

# Town of Carlyle

## Bylaw No. 2903

### A Bylaw of the Town of Carlyle, in the Province of Saskatchewan, to Regulate the Proceedings of the Council and Committees of the Council

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

#### 1. Short Title

This Bylaw may be cited as the Procedure Bylaw.

#### 2. Purpose and Scope

2.1 The purpose of this bylaw is to provide for the orderly conduct of the business of the Town of Carlyle and for the proceedings of any committees established by Council for the better administration of the town.

2.2.1 This bylaw applies to all proceedings of Council and any board or committee established by Council except where, by bylaw, Council has established procedures to the contrary for a specific board or committee.

#### 3. Definitions

In this Bylaw, in any amending bylaws, and in any schedules attached hereto, the following words and terms shall have the following meanings unless there is something in the subject matter inconsistent therewith:

- 3.1 "Administration Bylaw" means Bylaw No. 2710 of the Town of Carlyle, as amended from time to time;
- 3.2 "Administrator" means the person appointed as the Administrator for the Town of Carlyle and includes any duly authorized representative or designate of such person;
- 3.3 "Council" means the elected officials of the Town of Carlyle;
- 3.4 "Deputy Mayor" means the alderman appointed, from time to time, as the Deputy Mayor pursuant to section 4 of this Bylaw;
- 3.5 "Elected" means person(s) elected, from time to time, to public office, in accordance with *The Local Government Elections Act*;
- 3.6 "Mayor" means the Mayor of the Town of Carlyle.

#### 4. Council

- 4.1 Town Council is the governing body of the Town of Carlyle and shall exercise the powers and carry out the duties prescribed by law.
- 4.2 Town Council shall consist of the Mayor and six (6) Aldermen.
- 4.3 Subject to any limitations prescribed by law, Town Council may delegate or assign its powers and duties as it may be deemed advisable and in the public interest.
- 4.4 (a) The Mayor shall preside, when in attendance, at all meetings of Town Council, unless another member of Council is required or permitted to preside pursuant to The Municipalities Act or other applicable law or the terms of this Bylaw.  
(b) The Mayor is an ex-officio member of all committees established by Council, unless Council specifically provides otherwise.
- 4.5 (a) Town Council shall, at the first meeting after a general election, appoint aldermen as Deputy Mayor, and such appointments shall be in consecutive terms of six (6) months or until a successor is appointed.  
(b) The Deputy Mayor shall exercise the authority and carry out the duties prescribed by law.

## **5. Regular Meetings**

- 5.1 Council shall, by resolution, set the dates for all Regular Meetings.
- 5.2 All Regular Meetings of Council shall commence at 7:00 p.m.
- 5.3 All Regular Meetings of Council shall be held in the Council Chambers at the Carlyle Civic Center.

## **6. First Meeting of Council**

- 6.1 The first meeting of council following a general election will be held within thirty-one (31) days after the date of the election.
- 6.2 The administrator shall determine the date, time, and place of the meeting.
- 6.3 The administrator shall provide written notice of the date, time, and place at least twenty-four (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.

## **7. Special Meetings**

- 7.1 Subject to subsection 7.2, the Mayor may direct the Administrator to call a special meeting of Council whenever:
  - (a) the Mayor deems it expedient and in the public interest to do so; or
  - (b) the Mayor is requested to do so in writing by a majority of Aldermen.
- 7.2 Subject to subsection (iii), where a special meeting of Council is called:
  - (a) all members of Council shall receive, at least twenty-four (24) hours notice in writing of the time and place of the meeting, and in general terms, the business to be transacted at the meeting; and
  - (b) the Administrator shall post a notice of the time and place of the meeting at the Town Office at least twenty-four (24) hours prior to the meeting and shall describe, in general terms, the business to be transacted at the meeting.
- 7.3 The Mayor may direct the Administrator to call a special meeting of Council on less than twenty-four hours notice and without posting a notice at the Town Office provided that, immediately prior to the beginning of the special meeting, all members of Council unanimously sign a waiver of notice in the prescribed form.
- 7.4 No business other than that stated in the notice shall be transacted at any special meeting of Council unless:
  - a) all members of Council are present at the meeting; and
  - b) members of Council unanimously resolve to do so.

## **8. Public Meetings**

- 8.1 Subject to the specific provisions of this Bylaw, all meetings of Council shall be open to the public and every member of the public shall have the right to be present during all Council meetings unless that person has been expelled for improper conduct.
- 8.2 No act or proceeding of Council is effective unless it is authorized or adopted at a meeting of Council, which is open to the public.
- 8.3 Council may, by resolution, close all or part of a meeting to the public if a matter to be discussed at that meeting is one of the exemptions listed in Part III of The Local Authority Freedom of Information and Protection of Privacy Act.
- 8.4 Where Council resolves to close a portion of a meeting to the public, all persons shall be excluded from the meeting except:
  - 8.4.1 members of Council;
  - 8.4.2 the Administrator and other such members of Town Administration as Council may deem appropriate;
  - 8.4.3 such members of the public as may be allowed to attend by the presiding officer.
- 8.5 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:
  - 8.5.1 the time the in-camera portion of the meeting commenced and concluded;
  - 8.5.2 the names of the parties present; and

- 8.5.3 the exemption(s) 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.

## 9. Long Range or Strategic Planning Meetings

- 9.1 Council may, at the request of the Mayor, meet for the purposes of long range or strategic planning and such meetings shall be closed to the public.
- 9.2 No business may be transacted at a meeting referred to in subsection 9.1.
- 9.3 No minutes or record of proceedings shall be kept with respect to a meeting referred to in subsection 9.1.

## 10. Order of Business

- 10.1 The order of business for regular meetings of Council shall be as follows:
1. **Call to Order**, which shall proceed according to section 10 of this Bylaw.
  2. **Adoption of Agenda**
  3. **Declaration of Conflict of Interest**, which shall be recorded, along with the nature of the conflict, by the Administrator. The member of council is obliged to leave the chambers prior to the beginning of any discussion on the matter in conflict, but may participate in the regular business of the meeting aside from the particular issue.
  4. **Adoption of Minutes**, during which Council shall receive, correct if necessary, and adopt the minutes of the last regular meeting of Council, and any special meetings of Council which have occurred since the last regular meeting.
  5. **Business Arising from Minutes**, during which Council shall deal with any business which was postponed from a previous meeting or that was pending when the last meeting adjourned.
  6. **Administrator's Report**
  7. **Foreman's Report**
  8. **Mayor's Report**
  9. **Aldermen's Reports**
  10. **Reports of Standing Committees of Council**, during which Council shall receive, without debate, the minutes of any meetings of a Standing Committee of Council which have occurred since the last regular meeting of Council.
  11. **Matters Arising from Reports of Standing Committees**, during which Council may debate, if necessary, and adopt motions arising from the minutes of Standing Committees.
  12. **Reports of Advisory and other Committees**, during which Council shall receive the minutes of any meeting of an Advisory Committee or other committee of Council which has occurred since the last regular meeting of Council; and debate any recommendation of such committees that require the approval of Council.
  13. **Delegations and Petitions**, during which Council shall hear delegations and receive petitions in accordance with Sections 25 and 26 of this Bylaw.
  14. **Approval of Accounts**
  15. **Approval of Monthly Financial Reports**, during which Council shall receive the financial reports from the previous month. This will be presented at only one meeting per month.
  16. **Bylaws**, during which Council shall receive and/or consider any bylaws placed before them by the Administrator.
  17. **Unfinished Business**, during which Council shall consider items that have come before Council at previous meetings but have not been finalized as well as items that have been referred to a specific committee for recommendation.
  18. **Correspondence**

- 19. **New Business** during which Council shall consider individual items or issues, and motions.
- 20. **Other (including motion to go into Committee of the Whole)**
- 21. **Adjournment**

- 10.2 The Administrator shall prepare the agenda for every regular meeting of Council in accordance with the business set forth in subsection 9.1.
- 10.3 The business of Council shall be taken up in the order in which it stands on the agenda unless otherwise determined by a vote of a majority of members present.
- 10.4 Every regular meeting of Council shall automatically adjourn at the hour of ten (10:00) o'clock p.m., if in session at that hour, unless otherwise determined by unanimous vote of the members present.

#### **11. Call to Order**

- 11.1 All meetings of Council shall be called to order when a majority of the members of Council are present at the hour appointed for that meeting by:
  - (a) the Mayor; or
  - (b) in the absence of the Mayor, the Deputy Mayor; or
  - (c) in the absence of both the Mayor and Deputy Mayor, the Administrator.
- 11.2 If any member of Council who is to preside at a meeting of Council is unable to attend or does not attend within fifteen (15) minutes of the hour appointed for that meeting, the remaining members of Council may appoint a member present to perform the duties of the absent member of Council.

#### **12. Quorum**

- 12.1 Except as required in The Municipalities Act or other applicable law, the quorum of Council shall be a majority of the members of Council.
- 12.2 No act or proceeding of Council is valid if it is adopted at any meeting at which a quorum is not present.
- 12.3 Unless a majority of the members of Council are present within thirty (30) minutes of the hour appointed for that meeting, the meeting shall stand adjourned until the next regular meeting of Council, unless a special meeting is called in the interim.
- 12.4 In the event of an absence of quorum, the Administrator shall record the names of the members present and the fact that the meeting stood adjourned for want of quorum.

#### **13. Council Proceedings and Voting**

- 13.1 All questions, matters and proceedings properly before Council shall be decided by resolution of members of Council then present.
- 13.2 All members of Council present shall vote on all matters properly before Council unless the member is required or permitted to abstain from voting pursuant to The Municipalities Act or any other applicable law.
- 13.3 If a member abstains from voting on a matter for which that member is not required or permitted to abstain from voting, the member shall be deemed to have voted in the negative.
- 13.4 If there is an equal number of votes for and against a resolution or bylaw, the resolution or bylaw, as the case may be, shall be defeated.
- 13.5 The presiding officer shall vote on all matters properly before Council unless the member is required or permitted to abstain from voting pursuant to The Municipalities Act or other applicable law.

#### **14. Member's Privilege**

- 14.1 Subject only to the limitations set forth in this Bylaw, all members of Council shall have the privilege of speaking to any issue properly before Council.
- 14.2 No member of Council shall speak:
  - (a) except when called upon to do so by the presiding officer, other than for the purpose of raising a point of order or question or privilege;

- (b) respecting a matter other than the matter or question properly before Council;
  - (c) more than three (3) times with respect to the same question.
- 14.3 All members of Council shall, when speaking to a matter or question before Council, address the presiding officer and make all inquiries of and through the presiding officer.

#### **15. Recorded Vote**

- 15.1 Prior to the question being put on a matter, any member of Council may request that the vote on that matter be recorded.
- 15.2 In the event a member of Council requests that a matter be recorded:
- (a) the presiding officer shall, following the question being put, state the name of each member voting for, and each member voting against, the matter; and
  - (b) the Administrator shall record in the minutes the names of each member present and whether each member voted for or against the matter.

#### **16. Preservation of Order**

- 16.1 The presiding officer shall preserve order and decorum during all meetings of Council, and, subject to any appeal to Council, shall decide all questions of order or points of privilege.
- 16.2 No member of Council shall:
- (a) interrupt another member while speaking, except to raise a point of order or question or privilege;
  - (b) debate any previous vote of Council, except for purposes of moving that such vote be amended, rescinded or reconsidered in accordance with the provisions of this Bylaw;
  - (c) walk across or out of the room or leave the meeting when the question has been put;
  - (d) speak disrespectfully to members of Council or Administration;
  - (e) resist the rule or disobey the decision of the presiding officer respecting any question of order or procedure of Council.
- 16.3 In the event a member of Council resists or disobeys the decision of the presiding officer, the presiding officer may order that member to leave his/her seat for the remaining part of that meeting.
- 16.4 In the event a member of Council refuses to leave his/her seat when ordered to do so by the presiding officer pursuant to subsection 16.3, the meeting shall be temporarily adjourned until:
- (a) the member apologizes to Council for his/her conduct and is permitted to retake his/her seat; or
  - (b) the member voluntarily leaves his/her seat or is removed by a peace officer and order is restored.
- 16.5 A member that has been ordered to leave his/her seat by the presiding officer may request permission to retake his/her seat during the remaining part of that meeting and may do so, by resolution of the remaining members of Council.

#### **17. Matters of Order and Privilege**

- 17.1 Any member of Council may rise on a point of order or a question of privilege and, when he/she does so, if the debate is in progress, it shall be suspended and the speaker shall yield the floor until the point of order or question or privilege, as the case may be, is settled.
- 17.2 The person rising on the point of order or question or privilege shall state the point of order or question or privilege, as the case may be, without unnecessary comment and shall then resume his/her seat.
- 17.3 The Administrator may, at the request of the presiding officer, provide advice to Council with respect to any procedural matter, the rights and privileges of members of Council, or the application or interpretation of the procedures set forth in this Bylaw.

- 17.4 The decision of the presiding officer shall stand unless reversed by a vote of the majority of members present.
- 17.5 Any member of Council may appeal the decision of the presiding officer to a vote of a majority of members present, which decision shall be final and binding.

#### **18. Motions**

- 18.1 After a motion has been accepted by the presiding officer and duly seconded, the motion shall be deemed to be in the position of Council and may not be altered or amended except in accordance with the provisions of this Bylaw.
- 18.2 Any member of Council may, at any point in the debate, request that the motion under debate be read by the presiding officer.
- 18.3 Upon request of a member, the presiding officer shall read the motion prior to further debate.
- 18.4 The mover of a motion may, prior to the question being put, ask the presiding officer to alter or correct the wording of the motion in the event it has been improperly or inaccurately recorded.

#### **19. Motions Restricted During Debate**

- 19.1 When a matter is under debate, no motion shall be received by the presiding officer except:
  - (a) a motion to amend the main motion;
  - (b) a motion to amend an amendment;
  - (c) a motion to lay the matter on the table and postpone debate;
  - (d) a motion to refer the matter for additional information;
  - (e) a motion to invoke the procedure known as 'closure'.

#### **20. Debate Restricted on Certain Motions**

- 20.1 The following motions shall be neither amendable or debatable:
  - (a) a motion to lay the matter on the table and postpone debate, except as to the date or even upon which the matter shall be lifted from the table;
  - (b) a motion to refer the matter, except as to whom the matter shall be referred and/or the nature of the additional information to be obtained;
  - (c) a motion to invoke the procedure known as 'closure'.

#### **21. Procedure: Amendments to Motions**

- 21.1 Except as otherwise provided herein, every motion, prior to the question being put, shall be subject to amendment and every amendment shall be subject to further amendment in a like fashion.
- 21.2 An amendment must relate to the original motion and must not alter, in a substantive way, the principle or intent of the original motion.
- 21.3 Any number of amendments, as well as sub-amendments, may be offered in succession, provided that not more than one of each may be pending at the same time.

#### **22. Procedure: Closure of Debate**

- 22.1 A motion to invoke the procedure known as 'closure' may be moved by any member of Council for the purpose of closing debate.
- 22.2 When a 'closure' has been moved and seconded, the presiding officer shall put it to a vote, without debate, and if carried, all pending motions respecting the matter, including the main motion, shall be put to the members, in their proper order, without further debate.

#### **23. Procedure: Reconsideration of a Question**

- 23.1 No question, once decided by Council, shall be subject to reconsideration except in accordance with this section.

- 23.2 Any question may be reconsidered by Council if a change has occurred in any material fact relied upon by Council in deciding the question or in the event new information is made available to members of Council, which information was not available at the time of Council's decision.
- 23.3 After a question has been decided, any member in the majority may give notice in writing to the Administrator within twenty-four (24) hours of his/her desire to bring a motion of reconsideration before Council.
- 23.4 In the event the Administrator receives a notice pursuant to subsection 23.3, no action shall be taken to carry into effect the main motion until after the motion of reconsideration has been decided by Council.
- 23.5 During debate on a motion for reconsideration, no debate shall be allowed with respect to the main motion unless and until Council resolves to reconsider the matter, except for the purpose of the mover of the motion giving his/her reasons for bringing the motion.

#### **24. Voting on Distinct Propositions**

- 24.1 When the motion under consideration contains distinct propositions, the presiding officer may, at his/her discretion, direct that a vote be taken with respect to each proposition separately.

#### **25. Communications and Petitions**

- 25.1 Every communication, notice of motion, and application seeking action of Council and all petitions intended for Council must be received by the Administrator on or before 4:00 in the afternoon on the Thursday in the week preceding the meeting of Council.
- 25.2 Except as otherwise provided for in this Bylaw, the Administrator shall place all communications and petitions on the agenda of the next ensuing regular meeting of Council.
- 25.3 Whenever appropriate and possible, the Administrator shall prepare, or cause the preparation of, a report or letter of transmittal for the benefit of members of Council to accompany all communications and, for the purpose of obtaining such additional information, the Administrator may delay placing a communication on the agenda of Council until such information is available unless directed to do otherwise by the Mayor.
- 25.4 No communication or petition shall be placed on the agenda of Council where:
- (a) the communication does not identify or provide any means of contacting the author;
  - (b) with respect to a communication to request an opportunity for a delegation to be heard, that communication does not contain a description of the issue(s) to be addressed by the delegation, together with a summary of the action(s) to be requested of Council by the delegation;
  - (c) the communication or petition contains offensive or disparaging remarks respecting the Town of Carlyle, Council, any member of Council, any civic official or any other person;
  - (d) the communication or petition is merely for the purpose of providing information without seeking action of Council, in which case, such communication shall merely be provided by the Administrator to members of Council for their information.
- 25.5 Subject to the requirements of The Municipalities Act or any other applicable law, the Administrator may delay placing a petition on the agenda of Council for the purpose of determining the sufficiency of that petition.

#### **26. Delegations before Council**

- 26.1 No person or delegation shall be heard by Council, except:
- (a) in relation to a matter on the agenda of, and when properly before Council;
  - (b) notwithstanding subsection 26.1(a), by resolution permitting that delegation or person, as the case may be, to address members of Council;

- (c) after the commencement of the debate by members of Council on a motion respecting the matter in question, other than a motion to permit persons or delegations to speak.
- 26.2 Prior to addressing members of Council, all persons wishing to speak on behalf of themselves or a delegation shall state their name for the record.
- 26.3 Unless the presiding officer otherwise permits, spokespersons for any one delegation shall be limited to one (1) individual.
- 26.4 The total time allowed for any one delegation to speak to its presentation, exclusive of the time required to answer questions of council, shall be limited to fifteen (15) minutes.
- 26.5 The spokesperson shall confine comments to the subject matter contained in the original communication to the Administrator.
- 26.6 No person who has been granted the privilege of addressing members of Council shall make offensive or disparaging remarks respecting the Town of Carlyle, Council, any member of Council, any civic official, or any other person.
- 26.7 In the event of a violation of subsection 26.6, the presiding officer shall promptly interrupt the speaker and require an immediate withdrawal of the offending remarks, with suitable apology.
- 26.8 In the event the speaker fails to comply with the requirements of the presiding officer pursuant to subsection 26.7, that person shall not be permitted to continue his/her address to members of Council and may, by resolution, be expelled for Council Chambers upon such terms and conditions as Council may deem appropriate.

## **27. Proceedings of Committee of the Whole**

- 27.1 The Mayor or Deputy Mayor, as the case may be, shall preside at all meetings of the Committee of the Whole.
- 27.2 The rules of procedure provided for in this Bylaw respecting the proceeding of Council shall apply, mutatis mutandis, to the proceedings of the Committee of the Whole, provided, however, that no motion shall require a seconder.
- 27.3 Committee of the Whole shall be called to order by the presiding officer upon resolution of Council to do so.
- 27.4 On motion of the Committee of the Whole to rise and report, the question shall be decided without debate.

## **28. Procedure Respecting Bylaws**

- 28.1 Every bylaw shall be introduced by the presiding officer upon resolution of the Council to do so.
- 28.2 No bylaw shall be introduced in blank or imperfect form.
- 28.3 No bylaw shall be introduced unless all members of Council have had an opportunity to review the full text of the proposed bylaw.
- 28.4
  - (a) A motion to give first reading to a bylaw is not subject to debate.
  - (b) During first reading of a bylaw, the presiding officer shall read the title only of the bylaw.
  - (c) A bylaw is not subject to amendment during first reading.
- 28.5
  - (a) A motion to give second reading to a bylaw shall be subject to debate.
  - (b) During second reading of a bylaw, the presiding officer shall read the title only of the bylaw.
  - (c) Amendments to a bylaw may be moved and adopted during second reading.
- 28.6
  - (a) A motion to give third reading to a bylaw shall be subject to debate.
  - (b) During third reading of a bylaw, the presiding officer shall read the title only of the bylaw.
  - (c) A bylaw is not subject to amendment during third reading.
  - (d) No bylaw shall receive more than two readings at the same meeting of Council except by unanimous resolution of the members present.

- 28.8 Every bylaw which has been passed by Council shall be numbered, dated, signed by the Mayor and Administrator, affixed with the corporate seal, and kept in safekeeping by the Administrator.
- 28.9 Every bylaw which has been passed by Council shall be bound with the minutes of Council, as a supplement thereto, for the year in which it is passed.

**29. Standing Committees of Council**

- 29.1 Each standing committee of Council will be comprised of two members of Council and the Mayor.
- 29.2 The following shall be the standing committees of the Town of Carlyle:
- **Protection and Public Safety and Sanitation** – which deals with matters of policing, fire protection, and emergency measures operations, animal control, as well as landfill operations, waste collection, untidy and unsightly property
  - **Public Works and Utilities** – which deals with matters of transportation equipment, streets, sidewalks, street lighting, trees, water, sewer, and snow removal
  - **Property**– which deals with the sale of town property, development of town property, public spaces, parks and zoning
  - **Finance and Human Resources** – which deals with matters of assessment, budget, mill rates, investments, loans, and employee relations
- 29.3 Standing committee members shall be appointed by the Mayor at the first meeting in the term of office, and ratified by resolution of Council.
- 29.4 The Chairperson of each standing committee shall report any activities of the committee at each regular meeting of council.

**30. Repeal of Previous Bylaws**

- 30.1 Bylaw No. 2203 and No. 2406 are hereby repealed.

**31. Enactment**

- 31.1 This bylaw shall come into force and take effect on the date of final reading thereof.

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Mayor/Deputy Mayor

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Administrator