

CITY OF MELVILLE

BYLAW NO. 15/2017

**A BYLAW OF THE CITY OF
MELVILLE IN THE PROVINCE OF
SASKATCHEWAN TO GOVERN AND
REGULATE THE PROCEEDINGS OF
CITY COUNCIL MEETINGS &
REQUIREMENTS FOR COUNCIL'S
COMMITTEES**

Known as 'The Procedures Bylaw'

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**CITY OF MELVILLE
SASKATCHEWAN**

BYLAW NO. 15/2017

**A BYLAW OF THE CITY OF MELVILLE IN THE PROVINCE OF SASKATCHEWAN TO
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REQUIREMENTS FOR COUNCIL'S COMMITTEES**

WHEREAS, pursuant to Section 8.1(a) of *The Cities Act*, a City has a general power to pass any bylaws in relation to the good government of the City;

AND WHEREAS, pursuant to Section 55.1 of *The Cities Act*, a City shall, by bylaw, establish general procedures to be followed in conducting business at council meetings; and such bylaw must include: (a) rules for the conduct of members of council; (b) rules regarding the confidentiality, transparency, openness and accessibility of documents and other matters to be discussed by or presented to a council; (c) rules respecting delegations, presentations and submissions; (d) the days, times and places of regularly scheduled meetings and the procedures for amending those days, times and places; (e) the procedures for calling a special meeting of council pursuant to section 97; (f) rules and procedures respecting the closing of all or part of a meeting; (g) the procedure for appointing a person pursuant to section 64; and (h) any other prescribed matter; and in addition permits that this bylaw may include any other matter specified by a council; and further requires that council shall give public notice of this bylaw being introduced, amended, repealed or passed;

NOW THEREFORE, the Council of the City of Melville in Council assembled enacts as follows:

PART I – SHORT TITLE AND INTERPRETATION

1. Short Title:

This Bylaw may be cited as “**The Procedures Bylaw.**”

2. Definitions and Interpretations:

2.1 In this Bylaw:

- (a) “**Act**” means *The Cities Act*;
- (b) “**Acting Deputy Mayor**” shall be the next Deputy Mayor appointed in accordance with subsection 17.2;
- (c) “**Acting Mayor**” means the Councillor elected by Council in accordance with Subsection 17.5 of this bylaw, to act as the Mayor if a vacancy arises in that office;
- (d) “**Adjourn**” means to close the proceedings;
- (e) “**Administration**” means the City Manager of the City of Melville or an employee accountable to the City Manager;
- (f) “**Agenda**” means the list of items and order of business for any meeting of Council or a Council Committee;
- (g) “**Agenda Deadline**” means the time established in Subsection 28.4, of this bylaw;
- (h) “**Business Day**” means a day other than a Saturday, Sunday or holiday;

- (i) **“Chair”** means a person who has the authority to preside over a meeting;
- (j) **“City”** means the Municipal Corporation of the City of Melville;
- (k) **“City Manager”** means the person appointed as City Manager pursuant to Section 84 of the Act;
- (l) **“Conflict of Interest”** means that defined in Appendix B attached hereto.
- (m) **“Committee of the Whole”** means all of Council present at a meeting of Council sitting in Committee;
- (n) **“Communications”** include, but are not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, newspaper/magazine /website article;
- (o) **“Council”** means the Mayor and Councillors of the City for the time being, elected pursuant to the provisions of the *The Local Government Election, 2015 Act* whose term has not expired and who has not resigned, and who continue to be eligible to hold office pursuant to Section 42 of *The Local Government Election, 2015 Act* and Section 120 of the Act;
- (p) **“Council Committee”** means a Commission, Board, Committee or Authority or other body duly appointed by Council;
- (q) **“Councillor”** means a term used to address Members of Council other than the Mayor;
- (r) **“Deputy Mayor”** means the Member of Council who is appointed by Council pursuant to Section 64(1) of *The Cities Act* and in accordance with Subsection 17.1 of this bylaw, to act as Mayor in the absence or incapacity of the Mayor and to Chair Committee of the Whole and Workshop Meetings;
- (s) **“Mayor”** means the Member of Council duly elected in the municipality as the Mayor in accordance with *The Local Government Election, 2015 Act*;
- (t) **“Member of Council”** shall mean the Mayor or a Councillor;
- (u) **“Motion to Amend”** means an alteration of a main motion by substituting, adding or deleting a word or words without negating the basic intent of the motion;
- (v) **“Motion to Amend an Amendment”** means an alteration of an amending motion by substituting, adding or deleting a word or words without negating the basic intent of the motion;
- (w) **“Motion to Postpone”** means to postpone a question, for a specified time, to provide an opportunity for further consideration and review by Members of Council;
- (x) **“Motion to Receive and File”** means a motion which is made for the purpose of acknowledging the particular item, report or recommendation under consideration and of having the item, report or recommendation placed in the records of the City Clerk for future reference, with no additional action being taken at the present time;
- (y) **“Motion to Refer”** means to refer a question or matter to a special Council Committee or to Administration for their review and recommendation to Council;
- (z) **“Motion to Table”** means to put aside a question in order to attend to further information to be provided or for the reason of attending to more urgent business;
- (aa) **“Motion (substantive or main)”** means a formal proposal placed before a meeting in order that it may be debated to a conclusion, and is any motion, that is:
 - (i) for general business;
 - (ii) to take from the table;
 - (iii) to reconsider;
 - (iv) to rescind; or
 - (v) to make special order of business;

- (bb) **“Motion (subsidiary)”** means one which affects the disposition of a substantive or main motion, and is any motion that deals with (in order of precedence):
 - (i) to lay on the table;
 - (ii) a previous question (or vote immediately);
 - (iii) to limit debate;
 - (iv) to postpone to a certain time;
 - (v) to refer;
 - (vi) move to committee of the whole;
 - (vii) to amend;
 - (viii) to extend the time of a meeting; or
 - (ix) to adjourn;
- (cc) **“Mover”** means a person who presents or proposes a motion or amendment;
- (dd) **“Order of Business”** means the list of items comprising the agenda and the order in which those items appear on the agenda;
- (ee) **“Point of Order”** means the raising of a question by a Member of Council, with the view of calling attention to any departure from The Procedures Bylaw or the customary modes or proceedings in debate, or in the conduct of the Council’s business;
- (ff) **“Point of Procedure”** means a question directed to the Presiding Officer to obtain information on a matter of Parliamentary law or the rules of Council bearing on a business at hand, in order to assist a Member of Council to make an appropriate motion, raise a point of order, understand the Parliamentary situation or the effect of a motion;
- (gg) **“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 Act;
 - (ii) The *Planning and Development Act*;
 - (iii) any other Act; or
 - (iv) a resolution or bylaw of Council;
- (hh) **“Public Notice”** is the notice provisions as set out in ‘The Public Notice Bylaw’ in effect at the time;
- (ii) **“Question of Privilege”** is the raising of a matter by a Member of Council:
 - (i) which while the Council is in session, the Member of Council believes:
 - (1) the rights, privileges, decorum or dignity of the Council collectively or the rights and privileges of a Member of Council individually have been affected; or
 - (2) that another Member of Council has spoken disrespectfully toward a Member of Council or Members of Council; or
 - (3) their comments have been misunderstood or misinterpreted by another Member of Council or Members of Council; or
 - (ii) when a Member of Council believes that comments made by the Member of Council outside the Council Chambers have been misrepresented or misunderstood by the community, the public or the news media in order to clarify his or her position; or
 - (iii) when a Member of Council believes an issue of an emergent situation needs to be dealt with;
- (jj) **“Quorum”** is:
 - (i) subject to Section 119 of the Act and other applicable statutory provisions, in the case of Council, a majority of the whole Council;
 - (ii) in the case of Council Committees, a majority of the members of the Council Committee;

- (kk) **“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;
 - (ll) **“Resolution”** means a formal determination made by Council or a Council Committee on the basis of a motion, duly placed before a regularly constituted meeting of Council or a Council Committee for debate and decision, and is duly passed;
 - (mm) **“Second”** means a person who formally supports that a motion or amendment be put on the table for discussion;
 - (nn) **“Special Meeting”** means a meeting other than a regularly scheduled Council meeting called pursuant to Section 97 of the Act or Section 6 of this bylaw;
 - (oo) **“Suspend”** has the same meaning as recess.
 - (pp) **“Two-thirds (2/3) Vote”** means a condition imposed when a vote is taken on an issue, whereby approval is contingent on not less than two-thirds of the votes of Members of Council present cast and being in the affirmative;
 - (qq) **“Unfinished Business”** means business which has or is to be transacted but which requires final authorization and/or approval from Council prior to completion;
 - (rr) **“Urgent Business”** means a time sensitive matter which requires Council’s immediate and urgent consideration;
- 2.2 Words importing male persons include female persons and singular reference includes plural reference.
- 2.3 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.

PART II - APPLICATION

3. Application

- 3.1 This Bylaw applies to all meetings of Council.
- 3.2 When any matter relating to proceedings arises which is not covered by a provision of this Bylaw, the matter shall be decided by reference to Robert’s Rules of Order”, as interpreted in the book written by J. Jeffrey Auer, Essentials of Parliamentary Procedure.
- 3.3 In the event of any conflict between the provisions of this Bylaw and those contained in any of the authorities set out above, the provisions of this Bylaw shall apply.
- 3.4 Subject to Subsection 3.2 of this Bylaw, any ruling of the Mayor or other presiding Member of Council shall prevail, subject however, to the appellate jurisdiction of Council.

PART III - COUNCIL PROCEDURE:

Division 1 – Council Meetings

4. First Meeting

- 4.1 The First Meeting of Council, known as the Inaugural Meeting shall be arranged by the City Clerk, and will be set in accordance with Subsection 5.2.

- 4.2 At the First Meeting of Council:
- (a) the past Mayor, or in the absence of the past Mayor, the City Manager, will call the meeting to order;
 - (b) the City Clerk will provide Council with a copy of the Declaration of Results with respect to the election;
 - (c) every Member of Council shall take the Oath or Affirmation of Office, pursuant to Section 68 of the Act;
 - (d) the past Mayor, or in the absence of the past Mayor, the City Manager, will present the newly elected Mayor with the Chain of Office;
 - (e) the newly elected Mayor will proceed thereon;
 - (f) a light reception will follow.

5. **Regular Meetings**

- 5.1 (a) Subject to Subsection (b) and (c) below, Regular Meetings of Council shall be held in Council Chambers of City Hall, on the first and third Mondays of each month, commencing at 6:00 p.m.
- (b) In the year of an election, the first Regular Meeting, following the Inaugural Meeting will be held on the second Monday following the date of the election, the second regular meeting will be held two (2) weeks later, and then the regular schedule of meetings will be held in accordance with Subsection 5.1(a) and shall be set in accordance with Subsection 5.2.
- (c) 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 following business day and the regular schedule as set out in Subsection 5.2 of this bylaw, will continue.
- 5.2 The City Clerk shall submit an annual schedule of meetings for approval by resolution of Council prior to September 30th of the preceding year.
- 5.3 Council may by resolution, dispense with the holding of a Regular Meeting of Council, or Committee of the Whole Meeting of Council and written notice of such cancellation shall be posted, for at least twenty-four (24) hours prior to the meeting date, at City Hall and on the City's website.
- 5.4 The date, hour or place of any meeting may be altered by resolution passed at any previous Regular Meeting of Council, by a vote of a majority of the Members of Council present and written notice of such alterations shall be posted for at least twenty-four (24) hours prior to the meeting at City Hall and on the City's website.
- 5.5 The Mayor shall be authorized to cancel a Meeting of Council and/or Committee of the Whole Council Meeting for the following reasons:
- (a) he is notified in advance by Members of Council that a quorum will not be present for a meeting; or
 - (b) there is insufficient business to warrant conducting a meeting.

All Members of Council are to be advised as expediently as possible of the cancellation and if time permits, written notice of such cancellation shall be posted for at least twenty-four (24) hours prior to the meeting at City Hall and on the City's website.

6. **Special Meetings**

- 6.1 The City Clerk shall call a Special Meeting of Council, whenever requested to do so in writing, by the Mayor or a majority of the Members of Council. Such written request shall include all items of business to be transacted.
- 6.2 When a Special Meeting is to be held, the City Clerk shall provide written notice of the time, date and place of the meeting to all Members of Council at least twenty-four (24) hours prior to the meeting, and in general terms, of the business to be transacted at the meeting, and the notice may be delivered personally or left at the usual place of business or residence of each Member of Council. Whenever possible, written notice respecting a Special Meeting shall not be served on a Saturday or Sunday except in the case of an emergency. Written notice of the time and place of a Special Meeting, and in general terms, the business to be transacted, shall be posted at least twenty-four (24) hours prior to the meeting at City Hall and on the City's website.
- 6.3 The Mayor may call a Special Meeting of Council on shorter notice, either verbal or written, on any matter that he considers sufficient, and the meeting shall proceed if all members of Council provide their consent in writing, to the notice, prior to the commencement of the meeting.
- 6.4 No business, other than that stated in the notice, shall be transacted at the Special Meeting, unless all Members of Council are present, in which case, by unanimous consent, any other business may be transacted.

7. **Committee of the Whole Council Meetings**

- 7.1 Committee of the Whole Council Meetings shall be held in Council Chambers of City Hall, if required, in conjunction with Regular Meetings of Council as set out in Subsection 5.1(a).
- 7.2 When it is resolved that Council go into Committee of the Whole Council Meeting, the Mayor or presiding Member of Council shall leave the Chair and the Deputy Mayor, or in his absence the Acting Deputy Mayor, shall be the Chairman of the Committee of the Whole Council Meeting, who shall maintain order in the Committee.
- 7.3 If the Mayor is absent, necessitating the Deputy Mayor to preside over the regular Council meeting, the next-in-line Deputy Mayor shall act as the Chairman of the Committee of the Whole Council Meeting.
- 7.4 No Member of Council shall speak more than once until every Member of Council who desires to do so has spoken.

- 7.5 Questions of order arising in any Committee of the Whole Council Meeting shall be decided by the Chairman, subject to an appeal to the Committee.
- 7.6 A Member of Council may at any time move that the Committee of the Whole Council rise and report and the question shall be decided without debate.
- 7.7 When the Committee has risen, the City Clerk shall report the Committee's recommendations to Council, and a motion to accept the Committee's recommendations, if made, shall be deemed to mean approval of the Committee's recommendations
- 7.8 (a)
A Committee of the Whole Council Meeting shall adjourn at 8:45 p.m. in the evening if in session at that time, unless Council has previously agreed to an extension of the Regular Meeting beyond 9:00 p.m., in which case the Committee of the Whole Council Meeting shall adjourn fifteen (15) minutes prior to the time extended for the Regular Council Meeting adjournment.
- (b)
Any unfinished business remaining at the time of the adjournment shall be considered at the next regular meeting of the Committee of the Whole Council or at a Special Meeting called for that purpose.
- 7.9 The minutes of the Committee of the Whole Council Meeting shall be placed on the agenda of the next following Regular Meeting of Council to be approved.
- 7.10 Subject to subsection 7.11 and 7.12 below, all Committee of the Whole Council Meetings shall be held openly and no person is to be excluded except for improper conduct and no bylaw or resolution may be passed at any such meeting.
- 7.11 When a majority of the members of the Committee of the Whole Council present at a meeting is of the opinion that it is in the public interest to hold all or part of the meeting in closed session, it shall do so by motion to move In-Camera, and Section 12 shall apply.
- 7.12 The matters which the Committee of the Whole Council may consider in private shall fall within the exemptions of Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*. (see Appendix A.)
- 7.13 The business of the Committee of the Whole Council shall be conducted in accordance with the rules governing the procedure of Council so far as may be applicable except for the following:
- (a) no motion shall be required to be seconded;
- (b) there shall be no limit to the number of times a member may speak to a question;

- (c) the Committee decision shall be that of the majority of the members present and voting on the question.

7.14 The minutes of the Committee of the Whole Council Meeting shall be accurately entered in a book or file provided for that purpose, and the minutes shall be submitted for approval at the next Regular Council Meeting and after they have received Council's approval, each page of the minutes shall be initialed by the Presiding Officer and the last page shall be signed by the Presiding Officer and City Clerk. All minutes, once approved, shall be open for inspection by the public, with the exception of the minutes of the In-Camera portion of a meeting.

8. **Workshop Meetings**

- 8.1 Workshop Meetings shall be held in Council Chambers of City Hall, if required, immediately following the adjournment of the Regular Meetings of Council.
- 8.2 The Deputy Mayor, or in his absence the Acting Deputy Mayor, shall be the Chairman of the Workshop Meeting, who shall maintain order in the Meeting.
- 8.3 If the Mayor is absent, necessitating the Deputy Mayor to preside over the regular Council meeting, the next in-line Deputy Mayor shall act as the Chairman of the Workshop Meeting.
- 8.4 No Member of Council shall speak more than once until every Member of Council who desires to do so has spoken.
- 8.5 Questions of order arising in any Workshop Meeting shall be decided by the Chairman, subject to an appeal to the Members.
- 8.6 The recommendations from the Workshop Meeting shall be presented to Council at the next Regular Council Meeting, and a motion to accept the Workshop's recommendations, if made, shall be deemed to mean approval of the recommendations.
- 8.7 (a) A Workshop Meeting shall adjourn at 9:00 p.m. in the evening if in session at that time, unless Council has previously agreed to an extension of the meeting.
(b) Any unfinished business remaining at the time of the adjournment shall be considered at the next workshop meeting.
- 8.8 The minutes of the Workshop Meeting shall be placed on the agenda of the next following Workshop Meeting to be approved.
- 8.9 All Workshop Meetings shall be held openly and no person is to be excluded except for improper conduct and no bylaw or resolution may be passed at any such meeting.

- 8.10 When a majority of the members of the Workshop Meeting present at a meeting is of the opinion that it is in the public interest to hold all or part of the meeting in closed session, it shall do so by motion to move In-Camera, and Section 12 shall apply.
- 8.11 The matters which the Workshop Committee may consider in private shall fall within the exemptions of Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* (see Appendix A.)
- 8.12 The business of the Workshop Committee shall be conducted in accordance with the rules governing the procedure of Council so far as may be applicable except for the following:
- (a) no motion shall be required to be seconded;
 - (b) there shall be no limit to the number of times a member may speak to a question;
 - (c) the Committee decision shall be that of the majority of the members present and voting on the question.
- 8.13 The minutes of the Workshop Meeting shall be accurately entered in a book or file provided for that purpose, and the minutes shall be submitted for approval at the next Workshop Meeting and after they have received the Committee's approval, each page shall be initialed by the Presiding Officer and the last page shall be signed by the Presiding Officer and City Clerk. All minutes, once approved, shall be open for inspection by the public, with the exception of the minutes of the In-Camera portion of a meeting.

9. **Strategic Planning Meetings**

- 9.1 The City Manager in consultation with the Mayor may schedule Strategic Planning Meetings when an agenda item has presented itself 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. **Notice of Meetings**

- 10.1 Notice of regularly scheduled Council Meetings is not required to be given, if a resolution as provided for in Subsection 5.2 has been approved.

- 10.2 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 of Council not present at the meeting at which the change was made; and
 - (b) the public.
- 10.3 Notice of a Council Meeting is deemed to have been given to a Member of Council if the notice is:
- (a) delivered personally;
 - (b) left at the usual place of business or residence of the Member of Council; or
 - (c) at the request of the Member of Council, 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 of Council.
- 10.4 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 City's website.

11. **Actions in Public**

- 11.1 An act or proceeding of Council is not effective unless it is authorized or adopted by bylaw or a resolution at a duly constituted public meeting of Council.
- 11.2 Every person has the right to be present at Council meetings that are conducted in public unless the person presiding at the Council meeting expels a person for improper conduct.

12. **Closed Sessions**

- 12.1 Council may close all or any part of its meetings to the public if the matter to be discussed:
- (a) is within one of the exemptions of Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* (see Appendix A); or
 - (b) concerns long-range or strategic planning.
- 12.2 A resolution to move into closed session shall state, in general terms, the topic(s) of discussion.
- 12.3 Where Council resolves to close a portion of a meeting to the public, all persons shall be excluded from the meeting except:
- (a) the Members of Council;
 - (b) the City Manager, the City Clerk, and other Administration staff as the Members of Council may deem appropriate; and
 - (c) such members of the public as may be allowed to attend by the Council.
- 12.4 Where Council resolves to close a portion of a meeting to the public, in addition to the resolution to do so, the City Clerk shall record in the minutes thereto:
- (a) the time that the closed session 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, as set out in Appendix A hereto.
- 12.5 No resolutions or bylaws may be passed during a closed session.
- 12.6 No business other than that described within the resolution pursuant to Subsection 12.2 may be discussed.
- 12.7 Matters discussed or to be discussed in closed sessions are to be kept in confidence until discussed at a public meeting of Council, and the written information provided may only be provided to the public by an application under the LAFOIPP provisions or as otherwise provided for in this bylaw.

Division 2 – Communications to Council

13. Submissions to Appear as a Delegate

- 13.1 Where a person, or group of persons, wishes to bring any matter to the attention of Council, or to have any matter considered by Council, a communication shall be addressed to the Mayor and Council, c/o The City Clerk.
- 13.2 A communication to appear as a delegation shall:
 - (a) be printed, typewritten, duplicated, or legibly written;
 - (b) clearly set out the matter at issue and the request being made of Council in respect thereof;
 - (c) be originally signed with the correct name of the writer, except when submitted by e-mail;
 - (d) contain the mailing address and residential address of the writer;
 - (e) contain the telephone number where the representative can be reached during the day;
 - (f) be temperate and respectful (as determined by the City Clerk with the approval of the Mayor);
 - (g) include a detailed written brief of the presentation to be made to Council;
 - (h) be received by the Office of the City Clerk on or before Noon on the Wednesday preceding the Council meeting that the delegation wishes to appear at.
- 13.3 The City Clerk may after reviewing the content of the communication to Council and with approval of the City Manager:
 - (a) suggest to the person or group of persons, to discuss the matter with Administration, as the matter being raised may be a matter that is being addressed and a sufficient explanation to satisfy the inquiry or request may be available; and/or
 - (b) inform the appropriate City department of the request in order that a report be prepared regarding the matter and be presented to Council by Administration at the same meeting that the person or group of persons will be making their presentation; or
 - (c) after additionally consulting with the Mayor, refuse to accept a request to speak to Council if Council or a Council Committee has, within the six (6) months immediately preceding the request, dealt with the same or substantially the same

matter by resolution or bylaw; and in this occurrence a copy of the request and reply will be forwarded to all Members of Council.

- 13.4 Subject to Subsection 13.3 if the person or group of persons wish to pursue the matter further with Council, the item will be added to the agenda.
- 13.5 Except for reports made to Council by a Member of Council attending a meeting as a designated representative of the City of Melville, or investigating a matter for or on behalf of Council, Members of Council shall not present matters for consideration of Council by submitting letters for inclusion on the agenda but shall do so by written inquiry or by Notice of Motion.

14. Written Communications:

- 14.1 Where written communication that is addressed to the ‘Mayor and Council’ or ‘Council’, is received, it shall be added to the Agenda under the appropriate heading to the meeting next following the receipt of the letter, in accordance with Subsection 28.4.
- 14.2 Subject to Subsection 13.1 and 13.2, if the Correspondence is of a nature that falls within Subsection 12.1 (a), it shall be added to the Committee of the Whole Council Meeting Agenda ‘In-Camera’ session.
- 14.3 Council shall make a resolution to:
 - (a) receive and file;
 - (b) proclaim;
 - (c) direct Administration to provide a report on the correspondence, to a stated future Regular or Committee of the Whole Council Meeting for further consideration. Such report, when brought back to the regular meeting of Council will be placed in the Agenda under the heading of ‘Administrative Reports’ and if the matter falls under the provisions of Subsection 12.1(a) will be brought back to the Committee of the Whole Council Meeting ‘In-Camera’ session; or
 - (d) as council otherwise directs.

15. Communications – Matters Not On Council Agenda

- 15.1 In the event of a Communication being received after the agenda submission deadline as set out in Subsection 28.4, but before the Council meeting is called to order regarding a matter of urgency, the City Clerk will bring the communication to the attention of Council.
- 15.2 The City Clerk will advise the individual that the communication may not be considered by Council unless the majority of Members of Council vote to allow the communication within the motion to amend the agenda.

Division 3 – Control and Conduct at Council Meetings

16. Mayor

- 16.1 The Mayor shall:
- a) preside at all Council meetings;
 - b) preserve order at Council meetings;
 - c) enforce the rules of Council;
 - d) decide points of privilege and points of order; and
 - e) advise on points of procedure.
- 16.2 The Mayor shall subject to Subsection 16.4, have the same rights and be subject to the same restrictions when participating in debate as other Member of Council.
- 16.3 The Mayor shall, subject to Subsection 16.4, have the same rights and be subject to the same restrictions to make a motion as other Members of Council.
- 16.4 When wishing to make a motion and/or debate a motion, the mayor shall:
- a) vacate the chair, and request that the Deputy Mayor take the chair;
 - b) if the Deputy Mayor is absent, the next-in-line Deputy Mayor shall take the chair; and
 - c) the Mayor shall remain vacant from the chair, if he was the mover or seconder of the motion, until the motion has been dealt with.

17. Appointment of Acting Mayor, Deputy Mayor and Acting Deputy Mayor

- 17.1 Each member of council, other than the Mayor, shall be appointed as Deputy Mayor, each for a consecutive eight (8) month term, as follows:
- a) The order of appointment shall be set in accordance with the number of votes each member received at the election, starting with the highest number. In the case of an equal number of votes being received by two or more Council members, the order of appointment, shall be in alphabetical order by the members' last name; and
 - b) In the event that council members are elected by acclamation, the order shall be in alphabetical order by the members' last name.
- 17.2 The Acting Deputy Mayor, shall be set in accordance with Clause 17.1 above, disregarding the member appointed as the Deputy Mayor.
- 17.3 If the Mayor, for any reason, is unable to perform the duties of this office, the Deputy Mayor shall have all the powers of the Mayor during the inability.
- 17.4 If for any reason, the Deputy Mayor is unable to perform their duties, in their absence, the Acting Deputy Mayor shall be considered Deputy Mayor. The Acting Deputy Mayor shall have all the powers of the position he is fulfilling in the absence of the position holder.
- 17.5 If the office of the Mayor becomes vacant, the Council shall, at its next meeting, appoint a Member of Council to be Acting Mayor. That Member of Council shall be Acting Mayor until a new Mayor is elected. The Member of Council to be appointed shall be

elected by a majority of the Members of Council present. Where two Members of Council have an equal number of votes, the City Clerk shall:

- (a) write the names of those Members of Council separately on blank sheets of paper of equal size, colour and texture; and
- (b) fold the sheets in a uniform manner so the names are concealed; and
- (c) deposit them in a receptacle and direct a person to withdraw one of the sheets; and
- (d) the Member of Council whose name is on the sheet withdrawn, pursuant to clause 17.5 (c), shall be declared elected.

17.6 If the Deputy Mayor becomes the Acting Mayor, as per Section 17.5, the Acting Deputy Mayor shall become the Deputy Mayor for the remaining term of the Acting Mayor or until a new Mayor is elected.

18. Conduct in Public Gallery

18.1 Members of the public who constitute the audience shall be seated in the Council Chambers' Gallery area during a Council meeting and;

- (a) may not address Council without permission of Council;
- (b) shall maintain order and quiet;
- (c) shall ensure that all electronic devices are silent;
- (d) shall not applaud or otherwise interrupt any speech or action of the Member of Council, or any other person addressing Council;
- (e) shall not display or have in their possession picket signs or placards which would distract the proceedings or interfere in the decorum of Council;
- (f) no person, except Members of Council, the City Manager, the City Clerk, the Clerk's Recording Secretary and other Administration staff as approved by the City Manager, shall be allowed to come within the bar during the sitting of the Council, without permission of the Mayor, or other presiding officer.

18.2 The Mayor or presiding Member of Council may, at any meeting, cause to be expelled and excluded, any person who creates any disturbances or acts improperly during a meeting, and

- (a) that person shall not refuse to leave when requested to do so;
- (b) any person who refuses to leave when requested to do so, may be removed;
- (c) if a person disturbs the proceedings of Council or refuses to leave when requested to do so, the Mayor may recess the meeting until the person leaves or adjourn the meeting to another day.

19. Conduct of Delegations

19.1 No delegation shall be heard unless they have complied with Section 13 or Subsection 34.3 in the case of a Public Hearing.

19.2 Spokespersons for any one delegation shall be limited to one (1), except where Council otherwise permits, and the total time allowed for any one delegation to make its presentation shall be not more than ten (10) minutes, exclusive of the time required to answer questions by Council. Council may grant additional time, as it deems appropriate.

The spokesperson shall confine their comments to the contents of the communication they filed with the City Clerk.

- 19.3 The Mayor may deny any delegation at the Council meeting, the right to be heard if, in his opinion, the delegation:
- (a) does not speak respectfully of her Majesty the Queen, or official representatives of her Government, the Federal Government, the Provincial Government or another municipal Council, or any official representing them;
 - (b) uses offensive words in referring to any Member of Council or to any official of the City or member of the public;
 - (c) shouts, immoderately raises his voice, or uses profane, vulgar or offensive language;
 - (d) the remarks of the delegations' spokesperson are likely to be scandalous, criminal, or offensive to the accepted rules of address to an elected body; or
 - (e) addresses issues not contained within the petition, brief or letter.
- 19.4 Members of Council shall not ask questions of the Administration until all delegations have been heard, either in support of, or in opposition to, the subject matter on the agenda, or before Council, without first obtaining consent of the presiding officer.
- 19.5 Where there is any conflict between this section and requirements under any Act with respect to a hearing before Council, the Act shall prevail.

20. Conduct of Members of Council

- 20.1 When a Member of Council wishes to speak at a Council meeting, they shall obtain the approval of the Chairman before doing so and upon approval the Member of Council shall address all comments to the Chairman of the Council Meeting.
- 20.2 When Members of Council are addressing the Chairman, every other Member of Council shall:
- (a) remain quiet and seated;
 - (b) not interrupt the speaker, except on a point of order, or point of procedure;
 - (c) not carry on private conversation which disturbs the Member of Council speaking;
 - (d) not cross between the speaker and the Chairman; and
 - (e) when two or more Members of Council wish to speak, the Mayor or other presiding officer shall name the Member of Council who, in his opinion, was the first to address the Chair.
- 20.3 When Members of Council are addressing the Chairman, they shall:
- (a) not speak disrespectfully of Her Majesty the Queen, or official representatives of her Government, the Federal Government, the Provincial Government, another municipal entity, City Council or any employee of the City;
 - (b) not use offensive words in referring to any Member of Council or to any official of the City or member of the public;
 - (c) not reflect on any vote of Council, except when moving to rescind it, and when so doing, shall not reflect on the motives of the Members of Council who voted for the motion, or the mover of the motion;

- (d) not shout or immoderately raise their voice or use profane, vulgar, or offensive language.
- 20.4 If a Member of Council has a conflict of interest, and the Member of Council is **present** at the meeting, the Member of Council shall:
- a) At the ‘Declaration of Conflict of Interest’ section of the Agenda, declare that he or she has a conflict of interest and at that time also disclose the general nature of the conflict of interest and any material details that could reasonably be perceived to affect the Member of Council’s impartiality in the exercise of his or her office;
 - b) At the introduction of the item on the agenda abstain from voting on any question, decision, recommendation or other action to be taken relating to the matter;
 - c) subject to Subsection 20.9, refrain from participating in any discussion related to the matter; and
 - d) subject to Subsection 20.8 and 20.9, leave the room in which the meeting is being held until discussion and voting on the matter are concluded.
- 20.5 If a Member of Council has a conflict of interest, and the Member of Council is **not present** at the meeting, the Member of Council shall:
- a) disclose the conflict of interest at the next meeting of the Council; and
 - b) otherwise comply with the requirements of Subsection 20.4
- 20.6 A Member of Council who has disclosed a conflict of interest as required, shall:
- a) declare and disclose the conflict of interest at every meeting at which the Member of Council is present and the matter is discussed or considered; and
 - b) comply with Subsection 20.4
- 20.7 No Member of Council shall attempt in any way, whether before, during or after the meeting, to influence the discussion or voting on any question, decision, recommendation or other action to be taken involving a matter in which the Member of Council has a conflict of interest.
- 20.8 If the matter with respect to which a Member of Council has a conflict of interest is the payment of an account for which funds have previously been committed and the payment is the amount previously approved, the Member of Council shall comply with clauses 20.4, but it is not necessary for the Member of Council to leave the room.
- 20.9 If the matter with respect to which a Member of Council has a conflict of interest is a question on which, pursuant to the Act or another enactment, the Member of Council, as a taxpayer, an elector or an owner, has a right to be heard by the Council:
- a) the Member of Council shall leave his or her place at the Council table, but is not required to leave the room; and
 - b) the Member of Council may exercise a right to be heard in the same manner as a person who is not a Member of the Council.

- 20.10 Every declaration of conflict of interest made pursuant to Section 20.4 and the general nature and material details of the declaration and any abstention or withdrawal must be recorded in the minutes of the meeting.
- 20.11 On a declaration in accordance with clause 20.4, the person presiding at the meeting with respect to the matter shall ensure that the other requirements of this section are followed with respect to the Member of Council.
- 20.12 When Members of Council wish to leave the Council Chamber while a meeting of Council is in progress, they shall be acknowledged by the Mayor or presiding Council Member before leaving their place. The Recording Secretary shall note in the minutes the Member of Council's name, reason and time for leaving the Council Chamber.
- 20.13 No Member of Council shall leave the Council Chamber after a question is put to a vote, until the vote is taken.
- 20.14 When a Member of Council enters the Council Chamber after the meeting has commenced, or returns to the meeting after being excused, the Recording Secretary shall note in the minutes, the Member of Council's name and time of entry at the stage of the meeting of this occurring.
- 20.15 When the Council adjourns or recesses, the Mayor shall have precedence in the Council Chamber and no other Member of Council shall leave their place until the Mayor or presiding Member of Council leaves the Chair, or otherwise indicates that the meeting is adjourned or recessed.
- 20.16 No Member of Council, shall bring into the Council Chamber a cellular phone or similar electronic device, excluding the City of Melville issued I-Pad, unless the phone or device is programmed, and remains programmed, so as to prevent an audible tone or ring.

21. Conduct of Council Meetings

- 21.1 All meetings of Council shall be held openly and no person shall be excluded, except for improper conduct.
- 21.2 Where a subject that falls within Subsection 12.1(a) arises, it shall be listed on the Committee of the Whole Council Meeting Agenda 'In-Camera' session and Section 12 shall apply.
- 21.3 The Mayor, or in his absence, the Deputy Mayor or Acting Deputy Mayor, shall preside at all meetings of Council, and shall preserve order and enforce the rules of Council.
- 21.4 Subject to being overruled by a majority vote of Members of Council, which vote shall be taken without debate, the Mayor or presiding Member of Council:
 - (a) shall maintain order and preserve decorum of the meeting;
 - (b) shall decide points of order without debate or comment, other than to state the rule governing;
 - (c) shall determine which Member of Council has a right to speak;

- (d) shall ascertain that all Members of Council who wish to speak on a motion have spoken thereon, and that the Members of Council are ready to vote by asking the question “Are you ready for the question?”, and shall thereafter put the vote;
 - (e) shall rule when a motion is out of order; and
 - (f) may call a Member of Council to order.
- 21.5 The Mayor, or presiding Member of Council, may leave the Chair for the purpose of taking part in the debate, or for any other reason, and in such case, he shall call on the Deputy Mayor, or in his absence the past Deputy Mayor to take his place until he resumes the Chair as set out in Subsection 16.4.
- 21.6 No flash or television lighting is to be used in the Council Chambers without prior permission of the Mayor or presiding Member of Council.

22. Point of Order

- 22.1 A Member of Council may rise and ask the Mayor to rule on a point of order and it shall be dealt with immediately.
- 22.2 When the Chairman is called upon to decide a point of order, the point shall be stated without unnecessary comment, and the Chairman shall state the rule or authority applicable in the case.
- 22.3 When a point of order is raised, or when a Member of Council is called to order from the Chair, the Member of Council speaking shall immediately refrain from speaking further until the Chair has decided the point raised.
- 22.4 The Member of Council raising a point of order may be granted permission to explain the point.
- 22.5 The decision of the Chair shall be final, unless an appeal is made pursuant to Section 26 of this Bylaw.

23. Point of Procedure

- 23.1 A Member of Council may rise and ask the Mayor to rule on a point of procedure and it shall be dealt with immediately.
- 23.2 When the Chairman is called upon to answer a point of procedure, the point shall be stated without unnecessary comment, and the Chairman shall state the rule of procedure bearing on the matter before Council.
- 23.3 When a point of procedure is raised, or when a Member of Council is called to order from the Chair, the Member of Council speaking shall immediately refrain from speaking further until the Chair has decided the point raised.
- 23.4 The decision of the Chair shall be final, unless an appeal is made pursuant to Section 26 of this Bylaw.

24. Question of Privilege

- 24.1 A Member of Council may rise and ask the Mayor to rule on a question of privilege and it shall be dealt with immediately.
- 24.2 Whenever a question of privilege arises, the Chairman shall rule upon the admissibility of the question, and if the chair rules favorably, the Member of Council who raised the question of privilege shall be permitted to pursue the said question.
- 24.3 If the point of privilege concerns a situation, circumstance or event which arose between Council meetings, the Member of Council shall raise the point of privilege immediately after adoption of the minutes of the previous Council meeting.

25. Suspension of Rules

- 25.1 Unless otherwise stated, any or all of the rules herein contained may be suspended for any one meeting by a vote of two-thirds (2/3) of the Members of Council present at the meeting.

26. Appeal to the Chair

- 26.1 Whenever a Member of Council wishes to appeal the ruling of the Chairman, it must be made immediately after the ruling is made or the ruling is final.
- 26.2 The appeal shall be made as follows:
 - (a) the Member of Council shall make a Motion of Appeal, stating “That the decision of the Chair be overruled”;
 - (b) the Member of Council may offer a brief reason for the appeal;
 - (c) the Chairman may state the reason for the decision;
 - (d) following which the question shall be put immediately without debate.
- 26.3 The Chairman shall be governed by the vote of the majority of the Members of Council present, and the names of the Members of Council voting for or against the motion shall be recorded in the minutes.
- 26.4 If the Mayor or presiding Member of Council refuses to put the question, “That the decision of the Chair be overruled”, the Council shall forthwith request the Deputy Mayor, or if the Deputy Mayor is the presiding Member of Council or is absent, the Acting Deputy Mayor to proceed from the floor, if necessary, in accordance with Subsection 26.2 of this Bylaw.
- 26.5 Any resolution or motion carried under the circumstances mentioned in Subsection 26.4 of this Bylaw is effectual and binding as if carried under the Chairmanship of the Mayor.

27. Calling a Member of Council to Order

- 27.1 When the Mayor or presiding Member of Council calls a Member of Council to order, the Member of Council shall cease speaking, but may afterwards explain his position in making the remark for which he was called to order.
- 27.2 In the event that a Member of Council ignores the call to order, the Mayor shall request the Deputy Mayor, or if the Deputy Mayor is absent or is the unruly Member of Council, the next Deputy Mayor in rotation to move a resolution to remove the unruly Member of Council either:
- (a) for the balance of the meeting;
 - (b) until a time which shall be stated in the motion; or
 - (c) until the Member of Council makes an apology acceptable to Council for his unruly behavior; whichever shall be the shortest time.
- 27.3 When the majority of Council votes in favour of the resolution, the Mayor or presiding Member of Council shall Call for a motion to recess during which time the Member of Council shall leave the Council Chambers and in the event that the Member of Council refuses to leave the Council Chambers, the City's Police service will be contacted to attend and remove the unruly Member of Council from the Council Chambers.
- 27.4 When Council has directed an unruly Member of Council to leave the Council Chambers, and the Member of Council so directed makes an explanation and apology adequate and satisfactory to Council, by a majority vote of the remaining Members of Council present, the Member of Council may be allowed to remain in his place if he has not left or been removed, and thus retake his place and position.

Division 4 – Council Meeting Procedures

28. Agendas

- 28.1 The City Clerk shall prepare the agenda that will be approved by the City Manager for all Regular, Committee of the Whole Council and Workshop Meetings.
- 28.2 The City Clerk shall prepare the agenda as directed by the City Manager and Mayor for Special Council Meetings.
- 28.3 The City Clerk shall prepare the agenda as directed by the City Manager for Strategic Planning Meetings.
- 28.4 Subject to the other provisions of this bylaw, every communication, notice of motion, petition or committee report, Administration report, application to appear as a delegation, inquiry or other written application must be received by the City Clerk on or before noon on the Wednesday in the week preceding the meeting of Council, Committee of the Whole Council and/or Workshop Meeting at which it is desired to be presented.
- 28.5 Only the material which has been received by the City Clerk by the time set out in Section 28.4 of this bylaw shall be considered at the meeting for which the agenda is prepared. Council may, on majority vote, permit additional material on the agenda.

- 28.6 The City Clerk shall ensure copies of the agenda's plus supporting documentation are distributed to each Member of Council by 4:00 p.m. the Thursday preceding the meeting of Council for which it was prepared.
- 28.7 Subject to Subsection 28.11, the City Clerk shall ensure copies of the agenda plus supporting documentation, less the Minutes of the Regular Meeting of Council, Committee of the Whole Council Meeting and Workshop Meeting, are distributed to City Administration entitled to receive copies by noon, the Friday preceding the meeting of Council for which it was prepared.
- 28.8 Subject to Subsection 28.10, the City Clerk shall ensure that the agenda is provided to the news media and posted at City Hall by 4:00 p.m. the Friday preceding the meeting of Council for which it was prepared.
- 28.9 Subject to Subsection 28.10 and notwithstanding Section 28.8, the news media that have entered into an embargo agreement with the City, shall be provided the Agenda plus supporting documentation, less the Minutes of the Regular Meeting of Council, Committee of the Whole Council Meeting and the Workshop Meeting, by 4:00 p.m. the Friday preceding the meeting of Council for which it was prepared.
- 28.10 None of the Media, shall be given supporting documentation regarding 'In-Camera' items to be presented at the Committee of the Whole Council Meeting, and the Agenda for the Committee of the Whole – In Camera portion, will generalize the item by stating it as a:
- (a) property item;
 - (b) personnel item;
 - (c) legal item;
 - (d) budgetary consideration item;
 - (e) other,
- and shall list the sections of *The Local Authority Freedom of Information and Protection Privacy Act* in accordance with Appendix A, that apply to the generalized item.
- 28.11 None of the City Administration shall be given supporting documentation regarding the 'In-Camera' items to be presented at the Committee of the Whole Council Meeting and their agenda will generalize those particular items as 'personnel items' and shall list the section of *The Local Authority Freedom of Information and Protection Privacy Act* in accordance with Appendix A, that apply to the generalized item.

29. Urgent Business

- 29.1 The Administration may request to add a matter to the agenda of a meeting as urgent business after the agenda has been prepared and distributed and shall provide an explanation of the reasons and degree of urgency of the matter.
- 29.2 A Member of Council, during confirmation of the agenda, may move to add a report, communication, delegation or motion in writing, on a matter of urgent public importance, which is not on the agenda, provided that prior notice has been given to the City Clerk.
- 29.3 A motion to bring a matter before Council as urgent business is subject to the matter proposed for discussion relating to a genuine emergency, calling for immediate and urgent consideration.

29.4 Council may on a unanimous vote of Members of Council present, agree to consider such a matter of urgent business.

30. Order of Business At Meetings

30.1 Subject to the other provisions of this section, the order of business for a meeting shall be the order of the items contained in the agenda for that meeting.

30.2 The general order of business of every Regular Council Meeting shall be as follows:

- (a) Call to Order
- (b) Approval of the Agenda
- (c) Declaration of Conflict's of Interest
- (d) Approval of the Minutes
- (e) Business Arising out of the Minutes
- (f) Delegations and Petitions
- (g) Appointment of Officers or Committees
- (h) Reports of Committees
- (i) Unfinished Business
- (j) Correspondence
- (k) New Business
- (l) Introduction and Reading of Bylaws
- (m) Giving Notice of Motion
- (n) Announcements and Open Question Period (limit 30 minutes)
- (o) Confidential – Committee of the Whole
- (p) Adjournment

30.3 The general order of business in every Workshop Meeting shall be as follows:

- (a) Call to Order
- (b) Declaration of Conflict's of Interest
- (c) Approval of the Workshop Minutes
- (d) Delegation(s)
- (e) Mayor's Items
- (f) Manager's Items
- (g) Items Requested from Council Meetings
- (h) Councillors
- (i) Administrative Items
- (j) Referred Items
- (k) Adjournment.

30.4 At all Special Meetings of the Council, "The General Order of the Day" shall be prepared as the Mayor and/or City Manager shall direct and in default of such direction, then as provided in Section 30.2.

30.5 The business shall, in all cases, be taken in the order in which it stands on the agenda, unless otherwise determined by consensus of Council or upon motion passed by a vote of the majority of the Members of Council present.

30.6 Notwithstanding the order of business set out in Subsection 30.2 or 30.3 of this bylaw, where the same subject matter appears in more than one place in the same agenda, Council may:

- (a) deal with all items related to the matter; or
- (b) deal with such items as they appear on the agenda; or
- (c) refer the items for consolidation into one report.

31. Commencement of a Council Meeting

- 31.1 At the hour set for the meeting or as soon as there shall be a quorum present, the Mayor, or in his absence the Deputy Mayor, shall take the chair and call the Members of Council to order.
- 31.2 In case neither the Mayor nor the Deputy Mayor is in attendance fifteen (15) minutes after the hour appointed, and subject to a quorum being present, the Acting Deputy Mayor shall call the meeting to order. The Acting Deputy Mayor 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.
- 31.3 If a quorum is not present fifteen (15) minutes after the time appointed for the meeting, the City Clerk shall record the names of the Members of Council present at the expiration of such time and the presiding Chairman (Mayor/Deputy Mayor/Acting Deputy Mayor) shall announce that Council shall then stand adjourned until the next meeting, unless a Special Meeting is called in the meantime.
- 31.4 Subject to Section 32, or any other statutory provision, if at any meeting the number of Members of Council is reduced to less than the number required for a quorum, Council shall stand adjourned.
- 31.5 Any unfinished business remaining at the time of the adjournment, due to the loss of quorum, shall be considered at the next Regular Meeting, and shall be listed under the heading of 'Unfinished Business' on the agenda for the subsequent meeting, or it shall be the agenda for a Special Meeting called for that purpose.

32. Quorum

- 32.1 A quorum of Council is a majority of Members of Council.
- 32.2 If a Member of Council declares a conflict of interest on an agenda item, pursuant to Subsection 20.4, 20.5 or 20.6, they are not to be counted for the purpose of determining whether a quorum of the Council is present when the question is put to a vote.
- 32.3 If the number of Members of Council declaring a conflict of interest results in a loss of quorum, the remaining Members of Council are deemed to be a quorum unless the number is less than two.
- 32.4 Any act or proceeding of Council that is adopted at any Council meeting at which a quorum is not present is invalid.

33. Minutes

- 33.1 The City Clerk shall record the Minutes of each Council Meeting without note or comment. The Minutes are the official record of meeting proceedings and they should be clear, accurate and concise and include the following essential information:
- (a) the name of the municipality;
 - (b) the time, date and place of the meeting;
 - (c) the names and Council capacity of the Members of Council present;
 - (d) the name of the Members of Council absent, separated into the categories of Regrets (for those Members of Council who have provided prior notice of their inability to attend the meeting) and Absent (for those Members of Council who did not provide prior notice of their inability to attend the meeting);
 - (e) the name and title of Administration staff present;
 - (f) the call to order of the meeting by the presiding Member of Council, noting the name and title of the person and the time the meeting is called to order;
 - (g) the type of meeting – regular, committee of the whole, workshop, special, etc.;
 - (h) the approval of the agenda;
 - (i) all declarations of Conflict of Interest, the resulting abstention from discussion and voting by any member with respect to any matter or question before Council and the fact that a member leaves the meeting after declaring a ‘conflict of interest’;
 - (j) the approval of the previous meeting’s minutes;
 - (k) the names, organizations, subject matter of delegations/presenters;
 - (l) the name of the mover and if applicable, seconder of every motion, with a number assigned to each;
 - (m) the motion and if it was carried or defeated;
 - (n) any other items required as set out in this bylaw;
 - (o) the time of the adjournment;
 - (p) the date of the meeting that the minutes are approved at;
 - (q) the initials of the presiding Member of Council on each page of the minutes and the signature of the presiding Member of Council and presiding City Clerk on the last page of the meeting the minutes are approved at;
 - (r) the original of any bylaw adopted at the Council meeting and any other document being adopted shall be attached to and form a part of the meeting minutes.
- 33.2 The City Clerk shall distribute a copy of the minutes to each Member of Council for the next meeting.
- 33.3 The Chair shall present the Minutes to Council with a request for a motion to approve the minutes.
- 33.4 The Minutes of the previous meeting shall not be read aloud, unless requested by a majority of the Members of Council or unless they have not been circulated prior to the meeting.
- 33.5 Any Member of Council may make a motion requesting that the Minutes be amended to correct any errors or omission.

34. Public Hearings

- 34.1 If a Public Hearing is required by any Act, or on the advice of Administration and if Council deems it appropriate, a Public Hearing shall be conducted in accordance with the provisions of this section and may be held in conjunction with a Regular Meeting of Council or scheduled as a separate Public Hearing meeting subject to the notice provisions as set out in the Public Notice Bylaw of the City of Melville.
- 34.2 If the Public Hearing is on a proposed Bylaw, the Public Hearing shall be held prior to the second reading of the Bylaw.
- 34.3 Any person who wishes to provide a written submission, must deliver same to the City Clerk's Office by 9:00 a.m. two business days preceding the Public Hearing. The written submission will be provided to Council by 4:00 p.m. two business days preceding the Public Hearing. In this case there is no requirement of the originator to provide a verbal presentation at the Public Hearing.
- 34.4 Council will accept written submissions at the Public Hearing, however the originator or his/her appointed representative must be in attendance at the Public Hearing to verbally present the submission to Council.
- 34.5 The order of every Public Hearing shall be as follows:
- (a) the Mayor shall declare the hearing open and inquire of the City Clerk if there are any presentations to be made;
 - (b) the City Clerk shall verbally acknowledge the receipt of all written submissions by stating the name(s) of the originator and if that submission was for or against the matter at hand, and/or state that there is or there is not anyone in attendance to speak to the matter at hand;
 - (c) if there is a presenter that would like to speak to the matter, the City Clerk will introduce the presenter(s) and indicate if they are speaking for or against the matter at hand;
 - (d) the Mayor shall invite the presenter(s), one at a time to the podium to speak and the order of presenters shall be:
 - (i) those in support;
 - (ii) those opposed;
 - (iii) those deemed affected;and the City Clerk shall read out 'verbatim' all written submissions received, unless the originator is in attendance in which case they may opt to verbally present their submission on their own;
 - (e) the presenters(s) shall be given an opportunity to make representations on the matter under consideration;
 - (f) Council shall hear any person or group of persons or spokespersons acting on behalf of another person or group who wish to make representations on the matter under consideration;
 - (g) the applicant (if applicable) shall be given an opportunity to respond to the representations of other people at the conclusion of all other presentations;
 - (h) Council may request further information from the Administration or any persons in attendance;
 - (i) if it is a hearing under *The Planning and Development Act, 2007* (or any Act that replaces *The Planning and Development Act, 2007*), the Municipal Planning

Commission may make a presentation to Council with respect to matters which it has considered and may advise Council of its recommendation, if any;

- (j) the Administration shall have provided a report on the Bylaw or Resolution under consideration including the Administration's recommendations;
- (k) Council shall formally receive all correspondence and written reports submitted to it on the subject matter, verbal presentations will be acknowledged in the minutes;
- (l) the Mayor shall declare the hearing closed; and
- (m) Council shall consider the Bylaw or Resolution at the end of the Public Hearing or in the case of Administration providing a report later in the Agenda, at the conclusion of that report.

34.6 The time allowed for each person making representation(s) shall be five (5) minutes.

34.7 A hearing may be recessed to a specified later date.

34.8 Pursuant to Subsection 55.2(b), a Member of Council shall abstain from taking part in the debate or voting on the Bylaw or Resolution if the Member of Council was absent from all of the Public Hearing(s) and may abstain from taking part in the debate or vote on the Bylaw or Resolution if the Member of Council was absent from part of the Public Hearing.

35. Bylaws

35.1 Where a bylaw is presented to Council for enactment, the City Clerk shall cause the number and title of the bylaw to appear on the agenda in the appropriate place.

35.2 The City Clerk shall cause the bylaw to be copied in full and forwarded to the Members of Council with the agenda.

35.3 Every proposed bylaw shall have three (3) distinct and separate readings.

35.4 A proposed bylaw must not have more than two (2) readings at a Council meeting unless the Members of Council present unanimously agree to consider third reading.

35.5 A bylaw shall be passed when a majority of the Members of Council present and voting on the third reading vote in favour of the bylaw, provided the Act, some other applicable Provincial Statute or City bylaw, does not require a greater majority.

35.6 A bylaw shall be introduced for first reading by a motion that the bylaw specifying its number and title, be introduced and read a first time.

35.7 Where a bylaw which is introduced for first reading is not copied in or delivered with the agenda, the City Clerk, if a Member of Council so requests, shall read the bylaw aloud at length, but otherwise only the number and title of the bylaw shall be read aloud.

35.8 Council shall vote on the motion for the first reading of a bylaw without amendment or debate.

- 35.9 If a Member of Council does not elaborate on the subject matter of the bylaw or phrase his question so as to set out his opinion for or against the bylaw, notwithstanding the provisions of Subsection 35.8 of this bylaw, he may ask a question or questions concerning the bylaw.
- 35.10 A bylaw shall be introduced for second reading by a motion that it be read a second time, specifying the number of the bylaw only, unless the second reading is held at a subsequent meeting in which case both the number and title of the bylaw shall be specified.
- 35.11 After a Member of Council has made a motion for second reading of a bylaw, Council may;
- (a) debate the substance of the bylaw; and
 - (b) propose and consider amendments to the bylaw.
- 35.12 A proposed amendment shall be put to a vote and if carried shall be considered as having been read a first time and incorporated in the bylaw.
- 35.13 When all amendments have been accepted or rejected, a motion for second reading of the bylaw, as amended shall be put.
- 35.14 A motion for third reading of a bylaw shall give the number and title of the bylaw.
- 35.15 It shall not be necessary to read a bylaw aloud for third reading and any amendments passed to the bylaw shall be assumed to be incorporated into the bylaw on third reading, at which state the bylaw comes into force and takes effect unless the bylaw specifies otherwise.
- 35.16 A bylaw may be amended at third reading, providing the amendment is of a minor nature and provided the bylaw has not received any statutory approvals.
- 35.17 If a unanimous vote for a third reading of a bylaw at the same meeting is not received, the bylaw will then be brought forward to subsequent meetings of Council, at which time only a majority of Council is required to vote in the affirmative to pass the bylaw.
- 35.18 Any previous readings of a proposed bylaw are rescinded if the bylaw:
- (a) does not receive third reading within two years of first reading; or
 - (b) is defeated on second or third reading.
- 35.19 Any bylaw which requires the approval of a department of the Provincial Government prior to third reading, in accordance with the provisions of the Act or any other Act, shall receive only two readings and be forwarded to the Province for approval, upon receipt of which the bylaw shall then be passed by Council.
- 35.20 The City Clerk shall be empowered to correct any clerical, grammatical or typographical errors or make changes to the bylaw without changing the substance of the bylaw to bring out more clearly the meaning of the bylaw or to improve the expression of the law that may not have been corrected at the time of submission to Council and the bylaw shall have the same status as if the Council had corrected same.

- 35.21 When a bylaw has been given three readings by Council, it
- (a) becomes a municipal enactment of the City; and
 - (b) is effective immediately unless the bylaw or an applicable Provincial Statute provides otherwise.
- 35.22 After passage, a bylaw shall be signed by the Member of Council presiding at the meeting at which the bylaw was passed and by the presiding City Clerk, and shall be impressed with the corporate seal of the City, pursuant to the provisions of Subsection 85(2)(e) of the Act.
- 35.23 All bylaws shall be consolidated and printed by the City Clerk, as required.
- 35.24 The City Clerk shall maintain an indexed register containing certified copies of all bylaws of the City of Melville.

36. Recess

- 36.1 The Council may recess at any time during the meeting.
- 36.2 A motion to recess shall be seconded and must state the time of duration of the recess, and must be passed by a majority of the Members of Council present.
- 36.3 The Council may reconvene sooner than the time mentioned in the motion of recess, if all Members of Council are present, but must not reconvene later than fifteen (15) minutes after the time specified for reconvening or the meeting shall be deemed to be adjourned due to a lack of quorum.
- 36.4 Upon reconvening the meeting, Council shall convene business with the next listed agenda item following that considered prior to the recess, unless a motion to alter the agenda is passed.

37. Adjournment

- 37.1 A Council meeting shall stand adjourned when the Council has completed all of the business as listed on the Agenda or at the hour of 9:00 p.m., whichever comes first, except:
- (a) if a Member of Council is addressing Council, he may complete his address; and
 - (b) Council may agree to an extension of a meeting beyond 9:00 p.m. provided at least two-thirds (2/3) of all Members of Council present at the meeting agree to do so.
- 37.2 All matters of business which appear on the Council agenda for a meeting, and which have not been dealt with by 9:00 p.m., or at such time to which the meeting has been extended, shall be deemed to be tabled until the next Regular Meeting of Council, Committee of the Whole Council, Workshop Meeting, or to a Special Meeting of Council called for the purpose of dealing with unfinished business.

38. Post Meeting Actions

- 38.1 The City Clerk shall communicate the resolutions and instructions of Council to the parties concerned and conduct the general correspondence of Council.
- 38.2 The City Clerk shall prepare a report which lists all items and the priority of the items which have been tabled or referred by Council or Committees on each Workshop agenda. This list will be amended as follows:
- (a) On an on-going basis to remove all items on the list which have been resolved by the Committee, and by adding all new items which have been tabled or referred during the current month; and
 - (b) When a status report has been submitted by the Administration advising the progress of a review or any subject listed on the outstanding list, the subject shall not be removed from the list but the list shall be updated as to the new date when the final report is expected to be submitted.

Division 5 – Motions in Council Meetings

39. Motions

- 39.1 A motion shall express fully and clearly, the intent of the mover and shall not be preceded by any preamble.
- 39.2 A motion is not properly before Council and shall not be considered until it has been seconded, except when:
- (a) Council is in Committee of the Whole Council, or in Workshop, in which case the motion only requires a mover; or
 - (b) when the Motion is an Appeal of the decision of the Chair Ruling.
- 39.3 When a motion has been made and seconded, and is being considered by Council, no Member of Council may make any other motion, except a motion to:
- (a) amend a motion;
 - (b) withdraw a motion;
 - (c) refer the main question to some other person or group for consideration;
 - (d) table the main question;
 - (e) postpone a motion, to a specified time;
 - (f) to request that the motion be put to a vote;
 - (g) adjourn the meeting.
- 39.4 Any Member of Council may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a Member of Council while speaking.
- 39.5 Subject to Section 48, after a motion has been moved and seconded, it is the property of Council and may not be withdrawn without the permission of the majority of Council.
- 39.6 Notwithstanding Subsection 39.3 of this bylaw, or anything elsewhere contained in this bylaw, a Member of Council, after a motion has been made and seconded, may with the consent of Council;
- (a) on his own initiative while he is speaking of the same; or

- (b) when requested by another Member of Council speaking on the motion, change the wording of the motion, or agree to a change proposed by another Member of Council, if the alteration does not change the intention of the motion.

40. Debate on Motions

40.1 Except as specifically provided elsewhere in this bylaw, the following motions are debatable by Council:

- (a) a motion arising out of any matter included in the agenda for the Council Meeting at which it is debated;
- (b) a motion concerning any question, matter or subject tabled indefinitely from a previous meeting of Council, or tabled for a meeting at which it is discussed;
- (c) a motion for concurrence in, rejection of, or further reconsideration of a report to Council;
- (d) a motion for the second reading of a bylaw;
- (e) a motion for the third reading of a bylaw;
- (f) a motion for appointment or dismissal of a Council Committee;
- (g) a motion for Council to go 'In Camera';
- (h) a motion for Council to go into Committee of the Whole Council;
- (i) a motion for amendment to any bylaw properly before Council, or any matter arising directly out of any bylaw properly before Council;
- (j) a motion to receive and file;
- (k) such other motion made upon routine proceedings as may be required for:
 - i) the observance of the proprieties of the Council;
 - ii) the maintenance of the authority of Council;
 - iii) the appointment or conduct of its officers;
 - iv) the management of its business;
 - v) the arrangement of its proceedings;
 - vi) the correctness of its records;
 - vii) the fixing of its meetings or the days and time of its meetings; or
 - viii) the time of the meeting or adjournment thereof.

40.2 No Member of Council may speak more than twice on any motion, unless they have the expressed consent of the presiding Member of Council or except under the following circumstances:

- (a) when Members of Council feel that they have been misquoted or misunderstood, they may, after receiving permission from the presiding Member of Council to speak, explain a part of the speech, but may not introduce any new matter and there shall be no debate on the explanation;
- (b) when Members of Council have moved a substantive motion, other than a motion that the main question before the Council be immediately put to a vote, they may close the debate after all other Members of Council have been given an opportunity to speak;
- (c) before the debate has been closed, and the question called, provided no other Member of Council has the floor, a Member of Council may during the debate:
 - i) ask a question which;
 - relates directly to the debate;
 - contains no argument; and
 - introduces no new material on the motion;

- ii) request that the motion, or part thereof, be read aloud;
 - (d) a majority of Council consents.
- 40.3 No Member of Council shall speak longer than:
- (a) five (5) minutes on any original motion before Council;
 - (b) three (3) minutes on any amendment before Council; or
 - (c) three (3) minutes for closing debate on an original motion or on an amendment.
- 40.4 When the Mayor or presiding Member of Council wishes to make a motion or participate in the debate, he shall vacate the Chair and request the Deputy Mayor, or Acting Deputy Mayor if the Deputy Mayor is not in attendance, to take the Chair and the Mayor or presiding Member of Council may retake the chair if it was passed for debate purposes, however must remain out of the Chair until the motion has been dealt with, if they have moved or seconded the motion.
- 40.5 When a Member of Council has closed debate, the presiding officer shall put the motion to a vote, without further discussion or debate.
- 40.6 When the call for a vote on the motion has been put, no Member of Council shall debate further on the question or speak any words except to request that the motion be read aloud.

41. Amendments

- 41.1 Notwithstanding anything else contained herein, no amendment shall be made to a motion;
- (a) to refer a question to some other person or body for consideration;
 - (b) to table a question, except as to date;
 - (c) to postpone a discussion on a matter to a stated time;
 - (d) for the first reading of a bylaw;
 - (e) to adjourn a meeting.
- 41.2 While a motion is under discussion by Council, a Member of Council may not move an amendment which;
- (a) does not relate to the subject matter of the principal motion; or
 - (b) is directly contrary to the principle motion.
- 41.3 The Mayor or presiding Member of Council shall allow only one (1) amendment at a time to the principle motion before Council, and only one (1) amendment to that amendment may be allowed at a time.
- 41.4 The Mayor or presiding Member of Council shall not put the principal motion under debate until the amendments to it have been put and voted on.
- 41.5 The Mayor or presiding Member of Council shall call for the vote on all amendments in the reverse order in which they have been moved.
- 41.6 When all amendments are voted upon, the Mayor or presiding Member of Council shall put the principal motion, incorporating any amendments already adopted thereto.

42. Motions Containing Distinct Propositions

42.1 A motion containing several distinct propositions is not out of order for that reason alone.

42.2 Where a motion contains two or more propositions, and when:

- (a) a Member of Council so requires; or
- (b) the Mayor or Member of Council so orders;
Council shall vote on each proposition separately.

43. Motion Arising

43.1 When a particular matter is before Council, a motion arising on the same matter is permitted provided:

- (a) the proposed motion is related to and rises from the item which has just been considered;
- (b) the proposed motion does not alter in any significant way the principle embodied in the original motion; and
- (c) the proposed motion is made before the consideration of any other item of business at the meeting.

44. Request that Motion be put to a Vote:

44.1 A motion requesting that a motion be put to a vote shall not be moved or seconded by a Member of Council who has spoken to the original motion.

44.2 A motion requesting that a motion be put to a vote shall not be amended or debated.

44.3 If a motion requesting that a motion be put to a vote is passed by Council, the original motion shall immediately be put to a vote of Council without any amendment or debate.

44.4 If a motion requesting that a motion be put to a vote is not passed by Council, the original question may be amended or debated.

45. Motion to Adjourn

45.1 A Member of Council may move a motion to adjourn a meeting at any time, except when:

- (a) another Member of Council is in possession of the floor;
- (b) a call for a recorded vote has been made;
- (c) the Members of Council are voting;
- (d) the Council has reverted to a Closed Session and has not yet concluded the discussions;
- (e) the Council has reverted to a Committee of the Whole Council Meeting during a Regular Meeting and has not yet concluded the Committee of the Whole Council Meeting;
- (f) a previous motion to adjourn has been defeated and no other intermediate proceeding has taken place; or

- (g) when Council is considering a motion requesting that a motion be put to a vote.
- 45.2 A motion to adjourn shall be put without comment or debate.
- 45.3 Subject to Subsection 37.1(b), after the hour of 9:00 p.m., with the Council meeting still being in session, a motion to adjourn, in order to carry, need to be supported by only two Members of Council.

46. Motion to Move to Closed Session

- 46.1 A Member of Council may make a motion that a Council meeting move to a closed session.
- 46.2 The motion to move to a closed session must:
 - (a) be in accordance with *The Local Authority Freedom of Information and Protection of Privacy Act*; (see Appendix A)
 - (b) include in general terms, the topic of discussion by referencing the section of 46.2(a) that applies;
 - (c) include the reason for the Council meeting to be held in a closed meeting.
- 46.3 No bylaw or resolution shall be passed during a closed session.

47. Motions Out Of Order

- 47.1 When the Mayor or presiding Member of Council decides a motion is out of order, he shall so advise Council and shall cite the rule or authority applicable thereto.
- 47.2 Any Member of Council may appeal the ruling of the Chair, pursuant to Section 26 of this Bylaw.
- 47.3 It shall be the duty of the presiding Member of Council to determine what motions or amendments are in order, subject to an appeal to Council, and decline to put any motion before Council which he deems to be clearly out of order or contrary to law.

48. Withdrawal of Motion

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

49. Motion to Reconsider:

- 49.1 Any question except one of indefinite postponement, or related to the passing of a bylaw, may be reconsidered. When a Member of Council of the majority wishes Council to reconsider any motion after a question has been decided he shall:

- (a) at any time prior to adjournment of the next meeting following the meeting at which such question was decided, give notice in writing that he will move at the first meeting held thereafter for a reconsideration thereof;
 - (b) indicate in the notice the action which he wishes to propose that Council shall take on the matter, stating his reasons for doing so;
- The seconder for the motion does not have to be on the prevailing side.

49.2 No discussion of the main question shall be allowed upon written notice of reconsideration or upon the motion to reconsider, unless and until the Council shall have voted to reconsider the same;

- (a) after such notice has been given no action shall be taken to carry into effect the main motion until after the motion to reconsider has been disposed of;
- (b) the City Clerk shall place on the agenda all relevant material related to the subject being reconsidered;
- (c) every motion of reconsideration shall be declared lost unless a majority of the Members of Council present vote therefore;
- (d) Council may then consider the matter without being encumbered by its previous resolution.

49.3 Council may by unanimous vote of the Members of Council present, waive the requirement for Notice pursuant to Subsection 49.1 of this bylaw and reconsider the subject immediately if the Member of Council has provided all the Members of Council and the City Clerk with a copy of the Resolution of Council and supporting documentation that is to be used.

49.4 When Council wishes to reconsider any action taken on the subject matter of any motion passed at the same meeting, a Member of Council of the majority may move to reconsider the matter, and if a majority of the Members of Council vote for reconsideration, the matter may again be dealt with at the same meeting.

49.5 Notwithstanding anything provided in this Section, where pursuant to any motion duly passed by Council, the City has a contractual liability or obligation, Council shall not reconsider, alter, vary, revoke, or replace the motion except to the extent that it does not attempt to avoid or interfere with the liability or obligation.

49.6 No question shall be reconsidered more than once, nor shall a vote to reconsider be reconsidered.

50. Motion to Rescind

50.1 A motion to rescind shall apply to resolutions only, and shall not apply to bylaws passed by Council.

50.2 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.

50.3 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.

- 50.4 A motion to rescind may be moved and seconded by any Member of Council regardless how they voted on the original motion.
- 50.5 A motion to rescind is debatable.
- 50.6 A motion to rescind may be amended.
- 50.7 Except as provided in Subsection 50.8, a motion to rescind shall only be made by a notice of motion duly given pursuant to section 54.
- 50.8 Council may, by unanimous consent of the Members of Council present, waive the requirement for notice.
- 50.9 A motion to rescind shall, in all cases, require a majority vote of all Members of Council to pass.
- 50.10 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.

51. Motion to Table

- 51.1 A Member of Council moving a motion to table on any matter, whether the matter is contained in a petition, enquiry, motion, or other matter before Council, shall include in the tabling motion, the time at the present meeting, or the date of a future regular or special meeting to which the matter is to be tabled.
- 51.2 A motion to table a matter shall not be debated, except as to the time when Council will again consider the matter.
- 51.3 A matter which has been tabled to a particular date, shall not be again considered by Council before the date set, except on a two-thirds (2/3) majority vote of all Members of Council.

52. Motion to Postpone

- 52.1 Where a majority of all Members of Council decide to postpone a motion to a fixed date, the motion cannot be considered by Council until the fixed date.
- 52.2 Notwithstanding Subsection 52.1, Council may consider a postponed motion before the fixed date if a majority of Members of Council agree that the motion may be considered before that date.
- 52.3 The only amendment allowed to a motion to postpone is to change the date that the motion is postponed to.

53. Motion to Refer

- 53.1 When dealing with the subject matter of a motion where a Commission has been appointed for that purpose, or a City Department or Official would normally deal with such matters, Council may refer the question before it to the appropriate Council Committee or City Administration.
- 53.2 When it appears to the City Manager, the City Clerk or any other authorized City official that a matter before the City Council shall be referred to the Administration, they shall, at the meeting, request that Council refer the matter to the Administration and shall provide a very brief explanation as to why the referral should be made.
- 53.3 A motion to refer a matter shall be put immediately without amendment or debate.
- 53.4 A Member of Council, who is moving a referral motion, should include in the motion:
- (a) the terms of which the motion is being referred;
 - (b) if the matter is to come back to Council for consideration, when it is to be returned; and
 - (c) whatever explanation is necessary as to purpose of the motion.

54. Notices of Motion

- 54.1 A Member of Council wishing to introduce a new matter for consideration by Council shall submit the motion to the City Clerk for inclusion in the Council agenda no later than noon on the Wednesday, in the week preceding the meeting of Council.
- 54.2 A Notice of Motion shall be in writing, which shall be duly signed by the Member of Council, and include the exact motion proposed.
- 54.3 A modification of a Notice of Motion, included in the Council agenda, is permitted provided the amended Notice does not exceed the scope of the original Notice.
- 54.4 The Council may, by resolution, supported by not less than five (5) of its Members of Council, waive the provisions of Section 54.2 hereof.
- 54.5 A Notice of Motion not submitted for inclusion in the Council agenda in accordance with Section 54.1 shall be returnable only at the next Regular Meeting, unless the Notice states otherwise or unless it is extended by resolution of Council.

55. Voting on Motions

- 55.1 A question or motion shall be declared defeated when it:
- (a) does not receive a majority vote;
 - (b) does not receive the required number of votes; or
 - (c) receives an equal division of votes.
- 55.2 When the Chairman calls for a vote:

- (a) all Members of Council who shall be present in the Council Chambers when a question is put, shall vote thereon, unless they have a conflict of interest (see Appendix B) in the question;
 - (b) if a public hearing on a proposed bylaw or resolution is held, a Member of Council:
 - (i) shall abstain from voting on the bylaw or resolution if the Member of Council was absent from all of the public hearing; and
 - (ii) may abstain from voting on the bylaw or resolution if the Member of Council was only absent from part of the public hearing;
 - (c) if a Member of Council abstains from voting on a matter, for which they are not required or permitted to abstain, the Member of Council's vote shall be deemed to be in the negative;
 - (d) a Member of Council who is required or permitted to abstain from voting (e.g. was absent for part of the discussion) is nevertheless counted for the purposes of determining whether or not there is a quorum, unless they abstain as a result of declaring a conflict of interest pursuant to Section 117 of the Act and Subsections 20.4, 20.5 and 20.6, in which case they are not counted for the purpose of determining whether a quorum is present;
 - (e) A quorum pursuant to Subsection 55.2(d) shall never be less than a total of two Members of Council;
 - (f) The presiding Member of Council shall after the vote is taken, state whether the resolution is Carried, Defeated or Carried Unanimously and the Recording Secretary shall record such in the minutes.
- 55.3 Where Members of Council have a conflict of interest in any question or matter that comes before Council, they shall immediately disclose their interest, pursuant to Section 20.4 in that question or matter, shall not participate in discussion nor vote on the matter and shall leave the Council Chambers.
- 55.4 No Member of Council shall attempt in any way, whether before, during or after the Council meeting, to influence the voting on any questions involving a matter in which he has a conflict of interest, pursuant to Appendix B.
- 55.5 The City Clerk shall:
- (a) record each Member of Council voting against any motion;
 - (b) whenever a recorded vote is demanded by a Member of Council, record each Member of Council voting for the motion and each Member of Council voting against the motion.
- 55.6 Once the City Clerk has polled the Members of Council, pursuant to Subsection 55.5 and has announced the result of the vote on the motion, no Member of Council shall change his vote without the unanimous consent of the other Members of Council present.
- 55.7 Members of Council shall not vote on a matter if they are absent from the Council Chambers when the vote is put and the City Clerk has begun to poll the Members of Council if a recorded vote is being carried out.

- 55.8 Whenever a Statute of the Province of Saskatchewan, a Regulation made thereunder, this or any other bylaw of the City requires a designated majority greater than a simple majority to pass a motion on any matter, the motion may not be rescinded or amended by less than the majority required by the Statute, Regulation or bylaw.
- 55.9 When a recorded vote is taken, a Member of Council shall vote separately, but in every other case, the decision of Council shall be expressed by a show of hands.

PART IV – COUNCIL COMMITTEES

56. Procedure for Appointments

- 56.1 The City Clerk shall by advertisement in the month of November, invite submissions from the public for appointments to the various Council Committees for the next ensuing year.
- 56.2 The City Clerk shall compile a list of all applications received.
- 56.3 The City Clerk shall review the applications with the Mayor and the City Manager and prepare for the Mayor a list of Committee Members recommended to be appointed to the Council Committees for the next ensuing year's term and presentation at the last regular meeting of Council held in December.
- 56.4 Immediately following the general election of City Council, the City Clerk shall provide all Members of Council with a listing of the various Council Committees that Council have by resolution established and require that the Members of Council indicate which of those bodies they wish to be a member of, to represent the City Council.
- 56.5 Pursuant to Subsection 56.4 the City Clerk shall compile a list and review same with the Mayor and the City Manager and prepare for the Mayor a list for recommendation for Members of Council appointments to the first regular meeting of Council, following the general election.
- 56.6 If a vacancy occurs on any Council Committee, the City Clerk shall in conjunction with the Mayor, the City Manager and the affected Committee, propose a replacement that shall be duly appointed at the next regular meeting of Council.

57. Membership

- 57.1 The membership and jurisdiction of a Council Committee shall be as directed by Council or as provided for in the enabling legislation and/or bylaw establishing the Council Committee.
- 57.2 Subject to Subsection 57.3 and 57.4, membership to Council Committees shall be restricted to persons who are qualified as an elector, pursuant to of *The Local Government Election 2015, Act*.
- 57.3 Council may as it considers necessary, appoint by resolution an individual who does not reside in the City to a Council Committee.

- 57.4 An employee of the City of Melville is ineligible for appointment as a member of a Council Committee.
- 57.5 Council may, by resolution and at their discretion, revoke the membership of any individual to whom they have appointed to a Council Committee.
- 57.6 If a member is absent from three (3) consecutive meetings without being excused, by a motion of the Council Committee, their membership shall terminate and it shall be deemed that a vacancy exists.

58. Members of Council Attendance

- 58.1 All Members of Council may attend the meetings of Council Committees established by Council, and may take part in the proceedings of the same, however unless appointed as a member, shall not have a vote.
- 58.2 The Mayor is an ex-officio voting member of all Council Committees and when in attendance possesses all of the rights, privileges, powers and duties of other members, whether elected or appointed, however the Mayor's attendance shall not be included for the purpose of determining a quorum.

59. Meeting Procedures

- 59.1 The Control and Conduct of a Council Committee meeting shall be in accordance with those set by each Committee.
- 59.2 The minutes shall be presented to the membership at the next meeting for approval and once approved shall be signed by the presiding chair and secretary and shall then be forwarded to the City Clerk for placement on the next Regular Council Meeting Agenda.
- 59.3 Confidential information received in the course of member duties, shall be respected as confidential.
- 59.4 Council Committee members are required to declare a conflict of interest whenever such a matter to be discussed affects them in accordance with Subsection 20.4, 20.5 and 20.6 (Refer to Appendix B – Conflict of Interest Guidelines).
- 59.5 Any member of the Council Committee who is absent from three (3) consecutive, regular scheduled meetings of the Council Committee shall, unless authorized by resolution of the Council Committee, forfeit his/her membership and the Chairperson of the Council Committee shall advise the Mayor of the vacancy.
- 59.6 All other procedures shall be as indicated in the establishing Bylaw of the Council Committee.

60. Report to Council

- 60.1 Each Council Committee shall report to Council and no action of any Council Committee shall be binding on the City unless:
 - (a) power to take such action is expressly conferred on the Council Committee by bylaw or resolution of Council; or
 - (b) Council has considered the report or recommendation of the Council Committee and approved same.
- 60.2 Each Council Committee shall provide a copy of their approved minutes to the City Clerk for inclusion on the next regular Council meeting agenda in order for Council to receive and file.
- 60.3 Each council committee shall on or before the last regular meeting of the Council in each year, for the information of the council and the citizens generally, as well as for the guidance of the Committees of the following year, provide a status report on the various matters referred to the Committee during the year. Such report may also contain such suggestions in regard to the future action of the succeeding Committee as experience may enable the reporting Committee to make.

PART V – BYLAW REPEALED

61. Bylaw Repealed

- 61.1 Bylaw No. 9/94, 22/95, 25/99, 30/99, 15/2013, 22/2013, 23/2014, 20/2015, 22/2015 and 29/2015 are hereby repealed.

PART VI – EFFECTIVE DATE OF BYLAW

62. Effective Date of Bylaw

- 62.1 This Bylaw shall come into force and take effect on the day of final passing thereof.

MAYOR

CITY CLERK

Introduced and read a first time this ____ day of December, A.D. 2017.

Read a second time this ___ day of December, A.D., 2017.

Read a third time and adopted this ___ day of December, A.D., 2017.

PART VII – APPENDICES

APPENDIX A

PART III OF *THE LOCAL AUTHORITY FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT*

In Accordance with Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*, the following information is exempted from Public Access:

- 1) information obtained in confidence either implicitly or explicitly from another level of government or another local authority;
- 2) information which could interfere or prejudice law enforcement or any lawful investigation or be injurious to the conduct of existing or anticipated legal proceedings;
- 3) a record which contains a draft bylaw or resolution;
- 4) In Camera agendas or deliberations or agendas or deliberations which include personal information;
- 5) records which may contain:
 - a) advice, proposals, recommendations, analysis or policy options developed by or for a local authority;
 - b) consultations or deliberations involving officers or employees of the local authority;
 - c) positions, plans, procedures, criteria or instructions developed for contractual or other negotiations by or on behalf of the local authority;
 - d) plans that relate to the management of personnel or the administration of the local authority which have not been implemented;
 - e) information including proposed plans, policies or projects which may reasonably expect to result in disclosure of a pending policy or budgetary decision;
- 6) a record which could reasonably be expected to disclose:
 - a) trade secrets;
 - b) proprietary information;
 - c) information obtained through research by an employee, the disclosure of which could be reasonably expected to deprive the employee of priority of publication;
 - d) information, the disclosure of which could reasonably be expected to interfere with contractual or other negotiations;
 - e) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations;
 - f) information which could reasonably be expected to prejudice the economic interest of the local authority;
- 7) information, the disclosure of which could reasonably be expected to result in an undue benefit or loss to a person;

- 8) third party information which includes trade secrets of a third party or other information supplied in confidence to a local authority by a third party;
- 9) records that contain information relating to testing or auditing procedures or details of specific tests to be given or audits to be conducted, the disclosure of which could reasonably be expected to prejudice the use or results of the tests or audits;
- 10) any record, the disclosure of which could threaten the safety or physical or mental health of an individual;
- 11) records which contain information which is subject to solicitor-client privilege;

APPENDIX B

CONFLICT OF INTEREST GUIDELINES

What is a Conflict of Interest?

A Member of Council has a conflict of interest if the Member of Council makes a decision or participates in making a decision in the execution of his or her office and at the same time knows or ought reasonably to know that in the making of the decision there is the opportunity to further his or her private interest or the private interests of a closely connected person.

A financial interest always constitutes a conflict of interest. A financial interest is when the Member of Council or someone in the Member of Council's family has a controlling interest in, or is a director or senior officer of, a corporation that could make a financial profit from or be adversely affected financially by a decision of Council, a Council committee or a controlled corporation, or the Member of Council or a closely connected person could make a financial profit from or be adversely affected financially by a decision of Council, a Council committee or a controlled corporation.

Procedure for Disclosure – If Present at Meeting

1. If a Member of Council has a conflict of interest, and the Member of Council is **present** at the meeting, the Member of Council shall:
 - (a) before any consideration or discussion of the matter, declare that he or she has a conflict of interest;
 - (b) disclose the general nature of the conflict of interest and any material details that could reasonably be perceived to affect the Member of Council's impartiality in the exercise of his or her office;
 - (c) abstain from voting on any question, decision, recommendation or other action to be taken relating to the matter;
 - (d) subject to "4" below, refrain from participating in any discussion related to the matter; and
 - (e) subject to "3" and "4" below, leave the room in which the meeting is being held until discussion and voting on the matter are concluded.
2. No Member of Council shall attempt in any way, whether before, during or after the meeting, to influence the discussion or voting on any question, decision, recommendation or other action to be taken involving a matter in which the Member of Council has a conflict of interest.
3. If the matter with respect to which a Member of Council has a conflict of interest is the payment of an account for which funds have previously been committed and the payment is the amount previously approved, the Member of Council shall comply with clauses (1)(a) to (d), but it is not necessary for the Member of Council to leave the room.
4. If the matter with respect to which a Member of Council has a conflict of interest is a question on which, pursuant to this Act or another enactment, the Member of Council, as a taxpayer, an elector or an owner, has a right to be heard by the Council:
 - (a) the Member of Council shall leave his or her place at the Council table, but is not required to leave the room; and

- (b) the Member of Council may exercise a right to be heard in the same manner as a person who is not a Member of the Council.
- 5. Every declaration of conflict of interest made pursuant to Section (1) and the general nature and material details of the declaration and any abstention or withdrawal must be recorded in the minutes of the meeting.
- 6. On a declaration in accordance with clause 1.(a), the person presiding at the meeting with respect to the matter shall ensure that the other requirements of this section are followed with respect to the Member of Council.

Procedure for Disclosure – If Absent from Meeting

- 1. If a Member of Council has a conflict of interest, and the Member of Council is **not present** at the meeting, the Member of Council shall:
 - (a) disclose the conflict of interest at the next meeting of the Council; and
 - (b) otherwise comply with the requirements of ‘If Present’ section above.
- 2. A Member of Council who has disclosed a conflict of interest as required, shall:
 - (a) declare and disclose the conflict of interest at every meeting at which the Member of Council is present and the matter is discussed or considered; and
 - (b) comply with this whole section.

Effect of Conflict of Interest on Resolution or Bylaws

- 1. If a Member of Council contravenes the requirement to declare a conflict of interest, the proceedings related to the matter are not invalidated, but the Council or other body may, within three years after the day on which a bylaw or resolution was passed or a decision was made, declare the bylaw, resolution or decision void.

Disqualification on Grounds of Conflict of Interest

- 1. A Member of Council is disqualified from Council if the Member of Council contravenes the ‘Conflict of Interest’ Declaration as required.
- 2. A Member of Council who is disqualified from Council as a result of a Conflict of Interest, is not eligible to be nominated or elected in an election in any municipality until the earlier of 12 years following the date of the disqualification.
- 3. If a judge declares a person disqualified because of a failure to disclose a conflict of interest contrary to the Act, and the judge finds that the contravention resulted in personal financial gain, the judge may require the person to pay an amount equal to the amount of that gain to either the City or any person who, in the judge’s opinion, is appropriate.