Creighton.
- (l) "Town Administrator" shall mean the Administrator of the Town of Creighton or any person authorized or delegated to act on his/her behalf.

PART 1 MEETINGS OF COUNCIL

- 4. All regular meetings of the Town Council shall be held in the Council chamber of the Town Office/Fire Hall located at 300 First Street East in Creighton.

5. 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 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.

6. Regular Meeting of Council and Committees.

- (a) Regular meeting of Council will be held on the second and fourth Wednesday of every month at 7:00 p.m. or as altered by resolution of the Council.
- (b) Every regular meeting of the council shall automatically adjourn at 10:00 p.m., if in session at that time, unless otherwise determined by a vote of the majority of Council members present.
- (c) If a quorum is not present within fifteen minutes after the time appointed for any meeting, the Administrator shall make note of the fact in the minute book and list the names of the members present; and, the Council shall stand adjourned until the next regular meeting, unless a special meeting is duly called in the meantime,
- (d) If the Mayor or Deputy Mayor does not attend within fifteen minutes after the hour appointed for the meeting, the Administrator shall call the members to order and if a quorum is present a Chairperson shall be chosen who shall preside during the meeting or until the arrival of the Mayor or Deputy Mayor. The Chairman shall have the same authority as the Mayor or Deputy Mayor, only for that meeting.
- (e) Members of the Council shall provide the Administrator with the civic address of their residence plus the civic address or location of their usual place of business allowing the notices to be delivered.
- (f) The Mayor shall cite the rules or authority applicable to the ruling from the chair if requested to do so.
- (g) Except as provided in Section (h) no notice need be given of any motion to be made before Council. All motions shall be seconded before debate.
- (h) Whenever it shall be moved or carried that the Council go into Committee of the Whole, the then presiding officer shall be the chairperson of the Committee of the Whole and when the Committee has risen, the Chairperson shall report the Committee's findings and move to adopt the findings or decision of the Committee.

7. 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 not notice to the public if all members sign a waiver of notice before the commencement of the meeting.

7. Special Meetings of Council continued

- (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.

8. Change of Meetings

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 be given 24 hours notice.

9. Methods of Giving Notice

- (a) When notice is required for regular or special meetings of council or committees, it will be provided personally by delivery to the place of business or resident or at the request of the council member by facsimile or electronic mail.

10. Actions in Public

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. Meeting to be in Public

- (a) Subject to subsection (b), Council and Council committees are required to conduct their meetings in public.
- (b) Members of the public attending Council meetings are not allowed to address Council unless permission is granted by the Chair at the discretion of Council.
- (c) 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

Every person who has the right to be present at council committee meetings that are conducted in the public unless expelled for improper conduct.

12. Improper Conduct continued

- (a) If a person is guilty of improper conduct they will be told by the Mayor or chairperson and asked to leave the meeting.
- (b) If a person refuses to leave, the meeting will be adjourned and they will be removed by R.C.M.P.
- (c) The person may be guilty of an offence and liable on conviction to the penalties provided in the General Penalty Bylaw of the Town, subject to an appeal from a Council member to which the ruling of the presiding officer shall be voted upon by Council.

13. Long Range or Strategic Planning Meetings

Long range or strategic planning meetings will be no longer than three (3) hours per meeting and shall be closed to the public.

14. Mayor

- (a) The Mayor shall preside, when in attendance, at a council meeting unless *The Municipalities Act, 2010* or other Act or 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, 2010*, unless council provides otherwise.
- (c) The Mayor or Chairperson is responsible for enforcing the rules of Council and preserving order.
- (d) The Mayor shall vote on all matters properly before Council unless the member is required or permitted to abstain from voting pursuant to *The Municipalities Act, 2010* or other applicable law.

15. Deputy Mayor

- (a) Council shall appoint a councilor as Deputy Mayor for a minimum of six months. 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 are unable to perform their duties or both the office of Mayor and Deputy Mayor are vacant.

16. Order of Business and Agenda

At all regular meetings of the Council, the business shall be taken in the following order as voted on as the first order of business at a regular meeting, unless otherwise ordered by the Mayor for alternate order, subject to appeal of the Council members present:

Agenda

Call the Meeting to Order,

Minutes of the Previous Meetings with Council

Business Arising from the Minutes

Bills and Accounts for Approval

Correspondence

Reports of Standing Committees

Bylaws, Resolutions, Policy and Fiscal Services Committee

Environmental, Public Health & Environmental Development Committee

General Government Services Committee

Transportation, Utilities Services and Landfill Committee

Protective Service Committee

Recreation, Culture and Tourism Committee

New Business

Adjournment

17. Submissions/Correspondence to Council

- (a) Every communication, petition, remonstrance, report or other written application intended to be presented to the Council shall be received by the Town Office prior to noon, one day before the day of the meeting which it is desired that it should be presented to Council. If not received prior to the required time and date, it shall not be received by the Council until the next regular meeting following the meeting in question except in special cases and then only on the approval of the majority of the members present at the meeting, provided however, that the foregoing does not apply to submission of additional reports and correspondence by the Committee of Council and Administration and in its opinion required the attention of Council.
- (b) Every communication, petition, remonstrance, report or written application must be written or printed and the original thereof signed by at least one person, and must be temperate and respectful in its language.

17. Submissions/Correspondence to Council continued

- (c) All additions to the agenda by members of Council shall be in writing and shall be handed to the Administrator not later than one o'clock pm on the day of the meeting. The answer to such additions shall also be put in writing and shall be supplied to the Mayor or other presiding officer for presentation at the regular meeting of Council.
 - (i) Additions to the agenda shall not express an opinion, reason, or explanation for the submission thereof, and shall be brief and to the point and shall be answerable by brief statements.
 - (ii) Oral additions to the agenda may be accepted at the agreement of all parties.

18. Delegations

Delegations wishing to appear before Council shall make application in writing to the Town Office not later than noon, two days before the day of the meeting at which such delegations wishes to appear. The application shall include a detailed brief on the subject the delegation wishes to place before Council. Spokespersons for any one delegation shall be limited to three and the total time allowed for any one delegation to make its presentation shall be not more than twenty (20) minutes. On a majority vote of Council members present, a delegation may be heard for a longer time or be heard without notice.

19. Quorum

- (a) The quorum of 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. Member's Privilege Regarding Speaking

- 1. Subject only to the limitations set forth in the Bylaw, all members of Council shall have the privilege of speaking to any issue properly before Town Council.
- 2. No member of Council shall speak:
 - (a) Except when called upon to do so by the Mayor or Chairperson, other than for the purpose of raising a point of order or question of privilege;
 - (b) Respecting a matter other than the matter or question properly before Council;
- 3. All members of Council shall, when speaking to a matter or question before Council:
 - (a) Address the Mayor or Chairperson and make all inquiries of and through the Mayor or Chairperson;

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.

23. 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

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 to be put to a Vote

- (a) 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.
- (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 called 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 with 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.

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:
 - 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 questions 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.

29. Withdrawal of Motions

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.

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 at least 24 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 councilors 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.

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.

PART III COUNCIL COMMITTEES

34. Committees of Council

- (a) Subject to any relevant law or bylaw the Mayor shall, at the first meeting of Council after the election the Mayor must submit a list of appointments of the following Committees, for Council's adoption:
 - (i) General Government Services
 - (ii) Bylaws, Resolutions Policy & Fiscal Services, Health and Finance
 - (iii) Transportation, Utility Services and Landfill
 - (iv) Protective Services
 - (v) Environmental, Public Health and Environmental Development
 - (vi) Recreation & Culture
- (b) Each Committee will have a minimum of three (3) members of Council.
- (c) The Mayor may change these committees only after a minimum of six months has been served.
- (d) The first appointment to a Committee shall be the Chairperson of the Committee.

35. Functions and Authority of a Committee

- (a) The function of each Committee will include but is not limited to the following:
 - Provide advice to Council;
 - Work with the Administrator/Department Head to prepare an initial operating and capital budget to be forwarded to Council;
 - Make recommendations on policy to Council;
 - Any duties delegated by Council with the exception of those outlined in the Duties of the Administrator Section 127 of *The Northern Municipalities Act*;
 - Increase public awareness.

**PART IV
MISCELLANEOUS**

36. Suspension of Rules

- (a) Procedural rules set out in this bylaw are set aside or suspended:
- If all members are in attendance and agree when such a situation arises.

37. Bylaw Repealed

Bylaw No. 11-90 is hereby repealed.

38. Effective Date

This bylaw comes into force and takes effect on, from and after the final passing thereof.



Signed: "Bruce Fidler"
Mayor


Signed: "Paula Muench"
Administrator

Read a first time this 26th day of January, A.D., 2011

Read a second time this 26th day of January, A.D., 2011

Read a third time and adopted this 9th day of February, A.D, 2011.

Certified a True Copy of Bylaw 2-2011 of
the Town of Creighton.


Administrator