

**TOWN OF ASQUITH
BYLAW NO. 13-2015**

A BYLAW TO PROVIDE FOR THE ESTABLISHMENT OF COUNCIL PROCEDURES

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

PART 1

INTERPRETATION

1. Short Title

This Bylaw may be cited as “The Procedure Bylaw”.

2. Purpose and Scope

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

The Bylaw will also provide for the orderly conduct of the business of Council and any committees established by Council. If a matter arises that is not covered by the provisions of this Bylaw, Robert’s Rules of Order, current edition, shall govern.

3. Definitions

- a) “Act” means *The Municipalities Act*
- b) “Amendment” means an alteration of a main motion or an amendment by substituting, adding, or deleting a word(s) without altering the basic intent of the motion.
- c) “Committee of the Whole” means members present at a meeting of Council sitting in committee.
- d) “Member of Council” means the Mayor, or a Councillor.
- e) “Motion to Receive” means a motion which is made for the purpose of acknowledging the item, report or recommendation under consideration, and having the item, report or recommendation placed in the records of the municipality for future reference, with no additional action taken at this time.
- f) “Point of Order” means the raising of a question by a member, with the view of calling attention to any departure from the Procedural Bylaw or the customary proceedings in debate or in the conduct of the Council’s business.
- g) "Point of Privilege" is the raising of a matter by a member which occurs while council is in session, where:
 - the rights, privileges, decorum, or dignity of the council collectively or the rights and privileges of a member individually have been affected;
 - when a member believes that another member has spoken disrespectfully toward them or the council, or
 - when a member believes their comments have been misunderstood or misinterpreted by another member or members; or
 - when a member believes that comments made by the member outside the council Chamber have been misinterpreted or misunderstood by the

Community, the public or the news media to clarify his or her position.

- h) "Point of Procedure" means a question to the Mayor or Chairperson to obtain information on a matter of procedure to assist a member to make an appropriate motion, raise a point of order or understand the effect of a motion.
- i) "Quorum" is most of the members of Council or committee. (Pursuant to Section 98 in the MA)

PART II

MEETINGS OF COUNCIL

4. First Meeting of Council

- a) The first meeting of council following an annual election for an urban municipality will be held within 31 days after the date of the election.
- b) The C.A.O. shall determine the time, date, and place of the meeting.
- c) The C.A.O. shall provide written notice of the time, date, and place of the first meeting of the council to all members of council at least 24 hours before the meeting in the same manner as for special meeting of the council, but all subsequent regular meetings of the council are to be held on any days that the council may determine.

5. Regular Meetings of Council and Committees

- a) Regular council meetings will be held on the second Wednesday of every month, except for those cases when this day falls on a statutory holiday, in which case the regular meeting shall be moved to the first Wednesday of that month.
- b) Notice of regularly scheduled meetings need not be given.
- c) A council or committee meeting may be held with less than 24 hours' notice to the council or committee members AND no notice to the public IF all members of council sign a waiver before the commencement of the meeting.
- d) A council meeting held solely for the purpose of long-range or strategic planning may be held without notice to the public.

6. Special Meetings

- a) The C.A.O. shall call a special meeting of council whenever requested by the Mayor or most of the council by giving at least 24 hours notice to the members of council and the public stating the purpose of the meeting and the date, time and place the meeting is to be held.
- b) A special meeting may be called with less than 24 hours notice to the members of council and no notice to the public if all members sign a waiver of notice before the commencement of the meeting.
- c) No business other than that stated in the notice may be transacted at the special meeting unless all members of council are present and agree unanimously to transact other business.

7. Change of Meetings

- a) If the date or time of the meeting is changed, the public and all members of council that were not present at the council or committee meeting at which the change was made will be given 24-hour notice.

8.. **Methods of Giving Notice**

Notice of a council or council committee meeting is deemed to have been given to a member of council or of a council committee if the notice is:

- i. provided personally;
- ii. left at the usual place of business or residence of the member; or
- iii. at the request of the member, provided or sent to the member by telephone or voice mail, facsimile or electronic mail at the number or address specified by the member.

Public Notice is sufficient if the notice is posted at the municipal office, as set out in the municipality's Public Notice Bylaw No. 4-2005.

9. **Actions in Public**

a) An act or proceeding of council and/or a committee is not effective unless it is authorized or adopted by resolution or bylaw at a duly constituted meeting of the council that is open to the public.

b) Every person has the right to be present at council meetings that are conducted in public unless the person presiding at the council meeting expels a person for improper conduct.

10. **Closed Sessions**

a) Council may close all or any part of its meetings to the public if the matter to be discussed:

- i. is within one of the exemptions of Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*; or
- ii. concerns long-range or strategic planning.

b) A resolution to move into closed session shall state, in general terms, the topic of discussion.

c) Where council resolves to close a portion of a meeting to the public, all persons shall be excluded from the meeting, except for members of council, administration and such members of the public as may be allowed to attend by the council.

d) Where council resolves to close a portion of a meeting to the public, in addition to the resolution to do so, the C.A.O. shall record in the minutes thereto:

- i. the time that the in-camera portion of the meeting commenced and concluded;
- ii. the names of the parties present; and
- iii. the legislative authority including the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* relied upon for authority to close the meeting to the public.

PART III COUNCIL MEETING PROCEDURES

11. **Agendas**

a) The C.A.O. shall prepare the agenda for all regular and special meetings of council.

b) 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.

c) The order of business shall be:

1. Call to order.
2. Reading of the minutes of the last meeting and if accepted, the signing of same by the Mayor or the Deputy-Mayor.
3. Considering of business arising out of the minutes.
4. Statement of receipts and expenditures and bank reconciliations for the previous month.
5. Approval of accounts paid and payable.
6. Correspondence.
7. Reports and recommendations from committees
 - a) Utilities
 - b) Fire Department
 - c) Streets and Town Property
 - d) Finance
 - e) Waste Disposal
 - f) Rink, Cemetery, Sports Grounds
 - g) Recreation Committee
 - h) Town Personnel
 - i) Policing
 - j) Building Permits
8. Unfinished business
9. New Business
10. Adjournment

d) The business shall, in all cases, be taken up in the order in which it stands on the agenda, unless:

- i) 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
- ii) the Mayor determines during the proceedings of council that for public interest a matter be moved forward to be dealt with promptly.

e) Any citizen or any delegation may be received by Council at any meeting, subject to the following rules:

- i) Any person or delegation wishing to make a presentation to Council must notify the C.A.O. by 4:00 the Friday before the meeting and are required to fill out a Delegations Policy Form (Appendix A) to be put on the agenda.
- ii) If the presentation is in writing, a copy must be made available to the C.A.O. by the deadline for circulation to the council prior to the meeting.
- iii) All correspondence, requests and applications are to be in the hands of the C.A.O. by 4:00 p.m. the Friday before the meeting.
- iv) Building permit applications are to be presented to the Town Office by 4:00 the Friday before the meeting.
- v) Only information that the C.A.O. or the Mayor deems urgent after the deadline of 4:00 on the Friday prior to the meeting shall be placed on the council agenda for consideration.
- vi) Delegations speaking before Council shall address their remarks to the stated business:
 - Delegations will be limited to speaking only once; and
 - Rebuttal or cross debate with other delegations shall not be permitted.
- vii) A maximum of 15 minutes shall be allotted for each delegation to present his or her positions of support or opposition.

viii) Where there are numerous delegates taking the same position on a matter, they are encouraged to select a spokesperson to present their views.

- Delegations are encouraged not to repeat information presented by an earlier delegation.
- The Mayor shall at the conclusion of the fifteen-minute limitation, inform the delegation that the time limit is up.
- Only upon a motion to extend the 15-minute limitation adopted by a majority of council members shall the 15-minute limit be extended.
- Delegations will not be permitted to assume any unused time allocated to another delegation.

ix) Upon the completion of a presentation to council by an individual or a delegation, any discourse between members of council and the delegations shall be limited to members asking questions for clarification and obtaining additional, relevant information only:

- Members shall not enter debate with the person or delegation respecting the presentation; and
- Once a motion has been moved, no further representation or questions of the delegation shall be permitted.

x) The C.A.O., who shall consult with the Mayor, may refuse to accept a request to speak to council if council has, with the last six (6) months immediately preceding the request, already heard from the person, and dealt with the same or substantially the same matter by resolution or bylaw. If such a request is refused, a copy of the request and subsequent reply shall be provided to all members by the C.A.O.

PART IV CONDUCT AT COUNCIL MEETINGS

12. Mayor

a) The Mayor shall:

- i. preside at all council meetings;
- ii. preserve order at council meetings;
- iii. enforce the rules of council;
- iv. decide points of privilege and points of order; and
- v. advise on points of procedure.

b) The Mayor shall have the same rights and be subject to the same restrictions when participating in debate, as all other members.

c) The Mayor shall have the same rights and be subject to the same restrictions as all other members to make a motion.

d) When wishing to make a motion, the Mayor shall

- i. vacate the chair, and request that the deputy-mayor take the chair;
- ii. if the deputy-mayor is absent, the immediately previous deputy-mayor shall take the chair; and
- iii. the mayor shall remain out of the chair until the motion has been dealt with.

13. Deputy-Mayor

a) 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 for a term of one year, or for such longer period as the council may decide, and in any event until a successor is appointed.

14. Conduct of Public

a) All persons in the public gallery at a council meeting shall:

- i. refrain from addressing council or a member unless permitted to do so;
- ii. maintain quiet and order;
- iii. refrain from disturbing the proceedings by words, gestures or actions including applauding, displaying flags, placards, or similar material;

- iv. refrain from talking on cellular telephones;
- v. refrain from making audio or video recordings of council proceedings; and
- vi. 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.

15. Conduct of Delegations

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

16. Conduct of Members of Council

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

17. Improper Conduct

- a) The Mayor may request that any person in the public gallery or in a delegation who disturbs the proceedings of council or acts improperly at a council meeting, as set out in sections 14 and 15 leave or be expelled from the meeting.
- b) any person who refuses to leave when requested to do so may be removed.
- c) If a person disturbs the proceedings of council or refuses to leave when requested to do so, the Mayor may recess the meeting until the person leaves or adjourn the meeting to another day.

18. Point of Order

- a) A member may rise and ask the Mayor to rule on a point of order.
- b) When a point of order is raised the member speaking shall immediately cease speaking until the Mayor decides the point of order raised.
- c) A point of order must be raised immediately at the time the rules of council are breached.
- d) The member against whom a point of order has been raised may be granted permission from the Mayor to explain.
- e) The Mayor may consult with the C.A.O. before ruling on a point of order.
- f) A point of order is not subject to amendment or debate.

19. Point of Privilege

- a) A member may rise and ask the Mayor to rule on a point of privilege.
- b) After the member has stated the point of privilege, the Mayor shall rule whether the matter raised is a point of privilege.
- c) 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.

- d) 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.
- e) The Mayor may consult the C.A.O. before ruling on a point of privilege.
- f) A point of privilege is not subject to amendment or debate unless a motion regarding the point of privilege is put to council.

20. **Point of Procedure**

- a) Any member may ask the Mayor for an opinion on a point of procedure.
- b) When a point of procedure is raised, the member speaking shall immediately cease speaking until the Mayor responds to the inquiry.
- c) After the member has asked the point of procedure, the Mayor shall provide an opinion on the rules of procedure bearing on the matter before council.
- d) The Mayor may consult the C.A.O. before providing an opinion on the point of procedure.
- e) A point of procedure is not subject to amendment or debate.
- f) The Mayor's answer to a point of procedure is not a ruling, and cannot be appealed to the whole of council.

21. **Appeal**

- a) Whenever a member wishes to appeal any ruling of the Mayor or a point of order or point of privilege to the whole of council:
 - the motion of appeal, "that the decision of the chair be overruled" shall be made;
 - the member may offer a brief reason for the challenge;
 - the Mayor may state the reason for the decision; and
 - following which the question shall be put to vote immediately without debate.
- b) The Mayor shall be governed by the vote of most of the members present.
- c) A ruling of the Mayor must be appealed immediately after ruling is made or the ruling is final.

22. **Calling a Member to Order**

- a) When the Mayor calls a member to order, the member shall resume his or her seat, but may afterwards explain his or her position in making the remark for which he or she was called to order.
- b) In the event that a member refuses to resume his or her seat when called to order, the Mayor shall request the Deputy-Mayor, or if the Deputy-Mayor is absent or is the unruly member, any other member of the council to move a resolution to remove the unruly member either:
 - for the balance of the meeting;
 - until a time which shall be stated in the motion; or
 - until the member makes an apology acceptable to council for his or her unruly behavior, whichever shall be the shortest time.
- c) When most council votes in favour of the resolution, the Mayor shall direct the unruly member to leave the council chamber, and if the member refuses to leave, the Mayor may:
 - recess the meeting until the person leaves or adjourn the meeting to another day; or
 - direct that law enforcement officials be engaged to assist in the removal of the unruly member.
- d) When council has directed an unruly member to leave the council chambers, and the member so directed makes an explanation and apology adequate and satisfactory to the council, it may, by a majority vote of the remaining members present, allow the offending member to remain in his or her place if he or she has not left or been removed, or to retake his or her place.

PART V
MOTIONS

23. Motions and Debate

- a) A motion shall express fully and clearly the intent of the mover and may follow debate on the issue.
- b) Any member may require the motion under debate to be read at any time during the debate, but not to interrupt a member while speaking.
- c) When a motion is under debate no other motion may be made, except a motion to:
 - amend a motion
 - refer motion to a council committee or administration for a report back to council;
 - postpone a motion to a fixed date;
 - request that a motion be put to a vote;
 - extend the time for a council meeting; or
 - adjourn the meeting
- d) Notwithstanding any other provisions of this bylaw, the member who moved a motion after a motion is under debate, may, with the consent of council:
 - on his or her own initiative while he or she 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.
- e) Any motions allowed under section 23 (c) shall be considered in the order in which they were moved.

24. Motion Contrary to Rules

The Mayor may refuse to put to council a motion which is, in the opinion of the Mayor, contrary to the rules and privileges of council.

25. Withdrawal of Motions

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

26. Motion to Reconsider

- a) A motion to reconsider shall apply to resolutions only, and shall not apply to bylaws passed by council.
- b) A motion to reconsider is in order whether the original motion passed or failed.
- c) A motion to reconsider may only be made at the same council meeting as the original motion was voted on.
- d) A motion to reconsider must be moved by a member who voted with the prevailing side of the original motion.
- e) When a motion loses on a tied vote, the prevailing side is those who voted against the motion.
- f) A motion to reconsider cannot be amended.
- g) A motion to reconsider shall require a majority vote of the members present at the meeting.
- h) If a motion to reconsider is adopted, the original motion is immediately placed before council to be reconsidered.
- i) Once a vote on a motion to reconsider has taken place, there shall be no further motion to reconsider that resolution.

27. Motion to Rescind

- a) A motion to rescind shall apply to resolutions only, and shall not apply to bylaws passed by council.

- b) 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.
- c) A motion to rescind may be made at any time following the council meeting at which the original motion was voted on regardless the time that has relapsed since original vote.
- d) A motion to rescind may be moved and seconded by any council member regardless of how they voted on the original motion.
- e) A motion to rescind is debatable.
- f) A motion to rescind may be amended.
- g) A motion to rescind shall, in all cases, require a majority vote of all council members to pass.
- h) A motion cannot be rescinded:
 - when the making or calling up of a motion to reconsider is in order;
 - when the action on the motion has been carries out in a way that cannot be undone, or
 - when a resignation has been accepted or actions electing or expelling a person from membership or office has been taken.

28. Motion to Postpone

- a) Where most of all members decide to postpone a motion to a fixed date, the motion cannot be considered by council until that fixed date.
- b) Notwithstanding subsection 29a, council may consider a postponed motion before the fixed date if a majority of the members agree that the motion may be considered before that date.
- c) The only amendment allowed to a motion to postpone to a fixed date is to change the date.

29. Motion to Refer

- a) 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.
- b) 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.

30. Debate on Motion

- a) 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.
- b) The mover of the motion shall be given the first opportunity to speak.
- c) The mover of the motion shall be allowed a reply at the conclusion of the debate.

31. Voting of Council

- a) A member attending a council meeting shall vote at the meeting on a matter before the council unless the member is required to abstain from voting pursuant to the Act or any other Act.
- b) If a member is not required to abstain from the voting on a matter before council and abstains from voting, the council member is deemed to have voted in the negative.
- c) The administrator shall ensure that each abstention is recorded in the minutes of the meeting.

32. Voting of Mayor

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

33. Majority Decision

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

34. Recorded Vote

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

35. **Tied Vote**
a) If there are an equal number of votes for and against a resolution or bylaw, the resolution or bylaw is defeated.

PART VI COMMITTEES

36. **Committee Procedures**
a) Council may from time to time establish a committee in response to specific issues requiring immediate or long-term attention.
b) The Mayor is 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.
c) The Mayor's attendance shall not, however be included for determining quorum.
37. **Council Committees**
a) Member appointment:
➤ Committee members appointed at first council meeting after elected.
b) Functions and authority of committee;
➤ Supervision of various departments
➤ Make recommendations on policy to council
➤ Any duties delegated by council
c) The following are committees of the Town of Asquith:
Utilities
Fire Department
Streets and Town Property
Finance
Waste Disposal
Sportsgrounds
Cemetery
Recreation
Town Personnel
Policing
Wheatland Regional Library Representative

PART VII MISCELLANEOUS

38. **Repeal of Bylaws and Resolution**
a) Bylaw No. 4-10 and all amendments thereto are hereby repealed.
39. **Coming Into Force**
a) This bylaw shall come into force and take effect on December 9, 2015.

Mayor

{SEAL}

C.A.O.

Certified a true copy of Bylaw No. 13-2015
this 9th day of December 2015

C.A.O.

APPENDIX "A"

December 2015

TOWN OF ASQUITH
DELEGATIONS POLICY
12/2015

Rules for the Hearing of Individuals or Delegations
by Asquith Municipal Council

Individuals or Delegations wishing to address Council are requested to submit a brief outline of the subject of their presentation, in order that members of Council may familiarize themselves with the issue in advance of the Council meeting and be better prepared to consider the same.

Each speaker is therefore asked to complete and submit this form, with any accompanying documentation, to the Town office by **4:00 p.m. Friday preceding the Council meeting**, in time for inclusion in the Council's agenda package.

Presentations are limited to a maximum of fifteen (15) minutes per subject matter. (Note: The time limit may be extended by unanimous resolution of Council.)

NAME _____ DATE _____

ADDRESS _____ PHONE _____
(applicant's residence)

REPRESENTING _____
(Name of Organization, if any)

(Capacity, Title, Office)

ADDRESS _____ PHONE _____
(of Delegation, if different from residence)

MY REASON FOR APPEARING IS _____

ADDITIONAL REQUIREMENTS FOR PRESENTATION (i.e. documentation, power point presentation, physical display(s), etc.)

ESTIMATED LENGTH OF
PRESENTATION:

Minutes

Signature

December 2015

**RULES OF CONDUCT WHEN APPEARING BEFORE COUNCIL
IN PERSON OR AS A DELEGATION**

Second Wednesday of the Month:

7:15 p.m. _____

7:30 p.m. _____

7:45 p.m. _____

To ensure that the best use of time is achieved and order is maintained throughout these presentations, it is imperative that rules of conduct be implemented and followed. These rules are as follows:

- it is recommended that delegations wishing to appear before Council schedule their appearance by contacting the Town office at (306)329-4341.
- to allow members of council to prepare for delegations, all presenters shall register with the Town office by 4:00 p.m. the Friday before the meeting and **must** provide a specific topic in writing.
- in situations where a delegation consists of many people, **one spokesperson** must be appointed for the group.
- should special audio-visual equipment be required for a presentation, it is incumbent that such equipment is accompanied with the presenter, or suitable arrangements be made with administrative staff beforehand.
- if written documentation is provided, there should be seven copies, and would become public record.
- all delegations will be limited to a **15 MINUTE PRESENTATION**. Where additional time is required, such a requirement should be communicated to administrative staff at the time of scheduling.
- **all comments will be directed to the Chairperson and there shall be no interaction between parties in the gallery. Delegations shall adhere to all directions from the Chairperson.**
- Language shall remain civil at all times.
- where a breach of conduct occurs, the Chairperson shall give the presenter a warning. Should a second infraction occur, the presentation shall be terminated and the delegation/person will be requested to leave the premises

A written answer advising of action taken will be sent to the delegate(s) following the meeting.
All written submissions to Council from approved delegates may be distributed publicly.

