

## RURAL MUNICIPALITY OF HEART'S HILL NO. 352

### BYLAW NO. 4/21

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

The Council of the Rural Municipality of Heart's Hill No. 352 the Province of Saskatchewan enacts as follows:

#### **PART I – INTERPRETATION**

##### **1. Purpose**

- 1.1 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.

##### **2. Application**

- 2.1 This bylaw applies to all meetings of council and committees.
- 2.2 Notwithstanding subsection 2.1, council may by resolution or bylaw allow a board and committee to establish its own procedures.
- 2.3 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.
- 2.4 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.
- 2.5 Subject to subsection 2.3, any ruling of the reeve or chair shall prevail, subject, however, to the jurisdiction of council or the committee to consider any appeals of those rulings.

#### **PART II – MEETINGS**

##### **3. First Meeting**

- 3.1 The first meeting of council shall be called by the Administrator within thirty-one (31) days immediately following a general election.
- 3.2 At the first meeting of council:
- (a) the Returning Officer shall provide council with a copy of the declaration of results with respect to the election; and
  - (b) every council member shall take the oath of office pursuant to the Act.

##### **4. Regular Meetings**

- 4.1 Regular meetings of council shall be held on the first Thursday following the first Monday of each month commencing at 5:00 p.m.
- 4.2 In the event of any meeting date falling on a statutory or civic holiday or any day appointed as a holiday by proclamation of the Governor-General of Canada, the Lieutenant Governor of Saskatchewan, or the reeve, such meetings shall be held at the same time on the same week day in the following week that the municipal office is scheduled to be open for business.
- 4.3 Annually the administrator shall submit a regular schedule of council meetings to council for approval as set out in subsections 4.1 and 4.2, or may recommend alternate meeting dates.
- 4.4 Notwithstanding the foregoing provisions, council may, by resolution, dispense with or alter the time of a regular meeting of council.

##### **5. Special Meetings**

- 5.1 The administrator shall call a special meeting of council, whenever requested to do so, in writing, by the reeve or a majority of the members. If the position of administrator is vacant or the administrator is unable to act, the assistant administrator shall call the special meeting.
- 5.2 The written request referred to in subsection 5.1 shall include all items of business to be transacted.
- 5.3 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.
- 5.4 When a special meeting is to be held, the caller of the meeting, as per 5.1, shall provide written notice of the time, date and place of the meeting to all members pursuant to section 7 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.

- 5.5 Notwithstanding subsection 5.2, 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 by using Form 2, appended hereto and forming a part of this bylaw.
- 5.6 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.

## **6. Notice of Meetings**

- 6.1 Notice of regularly scheduled council meetings is not required to be given.
- 6.2 If council changes the date, time or place of a regularly scheduled meeting, at least twenty-four (24) hours' notice of the change will be given to:
- (a) any members not present at the meeting at which the change was made; and,
  - (b) the public.

## **7. Method of Giving Notice**

- 7.1 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 as per Form 3, appended hereto and forming a part of this bylaw.
- 7.2 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.

## **8. Closed Sessions**

- 8.1 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.
- 8.2 A resolution to move into closed session shall state, in general terms, the topic of discussion.
- 8.3 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) such members of the public as may be allowed to attend by the council.
- 8.4 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.
- 8.5 No resolutions or bylaws may be passed during a closed meeting.
- 8.6 No business other than that described within the resolution pursuant to subsection 8.2 may be discussed.
- 8.7 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**

### **9. Agendas**

- 9.1 The administrator shall prepare the agenda for all regular and special meetings of council.
- 9.2 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.
- 9.3 The administrator shall ensure that the council agendas are delivered to each member no later than forty-eight (48) hours immediately preceding the council meeting.

- 9.4 The administrator shall ensure that the council agendas are available to the general public no later than twenty-four (24) hours prior to the meeting.
- 9.5 If, for any reason, the administrator is unable to meet the deadline mentioned in subsection 9.3, the administrator shall prepare and distribute the agenda as soon as reasonably possible to allow council members an opportunity to review the agenda prior to the council meeting.
- 9.6 All administrative reports, communication from the public, requests, or any other material intended for inclusion in a council agenda must be received by the administrator no later than 10:00 a.m. on meeting day.
- 9.7 Council may, on a majority vote, permit additional material on the agenda.

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

- 10.1 The general order of business of every regular council meeting shall be as follows:
  - (a) Call to order;
  - (b) Members present;
  - (c) Approval of agenda;
  - (d) Declaration of conflict of interest;
  - (e) Adoption of minutes;
  - (f) Public hearings;
  - (g) Delegations;
  - (h) Communications;
  - (i) Reports of administration and committees;
  - (j) Reeve and councilors forum;
  - (k) Unfinished business;
  - (l) New business;
  - (m) Adjournment.
- 10.2 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 reeve determines during the proceedings of council that for public interest a matter be moved forward to be dealt with promptly.

#### **11. Commencement of Council Meeting**

- 11.1 At the hour set for the meeting, or as soon as all members of council present, the reeve, or in his or her absence the deputy reeve, shall take the chair and call the members to order.
- 11.2 In case neither the reeve nor the deputy reeve is in attendance within thirty (30) minutes after the hour appointed, and subject to a quorum being present, council shall appoint an acting reeve pursuant to section 20 of this bylaw who shall call the meeting to order and shall preside over the meeting until the arrival of the reeve or the deputy reeve, and all proceedings of such meeting shall be deemed to be regular, and in full force and effect.
- 11.3 If a quorum is not present thirty (30) 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.
- 11.4 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.
- 11.5 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.
- 11.6 Members are encouraged to notify the administrator when the member is aware that he or she will be absent from any meeting of council.

#### **12. Minutes**

- 12.1 The administrator shall record the minutes of each council meeting without note or comment and shall distribute copies of the minutes to each member at least forty-eight (48) hours prior to a subsequent council meeting.
- 12.2 The names of the members present at the meeting are to be recorded in the minutes of every meeting.
- 12.3 Any member may make a motion amending the minutes to correct any mistakes.

- 12.4 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.

### **13. Public Hearing**

- 13.1 If a public hearing is required by any Act, it shall be conducted in accordance with the provisions of this section.
- 13.2 The procedure by which the public hearing will be conducted or by which public input will be obtained shall be as follows:
- (a) the reeve 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 reeve 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.
- 13.3 The time allowed for each person making representations shall be ten (10) minutes.
- 13.4 A hearing may be adjourned to a certain date.
- 13.5 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.

### **14. Communications**

- 14.1 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.
- 14.2 A communication received by the administrator, which does not meet the conditions in subsection 14.1 or is abusive in nature, shall be forwarded to reeve for review and disposition.
- 14.3 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*.

### **15. Delegations**

- 15.1 When a person wishes to speak to council on a matter already on a council agenda, for which a hearing is not required, that person shall notify the administrator in writing or verbally and include the following:
- (a) the name and correct mailing address of the spokesperson;
  - (b) telephone number where the representative of the delegation can be reached during the day;
  - (c) originally signed, except when submitted by facsimile or e-mail; and
  - (d) clearly setting out the subject matter to be discussed and the request being made of council.
- 15.2 A request to speak to council pursuant to subsection 15.1 must be received by the administrator no later than the agenda deadline pursuant to section 9.6 to be included on the council agenda.
- 15.3 In the event that a delegation(s) makes an application to the administrator after the agenda deadline, regarding a subject which is on the agenda, the administrator will bring the request to the attention of council:
- (a) Delegation(s) will be advised by the administrator that they may not be heard by council unless the majority of members vote to allow the delegation(s) to speak within the motion to approve the agenda.

- 15.4 A maximum of ten (10) minutes shall be allotted for each delegation to present his or her position of support or opposition.
- 15.5 Where there are numerous delegates taking the same position on a matter, they are encouraged to select a spokesperson to present their views:
- (a) The reeve shall at the conclusion of ten (10) minutes, inform the delegation that the time limit is up.
  - (b) Only upon a motion to extend the ten (10) minute limitation adopted by a majority of members shall the ten (10) minute limit be extended.
- 15.6 Upon the completion of a presentation to council by a delegation, any discourse between members and the delegation shall be limited to members asking questions for clarification and obtaining additional, relevant information only:
- (a) Members shall not enter into debate with the delegation respecting the presentation; and
  - (b) Once a motion has been moved, no further representation or questions of the delegation shall be permitted.

#### **16. Reeve and Councilors Forum**

- 16.1 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.
- 16.2 All comments will be verbal only and shall not be recorded in the minutes of the meeting.

#### **17. Adjournment**

- 17.1 All regularly scheduled council meetings shall stand adjourned when the council has completed all business as listed on the order of business.
- 17.2 Any business which remains on the agenda and which has not been dealt with at the time of adjournment shall be deemed to be postponed until the next regularly scheduled council meeting, or until a special meeting is called for the purpose of dealing with the unfinished items.

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

#### **18. The Reeve**

- 18.1 The reeve 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.
- 18.2 The reeve shall have the same rights and be subject to the same restrictions, when participating in debate, as all other members.
- 18.3 The reeve shall have the same rights and be subject to the same restrictions as all other members to make a motion.

#### **19. Deputy Reeve**

- 19.1 The council shall, at its first meeting, or as soon thereafter as conveniently possible and whenever the office becomes vacant, appoint from the councilors a deputy reeve who shall hold office for a term of one (1) year or for such longer period as the council may decide, and in any event until a successor is appointed.
- 19.2 If the reeve, for any reason, is unable to perform the duties of his or her office, the deputy reeve shall have all of the powers of the reeve during the inability.

#### **20. Acting Reeve**

- 20.1 Council shall, appoint a member to act as reeve if:
- (a) both the reeve and the deputy reeve, if one has been appointed pursuant to section 19, are unable to perform the duties of his or her office; or
  - (b) the offices of both the reeve and the deputy reeve are vacant.
- 20.2 The member to be appointed, pursuant to subsection 20.1, shall be elected by a majority of the members present.
- 20.3 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.
- 20.4 The member whose name is on the sheet withdrawn pursuant to subsection 20.3(d) shall be declared elected.

## **21. Conduct of Members**

- 21.1 Members of council wishing to speak at a meeting shall ensure they do not interrupt another member.
- 21.2 If more than one member wishes to speak at a meeting at the same time, the reeve shall indicate which member shall speak first.
- 21.3 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.
- 21.4 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.
- 21.5 Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.

## **PART V – MOTIONS**

### **22. Motions and Debate**

- 22.1 A motion shall express fully and clearly the intent of the mover and shall not be preceded by any preamble or whereas clauses.
- 22.2 Any member may require the motion under debate to be read at any time during the debate, but not so as to interrupt a member while speaking.
- 22.3 When a motion is under debate no other motion may be made, except a motion to:
- (a) amend a motion;
  - (b) refer motion to a council committee or administration for a report back to council;
  - (c) postpone a motion to a fixed date; or
  - (d) adjourn the meeting.
- 22.4 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 alteration does not change the intention of the motion.
- 22.5 Any motions allowed under subsection 22.4 shall be considered in the order in which they were moved.

### **23. Motion to Adjourn**

- 23.1 A motion to adjourn shall be decided without debate.

### **24. Motion to Move to a Closed Meeting**

- 24.1 A member may make a motion that a council meeting move to a closed meeting.
- 24.2 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.
- 24.3 No bylaw or resolution shall be passed during a closed meeting.

### **25. Motion Contrary to Rules**

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

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**26. Withdrawal of Motions**

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

**27. Motion to Reconsider**

- 27.1 A motion to reconsider shall apply to resolutions only, and shall not apply to bylaws passed by council.
- 27.2 A motion to reconsider is in order whether the original motion passed or failed.
- 27.3 A motion to reconsider may only be made at the same council meeting as the original motion was voted on.
- 27.4 A motion to reconsider must be moved by a member who voted with the prevailing side of the original motion.
- 27.5 When a motion loses on a tied vote, the prevailing side is those who voted against the motion.
- 27.6 A motion to reconsider is debatable only if the motion being reconsidered is debatable.
- 27.7 A motion to reconsider cannot be amended.
- 27.8 A motion to reconsider shall require a majority vote of the members present at the meeting.
- 27.9 If a motion to reconsider is adopted, the original motion is immediately placed before council to be reconsidered.
- 27.10 Once a vote on a motion to reconsider has taken place, there shall be no further motion to reconsider that resolution.

**28. Motion to Rescind**

- 28.1 A motion to rescind shall apply to resolutions only, and shall not apply to bylaws passed by council.
- 28.2 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.
- 28.3 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.
- 28.4 A motion to rescind may be moved by any council member regardless how they voted on the original motion.
- 28.5 A motion to rescind is debatable.
- 28.6 A motion to rescind may be amended.
- 28.7 A motion to rescind shall, in all cases, require a majority vote of all council members to pass.
- 28.8 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.

**29. Motion to Postpone**

- 29.1 Where a majority of all members decide to postpone a motion to a fixed date, the motion cannot be considered by council until the fixed date.
- 29.2 Notwithstanding subsection 29.1, council may consider a postponed motion before the fixed date if a majority of members agree that the motion may be considered before that date.
- 29.3 The only amendment allowed to a motion to postpone to a fixed date is to change the date.

**PART VII – MISCELLANEOUS**

**30. Coming Into Force**

- 30.1 This bylaw shall come into force and take effect on July 8, 2021.
- 30.2 Bylaw 3/16 is hereby repealed.



\_\_\_\_\_ *Reeve* \_\_\_\_\_  
\_\_\_\_\_ *Franko* \_\_\_\_\_  
Reeve  
Administrator

Bylaw No. 4/21  
Form 1

Request for a Special Meeting

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

To: \_\_\_\_\_, Administrator, RM of Heart's Hill, No. 352

Pursuant to section 123 of the Act, I / we hereby request you to call a special meeting of the Council of the Rural Municipality of Heart's Hill, No. 352 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 123 MA of the Act  
 Notice not provided pursuant to subsection 123(3) MA of the Act



Bylaw No. 4/21  
Form 2

Waiver of Notice – Special Meeting

Rural Municipality of Heart's Hill No. 352

DATE

Waiver of Notice of a Special Meeting of Council called under the authority of the authority of Sub-Section 123(3) of the Municipalities Act.

We the undersigned members of the council of the **R.M. of the Heart's Hill No. 352** hereby waive notice of a special meeting of the council to be at the **Office of the Rural Municipality of Heart's Hill** in the town of **Luseland, Saskatchewan** on the **Date** commencing at **Time** for the purpose of discussing and acting upon the following items:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

**SIGNED:**

Reeve - \_\_\_\_\_  
Division 1 - \_\_\_\_\_  
Division 2 - \_\_\_\_\_  
Division 3 - \_\_\_\_\_  
Division 4 - \_\_\_\_\_  
Division 5 - \_\_\_\_\_  
Division 6 - \_\_\_\_\_

**Bylaw No. 4/21  
Form 3**

**Request for Method of Providing Notice**

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

To: \_\_\_\_\_, Administrator, RM of Heart's Hill, No. 352

From: \_\_\_\_\_ (name of council member)

Pursuant to clause 124(1) (c) MA of the Act, I hereby request notice of council or committee meetings be provided to me by the alternate means:

By regular mail (address) \_\_\_\_\_

By telephone/ voice mail/text (telephone number) \_\_\_\_\_

By facsimile (fax number) \_\_\_\_\_

By email (email address) \_\_\_\_\_

Check one of the above

This request remains in force until the end of my current term of office unless sooner revoked by me in writing.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
(signature of member)

*Handwritten signature*