



**Saskatchewan
Ministry of
Municipal
Affairs**

Municipal Council Meeting Guide



**Advisory Services Unit
Strategy and Sector Relations
September 2009**

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Introduction

The purpose of this guide is to provide information for municipal staff and council members on conducting council and council committee meetings.

Procedures used to conduct council business are drawn from three sources:

- provincial statutes specifically *The Municipalities Act*;
- parliamentary procedures which are commonly accepted rules for conducting meetings and
- procedure bylaws enacted by municipal councils.

This Guide draws on the information contained in *The Municipalities Act* (MA) as it pertains to legal requirements that a council must fulfill in conducting its council and council committee meetings. The procedures for calling meetings of council, the types of meetings that can be held by councils or council committees and the procedures for voting and recording votes are explained. As well, guidelines for preparing agendas, minutes and procedural bylaws are explained. We have also included sample agendas, minutes, motion forms and a procedural bylaw.

Councils may choose to put in place a procedural bylaw used to govern council and council committee meetings, regulate the conduct of council members, to transact general council business or to establish how appointments to committees are made.

In most instances councils will adopt parliamentary procedures in their procedural bylaw. More information on the rules of parliamentary procedure can be obtained from these leading reference texts:

1. *Robert's Rules of Order*
2. *Bourinot's Rules of Order*
3. *Auer's Essentials of Parliamentary Procedures*
4. *Kerr and King's Procedures for Meetings and Organizations and*
5. *Parliamentary Procedure at a Glance by O. Garfield Jones*

This guide is to be used as a reference and not intended to replace legislation. Wherever relevant, the section numbers of *The Municipalities Act* have been included to provide a reference to the statute.

Definitions:

“MA”	means <i>The Municipalities Act</i> .
“Council”	means the council of the municipality.
“Councillor”	means a member of council for town, village, resort village or rural municipality, as the case may be.
“Council Committee”	a committee established by council, consisting only of members of council.
“Member of Council”	means a reeve, a mayor or councillor for a Municipality.
“Municipality”	means a town, village, resort village or rural municipality as the case may be.
“Rural Municipality”	means a rural municipality as defined in <i>The Municipalities Act</i> .
“Urban Municipality”	means a town, village or resort village or restructured municipality.

Public Accountability

Municipal councils are accountable to the people or the public who have elected them to office. Councils exercise their powers and make decisions for the municipality through the passing of resolutions and bylaws. An action of council is not effective unless it is adopted by a bylaw or resolution at a properly constituted public meeting of council. Any act of a council committee is not effective unless it is authorized by resolution of council at a duly constituted public meeting of the committee or of council. Certain powers of a council are discretionary which means council has the option of whether or not to carry out that particular function. Other duties are mandatory requiring council to perform an action.

(Section 119)

Meetings

Open Meetings

Council and council committee meetings are to be conducted in public. Actions and proceedings of council are not effective unless authorized or adopted by bylaw or resolutions at a duly constituted public meeting of council or the committee as the case may be. Everyone has the right to attend public council and council committee meetings, unless they have been expelled for improper conduct by the presiding officer.

There are provisions for councils to exclude the public from all or part of a council or council committee meeting if the matter to be discussed:

- is within one of the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*; or
- concerns long-range or strategic planning.

(Section 120)

First Meeting of Council

The first meeting of council after the annual election (rural) or general election (urban) is to be held within 31 days after the date of the election at the time, place and date determined by the administrator. The administrator is to provide written notice of this meeting to all members of council not less than 24 hours before the meeting.

(Section 121)

Regular Meetings

Councils may decide to hold regularly scheduled council or council committee meetings at specified dates, times and places. Notice to council members of regular scheduled council meetings is not required.

If the date, time or place of a regular scheduled council or council committee meeting is changed council shall give notice of the change to any council or committee members not present at the meeting at which the change was made and to the public at least 24 hours before the changed meeting.

When council or a council committee does not have regularly scheduled meetings, council must give notice to council or committee members and to the public at least 24 hours before the meeting. Any meeting held solely for the purpose of long-range or strategic planning may be held without notice to the public.

(Section 122)

Special Meetings

When requested to do so by the reeve or mayor or by a majority of the councillors, the administrator shall call a special council meeting by giving at least 24 hours notice of the meeting to each member of council and to the public before the commencement of the meeting.

A special council meeting may be held with less than 24 hours notice if the members of council sign a waiver of notice in writing before the commencement of the meeting. In this case notice to the public is not required.

The business of the special meeting is stated in the notice and no other business may be transacted at the meeting unless all members of council are present and give unanimous consent for any other business to be transacted.

When an emergency or other situation arises, council or a council committee may need to hold a meeting on less than 24 hours notice. The meeting can only happen if all council (or council committee) members sign a waiver of notice before commencement of the meeting whether they attend the meeting or not.

(Section 123)

Method of Giving Notice

Written notice of a council or council committee meeting provided to members personally or left at his/her usual place of business or residence. The Act also allows the council member to request notice by:

- telephone
- voice mail,
- fax,
- electronic mail or
- regular mail.

Notice to the public of a council or council committee meeting is sufficient if the notice is posted at the municipality office or given in any other manner as specified by council in their public notice policy bylaw.

(Section 124)

Meeting by Electronic Means

Municipalities may hold council or council committee meetings by using electronic means such as telephone or video conferencing or other communication facility means. Before a meeting can be held by electronic means the following conditions must be met:

- notice of the meeting and notice of how the meeting will be conducted must be given to the public;

- the facilities must enable the public to at least listen to the meeting at the place specified in the notice and the administrator must be present at that place.
- the facilities must permit all participants to communicate adequately with each other during the meeting.

Any member participating by electronic means is deemed present at the meeting.

(Section 125)

Public Notice Policy

The MA requires municipal councils to adopt a public notice policy by bylaw. This policy specifies how council will give notice to the public before considering certain matters at a council meeting. The Act specifies the matters where council must give notice to the public before consideration of certain matters.

A public notice policy allows council to choose the manner of providing public notice that suits its municipality or community. Notice could be given by newspaper, radio, postings, mail outs or any other means council may decide. The minimum time requirement for giving notice is 7 days before the council meeting at which the matter for public notice is required to be considered.

(Section 128)

Public Meetings of Voters

Councils may by resolution authorize the reeve or mayor to call a public meeting of the voters for discussion of any municipal matter.

If council receives a valid petition requesting a public meeting for the discussion of any municipal matter; the reeve or mayor shall call for a public meeting to be held within 30 days. A valid petition contains signatures of:

- not less than 8% of the voters for a resort village; or
- for all other municipalities, the greater of:
 - 20 voters or
 - the number of voters equal to 5% of the population of the municipality.

Council shall give public notice of the meeting. If a public meeting is being held as the result of a petition council may refuse any further petitions on the same or similar subject for a period of one year from the date of the public meeting.

(Section 129)

Roles and Requirements for Members

Oath of Office

All members of council must give a written Oath of Office, in the prescribed form, before taking their seat on council. Members of council are unable to perform any duties as a councillor for a municipality until such oath is taken and the signed document has been deposited with the Administrator for filing.

(Section 94)

Quorum

Besides proper notice of a council or council committee meeting there needs to be a sufficient number of council members (a quorum) present before a meeting can be held and decisions made. A quorum is a majority of council members.

Sometimes a meeting may commence with a quorum, however the quorum may not always be maintained. One or more members may leave early or be temporarily absent from the meeting. Either of these circumstances could result in the loss of a quorum in which case the meeting ends.

In the case of pecuniary interest of council members, different rules apply which will be looked at in more detail in the next section.

(Section 98)

Pecuniary Interest

Pecuniary interest occurs when a council member or someone in the member's family could make a financial profit or be adversely affected financially by a decision of council. This includes if the council member or his or her family member has a controlling interest or is a director or senior officer of a corporation that could make a financial profit or be adversely affected by council's decision.

If a council member has a pecuniary interest in a matter before council, or council committee the council member is to:

- a) declare the interest before any discussion in the matter;
- b) abstain from voting on any question relating to the matter;
- c) abstain from discussion of the matter; and
- d) leave the meeting while the matter is being discussed and voted on.

Members shall not attempt, either before, during or after the meeting influence the voting in any way.

It is the duty of a council member to determine whether or not you have a pecuniary interest in a matter. It is not the responsibility of the administrator or another council member to point out a possible situation of pecuniary interest.

An exception to this situation is when the matter before council is the payment of an account where the funds have previously been committed it is not necessary for the member to leave the room. An example of this would be if council decided to purchase a new piece of equipment for the municipality from a business owned by a member of council. The matter was discussed and voted on in a previous meeting where the council member declared his interest and did not partake in the discussion and left the meeting. At the next meeting the invoice for the equipment was presented for payment. Because there was a previous decision to spend the funds the member would be required to declare his or her interest, however, it is not necessary to leave the meeting room.

If the matter before council affects a member as a voter, taxpayer or owner, the member has a right to be heard by the council. In this case the member should leave his place at the council table but is not required to leave the room. He or she may exercise their right to be heard just as any other person coming before council would.

When a member discloses pecuniary interest the Administrator shall record in the minutes the disclosure made by the member. These procedures apply to all regular and special meetings of council and council committees. Council members declaring pecuniary interest are not counted when determining whether a quorum of council is present for matters being put to a vote. Therefore if the number of members declaring pecuniary interest in a matter results in a loss of quorum the remaining members are deemed to be a quorum unless the number is less than two. Should all but one council member declare pecuniary interest in a matter, the municipality may by resolution apply to a judge of the court for consideration of the matter.

If a member of council contravenes the pecuniary interest sections of the MA it does not mean the actions of council are invalidated however the council or other body may within 3 years after the day on which a bylaw or resolution was passed or the decision made declare the bylaw or resolution to be void.

A judge after hearing an application of pecuniary interest may declare that:

- the council member is disqualified from holding office (his or her position would then become vacant);
- the member may remain on council or
- that the application is dismissed.

(Section 144-146)

Reeve or Mayor as Presiding Officer

The MA outlines certain duties for both mayors and reeves of municipalities aside from their duties as council members. Reeves and Mayors act as the presiding officers at council meetings although legislation does empower council to delegate the presiding officer duties to a member other than the reeve or mayor. Presiding officers are responsible for preserving order at meetings and enforcing any rules of procedure council may have adopted. The presiding officer is also required to sign the minutes at the meeting in which they are approved.

Legislation also states that a reeve or mayor is a member of all council committees and all bodies that council establishes unless council makes rules otherwise.

(Section 93 & 115)

Deputy Reeve or Deputy Mayor

At the first meeting following the annual election (or as soon as possible) rural municipal councils are required to appoint one councillor as deputy reeve for a term of year or any shorter period council may decide.

Urban municipal councils have the option of whether or not to appoint a deputy mayor.

A person appointed as deputy reeve or deputy mayor shall perform the duties of the reeve or mayor if the mayor or reeve is unable to perform his or her duties or if the office of reeve or mayor is vacant.

In the event the reeve or mayor and the deputy reeve or deputy mayor are unable to perform the duties of the reeve or mayor or if the office of both reeve or mayor and the deputy reeve or deputy mayor is vacant, council may appoint an acting reeve or acting mayor to perform the duties of reeve or mayor as the case may be.

(Section 91)

Administrator

All municipalities must appoint a qualified person as the Administrator for the municipality. Legislation pertaining to the qualification for administrators is included in *The Rural Municipal Administrators Act* and *The Urban Municipal Administrators Act*. The Administrator is an employee of a municipality and required to perform duties and functions required by The MA (or any other legislation) and other duties as assigned or directed by council. Upon approval of council an administrator may delegate any of his or her powers, duties or functions to any employee of the municipality.

The Administrator is responsible for the safe keeping of the records and documents of the municipality. Also to keep a full and correct record of all meetings of council and council committees containing the resolutions, decisions

and other proceedings of council or council committees. The Administrator along with the presiding officer is required to sign the minutes of all council and council committee meetings after they have been approved. Other Administrator duties are specified in Section 111. *(Section 110 & 111)*

Agenda

Purpose

"Agenda" is from the Latin word meaning "things to be done." The meeting's agenda is simply a list of things to be done during the meeting. Agendas could also be used for council committee and board meetings, not just council meetings. It is important to have a prepared agenda for each meeting to ensure that business is dealt with in an orderly and expedient manner. It is good practice for all meeting participants to receive a copy of the agenda with appropriate background documents well in advance of the meeting date.

A properly prepared agenda will save time for the presiding officer while chairing the meeting. In addition, if the meeting participants are provided with background information on the items to be discussed before the meeting, they are better prepared to make sound decisions. Another benefit is that important items of business are not forgotten if they are on the agenda. The type and detail of the agenda will depend on the size of the municipality, the members of the council, and the administrator.

Contents of Agenda

The following is a list of the suggested contents and order of an agenda:

- (a) Title and Heading (date, time, location, type of meeting)
- (b) Call to Order
- (c) Adoption of Agenda
- (d) Reading/Circulating/Approval of Minutes from Previous Meetings
- (e) Business Arising From Minutes
- (f) Presentations
- (g) Delegations
- (h) Correspondence
- (i) Financial Reports
- (j) Payment of Accounts
- (k) Committee Reports
- (l) Staff Reports
- (m) Appointments
- (n) Old or Unfinished Business
- (o) New Business
- (p) Bylaws
- (q) Other
- (r) Adjournment

Title and Heading

The title and heading should state that the document is an agenda for a regular or special meeting of council, the name of the municipality, and the date, time and location of the meeting for which the agenda is issued.

Call to Order

The reeve or mayor (or presiding officer) calls the meeting to order.

Adoption of the Agenda

It is not necessary to adopt the agenda. It may be used as a guide rather than as a rigid document that is followed. If, at the beginning of the council meeting, members agree by resolution to adopt the agenda, it then forms part of the minutes and must be retained in the same manner. Once the agenda is adopted, it cannot be changed except by resolution of council. Therefore, keep this in mind when considering using this procedure.

Reading and Approving the Minutes

The minutes of the last regular meeting and the minutes of any special meeting held since the last regular meeting must be approved by resolution of council. Instructions on the proper way to correct minutes and the resolutions for approving the minutes can be found under the section regarding preparation of minutes.

Business Arising From Minutes

Any business that was postponed from a previous meeting or that was pending when the last meeting adjourned, is called "business arising from the minutes". It is usually advisable for the chairperson to remind the meeting of the history of this business before discussion begins or he/she may call upon someone with special information.

Presentations

Occasionally, the members of council may wish to recognize a special achievement by an individual, club or organization. This type of ceremony is usually conducted near the beginning of the meeting so that the recipient will not have to wait a long time while other business is being conducted.

Delegations

Delegations appear before council for the purpose of voicing an opinion of a group or individual to the council. The agenda should contain the name of the person or group addressing council, the delegation's topic and an estimated time at which it will be heard. Like presentations, delegations are usually dealt with near the beginning of the meeting as a courtesy in order that people who want to address council will not be kept waiting.

Correspondence

The agenda may include a list or copies of correspondence addressed to the municipality or to council. The agenda should state who sent the letter and the topic of the letter. The correspondence can be sorted into two types - informational items and items requiring action by council. Informational correspondence does not require any action by council. It is not necessary to consider each piece of informational correspondence during the meeting. However, if a council member wishes to discuss any informational items, the member advises the presiding officer (reeve or mayor) and the matters are discussed. If no council member wants to discuss any of the informational items, a motion is passed to receive and file all of the items of correspondence in the informational section. If correspondence might become the basis of discussion or requires action by council, it should be listed under "New Business".

Financial Reports

The monthly financial report or reports usually make up this agenda item. Councils can determine the timing of financial report whether it is monthly, quarterly etc.

Payment of Accounts

The administrator is required to submit for the consideration of council all accounts and charges against the municipality. The accounts are to be paid only when they have been passed by the council and initialled by the reeve or mayor (or presiding officer) or a committee of council.

Committee Reports

Reports of any, council committee, special committee or standing committee that has met since the last regular council meeting should be listed on the agenda and copies prepared for council. Any recommendation for council from a committee could be dealt with at this time.

Staff Reports

The various administrative officials usually present reports to council once a month. In addition to the financial report, there may be, for example, reports from the administrator or maintenance supervisor. These reports should be listed on the agenda and copies prepared for council. During this part of the meeting, council could introduce resolutions dealing with any recommendations that may be contained in these reports.

Appointments

From time to time council may be required to make appointments to various offices, boards, committees or other bodies. For example the board of revision, council committee members, deputy reeve, (or deputy mayor) or acting administrator. Generally these appointments are made by resolution, however if council is establishing a committee and defining the powers and duties of that committee it may want to consider passing a bylaw.

Old or Unfinished Business

Many administrators keep a list of business items that have come before council at previous meetings but have not been finalized. This list reminds staff and members of council that the matters are unresolved.

This section may include any items that have been postponed from a previous meeting as well as items that have been referred to a specific committee for recommendation.

New Business

Under this heading, the administrator would list the individual items that should come up for discussion. Items arising from briefs presented by delegations or correspondence received by council may be dealt with under "New Business".

Some councils may use a procedure whereby a "Notice of Motion" is presented during the New Business agenda item. In this case, a notice is given that a motion concerning a specific subject will be presented at the next regular meeting of council. This allows council members and the administrative staff time to research the subject before the next meeting. If a member of council has placed a specific item on the agenda with background material included, it may be dealt with at this time.

Bylaws

The agenda may contain a short paragraph summarizing the bylaw, or the full copy of the bylaw may be presented to council.

If the bylaw is to have first reading at a meeting, the administrator should circulate a copy of the bylaw to each member at least 24 hours before the meeting. If the bylaw is circulated, it doesn't have to be read aloud at the meeting.

Other

Any item that does not fit into previously discussed categories may be noted here. Inclusion of the time and date of the next meeting of council is a good practice. Notices of events which may be of interest to council members may also be included in this section.

Adjournment

This agenda item merely indicates that the business of the council has ended and a motion to adjourn is to be passed. After the adjourning resolution is passed, no further business may be conducted at that meeting.

Motions

General Procedures for Motions

The main purpose of a meeting is to see that ideas or items of business are proposed, considered and decided upon. All items of business are introduced by way of motions. After receiving a motion from a councillor, the presiding officer states the motion and calls for discussion or debate. A motion may be made verbally or in writing. A sample motion form is included as Appendix F of this Guide, to illustrate the type of written form that council members could use. When a motion is made, it is then open for discussion or debate – no seconder is required unless council requires one as part of a council policy or procedure bylaw. The presiding officer regulates the discussions. All members may speak for or against a motion, move amendments and ask questions to gain information on a particular point. It is usually customary for each member, other than the mover, to speak only once to each motion. A motion (proposed action) becomes a resolution (action) after the motion is voted on and passed.

Out of Order

Occasionally, a person, a motion, or a remark is out of order and does not follow the approved rules of procedure. This presents a difficult situation for the presiding officer because the presiding officer must halt the proceedings and direct the assembly back to the correct course. When this situation arises, the presiding officer must act immediately and make three separate statements: first, stopping the debate because something is out of order, second, explaining what it is that is out of order, and third, stating what is in order.

Any member of council may "rise" (doesn't actually have to get up) on a point of order to point out to the presiding officer that the member believes something is out of order. A motion is out of order when it is moved while a motion of higher precedence is pending.

A person is out of order when the person begins to speak without recognition of the chair. When someone speaks from the audience, that person is also out of order. A remark is out of order when it violates rules of the council.

The presiding officer cannot refuse to accept a motion if it is in order – that is, if it relates to the subject matter being discussed, however, no more than one motion can be debated or discussed at one time.

Dividing Motions

At times, a motion may be worded in such a way that part of it could be supported and another part not supported by the same member. The presiding officer would be correct in asking that such a motion be divided into two motions.

For example, the original motion may be as follows:

"That we purchase a new computer for the office and a new filing cabinet for the library."

A council member could be in favour of purchasing the filing cabinet but not in favour for the purchase of a computer. Therefore, if the motion is separated into two distinct motions, it clarifies the intent of the members.

Negative Motions

It is correct for the presiding officer to ask that a negative motion be rephrased to make it read in a positive manner. Negative motions, like the following example, should be brought to council's attention and the member should be asked to re-word the motion:

"That a letter be written to Bill Martin, the plumber, requesting that no future repair work be done at the public works building without council's approval."

This same motion written in a positive form would be:

"That the Administrator inform Bill Martin, the plumber, that he must obtain council's approval before doing any work at the public works building."

Voting on a Motion

When the discussion has been sufficient and all those who wish to speak have been encouraged to do so, the presiding officer may ask the administrator to read the motion and ask for a vote. Generally, all business can be passed by a simple majority vote of those present (provided there is a quorum). One exception to this rule is the motion to provide for three readings of a bylaw at one meeting, this must be passed unanimously.

All Members Must Vote

All members of council present at a meeting, including the reeve or mayor, must vote on every question. Legislation does not permit council members to abstain from voting.

Defeated Motions

When a motion is brought to a vote and defeated, it appears in the minutes as a defeated motion. The motion may be reintroduced for debate at the same meeting if a majority of the members vote to do so.

Once a motion is disposed of and the result announced by the presiding officer, it may be reconsidered at the same meeting or a subsequent meeting.

Motion to Amend

Amendments are moved for the purpose of changing or improving a motion before that motion comes up for a final vote. A motion is open to amendment up to the time the question (vote) is called. A motion may be amended by leaving out certain words, adding certain words, or deleting certain words and replacing them with others. To be in order, amendments to a motion shall be relevant to the question but shall not cause the purpose or intent of the original motion to change.

Voting on an Amended Motion

An amendment must be voted on before the vote on the original motion. If the amendment is defeated, debate continues on the original motion at which time further amendments may be proposed. In view of the procedure to amend motions, note that only one amendment to the main question may be presented at one time and only one amendment to the amendment.

Samples of motions to amend:

"I move to amend the motion by inserting between ____ and ____."

"I move to amend the motion by adding after ____."

"I move to amend the motion by substituting instead of ____."

"I move to amend the motion by striking out and inserting ____."

Only three questions may be before council at one time -- the main motion, an amendment to the main motion, and an amendment to the amendment.

After all amendments are voted on, the presiding officer calls for a vote on the original motion, whether amended or not.

Withdrawing a Motion

The mover may request the withdrawal of the motion if the vote has not yet been taken. The presiding officer will ask if there is any objection to the withdrawal of the motion. If there is none, the motion is withdrawn automatically. The Administrator should record the motion as withdrawn. If a member voices an objection, the presiding officer may put the matter to an informal vote. A simple majority will allow withdrawal of the motion. Motions are withdrawn, in the same order they would have been voted on, meaning an amendment should be withdrawn before the main motion.

Motion to Table

A motion to table is used when council desires that the matter in question be temporarily put aside while another matter is discussed. It is not in order to table until some specified date or time. In that case, a motion to postpone should be used. A tabling motion is not debatable and must be voted on at once. A motion to table is stated as: "I move to table the main motion."

Motion to Take From the Table

A motion to take from the table brings a motion previously tabled forward for immediate discussion. A motion to take from the table may be moved at the same meeting as the motion to table if some other business had been transacted between the two motions. This motion is not debatable and cannot be moved when any other motion is before the assembly.

The motion would read:

"I move that the motion _____ be taken from the table."

Motion to Postpone

A motion to postpone may be used when, for example, a council wants more information before making a decision. In the motion, the mover specifies a particular day on which the question will be dealt with by council.

A motion to postpone may take the following form:

"I move that we postpone consideration of this motion until the next regular meeting of council on (date)."

The motion to postpone may also move to postpone the matter indefinitely as follows:

"I move to postpone this motion indefinitely."

If the motion is carried, the matter cannot be raised again at the same meeting or at any other time except by a motion to reconsider.

Motion to Refer

When a council wishes a committee to study a motion or make recommendations concerning it, a member of council may move that the motion be referred. A motion to refer may be stated as follows:

"I move that the motion be referred to the Roads Committee for it's recommendations."

Motion to Reconsider

A motion to reconsider is used to deal with a previous motion that was voted on and was either passed or defeated. However, some member of council who voted with the majority now feels the motion was not fully considered at the time.

A motion to reconsider is in order at the same meeting that the motion was voted on, or at the next succeeding regular meeting. This motion must be moved by a member of council who previously voted with the majority. A typical motion would be:

“I move that this council reconsider the resolution on (state the resolution or resolution #).”

If a motion to reconsider is adopted, its effect is to resume debate on the original motion as though council had not disposed of it. As a result of the debate, the original motion may be rescinded, amended or left un-changed.

If the motion to reconsider is carried, the presiding officer will then reintroduce the resolution referred to and the council will resume debate on the motion.

If an action cannot be reversed, the resolution cannot be reconsidered. For example, if council had passed a resolution at a previous meeting to pay John Doe \$1,000 for gravel and the payment was subsequently made and the gravel delivered, it is not possible for council to reconsider that resolution.

The motion to reconsider is debatable only if the resolution to be reconsidered was debatable.

Motion to Rescind

When rescinding a resolution it should be noted that it is the resolution that is cancelled and if any action had been taken due to the passing of the motion, the action cannot be rescinded. The motion to rescind is a debatable motion.

A motion to rescind may read: “I move to rescind the resolution ____.”

Notice to rescind: "I give notice that I shall move to rescind ____at the next meeting."

Motion to Adjourn

The motion to adjourn is one of the most common motions and one of the most highly privileged, provided the time for the next meeting is already determined, as it usually is in most municipalities. The purpose of the motion is to close the meeting. The motion may not interrupt a speaker but is in order at any time. It is neither amendable nor debatable, and must be put to an immediate vote.

Order of Precedence of Motions

Tables on the order of precedence of motions are included in Appendices G and H. These tables have been taken from J. Jeffery Auer's book *Essentials of Parliamentary Procedure* and is only one of the many sources available on parliamentary procedures. Other references of interest are listed in the introduction section of this guide.

Question of Privilege

A member of council may raise a question of privilege that may relate to the privilege of the whole council or of only one member. Questions relating to the privilege of the whole council include the following:

- (a) the comfort of its members such as the heating, lighting or ventilation of the chambers;
- (b) freedom from noise and disturbances;
- (c) disciplining a member for improper conduct;
- (d) accuracy of published reports of proceedings.

Questions of personal privilege must relate to one as a member of council or else relate to charges against the person's character, which, if true, would seriously jeopardize the person's position as a council member. A member wishing to raise a question of privilege does not need to wait for recognition from the chair.

The following exchange is typical. A councillor addresses the presiding officer:

Councillor: "I rise on a question of privilege."
Presiding Officer: "Please state your question of privilege."
Councillor: "I request that the public seated in the gallery be asked to stop talking."

The presiding officer rules on the question of privilege at once.

Points of Order

A member rises on a point of order when he feels that the presiding officer is not following the correct parliamentary procedure or the order of business.

A member rising on a point of order does not need to wait for recognition from the chair.

The following is a typical way to raise a point of order:

Councillor "I rise on a point of order."
Presiding Officer: "State your point of order."
Councillor: "The motion just proposed is out of order because there is already a main motion before the assembly."

The presiding officer then rules on the point. Unless the presiding officer's ruling is challenged, the decision will stand and the incorrect procedure or order of business is corrected.

Motion to Appeal the Decision of the Chair

This is sometimes referred to as "challenging the chair." Occasionally, a councillor does not agree with a decision the presiding officer has made. Without waiting to be recognized, the member of council says, "I appeal the decision of the chair."

The presiding officer should state the question and issue, and if so desired the reasons for the decision. After the presiding officer has asked for debate on the subject, the question is then called. An example is as follows:

"Those in favour of sustaining the chair, please signify."

"Those opposed, please signify."

The presiding officer will then announce the outcome of the vote and must accept the decision of the meeting. If a majority of those present are opposed to the presiding officer's original decision, it must be reversed.

Preparation of Minutes

Purpose

Minutes are the official record of meeting proceedings. The administrator must keep a record of council meetings. 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 meeting;
- c) the names of the members present;
- d) the names of members absent (with or without consent);
- e) the administrator's name (or acting administrator);
- f) the name of the person presiding over the meeting;
- g) the approval of the previous meeting's minutes;
- h) the type of meeting - special or regular;
- i) the name of the mover of every motion, a number assigned to each
- j) motion, a statement of every motion, and an indication of whether the motion was carried or defeated;
- k) the date of the next meeting (if not been previously set);
- l) the time of adjournment;
- m) the signature of the administrator and presiding officer;
- n) the original of any bylaw adopted at the council meeting;
- o) any other document indicated in the minutes as being "attached hereto, forming a part of these minutes."

Minutes are a meeting's memory. They are not kept just for short-term use. They form a permanent, historical record and should be written with the future in mind.

The Act states the recording of minutes is one of the duties of the administrator. It may well be the single most important duty of the administrator. Minutes of council are accepted in court as evidence. They are a vital document respecting the affairs of the municipality since they record the council's decisions.

Recording Decisions

All resolutions of the council are recorded in the minutes and are intended to show what was transacted at a meeting and not to record individual opinions.

Discussions are not recorded in the minutes. Decisions are made by resolution or bylaw; there is no provision in the legislation to do otherwise. The Act also states that all questions on a motion must be submitted to the council and all questions are to be decided by a majority of the votes. Procedure bylaws may increase the requirements to more than a majority.

Recording Names

Legislation requires the administrator to record the names of council and council committee members present at the meeting. Aside from the legislative requirement, recording the names of members present can be used to determine if a quorum was present and business was conducted legally. Another reason is for purpose of calculating the remuneration of council members if council's remuneration is tied to attendance at meetings. By listing those members who are absent indicates that the absence of their name was not an oversight.

Acting Administrator

If for any reason the administrator cannot perform his/her duties council may, by resolution, appoint an acting administrator for a term of up to 3 months.

(Appointments for longer terms require permission from the applicable Board or Examiners) Acting administrators have all the powers and duties of an administrator. Council members cannot be appointed acting administrators.

Approving of Minutes

The administrator (or his/her designate) shall ensure that the minutes of council and council and committee meetings are approved at the next regular council meeting and that the last page of the minutes of each meeting is signed by the presiding officer. A recommended procedure is to have the administrator and presiding officer initial each page of the minutes.

Format of Minutes

There are many different formats to use when recording minutes. The only requirement is that the format meets council needs.

Checklist for Minutes

- a) Begin minutes at the top of a new page
- b) Start with a heading
- c) Name of municipality
- d) Type of meeting
- e) Time, date and place held
- f) Record full names of members present or absent, as well as others if desired (e.g., delegations).
- g) Record the call to order (including time)
- h) Adoption of agenda (if required)
- i) Minutes approved from previous meeting
- j) Business arising from minutes
- k) Delegations
- l) Correspondence
- m) Financial Statements
- n) Payment of accounts
- o) Committee Reports
- p) Staff Reports
- q) Appointments
- r) Old or Unfinished Business
- s) New Business
- t) Bylaws
- u) Other
- v) Adjournment (including time)

Form and Neatness

Besides following a standard format, the minutes also should have style to enhance readability. The following pointers are recommended in the preparation of minutes:

- a) Type minutes using marginal notes to identify subject matter.
- b) Use capital letters in headings.
- c) Number resolutions (one way to do this is to start numbering at #1 each new year - (e.g., #1/09)
- d) Use correct spelling and punctuation.
- e) Write in clear and complete sentences.
- f) Leave adequate spacing between resolutions.
- g) Capitalize the first word of each sentence.

Things to Avoid

Do not use only first names when recording the names of the meeting participants. Remember, not only are the minutes a legal document, they are also a permanent record. Do not use white-out. Do not erase. Do not add handwritten notes or comments in the margins. Keep in mind that original bylaws are a part of the minutes, so do not write on them either.

Correcting the Minutes

If errors have been discovered before the minutes have been approved, the administrator makes the necessary minor corrections to the minutes in ink immediately upon discovering the error. The correction is made by striking out the error; writing in the correction and having the presiding officer and administrator initial the change.

If a substantial change to the minutes is required, it may be made in an appendix to the minutes which are being corrected. A reference to the appended correction is made in the place where the correction would normally have been placed.

The resolution to approve the minutes where there are no errors or omissions is:

"Moved by Councillor ___ that the minutes of the Regular/Special meeting held on the ___ day of ___, 19 __ be approved."

If a correction to the minutes is necessary, the following resolution can be used:

"Moved by Councillor ___ that Resolution No. ___ of ___ (date) be corrected by ___."

If corrections are required to the minutes of a previous meeting, the correction might read:

"Councillor ___ called attention to an error in omitting the name of Jim Brown from the list of Budget Committee Members."

If the previous meeting's minutes need correcting, a motion is put forward and must be voted on. For example:

"Moved by Councillor ___ that the minutes of the previous meeting be corrected as follows:..."

The motion following would be:

"Moved by Councillor ___ that the minutes of the previous meeting be approved as corrected."

Under no circumstances are the original minutes retyped after they have been presented to council.

Retention and Storage of Minutes

Council and council committee meeting minutes must be retained permanently by the municipality in their original form. As well, bylaws, annual financial statements, tax and assessment rolls, minister's orders and cemetery records must be kept permanently. Other municipal documents are kept according to a record retention schedule adopted by the municipality.

(Section 116)

Council Committee and Other Bodies

The Municipalities Act empowers councils the general authority to establish council committees and other bodies such as boards and associations. The council may also define the functions and establish the procedures for these bodies. It is not a requirement for council to pass a bylaw to establish a committee or other body. This may be done by resolution or by bylaw.

(Section 81)

Council Committees

Council committees are typically made up of members of council and are normally established by resolution. Usually these committees are reviewed on an annual basis. A key requirement of legislation is to define the functions of the committee. Examples are Road Committee, Public Works Committee, Finance and Administration Committee.

As part of the process to establish a council committee or other body the municipality may set out the procedures, conduct of the body, and determine the conduct of members. Councils may define procedures such as how often will the committee meet, the process to call a meeting, are agendas distributed beforehand.

Council committees and other bodies are required to exercise their duties and powers in the same manner as council - at a duly convened meeting. Minutes must be recorded and signed by the presiding officer and the administrator. Actions of council committees are not effective unless council has delegated that authority to the committee or it is adopted by a resolution at a meeting of council or committee.

Other Bodies

The natural person powers of *The Municipalities Act* allows councils to establish other council bodies such as committees, boards or associations, as they see fit. As with committees, council has the authority to define the functions and procedures of these boards. This may be done by resolution but councils may find it more suitable to establish the purpose of and procedure of these organizations by bylaw.

Section 127 of the Act lists those matters which may be addressed only by council – they cannot be delegated to a committee or other body. Before establishing a committee or other body's function, it may be a good idea to check the legislation to determine if the committee will be able to carry out the assigned function.

Committee of the Whole

A Committee of the Whole, as the name suggests, comprises the whole council. When a council wishes to discuss a policy, question or bylaw under relaxed rules of procedure, a resolution to move to Committee of the Whole is required:

"Moved by Councillor ____ that this meeting resolve itself into committee of the whole to consider ____ (subject matter) and Councillor ____ shall chair the meeting."

A member of council or the deputy reeve or deputy mayor usually chairs a Committee of the Whole meeting. When the motion is put to the question and carried, the reeve or mayor leaves the chair and the councillor so appointed takes charge.

The administrator does not record the proceedings of the committee in the council meeting minutes, but should keep a memorandum of the proceedings for the use of the committee. No bylaws or resolutions may be passed at a committee meeting.

When the work of the committee is completed, the following motion is made:

"That the committee do rise and report."

This is an informal motion that adjourns the Committee of the Whole and the reeve or mayor resumes chairing the regular council meeting. The committee chairperson then reports the discussions of the committee. If the council wishes to take action arising from the committee discussions, motions must be presented and voted on. Very seldom is there any discussion on this motion as it has already been discussed in the committee. Committee meetings are open to the public; council sitting as a Committee of the Whole does not necessarily mean that the meeting is closed to the public.

The time at which council moves into a Committee of the Whole and the time in which the council meeting reconvenes should be noted in the minutes.

Closed Sessions

The Municipalities Act requires council and council committees to conduct meetings in public. Occasionally, because of the private nature of the subject to be discussed, the council or committee may desire to hold all or part of the meeting in a closed session.

Section 120 of the MA allows for closed meetings only if the matter to be discussed is within one of the exemptions listed in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* or concerns long-range or strategic planning for the municipality.

A motion is required to move into a private session and could be as follows:
"That this meeting be closed to the public for the discussion of
_____ (state matter)

The motion is debatable but not amendable and requires a majority vote.

Councils should use discretion when using private sessions because too many closed sessions could create false impressions and suspicions. Open sessions stimulate the free exchange of information with the citizens.

When the business to be considered in the private session is completed, an informal motion is moved to rise from the private session. This is put to a vote without debate and after it is approved, the council meeting returns to its normal agenda. The minutes should reflect the time at which council went into a closed session and the time the closed session ends.

(Section 120)

Procedure Bylaws

Purpose

A procedure bylaw, as its name suggests, sets out the procedure by which a council wishes to conduct its business. By deciding in advance, how certain matters are to be dealt with, council can avoid wasting time arguing about how a meeting should be conducted.

Councils that have enacted procedure bylaws generally find they make more efficient use of their meeting time. Meetings are more orderly and easier to follow, benefiting not only the council members and staff, but also members of the public.

Procedure bylaws set the rules by which council business will be conducted and state, in general, how business is to be transacted. A procedure bylaw, however, cannot establish rules or procedures that are contrary to the provisions of the Act.

Contents

A procedure bylaw can be made as detailed or as simple as a council wishes. A simple procedure bylaw should cover the basic items such as notice of meetings, order of business, and conduct of members. A more detailed procedure bylaw would cover most procedural questions and issues that might arise in council or committee meetings.

The contents listed below are intended as a guide and may be adjusted to suit the size and past practices of the municipality:

- (a) Definitions
- (b) Application
- (c) Regular Council Meetings
- (d) Special Meetings
- (e) Calling the Meeting to Order and Quorum
- (f) Postponement of Meetings
- (g) Agenda
- (h) Minutes
- (i) Petitions and Communications
- (j) Delegations
- (k) Bylaws
- (l) Conduct of Members
- (m) Rules of Debate
- (n) Voting on Motions
- (o) Committee of the Whole
- (p) Committees and Committee Meetings

A sample council procedure bylaw is available on the Municipal Affairs Website at the [Council Procedure Bylaw](#) .

Appendix A -Sample Of Oath Of Office

Oath – Member of Council

I, _____, having been elected to the office of *(Reeve/Mayor/Councillor)*
for the Municipality of *(Name of Municipality)*_____.

DO SOLEMNLY PROMISE AND DECLARE:

1. That I will truly, faithfully and impartially, to the best of my knowledge and ability, perform the duties of this office;
2. That I have not received and will not receive any payment or reward, or promise of payment or reward, for the exercise of any corrupt practice or other undue execution of this office;
3. That I will disclose any pecuniary interest as required by and in accordance with *The Municipalities Act*.

DECLARED before me at _____,
in the Province of Saskatchewan,
this ___ day of _____ A.D. 20__.

A Commissioner of Oaths, etc.
(or as the case may be)

(Signature of Council Member)

Appendix C -Sample Waiver of Notice - Meeting Changed

Date: _____

Municipality of *Name of Municipality*

WAIVER OF NOTICE OF CHANGE TO COUNCIL OR COUNCIL COMMITTEE MEETING

We, the undersigned members of the council of the *Name of Municipality* hereby waive notice of the change of the council (*or council committee*) meeting that was to be held _____ (*location*), at _____, Saskatchewan on _____ (*date*), commencing at _____ (*time*) a.m./p.m. and has now been changed to be held on the _____ day of _____, 20__ commencing at (*time*) a.m./p.m. at _____ (*location*).

SIGNED:

Name: _____ Date: _____

Name: _____ Date: _____

Name: _____ Date: _____

Name: _____ Date: _____

Name: _____ Date: _____

Name: _____ Date: _____

Name: _____ Date: _____

Name: _____ Date: _____

THE WAIVER OF NOTICE SHOULD BE KEPT AS PART OF THE MINUTES

AS EVIDENCE THAT THE MEETING WAS PROPERLY CALLED.

Appendix D - Sample Agenda

Agenda for the Municipality of _____
First Meeting of Council to be held Tuesday November 10, 2009, 8:00 a.m.
in the Municipal Office at _____, Saskatchewan

Signing of Declarations:

Call to Order:

Agenda:

Minutes: Approval of minutes - October 14, 2009 (attached)

Business Arising from the Minutes: Rescind Motion 210/09 re: tax cancellation –
Bill Black

Delegations: 7:15 p.m. - Mr. Tim Smith and Mr. Bill Frisby, Green Grass Lions Club
re: the cemetery

Correspondence: MLDP Module - Newly Elected Officials
Community Planning - Certificate of Approval -
Sask. Health re: disposal site
ABC Construction re: paving rates

Financial Reports:

Accounts:

Committee Reports: Transportation Committee
Protective Services Committee

Staff Reports: Administrator's report

Appointments: Deputy Mayor
Library Board - Donna Miller
Recreation Board - John White
- Bill Green

New Business: Appointment of Recreation Program Director
MLDP Newly Elected Officials Module
Paving Project - W16-33-9-W3

Bylaws: 14/2009 - Dispense with the Mailing of Assessment Notices

Announcements:

Adjournment:

Business Arising from the Minutes:

Rescind Motion No. 210/09

Councillor Horowitz declared a pecuniary interest in the next item of business and left the council chambers. (8:45 a.m.)

224/09 Skeeny That motion No. 210/09 concerning the cancellation of taxes on Lot 15, Block 23, Plan No. YX4455 in the Hamlet of Green Grass be rescinded. **Carried**

Councillor Horowitz returned to the council chambers (9:00 a.m.)

Correspondence:

225/09 Budd: That the following correspondence, having been read, be filed:

SARM re: MLDP Module
Community Planning - Certificate of Approval;
Sask. Health re: Disposal Site; and
ABC Construction re: Paving Rates. **Carried**

Financial Reports:

226/09 Horowitz That the bank reconciliation and the statement of receipts and payments for the month of October, 2009 be accepted as presented. **Carried**

Accounts:

227/09 Steele: That the following list of accounts be approved for payment:

<u>Cheque No.</u>	<u>Payee</u>	<u>Description</u>	<u>Amount</u>
4640	SaskPower	Electricity	1,563.00
4641	SaskEnergy	Gas	1,653.00
4642	Betty Rubble	Admin. Salary	2,463.00
4643	Slack Printing	Election Forms	563.22
4644	Sam Skinner	DRO	150.00
4645	Wilma Calder	Poll Clerk	125.00
4646	Cancelled		
Total			<u>6,517.22</u>

Carried

Committee Reports:

Transportation Committee: Councillor Steele gave a verbal report.

228/09 **Skeeney** That Administrator Rubble instruct the Town Foreman to have all storm sewer catch basins located in the town cleaned as soon as possible. **Carried**

Protective Services Committee: Councillor Budd gave a verbal report.

229/09 **Budd:** That Reeve Ross attend the November 15, 2009 regular meeting of the Town of Nearly Perfect council, to discuss the terms of the cost sharing agreement regarding the joint purchase of a new fire truck. **Carried**

Staff Reports:

Administrator Rubble presented a written report to Council.

230/09 **Steele:** That Administrator Rubble's report be received as information and filed. **Carried**

Appointments:

Deputy Reeve

231/09 **Horowitz:** That Councillor David Steele be appointed Deputy Reeve for the RM of Nearly Perfect for a one year term that ends at the first meeting after the 2010 annual election.

Councillor Skeeny requested a recorded vote.

For: Horowitz, Brown, Steele, Ross
Against: Skeeny, Budd, Grey

Carried

Library Board Appointments

232/09 **Budd** That the following persons be appointed to the respective boards as a representative of the RM of Nearly Perfect

Donna Miller	Library Board	2009-2010
John White	Recreation Board	2009-2010
Bill Green	Recreation Board	2010.

Carried

New Business:

Recreation Program Director

233/09 **Grey:** That Rosie O’Grady be hired for the position of Recreation Program Director as of December 1, 2009 at a salary of \$4,250.00 per month, with duties as specified in the RM of Nearly Perfect No. 999 policy manual.

Carried

MLDP Module

234/09 **Horowitz:** That all council members be authorized to attend the Municipal Leadership Development Program Module to be held on November 18, 2009 at the Regina Inn in Regina, Saskatchewan, and that those council members who attend the seminar be reimbursed for meals and mileage according to the RM’s policy on travel expense reimbursement.

Carried

Pavement Problems - S16-33-9-W3

235/09 **Steele:** That Smith Engineering firm be requested to attend the next regular meeting of council to discuss solutions to the heaving problems on the road S 16-33-9-W3.

Carried

Bylaws:

Dispense with the Mailing of Assessment Notices

236/09 **Grey:** That bylaw No. 14/2009 being a bylaw to dispense with the mailing of assessment notices be read a first time.

Carried

237/09 **Horowitz:** That bylaw No. 14/2009 be read a second time.

Carried

238/09 **Skeeney:** That bylaw No. 14/2009 be given three readings at this meeting.

Carried Unanimously

239/09 Budd: That bylaw No. 14/2009 being a bylaw to dispense with the mailing of assessment notices be read a third time and adopted.

Carried

Announcements:

December Regular Meeting

240/09 Horowitz: That the next regular meeting of council be held on Wednesday, December 9, 2009 at 8:00 a.m. in the RM of Nearly Perfect council chambers.

Carried

Adjournment:

241/09 Steele: That this meeting adjourn. (11:45 a.m.)

Carried

Reeve

Administrator

Appendix F - Sample Motion Form

Municipality of _____

Motion Form

Motion No.: _____

Moved by:

That:

Mover's signature

Pecuniary Interest *(if applicable)*

Declared by:

Recorded Vote Requested: Yes _____ No

For:

Against:

Carried _____ Defeated

Appendix G - Motions at a Glance

Motions to Amend	"I move to amend the motion by inserting _____ between _____ and _____." "I move to amend the motion by adding _____ after _____." "I move to amend the motion by substituting _____ instead of _____." "I move to amend the motion by striking out _____ and inserting _____."
Motion to Postpone	"I move that we postpone consideration of this motion until the next regular meeting of council on _____ (date)." "I move to postpone this motion indefinitely."
Motion to Reconsider	"I move that this council reconsider the motion on _____ (state the motion)."
Motion to Refer	"I move that the motion be referred to the Public Works Committee for its recommendations."
Motion to Rescind	"I move to rescind the motion _____."
Notice to Rescind	"I give notice that I shall move to rescind resolution # _____ at the next regular meeting of council to be held on _____."
Motion to Table	"I move to table the main motion."
Motion to Take from the Table	"I move that the motion _____ be taken from the table."

Appendix H - Motions According to Precedence

	Amendable?	Debatable?	Interrupt Speaker?
Privileged Motions (in order of precedence)			
1. Fix time of next meeting	Yes	No ¹	No
2. Adjourn	No	No	No
3. Recess	Yes	No ¹	No
4. Question of Privilege	No	No	Yes
Subsidiary Motions (in order of precedence)			
5. Lay on the table	No	No	No
6. Previous Question	No	No	No
7. Limit debate	Yes	No	No
8. Postpone to a certain time	Yes	Yes	No
9. Refer to committee	Yes	Yes	No
10. Committee of the whole	Yes	Yes	No
11. Amend	Yes	²	No
12. Postpone indefinitely	No	Yes	No
Main Motions (in order of precedence)			
13. Main motion for general business	Yes	Yes	No
14. Take from the table	No	No	No
15. Reconsider	No	²	Yes
16. Rescind	Yes	Yes	No
17. Make special order of business	Yes	Yes	No
Incidental Motions (no order of precedence)			
18. Point of Order	No	No	Yes
19. Appeal from decision of chair	No	²	Yes
20. Suspend rules	No	No	No
21. Object to consideration	No	No	Yes
22. Parliamentary inquiry	No	No	Yes
23. Request for information	No	No	Yes
24. Withdraw a motion	No	No	No

¹ Original motion not debatable, amendment debatable

² Debatable only when the motion to which it is applied was debatable

Appendix I - Special Motions According to Purpose

	Amendable?	Debatable?	Interrupt Speaker?
To suppress debate or hasten action			
1. Previous question	No	No	No
2. Suspend rules	No	No	No
3. Limit debate	Yes	No	No
4. Take from the table	No	No	No
5. Make special order of business	Yes	Yes	No
To delay action			
6. Postpone to a certain time	Yes	Yes	No
7. Lay on the table	No	No	No
8. Refer to committee	Yes	Yes	No
To prevent action			
9. Object to consideration	No	No	Yes
10. Withdraw a motion	No	No	No
11. Postpone indefinitely	No	Yes	No
To consider more carefully			
12. Committee of the whole	Yes	Yes	No
To change a decision			
13. Reconsider	No	³	Yes
14. Rescind	Yes	Yes	No
To maintain rules and order			
15. Question of privilege	No	No	Yes
16. Point of order	No	No	Yes
17. Appeal from decision or chair	No	³	Yes
18. Parliamentary inquiry	No	No	Yes
19. Request for information	No	No	Yes
To close a meeting			
20. Adjourn	No	No	No
21. Fix time of next meeting	Yes	No ⁴	No
22. Recess	Yes	No ⁴	No

³ Debatable only when the motion to which it is applied was debatable

⁴ Original motion not debatable; amendment debatable