



Saskatchewan  
Ministry of  
Municipal  
Affairs

# Municipal Council Meeting Guide



Advisory Services  
Strategy and Sector Relations Branch  
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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. Meetings of other municipal bodies, such as boards, commissions, or committees whose membership includes persons other than members of council are not directly referenced by legislation – the information in this guide is subject to rules and procedures established by the municipality that established the body.

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* as it pertains to legal requirements that a council must fulfill in conducting its council and council committee meetings. The procedures for calling meetings, the types of meetings that can be held, and the procedures for voting and recording votes are explained. As well, guidelines for preparing agendas, minutes and procedural bylaws are explained. The appendices include resources such as sample agendas, minutes, and motion forms.

Councils may choose to put in place a procedural bylaw used to govern council and council committee meetings, to 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 (Newly Revised);
2. Bourinot's Rules of Order;
3. Auer's Essentials of Parliamentary Procedures;
4. Procedures for Meetings and Organizations; and
5. Parliamentary Procedure at a Glance.

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:**

- “The Act” means *The Municipalities Act*;
- “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” or “Committee” means a council committee established by a municipal council comprised solely of council members;
- “Head of council” means the reeve or mayor;
- “Meeting” means a council meeting or a committee meeting;
- “Member” means a reeve, mayor or councillor and includes members of council committees established by a municipality;
- “Municipality” means an urban or a rural municipality;
- “Rural Municipality” means a rural municipality as defined in *The Municipalities Act*;
- “Urban Municipality” means a city, town, village or resort village or restructured municipality.

### **Public Accountability**

Municipal councils are accountable to the people or the public who 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 council meeting.<sup>1</sup> A meeting is properly constituted if:

- proper notice is provided to members;
- a quorum is in attendance;
- the proper authority is presiding over the meeting; and
- the proper person is recording the minutes of the meeting.

These issues are addressed later in this guide.

Any act of a committee is not effective until the recommendation is decided by council, unless council has provided the committee with operational authority. 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 the function.

## **Meetings**

### ***Open Meetings***

Council and council committee meetings are to be conducted in public.<sup>2</sup> Everyone has the right to attend meetings, unless they have been expelled for improper conduct by the presiding officer. Councils and committees have limited authority to close meetings to the public to discuss certain items,<sup>3</sup> namely:

- one of the exemptions listed in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* (LAFOIP); or
- long-range or strategic planning for the municipality.

### ***Closed Sessions***

The exemptions listed in Part III of LAFOIP include items such as:

- legal matters, including enforcement of bylaws or other laws
- personnel issues
- matters which reasonably impact economic interests of the municipality or other parties.

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<sup>1</sup> Section 119

<sup>2</sup> Section 119

<sup>3</sup> Section 120

Councils and committees should use discretion when using closed sessions because too many closed sessions may lead to false impressions and suspicions. Open discussions, even the uncomfortable ones, stimulate the free exchange of information with citizens and builds trust between decision makers and the public.

To move into a closed session, members entertain a motion such as:

“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. The minutes should reflect the time at which the meeting went into a closed session and the time the closed session ends.

When members conclude discussion of the topic in the closed session, they adopt an informal motion to rise from the closed session. Legislation requires councils and committees to act in a public forum, and therefore the members must publicly deal with the recommendation from the closed session. A member puts forward the recommendation as a motion. Further discussion on the matter may occur; however, as there was discussion in private, public discussion will likely be minimal. Following debate, members vote on the question.

## ***Types of Meetings***

### **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.<sup>4</sup> The administrator is to provide written notice of this meeting to all members of council and the public not less than 24 hours before the meeting. Unless the member of council has requested the administrator to provide notice by an alternate method, it must be delivered to the member personally or left at his or her usual place of business or residence.

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<sup>4</sup> Section 121

## **Regular Meetings**

Councils and committees may decide to hold regularly scheduled meetings at specified dates, times and places. There is no requirement for notice of regular scheduled meetings to members or the public.<sup>5</sup>

If the date, time or place of a regular scheduled meeting is changed, notice must be given to members not present at the meeting at which the change was made and to the public. This notice must be provided at least 24 hours before the changed meeting.

In the absence of regularly scheduled meetings, notice must be provided to members and to the public at least 24 hours before each the meeting. Public notice is not required if a meeting is held solely for the purpose of long-range or strategic planning.

## **Special Meetings**

When requested to do so by the head of council or by a majority of the councillors, the administrator shall call a special meeting of council.<sup>6</sup> Obtaining the request in writing is a good administrative practice. A sample form is included in Appendix A. At least 24 hours notice is provided to the public and each member of council. The notice states:

- the date, time, and location of the meeting; and
- the business item or items to be discussed.

No other business may be discussed or decided unless all members of council are present and they unanimously consent.

A special meeting of council may be held with less than 24 hours notice if all members of council sign a waiver of notice in writing before the commencement of the meeting. A member of council may sign the waiver of notice which allows the meeting to proceed even if the member of council cannot attend. Special meetings held with less than 24 hours notice do not require public notice; however, providing as much public notice as possible is good administrative practice. A Waiver of Notice form is included in Appendix B. A waiver of notice is not required if members of council are provided more than 24 hours notice of the special meeting.

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<sup>5</sup> Section 122

<sup>6</sup> Section 123



It is good administrative practice to retain the written request to call a special meeting and a copy of the notice or the signed waivers of notice with the minutes of the special meeting of council.

### ***Notice of Meetings***

Legislation requires written notice of meetings be provided to members personally or left at his or her usual place of business or residence.<sup>7</sup> The Act also allows members to request notice to be provided by other means, such as:

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

A sample request form is included in Appendix C. Retain a member's request for alternate method of notice for the member's term of office. It is good administrative practice to renew the request when the member is re-elected for a new term of office.

Notice to the public of a meeting meets legislative requirements by posting the notice at the municipal office or in any other manner as specified in the municipality's public notice policy bylaw.

### **Public Notice**

The Act requires municipal councils to adopt a public notice policy bylaw.<sup>8</sup> This bylaw specifies how the municipality provides notice to the public before considering certain matters at a council meeting. The matters for which a municipality must give notice to the public include items such as borrowing money, setting council or committee remuneration or selling land at less than market value without a public offering.

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<sup>7</sup> Section 124

<sup>8</sup> Section 128

A public notice policy allows council to choose the manner of providing public notice that best suits its municipality or community. Notice could be given by newspaper, radio, postings, mail outs or other means. The minimum amount of notice required to consider most matters is seven days before the meeting. A sample public notice form is included in Appendix E.

### ***Meeting through Electronic Means***

Municipalities may hold meetings by using electronic means such as telephone or internet conferencing.<sup>9</sup> Before a meeting can be held by electronic means the following conditions must be met:

- provide notice to the public of the meeting including how the meeting will be conducted;
  - a sample notice form is included in Appendix D;
- the facilities must enable the public to hear all meeting participants 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.

If a council or committee intends to permit members to participate by telephone or other modes of communication, it may consider adopting a policy to allow this occurrence.

This policy may include logistical items such as:

- the form of notice to be provided by a member exercising this ability (either written or verbal); and
- the deadline by which notice shall be provided to the administrator or other designated official to ensure compliance with public notice requirements.

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<sup>9</sup> Section 125

## ***Public Meetings of Voters***

A public meeting of voters is not a council meeting. This is a meeting at which citizens, ratepayers and other voters participate actively, presenting information to or asking questions of members of council. The head of council may initiate a public meeting of voters when authorized to do so by council, or the meeting may be the outcome of a petition by voters.<sup>10</sup> Council itself does not require specific legislative authority to set up a public meeting of voters.

If council receives a valid petition requesting a public meeting to discuss a municipal matter, the head of council must call for a public meeting of voters 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.

If the municipality has received a petition and conducted a public meeting of the voters, the council may refuse to receive any further petition on the same or similar subject within one year after the date of the public meeting.

Notice must be provided to the public at least seven days before the public meeting of voters, unless the municipality's public notice bylaw specifies a longer period. A sample public notice form is included in Appendix F.

## **Roles and Requirements for Members**

### ***Oath of Office***

Legislation requires each member of council to file his or her Oath of Office with the administrator before carrying out any power, duty or function as an elected official.<sup>11</sup> The Oath of Office is a prescribed form which may be found in The Municipalities Regulations. A sample is located in this guide – Appendix G.

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<sup>10</sup> Section 129

<sup>11</sup> Section 94

## ***Quorum***

In addition to proper notice to members and the public, a properly constituted meeting requires a sufficient number of members in attendance – a quorum. A quorum is a majority of members.<sup>12</sup>

Sometimes a meeting may start 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.

Vacant offices do not affect the number required to establish a quorum. The number of members required forming a quorum for a seven person council or committee is four. If two offices are vacant, leaving five members remaining, the attendance of four members is necessary to hold a valid meeting.

Quorum is maintained even in situations where the majority of members cannot vote due to pecuniary interest. This event is discussed below.

## ***Pecuniary Interest***

Pecuniary interest is generally defined as a potential financial conflict of interest and applies if the interest is beneficial or harmful. Actual profit or loss does not factor into establishing the existence of pecuniary interest. It is the personal duty of each council member to determine if he or she has 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.

A member of council has a pecuniary interest in a matter if:<sup>13</sup>

- the member or a closely connected person could make a financial profit from or be adversely affected by a decision of council, a council committee or a controlled corporation; or
- the member or someone in the member's family has a controlling interest or is a director or senior officer of a corporation that could financially profit or be adversely affected by a decision of council, a council committee or a controlled corporation.

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<sup>12</sup> Section 98

<sup>13</sup> Section 143

A controlling interest includes ownership of or influence over 25% of the voting rights of the corporation. A council member's family includes the person's spouse, parent, or child. A closely connected person means the council member's agent, business partner, family or employer.<sup>14</sup>

If a council member has a pecuniary interest in a matter before council, or a council committee, the member is to:<sup>15</sup>

1. declare the interest before any discussion in the matter;
2. abstain from voting on any question relating to the matter;
3. abstain from discussion of the matter; and
4. leave the meeting while the matter is being discussed and voted on.

A member of council shall not attempt, either before, during or after the meeting to influence the voting in any way.

An exception to this situation is when the matter before council is the payment of an account where the funds have previously been committed. An example of this would be if council decided to purchase a 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 during which the member of council declared his or her interest and left the meeting. At the next meeting the invoice for the equipment is presented for payment. The member of council must again declare his or her interest; however, because of the previous commitment, it is not necessary for the member of council to leave the meeting room.

If a matter affects a member of council as a voter, taxpayer or owner, the member of council has a right to be heard by the remaining members of council. In this case the member must leave his or her place at the council table and move to the place typically designated for delegates addressing council. He or she may exercise his or her right to be heard similar to any other person coming before council. A member exercising this right may wish to obtain independent legal advice.

The administrator records in the minutes all declarations of pecuniary interest, and notes the action taken by the member of council. If the member of council leaves the meeting area, the minutes will note the departure and reentry time. These procedures apply to all regular and special meetings of council and council committees.

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<sup>14</sup> Section 141

<sup>15</sup> Section 144

Declarations of pecuniary interest do not impact quorum provided there are at least two members of council who can vote on the matter.<sup>16</sup> If all, or all except one, declare pecuniary interest in a matter, the municipality applies to a judge of the Court of Queen's Bench for an order allowing council to consider the matter. Alternatively, the council may decide the issue should remain unaddressed.

A decision is not invalidated because a member of council contravenes the pecuniary interest sections of the Act.<sup>17</sup> Within three years, council may void the bylaw or resolution. This does not apply to a Development Appeals Board or a planning commission established under *The Planning and Development Act, 2007*.

Allegations that a member of council has contravened the pecuniary interest provisions must be proven in the courts, and Council or any voter may initiate legal action to begin this process. The action must be initiated within three years of the date of the alleged contravention.<sup>18</sup> A judge after hearing an application of pecuniary interest may declare that:

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

### ***Reeve or Mayor as Presiding Officer***

The Act outlines certain duties for the head of council aside from his or her duties as a council member. The head of council acts as the presiding officer at council meetings although legislation empowers council to assign the duty to another member of council.<sup>19</sup> The presiding officer is responsible for preserving order at meetings and enforcing any rules of procedure council may have adopted. The presiding officer is required to sign the minutes at the meeting in which they are approved.<sup>20</sup>

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<sup>16</sup> Section 146

<sup>17</sup> Section 145

<sup>18</sup> Section 148

<sup>19</sup> Section 93

<sup>20</sup> Section 115

## ***Deputy Reeve or Deputy Mayor***

At the first meeting following the election pursuant to section 160.03 of *The Local Government Election Act* or as soon as possible, rural municipal councils are required to appoint one councillor as deputy reeve.<sup>21</sup> Urban municipal councils have the option of whether or not to appoint a deputy mayor.

A person appointed as deputy shall perform the duties of the head of council if the head of council is unable to perform the duties of the office or if the office is vacant.

In the event neither the head of council or the deputy are able to perform the duties of the office, or if both offices are vacant, council may appoint an acting reeve or acting mayor to perform the duties of the head of council.

## **Administrator**

The municipal administrator is required to perform duties and functions required by:

- the Act;
- any other legislation; or
- council.

Upon approval of council an administrator may delegate any of his or her powers, duties or functions to any employee of the municipality.<sup>22</sup>

The administrator is legislatively responsible to ensure minutes of council meetings are recorded and presented to council for approval at the next regular council meeting.<sup>23</sup>

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.

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<sup>21</sup> Section 91

<sup>22</sup> Section 110

<sup>23</sup> Section 111

## ***Acting Administrator***

Council may appoint an acting administrator for a term of up to three months if the administrator cannot perform his or her duties. Appointments for longer terms require permission from the applicable Board of Examiners. Acting administrators have all the powers and duties of an administrator, including the responsibility to ensure recording minutes of council meetings. Council members cannot be appointed acting administrators.

## ***Substitute***

In the event the administrator, the administrator's delegate or the acting administrator is unavailable to record the minutes of a council meeting, council shall appoint some other person to record the minutes of the meeting. The appointee may be another municipal employee or someone not associated with the municipal organization. There is no authority in legislation for a member of council to undertake this duty. This type of appointment contravenes legislation, as members of council cannot be appointed as an employee of the municipality.<sup>24</sup> The appointment of a substitute recorder for the meeting should be the first decision made at this meeting.

## **Agenda**

### ***Purpose***

The word "agenda" is from the Latin word meaning "things to be done." The meeting's agenda is simply a list of items for consideration done during the meeting. The agenda contributes to effective meetings as members consider matters 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. Providing meeting participants with background information on the items for discussion before the meeting enables them to be better prepared to make sound decisions. Another benefit is that members are less likely to miss important items of business. The type and detail of the agenda will depend on the size of the municipality, the members' expectations, and the administrator.

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<sup>24</sup> Section 112



## ***Contents of Agenda***

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

- Title and Heading
- Call to Order
- Adoption of Agenda
- Reading/Circulating/Approval of Minutes from Previous Meetings
- Business Arising From Minutes
- Presentations
- Delegations
- Correspondence
- Financial Reports
- Payment of Accounts
- Committee Reports
- Staff Reports
- Appointments
- Old or Unfinished Business
- New Business
- Bylaws
- Adjournment

### **Title and Heading**

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

### **Call to Order**

The presiding officer calls the meeting to order.

### **Adoption of the Agenda**

It is not necessary to adopt the agenda. It may serve as a guide rather than as a rigidly followed document.

If meeting participants adopt the agenda:

- the agenda forms part of the minutes and is subject to the same retention standards; and
- a resolution is required if meeting participants later wish to add an item to the agenda, to change the order of discussion, or to otherwise modify the agenda.

### **Reading and Approving the Minutes**

Councils and committees review and approve the minutes of the last regular meeting and any special meeting held since the last regular meeting. Members of council who declared a pecuniary interest at the previous meeting should verify appropriate documentation of their declaration. The section regarding Preparation of Minutes includes instructions on the steps to correct minutes and the resolutions for approving the minutes.

### **Business Arising From Minutes**

Any business postponed from the previous meeting or that was pending when the last meeting adjourned, is called “business arising from the minutes”. The business items here are more current than the items within “old or unfinished business”. It may be beneficial for the presiding officer to remind the meeting of the history of this business before discussion begins or he or she may call upon someone with special information.

### **Presentations**

Occasionally, members may wish to recognize a special achievement by an individual, club or organization. Scheduling these ceremonies near the beginning of the meeting avoids causing the recipient to wait a long time while the meeting deals with other business.

### **Delegations**

Delegations meet, on their own or on behalf of a group, with council or committees to voice concerns or opinions on public matters. The agenda should contain the name of the person or group addressing council, the delegation's topic and an estimated time to hear them. Like presentations, scheduling delegations near the beginning of the meeting minimizes waiting time for citizens, ratepayers and other stakeholders.

## **Correspondence**

The agenda may include a list or copies of correspondence addressed to the municipality, the council, or the committee. The agenda should state who sent the letter and the topic of the letter. Consider sorting correspondence into two types – informational items and items requiring action by council.

Information only correspondence, such as sales bulletins and other unsolicited promotional material do not require any action by meeting participants. It is not necessary to consider each piece of informational correspondence during the meeting. However, if a member wishes to discuss any informational items, the member advises the presiding officer and meeting participants may add the matter to the agenda for discussion later in the meeting. If no member wants to discuss any of the informational items, they pass a motion to receive and file all of the items of correspondence in the informational section.

Correspondence requiring discussion or action is included 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. The financial reports may include items such as a statement of receipts and disbursements, bank reconciliations, month-end cash balances or any other financial information requested by council. As with other decisions of council, a resolution describes the timing and content of financial reports.

## **Payment of Accounts**

The administrator is legislatively required to disburse funds on behalf of the municipality in the manner directed by law or by council. In most cases, this involves presentation of the accounts to council at a meeting. Council typically authorizes payment of the accounts after which the head of council initials the invoices or payment vouchers. Council may delegate this responsibility to other members, such as the head of a finance committee. The municipality may have enacted a bylaw to authorize prior payment of certain accounts such as payroll, payroll deductions and utility charges.

### **Committee Reports**

The agenda includes a list of council committees, including special committees or standing committees that have met since the last regular council meeting. Providing members with copies of committee reports or minutes helps them prepare to consider recommendations from those committees.

### **Staff Reports**

Senior staff members such as the administrator, public maintenance supervisor, or recreation director may present information reports to council. The reports may be verbal or written. List these reports on the agenda and prepare copies for council. During this part of the meeting, council resolutions may deal with any recommendations contained in these reports.

### **Appointments**

From time to time council may be required to make appointments to various offices, boards, committees or other bodies. Typical appointments include the board of revision, council committee members, intermunicipal committees or municipal boards comprised of council members and citizens.

### **Old or Unfinished Business**

Many administrators keep a list of incomplete business items previously addressed by council. This list reminds staff and members of council that the matters remain unresolved.

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

### **New Business**

Under this heading, the administrator lists items for discussion. This may include items arising from briefs presented by delegations or recent correspondence. Sufficient background information to each specific item helps members prepare for the upcoming discussion.

Some councils use a procedure requiring “Notice of Motion” during the New Business agenda item. In this case, a notice is given that the member intends to present a motion concerning a specific subject at the next regular meeting of council. This provides time for council members and the administrative staff to research the subject before the next meeting.

### **Bylaws**

The agenda may contain a short paragraph summarizing proposed bylaws for council’s consideration.

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. Members are entitled to an opportunity to review the full text of a proposed bylaw before it receives first reading. If a bylaw is to be given third reading and there have been amendments since the first meeting, members are to be given or provided the opportunity to review the full text of the bylaw before they vote on it.<sup>25</sup>

### **Other**

This area of the agenda includes any item not fitting into previously discussed categories. Some municipalities use this part to inform members of upcoming events. Noting the time and date of the next meeting of council is a good practice.

### **Adjournment**

This agenda item merely indicates that the scheduled business has concluded and it is now in order to pass a motion to adjourn. Council conducts no further business after the meeting adjourns.

## **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. A motion is a proposed action to address the issue; a resolution is a motion that Council has voted on. Council may use a formal or informal process in their meetings.

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<sup>25</sup> Section 103

In a formal setting, a motion introduces an item of business. Council's meeting procedures may require seconders for motions, or the submission of motions in a written format. A sample motion form is included as Appendix H of this Guide, to illustrate the type of written form that council members could use. After receiving a motion from a councillor, the presiding officer states the motion and calls for discussion or debate. 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 customary for each member, other than the mover, to speak only once to each motion. Members vote on the motion following full discussion of the matter. This process leads to amendments to main motions and sometimes amendments to amendments. This is not the customary practice in many municipalities.

The informal process permits discussion in advance of introducing the motion. The presiding officer states the issue, which members of council debate until they develop a consensus or a majority view emerges. A member proposes a motion addressing the matter; local procedures may require seconders or written submission. Members then vote on the motion before proceeding to the next item of business. This method reduces the number of amendments; however, discussion focuses more on exploring and analyzing multiple solutions or responses rather than discussing a specific recommendation.

### **Proposing a Motion**

The municipality's procedural bylaws, or its practices, determine if a seconder is or is not required to bring a motion before council. Traditionally, no seconders were required for meetings of council of rural municipalities, villages, and resort villages. Some towns abandoned the requirement when previous legislation enabled council to exercise discretionary authority in this area. Current legislation does not address this item.

The municipality's procedural bylaws, or its practices, determine if the presiding officer is entitled to propose a motion. Previous legislation enabled the reeve in a rural municipality to move a motion without relinquishing the chair, whereas in urban municipalities a mayor was required to step down from the chair to make a motion. Current legislation does not address this item; it is up to council to decide.<sup>26</sup>

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<sup>26</sup> Section 81

A question arises how to record the event where a municipality requires seconders to a motion, but no member seconds the motion. The motion fails, and council will not vote on the question. There are two ways to treat this situation:

- The minutes contain no reference to the motion. Unfortunately, this approach fails to indicate council even discussed the matter.
- The minutes contain the motion with the notation it is lost for want of a seconder. This option informs future readers that council at least addressed the question.

A preferred approach requires a member to second the motion enabling members to vote on the issue. The expected outcome is a defeated resolution; however, this clearly demonstrates council's decision.

### **Negative Motions**

Common thought prohibits the use of “negative motions” or motions to take no action. It is correct for the presiding officer to ask for rephrasing a negative motion to make it read in a positive manner. Some authorities suggest it is incorrect to entertain motions whose sole effect is to propose not acting where adopting no motion at all achieves the same result. For example, the motion “that the municipality not provide a grant to ...” produces the same result as no vote on the question. However, we encounter the issue of recording the fact council did consider the item, but chose not to act.

There are a couple ways to address this:

- The motion is rephrased “to provide a grant to ...”, and members vote against the proposal; or
- Reword the motion using active language – words such as “decline the organization’s request for a grant”. While this is still a negative motion, it serves a useful purpose.

Exercise caution when using negative language in a motion because there may be conflicting interpretations if the motion is defeated.

## **Types of Motions**

The types of motions which may be encountered during a typical council or committee meeting may be sorted into four classifications:<sup>27</sup>

1. Main motion – reflects the initial proposed decision or action;
2. Subsidiary motion – facilitates or modifies the main motion;
3. Incidental motion – a motion not related to the main motion; and
4. Privileged motion – a motion which takes immediate priority.

For the most part, a majority of municipalities will not encounter situations requiring extensive use of subsidiary or incidental motions. It is important to use these motions to facilitate debate and not to obstruct the decision making process.

### **Main Motion**

A main motion is a proposed course of action to be taken by council or a committee. The first motion proposed regarding a matter is the main motion. Members debate the motion, and may amend the motion during the discussion. There are a limited number of instances where unanimous consent is required to adopt a main motion.

Examples of main motions include:

- “that the minutes of the meeting held [date] be approved as circulated”; or
- “that Council agrees to provide a grant in the amount of [amount] to [organization].”

Main motions may be subdivided into Incidental Main Motions, or motions which relate to previous or future business or actions. Incidental main motions are treated as main motions, even though they may appear otherwise. Common examples of incidental main motions include:

- accepting or adopting a report;
- adjourning at a future specified time; or
- rescinding a previous decision.

### **Motion to Reconsider**

A motion to reconsider is a main motion enabling council to revisit a resolution previously decided. Most rules indicate this motion typically may arise during the

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<sup>27</sup> <http://www.rulesonline.com>



current meeting and further, the mover is limited to someone who previously voted with the majority. Council cannot entertain a motion to reconsider if the municipality has already acted on the original resolution.

The effect of passing a motion to reconsider is to resume debate on the original motion as though council had not disposed of it. The presiding officer reintroduces the resolution referred to and the council resumes debate on the motion. Potential outcomes from this debate are rescinding the original motion, amending it, or leaving it unchanged.

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

### **Motion to Adjourn**

The meeting ends by passing a motion to adjourn, which may be either a main motion or a privileged motion depending on circumstances. If council concludes all business included on the agenda, the motion to adjourn is a main motion. On the other hand, the majority of council wants to terminate debate on a particular matter, the motion to adjourn holds privileged status as it interrupts the debate on that issue, but not while someone is speaking.

Include the date, time, and location of the next meeting in this resolution unless a regular schedule or an earlier resolution addresses those items.

### **Subsidiary Motion**

Subsidiary motions are a means to appropriately dispose of a main motion. Subsidiary motions enable the original motion to be amended or clarified, postponed, or referred to a committee or other party for further consideration. Subsidiary motions take priority over main motions, and must be dealt with before the main motion is decided. Roberts Rules of Order recognizes seven subsidiary motions. In order of precedence, the first having the highest rank, these are:

1. Lay on the Table;
2. The Previous Question;
3. Limit or Extend Limits of Debate;
4. Postpone to a Certain Time;
5. Commit or Refer;
6. Amend; and
7. Postpone Indefinitely.

### **Lay on the Table**

This motion, if passed, results in the suspension of considering the main motion and any unresolved subsidiary motions to allow the meeting to consider other, more urgent business. It is not in order to table until some specified date or time. In that case, use a motion to postpone. This motion is not debatable.

### **The Previous Question**

This motion, if passed, closes debate and disallows any further amendments to the main motion and any pending subsidiary motions. If passed, members subsequently vote on the subsidiary motions, and then the main motion.

This motion to table the matter is not debatable and, in organizations other than municipalities, may require a two-thirds majority for adoption. Municipalities may adopt rules requiring a two-thirds majority (or some other percentage) to deal with this type of motion.<sup>28</sup>

### **Limit or Extend Limits of Debate**

This motion, if passed, alters the municipality's rules or practices regarding the amount of time the meeting will permit to debate a particular item. If a municipality has a procedural bylaw limiting debate on an individual matter, members may move a motion to extend the limits of debate if they feel the matter has not been thoroughly discussed. Alternatively, in situations where municipalities do not have rules addressing this item, and members feel there has been enough discussion enabling members to make an informed choice, a member may move to limit further debate on the matter.

This motion to table the matter is not debatable and, in organizations other than municipalities, may require a two-thirds majority for adoption. Municipalities may adopt rules requiring a two-thirds majority (or some other percentage) to deal with this type of motion.<sup>29</sup>

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<sup>28</sup> Section 100

<sup>29</sup> Section 100

### **Postpone to a Certain Time**

The motion to postpone to a certain time delays consideration of the main motion and any pending subsidiary motions. The motion to postpone indicates if the matter is being postponed to later in the current meeting or to a specific date or event, such as the acquisition of additional information. If there is no intent to actually revisit the item, voting on the question and defeating it provides more clarity.

### **Commit or Refer**

The motion to commit or refer a matter results in delegating the main motion and any pending subsidiary motions to a committee for further research and consideration. The motion to commit or refer typically identifies which committee is responsible to further consider the matter and it may include a time by which the committee reports back to council. The meeting may set out the committee's mandate, which may be limited to developing options and recommendations, or the committee may be provided authority to take action. The committee may be a standing committee, or the meeting may create a special or ad hoc committee for this purpose.

A standing committee is a committee with a continued existence, formed to do its assigned work on an ongoing basis. Budget and finance committees generally are standing committees.

An ad hoc or special committee is a committee formed for a specific task or objective, and is dissolved after the completion of the task or achievement of the objective. Most committees, other than the standing committees, are ad hoc type or special committees

### **Amend**

The intent of a motion to amend is to alter or clarify the main motion; however the amendment cannot alter the intent of the original motion. For example, a main motion proposing the purchase of wooden benches for a facility may be altered by clarifying they are to be oak benches. An amendment to install new flooring in the facility rather than purchase benches would conflict with the main motion.

A motion may be amended at any time before members vote on it. A motion to amend can also be amended and therefore, there may be a maximum of three questions before the meeting at one time:

- the main motion,
- an amendment to the main motion, and
- an amendment to the amendment.

Amendments may:

- strike or remove parts of the main motion or resolution
- add information to the main motion or resolution; or
- delete and replace text or numbers.

A motion to amend may also be a main motion. This situation arises if the objective is to amend a resolution, whether that motion was previously decided at the current meeting, or at a previous meeting.

### **Postpone Indefinitely**

The intent of a motion to postpone indefinitely is not to postpone, but to reject the main motion without risking a direct vote on the matter. This strategy may be employed by opponents to the motion who are unsure if there is sufficient support to defeat the motion.

### **Incidental Motions**

Incidental motions are motions or questions developing out of a main motion. These questions impact the main motion, and therefore they take priority and must be dealt with before voting on the main motion. Typical incidental motions may involve the following, in no order of priority:

- questions of order or appeal;
- suspension of the rules;
- objections to considering the main motion; or
- division of the question.

### **Questions of Order or Appeal**

Occasionally, a person, a motion, or a remark is out of order and does not follow acceptable practices or rules of procedure. The presiding officer, or another member, may direct the meeting's attention to the infraction. The presiding officer is responsible to return the meeting to the correct course.

In some situations, the presiding officer may have doubts as to the ruling, and before deciding on the matter, he may request advice from a person with more expertise, quite possibly this may be the administrator. If the presiding officer still has doubts, he may submit the question to the meeting. The statement and question might be structured as follows:

“Councillor Bravo has raised a point of order that the amendment currently before the meeting is not relevant to the motion. I am in doubt, and the question is put to the meeting. The question is, ‘Is the amendment germane to the resolution?’”

For clarity, the presiding officer may restate the amendment.

If members vote in favour of the presiding officer’s question, debate respecting the amendment resumes. If the majority of members vote against the question, debate respecting the main motion resumes.

A member may appeal a decision of the presiding officer if the member feels the ruling is incorrect. Members will vote on a motion such as, “the [council] sustains the decision of the presiding officer, namely [provide details].”

### **Suspension of the Rules**

A motion to suspend the rules is in order if the meeting wants to do something that cannot be done without contravening its procedural rules. A prerequisite will be the existence of formal procedures. A motion to suspend the rules may enable a business item to be discussed earlier than proposed in the agenda or allowing members to speak more than once to a motion. Moving into a committee of the whole to discuss a particular item is an example of a suspension of the rules.

Rather than a formal motion, a member or the presiding officer may ask for general consent to suspend the rules. Upon receiving or initiating the request, the presiding officer asks if there are any objections. If there are none, the presiding officer would direct the meeting to proceed as if the rules had been suspended by a formal vote.

### **Objection to Considering the Main Motion**

If a member wishes to prevent the consideration of a main motion, the member may interrupt another speaker to determine if the question should be considered. The motion must be made before there is any debate on the question or before a subsidiary motion is offered. The object of the motion is to avoid consideration of questions which may be

irrelevant, unproductive, or contentious; it is not intended to cut off debate. The motion objecting to considering a question may be useful if, for example, there are repeated attempts to have council reconsider resolutions or policies.

### **Division of the Question**

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 or a member may suggest splitting the motion into two or more motions. After the main motion is split, each divided motion should be complete on its own.

### **Privileged Motions**

Privileged motions do not relate to a pending question; however, their nature demands immediate attention and therefore they take priority to any other matter. Privileged motions are not debatable, and generally are not subject to any subsidiary motion. Privileged motions include fixing a time to adjourn, or taking a recess.

### **Order of Precedence of Motions**

Tables about precedence of motions are included in Appendices I and J. These tables are from J. Jeffery Auer's book *Essentials of Parliamentary Procedure* and is only one of the many sources available on parliamentary procedures. Refer to the Introduction section of this guide for other references of interest.

### ***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 before asking for a vote. This step ensures all members are fully aware of the motion before them, particularly if there has been significant debate on the question.

A simple majority vote of members present decides a matter. There are some exceptional situations:

- Unanimous consent is required to authorize three readings of a bylaw at a single meeting.<sup>30</sup>
- Unanimous consent and full attendance at a special meeting is required to consider items not included on the notice of meeting.<sup>31</sup>

### **Recorded Votes**

Any member may request a recorded vote on a motion before the meeting. The request for a recorded vote must be made before members actually vote on the question. It is not necessary to provide a reason for the request. The administrator will record the manner in which each member votes, not just the member who requested his or her vote to be recorded.<sup>32</sup>

### **All Members Must Vote**

Legislation requires every member of council, including the mayor or reeve, to vote on every question.<sup>33</sup> Members cannot abstain from voting unless they have a pecuniary interest. If a member abstains from voting for any other reason, legislation deems his or her vote as opposition to the motion. Minutes are required to include all abstentions and the reason for the abstention.

### **Defeated Motions**

When a motion is brought to a vote and it fails to secure support from a majority of attending members, it appears in the minutes as a defeated resolution. Members may reconsider the item at the same or a subsequent meeting if a majority of the members vote to do so.

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<sup>30</sup> Section 103

<sup>31</sup> Section 123

<sup>32</sup> Section 101

<sup>33</sup> Section 99

Municipalities utilizing informal processes rarely, if ever, have defeated resolutions in their minutes. Essentially, council discusses the matter and council may effectively decide to do nothing. Rather than proposing a negative motion, council instead proceeds to the next item of business. As a result, there is no record of the matter coming before council.

A suggested process is to propose a motion agreeing with the request or concern. Members subsequently vote against the item, and the minutes reflect the decision and more importantly, the fact council discussed the item. Moving a motion does not necessarily mean the person supports the proposal; moving a motion is only a procedural step to discuss and vote on public matters.

### **Tied Vote**

If there is a tie vote, the motion is deemed to be defeated. It did not obtain consent from a majority of council. <sup>34</sup>

### **Voting on an Amended Motion**

Voting on an amendment occurs 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 \_\_\_\_\_.”

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<sup>34</sup> Section 102



At the conclusion of discussion, the presiding officer will deal with the motion and any amendments in reverse order. The meeting will vote:

- first, on the amendment to the amendment;
- secondly, on the amendment to the main motion (which may have been changed as a result of the earlier vote); and
- finally, on the main motion (which again may have been changed as a result of the votes on the amendments.)

### **Withdrawing a Motion**

The mover may request the withdrawal of the motion prior to members voting on the matter. The presiding officer will ask if there is any objection to the withdrawal of the motion. Withdrawal is automatic if there are no objections. The minutes reflect the motion as withdrawn. If a member voices an objection, the presiding officer may put the matter to an informal vote. A simple majority allows withdrawal of the motion. Withdrawing motions occurs in their voting order, meaning withdrawal of an amendment occurs before withdrawing the main motion. To do otherwise will leave the amendment on the table without a main motion.

### **Chairing the Meeting**

The role of the presiding officer is to maintain order at a meeting and to facilitate debate on questions before council or committee. This is an acquired skill; it doesn't always come naturally. The following suggestions are offered to help presiding officers chair meetings more effectively.

1. Be aware of the rules.

Familiarize yourself with meeting procedure rules. An acknowledged resource is Roberts Rules of Order; however, it is important to recognize these rules may have more application with large assemblies rather than small groups. Recognize the rules are there to facilitate orderly debate, and not to suppress opposing views.

2. Be prepared.

In conjunction with the administrator, prepare the agenda to become familiar with items to be discussed at the upcoming meeting.

3. Be timely.

Start meetings on time. Few things can frustrate members other than waiting for members who are late. Ensure the debate remains productive. If members are reiterating previously made points, meeting productivity declines and so too may the interest of members. When discussion becomes repetitive, consider summarizing the debate and asking if anyone has other points to offer. If there are none, perhaps the members are ready to vote on the matter. If more information is required, consider asking for a motion to postpone the item.

4. Be impartial.

As a member of council or a committee, the presiding officer will have a position on most matters coming before the meeting. It is important that your rulings and decisions as the presiding officer are based on meeting principles, and not on a personal viewpoint. Encourage participation from members who may be less vocal than others, particularly if one or two members appear to be monopolizing the debate.

5. Be firm.

It's relatively easy for meeting participants to engage in discussions not related to the business at hand. Likewise, members may engage in private discussions, even while another member attempts to address council. Stay on course.

6. Remember – the chair is only one member of council / the committee.

The presiding officer does not have any special power respecting the decision making process. The presiding officer has one vote only, just like any other member.

## ***Restoring Order***

Restoring order to a meeting will generally be more difficult than maintaining order; however it happens from time to time. The following techniques may assist presiding officers restore order to meetings:

1. Use the gavel.

If the conduct of one or more members contravenes the meeting rules or practices, the sharp sound of a gavel tapping against the sound block is usually sufficient to interrupt the offending conduct. Don't bang it, tap it. One to three times should be sufficient; if you haven't got their attention by that time, continuing will likely not bring about the desired results.

2. Ask for a recess.

If continuing debate is non-productive, a brief recess (five to ten minutes) may allow members to gather their thoughts. During this time, the presiding officer may consider having a quiet discussion with the member(s) who may have contributed to the disruption. If necessary, the meeting may consider recessing until the following day.

3. Refer the contentious item.

If a particular item is controversial, it may be beneficial to postpone it, refer it to committee for further information, or reschedule it to a special meeting.

4. Ask for an adjournment.

In the worse case scenario, participants may decide it is not productive to continue the current meeting. Hopefully, the meeting has dealt with all essential business prior to this action.

## 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:

- the name of the municipality;
- the time, date and place of meeting;
- the names of the members present;
- the names of members absent (with or without consent);
- the administrator's name (or acting administrator);
- the name of the person presiding over the meeting;
- the approval of the previous meeting's minutes;
- the type of meeting - special or regular;
- the name of the mover of every motion, a number assigned to each motion, a statement of every motion, and an indication of whether the motion was carried or defeated;
- the date of the next meeting (if not been previously set);
- the time of adjournment;
- the signature of the administrator and presiding officer;
- the original of any bylaw adopted at the council meeting;
- any other document indicated in the minutes as being “Schedule (or Appendix) \_\_\_\_\_ attached hereto, forming a part of these minutes.”

The Act states the recording of minutes is one of the duties of the administrator.<sup>35</sup> It may well be the single most important duty of the administrator. Minutes are a meeting’s memory – they form a permanent, historical record. When necessary, courts recognize the minutes of council meeting as evidence of the decision made by council, and actions taken or not taken by members (pecuniary interest). Minutes are a vital document respecting the affairs of the municipality since they record the council's decisions.

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<sup>35</sup> Section 111

### ***Recording Decisions***

The minutes contain all resolutions of the council showing decisions made at a meeting, not recording individual opinions. Minutes should not include detailed discussions, such as who said what. Minutes reflect the attendance of a delegation, indicating the name of the representative, applicable organization, and a short description of the public issue the delegation brought forward.

Resolutions, including those processing and adopting bylaws, reflect the decisions made by Council – there is no provision in the legislation to do otherwise. Council considers all matters by way of motion, and council decides all matters by voting. A majority of the votes decides each question; however, legislation requires unanimous approval to certain items such as consent to provide three readings to a bylaw at a single meeting. 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 proves the existence of a quorum. Another reason is for purpose of calculating the remuneration of council members if meeting attendance is the basis of council's remuneration.

Identifying members not in attendance confirms the absence of their name was not an oversight.

Using members' full names rather than the surname only, at least for purposes of attendance, clearly identifies participants for historical purposes.

### ***Approving of Minutes***

The administrator shall ensure council approves previous minutes at the next regular council meeting. Following approval, the administrator and the presiding officer sign the last page of the minutes.

Good administrative practice includes the administrator and presiding officer initialing each page of the minutes, other than the signature page.

## ***Format of Minutes***

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

### **Checklist for Minutes**

- Begin minutes at the top of a new page;
- Create a footer or a header showing date, page number, and other desired information;
- Initial information includes:
  - Type of meeting;
  - Name of municipality;
  - Time, date and place held;
  - Record full names of members present or absent, as well as others if desired (e.g., delegations).
- Record the Call to Order (including time);
- Record all motions:
  - Ensure name of mover and seconder, if required
  - Adoption of Agenda (if required)
  - Each motion should be sequentially numbered
  - State outcome of motion
- Record delegations to council
  - Name of presenter
  - Name of organization represented
  - Brief statement of subject matter
  - Note time of delegation – beginning and ending
- Appendices or schedules
  - Use sequential identification numbers or letters
  - Create a title identifying topic
- Adjournment
  - Note time
- Signature lines
  - Administrator
  - Presiding officer

## **Form and Neatness**

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

- Type minutes using marginal notes to identify subject matter;
- Use capital letters in headings;
- Number each resolution;
  - one way to do this is to start numbering at #1 each new year - (e.g., #1/2010)
- Use correct spelling and punctuation;
- Write in clear and complete sentences;
- Leave adequate spacing between resolutions; and
- Capitalize the first word of each sentence.

## **Things to Avoid**

- Do not use only first names when recording the names of the meeting participants;
- 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; and
- Avoid the use of acronyms unless they have been prefaces earlier in the minutes. Persons who are not familiar with organizations such as SARM, SUMA, RMAA, and UMAAS may read minutes.

Remember, not only are the minutes a legal document, they are also a permanent record.

Questions may arise about the treatment of a resolution from an earlier meeting that is subsequently amended or rescinded. The minutes of the earlier meeting must reflect the decision made at that time; removing or changing the resolution in those earlier minutes effectively alters history and is therefore inappropriate. This creates a potential problem – the average reader reads minutes in isolation and perceives the original motion is still in effect. Possible options to remedy this situation include:

- Attach a sticky note to the minutes from the earlier meeting to inform readers which resolution was altered, and when the alteration occurred; or
- Create an index to cross-reference altered resolutions.

## ***Correcting the Minutes***

Revise the draft minutes, as many times as necessary until satisfied they are error free. Make no further revisions to the minutes after presenting them to council for approval.

The motion 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 (date) be approved.”

Despite best efforts, council may discover errors or omissions during the approval process. Council authorizes corrections to the minutes by way of motion. For example:

“Moved by Councillor \_\_\_\_ that the minutes of the previous meeting be corrected as follows: ...”

Correct minor errors by striking out the error, writing in the correction and having the presiding officer and administrator initial the change. If the municipality retains electronic copies of the minutes, consider distinctively noting the amendments – use strikeout font to delete text, different colour to add new text, or use the comment feature to detail the changes.

If a substantial change to the minutes is required, note the revision in an appendix to the corrected minutes. Reference the appended correction at the point of inaccuracy, in writing, initialed by the administrator and the presiding officer

After noting corrections to the minutes, council approves the minutes by way of motion, such as:

“Moved by Councillor \_\_\_\_ that the minutes of the (type of) meeting held (date) be approved as corrected.”

## ***Retention and Storage of Minutes***

Legislation requires municipalities to retain meeting minutes permanently.<sup>36</sup> Protect minutes and other permanent records from potential hazards such as fire, flood or theft. The municipality may consider digitizing historical records, such as minutes, by scanning or other electronic means. Consider keeping a copy of those records off-site in the event of damage or destruction to original records.

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<sup>36</sup> Section 116



Retain other municipal documents according to the record retention schedule adopted by the municipality. The Ministry's web site includes the Records Disposal and Retention Guide and Bylaw to assist municipalities develop their schedule.<sup>37</sup>

## **Council Committee and Other Bodies**

The Act empowers councils the general authority to establish council committees and other bodies such as boards and associations by bylaw or by resolution. The council may also define the functions and establish the procedures for these bodies.<sup>38</sup>

### ***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 (the subject matter) and Councillor \_\_\_\_ shall chair the meeting.”

Depending upon local procedures, the deputy or another member of council chairs a Committee of the Whole meeting. Council meeting minutes do not include discussions or recommendations developed by the Committee of the Whole. The administrator will keep a separate set of minutes for the use of the committee. Following its discussions, the Committee of the Whole may provide a recommendation to council for final decision. The Committee adopts an informal motion to rise and report, and the reeve or mayor resumes chairing the regular council meeting.

The committee chairperson then reports the discussions of the committee to council. If the council wishes to take action arising from the committee discussions, a member presents a motion that council votes on. As discussion occurred during the Committee of the Whole meeting, typically there will be minimal discussion on the motion. Committee meetings, including Committee of the Whole, are open to the public.

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<sup>37</sup> [www.municipal.gov.sk.ca](http://www.municipal.gov.sk.ca)

<sup>38</sup> Section 81

The council meeting minutes include:

- a resolution to move to Committee of the Whole;
- the time at which council moves into the Committee of the Whole; and
- the time in which the council meeting reconvenes.

### **Council Committees**

Members of council typically form the membership of council committees, normally established by resolution rather than by bylaw. Council reviews these committees periodically, annually or on a locally determined schedule. 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, the municipality may set out the procedures, conduct of the committee and potentially the conduct of members. Councils may define procedures such as how often the committee meets, the process to call a meeting, and the frequency and manner of reporting to council.

Council committees are required to exercise their duties and powers in the same manner as council – at a duly convened meeting. This includes recording minutes approved by the committee, and signed by the presiding officer and the administrator. Actions of council committees are not effective unless council has delegated authority to the committee or council adopts the committee’s recommendation or decision at a council meeting.

### **Other Bodies**

The natural person powers provided to municipalities in the Act allows councils to establish other bodies such as committees, boards or associations, as they see fit.<sup>39</sup> Persons appointed to municipal bodies generally include representatives from the general public, special interest groups, or other municipalities in addition to members from the council establishing the municipal body.

As with council committees, council has the authority to define the functions and procedures of municipal bodies typically including a reporting mechanism. Procedures established by council may address operational matters, such as how meetings are called

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<sup>39</sup> Section 81

or the type of notice provided to members, particularly if the requirements are less formal than those required for council or council committee meetings. Generally speaking, municipal bodies conduct their meetings in the same fashion as council or council committee meetings.

Council decides if they wish to establish the municipal body by resolution or by bylaw. Consider using a bylaw if council intends the municipal body to function for an extended period; however, appointments to the body may be made by resolution.

Section 127 of the Act lists those matters that council alone must deal with – they cannot delegate the decision to a committee or other body. Before establishing the function of a committee or municipal body, it may be a good idea to check the legislation to determine if the assigned function can be delegated.

## **Procedure Bylaws**

### ***Purpose***

A procedure bylaw sets out the way council conducts its business. Councils that have enacted procedure bylaws generally find meetings proceed more efficiently and effectively. Meetings are more orderly and easier to follow, benefiting not only the council members and staff, but also members of the public. Procedure bylaws cannot establish rules or procedures 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 that might arise in council or committee meetings.

A municipality's procedural bylaw may address all or some of the following topics:

- Definitions
- Application
- Regular Council Meetings
- Special Meetings
- Calling the Meeting to Order and Quorum
- Postponement of Meetings
- Agenda
- Minutes
- Petitions and Communications
- Delegations
- Bylaws
- Conduct of Members
- Rules of Debate
- Voting on Motions
- Committee of the Whole
- Committees and Committee Meetings

A sample procedure bylaw is available on the Ministry's website – Council Procedure Bylaw.

## **Other Resources**

In addition to the resources mentioned during the introduction, the following electronic resources may be useful. The information provided at these websites is not specific to municipalities.

- For information on types of motions and the order of precedence, see Roberts Rules of Order Online – <http://www.rulesonline.com/>.
- For information to improve the efficiency and effectiveness of meetings, review *Insights, Articles and Ideas* by Eli Mina, Registered Parliamentarian – [www.elimina.com](http://www.elimina.com).

## Appendix A – Sample Request for a Special Meeting

Date: \_\_\_\_\_  
To: \_\_\_\_\_, Administrator, [Full Name of Municipality]

Pursuant to 123 of *The Municipalities Act*, I / we hereby request you to call a special meeting of the Council of the [Full Name of Municipality] to discuss the following matter(s):

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

Meeting Details:

Location: \_\_\_\_\_  
Date: \_\_\_\_\_  
Time: \_\_\_\_\_

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

SIGNED:

Name: \_\_\_\_\_  
Name: \_\_\_\_\_  
Name: \_\_\_\_\_  
Name: \_\_\_\_\_

40

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Office Use Only:

- Members provided notice pursuant to subsection 123(2)  
 Notice not provided pursuant to subsection 123(3)

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<sup>40</sup> Suggestion – Retain this document with the meeting minutes.

**Appendix B – Sample Waiver of Notice – Special Meeting**

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

Municipality of (Name of Municipality) \_\_

**WAIVER OF NOTICE OF A SPECIAL MEETING OF COUNCIL CALLED UNDER  
AUTHORITY OF SUB-SECTION 123(3) OF *THE MUNICIPALITIES ACT*.**

We, the undersigned members of the council of the (Name of Municipality) \_\_\_\_\_  
hereby waive notice of a special meeting of the council (or council committee) to be held  
at \_\_\_\_\_ (location) on the \_\_\_\_\_ (date), commencing at  
\_\_\_\_\_ (time) a.m./p.m. for the purpose of discussing and acting upon the  
following items:

- 1. \_\_\_\_\_ 2. \_\_\_\_\_
- 3. \_\_\_\_\_ 4. \_\_\_\_\_
- 5. \_\_\_\_\_ 6. \_\_\_\_\_
- 7. \_\_\_\_\_

**SIGNED:**

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

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

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

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

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

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

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

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

41

\_\_\_\_\_  
<sup>41</sup> Suggestion – Retain this document with the meeting minutes.

## Appendix C – Sample Method of Notice Request

Date: \_\_\_\_\_  
To: \_\_\_\_\_, Administrator, Municipality of \_\_\_\_\_  
From: \_\_\_\_\_ (name of council member)

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

- By regular mail (address)  
 By telephone or voice mail (telephone number)  
 By facsimile (fax number)  
 By email (email address)

Check one of the above

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

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

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

42

## Appendix D – Sample Public Notice (Electronic Participation)

### PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT in accordance with the Public Notice Policy Bylaw adopted by the [full name of municipality] in accordance with *The Municipalities Act*, one or more members of the council of the [full name of municipality] will participate at its [regular / special] meeting to be held at [time] on [date] at [location] by means of telephone, electronic or other communication facility.

Dated this [date]

At [location]

[Administrator's signature]

\_\_\_\_\_  
<sup>42</sup> Suggestion – Retain this form in the member's file for \_\_\_ years following the member's current term of office.

## **Appendix E – Sample Public Notice (Business Items)**

### PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT in accordance with the Public Notice Policy Bylaw adopted by the [full name of municipality] in accordance with *The Municipalities Act*, the following items will be discussed by the council of the [full name of municipality] at a [regular / special] meeting to be held at [time] on [date] at [location]

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

Dated this [date]

At [location]

[Administrator's signature]

## **Appendix F – Sample Public Notice (Meeting of Voters)**

### PUBLIC NOTICE

NOTICE IS HEREBY GIVEN THAT in accordance section 129 of *The Municipalities Act*, a public meeting of the voters of the [full name of municipality] will be held at [time] on [date] at [location] to discuss the following matter(s):

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

Dated this [date]

At [location]

[Administrator's signature]



## Appendix G – Oath of Office

Oath – Member of Council

I, \_\_\_\_\_, having been elected to the office of

(Reeve/Mayor/Councillor) in the \_\_\_\_\_ of

DO SOLEMNLY PROMISE AND DECLARE THAT:

1. I will truly, faithfully and impartially, to the best of my knowledge and ability, perform the duties of this office;

2. 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. I will disclose any pecuniary interest as required by and in accordance with *The Municipalities Act*.

DECLARED before me at \_\_\_\_\_, Saskatchewan

this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Signature of Declarant

\_\_\_\_\_  
A Commissioner, etc. (as the case may be)

## Appendix H – Sample Motion Form

Municipality of \_\_\_\_\_

Motion Form

Motion No.: \_\_\_\_\_

Moved by:

That:

\_\_\_\_\_  
Mover's signature

signature

Pecuniary Interest (if applicable)  
Declared by:

Recorded Vote Requested: Yes  No:

FOR	AGAINST

Carried  Defeated

## Appendix I – Sample Waiver of Notice - Meeting Changed

[Date]

[Full Name of Municipality]

### WAIVER OF NOTICE OF CHANGE TO COUNCIL OR COUNCIL COMMITTEE MEETING <sup>43</sup>

We, the undersigned members of the council of the [full name of municipality] hereby waive notice of the change of the council (or council committee) meeting that was to be held at [location], [community] Saskatchewan on [date] commencing at [time] and has now been changed to be held on the [date] commencing at [time] at [location].

SIGNED:

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

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

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

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

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

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

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

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

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<sup>43</sup> Suggestion – Retain this document with the meeting minutes

## Appendix J – Sample Agenda

Agenda for the [Full Name of Municipality]

First Meeting of Council to be held Tuesday November 9, 2010, 8:00 a.m.

in the Municipal Office at \_\_\_\_\_, Saskatchewan

Signing of Declarations:	
Call to Order:	
Agenda:	Review, adopt (optional)
Minutes:	Approval of minutes - October 12, 2010 (attached)
Business Arising from the Minutes:	Rescind Motion 210/10 re: tax cancellation – Bill Black
Delegations:	8:15 a.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:	Bank reconciliations Monthly receipts and expenditures
Accounts:	List attached
Hearing:	Recess to conduct hearing, proposed zoning bylaw amendment
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:	14/2010 - Dispense with the Mailing of Assessment Notices
Announcements:	
Adjournment:	

## Appendix K – Sample Minutes

Minutes of the First Meeting of the Council of the [Full Name of Municipality]

Held Tuesday the 9th day of November, 2010  
in the Municipal Office at \_\_\_\_\_, Saskatchewan

### Present:

Reeve Arthur Ross,  
Councillor Division 1 – David Steele,  
Councillor Division 2 – Peter Skeeny,  
Councillor Division 3 – William Budd,  
Councillor Division 4 – Cynthia Horowitz,  
Councillor Division 5 – Lisa Brown,  
Councillor Division 6 – Bruce Grey,  
Administrator – Betty Rubble.

Councillors Peter Skeeny, Cynthia Horowitz and Bruce Grey subscribed to their Oath of Office as required by *The Municipalities Act*.

### Call to Order:

A quorum being present, Reeve Ross called the meeting to order at 8:00 a.m.

### Agenda:

220/10            Steele:            That the agenda be accepted as presented. Carried

### Correction of Minutes:

221/10            Brown:            That the minutes of the regular meeting of council held  
October 12, 2010 be corrected by adding the words “and  
employees” after the word “council” in resolution #212/10. Carried

### Minutes:

222/10            Budd:            That the minutes of the regular meeting of council held on  
October 12, 2010 be approved as corrected. Carried

### Delegations:

Tim Smith and Bill Frisby representing the Nearly Perfect Lions Club presented council with a verbal and written proposal for a partnered project for the town cemetery.

*Page 2 of November 9, 2010*

Lions Club Cemetery Initiative:

223/10        Brown:        That the report given by the representatives of the Nearly Perfect Lions Club be referred to the Cemetery Committee for further consideration, and further, that the cemetery committee report its recommendations to council at the next regular meeting of council.

Carried

**Business Arising from the Minutes:**

Rescind Motion No. 210/10

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

224/10        Skeeny:        That motion No. 210/10 to cancel 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:**

225/10        Budd:        That the following correspondence, having been read, be filed:

1. Saskatchewan Association of Rural Municipalities
  - Re: Municipal Leadership Development Program Module
2. Community Planning - Certificate of Approval;
3. Sask. Health re: Disposal Site; and
4. ABC Construction re: Paving Rates.

Carried

**Financial Reports:**

226/10        Horowitz:    That the bank reconciliation and the statement of receipts and payments for the month of October, 2010 be accepted as presented.

Carried

**Accounts:**

227/10 Steele: That the following list of accounts be approved for payment:

<b>Cheque No.</b>	<b>Payee</b>	<b>Description</b>	<b>Amount</b>
4640	Sask Power	Electricity	1,563.00
4641	Sask Energy	Gas	1,653.00
4642	Betty Rubble	Admin salary	2,463.00
4643	Slack Printing	Election forms	563.22
4644	Sam Skinner	Election remuneration	150.00
4645	Wilma Calder	Election remuneration	125.00
4646	Cancelled		Nil
<b>Total</b>			<b>6,517.22</b>

Carried

**Zoning Hearing:**

228/10 Steele: That this meeting be recessed for the purpose of conducting a public hearing to hear any person or group that wants to comment on the proposed bylaw.

Carried (9:55 a.m.)

**Reconvene:**

Reeve Ross reconvened the meeting at 10:15 a.m.

**Committee Reports:**

229/10 Skeeny: Transportation Committee: Councillor Steele gave a verbal report. That Administrator Rubble instructs the Foreman to have Slate Equipment Inc. do the annual service job on the two tractors as soon as possible.

Carried

230/10 Budd: Protective Services Committee: Councillor Budd gave a verbal report. That Reeve Ross attend the November 15, 2010 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:**

231/10 Steele: Administrator Rubble presented a written report to Council. That Administrator Rubble's report be received as information and filed.

Carried

**Appointments:**

Deputy Reeve

232/10 Horowitz: That Councillor David Steele is appointed Deputy Reeve for the RM of Nearly Perfect for a one year term that ends at the first meeting of council following the 2011 annual election.

Councillor Skeeny requested a recorded vote.

For: Horowitz, Brown, Steele, Ross

Against: Skeeny, Budd, Grey

Carried

**Library Board Appointments**

233/10 Budd: That the following persons be appointed to the respective boards as a representative of the RM of Nearly Perfect:

- Donna Miller Library Board 2010-2011
- John White Recreation Board 2010-2011
- Bill Green Recreation Board 2011.

Carried

**New Business:**

**Recreation Program Director**

234/10 Grey: That Rosie O'Grady is hired for the position of Recreation Program Director as of December 1, 2010 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**

235/10 Horowitz: That all council members be authorized to attend the Municipal Leadership Development Program Module to be held on November 17, 2010 at the Regina Inn in Regina, Saskatchewan, and that those council members who attend the seminar shall be reimbursed for meals and mileage according to the RM's policy on travel expense reimbursement.

Carried

**Pavement Problems – S16-33-9-W3**

236/10 Steele: That Smith Engineering Ltd. is 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

237/10            Grey:            That bylaw No. 14/2010 being a bylaw to dispense with the mailing of assessment notices is introduced and read a first time.

Carried

238/10            Horowitz:        That bylaw No. 14/2010 is read a second time.

Carried

**Announcements:**

December Regular Meeting

239/10            Horowitz:        That the next regular meeting of council be held on Wednesday, December 8, 2010 at 8:00 a.m in the RM of Nearly Perfect council chambers.

Carried

**Adjournment:**

240/10                    Steele:            That this meeting adjourn. (11:45 a.m.)

Carried

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Reeve

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Administrator

## Appendix L – 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 to \_\_\_\_ [state the motion].”

### Motion to Refer

- “I move that the motion to [specify] be referred to the Public Works Committee for its recommendations to be provided to council for consideration on \_\_\_\_ [date].”

### Motion to Rescind

- “I move to rescind the motion to \_\_\_\_ [state 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 \_\_\_\_ [date].”

### Motion to Table

- “I move to table the main motion.”

### Motion to Take from the Table

- “I move that the motion to [specify] be taken from the table.”

## Appendix M – Motions According to Precedence

The motions below are listed in order of precedence, based on Roberts Rules of Order Newly Revised (10<sup>th</sup> Edition).<sup>44</sup>

Any motion can be introduced if it is higher on the chart than the pending motion.

Objective:	You Say:	Interrupt?	Debate?	Amend?
Close the meeting	I move to adjourn	N	N	N
Take a break	I move to recess for ...	N	N	Y
Register a complaint	I rise to a question of privilege	Y	N	N
Lay aside temporarily	I move to table the motion	N	N	N
Close debate	I move the previous question	N	N	N
Limit or extend debate	I move that debate be limited to ...	N	N	Y
Postpone to a certain time	I move to postpone the motion to ...	N	Y	Y
Refer to committee	I move to refer the motion to ...	N	Y	Y
Modify wording of motion	I move to amend the motion by ...	N	Y	Y
Bring business before the meeting (main motion)	I move that / to ...	N	Y	Y
<b>Incidental Motions</b> – no order of preference				
Enforce rules	Point of order	Y	N	N
Submit a matter to the meeting	I appeal from the decision of the chair	Y	Varies	N
Suspend rules	I move to suspend the rules which ...	N	N	N
Avoid main motion	I object to the consideration of the question	Y	N	N
Divide motion	I move to divide the question	N	N	Y
<b>Motions That Return a Question to the Meeting</b>				
<ul style="list-style-type: none"> <li>no order of precedence; cannot be introduced if another question is pending</li> </ul>				
Take matter from the table	I move to take from the table ...	N	N	N
Cancel a previous decision	I move to rescind ...	N	Y	Y
Reconsider motion	I move to reconsider the vote ...	N	Varies	N

<sup>44</sup> <http://www.robertsrules.org/motions.htm>

## **Appendix N – Motions According to Purpose**

To suppress debate or hasten action:

- Previous question
- Suspend rules
- Limit debate
- Take from the table

To delay action

- Postpone to a certain time
- Lay on the table
- Refer to committee

To prevent action

- Object to consideration
- Withdraw a motion

To consider more carefully

- Committee of the Whole

To change a decision

- Reconsider
- Rescind

To maintain rules and order

- Question of privilege
- Point of order
- Appeal from decision of chair
- Parliamentary inquiry
- Request for information

To close a meeting

- Adjourn
- Fix time of next meeting
- Recess