

CITY OF NORTH BATTLEFORD
SASKATCHEWAN

BYLAW NO. 1700

A BYLAW OF THE CITY OF NORTH BATTLEFORD IN THE PROVINCE OF SASKATCHEWAN TO REGULATE THE PROCEEDINGS IN THE COUNCIL OF THE CITY AND THE COMMITTEES

WHEREAS Section 8 of *The Cities Act, S.S. 2002, c.C-11.1*, provides, in part, as follows:

8. A city has a general power to pass any bylaw for city purposes that it considers expedient in relation to the following matters respecting the city:
 - (a) the peace, order and good government of the city;

AND WHEREAS Section 6 of *The Cities Act, S.S. 2002, c.C-11.1*, provides, in part, as follows:

6. The power of a city to pass bylaws is to be interpreted broadly for the purposes of:
 - i. providing a broad authority to its council and respecting the council's right to govern the city in whatever manner the council considers appropriate, within the jurisdiction provided to the council by law;

AND WHEREAS Section 55 of *The Cities Act, S.S. 2002, c.C-11.1*, provides, in part, as follows:

55.
 - (a) establish council committees and other bodies and define their functions; and
 - (b)
 - i. establish the procedure and conduct of council, council committees and other bodies established by the council; and
 - ii. establish rules for the conduct of councillors, of members of council committees and of members of other bodies established by council.

AND WHEREAS it is necessary to establish rules and provisions for the conduct of business in Council meetings and meetings of the committees to control and maintain order, and

NOW THEREFORE, THE COUNCIL OF THE CITY OF NORTH BATTLEFORD ENACTS
AS FOLLOWS:

1. This Bylaw may be cited as "The Procedure Bylaw".

DEFINITIONS

2. In this Bylaw:
 - a) "Act" means *The Cities Act, S.S. 2002, c.C-11.1*.
 - b) "Agenda" means the list of items for any meeting of Council or its committees.
 - c) "Amendment" means an alteration of a main motion or an amendment by substituting, adding or deleting a word or words without materially altering the basic intent of the motion.
 - d) "Committee" means a committee, board, or other body duly appointed by Council.
 - e) "Committee of the Whole" means members present at a meeting of Council sitting in committee.
 - f) "Councillor" means a term used to address members in committee and Council meetings.
 - g) "Deputy Mayor" means the member who is appointed by Council, pursuant to Section 7 of this Bylaw, to act as Mayor in the absence or incapacity of the Mayor.
 - h) "Council" means the Mayor and Councillors of the City for the time being, elected pursuant to the provisions of Section 11 of *The Local Government Elections Act*, whose term is unexpired, who have not resigned, and who continue to be eligible to hold office, pursuant to Section 26 of *The Local Government Elections Act*.
 - i) "Member of Council" shall mean the Mayor or a Councillor.
 - j) "Motion to Receive" means a motion which is made for the purpose of acknowledging the particular item, report, or recommendation under consideration, and of having the item, report, or recommendation placed in the records of the City Clerk for future reference, with no additional action being taken at the present time.

- k) "Motion (substantive or main)" means a formal proposal placed before a meeting in order that it may be debated to a conclusion, and is any motion, except a motion to
 - i) refer
 - ii) amend
 - iii) table, or
 - iv) adjourn
- l) "Motion (subsidiary)" means one that assists in treating or disposing of a main motion.
- m) "Point of Order" means the raising of a question by a member, with the view of calling attention to any departure from the Procedure Bylaw or the customary modes or proceedings in debate, or in the conduct of the Council's business.
- n) "Point of Procedure" means a question directed to the Chairman to obtain information on a matter of parliamentary law or the rules of Council bearing on the business at hand, in order to assist a member to make an appropriate motion, raise a point of order, understand the parliamentary situation or the effect of a motion.
- o) "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 Act,
 - ii) *The Planning and Development Act*,
 - iii) any other Act, or
 - iv) a resolution or bylaw of Council.
- p) "Question of Privilege" is the raising of a matter by a member:
 - (1) 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) a member believes their comments have been misunderstood or misinterpreted by another member or members; or
 - iii) a member believes that another member has spoken disrespectfully toward them or the Council, or
 - (2) When a member believes that comments made by the member outside the Council Chamber have been misrepresented or misunderstood by the community, the public or the news media in order to clarify his or her position.

- q) “Quorum” is
 - i) in the case of Council, a majority of the whole Council;
 - ii) in the case of a committee, a quorum shall be a majority of the members of the committee.
- r) “Resolution” means a formal determination made by Council or a committee on the basis of a motion, duly placed before a regularly constituted meeting of Council or a committee for debate and decision, and is duly passed.
- s) “Special Meeting” means a meeting other than a regular scheduled meeting called pursuant to Section 97 of the Act or the provisions of this bylaw.
- t) “Unfinished Business” means business which has been raised at the same, or a previous meeting, and which has not been completed.
- u) Words importing male persons include female persons, and singular reference includes plural reference.

INTERPRETATION

- 3. 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.

APPLICATION

- 4. This Bylaw applies to all meetings of Council and Committees thereof.
 - a) When any matter relating to proceedings arises which is not covered by a provision of this Bylaw, *Robert's Rules of Order*, current edition, shall govern.
 - b) In the event of any conflict between the provisions of this Bylaw and those contained in any of the authorities set out above, the provisions of this Bylaw shall apply.
 - c) Subject to Subsection 4(a) of this Bylaw, any ruling of the Mayor or the Committee Chairman or other presiding member shall prevail, subject, however, to the appellate jurisdiction of Council or the Committee.

MEETINGS OF COUNCIL

5. Regular Meetings

- a) Regular meetings of Council shall be held in the Council Chamber at City Hall, on the second and fourth Monday of every month at the hour of 6:30 p.m. unless otherwise directed by Council by resolution at a preceding Council meeting, or unless such day is a public or civic holiday, in which case the Council shall meet at 6:30 p.m. on the next following day unless otherwise directed by resolution of Council at a preceding Council meeting.
- b) The City Clerk shall submit to Council a proposed schedule of meeting dates for Council for approval by City Council.
- c) Notwithstanding the foregoing, Council may, by resolution, dispense with the holding of a regular meeting of Council.

6. Special Meetings

- a) The City Clerk shall call a special meeting of Council, whenever requested to do so, in writing, by the Mayor or a majority of the members. Such written request shall include all items of business to be transacted.
- b) When a special meeting is to be held, the City Clerk shall provide written notice of the time, date, and place of the meeting to all members and the general public at least twenty-four (24) hours prior to the meeting and, in general terms, of the business to be transacted at the meeting, and the notice may be delivered personally or left at the usual place of business or residence of each member.
- c) The Mayor may call a special meeting on any shorter notice, either verbal or written, that he considers sufficient, if all members give their consent, in writing, to the notice before the commencement of the meeting.
- d) No business, other than stated in the notice, shall be transacted at a special meeting, unless all the members are present, in which case, by unanimous consent, any other business may be transacted.

APPOINTMENT OF DEPUTY MAYOR DUE TO VACANCY

7. Council shall annually appoint Deputy Mayors for a term of two months commencing with November and December.
 - a) If, for any reason, the Deputy Mayor is absent from a Council meeting and is unable to perform the duties of the Mayor in his absence, the member of Council next designated to be Deputy Mayor shall be the Deputy Mayor.

- b) If the Mayor, for any reason, is unable to perform the duties of his office, the Deputy Mayor shall have all the powers of the Mayor during the inability.
- c) If, at the end of the Council's term, the Deputy Mayor is unable to perform the duties of Mayor, and no other member of Council has been designated as Deputy Mayor beyond the current period, the member of Council who would have been Deputy Mayor, had rotation of names for Deputy Mayor commenced again, shall become Deputy Mayor.

APPOINTMENT OF MAYOR

- 8. a) Subject to the provisions of the Act, when a vacancy arises in the office of the Mayor, the Council shall, at its next meeting, appoint a member to act as Mayor.
- b) The member to be appointed, pursuant to Subsection a), shall be elected by a majority of the members present.
- c) Where, on the addition of the ballots, two members have an equal number of votes, the City Clerk shall:
 - i) write the names of those members separately on blank sheets of paper of equal size, colour and texture;
 - ii) fold the sheets in a uniform manner so the names are concealed;
 - iii) deposit them in a receptacle; and direct a person to withdraw one of the sheets;
 - iv) the member whose name is on the sheet withdrawn, pursuant to clause iii), shall be declared elected.

AGENDAS

- 9. a) The City Clerk shall prepare the agenda for all regular and special meetings of Council.
- b) The City Clerk shall ensure copies of the agenda plus supporting documentation are distributed to each member of Council and City Administration entitled to receive copies no later than the afternoon of the Thursday preceding the meeting of Council for which it was prepared.
- c) The City Clerk shall ensure that the agenda is made available to the news media, and posted at City Hall and at the Public Library.

- d) Administration to advise the City Clerk by 9:00 a.m. Wednesday preceding of items which are to appear on the Council agenda.
- e) Subject to other provisions of this Bylaw, every communication, notice of motion, petition, reports, summaries of delegations, or other written application must be submitted, in writing, to the City Clerk at, or before, 2:00 o'clock in the afternoon on the Wednesday in the week preceding the meeting of Council at which it is desired to be presented to Council.
 - i) Communications addressed to Mayor and Council and received by 4:30 p.m. on the Wednesday in the week preceding the meeting of Council, will be placed on the agenda.
 - ii) All communications to be dealt by Council, with exception of e-mail transmissions, are to be duly signed.
- f) Only the material which has been received by the City Clerk by the time set out in Subsection 9 (e) of this Bylaw shall be considered at the meeting for which the agenda is prepared. Council may, by consensus of the majority, permit additional material on the agenda, provided that such additions pertain to subject matter which is on the agenda.
- g) No item of business placed on an agenda of a committee or Council meeting shall be discussed publicly by the City Administration, any member, or the news media until after the item has been considered by Council.
- h) Subsection 9 (g) shall not apply if the item was previously considered in a public committee meeting prior to being submitted to Council, or if the appropriate committee authorizes its release, or a spokesperson has been appointed to speak on the issue.

COMMENCEMENT OF A COUNCIL MEETING

- 10. a) At the hour set for the meeting, or as soon as there shall be a quorum present, the Mayor, or in his absence, the Deputy Mayor, shall take the Chair and call the members to order, and shall preside over the meeting until the end of the meeting, or until the arrival of the Mayor, and all proceedings of such meeting shall be deemed to be regular, and in full force and effect.
- b) If a quorum is not present fifteen (15) minutes after the time appointed for the meeting, the City Clerk 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.
- c) Subject to Section 119 of the Act, or any other statutory provision, if at any meeting the number of members is reduced to less than the number required for a quorum, Council shall stand adjourned.

- d) 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, prior to New Business, or it shall be the agenda for a special meeting called for that purpose.

ADJOURNMENT

- 11. a) A motion to adjourn the meeting may be made at any time, and if seconded, the motion must be put immediately without debate. If the motion to adjourn is passed by a majority of the members present the meeting shall stand adjourned.
- b) Any business which appears on the Council agenda, and which has not been dealt with at the time of adjournment, shall be deemed to be tabled until the next regular meeting of Council, or until a special meeting is called for the purpose of dealing with the unfinished items.

ORDER OF BUSINESS

- 12. a) The following shall be the general order of business of every regular Council meeting:
 - i) Agenda (Approval of)
 - ii) Minutes (Adoption of)
 - iii) Public Notices
 - iv) Public Hearings
 - v) Presentations
 - vi) Delegations
 - vii) Correspondence
 - viii) Referrals to Committees
 - ix) Announcements/Inquiries
 - x) Reports
 - xi) Unfinished Business
 - xii) New Business
 - xiii) Bylaws
 - xiv) Notice of Motion
 - xv) Adjournment
- b) The business shall, in all cases, be taken up in the order in which it stands on the agenda, unless otherwise determined by majority consent of the members present.

CONDUCT OF COUNCIL MEETINGS

13. a) All meetings of Council shall be held openly, and no person shall be excluded, except for improper conduct.
- b) Notwithstanding Subsection a), City Council may, by resolution, close all or part of a meeting to the public if a matter to be discussed at that meeting is within one (1) of the exemptions listed in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.
- c) The Mayor, or in his absence, the Deputy Mayor shall preside at all meetings of Council, and shall preserve order and enforce the rules of Council.
- d) Subject to being overruled by a majority vote of members, which vote shall be taken without debate, the Mayor or presiding member
 - i) shall maintain order and preserve decorum of the meeting,
 - ii) shall decide points of order without debate or comment, other than to state the rule governing,
 - iii) shall determine which member has a right to speak,
 - iv) shall ascertain that all members who wish to speak on a motion have spoken thereon, and that the members are ready to vote by asking the question, "Are you ready for the question?" and shall thereafter put the vote,
 - v) shall rule when a motion is out of order, and
 - vi) may call a member to order.
- e) The Mayor, or presiding member, may leave the Chair for the purpose of taking part in the debate, or for any other reason, and in such case he shall call on the Deputy Mayor or in his absence, the Deputy Mayor next in rotation, to take his place until he resumes the Chair.
- f) No person, except members, the City Commissioner, the City Clerk, and Senior Directors, shall be allowed to come within the Bar during the sittings of the Council, without permission of the Mayor or other presiding member.
- g) Members of the public who constitute the audience in the Council Chamber during a Council meeting
 - i) may not address Council without permission of the Council,
 - ii) shall maintain order and quiet,

- iii) shall not applaud, or otherwise interrupt, any speech or action of the members, or any other person addressing Council,
- iv) shall not display or have in their possession, picket signs or placards which would distract the proceedings or interfere in the decorum of Council.
- h) The Mayor or presiding member, may, at any meeting, cause to be expelled, any person who creates any disturbance or acts improperly during a meeting.
- i) When members wish to speak at a Council meeting, they shall raise their hand and shall obtain the approval of the Chairman before doing so, and upon approval the member shall address all comments to the Chairman of the Council meeting.
- j) When members are addressing the Chairman, every other member shall
 - i) remain quiet and seated,
 - ii) not interrupt the speaker, except on a point of order,
 - iii) not carry on a private conversation which disturbs the member speaking, and
 - iv) not cross between the speaker and the Chairman.
- k) When members are addressing the Chairman, they shall
 - i) not speak disrespectfully of Her Majesty the Queen, or official representatives of her government,
 - ii) not use offensive words in referring to any member, or to any official of the City, or member of the public,
 - iii) not reflect on any vote of Council, except when moving to rescind it, and when so doing, shall not reflect on the motives of the members who voted for the motion, or the mover of the motion,
 - iv) not shout or immoderately raise their voice or use profane, vulgar, or offensive language.
- l) When members wish to leave the Council Chamber while a meeting of Council is in progress, they shall rise and be acknowledged by the Mayor or presiding member before leaving their place.
- m) No member shall leave the Council Chamber after a question is put to a vote, until the vote is taken.

- n) When the Council adjourns or recesses, the Mayor shall have precedence in the Council Chamber, and no other members shall leave their place until the Mayor or presiding member leaves the Chair, or otherwise indicates that the meeting is adjourned or recessed.

POINTS OF ORDER, PROCEDURE AND QUESTIONS OF PRIVILEGE

- 14. a) Whenever any point of order, point of procedure, or question of privilege arises, it shall be immediately dealt with.
- b) Whenever a question of privilege arises, the Chairman shall rule upon the admissibility of the question, and if the Chairman rules favourably, the member who raised the question of privilege shall be permitted to pursue the said question.
- c) When the Chairman is called upon to decide a point of order or to answer a point of procedure, the point shall be stated without unnecessary comment, and the Chairman shall state the rule or authority applicable in the case.
- d) When a point of order is raised, or when a member is called to order from the Chair, the member speaking shall immediately cease speaking until the Chairman has decided the point raised.
- e) The member raising a point of order may be granted permission to explain the point.
- f) Whenever the Chairman is of the opinion that any motion offered to Council is contrary to the rules of Council, he shall advise the members thereof immediately, and quote the rule or authority applicable, and no argument or comment shall be permitted.
- g) The decision of the Chairman shall be final, unless a challenge is made pursuant to Subsection 15 a).

CHALLENGE TO THE CHAIR

- 15. a) Whenever a member wishes to challenge the ruling of the Chairman:
 - i) the Motion of Appeal, "That the decision of the Chair be overruled" shall be made;
 - ii) the member may offer a brief reason for the challenge;
 - iii) the Chairman may state the reason for the decision;
 - iv) following which the question shall be put immediately without debate.

- b) The Chairman shall be governed by the vote of the majority of the members present, and the names of the members voting for or against the motion shall be recorded in the minutes.
- c) If the Mayor or presiding member refuses to put the question, "That the decision of the Chair be overruled", the Council shall forthwith request the Deputy Mayor, or in his absence, the next Deputy Mayor by rotation, to proceed from the floor, if necessary, in accordance with Subsection a).
- d) Any resolution or motion carried under the circumstances mentioned in Subsection c) is effectual and binding as if carried under the chairmanship of the Mayor.

CALLING A MEMBER TO ORDER

16. a) When the Mayor or presiding member calls a member to order, the member may explain his position in making the remark for which he was called to order.
- b) In the event that a member ignores the call to order, the Mayor shall request the Deputy Mayor, or if the Deputy Mayor is absent or is the unruly member, the next Deputy Mayor in rotation to move a resolution to remove the unruly member either:
- i) for the balance of the meeting,
 - ii) until a time which shall be stated in the motion, or
 - iii) until the member makes an apology acceptable to Council for his unruly behaviour,
- whichever shall be the shortest time.
- c) When the majority of Council votes in favour of the resolution, the Mayor or presiding member shall call for a motion to recess during which time the City's police service will be contacted to attend and remove the unruly member from the Council Chamber.
- d) When Council has directed an unruly member to leave the Council Chamber, 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 place if he has not left or been removed, or to retake his place.

MOTIONS IN COUNCIL

17. a) A motion shall be worded in the affirmative and shall express fully and clearly the intent of the mover and shall not be preceded by any preamble or whereas clauses.
- b) A motion is not properly before Council and shall not be considered unless it has received a seconder except:
 - i) When Council is in Committee of the Whole in which case the motion only requires a mover.
 - ii) When the motion is an appeal of the decision of the Chairman only a mover is required.
- c) Once a main motion respecting any subject on the agenda has been adopted by Council, as presented or as amended, the subject shall be closed and no further motions shall be accepted with respect to that item of business.
- d) Any member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a member while speaking.
- e) After a motion has been moved and seconded, it is the property of Council and may not be withdrawn without the permission of the mover and seconder.
- f) When a motion has been introduced and is before Council, no member may make any other motion, except a motion to
 - i) amend a motion,
 - ii) withdraw a motion,
 - iii) refer the main question to some other person or group for consideration,
 - iv) table the main question,
 - v) adjourn the meeting.
- g) A member moving a motion to table any matter, whether the matter is contained in a petition, enquiry, motion, or other matter before Council, shall include in the tabling motion the time at the present meeting, or the date of a future regular or special meeting to which the matter is to be tabled.
- h) A motion to table a matter shall not be debated, except as to the time when Council will again consider the matter.
- i) A matter which has been tabled to a particular date shall not be again considered by Council before the date set, except on a majority vote of all members.

- j) When dealing with the subject matter of a motion where a committee has been appointed for that purpose, or a City department or official would normally deal with such matters, Council may refer the question before it to the appropriate committee of Council, or the City Commissioner.
- k) A motion to receive shall not be debatable and indicates no action other than the item becomes a part of the corporate record.
- l) A motion to receive and place under New Business will generally apply to items presented by Delegations.
- m) 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. The substantive issue of the item being referred shall not be debated.
- n) A member making a referral motion generally should include in the motion the terms on which the motion is being referred, and the time when the matter is to be returned.
- o) If a referral motion to the City Commissioner does not contain the terms on which the motion is being referred and the time when the matter is to be returned, the motion of referral shall be deemed to be for appropriate action by the City Commissioner.
- p) When it appears to the City Commissioner, the City Clerk or any other authorized City official that a matter before the City Council should be referred to the administration, they shall, at the meeting, request that Council refer the matter to the administration and shall provide a very brief explanation as to why the referral should be made.
- q) Notwithstanding Subsection k), or anything elsewhere contained in this Bylaw, a member, after a motion has been made and seconded, may, with the consent of Council, on his own initiative while he is speaking on the same, or, when requested by another member speaking on the motion, change the wording of the motion, or agree to a change proposed by another member, if the alteration does not change the intention of the motion.
- r) All reports under the Reports section of the agenda shall be deemed to be one document and shall be disposed of with one motion, unless a member of Council requests that a specific report within that Section be dealt with separately.

MOTIONS CONTAINING DISTINCT PROPOSITIONS

18. a) A motion containing several distinct propositions is not out of order for that reason alone.
- b) Where a motion contains two or more propositions, and when a member so requires, or the Mayor or presiding member so orders, Council shall vote on each proposition separately.

MOTION TO ADJOURN

19. a) A member may move a motion to adjourn a meeting at any time, except when:
 - i) another member is in possession of the floor,
 - ii) a call for a recorded vote has been made,
 - iii) the members are voting,
 - iv) Council is in Committee of the Whole, or
 - v) a previous motion to adjourn has been defeated and no other intermediate proceeding has taken place.
- b) A motion to adjourn shall be put without comment or debate.
- c) After the hour of 10:30 p.m., the Council being in session, a motion to adjourn, in order to carry, need be supported by two members only.

MOTION OUT OF ORDER

20. a) When the Mayor or presiding member decides a motion is out of order, he shall so advise Council, and shall cite the rule or authority applicable thereto.
- b) Any member may appeal the ruling of the Chairman, pursuant to Section 15 of this Bylaw.

AMENDMENTS

21. a) While a motion is under discussion by Council, a member may not move an amendment which:
 - i) does not relate to the subject matter of the principal motion, or
 - ii) is directly contrary to the principal motion.
- b) The Mayor or presiding member shall allow only one amendment at a time to the principal motion before Council, and only one amendment to that amendment may be allowed at a time.

- c) The Mayor or presiding member shall not put the principal motion under debate until all amendments to it have been put and voted upon.
- d) The Mayor or presiding member shall put amendments in the reverse order to which they have been moved.
- e) When all amendments are voted upon, the Mayor or presiding member shall put the principal motion, incorporating any amendments already adopted thereto.

DEBATE ON MOTION

22. 1) No member may speak more than twice on any motion, except under the following circumstances:
- a) when members feel they have been misquoted or misunderstood, they may, after receiving permission from the Mayor or presiding member to speak, explain a part of the speech, but may not introduce any new matter, and there shall be no debate on the explanation.
 - b) before the debate has been closed, and the question called, provided no other member has the floor, a member may, during the debate
 - i) ask a question which relates directly to the debate, contains no argument, and introduces no new material on the motion or,
 - ii) request that the motion, or a part thereof, be read aloud.
 - c) following debate by members, the mover of a motion shall be entitled to close debate.
 - d) At the discretion of the Mayor or presiding member, a member may speak more often than twice on any motion providing majority consensus of Council is obtained.
- 2) When the Mayor or presiding member wishes to make a motion or participate in the debate, he shall vacate the Chair and request the Deputy Mayor, or the member of Council next designated if the Deputy Mayor is not in attendance, to take the Chair and the Mayor or presiding member may remain out of the Chair until the motion has been dealt with.
- 3) When the Mayor or presiding member determines the debate closed, the motion shall be put to a vote without further discussion or debate.
- 4) When the motion has been declared put, no member shall debate further on the question or speak any words except to request that the motion be read aloud.

- 5) It shall be the duty of the Mayor or presiding member to determine what motions or amendments are in order, subject to an appeal to Council, and decline to put any motion before Council which he deems to be clearly out of order or contrary to law.

VOTING ON MOTIONS

23. a) A question or motion shall be declared lost when it
 - i) does not receive a majority vote,
 - ii) does not receive the required number of votes, or
 - iii) receives an equal division of votes.
- b) Members, who shall be present in the Council Chamber when a question is put, shall vote thereon by show of hands, unless they have a pecuniary interest in the question, provided such interest is one which prevents such members from voting by reason of the provisions of Part VII of the Act.
- c) Where members have such an interest in any question or matter that comes before Council, they shall immediately disclose their interest in that question or matter, and shall not participate in discussion nor vote on the matter and shall leave the Council Chamber.
- d) No member shall attempt in any way, whether before, during, or after the meeting, to influence the voting on any question involving a matter in which he has a pecuniary interest.
- e) The City Clerk shall record the members voting for a motion and voting against a motion where:
 - i) a member demands that a recorded vote be taken on division; or,
 - ii) the Mayor or presiding member directs that a recorded vote be taken on division.
- f) Once the City Clerk has recorded the vote on a division, no member shall change his vote without the unanimous consent of the other members present.
- g) Whenever a statute or regulation of the Province of Saskatchewan, this or any other bylaw of the City requires a designated majority greater than a simple majority to pass a motion on any matter, the motion may not be rescinded or amended by less than the majority required by the statute, regulation, or bylaw.
- h) When a recorded vote is taken, a member shall vote separately but, in every other case, the decision of Council shall be expressed by a show of hands.

RECONSIDERING AND RESCINDING A MOTION

24. a) When members wish Council to reconsider, alter or rescind any motion passed at a previous meeting, they shall bring the matter before Council by a Notice of Motion, which shall:
- i) be given at a duly called meeting preceding the meeting at which they wish to reconsider the matter,
 - ii) specify the future meeting at which the proposed matter is to be considered by Council, and
 - iii) indicate in the substantive portion of the motion the action which they propose that Council shall take on the matter.
- b) Upon approval of the notice of motion to reconsider at a future meeting:
- i) the City Clerk shall place on the agenda all relevant material related to the subject being reconsidered.
 - ii) Council may then consider the matter without being encumbered by its previous resolution.
- c) Council may reconsider a matter passed at a previous meeting, sooner than specified by Subsection a), if the motion to waive notice and reconsider the subject immediately is passed by a unanimous vote of the members present and the member introducing the motion has provided all the members of Council and the City Clerk with a copy of the resolution of Council and supporting documentation that is to be reconsidered.
- d) When Council wishes to reconsider any action taken on the subject matter of any motion passed at the same meeting, a member may move to reconsider the matter, and if a majority of the members vote for reconsideration, the matter may again be dealt with at the same meeting.
- e) Notwithstanding anything provided in this section, where pursuant to any motion duly passed by Council, the City has a contractual liability or obligation, Council shall not reconsider, alter, vary, revoke, rescind, or replace the motion, except to the extent that it does not attempt to avoid or interfere with the liability or obligation.
- f) A motion to reconsider shall be debatable provided it relates to a subject which is itself debatable, but shall be limited to whether it is in the best interests of the Council to reconsider the decision already made by the Council.
- g) No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

BYLAWS

25. a) When Council or a committee approves the principles of the subject matter of a proposed bylaw, it shall refer the matter to the City Clerk with instructions for the preparation and/or supervision of the preparation of the bylaw.
- b) Where a bylaw is presented to Council for enactment, the City Clerk shall cause the number and short title of the bylaw to appear on the agenda in the appropriate place.
- c) The City Clerk shall cause the bylaw to be copied in full, and forwarded to the members with the agenda.
- d) Every bylaw shall have three (3) readings.
- e) A bylaw shall be passed when a majority of the members present and voting on the third reading vote in favour of the bylaw, provided the Act, some other applicable provincial statute or City bylaw does not require a greater majority.
- f) The City Clerk shall read aloud any bylaw introduced for first reading except where the proposed bylaw has been type-written and made available to each member of Council at least twenty-four (24) hours before the meeting at which the first reading of the bylaw takes place.
- g) Council shall vote on the motion for first reading of a bylaw without amending or debating the motion.
- h) If a member does not elaborate on the subject matter of the bylaw or phrase his question so as to set out his opinion for or against the bylaw, notwithstanding the provisions of Subsection 24 g) of this Bylaw, he may ask a question or questions concerning the bylaw.
- i) After a member has made a motion for second reading of a bylaw, Council may debate the substance of the bylaw and propose and consider amendments to the bylaw.
- j) A proposed amendment shall be put to a vote and, if carried, shall be considered as having been read a first time and incorporated in the bylaw.
- k) Council may, after first reading of the bylaw, go into Committee of the Whole to debate it.
- l) The City Clerk shall be responsible for keeping a record of any amendments to a bylaw passed by Council, and amendments reported by Committee of the Whole.

- m) If Council is in Committee of the Whole for the purpose of debating the bylaw, and when all amendments have been accepted or rejected, Committee of the Whole shall rise and report its deliberations to Council. Council may then adopt the recommendations of the Committee of the Whole which may include amendments to the bylaw.
- n) When all amendments have been accepted or rejected, a motion for second reading of the bylaw, as amended, shall be put.
- o) Any bylaw which requires the approval of a department of the provincial government prior to third reading, in accordance with the provisions of the Act or any other Act, shall receive only two readings and be forwarded to the province for approval, upon receipt of which the bylaw shall then be passed by Council.
- p) A bylaw shall not be given more than two readings at one meeting except by the unanimous consent of the members present at the meeting.
- q) If unanimous consent for the bylaw to go to third reading at the meeting is not obtained, the bylaw will be brought forward to a subsequent meeting of Council by the City Clerk, at which time an affirmative vote of a majority of Council is required to pass the bylaw.
- r) It shall not be necessary to read a bylaw aloud for third reading, and any amendments passed to the bylaw shall be assumed to be incorporated into the bylaw on third reading, at which stage the bylaw comes into force and takes effect unless the bylaw specifies otherwise.
- s) A bylaw may be amended at third reading, providing the amendment is of a minor nature and provided the bylaw has not received any statutory approvals.
- t) The City Clerk shall be empowered to correct any typographical error that may not have been corrected at time of submission to Council and the bylaw shall have the same status as if Council had corrected same.
- u) When a bylaw has been given three readings by Council, it becomes a municipal enactment of the City, and is effective immediately unless the bylaw or an applicable provincial statute provides otherwise.
- v) After passage, a bylaw shall be signed by the Mayor or by the member presiding at the meeting at which the bylaw was passed, and by the City Clerk, and shall be impressed with the corporate seal of the City.
- w) All bylaws shall be consolidated and printed by the City Clerk, as required.

NOTICES OF MOTION

26. a) A member, in presenting a notice of motion, shall only include in the notice a Resolve Clause(s) with no preamble or whereas clauses. If the notice includes preamble or whereas clauses the notice shall be included on the agenda, but the official minutes of the meeting shall only record the Resolve Clauses.
- b) A member introducing a notice may provide with the notice an explanatory memo explaining the notice, however, the memo shall not form part of the official records.
- c) A Notice of Motion shall be presented to the City Clerk in writing, which shall be duly signed by the member, and include the exact motion proposed.
- d) A modification of a Notice of Motion, included in the Council agenda, is permitted provided the amended notice does not exceed the scope of the original notice.

AGENDA ADDITIONS – BY MEMBERS OF COUNCIL

27. a) A member may request the addition of a report, communication, delegation or motion which is in writing, to the agenda, if the matter is of urgent public importance, and which is not on the agenda, without prior notice to the City Clerk.
- b) Council may, by unanimous consent of the members present, agree to consider such a matter of urgent business.

INQUIRIES

28. a) Inquiries may express an opinion, reason, or explanation for the submission thereof and shall be brief and to the point.
- b) A member, rather than raising an issue during a Council meeting, may submit the inquiry to the City Clerk or appropriate department for response at the next Council meeting following.
- c) When requested by the member, a written response to the member making the inquiry will be provided along with a copy of the inquiry and response to each member of Council.
- d) Members, at their discretion, may make inquiries during Council meetings.

COMMITTEE OF THE WHOLE

29. a) When Council resolves into Committee of the Whole, the Mayor or other presiding member shall leave the Chair, and the Deputy Mayor shall be the Chairman of the Committee of the Whole who shall maintain order in the committee.
- b) The rules of Council shall be observed in Committee of the Whole, so far as may be applicable, except that no motion is required to be seconded.
- c) No member shall speak more than once until every member who desires to do so has spoken.
- d) Questions of order arising in Committee of the Whole shall be decided by the Chairman, subject to an appeal to the Committee.

RECESS

30. a) The Council may recess at anytime during the meeting.
- b) A motion to recess shall be seconded and must state the duration of the recess, and must be passed by a majority of the members present.
- c) The 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 due to a lack of quorum.
- d) Upon reconvening the meeting, Council shall deal with the next listed agenda item following that considered prior to the recess unless a motion to alter the agenda is passed.

COUNCIL NOT EMPOWERED TO DIRECT

31. Except as provided by Statute or by Bylaw, no member of Council shall have power to direct the functioning of any Department of the City in any respect except under direction of Council.

STANDING COMMITTEES OF COUNCIL

32. a) Standing Committees shall be appointed by the Mayor and approved by resolution of Council.
- b) The Mayor shall be ex-officio a voting member of all Committees, and his membership shall be included for the purpose of determining the quorum. The Mayor shall also be empowered to make any motion in Committee.

- c) Members of the Council may attend the meetings of Committees on which they are not placed, but shall not take part in the proceedings of the same except by the permission of the majority of the members of the Committee.
- d) Subject to the specific provisions of this Bylaw, all meetings of Standing Committees shall be open to the public and every member of the public shall have the right to be present during such meetings unless that person has been expelled for improper conduct.
- e) Notwithstanding subsection d), a Standing Committee may, by resolution, close all or part of a meeting to the public if the matter to be discussed is within one (1) of the exemptions listed in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.
- f) Where a Standing Committee resolves to close a portion of a meeting to the public, all persons shall be excluded from the meeting except:
 - i) the members of the Committee;
 - ii) the City Commissioner, the City Clerk and such other members of City Administration as the members of the Committee may deem appropriate;
 - iii) such members of the public as may be allowed to attend by the Chair.
- g) Where a Standing Committee resolves to close a portion of a meeting to the public, in addition to the resolution to do so, the City Clerk or Secretary, as the case may be, shall record in the minutes thereof:
 - i) the time the in-camera portion of the meeting commenced and concluded;
 - ii) the names of the parties present; and
 - iii) 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.
- h) No act or proceeding of a Standing Committee is effective unless it is authorized or adopted at a meeting which is open to the public.
- i) When required, recommendations to Council from Standing Committee meetings shall be placed by the City Clerk on the agenda for the next Council meeting for approval.
- j) The City Clerk shall ensure the minutes of every meeting of a Standing Committee are recorded in accordance with the requirements set forth in *The Cities Act*.
- k) The minutes of every meeting of all Standing Committees shall be placed by the City Clerk on the agenda of a regular meeting of City Council.
- l) The agendas for Standing Committee meetings shall be prepared in conjunction with the City Clerk.

- m) The rules of Council shall be observed in Standing Committees, so far as may be applicable, except that no motion is required to be seconded.

EXECUTIVE COMMITTEE

33. a) An Executive Committee is hereby established comprised of all members of City Council.
- b) The Chairperson of the Executive Committee shall be the Deputy Mayor.
- c) Meetings of the Executive Committee shall be held on the same day as regular meetings of Council, immediately preceding the meeting, provided there is any business to be transacted by the Executive Committee.
- d) The rules of procedure provided for in Section 29 shall apply, mutatis mutandis, to the proceedings of the Executive Committee.
- e) Exemptions as outlined in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*, as outlined on Schedule "A" attached to this bylaw, shall be followed in preparing the agenda for the Executive Committee.

ADVISORY AND OTHER COMMITTEES

34. a) Council may, by bylaw or resolution, establish any committee or board that it considers desirable for the purpose of providing advice and recommendations to members of Council respecting the management and operation of any activity of the City.
- b) Council shall, by bylaw or resolution, set out the constitution, duties, composition, delegated authorities, powers and functions of any committee or board established pursuant to subsection (a).
- c) Subject to subsection (d), all committees and boards established or continued by Council prior to the passage of the Procedure Bylaw are continued pursuant to the terms of that Bylaw.
- d) All committees or boards continued pursuant to subsection (c) shall be subject to the requirements of *The Cities Act* or the provisions of that Bylaw.
- e) All questions, matters and proceedings properly before a committee established or continued pursuant to this Part shall be decided by resolution of members then present.
- f) Subject to any specific powers, duties and authority which may be delegated by bylaw or resolution of Council, no decision, recommendation or resolution of a committee or board established pursuant to subsection (a) shall be effective unless specifically adopted by resolution of Council.

- g) The City Clerk shall ensure the minutes of every committee established or continued pursuant to this Part are recorded in accordance with the requirements set forth in *The Cities Act*.
- h) The minutes of every meeting of all Advisory and other committees shall be placed by the City Clerk on the agenda of the next regular meeting of Council.

PROCLAMATIONS

- 35. a) All requests for proclamations shall be submitted to the Mayor's Office at least two weeks prior to the event.
- b) The Mayor may, in his sole discretion, approve the request for the proclamation provided that, in the judgement of the Mayor, the proclamation does not:
 - i) promote any commercial business;
 - ii) involve any person or organization which promotes hatred of any person or class of persons or otherwise involves illegal activity;
 - iii) contains any inflammatory, obscene or libelous statement; or
 - iv) concern any sexual, religious or politically sensitive subject.
- c) The City shall not be responsible for any costs associated with a proclamation by the Mayor, including publication of the proclamation.
- d) The Mayor may, in his sole discretion, send a message of support to the group in lieu of issuing a proclamation if the request does not meet the criteria.

DELEGATIONS

- 36. a) Requests to appear in delegation to be communicated to the City Clerk before 4:00 p.m. on the Tuesday in a week preceding the Council meeting.
- b) Any person wishing to present a delegation must provide the City Clerk with at least a written summary of points intended to be made in the delegation before 4:30 p.m. on the Wednesday prior to the meeting of the Council.
- c) Delegations are expected to address Council in 10 minutes or less and then avail themselves to questions from members of City Council.
- d) Issues, recommendations or requests received from a delegation are not normally addressed by the Council (especially where the matter is being addressed for a first time) during the meeting at which the delegation is present; however, the requests may be referred to Administration or a Council Committee for a report.

- e) Council may refuse to receive any delegation, notwithstanding the guidelines above, or may waive the rules and hear any delegation on short notice; however, such actions are considered unusual and require the consent of all Council members.

APPOINTMENTS TO COMMITTEES, BOARDS AND OTHER BODIES

- 37. a) Whenever there is a requirement for the appointment of any person or persons to any Committee or Board, the Mayor shall, after due consultation, place before Council the name or names of the person or persons to be appointed and the appointment and terms thereof shall be subject to the approval of Council.
- b) Notwithstanding Subsection a), Standing Committees of Council, mandate permitting, may recommend persons to sit as members-at-large on their committee pending approval of City Council.

PUBLIC HEARINGS

- 38. a) If a public hearing is required by any Act it shall be conducted in accordance with the provisions of this section.
- b) The order of every public hearing shall be as follows:
 - i) The Mayor shall declare the hearing open;
 - ii) the administration shall present a report on the bylaw or resolution under consideration including the administration's recommendations;
 - iii) if it is a hearing under *The Planning and Development Act, 1983*, the Municipal Planning Commission may make a presentation to Council with respect to matters which it has considered and may advise Council of its recommendation, if any;
 - iv) if it is a hearing under *The Planning and Development Act, 1983*, the applicant shall be given an opportunity to make representations on the matter under consideration;
 - v) Council shall hear any person or group of persons or spokesperson acting on behalf of another person or group who wish to make representations on the matter under consideration;
 - vi) if it is a hearing under *The Planning and Development Act, 1983*, at the conclusion of the speakers, the applicant shall be given an opportunity to respond to the representations of other people;
 - vii) Council may request further information from the administration;

- viii) Council shall formally receive all correspondence and written reports submitted to it on the subject matter of the hearing;
 - ix) the Mayor shall declare the hearing closed; and
 - x) Council shall consider the bylaw or resolution. At the conclusion of its deliberations, Council shall vote on the bylaw or resolution in accordance with the procedures contained in this Bylaw.
- c) The time allowed for each person making representations shall be 5 minutes.
 - d) A hearing may be adjourned to a date certain.
 - e) A member of Council 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 all of the public hearing.
 - f) A member of Council may 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 a part of the public hearing.
 - g) A member of Council who is required or permitted to abstain from voting is nevertheless counted for the purposes of determining whether or not there is a quorum.

REPEAL

39. Bylaw Nos. 1686, 1692, 937, 1093, 1229 and 1269 are hereby repealed.

This Bylaw shall come into force and take effect on the day of the final passing thereof.

INTRODUCED AND READ A FIRST TIME THIS 6th DAY OF JANUARY, A.D., 2003.
READ A SECOND TIME THIS 6th DAY OF JANUARY, A.D., 2003.
READ A THIRD TIME AND ADOPTED AS AMENDED THIS 20th DAY OF JANUARY, A.D.
2003.

Wayne Ray
MAYOR

Elaine J. Kostiuk
CITY CLERK

SCHEDULE "A"

BYLAW NO. 1700

Exemptions Found in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.

1. Information obtained in confidence either implicitly or explicitly from another level of government or another local authority.
2. Information which could interfere or prejudice law enforcement or any lawful investigation or be injurious to the conduct of existing or anticipated legal proceedings.
3. A record which contains a draft bylaw or resolution.
4. In Camera agendas or deliberations or agendas or deliberations which include personal information.
5. Records which may contain:
 - a) advice, proposals, recommendations, analysis or policy options developed by or for a local authority,
 - b) consultations or deliberations involving officers or employees of the local authority,
 - c) positions, plans, procedures, criteria or instructions developed for contractual or other negotiations by or on behalf of the local authority,
 - d) plans that relate to the management of personnel or the administration of the local authority which have not been implemented; and
 - e) information including proposed plans, policies or projects which may reasonably expect to result in disclosure of a pending policy or budgetary decision.
6. A record which could reasonably be expected to disclose:
 - a) trade secrets;
 - b) proprietary information;
 - c) information obtained through research by an employee, the disclosure of which could be reasonably expected to deprive the employee of priority of publication;
 - d) information, the disclosure of which could reasonably be expected to interfere with contractual or other negotiations;
 - e) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations;

- f) information which could reasonably be expected to prejudice the economic interest of the local authority; and
 - g) information, the disclosure of which could reasonably be expected to result in an undue benefit or loss to a person.
7. Third party information which includes trade secrets of a third party or other information supplied in confidence to a local authority by a third party.
 8. Records that contain information relating to testing or auditing procedures or details of specific tests to be given or audits to be conducted, the disclosure of which could reasonably be expected to prejudice the use or results of the tests or audits.
 9. Any record, the disclosure of which could threaten the safety or physical or mental health of an individual.
 10. Records which contain information which is subject to solicitor-client privilege.