

Village of Val Marie
Bylaw 5-16
COUNCIL PROCEDURES BYLAW

OFFICE CONSOLIDATION
As at April 13, 2016
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Council Procedures Bylaw

Village of Val Marie

BYLAW NO 5-16

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

The Council of the Village of Val Marie, in the Province of Saskatchewan enacts as follows:

PART I – INTERPRETATION

1. Short Title

1.1 This bylaw may be cited as “The Council 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, for council members, administrations and the public to follow and participate in governing the municipality and for council in establishing council committees.

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 as administrator pursuant to section 111 of the Act.
- (f) “Agenda deadline” means the time established in subsection 13.6 of this bylaw.
- (g) “Business day” means a day other than a Saturday, Sunday or holiday.
- (h) “Chair” means a person who has the authority to preside over a meeting.
- (i) “Committee” means a committee, board, authority or other body duly appointed by council.
- (j) “Communications” include, but are not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, or newspaper/magazine article.
- (k) “Council” means the Mayor and councillors of the municipality elected pursuant to the provisions of *The Local Government Election Act*.
- (l) “Councillor” means the council member duly elected in the municipality as a councillor, in accordance with *The Local Government Election Act*.
- (m) “Deputy Mayor” means the councillor who is appointed by council, pursuant to section 26 of this bylaw, to act as Mayor in the absence or incapacity of the Mayor.
- (n) “Mayor” means the council member duly elected in the municipality as the Mayor in accordance with *The Local Government Election Act*.
- (o) “Member” means the Mayor, councillor or an appointed individual to a committee, commission or board of council.
- (p) “Motion” means a formal proposal placed before or at meeting in order that it may be debated to a conclusion.
- (q) “Mover” means a person who presents or proposes a motion.
- (r) “Municipality” means the Village of Val Marie.
- (s) “Order of business” means the list of items comprising the agenda and the order in which those items appear on the agenda.
- (t) “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.
- (u) “Quorum” is, subject to sections 98 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.
 - (v) "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.
 - (w) "Resolution" means a formal determination made by council or a committee on the basis of a motion, duly placed before a regularly constituted meeting or a special meeting of council or a committee for debate and decision, and is duly passed.
 - (x) "Special committee" means a committee appointed by council at any time to deal with a specific issue(s) and exist for a length of time required to review the issue(s) and make recommendations to council.
 - (y) "Special meeting" means a meeting other than a regular scheduled meeting called pursuant to section 123 of the Act or the provisions of this bylaw.
 - (z) "Subcommittee" means a committee established by a committee, Commission or board to review and report on an aspect of the committee, Commission or board's business.
 - (aa) "Unfinished Business" means business which has been raised at the same, or a previous meeting, and which has not been completed.
 - (bb) "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.

4. Application

- 4.1 This bylaw applies to all meetings of council and committees of the council.
- 4.2 Notwithstanding subsection 4.1, council may by resolution or bylaw allow a board and 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 and those contained in any of the other authorities set out above, the provision of this bylaw shall apply.
- 4.5 Subject to subsection 4.3, 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 II – MEETINGS

5. First Meeting

- 5.1 The first meeting of council after a general election shall be called by the administrator within 31 days immediately following a general election.
- 5.2 At the first meeting of council after a general election:
 - (a) the Returning Officer shall provide council with a copy of the declaration of results with respect to the election; and

6. Regular Meetings

- 6.1 Regular meetings of council shall set by resolution of Council.
- 6.2 Council may, by resolution, authorize the Mayor to reschedule a regular meeting of council pursuant to the Act during a period of time to be specified within the resolution.
- 6.3 If a regular meeting needs to be rescheduled due to lack of quorum, the Administrator or the Mayor may reschedule the meeting pursuant to the notice requirements set out in section 9.3

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 members.
- 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 of this bylaw and to the public at least twenty-four (24) hours prior

to the meeting and, in general terms, of the business to be transacted at the meeting.

- 7.5 Notwithstanding subsection 7.2, 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 members of council may participate in a council meeting by means of a telephonic, electronic or other communication facility if:
- (a) the members of council provide the administrator with at least two (2) business days' notice before the agenda deadline of their intent to participate in this manner.
 - (b) notice of the council meeting is given 24 hours before the beginning of the meeting to the public indicating that members of the Council will be participating via electronic means;
 - (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 council meeting.
- 8.2 Members participating in a council meeting held by means of a communication facility are deemed to be present at the council meeting.
- 8.3 Requests for spectators and the viewing public to observe the meeting electronically will not be accommodated.
- 8.4 Requests for delegates to attend via electronic means will be accommodated within the parameters of this bylaw and the Act.

9. Notice of Meetings

- 9.1 Notice of council meetings set by resolution is not required to be given to members of the Council.
- 9.2 Notice of council meetings to the public will be posted by the administrator, per section 10.3, within 5 business days after the meeting date has been set.
- 9.3 If a meeting is rescheduled pursuant to section 6.3 two (2) business days' notice of the rescheduled date must be given to the members and to 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) at the request of the member, sent by ordinary mail, telephone or voice mail, facsimile or electronic mail or similar 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 municipal office and on the municipal website.

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 meetings that are conducted in public 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) the members of council;
 - (b) the administrator and other members of administration as the members of council may deem appropriate; and
 - (c) any other person that Council deems necessary to discuss the topic at which the closed session was called for.
- 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* relied upon for authority 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 a closed meeting 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 regular and special 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 available at the municipal office to each council member at the call to order of the meeting.
- 13.4 Council meeting agendas are to be made available to the public at the same time the agendas are made available to the council members.
- 13.5 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 12:00 p.m. one (1) business day immediately preceding the council meeting.
- 13.6 Council may, on a majority vote, permit additional material on the agenda.

14. Order of Business at Meetings

- 14.1 The general order of business of every regular council meeting shall be as follows:
 - (a) Call to order;
 - (b) Adoption of Minutes;
 - (c) Public hearings;
 - (d) Delegations;
 - (e) Reports of Administration & Committees;
 - (f) Unfinished business;
 - (g) New business;
 - (h) Communications;
 - (i) Mayor and councillors forum;
 - (j) Adjournment.
- 14.2 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.

15. Commencement of Council Meeting

- 15.1 At the hour set for the meeting, or as soon as all members of council present, the Mayor, or in his or her absence the deputy Mayor, shall take the chair and call the members to order.

- 15.2 In case neither the Mayor nor the deputy Mayor is in attendance within 5 minutes after the hour appointed, and subject to a quorum being present, council shall appoint an acting Mayor pursuant to section 35 of this bylaw who shall call the meeting to order and shall preside over the meeting until the arrival of the Mayor or the deputy Mayor, and all proceedings of such meeting shall be deemed to be regular, and in full force and effect.
- 15.3 If a quorum is not present 15 minutes after the time appointed for the meeting, 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 in the meantime.
- 15.4 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.
- 15.5 Any unfinished business remaining at the time of the adjournment, due to the loss of the quorum, shall be considered at the next regular meeting, or it shall be placed on the agenda for a special meeting called for the purpose of dealing with the unfinished items.
- 15.6 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. Quorum

- 16.1 A quorum of council is a majority of members.
- 16.2 Any act or proceeding of council that is adopted at any council meeting at which a quorum is not present is invalid.

17. Minutes

- 17.1 The administrator shall record the minutes of each council meeting without note or comment and shall make copies of the minutes available at the office to each member at the next meeting of council for approval.
- 17.2 The names of the members present at the meeting are to be recorded in the minutes of every meeting.
- 17.3 Any member may make a motion amending the minutes to correct any mistakes.
- 17.4 The minutes of each meeting are to be approved at the next regular meeting of the council and signed by the presiding member and the administrator in accordance with the Act.

18. Public Hearing

- 18.1 If a public hearing is required by any Act, it shall be conducted in accordance with the provisions of this section.
- 18.2 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 administration shall present a report on the bylaw or resolution under consideration including the administration 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.
- 18.3 The time allowed for each person making representations shall be 10 minutes.
- 18.4 A hearing may be adjourned to a certain date.
- 18.5 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.

19. Communications

- 19.1 When a person wishes to have a communication considered by council, it shall be addressed to council, and:
- (a) clearly set out the matter in issue and the request; and
 - (b) for written communications, 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 electronic communication, must contain the name of the writer and both the mailing and electronic address of the writer.
- 19.2 A communication received by the administrator, which does not meet the conditions in subsection 19.1 will be presented to Council at the discretion of the Administrator.
- 19.3 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*.
- 19.4 All communications intended for inclusion on the council agenda must be received by the administrator no later than the agenda deadline.
- 19.5 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.
- 19.6 In the event that the communication to the administrator is received 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 the communication may not be considered by council unless the majority of members vote to allow the communication.

20. Delegations

- 20.1 When a person wishes to speak to council regarding any matter and for which a hearing is not required, that person shall notify the administrator and provide the following information:
- (a) the name, title and organization in which the person is associated with;
 - (b) the correct mailing address of the spokesperson;
 - (c) telephone number where the representative of the delegation can be reached during the day;
 - (d) clearly setting out the subject matter to be discussed and the request being made of council.
 - (e) the request must be made to the administrator before the agenda deadline outlined in section 13.5.
- 20.2 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 and the delegations will be advised by the administrator that they may not be heard by council unless the majority of members vote to allow the delegation to speak.
- 20.3 A maximum of 30 minutes shall be allotted for each delegation.
- 20.4 If a delegate is requesting more than 30 minutes time with Council, the Administrator must seek approval from the Mayor or Deputy Mayor before placing more than 30 mins on the agenda for any one delegate.

21. Mayor and Councillors Forum

- 21.1 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.
- 21.2 All comments will be verbal only and shall not be recorded in the minutes of the meeting.

22. Bylaws

- 22.1 Every proposed bylaw must have three (3) distinct and separate readings.
- 22.2 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.
- 22.3 A proposed bylaw will be considered by council immediately following consideration of the report or item to which the bylaw relates.
- 22.4 Only the title or identifying number has to be read at each reading of the bylaw.

- 22.5 Each member present at the meeting at which first reading is to take place must be given or have had the opportunity to review the full text of the proposed bylaw before the bylaw receives first reading.
- 22.6 Each member present at the meeting at which third reading is to take place must, before the proposed bylaw receives third reading, be given or have had the opportunity to review the full text of the proposed bylaw and of any amendments that were passed after first reading.
- 22.7 When a bylaw has been given three (3) readings by council, it:
 - (a) becomes a municipal enactment of the municipality; and
 - (b) is effective immediately unless the bylaw or an applicable provincial statute provides otherwise.
- 22.8 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.
- 22.9 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.

23. Recess

- 23.1 The council may recess at any time during the meeting.
- 23.2 A motion to recess must state the time of duration of the recess, and must be passed by a majority of the members present.
- 23.3 The council may reconvene sooner than the time mentioned in the motion of recess, but must not reconvene later than 10 minutes after the time specified for reconvening or the meeting shall be deemed to be adjourned due to a lack of quorum.

24. Adjournment

- 24.1 All regularly scheduled council meetings shall stand adjourned when the council has completed all business as listed on the order of business.

PART IV – CONDUCT AT COUNCIL MEETINGS

25. Mayor

- 25.1 The Mayor shall:
 - (a) preside at 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.
- 25.2 The Mayor shall have the same rights and be subject to the same restrictions, when participating in debate, as all other members.
- 25.3 The Mayor shall have the same rights and be subject to the same restrictions as all other members to make a motion.

26. Deputy Mayor

- 26.1 The council shall, at its organizational meeting in November of each year, or as soon thereafter as conveniently possible and whenever the office becomes vacant, appoint from the councillors a deputy Mayor who shall hold office until a successor is appointed.
- 26.2 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 the inability.

27. Acting Mayor

- 27.1 Council shall, appoint a member to act as Mayor if:
 - (a) both the Mayor and the deputy Mayor, if one has been appointed pursuant to section 26, 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.
- 27.2 The member to be appointed, pursuant to subsection 27.1, shall be elected by a majority of the members present.
- 27.3 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.
- 27.4 The member whose name is on the sheet withdrawn pursuant to subsection 27.3(d) shall be declared elected.

28. Persons Allowed at the Table

- 28.1 No person, except members, the administrator and other members of administration as authorized by the administrator and such persons as are permitted by the Mayor shall be allowed to be seated at the council table during the sittings of the council, without permission of the Mayor or other presiding member.

29. Conduct of Public

- 29.1 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.

30. Conduct of Delegations

- 30.1 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.

31. Conduct of Members

- 31.1 Members of council wishing to speak at a meeting shall ensure they do not interrupt another member.
- 31.2 If more than one member wishes to speak at a meeting at the same time, the Mayor shall indicate which member shall speak first.
- 31.3 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 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.
- 31.4 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 such a manner that disturbs the speaker.
- 31.5 Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.

32. Improper Conduct

- 32.1 The Mayor 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 29, leave or be expelled from the meeting.
- 32.2 The Mayor may request that any delegation who addresses council improperly as set out in section 30, leave or be expelled from the meeting.
- 32.3 No person shall refuse to leave a council meeting when requested to do so by the Mayor.
- 32.4 Any person who refuses to leave when requested to do so may be removed.
- 32.5 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.

33. Leaving the Meeting

- 33.1 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.

PART V – MOTIONS

34. Motions and Debate

- 34.1 Council will discuss freely and informally, without a motion to move into an informal session, any matter or issue which is before them.
- 34.2 There is no limitation as to the amount of times a member can speak on an issue and members do not have to address the chair before speaking.
- 34.3 Motions will be formulated at the council meeting and will generally reflect the agreement or consensus of the group regarding a particular matter.
- 34.4 A motion shall express fully and clearly the intent of the mover and may be preceded by whereas clauses for the purpose of clarification of the motion in the minutes.
- 34.5 Once a motion has been moved, debate will be considered when the questions is called by any member.
- 34.6 All motions allowed shall be considered in the order in which they were moved.

35. Motion to Adjourn

- 35.1 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) a previous motion to adjourn has been defeated and no other intermediate proceeding has taken place.
- 35.2 A motion to adjourn shall be decided without debate.

36. Motion to Move to a Closed Meeting

- 36.1 A member may make a motion that a council meeting move to a closed meeting.
- 36.2 The motion to move to a closed meeting must:
 - (a) be in accordance with *The Local Authority Freedom of Information and Protection of Privacy Act*;
 - (b) the titles or subject of the item(s) to be discussed; and
 - (c) include the reason for the council meeting to be held in a closed meeting.
- 36.3 No bylaw or resolution shall be passed during a closed meeting.

37. Motion Contrary to Rules

- 37.1 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.

38. Withdrawal of Motions

- 38.1 The mover of a motion may withdraw it at any time prior to a vote being taken or prior to the motion being amended. Withdrawn motions that were debated but not voted on will not be recorded in the minutes.

39. Motion to Reconsider

- 39.1 A motion to reconsider shall apply to resolutions only, and shall not apply to bylaws passed by council.

- 39.2 A motion to reconsider is in order whether the original motion passed or failed.
- 39.3 A motion to reconsider may only be made at the same council meeting as the original motion was voted on.
- 39.4 A motion to reconsider must be moved by a member who voted with the prevailing side of the original motion.
- 39.5 When a motion loses on a tied vote, the prevailing side is those who voted against the motion.
- 39.6 A motion to reconsider may be seconded by any member regardless how the member voted on the original motion.
- 39.7 A motion to reconsider is debatable only if the motion being reconsidered is debatable.
- 39.8 A motion to reconsider cannot be amended.
- 39.9 A motion to reconsider shall require a majority vote of the members present at the meeting.
- 39.10 If a motion to reconsider is adopted, the original motion is immediately placed before council to be reconsidered.
- 39.11 Once a vote on a motion to reconsider has taken place, there shall be no further motion to reconsider that resolution.

40. Motion to Rescind

- 40.1 A motion to rescind shall apply to resolutions only, and shall not apply to bylaws passed by council.
- 40.2 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.
- 40.3 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.
- 40.4 A motion to rescind may be moved and seconded by any council member regardless how they voted on the original motion.
- 40.5 A motion to rescind is debatable.
- 40.6 A motion to rescind may be amended.
- 40.7 A motion to rescind shall, in all cases, require a majority vote of all council members to pass.
- 40.8 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.

41. Motion to Postpone

- 41.1 Where a majority of all members decide to postpone a matter to a fixed date, the motion cannot be considered by council until the fixed date.
- 41.2 The only amendment allowed to a motion to postpone to a fixed date is to change the date.

42. Motion to Refer

- 42.1 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.
- 42.2 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.

43. Legal Advice

- 43.1 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.

44. Voting of Council

- 44.1 A member of council has one vote each time a vote is held at a council meeting at which the member is present.
- 44.2 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.

- 44.3 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.
- 44.4 The administrator shall ensure that each abstention is recorded in the minutes of the meeting.

45. Voting of Mayor

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

46. Majority Decision

- 46.1 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.

47. Recorded Vote

- 47.1 Before a vote is taken by council, a member may request that the vote be recorded.
- 47.2 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.

48. Tied Vote

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

PART VI – COMMITTEES

49. Procedure for Appointments

- 49.1 The administrator shall utilize the following procedure for appointments to committees where there are no procedures outlining how appointments are made:
 - (a) Prior to October 1, inquire if any persons who held previous appointments will accept another term;
 - (b) At the October meeting of Council, present Council with a list of appointments which will not be filled with incumbents;
 - (c) Prior to November 1st, by advertisement, invite submissions from the public for appointments to which council is entitled to make appointments to in the ensuing term;
 - (d) At the Organizational Meeting of Council in November, receive submissions from members of council for appointments to which council is entitled to make appointments to in the ensuing term;
 - (e) Compile all applications received and provide the compiled applications to council.

50. Term

- 50.1 Appointments to committees shall be for a one (1) year term beginning on January 1st to December 31st of the following year.
- 50.2 Notwithstanding subsection 59.1, in a general election year, the term of appointments shall be reduced to coincide with the day of the election.
- 50.3 The administrator or committee secretary shall advise council of any members absent for more than two (2) meetings within a calendar year, and request that a warning correspondence be forwarded to the member, as well, if the member misses three (3) meetings, within a calendar year, council be advised to decide if the member should be removed from the committee.
- 50.4 Council may, in its discretion, revoke the membership of any individual whom has been appointed to a committee.

51. Committee Procedures

- 51.1 Council may from time to time establish a committee in response to specific issues requiring immediate or long term attention.
- 51.2 The membership and jurisdiction of a committee shall be as provided for in the enabling legislation or as directed by council.
- 51.3 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.
- 51.4 The chair of all committees established by council shall be designated by council, unless council directs otherwise.

- 51.5 All councillors may attend the meetings of committees established pursuant to the Act, and may take part in the proceedings of the same, except that non-committee members shall not have a vote.
- 51.6 Each committee shall meet as soon as possible after it has been appointed and where a chair has not been appointed by council, members of that committee shall select a chair and vice-chair, and if required, decide the day and time for holding its regular meetings.
- 51.7 The chair shall preside at every meeting, participate in the debate and shall vote on all motions.
- 51.8 In the absence of the chair, the vice-chair shall preside, and in the absence of both the chair and the vice-chair, one (1) of the other members of the committee shall be elected to preside, and shall discharge the duties of the chair during the meeting or until the arrival of the chair or Vice-chair.
- 51.9 An act or proceeding of a committee is not effective unless it is authorized or adopted by a resolution at a duly constituted public committee meeting.
- 51.10 Everyone has the right to be present at committee meetings that are conducted in public unless the chair expels a person for improper conduct.
- 51.11 Subject to subsection 14, committees shall conduct all committee meetings in public.
- 51.12 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*.
- 51.13 Notice of regularly scheduled committee meetings is not required to be given.
- 51.14 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.
- 51.15 Notwithstanding subsection 51.14, a committee meeting may be held with less than twenty-four (24) hours' notice to all members and without notice to the public if all committee members agree to do so, in writing, immediately before the beginning of the meeting.
- 51.16 The consent to waive notice of a change in date, time or place of a meeting pursuant to subsection 50.15 may be given in person or by facsimile, electronic mail and other similar means.
- 51.17 If a committee cancels its regularly scheduled meeting, the secretary of the committee 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.
- 51.18 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 70.17.
- 51.19 For committees operating without regularly scheduled meeting, 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.
- 51.20 Two (2) business days notice of meetings that are not regularly scheduled must be given to the public.
- 51.21 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.
- 51.22 Each committee, whom the administrator does not provide secretarial services to, will recommend to the administrator the appointment of a Secretary, who will be responsible for:
- (a) tracking the attendance;
 - (b) preparing meeting agendas and minutes; and
 - (c) reporting the committee's decisions to council.
- 51.23 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 administrator or the secretary and will be subject to the requirements set out in sections 22 to 26 of this bylaw.
- 51.24 Upon receipt of such communication, the administrator or Secretary shall place the communication on the agenda of the next meeting of the committee for its consideration;

- 51.25 All submissions to committees must be received by the administrator or Secretary within the established deadlines, usually four (4) business days prior to the meeting.
- 51.26 Reporting to committees shall be provided through the administrator or the secretary.
- 51.27 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.
- 51.28 Notice to the public of a committee meeting as required by subsections 51.14 to 50.17 is sufficient if the notice is posted at the municipal office.
- 51.29 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.
- 51.30 The Secretary shall record the minutes, without note or comment.
- 51.31 The minutes of the committee shall be distributed to each member at least twenty-four (24) hours' before the next committee meeting for consideration.
- 51.32 After the minutes have received approval of a majority of the members present, they shall be signed by the presiding member and secretary. Once signed, the original minutes shall be forwarded to the administrator for presentation to council and for safekeeping.
- 51.33 All minutes, once approved, shall be open for inspection by the public.
- 51.34 No member shall release or otherwise make public any information considered at a closed meeting, 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.
- 51.35 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 if adopted, shall become the resolve of council.
- 51.36 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 30 of this bylaw.
- 51.37 The conduct of members shall be subject to the requirements as set out in section 31 of this bylaw.
- 51.38 The chair may request any individual to be expelled from a meeting, in accordance with the guidelines as set out in section 32 of this bylaw.

PART VII – MISCELLANEOUS

52. Coming Into Force

- 52.1 This bylaw shall come into force and take effect on the day of its passing.
Passed on the 13th day of April 2016

**Bylaw # 3-16
Form 1 – Request for a Special Meeting**

Date: _____

To: _____, Administrator, Village of Val Marie

Pursuant to section 123 of the Act, I / we hereby request you to call a special meeting of the Council of the Village of Val Marie 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(1) of the Act
- Notice not provided pursuant to subsection 123(3) of the Act

Bylaw # 3-16
Form 2 – Request for Method of Providing Notice

Date: _____

To: _____, Administrator, Village of Val Marie

From: _____ (name of council member)

Section 124 (1)(a) & (b) of *The Municipalities Act* states that written notice of meetings be provided to members personally or left at his or her usual place of business or residence.

Pursuant to clause 124(1)(c) of *The Municipalities Act* I hereby request notice of the Council or Committee meetings be provided to me by the alternate means:

By Regular Mail

By telephone or voicemail, phone numer: _____

By facsimile, fax numer: _____

By Email, email address: _____

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)