

**TOWN OF NIPAWIN
BYLAW No. 1170/23**

**A BYLAW OF THE TOWN OF NIPAWIN, IN THE PROVINCE OF SASKATCHEWAN TO
REGULATE THE PROCEEDINGS OF MUNICIPAL COUNCIL AND COMMITTEES OF
COUNCIL**

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Whereas, pursuant to Section 81 of *The Municipalities Act*, a Council may pass bylaws in relation to the establishment and functions of Council Committees, and the procedure and conducts of Council and Council Committees;

And Whereas, pursuant to Section 126 of *The Municipalities Act*, a Council may delegate its powers or duties to a Council Committee;

And Whereas, the Town of Nipawin desires to establish rules and provisions to regulate the conduct of business in Council meetings and Council Committees;

NOW THEREFORE, the Council of the Town of Nipawin in the Province of Saskatchewan enacts as follows:

PART I – INTERPRETATION

1. Short Title

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

3. Authority

3.1 The authority for this bylaw is *The Municipalities Act*.

4. Definitions

4.1 In this bylaw, unless the context otherwise requires, the expression(s):

- (a) **Act** means *The Municipalities Act*
- (b) **Acting Mayor** means the Councillor appointed 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 Chief Administrative Officer (CAO) or an employee accountable to the CAO.

- (e) **Agenda deadline** means the time established in subsection 15.5 of this bylaw.
- (f) **Amendment** means an alteration to a main motion by substituting, adding or deleting a word or words without materially altering the basic intent of the motion.
- (g) **Business Arising** means business which has been raised at the same, or a previous meeting, and which has not been completed.
- (h) **Business day** means a day other than a Saturday, Sunday or statutory holiday.
- (i) **Chief Administrative Officer (CAO)** means the person appointed as Administrator of the Town.
- (j) **Committee** means a committee, board, commission, authority or other body duly appointed by Council.
- (k) **Communications** includes, but are not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, newspaper/magazine article, or website.
- (l) **Council** means the mayor and Councillors of the Municipality elected pursuant to the provisions of *The Local Government Election Act 2015*.
- (m) **Councillor** means the Council member duly elected in the Town as a Councillor, in accordance with *The Local Government Election Act 2015*.
- (n) **Deputy Mayor** means the Councillor who is appointed by Council, pursuant to Section 32 of this bylaw, to act as Mayor in the absence or incapacity of the Mayor.
- (o) **Electronic** means information or data that is presented, provided, stored, accessed, processed, transmitted, or in any way dealt with using electronic formats or electronic devices.
- (p) **In Camera** means that a Council may close all or part of their meetings to the public (called "in camera") to discuss sensitive items such as those within Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* or matters concerning long-range or strategic planning.

- (q) **Mayor** means the Council member duly elected in the municipality as the Mayor in accordance with *The Local Government Election Act 2015*.
- (r) **Member** means the Mayor, Councillor or an appointed individual to a committee, commission, or board of Council.
- (s) **Motion** means a formal proposal placed before a meeting in order that it may be debated to a conclusion.
- (t) **Mover** means a person who presents or proposes a motion or amendment.
- (u) **Municipality** means the Town of Nipawin.
- (v) **Order of Business** means the list of items comprising the Agenda and the order in which those items appear on the Agenda.
- (w) **Point of Order** means the raising of a question by a member in a meeting claiming that the procedures of the meeting or of an individual Council member are contrary to the procedural rules or practices.
- (x) **Presiding Officer** means a person who has the authority to preside over a meeting.
- (y) **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.
- (z) **Quorum** is, subject to the provisions of the Act:
 - i. in the case of Council, a majority of the whole Council; or
 - ii. in the case of a committee, a majority of the members appointed to the committee.
- (aa) **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.
- (bb) **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.

(cc) **Special Committee** means a committee appointed by Council at any time to deal with a specific issue(s) and that exists for a length of time required to review the issue(s) and make recommendations to Council.

(dd) **Special Meeting** means a meeting other than a regular scheduled meeting called pursuant to the provisions of the Act or the provisions of this bylaw.

(ee) **Urgent Business** means a time sensitive matter which Council deems to require immediate and urgent consideration.

4.2 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.

5. **Application**

5.1 This bylaw applies to all meetings of Council and Council committees.

5.2 Notwithstanding subsection 5.1, Council may by resolution or bylaw allow a board or committee to establish its own procedures.

5.3 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 Bourinot's Rules of Order.

5.4 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.

5.5 Subject to subsection 5.3, any ruling of the Presiding Officer shall prevail, subject however to the jurisdiction of Council or the committee to consider any appeals of those rulings.

PART II – MEETINGS

6. **Actions in Public**

6.1 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.

6.2 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.

7. **Oath of Office**

7.1 Every member of the Council shall, prior to commencement of the first meeting, take the Oath of Office as provided for by *The Municipalities Act* of the Province of Saskatchewan, which oath shall be provided to the CAO.

8. **Quorum**

8.1 Any act or proceeding of Council that is adopted at any Council meeting at which a quorum is not present is invalid.

- 8.2 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.
- 8.3 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 to deal with the unfinished item(s).
- 8.4 Members are required to notify the Mayor and/or CAO when they will be absent from or arriving late to any meeting of Council. Late arrival or early departure times will be recorded in the Minutes.

9. First Meeting

- 9.1 The first meeting of the Council following an election to fill regular vacancies shall be held on the first regularly scheduled Council meeting after the election, but the members of Council holding office immediately prior to such election shall continue to hold office until first meeting.
- 9.2 At the first meeting of Council:
 - (a) The Returning Officer shall provide Members of Council with a copy of the Declaration of Results with respect to the election.

10. Regular Meetings

- 10.1 Regular meetings of Council shall be held on the second (2nd) and Fourth (4th) Mondays of each month commencing at 7:00 p.m. with the exception of the months of July, August, and December, when Regular meetings shall be held on the 2nd Monday of the month only.
- 10.2 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 Mayor, such meetings shall be held at the same time on the next day that the municipal office is scheduled to be open for business.
- 10.3 The CAO shall annually submit a regular schedule of Council meetings to Council for approval as set out in subsection 10.1 or may recommend alternate meeting dates.
- 10.4 Notwithstanding the foregoing provisions, Council may, by resolution, dispense with or alter the time of a regular meeting of Council.
- 10.5 Council may, by resolution, authorize the Mayor to reschedule a regular meeting of Council pursuant to the Act at a time to be specified within the resolution.

11. Special Meetings

- 11.1 The CAO shall call a *Special Meeting* of Council whenever requested to do so in writing by the Mayor or a majority of the members. If the position of Chief Administrative Officer is vacant or the CAO is unable to act, the Assistant Chief Administrative Officer is authorized to call a Special Meeting upon request.
- 11.2 The written request referred to in subsection 11.1 shall include all items of business to be transacted.

- 11.3 When a Special Meeting is to be held, the CAO shall provide written notice of the time, date and place of the meeting to all members pursuant to Section 13 of this bylaw and to the public at least twenty-four (24) hours prior to the meeting and, in general terms, the business to be transacted at the meeting.
- 11.4 Notwithstanding subsection 11.3, 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 in writing to do so immediately before the beginning of the *Special Meeting*.
- 11.5 No business other than that stated in the notice shall be transacted at a *Special Meeting* unless all members are present and by unanimous consent authorize other business to be transacted.

12. Meeting through Electronic Means

- 12.1 One or more members of Council may participate in a Council meeting by means of a telephone, electronic or other communication method if:
 - (a) the member(s) of Council provide the CAO with at least two (2) business days' notice of their intent to participate in this manner;
 - (b) notice of the Council meeting is given to the public, including the way in which the Council meeting will be conducted;
 - (c) the facilities enable the public to at least listen to the meeting at a place specified in that notice and the CAO is in attendance at that place; and
 - (d) the facilities permit all participants to communicate adequately with each other during the Council meeting.
- 12.2 Members participating in a Council meeting held by means of a communication method are deemed to be present at the Council meeting.

13. Public Remote Access and Participation

- 13.1 Members of the Public shall be allowed to access and participate in public Council and Committee meetings remotely. Council shall:
 - (a) ensure there is necessary electronic equipment to 'stream' the meeting, including both audio and video, for access by the public with commonly used electronic devices such as laptops, computers and mobile devices.
 - (b) Ensure that members of the public who make prior arrangements to speak to Council are able to do so remotely.
 - (c) Ensure that all public and open proceedings of Council which are streamed are recorded and made available for later access by the public.
 - (d) Take reasonable precautions implement safeguards to ensure the privacy and personal information of any remote attendees is protected.
- 13.2 For the purposes of section 13.1, "Stream" shall mean to transmit public Council and Committee meetings through video and audio data over the internet.

14. Notice of Meetings

- 14.1 Notice of regularly scheduled Council meetings is not required to be given.

- 14.2 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.

15. Method of Giving Notice

- 15.1 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) sent by ordinary mail, telephone, voice mail, facsimile, electronic mail, or on the Town's website.
- 15.2 Notice of a Council meeting is to be given to the public by posting notice of the meeting at the municipal office, at two (2) public locations throughout town, and on the Town of Nipawin's municipal website www.nipawin.com.

PART III – COUNCIL MEETING PROCEDURES

16. Agendas

- 16.1 The CAO shall prepare the agenda for all regular and Special Meetings of Council.
- 16.2 The agenda shall include the order of business with all associated reports, bylaws or documents set out in accordance with the said order of business.
- 16.3 The CAO shall ensure that the Council Agenda is made available to each Council member and the general public not later than one (1) business day prior to the Council meeting.
- 16.4 If for any reason the CAO is unable to meet the deadline mentioned in subsection 15.3, the CAO 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.
- 16.5 All Administrative reports, communication from the public, requests, or any other material intended for inclusion in a Council Agenda must be received by the CAO no later than 12:00 noon on the third business day preceding the day of the Council meeting.

17. Urgent Business

- 17.1 Council or Administration may request to add a matter to the Agenda of a meeting as urgent business after the Agenda has been prepared and distributed by the CAO.
- 17.2 During confirmation of the Agenda a member may move to add a report, communication, or delegation to the Agenda if the matter arises from an unforeseeable situation of urgency.

18. Commencement of Council Meeting

- 18.1 At the hour set for the meeting or as soon as a quorum is present, the Mayor, or in the Mayor's absence, the Deputy Mayor, shall take the chair and call the members to order.
- 18.2 If neither the Mayor nor the Deputy Mayor is in attendance within fifteen (15) minutes after the hour appointed, and subject to a quorum being present, Council shall appoint an acting Mayor pursuant to subsection 31 of this bylaw who 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.
- 18.3 If a quorum is not present fifteen (15) minutes after the time appointed for the meeting, the CAO shall record the names of the members present at the expiration of such time and announce that Council shall stand adjourned until the next meeting unless a Special Meeting is called in the meantime.

19. Order of Business at Meetings

- 19.1 The general order of business of every regular Council meeting shall be as follows:
 - 1. Adoption of Agenda;
 - 2. Declaration of Conflict of Interest;
 - 3. Reading and Confirming of Minutes;
 - 4. Business Arising;
 - 5. RCMP Report
 - 6. Delegations;
 - 7. Accounts;
 - 8. Financial Statement;
 - 9. Reports of Senior Administrative Officials;
 - 10. Reports of Standing & Special Committees;
 - 11. Reports of Boards & Committees;
 - 12. Communications;
 - 13. Petitions;
 - 14. New Business;
 - 15. Introduction & Consideration of Bylaws;
 - 16. Round Table;
 - 17. Public forum;
 - 18. In-Camera ; and
 - 19. Adjournment.
- 19.2 The business shall, in all cases, be taken up in the order in which it stands on the Agenda unless otherwise determined upon a vote of the majority of the members and without debate thereon.

20. Minutes

- 20.1 The CAO 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.
- 20.2 Immediately after the Mayor or other Presiding Officer shall have taken the seat, the minutes of the preceding meeting or meetings, if required by any member of the Council present, shall be read by the CAO or so much thereof as may be required in order that any mistakes therein may be corrected by the Council.
- 20.3 The names of the members and senior administrative staff present at the meeting are to be recorded in the minutes of every meeting.
- 20.4 Any member may make a motion amending the minutes to correct any error(s).
- 20.5 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 CAO in accordance with the Act.

21. Delegations

- 21.1 When a person/delegation wishes to speak with Council on a matter already on a Council Agenda, for which a hearing is not required, that person shall notify the CAO in writing, which notice shall include the following:
 - (a) name and mailing address of the spokesperson;
 - (b) telephone number where the representative of the delegation can be reached during the day;
 - (c) original signature, except when submitted by facsimile or e-mail; and
 - (d) clear written description of the subject matter to be discussed and the request being made of Council.
 - (e) Indication as to whether the speaker intends to speak remotely or in-person.
- 21.2 A request to speak to Council pursuant to subsection 20.1 must be received by the CAO not later than the Agenda deadline in order to be included on the Council Agenda.
- 21.3 Delegations speaking before Council shall address their remarks to the stated business only:
 - (a) Delegations will be limited to speaking only once; and
 - (b) Rebuttal or cross debate with other delegations shall not be permitted.
- 21.4 A maximum of **ten (10) minutes** shall be allotted for each delegation to present a position of support or opposition.
- 21.5 Where there are numerous delegates taking the same position on a matter, they are encouraged to select a spokesperson to present their views:
 - (a) Delegations are encouraged not to repeat information presented by an earlier delegation;
 - (b) The Presiding Officer shall at the conclusion of ten (10) minutes, inform the delegation that the time limit is up;
 - (c) 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; and

(d) Delegations will not be permitted to assume any unused time allocated to another delegation.

21.6 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.

22. Communications

22.1 All written communication must be received by the CAO not later than the Agenda deadline in order to be included on the Council Agenda.

22.2 When an individual wishes to have a communication considered by Council, it shall be addressed to Council, and;

(a) shall be date-stamped when received in the Town Office; and

(b) clearly set out the matter in issue and the request; and

(c) for written communication, must be printed, legibly written, or typewritten, contain the mailing address of the writer, and be signed with the name of the writer; or

(d) for electronic communication, must contain the name of the writer and both the mailing and electronic address of the writer.

22.3 A communication received by the CAO 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*.

22.4 Bound documents or studies in support of the delegation's notice shall, if sufficient copies are provided by the delegation, be circulated to members, but will not be reproduced.

22.5 The foregoing does not apply to submission of additional reports and correspondence by Administration and committees which, in their opinion require the immediate attention of Council, or any matter which Council directs by resolution to be considered.

23. Proclamations

23.1 All requests for proclamations shall be submitted to the CAO by the Agenda deadline and shall outline the specific day(s), week(s), or month(s) requested, the reason for the proclamation, and information about the group, including contact person and telephone number.

23.2 Each organization shall be responsible for all costs associated with advertising the proclamation and shall be responsible for making arrangements for the attendance of the Mayor or Councillors at the specific function or event.

24. Public Hearing

24.1 If a Public Hearing is required by any Act, it shall be conducted in accordance with the provisions of this Section.

24.2 The procedure by which the Public Hearing will be conducted or by which public input will be obtained shall be as follows:

a) The Presiding Officer shall declare the hearing on the matter open;

- b) Administration shall present a report on the bylaw or resolution under consideration including Administration recommendations;
- c) If it is a Hearing that involves an applicant, the applicant shall be given an opportunity to make representation on the matter under consideration;
- d) After the applicant, any person(s) or spokesperson acting on behalf of another person or group shall be given an opportunity to make representation on the matter under consideration;
- e) If the Hearing 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 Presiding Officer shall declare the Public Hearing closed; and
- i) Council shall then consider the matter and shall vote on the bylaw or resolution in accordance with the procedures contained in this bylaw.

25. Public Forum

- 25.1 Any member of the public may address Council on any matter on the Agenda including all matters contained in the Minutes of any Committee meeting approved at that meeting during the Public Forum portion of the Council meeting.
- 25.2 The Presiding Officer shall determine the order in which members of the public shall address the Council.
- 25.3 Should a group wish to address Council on an issue, a speaker should be delegated, except where Council permits otherwise, and the total time allowed for any one group to make its presentation shall be five 5 minutes.
- 25.4 Council shall determine who will respond to the inquiry.

26. Bylaws

- 26.1 Every proposed bylaw must have three (3) distinct and separate readings.
- 26.2 A proposed bylaw must not have more than two (2) readings at a Council meeting unless the members present unanimously resolve to consider third reading.
- 26.3 A proposed bylaw will be considered by Council immediately following consideration of the report or item to which the bylaw relates.
- 26.4 After a bylaw has received introduction and first reading, amendments may be made by resolution of Council.
- 26.5 Only the title or identifying number has to be read at each reading of the bylaw.
- 26.6 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 and any amendments that were passed after first reading.
- 26.7 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.
- 26.8 The CAO may 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.
- 26.9 After passage, every bylaw shall be signed by the Mayor and the CAO, pursuant to the Act and marked with the corporate seal of the municipality.

27. In-Camera

- 27.1 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.
- 27.2 Any committee or other body that is established by Council solely for the purpose of hearing appeals may deliberate and make its decisions in meetings closed to the public.
- 27.3 No business other than that described within the resolution pursuant to subsection 25.1 may be discussed.
- 27.4 A member may make a motion that a Council meeting move in-camera:
 - (a) The motion to move in-camera must state in general terms the categories of discussion and shall reference the applicable section in *The Local Authority Freedom of Information and Protection of Privacy Act*; and
 - (b) be in accordance with *The Local Authority Freedom of Information and Protection of Privacy Act*.
- 27.5 All resolutions must be made in an open, public meeting.
- 27.6 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 CAO 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.
- 27.7 Matters discussed or to be discussed in a closed meeting are to be kept confidential until discussed at a public meeting of Council, unless otherwise provided for in this bylaw.
- 27.8 The number of times for speaking on any question shall not be limited, however no member shall speak more than once until every member who desires to do so shall have spoken.
- 27.9 Questions of order arising in-camera shall be decided by the Presiding Officer.
- 27.10 Where Council resolves to close a portion of a meeting to the public, in addition to the resolution to do so, the CAO 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.

28. Rise and Report

- 28.1 On motion of Council to rise and report, the question shall be decided without debate.
- 28.2 When Council has risen, the Presiding Officer shall report the in-camera topics of discussion for the record.
- 28.3 Any motions to address topics discussed in-camera shall be made after the report is given.

29. Extension of Time

- 29.1 Notwithstanding Section 30, Council may extend a regularly scheduled Council meeting beyond 10:30 p.m. by unanimous vote of all members present.
- 29.2 If Council extends its meeting pursuant to subsection 30.1, the meeting shall continue until:
 - (a) the business of the meeting is completed;
 - (b) a motion to adjourn is passed; or
 - (c) a quorum is no longer present.

30. Adjournment

- 30.1 All regularly scheduled Council meetings shall stand adjourned when Council has completed all business as listed on the order of business or upon the arrival of 10:30 p.m.
- 30.2 If a member is speaking at 10:30 p.m., the Presiding Officer shall wait until that person is done speaking before asking Council to consider whether it wants to extend the time of the meeting.
- 30.3 Any business remaining on the Agenda 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 to deal with the unfinished item(s).

PART IV – CONDUCT AT COUNCIL MEETINGS

31. Mayor

- 31.1 The Mayor shall:
 - (a) preside at all Council meetings;
 - (b) preserve order at Council meetings;
 - (c) enforce the rules of Council; and
 - (d) decide points of order and calling of the question
- 31.2 The Mayor shall have the same rights and be subject to the same restrictions when participating in debate or making a motion as all other members.

32. Deputy Mayor & Acting Mayor

- 32.1 The Council shall, at its first meeting of the 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 for a term of one (1) year, and in event of a vacancy, until a successor is appointed.
- 32.2 If the Mayor, for any reason, is unable to perform the duties of the office, or if the office is vacant, the Deputy Mayor shall have all the powers of the Mayor during the inability or vacancy.
- 32.3 Council shall appoint an Acting Mayor if:
- (a) both the Mayor and Deputy Mayor are unable to perform the duties of office; or
 - (b) the office of the Mayor is vacant.

33. Persons Allowed at the Table

- 33.1 No person except members, the CAO, members of Administration as authorized by the CAO, and persons permitted by the Mayor shall be allowed to be seated at the Council table during the sittings of the Council.

34. Conduct of Members

- 34.1 Prior to speaking to any question or motion in Council, members shall respectfully address the Presiding Officer.
- 34.2 If more than one member wishes to speak at a meeting at the same time, the Presiding Officer shall indicate which member shall speak first.
- 34.3 When addressing a Council meeting, a member shall refrain from:
- (a) speaking disrespectfully of His Majesty the King or of any of the Royal Family, of the Governor General, the federal government, the provincial government, another municipal Council, or any official representing said Council;
 - (b) using offensive words in referring to the Council, a member, an employee of the municipality or a member of the public;
 - (c) speaking beside the question under debate;
 - (d) reflecting upon a vote of Council except for the purpose of moving that such vote be rescinded;
 - (e) reflecting on the motives of the members who voted on the motion or the mover of the motion;
 - (f) shouting or using an immoderate tone, profane, vulgar or offensive language; or
 - (g) resisting the rules or disobeying the decision of the Presiding Officer of the Council on questions of order or practice or upon the interpretation of the Rules of the Council. If any member shall so resist or disobey that member may be ordered by the Presiding Officer to leave their seat for the remaining part of such a meeting, and in case they refuse, they may, on the order of the Presiding Officer, be removed by the Police, but in case of an

ample apology being made by the offender, the member may, by vote of the Council, be permitted forthwith to take their seat.

- 34.4 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.
- 34.5 Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.

35. Calling a Member to Order

- 35.1 The Presiding Officer may call any member to order, and if a debate is in progress, it shall be suspended, and the member called to order shall not speak until the point or order has been stated and determined by the Presiding Officer, except to explain.

36. Leaving the Meeting

- 36.1 Every member who leaves the Council meeting before the meeting is over, whether intending to return to the meeting or not, shall notify the Presiding Officer. Departure and return times shall be noted in the Minutes.

37. Conduct of Public & Delegations

- 37.1 All persons in the public gallery, attending remotely pursuant to section 13, or attending as a delegation at a Council meeting (whether in the gallery or attending remotely) shall:
- (a) refrain from addressing Council or a member unless permitted to do so;
 - (b) refrain from talking on cellular telephones;
 - (c) 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;
 - (d) refrain from making video recordings of Council proceedings, whether the attendee is in person or observing remotely;
 - (e) maintain quiet and order, refraining from shouting or using an immoderate tone, profane, vulgar, or offensive language;
 - (f) refrain from disturbing the proceedings by words, gestures or actions (including applauding), or displaying flags, placards or similar material;
 - (g) refrain from speaking disrespectfully of the federal government, the provincial government or another municipal Council or any official representing said Council;
 - (h) refrain from using offensive words in referring to a member, an employee of the municipality or a member of the public;
 - (i) refrain from reflecting on a vote of Council; and

- (j) refrain from reflecting on the motives of the members who voted on the motion or the mover of the motion.

38. Improper Conduct

- 38.1 The Presiding Officer may request that any person and/or delegation in the public gallery who disturbs the proceedings of Council or acts improperly at a Council meeting, as set out in Section 37, leave or be expelled from the meeting.
- 38.2 No person shall refuse to leave a Council meeting when requested to do so by the Presiding Officer.
- 38.3 Any person who refuses to leave when requested to do so may be removed by a Police Officer and may be guilty of an offence and liable on conviction to the penalties in the General Penalty Bylaw of the Town of Nipawin.
- 38.4 If a person disturbs the proceedings of Council or refuses to leave when requested to do so the Presiding Officer may recess the meeting until the person leaves or adjourn the meeting to another day.

39. Point of Order

- 39.1 A member may rise and ask the Presiding Officer to rule on a point of order.
- 39.2 When a point of order is raised, the member speaking shall immediately cease speaking until the Presiding Officer decides the point of order raised.
- 39.3 A point of order must be raised immediately at the time the rules of Council are breached.
- 39.4 The member against whom a point of order is raised may be granted permission by the Presiding Officer to explain.
- 39.5 The Presiding Officer may consult the CAO before ruling on a point of order.
- 39.6 A point of order is not subject to amendment or debate.

PART V – MOTIONS

40. Motions and Debate

- 40.1 All motions shall be in writing.
- 40.2 A motion shall express fully and clearly the intent of the mover and shall not be preceded by any preamble or whereas clauses.
- 40.3 When a motion is moved it shall be read by the Presiding Officer or the CAO before debate.
- 40.4 Any member may require the motion under debate to be read at any time during the debate but shall not interrupt a member while speaking.
- 40.5 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 Standing Committee or to Administration for a report back to Council;
 - (c) postpone a motion to a fixed date;
 - (d) request that a motion be put to a vote;

- (e) extend the time for a Council meeting; or
 - (f) adjourn the meeting.
- 40.6 Notwithstanding any other provisions of this bylaw, upon request of another member speaking on the motion, with the consent of the mover, any motion may be amended/divided (providing the alteration does not change the intent of the motion), tabled, withdrawn by the mover, postponed to a fixed date, or referred to a Committee or Administration.
- 40.7 Any motions allowed under subsection 40.5 shall be considered in the order in which they were moved.

41. Motion to Rescind

- 41.1 A motion to rescind shall apply to resolutions only and shall not apply to bylaws passed by Council.
- 41.2 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.
- 41.3 A motion to rescind may be made at any time after the original motion was voted on, regardless of the time that has elapsed since the original vote was taken.
- 41.4 A motion to rescind may be moved by any Council member regardless how they voted on the original motion.
- 41.5 A motion to rescind is debatable.
- 41.6 A motion to rescind may be amended.
- 41.7 A motion to rescind shall, in all cases, require a majority vote of all Council members to pass.
- 41.8 A motion cannot be rescinded:
 - (a) when action on the motion has been carried out in a way that cannot be undone; or
 - (b) when a resignation has been accepted or actions electing or expelling a person from membership or office have been taken.

42. Debate on Motion

- 42.1 A member attending a Council meeting shall debate at the meeting on a matter before Council unless the member is required to abstain from debating pursuant to the Act or any other Act.
- 42.2 Where a member of Council has such an interest in any question or matter that comes before the Council the member shall immediately declare conflict of interest and shall not debate thereon or interfere with the debate.
- 42.3 No member shall speak more than once to a motion until each member has been provided an opportunity to speak on the motion, except to explain a material part of their speech which may have been misquoted or misunderstood.
- 42.4 The mover of the motion shall be given the first opportunity to speak and shall be allowed a reply at the conclusion of the debate.

42.5 No member without leave of the Council, shall speak to the same question, or in reply, for longer than ten minutes.

43. Voting of Council

43.1 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.

43.2 Where a member of Council has such an interest in any question or matter that comes before the Council the member shall immediately declare conflict of interest and shall not vote thereon or interfere with the vote.

43.3 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.

43.4 The CAO shall ensure that each abstention is recorded in the minutes of the meeting.

44. Recorded Vote

44.1 Before a vote is taken by Council a member may request that the vote be recorded.

44.2 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.

45. Voting of Presiding Officer

45.1 The Presiding Officer shall vote at the same time as the other members on all questions.

46. Tied Vote

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

47. Majority Decision

47.1 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.

PART VI – SPECIAL & STANDING COMMITTEES

48. Meetings of Special & Standing Committees

48.1 All meetings of Special or Standing Committees shall be called by the Chair or designate whenever it is deemed necessary to do so.

48.2 In the absence of the Chair, the Department Head affected shall call a Special or Standing Committee meeting whenever requested to do so by a majority of the members of the committee.

49. Limitation of Powers of Committees

49.1 No action of any Committee, unless power to take such action is expressly conferred on the Committee by this Bylaw or other governing legislation, shall be binding on the Town unless and until the same has been reported to Council by such Committee and such report has been adopted by the Council.

50. Mayor – Member of Committees

50.1 The Mayor shall be deemed ex-officio and a voting member of all Special and Standing Committee and shall be included for the purpose of determining quorum.

51. Order of Business of Committees

51.1 Subject to any relevant bylaw, the business of all Committees shall be conducted as follows:

- (a) Official Minutes shall be kept of each meeting and shall be submitted to the next regularly scheduled meeting of Council after ratification by the Committee.
- (b) The Chair shall preside at each meeting.
- (c) In the absence of the Chair, another member of the Committee shall be elected in their stead and shall discharge the duties of the Chair during the absence.
- (d) Every Committee appointed by Council shall have the right by majority vote to determine whether all or part of their meetings shall be open to the public.

52. Majority Decision

52.1 Unless a greater percentage of votes is required by any provision of this bylaw, at every Committee meeting all questions are to be decided by a majority vote of the members present.

53. Tied Vote

53.1 If there are an equal number of votes for and against forwarding a recommendation to Council, the recommendation shall be forwarded for Council's consideration.

54. Recorded Vote

54.1 Before a vote is taken by a Committee, a member may request that the vote be recorded.

54.2 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.

55. Chairperson's Vote

55.1 The Chair of any Committee shall vote at the same time as the other members on all questions.

Part VI – Offences and Penalties

56. Disruption of Proceedings

56.1 Every person in the public gallery who:

- (a) disrupts a Council meeting or a Council Committee meeting for any reason; or
- (b) refuses to leave the Council Chamber when requested to do so by the Mayor or Chair,

Is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000.

56.2 "Disruption" shall mean any act or behavior that interferes with the orderly conduct of a Council meeting or a Council Committee meeting, including but not limited to:

- i) Loud outbursts
- ii) Physical disturbances
- iii) Use of offensive language
- iv) Any other behaviour that impedes the ability of Council or any Committee to conduct business.

Bylaw No. 1158/22 is hereby repealed.

This bylaw shall come into force and take effect on the date of final approval by Council.





Mayor



CAO

Read a third time and adopted
this 11 day of December, 2023





Certified a true copy of bylaw number 1170/23
adopted by resolution of Council on the 11 day
of December, 2023.



Chief Administrative Officer