

# Rural Municipality or Round Hill No. 467

## BYLAW NO. 1-16

### A Bylaw to Provide for the Establishment of Council Procedures

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The council for the Rural Municipality of Round Hill No. 467 in the Province of Saskatchewan enacts as follows:

**1. Short Title**

This Bylaw may be cited as the Procedure Bylaw.

**2. Purpose and Scope**

This Bylaw is intended 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 committees established by council.
- d) Establish rules and procedures to be used by Council and Committees and administration regarding Council and Committee meetings.
- e) 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 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) **'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, 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.
- (h) **'Quorum'** is the majority of the members of council or committee (Pursuant to Section 98 in *The Municipalities Act*)

**PART 1**  
**MEETINGS OF COUNCIL**

**4. First Meeting of Council**

- (a) The first meeting of council following a general 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 facsimile or electronic mail.

**5. Regular Meetings of Council and Committees *(The Municipalities Act 122)***

- (a) Council may wish to 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. 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) Council may also wish to indicate that 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 *(The Municipalities Act 123)***

- (a) The administrator shall call a special meeting of council whenever requested by the Mayor or 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 *(The Municipalities Act 122)***

If a Council or Committee changes the date, time or place of a regularly scheduled meeting, the council shall give notice to any members of the Council or Committee not present at the meeting at which the change was made and to the public at least 24 hours before the changed meeting;

**8. Methods of Giving Notice *(The Municipalities Act 124)***

- (a) When notice is required for regular or special meetings of council or committees, it will be provided personally or electronically
- (b) Public Notice as set out in the municipality's Public Notice Policy Bylaw, No. 1-05

**9. Meetings Through Electronic Means *(The Municipalities Act 123)***

*A Council may wish to include provisions for meetings through electronic means as per MA 125.*

**10. Actions in Public**

***(The following item is specified in the MA 119. A Council may wish to include it in the bylaw)***

- (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.*

***(Additional items may be added)***

**11. Meetings to be in Public**

***(The following items are specified in the MA 120. A Council may wish to include it in the bylaw)***

- (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.*

***(Additional items may be added such as any requirements for recording this part of the meeting in the minutes, how the public will be notified of the return to the public meeting etc.)***

**12. Improper Conduct**

***(The council may wish to establish some guidelines for improper conduct. MA 119 specifies only that that every person has the right to be present at council and committee meetings that are conducted in the public unless expelled for improper conduct.***

Some suggestions may include:

- (a) *To determine what constitutes improper conduct such as word and/or actions*
- (b) *Establish how this person will be notified and what would happen if the person refused to adhere to the request. (i.e.: adjourn the meeting, removed by security etc.)*

**13. Long Range or Strategic Planning Meetings**

***(A council may wish to establish who and/or how a long range or strategic planning meeting shall be called and whether or not these meetings shall be closed to the public. MA 120)***

**PART II  
COUNCIL PROCEDURE**

**14. Mayor/Reeve**

***(The following items are specified in the MA 93. A Council may wish to include it in the bylaw)***

- (a) *The Mayor/Reeve 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/Reeve is a member of all council and committees and bodies established by council pursuant to the Municipalities Act, unless council provides otherwise.*

***(Council may wish to establish other procedure or rules for the Mayor/Reeve such as enforcing the rules of Council, preserving order, taking part in debate etc.)***

**15. Deputy Mayor/Deputy Reeve**

***(The following items are specified in the MA 91. A Council may wish to include it in the bylaw)***

- (a) *Urban municipalities : Council may appoint a councillor as Deputy Mayor Or Rural municipality: Council shall name a Deputy Reeve and they may wish to establish the length of time the Deputy is being appointed for if it is shorter than one year. This shall be done at the first meeting after the annual election or as soon as conveniently possible.*
- (b) *A Deputy Mayor /Deputy Reeve acts as Mayor/Reeve if the Mayor/Reeve is unable to perform the duties of the Mayor/Reeve or the office of Mayor/Reeve is vacant.*

- (a) *A Council may appoint an Acting Mayor /Acting Reeve if both the Mayor/Reeve and Deputy Mayor/Deputy Reeve is unable to perform their duties or both the office of Mayor/Reeve and Deputy Mayor/Deputy Reeve are vacant*

**16. Order of Business and Agenda**

*A Council may wish to establish a standard order of business and/or other procedures that shall be followed such as, preparation and notification of agenda prior to meeting, motion to change the order shall be decided without debate, etc.*

**17. Submissions/Correspondence to Council**

**(A Council may wish to establish the process for submissions.)**

Some Suggestions may include:

- (a) *Establishing a time and date that submissions/correspondence must be received by in order that they be included in the next regular meeting.*
- (b) *Setting out how an administrator will include the submission. (Will the administrator be expected to have researched the item prior to the meeting)*
- (c) *What reasons will submissions/correspondence not be placed on the agenda.*
- (d) *When and/or why may a communication be delayed from placement on the agenda*

**18. Delegations**

**(A Council may wish to establish the process for delegations.)**

Some suggestions may include:

- (a) *How and by what deadline a person may apply to speak to an item already on the agenda.*
- (b) *How a person wishing to speak to council on an item not on the agenda may apply.*
- (c) *What information is required on this application (i.e. who will be speaking, a concise description of the issue being addressed, etc....)*
- (d) *The length of time that will be allowed for each delegation to make their presentation.*
- (e) *Etc.*

**19. Public Hearing**

**(A Council may wish to establish how a public hearing will be conducted)**

Some suggestion may include:

- (a) *The order of the public hearing (i.e. Mayor/Reeve shall declare the hearing open, Administration shall present a report, If the hearing is required pursuant to another Act – a different person may be required to make a presentation, etc.)*
- (b) *The time allowed for each presentation.*
- (c) *Whether or not the hearing may be adjourned to a further date.*
- (d) *Whether a member of council shall abstain from voting on the matter if the member was not present for the entire hearing.*
- (e) *Etc.*

**20. Quorum**

**(The following items are specified in MA 98. A Council may wish to include all, some or none in the bylaw)**

- (a) *The quorum of a council is the majority of members of council, except as provided in this or any other Act. (At no time can this be less than the majority of council, however council may establish criteria where more than a majority is required)*
- (b) *No act or proceeding that is adopted at any meeting of council in which a quorum is not present is valid.*

**21. Voting**

***(The following items are specified in MA 99 & 100. A Council may wish to include all, some or none in the bylaw)***

- (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. (i.e. Council may establish any criteria where more than a majority of votes are required.)*

**22. Recorded and Tied Vote**

***(The following items are specified in MA 101. A Council may wish to include all, some or none in the bylaw)***

- (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.*

**23. Motions-General**

***(Legislation does not contain any specific limitations regarding Motions. A Council may designate any other formal rules of procedure such as Robert's Rules of Order, Current Edition, or establish their own, or use a combination. This applies to Sections 23-32)***

Some Suggestions may include:

- (a) All motions must be seconded **or** Motions are not required to be seconded. (Legislation no longer requires motions to be seconded as did The Urban Municipality Act 1984.)*
- (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**

Some suggestions may include:

- (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**

Some suggestions may include:

- (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**

Some suggestions may include:

- (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**

Some suggestions may include:

- (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**

Some suggestions may include:

- (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 85% (any percentage over the majority council may choose) of Council members to pass, regardless of the number of members present.*

**29. Withdrawal of Motions**

Some suggestions may include:

- (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.*

**30. Notice of Motion**

Some suggestions may include:

- (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**

Some of the suggestions may include:

- (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/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 Mayor/Reeve to explain.*
- (d) *A point of order is not subject to amendment or debate.*

**32. Question of Privilege**

Some of the suggestions may include:

- (a) *Any member of Council may make a request to the Mayor/Reeve on any matter related to the rights and privileges of Council or individual councillors and as that the Mayor/Reeve rule on a question of privilege.*
- (b) *The Mayor/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, then 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**

***(The following items are specified in MA 103. A Council may wish to include all, some or none in the bylaw)***

- (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.*

***Additional suggestions may include:***

- *Proposed bylaws will be circulated to Council members 24 hours previous to the commencement of the meeting they will be considered at, or*

### PART III COUNCIL COMMITTEES

*This is just a sample of possible committees of council which can be amended to suit local conditions.*

*Each Committee clause could include but is not limited to:*

- (a) # of Council members on Committee (or all of Council if applicable);*
- (b) Member appointment (by whom and when);*
- (c) Functions and authority of committee; some suggestion may include some, none or all of the following depending on the type of committee:*
  - Provide advice to Council;*
  - Set policies on matters specific to their committee as delegated;*
  - Prepare an initial operating and capital budget to be forwarded to the council;*
  - Supervision of various departments;*
  - Make recommendations on policy to council*
  - Any duties delegated by council (reminder MA 127 lists matters that cannot be delegated)*
  - Increase Public awareness (i.e. Town Beautification committee or Animal Control Committee)*
  - Receive, investigate and act upon concerns as delegated.*
- (d) Meeting frequency or schedules;*
- (e) Filing of Minutes;*
- (f) Note: Committees may make resolutions and act on those resolutions if it is within the committee's authority as delegated by council. MA 127.*

*Some suggestions may include:*

- (a) Administration and Finance Committee*
- (b) Planning and Operations Committee*
- (c) Budget Committee*
- (d) Animal Control Committee*
- (e) Library Committee*
- (f) Nuisances Committee*
- (g) Public Works Committee*
- (h) Transportation Committee*

### PART IV MISCELLANEOUS

#### **Suspension of Rules**

*Some suggestions may include:*

- (a) When are the procedural rules set out in this bylaw set aside or suspended.*
  - if all members are in attendance and agree when such a situation arises,*
  - emergency situations etc. (You may need to define what an emergency situation is for the purposes of this clause?)*

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

*How will this bylaw be amended or repealed*

*Some suggestions to consider:*

- (a) Will there be prior notice to members of council*
- (b) Will there be a requirement for all members to be present,*
- (c) Will there be a requirement for unanimous consent or a simple majority for all readings;*



(d) *Must it be done at a regular meeting or can it be done at a special meeting.*

**Bylaw Repealed**

If your municipality currently has a council procedure bylaw it will be repealed in this section.

**Effective Date**

This bylaw becomes effective on date of passing or future date specified here.

{Seal}

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Reeve / Mayor

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Administrator

Read a third time and adopted  
this \_\_\_\_ day of \_\_\_\_\_

**NOTE: Items that are specified in *The Municipalities Act* are in force whether they are restated in your bylaw or not. However, sometimes it is useful to staff, elected officials and ratepayers to be able to locate all the information within one document.**