

R.M. of Estevan No. 5
Bylaw 2016-1
COUNCIL PROCEDURES BYLAW

- *The Municipalities Act*, section 81.1

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Council Procedures Bylaw

Rural Municipality of Estevan No. 5

BYLAW NO 2016-1

A BYLAW TO REGULATE THE PROCEEDINGS OF MUNICIPAL COUNCIL AND COUNCIL'S COMMITTEES

The Council of the Rural Municipality of Estevan No. 5 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”.

2. Purpose

2.1 The purpose of this bylaw is to establish clear, transparent, consistent and accessible rules for conducting business at meetings, for council members, administrations and the public to follow and participate in governing the municipality and for council in establishing council committees.

3. Definitions

3.1 In this bylaw:

- (a) “Act” means *The Municipalities Act*
- (b) “Acting reeve” means the councillor elected by council to act as the reeve if a vacancy arises in that office.
- (c) “Adjourn” means to suspend proceedings to another time or place.
- (d) “Administration” means the administrator or an employee accountable to the administrator.
- (e) “Administrator” means the person appointed as administrator pursuant to section 111 of the Act.
- (f) “Amendment” means an alteration to a main motion by substituting, adding or deleting a word or words without materially altering the basic intent of the motion.
- (g) “Business day” means a day other than a Saturday, Sunday or holiday.
- (h) “Chair” means a person who has the authority to preside over a meeting.
- (i) “Committee” means a committee, board, authority or other body duly appointed by council.
- (j) “Communications” include, but are not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, or newspaper/magazine article.
- (k) “Conflict of Interest:” A member has a conflict of interest if the member makes a decision, or participates in making a decision, in the execution of his or her office and at the same time know, or ought reasonably to know, that in the making of the decision there is the opportunity to further his or her private interests or the private interests of a closely connected person. A financial interest always constitutes a conflict of interest.
- (l) “Council” means the reeve and councillors of the municipality elected pursuant to the provisions of *The Local Government Election Act*.
- (m) “Councillor” means the council member duly elected in the municipality as a councillor, in accordance with *The Local Government Election Act*.
- (n) “Deputy reeve” means the councillor who is appointed by council, pursuant to section 34 of this bylaw, to act as reeve in the absence or incapacity of the reeve.
- (o) “Member” means the reeve, councillor or an appointed individual to a committee, commission or board of council.
- (p) “Motion” means a formal proposal 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 Rural Municipality of Estevan No. 5
- (s) “Order of business” means the list of items comprising the agenda and the order in which those items appear on the agenda.

- (t) “Point of order” means the raising of a question by a member in a meeting claiming that the procedures of the meeting or of an individual council member are contrary to the procedural rules or practices.
 - (u) “Point of privilege” is the raising of a matter by a member which occurs while the council is in session, where:
 - i. the rights, privileges, decorum or dignity of the council collectively or the rights and privileges of a member individually have been affected,
 - ii. when a member believes that another member has spoken disrespectfully toward them or the council, or
 - iii. when a member believes their comments have been misunderstood or misinterpreted by another member or members; or
 - iv. when a member believes that comments made by the member outside the council Chamber have been misinterpreted or misunderstood by the Community, the public or the news media in order to clarify his or her position.
 - (v) “Point of procedure” means a question directed to the person presiding at a meeting to obtain information on the rules or procedures bearing on the business at hand.
 - (w) “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.
 - (x) “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 to the committee.
 - (y) “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.
 - (z) “Reeve” means the council member duly elected in the municipality as the Reeve in accordance with *The Local Government Election Act*.
 - (aa) “Resolution” means a formal determination made by council or a committee on the basis of a motion, duly placed before a regularly constituted meeting or a special meeting of council or a committee for debate and decision, and is duly passed.
 - (bb) “Special committee” means a committee appointed by council at any time to deal with a specific issue(s) and exist for a length of time required to review the issue(s) and make recommendations to council.
 - (cc) “Special meeting” means a meeting other than a regular scheduled meeting called pursuant to Section 123 of the Act or the provisions of this bylaw.
 - (dd) “Subcommittee” means a committee established by a committee, Commission or board to review and report on an aspect of the committee, Commission or board’s business.
 - (ee) “Unfinished Business” means business which has been raised at the same, or a previous meeting, and which has not been completed.
 - (ff) “Urgent Business” means a time sensitive matter which requires council’s immediate and urgent consideration.
- 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.
- 4.2 Notwithstanding subsection 4.1, council may by resolution or bylaw allow a board and 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 *Robert’s Rules of Order*
- 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 reeve or chair shall prevail, subject, however, to the jurisdiction of council or the committee to consider any appeals of those rulings.

PART II – MEETINGS

All meetings of council shall be held at the Municipal Administration Building, #1-322-4th Street, Estevan.

5. First Meeting

- 5.1 Pursuant to the Municipalities Act, the first council meeting following the annual election must be held within 31 days of the election, and shall be held on a date chosen by the Administrator. Council shall be notified of the meeting date after the annual election and Council will resolve to waive notice and accept the proposed date
- 5.2 the Returning Officer shall provide council with a copy of the declaration of results with respect to the election; and
- 5.3 At the first Council meeting where possible, and prior to carrying out any power, duty or function; every council member shall take the oath of office pursuant to Section 94 of the Act.

6. Regular Meetings

- 6.1 Regular meetings of Council are generally held on the second and fourth Wednesday of each month commencing at 9:00 a.m.
- 6.2 Annually the administrator shall submit a regular schedule of council meetings to council for approval.
- 6.3 Notwithstanding the foregoing provisions, council may, by resolution, dispense with or alter the time of a regular meeting of council.
- 6.4 Council may, by resolution, authorize the reeve to reschedule a regular meeting of council pursuant to the Act during a period of time to be specified within the resolution.

7. Special Meetings

- 7.1 Procedures for Special Meetings are to be transacted according to Section 123 of *The Municipalities Act*

8. Meeting through Electronic Means

- 8.1 One or more members of council may participate in a council meeting by means of a telephonic, electronic or other communication facility if:
 - (a) the members of council provide the administrator with at least two (2) business days' notice of their intent to participate in this manner;
 - (b) notice of the council meeting is given to the public including the way in which the council meeting is to be conducted;
 - (c) the facilities enable the public to at least listen to the meeting at a place specified in that notice and the administrator is in attendance at that place; and
 - (d) the facilities permit all participants to communicate adequately with each other during the council meeting.
- 8.2 Members participating in a council meeting held by means of a communication facility are deemed to be present at the council meeting.

9. Notice of Meetings

- 9.1 Notice of regularly scheduled council meetings is not required to be given.
- 9.2 If council changes the date, time or place of a regularly scheduled meeting, at least twenty-four (24) hours' notice of the change will be given to:
 - (a) any members not present at the meeting at which the change was made; and,
 - (b) the public.

10. Method of Giving Notice

- 10.1 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
 - (c) via telephone or voice mail, facsimile or electronic mail or similar method at the number or to the address specified by the member.
- 10.2 Notice of a council meeting is to be given to the public by posting notice of the meeting at the municipal office.

- 11. Actions in Public**
- 11.1 An act or proceeding of council is not effective unless it is authorized or adopted by bylaw or a resolution at a duly constituted public meeting of council.
- 11.2 Every person has the right to be present at council meetings that are conducted in public unless the person presiding at the council meeting expels a person for improper conduct.
- 12. Closed Sessions (In Camera)**
- 12.1 Council may close all or any part of its meetings to the public if the matter to be discussed:
- (a) is within one of the exemptions of Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*; or
- (b) concerns long-range or strategic planning.
- 12.2 A resolution to move into closed session shall state, in general terms, the topic of discussion.
- 12.3 Where council resolves to close a portion of a meeting to the public, all persons shall be excluded from the meeting except:
- (a) the 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.
- 12.4 Where council resolves to close a portion of a meeting to the public, in addition to the resolution to do so, the administrator shall record in the minutes thereto:
- (a) the time that the in-camera portion of the meeting commenced and concluded;
- (b) the names of the parties present; and
- (c) the legislative authority including the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* relied upon for authority to close the meeting to the public.¹
- 12.5 No resolutions or bylaws may be passed during a closed meeting.
- 12.6 No business other than that described within the resolution pursuant to subsection 12.2 may be discussed.
- 12.7 Matters discussed or to be discussed in a closed meeting are to be kept in confidence until discussed at a public meeting of council, unless otherwise provided for in this bylaw.

PART III – COUNCIL MEETING PROCEDURES

- 13. Agendas**
- 13.1 The administrator shall prepare the agenda for all regular and special meetings of council.
- 13.2 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.
- 13.3 Items may be added to the Agenda that may arise at a Regular Meeting, or by unanimous consent at a Special Meeting of Council.
- 14. Order of Business at Meetings**
- 14.1 The order of business of regular council meetings are generally as follows:
- (a) Call to order
- (b) Approval of agenda
- (c) Adoption of minutes
- (d) Public Works Report to Council
- (e) Passing of Accounts Payables
- (f) Financial Statements
- (g) Administrator's Report
- (h) Development items of business
- (i) Public hearings
- (j) Delegations
- (k) General Items of Business
- (l) Correspondence
- (m) Council Round Table
- (n) Adjournment

- 14.2 The business shall be taken up in the order in which it stands on the agenda, unless the presiding Chair believes it prudent to deal with an item out of turn.

15. Commencement of Council Meeting

- 15.1 At the hour set for the meeting, or as soon as all members of council present, the reeve, or in his or her absence the deputy reeve, shall take the chair and call the members to order.
- 15.2 In case neither the reeve nor the deputy reeve is in attendance within ten minutes after the hour appointed, and subject to a quorum being present, council shall appoint an acting reeve who shall call the meeting to order and shall preside over the meeting until the arrival of the reeve or the deputy reeve, and all proceedings of such meeting shall be deemed to be regular, and in full force and effect.
- 15.3 If a quorum is not present twenty minutes after the time appointed for the meeting, the administrator shall record the names of the members present at the expiration of such time and announce that council shall then stand adjourned until the next meeting, unless a special meeting is called in the meantime.
- 15.4 Subject to the Act, if at any meeting the number of members is reduced to less than the number required for a quorum, council shall stand adjourned.
- 15.5 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.
- 15.6 Members are encouraged to notify the administrator when the member is aware that he or she will be absent from any meeting of council.

16. Quorum

- 16.1 A quorum of council is a majority of members, four in this municipality;
- 16.2 Any act or proceeding of council that is adopted at any council meeting at which a quorum is not present is invalid.
- 16.3 Members of Council who declare a conflict of interest on resolutions or bylaws are not to be counted when determining quorum as per section 146 of the Act, unless the number becomes less than two.

17. Minutes

- 17.1 The administrator shall record the minutes of each council meeting.
- 17.2 The names of the members present at the meeting are to be recorded in the minutes of every meeting.
- 17.3 Any member may make a motion amending the minutes to correct any mistakes.
- 17.4 The minutes of each meeting are to be approved at the next regular meeting of the council and signed by the presiding member at that meeting and the administrator in accordance with the Act.

18. Public Hearing

- 18.1 If a public hearing is required by any Act, it shall be conducted in accordance with the provisions of this section.
- 18.2 The procedure by which the public hearing will be conducted or by which public input will be obtained shall be as follows:
- (a) the reeve shall declare the hearing on the matter open;
 - (b) the administration shall present a report on the bylaw or resolution under consideration including the administration recommendations;
 - (c) if it is a hearing that involves an applicant², the applicant shall be given an opportunity to make representations on the matter under consideration;
 - (d) after the applicant, any person or group of persons or spokesperson acting on behalf of another person or group shall be given an opportunity to make representations on the matter under consideration;
 - (e) if it is a hearing that involves an applicant, at the conclusion of the speakers, the applicant shall be given an opportunity to respond to the representations of other people;
 - (f) council may request further information from administration;
 - (g) council shall formally receive all communications and written reports submitted to it on the subject matter of the hearing;
 - (h) the reeve shall declare the hearing closed; and

² This may be an application under *The Planning and Development Act, 2007*, an application to close a road, etc.

- (i) council shall then consider the matter and at the conclusion of the deliberations, council shall vote on the bylaw or resolution in accordance with the procedures contained in this bylaw.
- 18.3 The time allowed for each person making representations shall be no longer than fifteen minutes.
- 18.4 A hearing may be adjourned to a certain date.
- 18.5 A member shall abstain from taking part in the debate or voting on the bylaw or resolution, which is the subject of the hearing if the member was absent from any part of the public hearing.

19. Communications - General

- 19.1 When a person wishes to have a communication considered by council, it shall be addressed to council, and:
 - (a) clearly set out the matter in issue and the request; and
 - (b) for written communications, must be printed, typewritten or legibly written, contain the mailing address of the writer and be signed with the name of the writer; or
 - (c) for electronic communication, must contain the name of the writer and both the mailing and electronic address of the writer.
- 19.2 A communication received by the administrator, which does not meet the conditions in subsection 22.1 or is abusive in nature, shall be forwarded to the reeve for review and disposition.
- 19.3 A communication received by the administrator which contains or relates to personal information shall be dealt with in accordance with the provisions of *The Local Authority Freedom of Information and Protection of Privacy Act*.
- 19.4 Bound documents or studies in support of the delegation's notice shall, if sufficient copies are provided by the delegation, be circulated to members, but will not be reproduced.

20. Delegations

- 20.1 When a person wishes to speak to council on a matter for which a hearing is not required, that person shall notify the administrator clearly setting out the subject matter to be discussed and the request being made of council.
- 20.2 The Administrator may arrange a time on the agenda for the delegation; or take the matter to the Council to decide if they wish to hear the delegation.
- 20.3 Delegations will be advised by the administrator that they may not be heard by council unless the majority of members vote to allow the delegation to speak within the motion to approve the agenda
- 20.4 Delegations speaking before council shall address their remarks to the stated business:
 - (a) Delegations will be limited to speaking only once; and
 - (b) Rebuttal or cross debate with other delegations shall not be permitted.
- 20.5 A maximum of fifteen minutes shall be allotted for each delegation to present his or her position of support or opposition.
- 20.6 Where there are numerous delegates taking the same position on a matter, they are encouraged to select a spokesperson to present their views:
 - (a) Delegations are encouraged not to repeat information presented by an earlier delegation.
 - (b) The reeve shall at the conclusion of fifteen minutes, inform the delegation that the time limit is up.
 - (c) Only upon a motion to extend the time limitation adopted by a majority of members shall the time limit be extended.
 - (d) Delegations will not be permitted to assume any unused time allocated to another delegation.
- 20.7 Upon the completion of a presentation to council by a delegation, any discourse between members and the delegation shall be limited to members asking questions for clarification and obtaining additional, relevant information only:
 - (a) Members shall not enter into debate with the delegation respecting the presentation; and
 - (b) Once a motion has been moved, no further representation or questions of the delegation shall be permitted.
- 20.8 The administrator may refuse to accept a request to speak to council 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.

21. Reeve and Councillors Round Table

- 21.1 Council members share and report information on:
 - (a) Committee meetings they've attended
 - (b) events, activities or community functions attended; and
 - (c) general work of members on behalf of council colleagues, constituents and the municipality.
- 21.2 All comments will be verbal only and shall not be recorded in the minutes of the meeting.

22. Bylaws

- 22.1 Every proposed bylaw must have three (3) distinct and separate readings.
- 22.2 A proposed bylaw must not have more than two (2) readings at a council meeting unless the members present unanimously agree to consider third reading.
- 22.3 A proposed bylaw will be considered by council immediately following consideration of the report or item to which the bylaw relates.
- 22.4 Only the title or identifying number has to be read at each reading of the bylaw.
- 22.5 Each member present at the meeting at which first reading is to take place must be given or have had the opportunity to review the full text of the proposed bylaw before the bylaw receives first reading.
- 22.6 Each member present at the meeting at which third reading is to take place must, before the proposed bylaw receives third reading, be given or have had the opportunity to review the full text of the proposed bylaw and of any amendments that were passed after first reading.
- 22.7 When a bylaw has been given three (3) readings by council, it:
 - (a) becomes a municipal enactment of the municipality; and
 - (b) is effective immediately unless the bylaw or an applicable provincial statute provides otherwise.
- 22.8 The administrator shall be empowered to correct any typographical error that may not have been corrected at the time of submission to council and the bylaw shall have the same status as if council had corrected same.
- 22.9 After passage, every bylaw shall be signed by the reeve and the administrator, pursuant to the Act and marked with the corporate seal of the municipality.

23. Recess

- 23.1 The council may recess at any time during the meeting.
- 23.2 A motion to recess must state the time of duration of the recess, and must be passed by a majority of the members present.
- 23.3 The council may reconvene sooner than the time mentioned in the motion of recess, but must not reconvene later than twenty minutes after the time specified for reconvening or the meeting shall be deemed to be adjourned due to a lack of quorum.

24. Adjournment

- 24.1 All regularly scheduled council meetings shall stand adjourned when the council has completed all business as listed on the order of business; or at such time as the Council passes a motion to adjourn, or quorum is lost.
- 24.2 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 regularly scheduled council meeting, or until a special meeting is called for the purpose of dealing with the unfinished items.

PART IV – CONDUCT AT COUNCIL MEETINGS

25. Reeve

- 25.1 The reeve shall:
 - (a) preside at all council meetings
 - (b) preserve order at council meetings
 - (c) enforce the rules of council
 - (d) decide points of privilege and points of order; and
 - (e) advise on points of procedure
- 25.2 The reeve shall have the same rights and be subject to the same restrictions, when participating in debate, as all other members.
- 25.3 The reeve shall have the same rights and be subject to the same restrictions as all other members to make a motion.

- 26. Deputy Reeve**
- 26.1 The council shall appoint from the councillors a deputy reeve who shall hold office for a term of one year or for such period as the council may decide, and in any event until a successor is appointed.
- 26.2 If the reeve, for any reason, is unable to perform the duties of his or her office, the deputy reeve shall have all of the powers of the reeve during the inability.
- 27. Acting Reeve**
- 27.1 Council shall appoint a member to act as reeve if:
- (a) both the reeve and the deputy reeve are unable to perform the duties of his or her office; or
- (b) the offices of both the reeve and the deputy reeve are vacant.
- 27.2 The member to be appointed, Acting Reeve shall be elected by a majority of the members present.
- 27.3 Where two (2) members have an equal number of votes, the administrator shall:
- (a) write the names of those members separately on blank sheets of paper of equal size, colour and texture;
- (b) fold the sheets in a uniform manner so the names are concealed;
- (c) deposit them in a receptacle; and
- (d) direct a person to withdraw one (1) of the sheets.
- 27.4 The member whose name is on the sheet withdrawn pursuant to subsection 27.3(d) shall be declared elected.
- 28. Conduct of Members**
- 28.1 Members of council wishing to speak at a meeting shall ensure they do not interrupt another member.
- 28.2 If more than one member wishes to speak at a meeting at the same time, the reeve shall indicate which member shall speak first.
- 28.3 When addressing a council meeting, a member shall refrain from:
- (a) speaking disrespectfully of the federal government, the provincial government or another municipal council, or any official representing them;
- (b) using offensive words in referring to a member, an employee of the municipality or a member of the public;
- (c) reflecting on a vote of council except when moving to rescind or reconsider it,
- (d) reflecting on the motives of the members who voted on the motion or the mover of the motion; or
- (e) shouting or using an immoderate tone, profane, vulgar or offensive language.
- 28.4 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.
- 28.5 Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.
- 29. Persons Allowed at the Table**
- 29.1 No person, except members, the administrator and other members of administration as authorized by the administrator and such persons as are permitted by the reeve shall be allowed to be seated at the council table during the sittings of the council, without permission of the reeve or other presiding member.
- 30. Conduct of Public**
- 30.1 All persons in the public gallery at a council meeting 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.

31. Conduct of Delegations

- 31.1 When addressing members at a council meeting, a delegation shall refrain from:
 - (a) speaking disrespectfully of the federal government, the provincial government or another municipal council, or any official representing them;
 - (b) using offensive words in referring to a member, an employee of the municipality or a member of the public;
 - (c) reflecting on a vote of council except when moving to rescind or reconsider it;
 - (d) reflecting on the motives of the members who voted on the motion or the mover of the motion; or
 - (e) shouting or using an immoderate tone, profane, vulgar or offensive language.

32. Improper Conduct

- 32.1 The reeve may request that any person in the public gallery who disturbs the proceedings of council or acts improperly at a council meeting, leave or be expelled from the meeting.
- 32.2 The reeve may request that any delegation who addresses council improperly, leave or be expelled from the meeting.
- 32.3 No person shall refuse to leave a council meeting when requested to do so by the reeve.
- 32.4 Any person who refuses to leave when requested to do so may be removed.
- 32.5 If a person disturbs the proceedings of council or refuses to leave when requested to do so, the reeve may recess the meeting until the person leaves or adjourn the meeting to another day.

33. Leaving the Meeting

- 33.1 Every member who leaves the council meeting before the meeting is over, whether intending to return to the meeting or not, shall notify the administrator.

34. Point of Order

- 34.1 A member may rise and ask the reeve to rule on a point of order.
- 34.2 When a point of order is raised, the member speaking shall immediately cease speaking until the reeve decides the point of order raised.
- 34.3 A point of order must be raised immediately at the time the rules of council are breached.
- 34.4 The member against whom a point of order is raised may be granted permission by the reeve to explain.
- 34.5 The reeve may consult the administrator before ruling on a point of order.
- 34.6 A point of order is not subject to amendment or debate.

35. Point of Privilege

- 35.1 A member may rise and ask the reeve to rule on a point of privilege.
- 35.2 After the member has stated the point of privilege, the reeve shall rule whether or not the matter raised is a point of privilege.
- 35.3 If the matter is determined to be a point of privilege, the member who raised the point of privilege shall be permitted to speak to the matter.
- 35.4 If the point of privilege concerns a situation, circumstance or event which arose between council meetings, the member shall raise the point of privilege immediately after adoption of the minutes of the previous council meeting.
- 35.5 The reeve may consult the administrator before ruling on a point of privilege.
- 35.6 A point of privilege is not subject to amendment or debate unless a motion regarding the point of privilege is put to council.

36. Point of Procedure

- 36.1 Any member may ask the reeve for an opinion on a point of procedure.
- 36.2 When a point of procedure is raised, the member speaking shall immediately cease speaking until the reeve responds to the inquiry.
- 36.3 After the member has asked the point of procedure, the reeve shall provide an opinion on the rules of procedure bearing on the matter before council.

- 36.4 The reeve may consult the administrator before providing an opinion on the point of procedure.
- 36.5 A point of procedure is not subject to amendment or debate.
- 36.6 The reeve's answer to a point of procedure is not a ruling, and cannot be appealed to the whole of council.
- 37. Appeal**
- 37.1 Whenever a member wishes to appeal any ruling of the reeve or a point of order or point of privilege to the whole of council:
- (a) the motion of appeal, "that the decision of the chair be overruled" shall be made
 - (b) the member may offer a brief reason for the challenge
 - (c) the reeve may state the reason for the decision; and
 - (d) following which the question shall be put immediately without debate
- 37.2 The reeve shall be governed by the vote of the majority of the members present.
- 37.3 A ruling of the reeve must be appealed immediately after ruling is made or the ruling will be final.
- 38. Calling a Member to Order**
- 38.1 When the reeve calls a member to order, the member shall resume his or her seat, but may afterwards explain his or her position in making the remark for which he or she was called to order.
- 38.2 In the event that a member refuses to resume his or her seat when called to order, the reeve shall request the deputy reeve, or if the deputy reeve is absent or is the unruly member, any other member of council to move a resolution to remove the unruly member either:
- (a) for the balance of the meeting
 - (b) until a time which shall be stated in the motion³ or
 - (c) until the member makes an apology acceptable to council for his or her unruly behavior, whichever shall be the shortest time.
- 38.3 When the majority of council votes in favour of the resolution, the reeve shall direct the unruly member to leave the council chamber, and if the member refuses to leave, the reeve may:
- (a) recess the meeting until the person leaves or adjourn the meeting to another day; or
 - (b) direct that law enforcement officials be engaged to assist in the removal of the unruly member.
- 38.4 When council has directed an unruly member to leave the council chambers, and the member so directed makes an explanation and apology adequate and satisfactory to the council, it may, by a majority vote of the remaining members present, allow the offending member to remain in his or her place if he or she has not left or been removed, or to retake his or her place.
- 39. Conflicts of Interest of Members**
- 39.1 Every Council member shall within 30 days after being elected, and annually thereafter, file a public disclosure statement with the Administrator, in the form provided by council
- 39.2 The member is to amend their public disclosure statement within 30 days after a material change
- 39.3 As per Section 144 of *The Municipalities Act*, If a member has a conflict of interest in a matter, the member shall, if present:
- a) Before any considerations or discussion on the matter, declare that he or she has a conflict of interest;
 - b) Disclose the general nature of the conflict of interest and any material details that could be seen to affect the member's impartiality in the exercise of his or her office;
 - c) Leave the room, except for the passing of the payment of accounts where funds have previously been committed and the payment previously approved.
 - d) The disclosure shall be recorded in the minutes
 - e) No member shall attempt in any way, whether before, during or after the meeting, to influence the discussion on voting on any question, decision, recommendation or other action to be taken involving a matter in which the member has a conflict of interest.

³ The expulsion cannot continue beyond the current meeting.

- 39.4 If a conflict of interest in a matter has not been disclosed due to the absence of a member from the meeting; the member shall:
- a) Disclose the conflict at the next meeting the member attends
- 39.5 A member shall declare and disclose a conflict of interest at every meeting the matter is discussed or considered, and comply with Section 144 of the Act

PART V – MOTIONS

40. Motions and Debate

- 40.1 A motion shall express fully and clearly the intent of the mover
- 40.2 Debate and discussions on an item of business may be made prior to, or after a motion is made; but ceases once the motion has been voted upon

41. Dividing a Motion into Parts

- 41.1 A member may request, or the reeve may direct, that a motion be divided if the motion contains more than one separate and complete recommendation.
- 41.2 Council shall then vote separately on each recommendation.
- 41.3 A new motion to add a further recommendation is permitted provided:
- (a) the proposed recommendation is relevant to the original motion;
- (b) the proposed recommendation does not alter in a significant way the principle embodied in the original motion; and
- (c) the original motion has been dealt with.

42. Motion Arising

- 42.1 When a particular matter is before council, a motion arising on the same matter is permitted provided:
- (a) the proposed motion is related to and rises from the item which has just been considered;
- (b) the proposed motion does not alter in a significant way the principle embodied in the original motion; and
- (c) the proposed motion is made before the consideration of any other item of business at the meeting.

43. Request that Motion be put to Vote

- 43.1 A motion requesting that a motion be put to a vote shall not be by a member who has spoken to the original motion.
- 43.2 A motion requesting that a motion be put to a vote shall not be amended or debated.
- 43.3 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.
- 43.4 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.

44. Motion to Adjourn

- 44.1 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.
- 44.2 A motion to adjourn shall be decided without debate.

45. Motion to Move to a Closed Meeting

- 45.1 A member may make a motion that a council meeting move to a closed meeting.
- 45.2 The motion to move to a closed meeting must:
- (a) be in accordance with *The Local Authority Freedom of Information and Protection of Privacy Act*;
- (b) the titles or subject of the item(s) to be discussed; and
- (c) include the reason for the council meeting to be held in a closed meeting.
- 45.3 No bylaw or resolution shall be passed during a closed meeting.

- 46. Motion Contrary to Rules**
46.1 The reeve may refuse to put to council a motion which is, in the opinion of the reeve, contrary to the rules and privileges of council.
- 47. Withdrawal of Motions**
47.1 The mover of a motion may withdraw it at any time prior to a vote being taken or prior to the motion being amended.
- 48. Motion to Reconsider**
48.1 A motion to reconsider shall apply to resolutions only, and shall not apply to bylaws passed by council.
48.2 A motion to reconsider is in order whether the original motion passed or failed.
48.3 A motion to reconsider may only be made at the same council meeting as the original motion was voted on.
48.4 A motion to reconsider must be moved by a member who voted with the prevailing (defeated) side of the original motion.
48.5 When a motion loses on a tied vote, the prevailing side is those who voted against the motion.
48.6 A motion to reconsider is debatable only if the motion being reconsidered is debatable.
48.7 A motion to reconsider cannot be amended.
48.8 A motion to reconsider shall require a majority vote of the members present at the meeting.
48.9 If a motion to reconsider is adopted, the original motion is immediately placed before council to be reconsidered.
48.10 Once a vote on a motion to reconsider has taken place, there shall be no further motion to reconsider that resolution.
- 49. Motion to Rescind**
49.1 A motion to rescind shall apply to resolutions only, and shall not apply to bylaws passed by council.
49.2 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.
49.3 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.
49.4 A motion to rescind may be moved by any council member regardless how they voted on the original motion.
49.5 A motion to rescind is debatable.
49.6 A motion to rescind may be amended.
49.7 A motion to rescind shall, in all cases, require a majority vote of all council members to pass.
49.8 A motion cannot be rescinded:
(a) when the making or calling up of a motion to reconsider is in order;
(b) when action on the motion has been carried out in a way that cannot be undone; or
(c) when a resignation has been accepted or actions electing or expelling a person from membership or office have been taken.
- 50. Motion to Postpone**
50.1 Where a majority of all members decide to postpone a motion to a fixed date, the motion cannot be considered by council until the fixed date.
50.2 Council may consider a postponed motion before the fixed date if a majority of members agree that the motion may be considered before that date.
50.3 The only amendment allowed to a motion to postpone to a fixed date is to change the date.
- 51. Motion to Refer**
51.1 A motion to refer a matter shall not be amended or debated except with respect to the conditions of the referral or the time required to carry out the review.
51.2 A member making a referral motion generally should include in the motion:
(a) the terms on which the motion is being referred; and
(b) the time when the matter is to be returned.

- 52. Legal Advice**
 52.1 Where a majority of the members present at a council meeting wish to receive legal advice in private, council may recess for a period of time sufficient to receive legal advice.
- 53. Voting of council**
 53.1 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.
 53.2 If a member is not required to abstain from voting on a matter before council and abstains from voting, the council member is deemed to have voted in the negative.
 53.3 The administrator shall ensure that each abstention is recorded in the minutes of the meeting.
- 54. Voting of Reeve**
 54.1 The reeve shall vote with the other members on all questions.
- 55. Majority Decision**
 55.1 Unless a greater percentage of votes is required by any provision of this bylaw, at every council meeting, all questions are to be decided by a majority vote of the members present.
- 56. Recorded Vote**
 56.1 Before a vote is taken by council, a member may request that the vote be recorded.
 56.2 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.
- 57. Tied Vote**
 57.1 If there are an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.

PART VI – COMMITTEES

- 58. Committee Procedures**
 58.1 Council may from time to time establish a committee in response to specific issues requiring immediate or long term attention.
 58.2 The membership and jurisdiction of a committee shall be as provided for in the enabling legislation or as directed by council.
 58.3 The reeve is an ex-officio voting member of all committees established by council pursuant to the Act, unless council provides otherwise, and when in attendance, possesses all of the rights, privileges, powers and duties of other members, whether elected or appointed.
 58.4 The reeve's attendance shall not, however, be included for the purpose of determining a quorum.
 58.5 Municipal officials shall act only in an advisory capacity to committees of council and shall not be considered voting members or have any voting privileges in respect to participation on any committee appointment.
 58.6 The chair of all committees established by council shall be designated by council, unless council directs otherwise.
 58.7 Subject to subsection 14, committees shall conduct all committee meetings in public.
 58.8 Committees may close all or part of the meeting if the matter to be discussed is within one (1) of the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.
 58.9 Notice of regularly scheduled committee meetings is not required to be given.
 58.10 The Secretary shall call a special meeting of a committee whenever requested to do so, in writing, by the chair or by a majority of the committee members in the same manner as set out in subsection 70.17.
 58.11 For committees operating without regularly scheduled meeting, it shall be the duty of the chair, or in the chair's absence, the Secretary to call a meeting of the committee whenever requested in writing to do so by a majority of the committee.
 58.12 The business of committees shall be conducted in accordance with the rules governing the procedure of council or as otherwise established by council for the committee or established by the committee.

- 58.13 Each committee, whom the administrator does not provide secretarial services to, will recommend to the administrator the appointment of a Secretary, who will be responsible for:
 - (a) tracking the attendance;
 - (b) preparing meeting agendas and minutes; and
 - (c) reporting the committee's decisions to council.
- 58.14 After the minutes have received approval of a majority of the members present, they shall be signed by the presiding member and secretary. Once signed, the original minutes shall be forwarded to the administrator for presentation to council and for safekeeping.
- 58.15 All minutes, once approved, shall be open for inspection by the public.
- 58.16 No member shall release or otherwise make public any information considered at a closed meeting, including discussion of the content of such a meeting with persons other than with members of council or with civic staff who are privy to that information:
 - (a) unless authorized by council; or
 - (b) until the matter is included on a public agenda of council.
- 58.17 Every committee shall report to council, and no action of any committee shall be binding on the municipality unless:
 - (a) power to take such action is expressly conferred on the committee by legislation, bylaw or resolution of council; or,
 - (b) council has considered the report of the committee and if adopted, shall become the resolve of council.
- 58.18 The conduct of delegations or the public at committee meetings, which they are entitled to attend, shall be subject to the same requirements as set out in section 30 of this bylaw.
- 58.19 The conduct of members shall be subject to the requirements as set out in section 31 of this bylaw.
- 58.20 The chair may request any individual to be expelled from a meeting, in accordance with the guidelines as set out in section 32 of this bylaw.

PART VII – MISCELLANEOUS

59. Repeal of Bylaws & Resolutions

- 59.1 Bylaw No.108-1986 is hereby repealed.

60. Coming Into Force

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

[SEAL]

Reeve

Administrator

Read a third time and adopted this
12th day of January, 2016.

Administrator

Bylaw # 2016-1
Form 1 – Request for a Special Meeting

Date: _____

To: _____, Administrator,
Rural Municipality of Estevan No. 5

Pursuant to section 123 of the Act⁴, I / we hereby request you to call a special meeting of the Council of the Rural Municipality of Estevan No. 5 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 124(1) of the Act⁵
 Notice not provided pursuant to subsection 123(3) of the Act⁶

⁴ 97 CA, 123 MA, 141 NMA

⁵ 98(1) CA, 124(1) MA, 142(1) NMA

⁶ 97(3) CA, 123(3) MA, 141(3) NMA

Bylaw # 2016-1
Form 2 – Request for Method of Providing Notice

Date: _____

To: _____, Administrator, Municipality of Estevan No. 5

From: _____ (name of council member)

Pursuant to clause 124 (1)(c) of the Act⁷, I hereby request notice of council or committee meetings be provided to me by the alternate means:

By regular mail (address) _____

By telephone or voice mail (telephone number) _____

By facsimile (fax number) _____

By email (email address) _____

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)

⁷ 98(1)(c) CA, 124(1)(c) MA, 143(1)(c) NMA