

**TOWN OF HERBERT**  
**BYLAW No. 2016-12**  
**COUNCIL PROCEDURES BYLAW**

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## TOWN OF HERBERT

### BYLAW No. 02/16

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

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

#### PART I – INTERPRETATION

##### 1. Short Title

1.1 This bylaw may be cited as “The 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 of Council and its Committees in accordance with *The Municipalities Act*.

##### 3. Definitions

3.1 In this bylaw:

- (a) “Act” means *The Municipalities Act*.
- (b) “Acting Mayor” means the Councillor elected by Council to act as the Mayor 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 by Council as administrator pursuant to Section 110 of *The Municipalities Act*.
- (f) “Agenda Deadline” means the time established in Subsection 13.6 of this bylaw.
- (g) “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.
- (h) “Business Day” means a day other than a Saturday, Sunday or holiday.
- (i) “Chair” means a person who has the authority to preside over a meeting.
- (j) “Committee” means a committee, board, authority or other body established by a resolution or bylaw of Council.
- (k) “Communications” include, but are not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, or newspaper/magazine article.
- (l) “Consent Agenda” means a portion of a meeting that lists items of business which are routine in nature and do not require substantial discussion and/or debate.
- (m) “Consent Motion” means a motion to adopt, without debate, the recommendations of several reports within a consent agenda.
- (n) “Council” means the Mayor and Councillors of the Municipality elected pursuant to the provisions of *The Local Government Election Act*.
- (o) “Council Chamber” means the boardroom in which the meeting is held and shall be the boardroom located at 503 Herbert Avenue of Herbert, SK unless public notice is posted to advise the public of a temporary location change.
- (p) “Councillor” means the Council member duly elected in the Municipality as a Councillor, in accordance with *The Local Government Election Act*.
- (q) “Deputy Mayor” means the Councillor who is appointed by Council, pursuant to section 36 of this bylaw, to act as Mayor in the absence or incapacity of the Mayor.
- (r) “Friendly Amendment” means an amendment proposed by anyone other than the mover that does not change the intent of the motion and is intended only to provide more clarity, thereby enhancing the motion.
- (s) “Mayor” means the Council member duly elected in the Municipality as the Mayor in accordance with *The Local Government Election Act*.
- (t) “Member” means the Mayor, Councillor or an individual appointed to a Committee.
- (u) “Motion” means a formal proposal placed before a meeting in order that it may be debated to a conclusion.

- (v) "Mover" means a person who presents or proposes a motion or amendment.
- (w) "Municipality" means the Town of Herbert.
- (x) "Order of Business" means the list of items comprising the agenda and the order in which those items appear on the agenda.
- (y) "Point of Order" means the raising of a question by a Member in a meeting claiming that the procedures of the meeting or actions of an individual Council Member are contrary to the procedural rules or practices.
- (z) "Point of Privilege" is the raising of a matter by a Member which occurs while the meeting of Council is in session, where:
  - i. the rights, privileges, decorum or dignity of 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 to them or another Member;
  - iii. when a Member believes their comments have been misunderstood or misinterpreted by another Member or Members; or
  - iv. when a Member believes that his or her comments made outside the Council Chamber have been misinterpreted or misunderstood by the community, the public or the news media and the Member wishes to clarify his or her position.
- (aa) "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.
- (bb) "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.
- (cc) "Quorum" is, subject to Section 98(1) 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 (excluding *ex officio* members).
- (dd) "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.
- (ee) "Resolution" means a formal determination made by Council (or a Committee as the case may be) on the basis of a motion at a duly constituted meeting of same for debate and decision and is duly passed.
- (ff) "Secunder" means a person who formally supports a motion or amendment at the time it is proposed.
- (gg) "Secretary" means a person attending a Committee meeting and appointed pursuant to Subsection 70.3 to carry out the duties listed in Subsection 70.6.
- (hh) "Special Committee" means a Committee established by Council at any time to deal with a specific issue(s) and exists for a length of time required to review the issue(s) and make recommendations to Council.
- (ii) "Special Meeting" means a meeting other than a regular scheduled meeting called pursuant to Section 123 of the Act and Section 7 of this bylaw.
- (jj) "Standing Committee" means a permanent Committee of the Town of Herbert established pursuant to Section 74.
- (kk) "Subcommittee" means a Committee established by a Committee to review and report on an aspect of Committee business.
- (ll) "Unfinished Business" means business which has been raised at the same, or a previous meeting, and which has not been completed.
- (mm) "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.

3.3 Unless an act, bylaw, or other legislation title is included with the reference, all section and subsection references shall be assumed to be for this bylaw.

#### **4. Application of Bylaw**

- 4.1 This bylaw applies for all meetings of Council and Committees established by Council.
- 4.2 Notwithstanding Subsection 4.1, Council may, by resolution or bylaw, allow a Committee to establish its own procedures.
- 4.3 When any matter relating to proceedings arise which is not covered by a provision of this bylaw, the matter shall be decided by reference to *Robert's Rules of Order*.
- 4.4 In the event of any conflict between the provisions of this bylaw, those of a Committee, and those contained in *Robert's Rules of Order*, the provisions of this bylaw shall apply.
- 4.5 Subject to Subsection 4.3, any ruling of the Chair shall prevail, subject, however, to the jurisdiction of Council or the Committee, as the case may be, to consider any appeals of those rulings.

### **PART II – MEETINGS**

#### **5. First Meeting**

- 5.1 The first meeting of Council following a general election shall be scheduled by the Administrator for a time and date acceptable to the whole of Council and shall be no later than 31 days after the date of the general election.
- 5.2 At the first meeting of Council:
  - (a) the Returning Officer shall provide Council with a copy of the declaration of results with respect to the election; and
  - (b) the Mayor and Councillors shall take the oath of office pursuant to the Act.

#### **6. Regular Meetings**

- 6.1 Notwithstanding Subsection 6.2, regular meetings of Council shall be held on the second Monday and the fourth Monday of each month commencing at 7:00 p.m.
- 6.2 In the event any meeting date falls on a statutory or civic holiday or any day appointed as a holiday by proclamation of the Governor-General of Canada, the Lieutenant Governor of Saskatchewan, or the Mayor, such meeting shall be held at the same time on the next day that the office of the Municipality is scheduled to be open for business.
- 6.3 At the first regular meeting of the calendar year, the Administrator shall submit a schedule of regular meetings to Council for approval based on the provisions of Subsections 6.1-6.2, and may recommend alternate meeting dates for any of those meetings.
- 6.4 Notwithstanding the foregoing provisions, Council may, by resolution, dispense with or alter the time of a regular meeting of Council.

#### **7. Special Meetings**

- 7.1 The Administrator shall call a Special Meeting of Council, whenever requested to do so, in writing, by the Mayor or a majority of the Councillors.
- 7.2 The written request referred to in Subsection 7.1 shall include all items of business to be transacted.
- 7.3 Form 1, appended hereto and forming a part of this bylaw, shall be the form used to direct the Administrator to call a Special Meeting of Council.
- 7.4 When a Special Meeting is to be held, the Administrator shall provide written notice of the time, date and place of the meeting to all Members pursuant to Section 10 and to the public, at least twenty-four (24) hours prior to the meeting, specifying in general terms the business to be transacted at the meeting.
- 7.5 Notwithstanding Subsection 7.4, a Special Meeting may be held with less than twenty-four (24) hours' notice to Members, and without notice to the public, if all Members agree to do so, in writing, immediately before the beginning of the Special Meeting.
- 7.6 No business other than that stated in the notice shall be transacted at a Special Meeting unless all the Members are present and, by unanimous consent, they authorize other business to be transacted.

#### **8. Meeting through Electronic Means**

- 8.1 One or more Member of Council may participate in a meeting of Council by means of a telephonic, electronic or other communication facility if:
  - (a) the Member(s) provides the Administrator with at least two (2) business days' notice of their intent to participate in this manner;

- (b) notice of the Meeting is given to the public including the means of electronic communication to be used in conducting the meeting;
  - (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 meeting.
- 8.2 Notwithstanding Subsection 8.1(a), the Administrator may waive the required notice period if Subsection 8.1(b)-(d) can be satisfied and the topic of discussion is of an urgent nature.
- 8.3 Members participating in a Council meeting held by means of a communication facility are deemed to be present at the meeting.

## **9. Notice of Meetings**

- 9.1 Notice of regularly scheduled meetings of Council is not required.
- 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) if requested by the Member, delivered by mail, telephone (including voicemail), facsimile, electronic mail, or any other method at the number or to the address specified by the Member.
- 10.2 Form 2, appended hereto and forming a part of this bylaw, shall be the form used to request the Administrator to use an alternate method of providing notice of meetings.
- 10.3 Notice of a Council meeting is to be given to the public by posting notice of the meeting at the office of the Municipality.

## **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, except for those permitted to be closed pursuant to Section 12, unless the person presiding at the Council meeting expels a person for improper conduct.

## **12. Closed Sessions**

- 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) Members of Council;
  - (b) the Administrator and other members of staff as Council may deem appropriate; and
  - (c) such members of the public as may be allowed to attend by 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* if applicable, relied upon to close the meeting to the public.
- 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 closed meetings 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 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 The Administrator shall ensure that the Council agendas are delivered to each Member no later than 5 p.m. on the Friday immediately preceding the Council meeting.
- 13.4 The Administrator shall ensure that the Council agendas are available to the general public no later than the business day following delivery to Council.
- 13.5 If, for any reason, the Administrator is unable to meet the deadline mentioned in Subsection 13.3, the Administrator shall prepare and distribute the agenda as soon as reasonably possible to allow Council an opportunity to review the agenda prior to the meeting.
- 13.6 All administrative reports, communication from the public, requests, or any other material intended for inclusion in a Council agenda must be received by the Administrator no later than the Wednesday immediately preceding the Council meeting.
- 13.7 Council may, by a vote of the majority, permit additional material on the agenda.

#### **14. Urgent Business**

- 14.1 The Administrator or a Member may request to add a matter to the agenda of a meeting as urgent business after the agenda has been prepared and distributed.
- 14.2 The Administrator shall distribute any relevant agenda materials for an urgent item to the Council for consideration and the decision to add this item to the agenda shall be taken at the upcoming meeting.
- 14.3 Council may only consider a matter of urgent business by a majority vote of Members present.

#### **15. Order of Business at Meetings**

- 15.1 The general order of business of every regular meeting of Council shall be as follows:
  - (a) Call to order;
  - (b) Approval of agenda;
  - (c) Adoption of minutes;
  - (d) Proclamations;
  - (e) Honours and awards;
  - (f) Public hearings;
  - (g) Delegations;
  - (h) General information;
  - (i) Council reports;
  - (j) Operational reports;
  - (k) Financial reports;
  - (l) Accounts for approval;
  - (m) Unfinished business;
  - (n) New business;
  - (o) Bylaws; and
  - (p) Adjournment.
- 15.2 Subsections 15.1(h)-(l) each constitute a separate Consent Agenda item and will be considered in a single motion unless any part of each is removed from the Consent Agenda motion pursuant to Subsection 56.2.
- 15.3 The business shall, in all cases, be taken up in the order in which it stands on the agenda, unless:
  - (a) otherwise determined upon motion passed by a vote of the majority of the Members present to approve the agenda and which vote shall be placed without debate; or
  - (b) the Mayor determines during the proceedings of Council that for public interest a matter be moved forward to be dealt with promptly.

## **16. Commencement of Council Meeting**

- 16.1 At the hour set for the meeting or as soon as all Members of Council arrive, the Mayor, or in his or her absence, the Deputy Mayor, shall assume the Chair and call the meeting to order.
- 16.2 In case neither the Mayor nor the Deputy Mayor is in attendance within thirty (30) minutes of the appointed start time, and subject to a quorum being present, Council shall appoint an Acting Mayor, pursuant to Section 37, whom shall call the meeting to order and preside over the meeting until the arrival of the Mayor or Deputy Mayor. All proceedings under these conditions shall be deemed to be regular and in full force and effect.
- 16.3 If a quorum is not present within thirty (30) minutes of the appointed start time, 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.
- 16.4 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.
- 16.5 Any unfinished business remaining at the time of the adjournment, due to the loss of 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.
- 16.6 Members are encouraged to notify the Administrator when the Member is aware that he or she will be absent from any meeting of Council.
- 16.7 Notwithstanding Subsection 16.2, if the Mayor and Deputy Mayor cannot be present at the meeting and this has been made known to the Administrator, Council shall appoint an Acting Mayor by resolution prior to the commencement of the meeting and may begin at the scheduled time.

## **17. Quorum**

- 17.1 A quorum of Council is a majority of its Members.
- 17.2 Any act or proceeding of Council that is adopted at any Council meeting at which a quorum is not present is invalid.
- 17.3 The declaration of a pecuniary interest does not affect quorum pursuant to Section 146 of the Act.

## **18. Minutes**

- 18.1 The Administrator shall record the minutes of each Council meeting without note or comment and shall distribute copies of the minutes to each Member at the same time as the delivery of the agenda for the subsequent meeting and at minimum twenty-four (24) hours prior to said meeting.
- 18.2 The names of the Members present at the meeting are to be recorded in the minutes of every meeting.
- 18.3 Any Member may make a motion amending the minutes to correct any mistakes.
- 18.4 The minutes of each meeting are to be approved at the next regular meeting of Council and signed by the presiding Member and the Administrator in accordance with the Act.

## **19. Proclamations**

- 19.1 All requests for proclamations shall be submitted to the Mayor for approval, outlining the date to be proclaimed, specific name of day, week or month requested, the reason for the proclamation and information about the group, including contact person and telephone number, at least fourteen (14) days prior to the proposed date for the proclamation. However, exceptions may be made in extenuating circumstances.
- 19.2 Subject to *The Saskatchewan Human Rights Code*, the Mayor may, in his or her sole discretion, approve the proclamation submitted pursuant to Subsection 19.1, provided the proclamation does not:
  - (a) promote any commercial business, unless, at the discretion of the Mayor, the proclamation provides a significant benefit to the community;
  - (b) involve any person or organization which promotes hatred of any person or class of persons or otherwise involves an illegal activity; or
  - (c) contain any inflammatory, obscene or libelous statement.
- 19.3 The Mayor may:
  - (a) issue the proclamation:
    - i. in the words and form of the proclamation as submitted; or
    - ii. in words and form chosen by the Mayor; or
  - (b) forward the proclamation for consideration by Council.

- 19.4 Once the proclamation has been approved, the proclamation shall be noted on the appropriate Council agenda as information.
- 19.5 Council, having delegated the administration of proclamations, shall not hear delegations related to proclamation requests, unless specifically approved by Council.
- 19.6 Each organization shall be responsible for any costs and the disseminating of the proclamation to the media and making arrangements for the attendance of the Mayor or Councillors at the specific function or event.
- 19.7 The local media are requested:
  - (a) not to publish any proclamation claiming to be proclaimed by the Mayor unless it bears his or her signature; and
  - (b) when publishing a proclamation by the Mayor, that the proclamation contain only the following:
    - i. the crest of the municipality;
    - ii. the name of the municipality; and
    - iii. the text of the proclamation.

## **20. Honours and Awards**

- 20.1 Honours shall be listed on the agenda when authorized by the Mayor and shall be intended to recognize an individual or group on behalf of Council for some award or similar honour which they have received or for a group or individual to present to Council some award or similar honour which the Municipality has been awarded.

## **21. Public Hearings**

- 21.1 If a public hearing is required by any Act, it shall be conducted in accordance with the provisions of this section.
- 21.2 The procedure by which the public hearing will be conducted or by which public input will be obtained shall be as follows:
  - (a) the Mayor shall declare the hearing on the matter open;
  - (b) the Administrator shall present a report on the bylaw or resolution under consideration including his or her recommendations;
  - (c) if it is a hearing that involves an applicant, 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 Mayor shall declare the hearing closed; and
  - (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.
- 21.3 The time allowed for each person making representations shall be ten (10) minutes unless extended by Council resolution.
- 21.4 If an extension is approved pursuant to Subsection 21.3, the extension shall be offered to all persons making representations.
- 21.5 A hearing may be adjourned to a certain date.
- 21.6 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.

## **22. Delegations**

- 22.1 When a person wishes to present to Council on a matter for which a hearing is not required, that person shall notify the Administrator in writing. This notice shall include the following:
  - (a) the name and mailing address of the spokesperson;
  - (b) the telephone number where the representative of the delegation can be reached during the day;
  - (c) an original signature, except when submitted by facsimile or e-mail; and
  - (d) an overview of the subject matter and the specific request being made of Council.
- 22.2 Notwithstanding Subsection 22.1, if the request to present as a delegation to Council is from a representative of an organization or any person who has

- submitted a report to Council included in the agenda, in regard to which they intend to answer questions and provide additional information, or in the case of any person invited by Council to speak on an agenda item, the delegate is not required to submit a notice pursuant to Subsection 22.1. The Administrator shall add the name of the presenter to the list of delegates on the agenda and make reference to the agenda item on which they will speak.
- 22.3 A request to speak to Council pursuant to Subsection 22.1 must be received by the Administrator no later than the agenda deadline stated in Subsection 13.6 in order to be included on the Council agenda.
- 22.4 In the event that a delegation makes an application to the Administrator after the agenda deadline, the Administrator will bring the request to the attention of Council:
- (a) Delegations will be advised by the Administrator that they may not be heard by Council until the following meeting unless the majority of Members vote to add the delegation to the agenda prior to its approval.
- 22.5 Bound documents or studies in support of a delegation's notice shall, if sufficient copies are provided by the delegation, be circulated to the Members or reproduced upon consent of the delegation.
- 22.6 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 considered the same or substantially the same matter.
- 22.7 If a request to speak to Council is refused pursuant to Subsection 22.6, a copy of the request and reply shall be included in the agenda as information.
- 22.8 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.
- 22.9 A maximum of ten (10) minutes shall be allotted for each delegate to present his or her position.
- 22.10 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 Mayor shall at the conclusion of ten (10) minutes, inform the delegation that the time limit is up.
- (c) The Mayor may, at his or her discretion, limit the total speaking time by delegations on a position to thirty (30) minutes if subsequent delegates are not presenting any new information to Council.
- (d) Notwithstanding Subsections 22.109(b)-(c), the time limits may be extended upon a majority vote by the Members.
- (e) Delegations will not be permitted to assume any unused time allocated to another delegation.
- 22.11 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 (and seconded, if required by the meeting rules), no further representation or questions of the delegation shall be permitted.

### **23. General Information**

- 23.1 Items to be included as general information consist of those for which no Member nor Administration have requested a resolution for, other than to accept and file the information.
- 23.2 Any Member may make a motion to move an item from the Consent Agenda to be considered separately and this shall be done without debate and that item(s) considered immediately after the Consent Motion.

### **24. Council Reports**

- 24.1 Statements shall include the sharing of the following information:
- (a) events, activities or community functions attended; and
- (b) general work of Members on behalf of Council colleagues, constituents and the Municipality.

- 24.2 All comments will be verbal only and shall not be recorded in the minutes of the meeting, except for a motion to acknowledge that Council reports were given verbally.

## **25. Operational Reports**

- 25.1 Items to be included as operational reports are those prepared by Administration or an external organization with regard to the Municipality which are not of a financial nature and for which a resolution is requested for Council to accept operational reports as presented.
- 25.2 Any Member may make a motion to move an item from the Consent Agenda to be considered separately and this shall be done without debate and that item(s) considered immediately after the Consent Motion.

## **26. Financial Reports**

- 26.1 Items to be included as financial reports are those prepared by Administration or an external organization with regard to the Municipality which are of a financial nature and for which a resolution is requested for Council to accept as presented, and these include:
- (a) bank reconciliation(s) for the prior month;
  - (b) financial statement(s) for the prior month;
  - (c) staff salary report for the prior month; and
  - (d) any other report requested by resolution of Council
- 26.2 Any Member may make a motion to move an item from the Consent Agenda to be considered separately and this shall be done without debate and that item(s) considered immediately after the Consent Motion.

## **27. Accounts for Approval**

- 27.1 Bill payments for the prior month are to be reviewed by Council at the subsequent regular meeting of Council (or at a Special Meeting if part of that meeting's stated purpose).
- 27.2 Any Member may make a motion to move an item from the Consent Agenda to be considered separately and this shall be done without debate and that item(s) considered immediately after the Consent Motion.

## **28. Communications**

- 28.1 All communications where there is *no request being made* shall be included in the general information section of the agenda and those rules shall apply in that case. This section primarily outlines rules regarding communications for which a request *is being made* which shall be considered under unfinished business or new business, as the case may be.
- 28.2 When a person wishes to have a communication considered by Council, it shall be addressed to Council, and:
- (a) clearly set out the matter of concern and the request; and
  - (b) for a letter communication, 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 an electronic communication, must contain the name of the writer and both the mailing and electronic address of the writer.
- 28.3 A communication received by the Administrator which does not meet the conditions of Subsection 28.2 or is abusive in nature may be rejected by the Administrator and shall be returned or filed at his or her discretion without presentation to Council. The reason(s) for the rejection shall be provided to the author in writing and this correspondence shall be submitted to Council as information.
- 28.4 If an address is the only requirement missing pursuant to Subsection 28.2, the Administrator may attach an address to a letter, but must also initial and date the amendment, but may only do so if the address has been confirmed (verbal or otherwise) by the author and approval has been granted to attach it to the communication.
- 28.5 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*.
- 28.6 A written communication pertaining to a matter already on a Council agenda must be received by the Administrator no later than the date specified by Subsection 13.6 in order to be included on the Council agenda.
- 28.7 A written communication received before the agenda deadline shall be placed by the Administrator on the Council agenda and shall be dealt with when the matter is considered by Council at its meeting.

- 28.8 In the event that the communication is received by the Administrator after the agenda deadline, the Administrator will bring the request to the attention of Council:
- (a) The individual will be advised by the Administrator that he or she may not be heard by Council until the following meeting unless the majority of Members vote to add the communication to the agenda prior to its approval.

### **29. Unfinished Business**

- 29.1 Unfinished business shall consist of any item that has been included on a prior agenda, but for which no motion was passed, and for which a Member or Administration has requested that a resolution be discussed.

### **30. New Business**

- 30.1 New business shall consist of any item that does not qualify as unfinished business pursuant to Subsection 29.1 and for which a Member or Administration has requested that a resolution be discussed.

### **31. Bylaws**

- 31.1 Every proposed bylaw must have three (3) distinct and separate readings.
- 31.2 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.
- 31.3 Pursuant to Section 103 of the Act, each Member present at the meeting at which a reading of a bylaw is to take place must be given or have had the opportunity to review the full text of the proposed bylaw and, in the case of third reading, any amendments since first reading:
- (a) If this condition has been satisfied, only the title or identifying number has to be read aloud prior to the motion to accept.
- 31.4 When a bylaw has been given three (3) readings by Council, it:
- (b) becomes a municipal enactment of the Municipality; and
  - (c) is effective immediately unless the bylaw or an applicable provincial statute provides otherwise.
- 31.5 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.
- 31.6 After passage, every bylaw shall be signed by the Mayor and the Administrator, pursuant to the Act and marked with the corporate seal of the Municipality.

### **32. Recess**

- 32.1 The Council may recess at any time during the meeting.
- 32.2 A motion to recess must state the time of duration of the recess, and must be passed by a majority of the Members present.
- 32.3 The Council may reconvene sooner than the time mentioned in the motion of recess, but must not reconvene later than ten (10) minutes after the time specified for reconvening or the meeting or else the meeting shall be adjourned due to lack of quorum.

### **33. Adjournment**

- 33.1 All regularly scheduled Council meetings shall stand adjourned when the Council has completed all business as listed on the order of business or upon the arrival of 10:00 p.m.
- 33.2 If a Member is speaking at 10:00 p.m., the Mayor shall wait until that person is finished speaking before asking Council to consider whether it wants to extend the time for the meeting.
- 33.3 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.

### **34. Extension of Time**

- 34.1 Notwithstanding Section 33, a majority of the Members present may extend a regularly scheduled Council meeting beyond 10:00 p.m. by unanimous vote of all Members present.
- 34.2 If Council extends its meeting pursuant to Subsection 34.1, the meeting shall continue until:
- (a) the business of the meeting is completed;

- (b) a motion to adjourn is passed; or
- (c) a quorum is no longer present.

## **PART IV – CONDUCT AT COUNCIL MEETINGS**

### **35. Mayor**

- 35.1 The Mayor shall:
  - (a) preside at all Council meetings;
  - (b) preserve order at Council meetings;
  - (c) enforce the rules of Council;
  - (d) adjudicate on Points of Privilege and Points of Order; and
  - (e) advise on Points of Procedure.
- 35.2 The Mayor shall have the same rights and be subject to the same restrictions as all other Members during debate.
- 35.3 When wishing to make a motion, the Mayor shall:
  - (a) vacate the Chair and request that the Deputy Mayor take the Chair;
  - (b) if the Deputy Mayor is absent, the Mayor will appoint another Councillor to take the Chair; and
  - (c) the Mayor shall remain out of the Chair until the motion has been dealt with.

### **36. Deputy Mayor**

- 36.1 The Council shall, at its first meeting or as soon thereafter as conveniently possible, and whenever the office becomes vacant, appoint from the Councillors a Deputy Mayor who shall hold the office until the next general municipal election or for a lesser term if stated in the resolution.
- 36.2 If the Mayor, for any reason, is unable to perform the duties of his or her office, the Deputy Mayor shall have all of the powers of the Mayor during this period.

### **37. Acting Mayor**

- 37.1 Council shall appoint a Member as Acting Mayor if:
  - (a) both the Mayor and the Deputy Mayor are unable to perform the duties of his or her office; or
  - (b) the offices of both the Mayor and the Deputy Mayor are vacant.
- 37.2 The Member to be appointed, pursuant to Subsection 37.1, shall be elected by a majority of the Members present.
- 37.3 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.
- 37.4 The Member whose name is on the sheet withdrawn pursuant to Subsection 37.3(d) shall be declared elected.

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

- 38.1 No person, except Members, the Administrator and other members of Administration as authorized by the Administrator, and such persons as are permitted by the Chair, shall be allowed to be seated at the Council table during a meeting Council.

### **39. Conduct of Public**

- 39.1 All persons in the public gallery at a Council meeting shall:
  - (a) refrain from addressing Council unless granted permission to do so by the Chair;
  - (b) refrain from addressing any Member directly under any circumstances;
  - (c) maintain quiet and order;
  - (d) refrain from disturbing the proceedings by words, gestures or actions including applauding, displaying flags, placards or similar material;
  - (e) refrain from talking on cellular telephones;
  - (f) refrain from making audio or video recordings of Council proceedings; and
  - (g) 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.

#### **40. Conduct of Delegations**

- 40.1 When addressing Members at a Council meeting, a delegation shall refrain from:
- (a) speaking disrespectfully of the federal government, the provincial government, any municipal council, or any official representing any of these;
  - (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 the delegation has been granted time specifically to discuss the rescindment or amendment of a resolution or bylaw;
  - (d) reflecting on the motives of Members who voted on, moved, or seconded a motion; or
  - (e) shouting, using an immoderate tone, or profane, vulgar or offensive language.

#### **41. Conduct of Members**

- 41.1 Members of Council wishing to speak at a meeting shall ensure they do not interrupt another Member.
- 41.2 If more than one Member wishes to speak at a meeting at the same time, the Chair shall indicate which Member shall speak first.
- 41.3 During the meeting, all Members shall refrain from:
- (a) speaking disrespectfully of the federal government, the provincial government, any municipal council, or any official representing any of these;
  - (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 the Member is moving to discuss the rescindment or amendment of a resolution or bylaw;
  - (d) reflecting on the motives of Members who voted on, moved, or seconded a motion; or
  - (e) shouting, using an immoderate tone, or profane, vulgar or offensive language.
- 41.4 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 a manner that disturbs the speaker.
- 41.5 Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.

#### **42. Improper Conduct**

- 42.1 The Chair may request that any person in the public gallery who disturbs the proceedings of Council or acts improperly at a Council meeting, as set out in section 39, leave or be expelled from the meeting.
- 42.2 The Chair may request that any delegation who addresses Council improperly as set out in section 40, leave or be expelled from the meeting.
- 42.3 No person shall refuse to leave a Council meeting when requested to do so by the Chair.
- 42.4 Any person who refuses to leave when requested to do so may be removed by law enforcement officials.
- 42.5 If a person disturbs the proceedings of Council or refuses to leave when requested to do so, the Chair may recess the meeting until the person leaves or adjourn the meeting to another day.

#### **43. Leaving the Meeting**

- 43.1 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.

#### **44. Point of Procedure**

- 44.1 Any Member may ask the Chair *for an opinion on* a Point of Procedure.
- 44.2 When a Point of Procedure is raised, the Member speaking shall immediately cease speaking until the Chair responds to the inquiry.
- 44.3 After the Member has asked the Point of Procedure, the Chair shall provide an opinion on the rules of procedure bearing on the matter.

- 44.4 The Chair may consult the Administrator (or Secretary, as the case may be) before providing an opinion on the Point of Procedure.
- 44.5 A Point of Procedure is not subject to amendment or debate.
- 44.6 The Chair's answer to a Point of Procedure is not a ruling, and cannot be appealed to the whole of Council.

**45. Point of Order**

- 45.1 A Member may rise and ask the Chair *to rule on* a Point of Order.
- 45.2 When a Point of Order is raised, the Member speaking shall immediately cease speaking until the Chair gives a ruling on the Point of Order raised.
- 45.3 A Point of Order must be raised immediately at the time the rules of Council are breached.
- 45.4 The Member against whom a Point of Order is raised may be granted permission by the Chair to explain his or her action.
- 45.5 The Chair may consult the Administrator before ruling on a Point of Order.
- 45.6 A Point of Order is not subject to amendment or debate.

**46. Point of Privilege**

- 46.1 A Member may rise and ask the Chair *to rule on* a Point of Privilege.
- 46.2 After the Member has stated the Point of Privilege, the Chair shall rule whether or not the matter raised is a Point of Privilege.
- 46.3 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.
- 46.4 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.
- 46.5 The Chair may consult the Administrator (or Secretary, as the case may be) before ruling on a Point of Privilege.
- 46.6 A Point of Privilege is not subject to amendment or debate unless a motion regarding the Point of Privilege is put to Council (or the Committee, as the case may be).

**47. Appealing a Point of Privilege Ruling**

- 47.1 A Member may appeal any ruling of the Chair on a Point of Privilege to the whole of Council (or the Committee, as the case may be):
  - (a) the motion of the appeal shall be "that the decision of the Chair be overruled";
  - (b) the Member may offer a brief reason for the challenge;
  - (c) the Chair may state the reason for the decision; and
  - (d) thereafter, the question shall be put immediately without debate.
- 47.2 The question on the ruling shall be governed by the majority vote of the Members present.
- 47.3 A ruling of the Chair must be appealed immediately after the ruling is made or the ruling will be final.

**48. Calling a Member to Order**

- 48.1 When the Chair rises to rule on a Point of Order or Point of Privilege and a Member does not resume his seat and cease speaking, the Chair may call a Member to order. The Member shall then resume his or her seat and cease speaking, but may afterwards explain his or her position regarding the action for which he or she was called to order.
- 48.2 In the event that a Member refuses to resume his or her seat and cease speaking when called to order, the Chair shall request the Deputy Mayor or, if the Deputy Mayor is presiding, 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 motion; or
  - (c) until the Member makes an apology acceptable to Council (or the Committee, as the case may be) for his or her unruly behavior.
- 48.3 If the majority of Council (or Committee) votes in favour of the resolution, the Chair shall direct the unruly member to leave the Council Chamber, and if the Member refuses to leave, the Chair 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.

- 48.4 When Council has directed an unruly member to leave the Council Chamber, and the Member so directed makes an explanation and apology that is satisfactory to 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.

## **PART V – MOTIONS**

### **49. Motions and Debate – General Rules**

- 49.1 A motion shall express fully and clearly the intent of the mover and shall not be preceded by any preamble or whereas clauses.
- 49.2 A motion shall not be considered unless it has been seconded.
- 49.3 Council may, by a unanimous vote, exempt itself from Subsection 49.2 until the next general election at which time this exemption shall automatically expire. It is encouraged that this exemption be adopted early in the term in order to ensure consistency in the application of the rules.
- 49.4 Any Member may require the motion under debate to be read at any time during the debate, but not so as to interrupt a Member while speaking.
- 49.5 Members should avoid moving a negative motion. If the intent of a motion is to deny a request, a motion to approve the request should be put forward and voted down or a motion “to table [the matter] indefinitely” should be moved. Matters tabled indefinitely may be placed by a Member or the Administrator on the agenda at any future date.
- 49.6 When a motion is under debate, no other motion may be made, except a motion to:
- (a) extend the time for a Council meeting;
  - (b) adjourn the meeting;
  - (c) refer a motion to a Committee or Administration for comments or recommendations, or to otherwise postpone to a fixed date;
  - (d) amend the motion; or
  - (e) request that a motion be put to a vote;
- 49.7 Any motions allowed under Subsection 49.6 shall be considered in the order in which they appear on the list except:
- (a) if three (3) consecutive motions to amend have been defeated, a motion to put to a vote shall take precedence over any subsequent motion to amend; and
  - (b) that a sub amendment shall be considered before an amendment.
- 49.8 A motion substantially equivalent to a past defeated motion, except for a regularly recurring motion such as a motion to adjourn or extend a meeting, cannot be moved more than once in a six (6) month period without a majority vote by Council.
- 49.9 Pursuant to Sections 45-48, the Chair may refuse to put to Council a motion which is contrary to the rules and privileges of Council.

### **50. Dividing a Motion into Parts**

- 50.1 A Member may request or the Chair may direct that a motion be divided if the motion contains more than one separate and complete recommendation.
- 50.2 Council shall then vote separately on each recommendation.
- 50.3 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.

### **51. Withdrawing a Motion**

- 51.1 The mover and seconder of a motion may withdraw it at any time prior to a vote being taken or prior to the motion being amended.

### **52. Motion to Amend a Motion**

- 52.1 Notwithstanding any other provisions of this bylaw, any Member having moved a motion, while it is under debate, may amend or agree to a Friendly Amendment of his or her motion, as long as the amendment does not change the intent of the motion and assuming Council is in unanimous agreement that the intent is the same.
- (a) If any Member of Council believes the intent is not the same, the original motion shall stand unless an alternative can be unanimously agreed upon.

- (b) A Friendly Amendment should be declared as such and does not require a vote by Council, only a lack of a dissenting Member.
- 52.2 For all amendments other than that proposed or agreed to by the mover pursuant to Subsection 52.1, amendments shall be approved by a vote of the majority of Council.
- 52.3 Except as provided in Subsection 52.4, any motion may be amended to:
  - (a) add words within the motion;
  - (b) delete words within the motion; or
  - (c) change a word or words within the motion.
- 52.4 No amendments shall be made to the following motions:
  - (a) a motion to adjourn;
  - (b) a motion to defer to a fixed date, except as to the date; and
  - (c) a motion requesting that a motion be put to a vote.
- 52.5 The amending motion must be:
  - (a) relevant to the main motion;
  - (b) made while the main motion is under consideration; and
  - (c) consistent with the principle embodied in the main motion.
- 52.6 An amending motion may be amended via a sub amendment.
- 52.7 A sub amendment must be:
  - (a) relevant to the original amendment;
  - (b) made while the original amendment is under consideration; and
  - (c) consistent with the intent of either the original amendment or the main motion.
- 52.8 Only two (2) amendments to a motion, an amendment and a sub amendment, are allowed at the same time. When one or both have been dealt with, a further amendment or sub amendment may be entertained.
- 52.9 There is no limit to the number of amendments or sub amendments that may be proposed.
- 52.10 An amendment may be introduced at any stage before the question is put on the main motion provided there is not more than one amendment and one sub amendment before the meeting at a time.
- 52.11 Any Member wishing to move an amendment that is not in order at the time because there are already two (2) amendments under consideration may state the intention of his or her upcoming motion to amend, as the proposal may affect the vote on those motions awaiting decision.
- 52.12 The main motion shall not be debated until all amendments to it have been put to a vote.
- 52.13 Pursuant to Subsection 49.7(b) and with consideration to the limitation stated in Subsection 52.8, amendments and sub amendments shall be put in the reverse order in which they were moved.
- 52.14 When all amendments have been voted on, the main motion incorporating all amendments adopted shall be put to a vote.
- 52.15 Only the finally amended motion shall be recorded in the minutes, not any of the amendments nor the original motion.

### **53. Request that a Motion be put to Vote**

- 53.1 A motion requesting that a motion be put to a vote shall not be moved or seconded by a Member who has spoken to the original motion.
- 53.2 A motion requesting that a motion be put to a vote shall not be amended or debated.
- 53.3 If a motion requesting that a motion be put to a vote is passed by Council, the motion shall immediately be put to a vote of Council without any amendment or debate.
- 53.4 If a motion requesting that a motion be put to a vote is not passed by Council, the resolution may be amended or debated.

### **54. Motion Arising**

- 54.1 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.

## **55. Motion to Adjourn**

- 55.1 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) 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.
- 55.2 A motion to adjourn shall be decided without debate.

## **56. Consent Agenda**

- 56.1 The Consent Agenda portion of a meeting is moved, seconded and voted upon without debate as one item regardless of the number of documents or reports included.
- 56.2 If a Member wishes to debate an item included in the Consent Motion, a request to remove the item from the Consent Agenda must be made before the Chair calls the question, and the item shall be removed from the Consent Agenda without further debate or vote.
- 56.3 Any items removed pursuant to Subsection 56.2 shall be addressed immediately following approval of the Consent Agenda.
- 56.4 If an item is removed from the Consent Agenda pursuant to Subsection 56.2, a person may address Council on the item.

## **57. Motion to Move to a Closed Session**

- 57.1 A Member may make a motion that a Council meeting move to a closed session.
- 57.2 The motion to move to a closed session must:
- (a) be in accordance with the public meeting exceptions listed in Section 120 of the Act;
  - (b) reference the section of the Act and, if applicable, the section of *The Local Authority Freedom of Information and Protection of Privacy Act* that permits the discussion on the matter to be closed; and
  - (c) include a very general description of the matter to be discussed.
- 57.3 No bylaw or resolution shall be passed during a closed session.
- 57.4 Only Council, the Administrator, and those permitted by the unanimous vote of Council may remain in the room during the closed session of a meeting.

## **58. Motion to Reconsider**

- 58.1 A motion to reconsider shall apply to resolutions only, and shall not apply to bylaws passed by Council.
- 58.2 A motion to reconsider is in order whether the original motion passed or failed.
- 58.3 A motion to reconsider may only be made at the same Council meeting as the original motion was voted on.
- 58.4 A motion to reconsider must be moved by a Member who voted with the prevailing side of the original motion. If the prevailing side is that which defeated the motion, those Members who abstained from voting shall be included as part of the prevailing side.
- 58.5 When a motion loses on a tied vote, the prevailing side consists of those Members who voted against or abstained from voting on the motion.
- 58.6 A motion to reconsider may be seconded by any member regardless of how the Member voted on the original motion.
- 58.7 A motion to reconsider is debatable only if the motion being reconsidered is debatable.
- 58.8 A motion to reconsider cannot be amended.
- 58.9 A motion to reconsider shall require a majority vote of the Members present at the meeting.
- 58.10 If a motion to reconsider is adopted, the original motion is immediately placed before Council to be reconsidered.
- 58.11 Once a vote on a motion to reconsider has taken place, there shall be no further motion to reconsider that resolution.

## **59. Motion to Rescind**

- 59.1 A motion to rescind shall apply to resolutions only, and shall not apply to bylaws passed by Council.

- 59.2 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.
- 59.3 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.
- 59.4 A motion to rescind may be moved and seconded by any Council Member regardless how they voted on the original motion.
- 59.5 A motion to rescind is debatable.
- 59.6 A motion to rescind may be amended.
- 59.7 A motion to rescind shall, in all cases, require a majority vote by Council to pass.
- 59.8 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.

**60. Motion to Postpone**

- 60.1 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.
- 60.2 Notwithstanding Subsection 60.1, 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.
- 60.3 The only amendment allowed to a motion to postpone to a fixed date is to change the date.

**61. Motion to Refer**

- 61.1 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.
- 61.2 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.

**62. Debate on Motion**

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

**63. Legal Advice**

- 63.1 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.

**64. Voting of Council**

- 64.1 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.
- 64.2 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.
- 64.3 The Administrator shall ensure that each abstention is recorded in the minutes of the meeting.

**65. Voting of Mayor**

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

**66. Majority Decision**

- 66.1 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.

## **67. Recorded Vote**

- 67.1 Before a vote is taken by Council, a Member may request that the vote be recorded.
- 67.2 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.

## **68. Tied Vote**

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

## **PART VI – COMMITTEES**

### **69. Application of Part**

- 69.1 Part VI applies for all Committees unless otherwise stated in this bylaw, another bylaw of Council, or any federal or provincial legislation in force.

### **70. Appointments**

- 70.1 All Committee appointments shall be by majority vote of Council or, if permitted by Council resolution or bylaw, by majority vote of the Committee.
- 70.2 Notwithstanding Subsection 70.1, appointments to Standing Committees shall be as directed by the Mayor, but subject to Council review and acceptance.
- 70.3 There shall be appointed for each Committee a Chair and a Secretary.
- 70.4 The Chair shall preside at every meeting, participate in the debate, vote on all motions, and enforce the rules and privileges of the Committee pursuant to Sections 44-48.
- 70.5 In the absence of the Chair, an acting Chair shall be appointed by the Members present and shall preside.
- 70.6 The Secretary shall be responsible for:
  - (a) tracking the attendance;
  - (b) preparing meeting agendas and minutes; and
  - (c) reporting the Committee's decisions to Council.
- 70.7 In the absence of the Secretary, a recording secretary shall be appointed at the beginning of the Committee meeting whom shall track the attendance and record the minutes and subsequently report to the Secretary.
- 70.8 Voting members of Subcommittees shall all be Committee Members and any other persons included in Subcommittees shall not have voting rights.

### **71. Term**

- 71.1 Unless stated in the enabling legislation of the Committee or a resolution of Council, appointments shall be for a one (1) year term beginning on January 1st and ending on December 31st.
- 71.2 Notwithstanding Subsection 71.1, in a general election year, the term of appointments shall be reduced to coincide with the day of the election.
- 71.3 There are no term limits for Committee appointments unless otherwise stated in the enabling legislation of a Committee or a resolution of Council.
- 71.4 The Secretary shall advise Council of any Members absent from more than two (2) meetings within a calendar year, and request that a warning be issued to the Member.
- 71.5 If the Member warned pursuant to Subsection 71.4 misses three (3) meetings within the same calendar year, the Member shall be removed from that Committee unless Council has passed a resolution to excuse the absences within thirty-one (31) days.
- 71.6 Council may, at its discretion, revoke the membership of any individual appointed to a Committee created by resolution or bylaw of Council.

### **72. Committee Members**

- 72.1 The membership and jurisdiction of a Committee shall be as provided for in the enabling legislation or as directed by Council.
- 72.2 The Mayor 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.
- 72.3 The Mayor's attendance shall not, however, be included for the purpose of determining a quorum.
- 72.4 Quorum for all Committees shall be a majority of the voting Members, excluding the Mayor.

- 72.5 Councillors may attend Committee meetings for Committees to which they have not been appointed, and may take part in the proceedings of the same, but non-Committee members shall not have a vote.

### **73. Committee Meetings**

- 73.1 Committees created by Council resolution or bylaw shall comply with Section 12 of this bylaw (meetings to be public unless exempt under the Act).
- 73.2 Every person has the right to be present at Committee meetings that are conducted in public unless the Chair expels a person for improper conduct.
- 73.3 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*.
- 73.4 Notice of regularly scheduled Committee meetings, if a regular schedule has been adopted by the Committee, is not required to be given, but shall be forwarded to the Administrator in case of public enquiry.
- 73.5 If a Committee changes the date, time or place of a regularly scheduled meeting, the Secretary shall give at least twenty-four (24) hours' notice of the change to:
- (a) any Members of the Committee not present at the meeting at which the change was made; and
  - (b) the public.
- 73.6 Notwithstanding Subsection 73.5, a Committee meeting may be held with less than twenty-four (24) hours' notice to Members and the public if all Members agree to do so, in writing, immediately before the beginning of the meeting.
- 73.7 The consent to waive notice of a change in date, time or place of a meeting pursuant to Subsection 73.6 may be given in person or by facsimile, electronic mail, and other similar means.
- 73.8 If a Committee cancels its regularly scheduled meeting, the Secretary shall give at least twenty-four (24) hours' notice of the change to:
- (a) all Members not present at the meeting at which the decision to cancel was made; and
  - (b) the public.
- 73.9 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 73.6.
- 73.10 For Committees operating without a regular meeting schedule, 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.
- 73.11 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.
- 73.12 When a person or a group of persons wishes to bring any matter to the attention of a Committee or appear as a delegation, a communication shall be addressed to the Secretary and will be subject to the requirements set out in Sections 22 & 28 of this bylaw.
- 73.13 Upon receipt of a communication pursuant to Subsections 71.21, the Secretary shall place the communication on the agenda of the next meeting of the Committee for its consideration;
- 73.14 All submissions to Committees must be received by the Secretary within the deadlines established by the Committee or, if the Committee has not set its own deadlines by resolution, four (4) business days prior to the meeting.
- 73.15 Reporting to Committees shall be provided through the Secretary.
- 73.16 Any notice respecting a Committee 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) at the request of the member, provided or sent to the member by ordinary mail, telephone or voice mail, facsimile or electronic mail or similar method at the number or address specified by the member.
- 73.17 Notice to the public of a Committee meeting as required by Subsection 71.13 is sufficient if the notice is posted at the office of the Municipality. By written request, the Administrator shall post this notice on behalf of the Secretary.
- 73.18 Any unfinished business remaining at the time of the adjournment shall be considered at the next regular meeting of the Committee or at a Special Meeting called for that purpose.
- 73.19 The Secretary shall record the minutes, without note or comment.

- 73.20 The minutes of the Committee shall be distributed to each Member at least twenty-four (24) hours' before the next Committee meeting for consideration.
- 73.21 After the minutes have received approval of a majority of the Members present, they shall be signed by the Chair and Secretary. Once signed, the original minutes shall be forwarded to the Administrator for presentation to Council and for safekeeping.
- 73.22 All minutes, once approved, shall be open for inspection by the public.
- 73.23 No Member shall release or otherwise make public any information considered at a closed session, 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.
- 73.24 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 adopted the recommended course of action by resolution.
- 73.25 The conduct of delegations or the public at Committee meetings, which they are entitled to attend, shall be subject to the requirements as set out in Section 42 of this bylaw.
- 73.26 The conduct of members shall be subject to the requirements as set out in Section 41 of this bylaw.
- 73.27 The Chair may request any individual to be expelled from a meeting, in accordance with the guidelines as set out in Section 48 of this bylaw.

**74. Standing Committees**

- 74.1 The following shall be the Standing Committees of the Town of Herbert:
  - (a) Bylaw Enforcement Committee
  - (b) Economic Development Committee
  - (c) Emergency and Fire Preparedness Committee
  - (d) Recreation Committee
  - (e) Transportation Committee
  - (f) Utilities and Waste Committee
- 74.2 The role of any Standing Committee is to make recommendations to Council and Administration based on its scope as defined by Sections 73-78.
- 74.3 Recommendations of Committees are not binding on Council or Administration and have no force unless adopted by Council.
- 74.4 Pursuant to Section 16(1)(a) of *The Local Authority Freedom of Information and Protection of Privacy Act*, the meetings of all Standing Committees may be closed to the public given that these provide "advice, proposals, recommendations, analyses or policy options developed by or for the local authority" which are not binding upon Council pursuant to Subsection 72.3 of this bylaw.
- 74.5 A Standing Committee may adopt the rules and procedures for Council meetings or establish separate rules by majority vote of its Members.
- 74.6 Administration may be invited by the Committee Chair to attend any meeting, but shall act only in an advisory capacity and shall not be voting members or have any voting privileges in respect to participation on any Standing Committee.
- 74.7 A member of Administration may be appointed as the Secretary of a Standing Committee.
- 74.8 Standing Committees shall each consist of two (2) Councillors, one of whom shall be appointed as Chair, and the Mayor as an *ex officio* voting member.
- 74.9 The Chair and other appointments for Standing Committees shall be designated by the Mayor.
- 74.10 Councillors may only serve as Chair of one (1) Standing Committee at a time, unless the number of Standing Committees exceeds the number of Councillors, in which case the distribution of appointments shall be as uniform as possible.
- 74.11 Each Standing Committee shall meet as soon as possible after appointments have been made for the calendar year.
- 74.12 Each Standing Committee shall meet at least once annually.

**75. Bylaw Enforcement and Policing Committee**

- 75.1 With respect to the Town of Herbert, the Bylaw Enforcement Committee shall make recommendations to Council on:

- (a) bylaw enforcement in general;
- (b) achieving bylaw goals through other means;
- (c) policing and crime;
- (d) pet licensing and animal control;
- (e) nuisance reduction; and
- (f) encouraging residents' building and yard maintenance.

**76. Economic Development Committee**

- 76.1 With respect to the Town of Herbert, the Economic Development Committee shall make recommendations to Council on:
- (a) promotion of businesses locally and abroad;
  - (b) attracting entrepreneurs and investment from abroad;
  - (c) fostering local entrepreneurs;
  - (d) increasing the competitiveness of businesses;
  - (e) increasing traffic to businesses from abroad;
  - (f) preparing for growth and planning for expansion;
  - (g) zoning and subdivisions;
  - (h) housing supply and demand; and
  - (i) branding and marketing strategy.

**77. Fire and Emergency Preparedness Committee**

- 77.1 With respect to the Town of Herbert, the Fire and Emergency Preparedness Committee shall make recommendations to Council on:
- (a) firefighter training and recruitment;
  - (b) firefighter response times;
  - (c) fire department building and equipment;
  - (d) fire insurance rates as influenced by Subsection 75.1(a)-(c);
  - (e) emergency response plan;
  - (f) rail safety; and
  - (g) encouraging resident emergency preparedness.

**78. Recreation Committee**

- 78.1 With respect to the Town of Herbert, the Recreation Committee shall make recommendations to Council on:
- (a) recreation infrastructure and maintenance priorities;
  - (b) delivery of, improvement to, and expansion of recreation programs;
  - (c) competitiveness with respect to fees/rates and services;
  - (d) fees/rates and sustainability with respect to deficits;
  - (e) operations and service delivery;
  - (f) improving cost efficiency of service delivery;
  - (g) fundraising priorities and opportunities;
  - (h) promoting volunteerism; and
  - (i) festivals.

**79. Transportation Committee**

- 79.1 With respect to the Town of Herbert, the Transportation Committee shall make recommendations to Council on:
- (a) road infrastructure and maintenance priorities;
  - (b) sidewalk infrastructure and maintenance priorities;
  - (c) highway priorities and provincial government lobbying;
  - (d) operations and service delivery;
  - (e) improving cost efficiency of service delivery;
  - (f) dust control;
  - (g) signage and regulations;
  - (h) motor vehicle and pedestrian safety; and
  - (i) improving general road quality.

**80. Utilities and Waste Committee**

- 80.1 With respect to the Town of Herbert, the Utilities and Waste Committee shall make recommendations to Council on:
- (a) water infrastructure and maintenance priorities;
  - (b) sewer infrastructure and maintenance priorities;
  - (c) waste collection;
  - (d) recycling;
  - (e) landfill decommissioning and planning;
  - (f) water quality and its preservation and improvement;
  - (g) operations and service delivery;
  - (h) improving cost efficiency of service delivery; and

(i) planning for growth.

**81. Subcommittees**

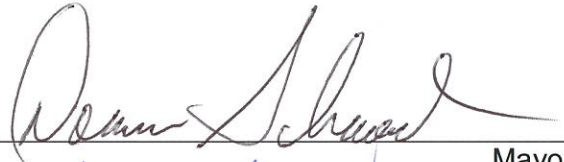
81.1 Committees shall have the authority to establish Subcommittees for a specific purpose or term and these shall be governed by the same rules as the Committee which established them.

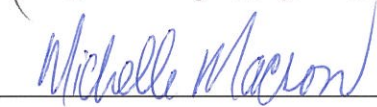
**82. Special Committees**

82.1 Council may from time to time establish a Special Committee for some other purpose and for any term as set out in the resolution or bylaw.

Read a third time and adopted  
This 24<sup>th</sup> day of October, 2016.



  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
CAO

**Bylaw # 2016-12**  
**Form 1 – Request for a Special Meeting**

Date: \_\_\_\_\_

To: \_\_\_\_\_, CAO, Town of Herbert

Pursuant to Section 123 of the Act, I / we hereby request you to call a special meeting of the Council of the Town of Herbert 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 of the Act
- Notice not provided pursuant to Subsection 123(3) of the Act

**Bylaw # 2016-12**  
**Form 2 – Request for Method of Providing Notice**

Date: \_\_\_\_\_  
To: \_\_\_\_\_, CAO, Town of Herbert  
From: \_\_\_\_\_ (name of Council member)

Pursuant to clause 124(1)(c) of the Act, I hereby request that 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)