

# TOWN OF KIPLING

## BYLAW 4-2019

### A BYLAW TO ESTABLISH PROCEDURES OF THE COUNCIL OF THE TOWN OF KIPLING

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

#### 1. Short Title

This Bylaw may be cited as the Procedure Bylaw.

#### 2. Purpose

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

#### 3. Definitions

- (a) "Act" means *The Municipalities Act*.
- (b) "Deputy Mayor" means the councillor who is appointed by council pursuant to Section 15 of this bylaw to act as mayor in the absence or incapacity of the mayor.
- (c) "Administration" means the administrator or an employee accountable to the administrator.
- (d) "Acting Mayor" means the councillor elected by council to act as the mayor if a vacancy arises in that office.
- (e) "Adjourn" means to suspend proceedings to another time or place.
- (f) "Administrator" means the person appointed as the administrator pursuant to Section 110 of *The Municipalities Act*.
- (g) "Amendment" means an alteration of a main motion or an amendment substituting, adding or deleting a word(s) without altering the basic intent of the motion.
- (h) "Member of Council" means the Mayor or a Councillor.
- (i) "Motion to receive" means a motion which is made for the purpose of acknowledging the particular 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.
- (j) "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.

- (k) "Point of Procedure" means a question to the Mayor or 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.
- (l) "Quorum" is the majority of the members of Council or committee.
- (m) "Municipality" means the Town of Kipling.
- (n) "He" for the purposes of this Bylaw is not gender specific meaning it refers to either gender holding office at a specific time.
- (o) "Delegation" refers to one or more persons wishing to address Council.
- (p) "Public Hearing" means a hearing open to the public held specifically for the purpose of information, interaction or as required by an Act.
- (q) "*Member*" means the mayor, councilor or an appointed individual to a committee, commission or board of council.
- (r) "*Mover*" means a person who presents or proposes a motion or amendment.
- (s) "*Order of Business*" means the list of items comprising the agenda and the order in which those items appear on the agenda.
- (t) "*Committee of the Whole*" means members present at a meeting of Council sitting in committee.
- (u) "*Committee*" means a committee, board, authority or other body duly appointed by council.
- (v) "*Chair*" means a person who has the authority to preside over a meeting

#### 4. Application

- a. This bylaw applies to all meetings of council and committees.
- b. Notwithstanding subsection 4(a), council may by resolution or bylaw allow a board and committee to establish its own procedures.
- c. When any matter relating to proceedings arise which is not covered a provision of this bylaw, the matter shall be decided by reference to Robert's Rules of Order, current edition.
- d. In the event of any conflict between the provisions of this bylaw and those contained in any of the other authorities set out above the provision of this bylaw shall apply.
- e. Subject to subsection 4(c), any ruling of the mayor or chair shall prevail, subject, however, to the jurisdiction of council or the committee to consider any appeals of those rulings.

**PART 1  
MEETINGS OF COUNCIL**

**5. First Meeting of Council**

- a) The first meeting of council following a general election will be held within 31 days after the date of the election.
- b) The Administrator shall determine the time, date and place of the meeting.
- c) 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

**6. Regular Meetings of Council and Committees**

- a) Regularly scheduled council meetings shall be held on the second Monday of each month at 7:00 pm in the Council Chambers, 301 6<sup>th</sup> Avenue, meeting room two at the Kipling Community Centre.
- b) A Council meeting may be held with less than 24 hours' notice to the Council and no notice to the public if all members of Council sign a waiver before the commencement of the meeting.
- c) If a Committee does not have regularly scheduled meetings, the Council shall give notice of each meeting to the committee members and to the public at least 24 hours before the meeting.
- d) A Council meeting held solely for the purpose of long range planning or strategic planning may be held without notice to the public.

**7. Special Meetings of Council**

- a) The Administrator shall call a special meeting of Council whenever requested by the Mayor or a 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.
- 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.

## **8. Change of Meetings**

If Council changes the date, time or place of a regularly scheduled meeting, the Council shall give notice of the change to any members of Council not present at the meeting at which the change was made and to the public at least 24 hours before the changed meeting.

## **9. Methods of Giving Notice**

- a) When notice is required for regular or special meetings of Council or committees, it will be:
  - (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
- b) Notice to the public of a council meeting or council committee meeting as set out in the municipality's Public Notice Policy Bylaw 12-2005.

## **10. Actions in Public**

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.

## **11. Meetings to be in Public**

- a) Subject to Section 120 subsection (b), Council and Council committees are required to conduct its meetings in public.
- b) 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.

## **12. Meetings through Electronic Means**

- a) A Council or Committee meeting may be conducted electronic means if public notice procedures are implemented;
- b) The facilities enable the public to listen to the meeting and the CAO is in attendance.
- c) All participants are able to communicate adequately with each other during the meeting.
- d) All Council or committee members participating in a meeting held by electronic means are deemed to be present at the meeting.

## **13. Closed Sessions**

- a) 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 111 of The Local Authority Freedom of Information and Protection of Privacy Act; or
  - b. 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 meeting to the public, all persons shall be excluded from the meeting except;
  - a. The members of council;
  - b. The administrator and other members of administration as the members of council may deem appropriate; and
  - c. Such members of the public as may be allowed to attend by the council.
- d) 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-cameral portion of the meeting commenced and concluded;
  - b. The names of the parties present; and
  - c. The legislative authority including the exemptions in Part 111 of The Local Authority Freedom of Information and Protection of Privacy Act relied upon for the authority to close the meeting to the public.
  - e) No resolutions or bylaws may be passed during a closed meeting.
  - f) No business other than that described within the resolution pursuant to subsection 13(b) may be discussed.
  - g) Matters discussed or to be discussed in a closed meeting are to be kept in confidence until discussed at the public meeting of council, unless otherwise provided for in the bylaw.

**PART II  
COUNCIL MEETING PROCEDURES**

**14. Mayor**

- (a) The Mayor shall:
  - a. Preside all council meetings;
  - b. Preserve order at council meetings;
  - c. Enforce the rules of council;
  - d. Decide points of privilege and points of order; and
  - e. Advise on points of procedure.
  
- (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
  - a. Vacate the chair, and request that the deputy mayor take the chair;
  - b. The mayor shall remain out of the chair until the motion has been dealt with.
  
- (e) The Mayor is a member of all Council and committees and bodies established by council pursuant to *The Municipalities Act*, unless Council provides otherwise.
  
- (f) If neither the Mayor nor Deputy Mayor appear within ten (10) minutes of a duly scheduled regular or special meeting, the Administrator shall call the members to order and, a quorum being present, an acting mayor shall be elected from those present, who shall preside until the Mayor or Deputy Mayor arrive; or the entire meeting if necessary.  
As the presiding officer, he shall have the same authority at the meeting as the Mayor or Deputy Mayor would have if present.

**15. 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.
- (b) The Deputy Mayor shall perform the duties of Mayor if the Mayor is unable to perform the duties of the Mayor or the office of Mayor becomes vacant.

- (c) Council may appoint an Acting Mayor if both the Mayor and Deputy Mayor are unable to perform their duties or both the office of Mayor and Deputy Mayor are vacant.
- (d) The member to be appointed, pursuant to subsection 15(c) shall be elected by a majority of the members present.
- (e) In the case of a tie vote, the administrator shall:
  - a. write the names of the members on separate sheets of paper
  - b. fold the sheets so the names are concealed;
  - c. direct a person to withdraw one of the sheets.
- (e) The member whose name is on the sheet withdrawn pursuant to subsection 14(e) shall be declared elected.

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

The general order of business of every regular council meeting shall be as follows:

- (a) Call to Order
- (b) Declaration of Conflict of Interest
- (c) Approval of agenda;
- (d) Adoption of minutes;
- (e) Notice of Proclamations
- (f) Public Hearings
- (g) Delegations
- (h) Foreman Report
- (i) Administrator Report (CAO)
  - i. Financial Reports
  - ii. Accounts for Approval
- (j) Committee Reports
- (k) Recess
- (l) Old Business
- (m) New Business
- (n) Correspondence
- (o) Adjournment

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; or
- (b) The mayor determines during the proceedings of council that for public interest a matter be moved forward to be dealt with promptly.

**17. Submissions/Correspondence to Council**

- (a) The deadline for submissions or correspondence to be included on the agenda is 4:00 p.m. on the Tuesday prior to the regular meeting.
- (b) Late submissions may be included as additions to the agenda at the discretion of the Administrator.
- (c) Department Head Reports are to be submitted by 12:00 Noon the Thursday prior to the regular meeting.
- (d) Submissions and Correspondence that are sent anonymously shall not be placed on the agenda.

**18. Delegations**

- (a) A person wishing to speak to an item already on the agenda shall apply to the Administrator no later than 4:00 pm the day of the regular meeting.
- (b) A person wishing to speak to Council on an item not on the agenda shall apply to the Administrator no later than 4:00 p.m. on the Thursday prior to the regular meeting.
- (c) A person applying to speak to council shall provide the Administrator with the following:
  - (i) Identify who will be speaking to Council, including contact information;
  - (ii) Give a concise description of the issue being addressed or request being made of council.
- (e) Each delegation will be allocated 15 minutes to make their presentation including questions Council may have. The mayor or presiding officer will thank the delegation, and advise them that Council will advise them of their decision, as soon as possible. The matter will then be brought up under "old business" for discussion and decision.

**19. Proclamations**

- (a) All request 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 days prior to the proposed date for the proclamation. However, exceptions may be made in extenuating circumstances.



- (b) Subject to The Saskatchewan Human Rights Code, the mayor may, in his or her sole discretion, approve the proclamation submitted pursuant to subsection 19 (a) 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 illegal activity; or
  - c. Contain any inflammatory, obscene or libelous statement.
- (c) The mayor may issue the proclamation:
- i. in the word and form of the proclamation as submitted; or
  - ii. in words and form chosen by the mayor; or
  - iii. forward the proclamation for consideration by council.
- (d) Once the proclamation has been approved, the proclamation shall be noted on the appropriate council agenda as information.
- (e) Council having delegated the administration of proclamations, shall not hear delegations related to proclamation requests

## **20. Conduct of Public**

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

- (a) refrain from addressing council or a member unless permitted to do so;
- (b) maintain quiet and order;
- (c) refrain from disturbing the proceedings by words, gestures or actions including applauding, displaying flags, placards or similar material;
- (d) refrain from talking on cellular telephones;
- (e) refrain from making audio or video recordings of council proceedings; and
- (f) ensure that all electronic devices are silent and operated in such a manner that does not interfere with the meeting or with another person's ability to hear or view the proceedings.

## **21. Conduct of Delegations**

When addressing members at a council meeting, a delegation shall refrain from:

- (a) speaking disrespectfully of the federal government, the provincial government or another municipal council, or any official representing them;
- (b) using offensive words in referring to a member, an employee of the municipality or a member of the public;

- (c) reflecting on a vote of council except when moving to rescind or reconsider it;
- (d) reflecting on the motives of the members who voted on the motion or the mover of the motion; or
- (e) shouting or using an immoderate tone, profane, vulgar or offensive language.

## **22. Conduct of Members**

- (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 addressing a council meeting, a member shall refrain from:
  - a. speaking disrespectfully of the federal government, the provincial government or another municipal council, or any official representing them;
  - b. using offensive words in referring to a member, an employee of the municipality or a member of the public;
  - c. reflecting a vote of council except when moving to rescinding or reconsider it;
  - d. reflecting on the motives of the members who voted on the motion or the mover of the motion; or
  - e. shouting or using an immoderate tone, profane, vulgar or offensive language.
- (d) When a member is addressing the council, all other members shall:
  - a. remain quiet and seated;
  - b. refrain from interrupting the speaker, except on a point of order or point of procedure; and
  - c. refrain from carrying on a private conversation in such a manner that disturbs the speaker.
  - d. members shall ensure that all electronic devices remain silent and do not interfere with the meeting.

## **23. Calling a Member to Order**

When the mayor calls a member to order, the member shall resume his seat, but may afterwards explain his or her position in making the remark for which is or she was called to order.

In the event that a member refuses to resume his 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 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 for his unruly behavior, whichever shall be the shortest time.

When the majority of 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:

- a. recess the meeting until the person leaves or adjourn the meeting to another day; or
- b. direct that law enforcement official be engaged to assist in the removal of the unruly member.

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 place if he has not left or been removed, or to retake his place.

#### **24. Quorum**

- (a) The quorum of Council is the majority of members of Council, except as provided in this or any other Act.
- (b) No act or proceeding that is adopted at any meeting of Council in which a quorum is not present is valid.

#### **25. Voting**

- (a) A Council member has one vote each time a vote is held.
- (b) 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.
- (c) 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.
- (d) The Administrator shall ensure that each abstention and the reasons for the abstentions are recorded in the minutes of the meeting.
- (e) All questions are to be decided by the majority of votes, unless the Council requires a greater percentage of votes.

**26. Recorded and Tied Vote**

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

**27. Motions – General**

- (a) A motion shall express fully and clearly the intent of the mover and shall not be preceded by any preamble or whereas clauses.
- (b) A motion shall not be considered unless it has been seconded.
- (c) When a motion is under debate no other motion may be made, except:
  - (i) to refer the motion to a Council committee or the administration.
  - (ii) to amend the motion;
  - (iii) to defer the motion to a fixed date;
  - (iv) to request the motion to be put to a vote; or
  - (v) to adjourn the meeting
- (d) No member shall speak more than twice on the same question without permission from the Chair and no member shall speak more than five minutes without the permission of the Chair.
- (e) When the presiding officer is putting the question, no member shall walk across or out of the room or make any noise or disturbance. When a member is speaking, no other member shall pass between him and the chair, converse with the chairman or interrupt the speaker except to raise a point of order.
- (f) After a vote has been called for by the presiding officer, no member shall speak to the question, nor shall any other motion be made until the result of the vote has been declared. The decision of the presiding officer whether the question has been finally put shall be final.
- (g) When any motion is made, it shall be stated by the Chair or Administrator, before debate commences.
  - (h) 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:
    - (a) on his or her own initiative while he or she is speaking on the same; or

(b) 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 alternation does not change the intention of the motion.

**28. Motion to Adjourn**

- (a) A motion to adjourn is allowed at any time during a Council meeting, except:
  - (i) When a member of Council is speaking;
  - (ii) When the members of Council are voting on a motion;
  - (iii) When a recorded vote is being taken;
  - (iv) When it has been requested that a motion be put to a vote;
  - (v) When Council is in the Committee of the Whole or in camera
- (b) A motion to adjourn shall be decided without debate

**29. Motion to Amend**

- (a) A motion to amend shall not:
  - (i) Reverse the affirmative or negative intent of the original motion
  - (ii) Substantially change the intent of the motion
- (b) Once a motion to amend has been made, the original motion is set aside until the amendment has been decided
- (c) 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
- (d) Amendments shall be put to Council in the reverse order to the order in which they were moved.

**30. Motion to Rescind or Reconsider**

- (b) 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

- (c) A motion to reconsider shall require at least 85% of Council members to pass, regardless of the number of members present.

**31. Withdrawal of Motions**

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

**32. Point of Order**

- (a) When any member of Council believes that another member of Council has not followed the rules of procedure of Council, they may ask that the Mayor rule on a point of order.
- (b) A Point of Order must be raised immediately at the time the rules of procedure are breached.
- (c) The member of Council against whom the point of order is raised may be granted permission by the Mayor to explain.
- (f) A Point of Order is not subject to amendment or debate

**33. Question of Privilege**

- (a) Any member of Council may make a request to the Mayor on any matter related to the rights and privileges of Council or individual Councillors and ask that the Mayor rule on a question of privilege.
- (b) The Mayor shall rule whether or not the matter raised is a question of privilege.
- (c) 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.
- (d) 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.
- (e) A question of privilege is not subject to amendment or debate.

### **34. Bylaws**

- (a) Every Bylaw must have three distinct and separate readings.
- (b) Each member of Council must be given an opportunity to read the full text of the Bylaw.
- (c) Proposed Bylaws must be circulated to Council members 24 hours previous to the commencement of the meeting at which they will be considered.
- (d) 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.
- (e) Only the title or identifying number of the proposed Bylaw must be read at each reading of the Bylaw.

### **35. Public Hearings**

- (a) The Mayor, Deputy Mayor or relevant committee representative and Administrator shall attend public hearings.

A public hearing shall be taken up in the order as follows:

- (a) The Mayor or Deputy Mayor shall declare the hearing open;
  - (b) The Administrator shall present a report on the matter under consideration;
  - (c) An applicant or delegation shall be given the opportunity to make a verbal presentation; as well as submit in writing the presentation on the matter under consideration;
  - (d) Other comments;
  - (e) The mayor shall declare the hearing closed.
  - (f) The time allowed for each person making representations shall be 15 minutes.
- (b) In cases where no delegations are present, the Mayor or Deputy Mayor shall close the hearing after a time period of fifteen (15) minutes from the start of the hearing as advertised.
  - (c) A member shall abstain from taking part in at 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.
  - (d) The Mayor or Deputy Mayor may adjourn the hearing to a later Date should the situation warrant it.

**PART III  
COMING INTO FORCE**

36. Bylaw 1-2016 and 6-2017 are hereby repealed. This Bylaw shall come into force effective on the day it is passed by Council.

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*Mayor*

\_\_\_\_\_  
*Administrator*