

## BYLAW 1/2009

### A BYLAW TO PROVIDE FOR THE ESTABLISHMENT OF PROCEDURES WITHIN THE RURAL MUNICIPALITY OF HILLSDALE NO. 440

The Council for the Rural Municipality of Hillsdale No. 440 in the Province of Saskatchewan enacts as follows:

#### Short Title

1. This Bylaw may be cited as the Procedure Bylaw.

#### Purpose and Scope

2. The purpose of this Bylaw is to provide for
  - a) establish Committees and any other bodies necessary.
  - b) define the specific functions, including the delegation of authority, if any, for each committee or other body.
  - c) provide for the orderly conduct of the business of Council and any committee established by Council.
  - d) provide notice of regularly scheduled meeting
  - e) establish rules and procedures to be used by Council and Committees and administration regarding Council and Committee meetings.
  - f) if a matter arises that is not covered by the provisions of the bylaw, Robert's Rules of Order, current edition, shall govern.

#### Definitions

3. In this Bylaw
  - 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 Reeve; or a Councillor.
  - e) "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.
  - f) "Point of Procedure" means a question to the Chairperson to obtain information on a matter of procedure in order to assist a member to make an appropriate motion, raise a point of order or understand the effect of a motion.
  - g) "Quorum" is the majority of the members of council or committee.

## MEETINGS OF COUNCIL

#### First Meeting of Council

4. The first meeting of council following the annual election will be held within 31 days after the date of the election.
5. The Administrator shall determine the time, date and place of meeting.
6. The Administrator shall provide written notice of the time, date and place at least 24 hours prior to the meeting by personal service, delivery to the place of business or residence or at the request of the member by facsimile or electronic mail.

#### Regular Meetings of Council

7. The regular meetings of the Council of the Rural Municipality of Hillsdale No. 440 will be held on Thursday following the first Tuesday of each month in the Municipal Office in Neilburg commencing at 9:00 a.m.



8. A council or committee meeting may be held with less than 24 hour 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.

#### **Special Meetings of Council**

9. The Administrator shall call a special meeting of council whenever requested by the Reeve or majority of 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.
10. 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.
11. 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.

#### **Methods of Giving Notice**

12. When notice is required for regular or special meetings of council or committees, it will be provided by facsimile or telephone.
13. Public Notice as set out in the Rural Municipality of Hillsdale No. 440 Public Notice Policy Bylaw No. 9/2005.

#### **Actions in Public**

14. An act or proceeding of Council and/or 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.

#### **Meetings to be in Public**

15. Subject to subsection (16), Council and Council committees are required to conduct its meeting in public.
16. Council and Council committees may close all or part of their meetings to the public if the matter being discussed is within one of the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* or concerns long-range or strategic planning.

#### **Improper Conduct**

17. Every person has the right to be present at council and committee meetings that are conducted in public unless expelled for improper conduct. Improper conduct is any verbal or physical abuse directed towards the Administrator and/or any member of Council or committee.
18. A person who exhibits improper conduct will be asked to respect the office, if the abuse continues the person will be asked to leave the meeting and if the abuse continues the meeting shall be adjourned.

### **COUNCIL PROCEDURE**

#### **Reeve**

19. The Reeve shall preside, when in attendance, at a council meeting unless *The Municipalities Act* or other Act or a bylaw of this council provides that another member of Council is required or permitted to preside.
20. The Reeve is a member of all council and committees and bodies established by council pursuant to *The Municipalities Act*, unless council provides otherwise.

#### **Deputy Reeve**

21. Council shall appoint a Deputy Reeve at the first meeting after the general election and/or yearly at the January meeting.
22. The Deputy Reeve acts as Reeve if the Reeve is unable to perform the duties of the Reeve or the office of Reeve is vacant.



### **Order of Business**

23. The standard order of business shall be as followed; call to order, members present, minutes, statement of financial activities and bank reconciliation, accounts, foreman's report, correspondence, other business, delegations and adjournment.

### **Submissions/Correspondence to Council**

24. Submissions and correspondence received between the end of the last regular meeting and before the end of the current meeting will be dealt with at the current meeting.
25. All correspondence from ratepayers will be placed on the agenda.

### **Delegations**

26. Delegations are asked to let the Administrator know of their wishes to be placed on the agenda.
27. Council will allow delegations not previously on the agenda any time during the meeting.
28. Delegations will be allowed up to 15 minutes to make their presentation to Council.

### **Public Hearing**

29. The Reeve shall declare the hearing open.
30. Presentations of up to 15 minutes will be allowed.
31. The hearing may be adjourned to a further date.
32. A member of council shall abstain from voting on the matter if the member was not present for the entire hearing.

### **Quorum**

33. The quorum of a council is the majority of members of council, except as provided in this or any other Act.
34. No act or proceeding that is adopted at any meeting of council in which a quorum is not present is valid.

### **Voting**

35. A Council member has one vote each time a vote is held.
36. Every member of council attending a council meeting shall vote on every matter put before council unless the member is required or permitted to abstain from voting pursuant to this or any other Act.
37. If a member is not required or permitted to abstain from voting and abstains from voting, the member is deemed to have voted in the negative.
38. The Administrator shall ensure that each abstention and the reasons for the abstentions are recorded in the minutes of the meeting.
39. All questions are to be decided by the majority of the votes, unless the council requires a greater percentage of votes.

### **Recorded and Tied Vote**

40. Prior to the vote being taken on a matter, any member of Council may request that the vote on that matter be recorded.
41. If there are an equal number of votes for or against a resolution or bylaw, the resolution or bylaw is defeated.

### **Motions – General**

42. Motions are not required to be seconded.
43. When a motion is under debate no other motion may be made, except:
  - to refer the motion to a Council committee or the administration;
  - to amend the motion;
  - to defer the motion to a fixed date;
  - to request the motion to be put to a vote; or



**Motion to Defer to a Fixed Date**

44. If a majority of Council decides to defer a motion to a fixed date, the motion can not be considered until the fixed date.

**Motion to Adjourn**

45. A motion to adjourn when all business of the Council meeting has been completed.
46. A motion to adjourn shall be decided without debate.

**Motion to Amend**

47. A motion to amend shall not;
- reverse the affirmative or negative intent of the original motion;
  - substantially change the intent of the motion.
48. Once a motion to amend has been made, the original motion is set aside until the amendment has been decided.
49. Any member of Council may make a motion to amend, but only one amendment to an amendment shall be allowed until the amended motions are voted on.
50. Amendments shall be put to council in the reverse order in which they were moved.

**Motion to Rescind or Reconsider**

51. A motion to rescind or reconsider a resolution shall only be considered by Council if a Council Committee or the administration recommends that the Council consider a motion to rescind or reconsider.
52. Any question may be reconsidered if a change has occurred in any material fact relied upon by Council in deciding the question or in the event that new information is made available to members of Council, which was not available at the time of Council's decision.

**Withdrawal of Motions**

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

**Notice of Motion**

54. A motion introducing a new matter shall not be considered by Council unless notice of motion has been submitted to the Administrator.
55. Council may, by unanimous consent of the members present, waive the requirement for notice.
56. All notices of motion received by the Administrator must be received in time to comply with the municipalities Public Notice Policy Bylaw and if not specified in the bylaw, at least 48 hours prior to the next scheduled meeting.

**Question of Privilege**

57. Any member of Council may make a request to the Reeve on any matter related to the rights and privileges of Council or individual councillors and ask that the Reeve rule on a question of privilege.
58. The Reeve shall rule whether or not the matter raised is a question of privilege.
59. If the matter is determined to be a question of privilege, the member of council who raised the question shall be permitted to speak to the matter.
60. If the question of privilege concerns a situation, circumstance or event which arose between meetings of Council, the member shall raise the matter immediately after the adoption of the minutes of the previous meeting.
61. A question of privilege is not subject to amendment or debate.



**Bylaws**

- 62. Every Bylaw must have three distinct and separate reading.
- 63. Each member of Council must be given an opportunity to read the full text.
- 64. A proposed bylaw must not have more than two readings at a council meeting unless the members of council present unanimously agree to consider the third reading.
- 65. Only the title or identifying number of the proposed bylaw must be read at each reading the bylaw.

**PART III  
COUNCIL COMMITTEES**

**Finance Committee**

- 66. The finance committee shall consist of two council members to be appointed annually
- 67. Its purpose is to prepare and review the budget and scrutinize the financial activities throughout the year.

**Machinery Committee**

- 68. The machinery committee shall consist of two council members appointed annually.
- 69. Its purpose is to oversee and authorize major equipment repairs and recommend equipment purchases.

**Road Committee**

- 70. The road committee shall consist of four council members including the councillor for the division in which the road work is being performed.
- 71. The members of the road committee shall be appointed annually.
- 72. The purpose of the road committee is to inspect and approve road construction projects and deal with miscellaneous road problem.

**Road Restriction Committee**

- 73. The road restriction committee shall consist of two council members to be appointed annually.
- 74. The purpose of the road restriction committee is to issue orders prohibiting the operation of tractors on any road; restrict vehicles having a gross weight in excess of 2,700 kg or any such greater weight.
- 75. The road restriction committee shall upon issuing an order fax all council members a copy of the said order.

**Cattle Guard Committee**

- 76. The cattle guard committee shall be appointed annually and shall be composed of three council members.
- 77. The purpose of the cattle guard committee shall be to approve all cattle guard applications, investigate any complaints received regarding cattle guards and take appropriate action.

**Human Resources Committee**

- 78. The human resources committee shall be appointed annually and shall be comprised of three council members.
- 79. The purpose of the human resource committee shall be employee assessments, dispute resolution, disciplinary issues, and job descriptions.



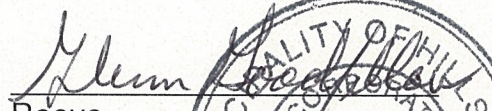
**PART IV  
MISCELLANEOUS**

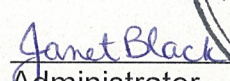
**Suspension of Rules**

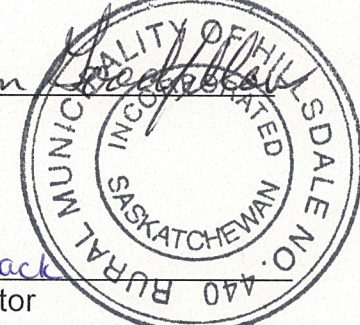
80. Procedural rules set out in this bylaw may be set aside or suspended:
- if all members are in attendance and agree when such a situation arises.
  - emergency situations decided by Council when they arise.

**Procedure for Repeal or Amendment of this Bylaw**


81. To amend or repeal this bylaw the following are required:
- prior notice is required to members of council
  - all members of council must be present
  - all readings will be passed by majority.
82. Bylaw 14/2005 is hereby repealed.
83. This bylaw becomes effective on January 1, 2009.

  
Reeve

  
Administrator



CERTIFIED a true copy of Bylaw  
No. 1, 2009 adopted by Council  
The 5<sup>th</sup> day of February, 2009

  
Administrator

