

## TOWN OF NAICAM

**BYLAW NO 2019-005**  
**A BYLAW TO REGULATE THE PROCEEDINGS OF MUNICIPAL COUNCIL AND**  
**COUNCIL'S COMMITTEES**

The Council of the Town of Naicam in the Province of Saskatchewan enacts as follows:

**PART I – INTERPRETATION****1. Short Title**

1.1 This bylaw may be cited as the “Council Procedure Bylaw”.

**3. Definitions**

3.1 In this bylaw:

- (a) “Act” means *The Municipalities Act*.
- (b) “Acting Mayor” means the councillor appointed by council to act as the Mayor if a vacancy arises in that office.
- (c) “Adjourn” means to suspend proceedings, often to another time or place.
- (d) “Administration” means the administrator or an employee accountable to the administrator.
- (e) “Administrator” means the person appointed by Council as administrator pursuant to section 111 *The Municipalities Act*.
- (f) “Amendment” means an alteration to an agenda or minutes
- (g) “Business day” means a day other than a Saturday, Sunday or holiday or other day where the Town Office is closed.
- (h) “Chair” means a person who has the authority to preside over a meeting.
- (i) “Committee” means a committee, board, authority or other body created or appointed by council.
- (j) “Correspondence” includes communications addressed specifically to the Mayor & Council or Council and does not generally include correspondence directed or addressed to the Town of Naicam in general, administration or a single member of Council or any anonymous communications regardless of how it is addressed.
- (k) “Council” means the Mayor and Councillors of the municipality elected pursuant to the provisions of *The Local Government Election Act*.
- (l) “Councillor” means the Council member duly elected in the municipality as a councillor, in accordance with *The Local Government Election Act*.
- (m) “Deputy Mayor” means the councillor who is appointed by council, to act as Mayor in the absence or incapacity of the Mayor.
- (n) “Mayor” means the council member duly elected in the municipality as the Mayor in accordance with *The Local Government Election Act*.
- (o) “Member” means the Mayor, councillor or an appointed individual to a committee, commission or board of council.
- (p) “Motion” means a formal proposal to make a resolution placed before a meeting in order that it may be debated to a conclusion.
- (q) “Mover” means a person who presents or proposes a motion or amendment.
- (r) “Municipality” means the Town of Naicam.
- (s) “Order of business” means the list of items comprising the agenda and the order in which those items appear on the agenda.
- (t) “Public hearing” means a meeting of council or that portion of a meeting of council which is convened to hear matters pursuant to:
  - i. *The Municipalities Act*
  - ii. *The Planning and Development Act, 2007*;
  - iii. any other Act; or
  - iv. a resolution or bylaw of council.
- (u) “Quorum” is, subject to section 98 of the Act:
  - i. in the case of council, a majority of the whole council,
  - ii. in the case of a committee, a majority of the members appointed by Council to the committee.
- (v) “Recess” means an intermission or break within a meeting that does not end the meeting, and after which proceedings are immediately resumed at the point where they were interrupted.
- (w) “Resolution” means a formal determination made by council or a committee on the basis of a motion, duly moved, seconded and placed before a regularly constituted meeting or a special meeting of council or a committee for debate and decision, and is duly passed.
- (x) “Secunder” means a person who formally supports a motion or amendment at the time it is moved.

- (y) "Special meeting" means a meeting other than a regular scheduled meeting called pursuant to section 123 of the Act
  - (z) "Subcommittee" means a committee established by a Committee to review and report on an aspect of the committee's business.
  - (aa) "Unfinished Business" means business which has been raised at the same, or a previous meeting, and which has not been completed.
  - (bb) "Urgent Business" means a time sensitive matter which requires council's immediate and urgent consideration especially relating to.
- 3.2 A reference in this bylaw to an enactment of the Legislative Assembly of Saskatchewan is a reference to the enactment as amended from time to time.

#### **4. Application**

- 4.1 This bylaw applies to all meetings of Council and Committees as defined herein.
- 4.2 Notwithstanding subsection 4.1, Council may by resolution or bylaw allow a Committee to establish its own procedures.
- 4.3 When any matter relating to proceedings arise which is not covered by a provision of this bylaw, the matter shall be decided by reference to Kerr & King's Procedures for Meetings and Organizations.
- 4.4 In the event of any conflict between the provisions of this bylaw and those contained in any of the other authorities set out above, the provision of this bylaw shall apply.
- 4.5 Subject to subsection 4.3, any ruling of the Mayor or chair shall prevail, subject, however, to the jurisdiction of council or the committee to consider any appeals of those rulings.

### **PART II – MEETINGS**

#### **5. Regular Meetings**

- 5.1 Regular meetings of Council shall be held on the second and fourth Tuesday of each month commencing at 7:00 p.m. and shall not extend past the hour of 10:00 pm without resolution of Council to do so.
- 5.2 Annually, or as needed, the Administrator may submit a schedule of council meetings to council for approval and may recommend alternate meeting dates and times.
- 5.3 Where possible, a meeting shall not be scheduled to take place on holidays including statutory or civic holidays or any day appointed as a holiday by proclamation of the Governor-General of Canada, the Lieutenant Governor of Saskatchewan, the Mayor or Council.
- 5.4 Notwithstanding the foregoing provisions, Council, or Administration as authorized by a majority of Council, without the need for a formal resolution may dispense with or alter the date and/or time of a scheduled meeting of council by posting public notice.
- 5.5 It is the intention of Council that if the second meeting in the month (normally on the 4<sup>th</sup> Tuesday) will only be called if necessary for urgent matters that cannot be postponed to the first meeting of the following month. Administration and the Mayor may jointly dispense with or call the second meeting with as much notice of provided to Council and the public as may be possible.

#### **6. Special Meetings**

- 6.1 The administrator shall call a special meeting of council, whenever requested to do so by the Mayor or any two members of Council.
- 6.2 The request shall include all items of business to be transacted as only items on a publicly posted special meeting agenda may be discussed at a special meeting.
- 6.3 The administrator shall post written notice of the time, date, place and purpose of the meeting to all members and to the public at least twenty-four (24) hours prior to the meeting where possible.
- 6.4 Where the minimum 24 hours' notice is not possible, waivers of notice must also be signed and presented to the Administration by all members of Council prior to start of the meeting or the meeting may not proceed. No business, other than that stated in the public notice, shall be transacted at a special meeting.

#### **7. Attendance through Electronic Means**

- 7.1 One or more members of council may participate in a council meeting by means of a telephonic, electronic or other communication facility or voting device if:
  - (a) members of the public present are made aware of any Councillors attending or voting electronically. The facilities must permit all participants to communicate adequately with each other during the council meeting.

- 7.2 The number of Councillors physically present at a Council meeting must be greater than the number attending by Electronic means or the meeting may not be called to order.
- 7.3 Subject to section 7.2, members participating in a council meeting held by means of a communication facility are deemed to be present at the council meeting for the purposes of Quorum.
- 7.4 Administration is to indicate Electronic attendance in the Minutes with an (E) following the name of the Councillor(s) who attended electronically.

#### **8. Method of Giving Notice**

- 8.1 Notice of a council meeting is deemed to have been given to a member if the notice or agenda is:
  - (a) posted on the Town's online meeting platform;
  - (b) delivered verbally or via text message;
  - (c) left at the usual place of business or residence of the member; or
  - (d) 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.
- 8.2 Notice of a council meeting is to be given to the public by posting notice at the municipal office and posting the agenda to the public end of the online meeting platform.

#### **9. Actions in Public**

- 9.1 Motions, resolutions or decisions made via email, in person, by telephone or by any other means other than at a duly held public meeting of Council may not be acted upon and are not legally binding.
- 9.2 Every person has the right to be present at council meetings unless the person presiding at the council meeting expels a person for improper conduct.

#### **10. In-Camera Sessions**

- 10.1 It is Council's intention that it will only close all or any part of its meetings to the public they are required to do so where the matter falls under the *The Local Authority Freedom of Information and Protection of Privacy Act*;
- 10.2 A resolution to move into an in-camera session as a Committee of the Whole shall state, in general terms, the topic of discussion.
- 10.3 Where council resolves to move in-camera, all persons shall be excluded from the meeting except:
  - (a) members of Council;
  - (b) the Administrator and other members of Administration as the members of Council may deem appropriate; and
  - (c) such members of the public as may be allowed to attend by the council if they are directly involved in or party to the matter to be discussed.
- 10.4 No resolutions or bylaws may be passed while Council is in-camera.
- 10.5 Matters discussed or to be discussed in-camera are to be kept in confidence until and unless discussed at a public meeting of council, or unless otherwise provided for in this bylaw.

### **PART III – COUNCIL MEETING PROCEDURES**

#### **11. Agendas**

- 11.1 The general order of business of every council meeting shall follow the approved agenda unless Council agrees to move forward an item or move it to a later position on the agenda. A formal resolution is not required to move already approved agenda items within an agenda.
- 11.2 The Administrator shall ensure that the council agendas are publicly posted no later than 24 hours preceding the council meeting.
- 11.3 All administrative reports, communication from the public, requests, or any other material intended for inclusion in a meeting agenda must be received by the administrator a minimum of two business days preceding the council meeting subject to administrative discretion.
- 11.4 Council may permit additional material on the agenda either by amending the agenda at the time of approval or passing a resolution to add an item to the agenda during a duly held public meeting.

#### **12. Commencement of Council Meeting**

- 12.1 As soon after the hour of meeting as there shall be a quorum present, the mayor shall take the chair and call the meeting to order. In the absence of the Mayor, the Deputy Mayor shall do so.
- 12.2 In case neither the Mayor nor the deputy Mayor is in attendance within 15 minutes after the hour appointed, and subject to a quorum being present, the Administrator, secretary or clerk shall call the members to order and chairman shall be appointed



by resolution of the members who shall preside until the arrival of the Mayor or Deputy Mayor.

- 12.3 As presiding officer the appointed chair shall have the same authority at the meeting as the Mayor or Deputy Mayor would have had if present.
- 12.4 If a quorum is not present 15 minutes after the time appointed for the meeting, the administrator shall record, for informational purposes only, the names of the members present at the expiration of such time and announce that council shall then stand adjourned..
- 12.5 Subject to the Act, if at any time during a meeting the number of members is reduced to less than the number required for a quorum, council shall stand adjourned.
- 12.6 Any unfinished business remaining at the time of the adjournment, due to the loss of the quorum, shall be considered at the next regular meeting, or it shall be placed on the agenda for a special meeting called for the purpose of dealing with the unfinished items.
- 12.7 Members should notify the Administrator at least 2 business days prior to a meeting when the member is aware that he or she will be absent from or late to any meeting of council.

### **13. Recording Meetings**

- 13.1 It will be Council's discretion to permit digital or electronic recording or streaming of all or part of the public meetings.

### **14. Recess**

- 14.1 Council may recess at any time during the meeting by passing a resolution to do so that states the time and duration of the recess.
- 14.2 Council may reconvene sooner than the time mentioned in the motion of recess, but must not reconvene later than 15 minutes after the time specified for reconvening or the meeting shall be deemed to be adjourned.

### **15. Adjournment**

- 15.1 All regularly scheduled council meetings shall stand adjourned when the council has completed all business as listed on the agenda or at 10:00 pm whichever comes first.
- 15.2 If a member is speaking to a matter on the agenda, the Mayor shall wait, where reasonable to do so, until that person is done speaking before asking council to consider whether it wants to extend the time of the meeting or adjourn.
- 15.3 A member may move a motion to adjourn a meeting at any time, except when:
  - (a) another member is in possession of the floor;
  - (b) a call for a recorded vote has been made;
  - (c) the members are voting;
  - (d) when council is considering a motion requesting that a motion be put to a vote; or
  - (e) a previous motion to adjourn has been defeated and no other intermediate proceeding has taken place.
- 15.4 A motion to adjourn does not require a seconder and shall be decided without debate.
- 15.5 Any business which remains on the agenda and which has not been dealt with at the time of adjournment shall be deemed to be postponed until the next council meeting, or until a special meeting is called for the purpose of dealing with the unfinished items should they be of an urgent nature.

### **16. Points of Order, Privilege and Procedure**

- 16.1 A member may ask the Mayor to rule on a point of order, privilege or procedure.
- 16.2 If a point raised concerns a situation, circumstance or event which arose between council meetings, the member shall raise the point as a matter to be handled as an item on the agenda.
- 16.3 Once a point is raised, the member speaking shall immediately cease speaking until the Mayor decides the point raised.
- 16.4 A point must be raised immediately at the time the rules of Council, a policy or bylaw of Council, or a rule of conduct, order, privilege or procedure is breached.
- 16.5 The member against whom a point is raised may be granted permission by the Mayor to explain.
- 16.6 The Mayor may consult the Administrator before ruling on a point.
- 16.7 A point, once ruled on, is not subject amendment or discussion unless the member appeals the matter to the whole of Council by making a motion of appeal to 'overrule the decision of the chair' immediately after the ruling has been made. In the case of an appeal:
  - (a) the member may offer a brief reason for the challenge;
  - (b) the Mayor may state the reason for the decision; and

- (c) the question shall be then put immediately to the members for a vote without further debate.
- (d) the decision made on the appeal by Council shall be final.

#### **17. Persons Allowed at the Table**

- 17.1 No person, except members, the Administrator and other members of Administration as authorized by the administrator and such persons as are permitted by the Mayor shall be allowed to be seated at the council table during the sittings of the council, without permission of the Mayor or other presiding member.

#### **18. Legal Advice**

- 18.1 Where a majority of the members present at a council meeting wish to receive legal advice, council may recess for a period of time sufficient to receive legal advice or postpone or table the matter to a later date and time sufficient for obtaining legal advice.

#### **19. Voting of council**

- 19.1 A member attending a council meeting shall vote at the meeting on a matter before council unless the member is required to abstain from voting pursuant to the Act or any other act.
- 19.2 If a member is not required to abstain from voting on a matter before council due to Conflict of Interest requirements and still abstains from voting, the council member is deemed to have voted in the negative.
- 19.3 The administrator shall ensure that each abstention is recorded in the minutes of the meeting only if a recorded vote has been called.

#### **20. Voting of Mayor**

- 20.1 The Mayor shall vote with the other members on all questions.

#### **21. Majority Decision**

- 21.1 Unless a greater percentage of votes is required by any provision of this bylaw, or the Act at every council meeting, all questions are to be decided by a majority vote of the members present.

#### **22. Recorded Vote**

- 22.1 Before a vote is taken by council, a member may request that the vote be recorded.
- 22.2 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.

#### **23. Tied Vote**

- 23.1 If there are an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.

### **PART IV – HEARINGS & DELEGATIONS**

#### **24. Public Hearing**

- 24.1 If a public hearing is required by any Act, it shall be conducted in accordance with the provisions of this section and where possible, scheduled directly after the adoption of the Agenda.
  - (a) the Mayor shall declare the Regular Meeting of Council suspended and declare the hearing on the matter open;
  - (b) Administration shall present a report on the matter under consideration including Administration's recommendations;
  - (c) if the hearing involves an applicant, the Mayor shall then invite the applicant to make representations or a presentation to Council on the matter under consideration;
  - (d) after the applicant, any person or group of persons shall be given an opportunity to make representations on the matter under consideration;
  - (e) a group of persons, company or organization may be permitted one representative or spokesperson for the group to speak on the matter.
  - (f) at the conclusion of the speakers (should any be present), the applicant shall be given an opportunity to respond to the representations of other people. Other speakers are not permitted to engage in debate or rebuttal.
  - (g) council may request further information or clarification from Administration, the applicant or any speaker but shall not engage in debate during the hearing;
  - (h) council shall make note of all communications and written reports submitted to it on the subject matter of the hearing;
  - (i) the Mayor shall declare the hearing closed; and resume the Council meeting in progress.
  - (j) Council shall then consider and discuss the matter and at the conclusion of the deliberations, a motion shall be made to vote on the matter.

- 24.2 The time allowed for an applicant shall be no longer than 10 minutes for an initial presentation and 3 minutes for a final response to speakers. Other speakers making representations shall be no longer than 2 minutes per speaker.
- 24.3 Subject to certain legislative requirements, a hearing may be adjourned or tabled to a future specified date.
- 24.4 Only Council members present at the hearing may debate or vote on the outcome of the hearing when the Council meeting has resumed.

## **25. Delegations**

- 25.1 When a person wishes to address Council, for a matter where a hearing is not required, that person shall notify the Administrator at least two business days prior to the Council meeting and their request shall include the following:
  - (a) the name, telephone number, and correct mailing address of the person, making the request
  - (b) if applicable, the Company or organization being represented, including the names, titles, and contact information for those who will be presenting.
  - (c) the specific subject matter to be discussed and the request being made of Council.
- 25.2 There will be a maximum of two delegations permitted at any one meeting of Council unless specific by resolution of Council.
- 25.3 The Administrator may refuse to accept a delegation's request if a request does not come to the Administrator in a timely fashion or contain all of the required information, or if council has, within the six (6) months immediately preceding the request, already heard from the person and dealt with the same or substantially the same matter by resolution or bylaw. A record of the refusal shall be reported to Council as soon as is reasonably possible after a refusal has been made.
- 25.4 Administration will make known to the delegation the conduct, rules and procedures to be followed at the meeting as well as directions for the date, time and location of the meeting and their scheduled time. They will also be informed that meeting materials are made public as part of the posted agenda package.
- 25.5 Delegations presenting materials to Council must bring enough materials for all of Council and the Administrator.
- 25.6 Delegations will be scheduled to take place after the adoption of the Agenda where possible.
- 25.7 A delegation will receive 15 minutes to present to Council.
- 25.8 So as not to delay the proceedings, Council may: address the delegation thereafter and engage in brief discussion, table discussion to a later date or time, or delegate the matter to a Committee of Council for review.
- 25.9 Delegations invited by Council to present findings or reports at a meeting may be placed anywhere on the agenda as a separate agenda item and take the time that Council deems necessary for presentation, discussion and review.
- 25.10 The Mayor will call forward the delegation at their appointed time and if not present may either cancel the delegation's time slot, wait for the delegation, or table the delegation's presentation until the delegation is able to attend. If the Mayor chooses to wait, and the delegation appears late they may only receive the portion of their timeslot that remains to make their presentation.
- 25.11 The Mayor will provide the speaker with a one minute warning and cut off the speaker with proper decorum and consideration when their time comes to an end.
- 25.12 The Delegation will be seated in the gallery and Council may elect to accept the delegations presentation simply as information, tabled discussion of the item to a later date or time, or address the matter immediately after the delegation portion of the agenda.

## **PART V – MEETING CONDUCT**

### **26. General Conduct**

- 26.1 All persons at a council meeting including the public, delegations and Members shall:
  - (a) refrain from addressing council or a member unless permitted to do so;
  - (b) maintain quiet and order;
  - (c) refrain from disturbing the proceedings by words, gestures or actions including applauding, displaying flags, placards or similar material;
  - (d) refrain from talking on cellular telephones;
  - (e) refrain from making audio or video recordings of council proceedings; and
  - (f) ensure that all electronic devices are silent and operated in such a manner that does not interfere with the meeting or with another person's ability to hear or view the proceedings.

### **27. Conduct of Members**

- 27.1 Members of council wishing to speak at a meeting shall ensure they do not interrupt another member or a delegation.



- 27.2 If more than one member wishes to speak at a meeting at the same time, the Mayor shall indicate which member shall speak first.
- 27.3 When a member is addressing the council, all other members shall:
  - (a) remain quiet and seated;
  - (b) refrain from interrupting the speaker, except on a point of order or point of procedure; and
  - (c) refrain from carrying on a private conversation in such a manner that disturbs the speaker.
- 27.4 Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.

**28. Improper Conduct**

- 28.1 No person present in the council chambers shall use offensive words in or against the council or any person or disregard the rules of Council. Every council member shall abide by the CODE OF ETHICS BYLAW, and all persons present shall abide by the Zero Tolerance and Harassment Policy as may be amended from time to time.
- 28.2 The Mayor may request that any person who disturbs the proceedings of council or acts improperly at a council meeting, leave or be expelled from the meeting.
- 28.3 No person shall refuse to leave a council meeting when requested to do so by the Mayor.
- 28.4 Any person who refuses to leave when requested to do so may be removed.
- 28.5 If a person disturbs the proceedings of council or refuses to leave when requested to do so, the Mayor may recess adjourn the meeting.
- 28.6 Any person be ordered by the presiding officer to leave may, in case of acceptable apology by the offender, be permitted to forthwith resume their seat.

**PART VII – MISCELLANEOUS**

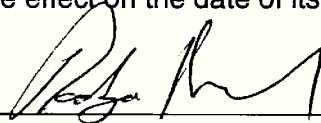
**29. Repealing Bylaws**


- 29.1 This bylaw repeals bylaw #2016-005.

**30. Coming Into Force**

- 30.1 This bylaw shall come into force and take effect on the date of its passing.



  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

Read a third time and adopted  
this 8th day of October, 2019.

  
\_\_\_\_\_  
Chief Administrative Officer

Certified a true copy of Bylaw 2019-005  
Passed by the Town of Naicam Council on October 8, 2019

  
\_\_\_\_\_  
Chief Administrative Officer