

VILLAGE OF LESTOCK

BYLAW 1-2017

COUNCIL PROCEDURE BYLAW

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

**THE COUNCIL FOR THE VILLAGE OF LESTOCK, IN THE PROVINCE OF SASKATCHEWAN
ENACT 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 regularities for the order and dispatch of business of the Village of Lestock 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 Committee's established by council.
- d) Provide notice of regularly scheduled meetings.
- e) Establish rules and procedures to be used by Council, Committees and Administration regarding Council and Committee meetings.
- f) In the matter of procedure not herein provided for, the proceedings of the Council shall be guided by the Rules of the Parliament of Canada, and secondly by Robert's Rules of Order.

3. Definitions

For the purpose of this bylaw, the expression:

- 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 the committee.
- d) '**Council**' shall mean the Council of the Village of Lestock.
- e) '**Improper Conduct**' shall mean, but not be 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 proceedings by

electronic machines without prior approval of Council and scandalous, criminal or offensive remarks.

- f) **'Member of Council'** means the Mayor or Councillor.
- 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.
- i) **'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 the members of council or committee pursuant to Section 112 in *The Municipalities Act*.
- k) **'Village'** shall mean the Village of Lestock.
- l) **'Village Administrator'** shall mean the Administrator of the Village of Lestock, or any person authorized to act on his/her behalf.

PART 1

MEETINGS OF COUNCIL

- 4. All regular meetings of the Village Council shall be held in the Council Chambers of the Village Office located at 215 Millersdale Street, Lestock, Saskatchewan.
- 5. **First Meeting of Council**
 - a) The first meeting of council following a general election will be held within thirty one (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 twenty-four (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 meetings of Council and Committees**
 - a) Regular meetings of council will be held on the second Monday 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 ten-thirty P.M. (10:30), 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 (15) 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 for notices to be delivered.
- f) The Mayor shall cite the rules or authority applicable to the rulings from the chair if requested to do so.
- g) Whenever it shall be moved and 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 decisions 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 twenty-four (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) Form 1, appended hereto and forming a part of this bylaw, shall be the form used to direct the administrator to call a special meeting of council.
- c) A special meeting may be called with less than twenty-four (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.
- d) 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.
- e) At special meetings of Council the agenda shall be prepared as directed and in default of such direction then as provided in the last preceding section.

8. Change of Meetings

If the date, 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 will be given twenty-four (24) hours' notice.

9. Methods of Giving Notice

Notice of a council meeting is deemed to have been given to a member if the notice is:

- a) delivered personally;
- b) left at the usual place of business or residence of the member; or
at the request of the member, sent by ordinary mail, telephone or voice mail, facsimile or electronic mail or similar method at the number or to the address specified by the member.
- c) Form 2, appended hereto and forming a part of this bylaw, shall be the form used to request the administrator to use an alternate method of providing notice of meetings.
- d) Notice of a council meeting is to be given to the public by posting notice of the meeting at the municipal office.¹

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. Meetings to be in Public

- a) Subject to subsection (c), 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 they have been included on the agenda
- 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 has the right to be present at council committee meetings that are conducted in the public unless expelled for improper conduct.

- a) If a person is guilty of improper conduct they will be notified and asked to leave the meeting.
 - b) If a person refuses to leave, the meeting will be adjourned and they will be removed by the 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 Village, subject to an appeal from a Council member to which the ruling of the presiding officer shall be voted upon by Council.
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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.

PART 11

COUNCIL PROCEDURE

14. Mayor

- a) The Mayor shall preside, when in attendance, at a council meeting unless The Municipalities Act 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, committees and bodies established by council pursuant to The Municipalities Act 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, or other applicable law.

15. Deputy Mayor

- a) Council shall appoint a councillor as Deputy Mayor for a minimum of six (6) 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

- 1) The administrator shall prepare the agenda for all regular and special meetings of council.
- 2) The agenda shall include the order of business and all items of business and associated reports, bylaws or documents and shall be set out in accordance with the order of business.
- 3) The administrator shall ensure that the council agendas are available to each member no later than noon on the business day immediately preceding the council meeting.

- 4) The administrator shall ensure that the council agendas are available to the general public at the commencement of the meeting
- 5) If, for any reason, the administrator is unable to meet the deadline mentioned in subsection 16.3, the administrator shall prepare and distribute the agenda as soon as reasonably possible to allow council members an opportunity to review the agenda prior to the council meeting.
- 6) All administrative reports, communication from the public, requests from council members, or any other material intended for inclusion in a council agenda must be received by the administrator no later than noon (12:00) three (3) business days prior to the council meeting
- 7) Council may, on a majority vote, permit additional material on the agenda.
- 8) The general order of business of every regular council meeting shall be as follows:

Agenda

Call to Order

Approval of Agenda

Adoption of Minutes

Delegations/Presentations

Financial Statements and Updates

Approval of Accounts for Payment (Cheque Listing)

Unfinished Business

Correspondence

New Business

Adjourn

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 Village Office prior to noon (12:00), three (3) days 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 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 requires 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.

18. Delegations

Delegations wishing to appear before Council shall make application in writing to the Village Office not later than noon (12:00), three (3) days before the day of the meeting at which such delegations wishes to appear. The application shall include a detailed brief of the subject the delegation wishes to appear before Council for. The application shall include a detailed brief of 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 fifteen (15) 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 a council is the majority of members of council, except as provided in this bylaw 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. Minutes

- a) The administrator shall record the minutes of each council meeting without note or comment and shall distribute copies of the minutes to each member at least twenty-four (24) hours prior to a subsequent council meeting. Minutes of subsequent meeting need not be read allowed
- b) The names of the members present at the meeting are to be recorded in the minutes of every meeting.
- c) Any member may make a motion amending the minutes to correct any mistakes.
- d) The minutes of each meeting are to be approved at the next regular meeting of the council and signed by the presiding member and the administrator in accordance with the Act.

21. Member's Privilege Regarding Speaking

- a) No member shall speak more than once to a motion, until each member has been provided an opportunity to speak on the motion, except to explain a material part of their speech which may have been misquoted or misunderstood.
- b) The mover of the motion shall be given the first opportunity to speak.
 - c) The mover of the motion shall be allowed a reply at the conclusion of the debate.

22. 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 Bylaw 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.

23. 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. If a vote is recorded the minutes must show the names of the members present and whether each voted for or against the proposal or abstained.
- b) If there are an equal number of votes for or against a resolution or bylaw, the resolution or bylaw is defeated.

24. Motions – General

- a) Motions need not 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.

25. 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.

26. Request that Motion to be put to a Vote

- a) A motion requesting that a motion be put to a vote cannot be moved 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.

27. 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 member 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.

28. 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 which they were moved.

28. Motion to Rescind or Reconsider

- i. A motion to reconsider shall apply to resolutions only, and shall not apply to bylaws passed by council.
- ii. A motion to reconsider is in order whether the original motion passed or failed.
- iii. A motion to reconsider may only be made at the same council meeting as the original motion was voted on.
- iv. A motion to rescind shall apply to resolutions only, and shall not apply to bylaws passed by council.
- v. A motion to rescind is in order only when the original motion passed. No motion to rescind shall be necessary when the original motion failed.
- vi. A motion to rescind may be made at any time following the council meeting at which the original motion was voted on regardless of the time that has elapsed since the original vote was taken.
- vii. A motion to rescind may be moved and seconded by any council member regardless how they voted on the original motion.

- viii. A motion to rescind is debatable.
- ix. A motion to rescind may be amended.
- x. A motion to rescind shall, in all cases, require a majority vote of all council members to pass.
- xi. A motion cannot be rescinded:
 - 1. when the making or calling up of a motion to reconsider is in order;
 - 2. when action on the motion has been carried out in a way that cannot be undone; or
 - 3. when a resignation has been accepted or actions electing or expelling a person from membership or office have been taken.

29. Withdrawal of Motion

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. 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.

31. 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 ask 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.

32. Bylaws

- a) Every Bylaw must have three (3) 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 111

COUNCIL COMMITTEES

33. Committees of Council

- a) Subject to any relevant law or bylaw the Mayor shall, at the first meeting of Council in each year submit a list of appointments of the following Committees, for Council adoption:
 - i. Administration
 - ii. Protective Services & Bylaws
 - iii. Community Services
 - iv. Infrastructure and Transportation
 - v. Planning & Zoning & Building
- b) Each Committee will have a minimum of three (3) members of Council.
- c) The first appointment to a Committee shall be the Chairperson of the Committee.

34. 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 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 Section 145 of *The Municipalities Act*;
 - Increase public awareness.

PART IV
MISCELLANEOUS

35. 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.

36. Effective Date

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

S E A L

Mayor, Ed Mostad

Kristine Marengere, Administrator

Certified true copy of By-law 1-2017
Adopted by Council on the 13th day of March, 2017

Kristine Marengere, Administrator

Form 1 – Request for a Special Meeting

Date: _____
To: _____, Administrator, Village of Lestock

Pursuant to section 123 of the Act², I /we _____ hereby request you to call a special meeting of the Council of the Village of Lestock to discuss the following matter(s):

- 1.
- 2.
- 3.

Meeting Details:

Location:

Date:

Time:

Dated this ____ day of _____, 20__

SIGNED:

Name: _____

Name: _____

Name: _____

Name: _____

Office Use Only:

- Members provided notice pursuant to subsection ____ of the Act³
 Notice not provided pursuant to subsection ____ of the Act⁴

² 97 CA, 123 MA, 141 NMA
³ 98(1) CA, 124(1) MA, 142(1) NMA
⁴ 97(3) CA, 123(3) MA, 141(3) NMA

Form 2 – Request for Method of Providing Notice

Date: _____

To: _____ Administrator, Village of Lestock

From: _____

Pursuant to Section 124 of the Act⁵, I hereby request notice of council or committee meetings be provided to me by the following means:

By regular mail _____

By telephone or voice mail _____

By facsimile _____

By email _____

Check one of the above

This request remains in force until the end of my current term of office unless sooner revoked by me in writing.

Dated this ____ day of _____, 20__

(Signature of member)

⁵ 98(1)(c) CA, 124(1)(c) MA, 143(1)(c) NMA