



CITY OF MOOSE JAW

Office Consolidation

PROCEDURE BYLAW

Bylaw No. 5176

Date of Passage January 6, 2003
(effective date January 6, 2003)

Including amendments to June 13, 2022

Disclaimer:

This information has been provided solely for research convenience. Official bylaws are available at the Office of the City Clerk and must be consulted for purposes of interpretation and application of the law.

This Bylaw has been consolidated under the authority of the City Clerk. It represents proof, in absence of evidence to the contrary of:

- (a) the original bylaw and of all bylaws amending it; and**
- (b) the fact of passage of the original and all amending bylaws.**

<u>AMENDMENTS</u>	<u>DATE PASSED</u>	<u>FORCE/EFFECT</u>
Bylaw No. 5246	April 2, 2007	April 2, 2007
Bylaw No. 5479	July 14, 2014	July 14, 2014
Bylaw No. 5532	April 10, 2017	April 10, 2017
Bylaw No. 5549	Dec. 18, 2017	Dec. 18, 2017
Bylaw No. 5571	Jan. 14, 2019	January 14, 2019
Bylaw No. 5600	Oct. 28, 2019	October 28, 2019
Bylaw No. 5647	July 12, 2021	July 12, 2021
Bylaw No. 5671	June 13, 2022	June 13, 2022

BYLAW NO. 5176

**A BYLAW OF THE CITY OF MOOSE JAW
GOVERNING THE PROCEEDINGS OF CITY COUNCIL
AND ANY COMMITTEES ESTABLISHED BY CITY COUNCIL
FOR THE ADMINISTRATION OF THE BUSINESS OF CITY COUNCIL**

PART I

INTERPRETATION

Title

1. This Bylaw may be referred to as the Procedure Bylaw.

(Bylaw No. 5176)

Purpose and scope

- 2(1) The purpose of this Bylaw is to provide for the orderly conduct of the business of City Council and for the proceedings of any committees established by City Council for the better administration of the City.
- (2) The Bylaw applies to all proceedings of City Council and any board or committee established by City Council except where, by Bylaw, City Council has established procedures to the contrary for a specific board or committee.

(Bylaw No. 5176)

Definitions

3. In this Bylaw, in any amending bylaws, and in any schedules attached hereto, the following words and terms shall have the following meanings unless there is something in the subject matter inconsistent therewith:
 - (a) the word "**City**" means the Municipal Corporation of the City of Moose Jaw or, where the context requires, the geographical area within the city limits of the City of Moose Jaw;
 - (b) the term "**City Administration Bylaw**" means Bylaw No. 5175 of the City of Moose Jaw, as amended from time to time;

- (c) the term "**City Clerk**" means the person appointed as the City Clerk for the City of Moose Jaw and includes any duly authorized representative or designate of such person;
- (d) the term "**City Council**" means the elected officials of the City of Moose Jaw;
- (e) the term "**City Hall**" means the place named pursuant to section 5 of the City Administration Bylaw;
- (f) the term "**City Manager**" means the person appointed as the City Manager for the City of Moose Jaw and includes any duly authorized representative or designate of such person;
- (g) the word "**Councillor**" means the elected Councillors of the City of Moose Jaw;
- (h) the term "**Deputy Mayor**" means the Councillor appointed, from time to time, as the Deputy Mayor pursuant to section 7 of this Bylaw;
- (i) the word "**elected**" means the person or persons elected, from time to time, to public office in accordance with *The Local Government Elections Act*;
- (j) the word "**Mayor**" means the elected Mayor of the City of Moose Jaw;
- (k) the term "**Presiding Officer**" means the Mayor or the member of City Council who may, from time to time, be presiding over any meeting of City Council or a committee of City Council, as the case may be;
- (l) the word "**resolution**" means a decision of City Council or a committee:
 - (a) properly put before members of City Council or a committee, as the case may be, by way of motion; and
 - (b) resulting from a vote of members then present;
- (m) the term "**Standing Committee**" means any committee comprised of all members of City Council and established pursuant or continued pursuant to Part V of this Bylaw.

(Bylaw No. 5176)

Schedules

4. The following schedule is attached to, and forms part of, this Bylaw:
Schedule "A" - List of exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.

(Bylaw No. 5176)

PART II PROCEEDINGS OF CITY COUNCIL

City Council

- 5(1) City Council is the governing body of the City of Moose Jaw and shall exercise the powers and carry out the duties prescribed by law.
- (2) City Council shall consist of the Mayor and six (6) Councillors.
- (3) Subject to any limitations prescribed by law, City Council may delegate or assign its powers and duties as it may be deemed advisable and in the public interest.

(Bylaw No. 5176)

Mayor

- 6(1) The Mayor shall preside, when in attendance, at all meetings of City Council unless another member of City Council is required or permitted to preside pursuant to *The Cities Act* or other applicable law or the terms of this Bylaw.
- (2) The Mayor is a member of all boards and committees established by City Council, unless City Council provides otherwise.
- (3) The Mayor shall review all minutes of advisory and other committees and all communications, reports and letters of transmittal from City Administration and may provide comments for the benefit of members of City Council.

(Bylaw No. 5176)

Deputy Mayor

- 7(1) City Council shall, from time to time, appoint a Councillor to be Deputy Mayor and such appointment shall continue for a term of two (2) months or until a successor is appointed.
- (2) The Deputy Mayor shall exercise the authority and carry out the duties prescribed by law.

(Bylaw No. 5176)

Regular meetings of City Council

- 8(1) Regular meetings of City Council shall be held on the second and fourth Monday of every month commencing at 4:00 p.m. in the afternoon but may be altered in accordance with a meeting schedule approved by City Council in November of each year.
- (2) Regular meetings of City Council shall be held in Council Chambers, second floor, City Hall, 228 Main Street North, Moose Jaw, Saskatchewan, but may be altered by providing notice to the public and all members of Council at least 24-hours in advance and by any reasonable means in the circumstances as determined by the City Clerk.
- (3) The City Clerk shall submit to Executive Committee in October annually a schedule of proposed City Council meetings for the forthcoming year, which schedule shall be confirmed by City Council no later than November.
- (4) City Council may, by resolution:
 - (a) alter the date, hours and/or place of any regular meeting of City Council;
 - (b) cancel any regular meeting of City Council.
- (5) Whenever a regular meeting of City Council falls on a holiday recognized by the Collective Agreement between the City of Moose Jaw and CUPE Local Number 9 of Moose Jaw, that regular meeting shall be held at the same hour and at the same location on the next ensuing day that is not recognized as a holiday.

(Bylaw No. 5549 and Bylaw No. 5671)

Special meetings of City Council

- 9(1) Subject to subsection (2), the Mayor may direct the City Clerk to call a special meeting of City Council whenever:
 - (a) the Mayor deems it expedient and in the public interest to do so; or
 - (b) the Mayor is requested to do so in writing by a majority of Councillors.
- (2) Subject to subsection (3), where a special meeting of City Council is called:
 - (a) all members of City Council shall receive, at least, twenty-four (24) hours notice in writing of the time and place of the meeting and, in general terms, the business to be transacted thereat; and
 - (b) the City Clerk shall post notice of the time and place of the meeting at City Hall at least twenty-four (24) hours prior to the meeting and the notice shall describe, in general terms, the business to be transacted thereat.
- (3) The Mayor may direct the City Clerk to call a special meeting of City Council on less than twenty-four (24) hours notice and without posting notice at City Hall provided that, immediately prior to the beginning of the special meeting, all members of City Council unanimously agree to do so.
- (4) No business, other than that stated in the notice, shall be transacted at any special meeting of City Council unless:
 - (a) all members of City Council are present at the meeting; and
 - (b) all members of City Council unanimously resolve to do so.

(Bylaw No. 5176)

Meetings of City Council to be in public, exceptions

- 10(1) Subject to the specific provisions of this Bylaw, all meetings of City Council shall be open to the public and every member of the public shall have the right to be present during all City Council meetings unless that person has been expelled for improper conduct.
- (2) No act or proceeding of City Council is effective unless it is authorized or adopted at a meeting of City Council, which is open to the public.
- (3) City Council may, by resolution, close all or part of a meeting to the public if a matter to be discussed at that meeting is within one (1) of the exemptions listed

in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.

- (4) Where City Council resolves to close a portion of a meeting to the public, all persons shall be excluded from the meeting except:
 - (a) the members of City Council;
 - (b) the City Manager, the City Clerk and such other members of City Administration as the members of City Council may deem appropriate;
 - (c) such members of the public as may be allowed to attend by the presiding Officer.
- (5) Where City Council resolves to close a portion of a meeting to the public, in addition to the resolution to do so, the City Clerk shall record in the minutes thereto:
 - (a) the time the in-camera portion of the meeting commenced and concluded;
 - (b) the names of the parties present; and
 - (c) the exemption in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* relied upon for authority to close the meeting to the public.
- (5.1) If Council, while meeting in-camera, is of the opinion that a particular item should not be considered in-camera, Council shall not consider that item, but shall:
 - a) Direct that the matter be placed on the next Council meeting agenda;
 - or
 - b) Permit Administration to withdraw the matter.
- (6) A City Council meeting or committee meeting, as established in section 49(1) herein, may be conducted by telephonic, electronic or other communication method in accordance with section 99 of *The Cities Act*.

(Bylaw No. 5176; Bylaw No. 5479; Bylaw No. 5647)

Long range or strategic planning meetings

- 11(1) City Council may, at the request of the Mayor, meet for the purposes of long-range or strategic planning and such meetings shall be closed to the public.
- (2) No business may be transacted at a meeting referred to in subsection (1).

- (3) No minutes or record of proceedings shall be kept with respect to a meeting referred to in subsection (1).

(Bylaw No. 5176)

Order of business

12(1) The order of business for every regular meeting of City Council shall be as follows:

1. **Call to Order**, which shall proceed according to Section 13 of this Bylaw.
2. **Confirmation of Agenda**, during which the agenda will be confirmed including any items proposed to be added pursuant to Part III of this Bylaw.
3. **Public Acknowledgements**, during which members of City Council may:
 - a) Acknowledge the passing of persons of significance to the City of Moose Jaw;
 - b) Make statements respecting recent events of significance to the City of Moose Jaw;
 - c) Acknowledge persons attending in Council Chambers.
4. **Adoption of Minutes**, during which City Council shall receive, correct, if necessary, and adopt the minutes of the last regular meeting of City Council, together with any special meetings of City Council which have occurred since the last regular meeting.
5. **Declarations of Conflict of Interest**, during which a member may declare a conflict of interest with respect to an item on the agenda, indicate the general nature of the conflict and indicating that they will recuse themselves when the item is considered.
6. **Public Hearings** which are legislatively mandated, wherein the Mayor declares the Hearing open, an overview is provided by Administration, a presentation is made by the proponent, public representation for or against are heard and Council makes a determination on the application.
7. **Motion to go into Committee of the Whole**, during which Council may resolve to go into Committee of the Whole under the chairmanship of the

Deputy Mayor to deal with communications, delegations and petitions as set out in Part III of this Bylaw.

8. **Adoption of Committee of the Whole**, during which City Council shall receive and adopt the minutes of Committee of the Whole.
9. **Reports of Standing Committees of City Council**, during which City Council shall receive, without debate, the minutes of any meetings of a Standing Committee of City Council which have occurred since the last regular meeting of City Council.
10. **Matters arising from Reports of Standing Committees**, during which City Council may debate, if necessary, and adopt the minutes of Standing Committees.
11. **Reports of Advisory and Other Committees** during which the City Council shall:
 - a) Receive the minutes of any meeting of an advisory committee or other committee of City Council which has occurred since the last regular meeting of City Council, as soon as practical, but not to exceed two (2) ensuing City Council meetings; and
 - b) Debate any recommendations of such committees that require the approval of City Council.
12. **Giving Notice**, during which members may provide notice pursuant to Section 27 of this Bylaw.
13. **Motions**, during which members shall debate:
 - a) Motions arising pursuant to Section 27 of this Bylaw; or
 - b) Such other matters as may properly come before City Council.
14. **Bylaws**, during which members shall receive and/or consider any bylaws placed before them by City Administrations.
15. **Enquiries**, during which members of Council may ask verbal questions or submit written enquiries pursuant to Section 30 of this Bylaw.
16. **Response to Written Answers to Enquiry**, during which members of City Council may speak to any matter arising as a result of the information provided by City Administration pursuant to Section 30 of this Bylaw.

- (2) The City Clerk shall prepare the agenda for every regular meeting of City Council in accordance with the order of business set forth in Subsection (1). On the day of the regular meeting of Council, the City Clerk shall circulate any written submissions or requests to address which were received by the Clerk's Office by 10:00 a.m. such that they may be considered for addition to agenda as confirmed in Subsection 12(1)(2) herein.
- (3) The business of City Council shall be taken up in the order in which it stands on the agenda unless otherwise determined by a vote of a majority of members present.
- (4) By a unanimous consent vote of City Council, an item may be added or removed from the agenda prepared by the City Clerk as set forth in subsection (2). Such vote shall occur immediately following the Call to Order.

(Bylaw No. 5176; Bylaw No. 5479; Bylaw No. 5647)

Call to order

- 13(1) All meetings of City Council shall be called to Order when a majority of the members of City Council are present at the hour appointed for that meeting by:
 - (a) the Mayor; or
 - (b) in the absence of the Mayor, the Deputy Mayor; or
 - (c) in the absence of both the Mayor and the Deputy Mayor, the City Clerk.
- (2) If any member of City Council, who is to preside at a meeting of City Council, is unable to attend or does not attend within fifteen (15) minutes of the hour appointed for that meeting, the remaining members of City Council may appoint a member present to perform the duties of the absent member of City Council.

(Bylaw No. 5176)

Quorum

- 14(1) Except as required by *The Cities Act* or other applicable law, the quorum of City Council shall be a majority of the members of City Council.
- (2) No act or proceeding of City Council is effective unless it is adopted at a meeting at which a quorum is present.

(Bylaw No. 5176)

Absence of quorum

- 15(1) Unless a majority of the members of City Council are present within fifteen (15) minutes of the hour appointed for that meeting, the meeting shall stand adjourned until the next regular meeting of City Council, unless a special meeting is called in the interim.
- (2) In the event of an absence of quorum, the City Clerk shall record the names of the members present and the fact that the meeting stood adjourned for want of a quorum.

(Bylaw No. 5176 and Bylaw No. 5479)

Council proceedings and voting

- 16(1) All questions, matters and proceedings properly before City Council shall be decided by resolution of members of City Council then present.
- (2) All members of City Council present shall vote on all matters properly before City Council, unless the member is required or permitted to abstain from voting pursuant to *The Cities Act* or any other applicable law.
- (3) If a member abstains from voting on a matter, for which that member is not required or permitted to abstain from voting, the member shall be deemed to have voted in the negative.
- (4) If there is an equal number of votes for and against a motion or bylaw, the motion or bylaw, as the case may be, shall be defeated.

(Bylaw No. 5176)

Member's privilege, re: speaking

- 17(1) Subject only to the limitations set forth in this Bylaw, all members of City Council shall have the privilege of speaking to any issue properly before City Council.
- (2) No member of City Council shall speak:
- (a) except when called upon to do so by the presiding Officer, other than for the purpose of raising a point of order or question of privilege;
 - (b) respecting a matter other than the matter or question properly before City Council;
 - (c) more than three (3) times with respect to the same question and:

- (i) in the case of the first opportunity to speak, for more than fifteen (15) minutes;
 - (ii) in the case of the second opportunity to speak, for more than five (5) minutes;
 - (iii) in the case of the third opportunity to speak, for more than two (2) minutes;
- (3) All members of City Council shall, when speaking to a matter or question before City Council:
 - (a) address the Presiding Officer and make all inquiries of and through the Presiding Officer;
 - (b) stand when the Mayor is presiding over the business of City Council (with the exception of moving and seconding motions.)

(Bylaw No. 5176 and Bylaw No. 5479)

Presiding Officer's participation in proceedings or vote

- 18(1) If the Presiding Officer wishes to participate in the debate, he/she shall call upon another member of City Council to temporarily preside over the meeting until he/she resumes the Chair.
- (2) The Presiding Officer shall vote on all matters properly before City Council unless the member is required or permitted to abstain from voting pursuant to *The Cities Act* or other applicable law.

(Bylaw No. 5176)

Recorded vote

- 19(1) Prior to the question being put on a matter, any member of City Council may request that the vote on that matter be recorded.
- (2) In the event a member of City Council requests that a matter be recorded:
 - (a) the Presiding Officer shall, following the question being put, state the name of each member voting for, and each member voting against, the matter; and

- (b) the City Clerk shall record in the minutes the names of each member present and whether or not each member voted for or against the matter.

(Bylaw No. 5176)

Preservation of Order

- 20(1) The Presiding Officer shall preserve order and decorum during all meetings of City Council and, subject to any appeal to City Council, shall decide all points of Order or questions of privilege.
- (2) No member of City Council shall:
 - (a) interrupt another member while speaking, except to raise a point of order or question of privilege;
 - (b) debate any previous vote of City Council, except for purposes of moving that such vote be amended, rescinded or reconsidered in accordance with the provisions of this Bylaw;
 - (c) walk across or out of the room or leave the meeting, when the question has been put;
 - (d) speak disrespectfully of Her Majesty the Queen, the Governor General, the Lieutenant Governor, or of any other person administering the Government of the Dominion of Canada or the Province of Saskatchewan;
 - (e) speak disrespectfully to members of City Council or of City Administration;
 - (f) resist the rule or disobey the decision of the Presiding Officer or of City Council, as the case may be, respecting any question of Order or procedure of City Council.
- (3) In the event a member of City Council resists or disobeys the decision of the presiding Officer or of City Council, the Presiding Officer may order that member to:
 - (a) apologize to City Council for his/her conduct; or
 - (b) leave his/her seat for the remaining part of that meeting.

- (4) In the event a member of City Council refuses to leave his/her seat when ordered to do so by the Presiding Officer pursuant to subsection (3), the meeting shall be temporarily adjourned until the member voluntarily leaves his/her seat or is removed by a peace officer and order is restored.
- (5) A member that has been ordered to leave his/her seat by the Presiding Officer may request permission to retake his/her seat during the remaining part of that meeting and may do so, by resolution, of the remaining members of City Council.

(Bylaw No. 5176 and Bylaw No. 5479)

Matters of Order and Privilege

- 21(1) Any member of Council may rise on a point of Order or a question of privilege and, when he/she does so, if the debate is in progress, it shall be suspended and the speaker shall yield the floor until the point of Order or question of privilege, as the case may be, is settled.
- (2) The person rising on the point of Order or question of privilege shall state the point of Order or question of privilege, as the case may be, without unnecessary comment and shall then resume his/her seat.
- (3) The City Clerk may, at the request of the Presiding Officer, provide advice to City Council with respect to any procedural matter, the rights and privileges of members of City Council, or the application or interpretation of the procedures set forth in this Bylaw.
- (4) The decision of the Presiding Officer shall stand unless reversed by a vote of a majority of members present.
- (5) Any member of City Council may appeal the decision of the Presiding Officer to a vote of a majority of members present, which decision shall be final and binding. Where a member wishes to challenge the ruling of the Chair, the Presiding Officer shall put the question: "THAT the decision of the Chair be overruled."

(Bylaw No. 5176; Bylaw No. 5647)

Motions

- 22(1) After a motion has been accepted by the Presiding Officer and duly seconded, the motion shall be deemed to be in the possession of City Council and may not be altered or amended except in accordance with the provisions of this Bylaw.
- (2) Any member of City Council may, at any point in the debate, request that the motion under debate be read by the Presiding Officer.
- (3) Upon request of a member, the Presiding Officer shall read the motion prior to further debate.
- (4) The mover of a motion may, prior to the question being put, ask the Presiding Officer to alter or correct the wording of the motion if it has been improperly or inaccurately recorded.

(Bylaw No. 5176)

Legal Advice

- 22.1 Where a majority of members present at a Council meeting wish to receive legal advice in private, Council may recess for a period of time sufficient to receive legal advice.

(Bylaw No. 5647)

Motions restricted during debate on a matter

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

(Bylaw No. 5176)

Debate restricted on certain motions

24. The following motions shall be neither amendable nor debatable:
- (a) a motion to lay the matter on the table and postpone debate, except as to the date or event upon which the matter shall be lifted from the table;

- (b) a motion to refer the matter, except as to whom the matter shall be referred and/or the nature of the additional information to be obtained.
- (c) a motion to invoke the procedure known as “closure”.

(Bylaw No. 5176)

Procedure, re: amendments to motions

- 25(1) Except as otherwise provided herein, every motion, prior to the question being put, shall be subject to amendment and every amendment shall be subject to further amendment in a like fashion.
- (2) An amendment must relate to the original motion and must not alter, in a substantive way, the principle or intent of the original motion.
- (3) A sub-amendment must relate to the amendment and must not alter, in a substantive way, the principle or intent of the amendment.
- (4) Any number of amendments, as well as sub-amendments, may be offered in succession, provided that not more than one of each may be pending at the same time.

(Bylaw No. 5176)

Procedure, re: closure of debate

- 26(1) A motion to invoke the procedure known as “closure” may be moved by any member of City Council for the purpose of closing debate.
- (2) When a “closure” has been moved and seconded, the Presiding Officer shall put it to a vote, without debate, and, if carried, all pending motions respecting the matter, including the main motion, shall be put to the members, in their proper order, without further debate.

(Bylaw No. 5176)

Procedure, re: consideration of new matters

- 27(1) Subject to subsection 12(4), no motion pertaining to any matter, other than the business of City Council placed on the agenda by the City Clerk, shall be received or open to debate except in accordance with this section.

- (2) A member of City Council wishing to introduce a motion, pertaining to a matter other than that provided for in subsection (1), shall provide members of City Council with notice of intention to do so.
- (3) The notice referred to in subsection (2) shall be read into the record and given at a regular meeting of City Council.
- (4) The motion referred to in subsection (2) shall be moved by the member at the next ensuing regular meeting of City Council.
- (5) A written copy of the motion referred to in subsection (2) shall be provided to the City Clerk prior to the meeting of City Council at which the member intends to introduce the motion.
- (6) City Council may, by resolution, supported by not less than two-thirds of the members present, waive the requirements of this section.
- (7) If City Council requires further information on a motion City Administration will be directed to prepare a background report.

(Bylaw No. 5176 and Bylaw No. 5479)

Procedure, re: reconsideration of a question

- 28(1) No question, once decided by City Council, shall be subject to reconsideration except in accordance with this section.
- (2) Any question may be reconsidered by City Council if a change has occurred in any material fact relied upon by City Council in deciding the question or in the event new information is made available to members of City Council, which information was not available at the time of City Council's decision.
- (3) After a question has been decided, any member in the majority may give notice in writing to the City Clerk within twenty-four (24) hours of his/her desire to bring a motion of reconsideration before City Council.
- (4) In the event the City Clerk receives a notice pursuant to subsection (3), the City Clerk shall promptly advise the City Manager and no action shall be taken to carry into effect the main motion until after the motion of reconsideration has been decided by City Council.

- (5) At the next ensuing regular meeting of City Council, the main motion shall be placed before members of City Council, together with the member's motion for reconsideration of that question.
- (6) During debate on a motion for reconsideration, no debate shall be allowed with respect to the main motion unless and until City Council resolves to reconsider the matter, except for the purpose of the mover of the motion giving his/her reasons for bringing the motion.

(Bylaw No. 5176)

Voting on distinct propositions

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

(Bylaw No. 5176)

Enquiries

- 30(1) Under the order of business entitled "Enquiries", members of City Council may:
 - (a) ask questions of City Administration respecting the affairs of the City of Moose Jaw, provided that such questions may be answered directly, without research; or
 - (b) submit questions, in writing, respecting the affairs of the City of Moose Jaw.
- (2) The enquiry must be within the administrative responsibility or be for information in the possession of City Administration.
- (3) A member of City Council shall read into the record and submit the enquiry to the City Clerk.
- (4) Unless an enquiry from a member specifies that he or she wishes the answer to appear on a subsequent City Council agenda, the City Manager shall send or give the answer directly to the member making the enquiry, with a copy being provided to all members.
- (5) When the enquiry of a member involves a written answer to be given at a future meeting and it appears to the City Manager that the cost to the City which would be incurred by reason of:

- (a) time of City employees which must be taken from performance of their regular duties or overtime which must be worked,
 - (b) the need to hire additional employees, or
 - (c) the necessities of obtaining and paying for the information from other than City employees, is likely to be more than One Thousand Dollars (\$1,000.00) and no appropriation has been made for such expenditure in the budget of any department, the City Manager shall provide a detailed report at the next meeting of City Council the anticipated cost before undertaking the enquiry.
- (6) When the City Manager has reported to City Council pursuant to subsection (5), City Council may:
 - (a) direct that the City Manager proceed with the investigation necessary to answer the enquiry and provide in a supplementary budget or otherwise for the payment of the costs thereof; or
 - (b) direct that the City Manager not proceed with the enquiry.
- (7) When in the opinion of the City Manager an answer to an enquiry would contain information of a confidential nature, including information, in which access might be denied pursuant to Parts III or IV of *The Local Authority Freedom of Information and Protection of Privacy Act*, the City Manager shall submit a confidential report to the Executive Committee of City Council, and shall identify that information which is deemed confidential and the basis of the claim for confidentiality.
- (8) Upon receipt of a report pursuant to subsection (7), the Executive Committee of City Council shall direct the City Manager with respect to the disposition of all or any portions of the report.
- (9) All responses to enquiries shall be supplied within four (4) weeks from the date the enquiry is lodged.
- (10) Notwithstanding anything contained in this section or elsewhere in this Bylaw, the subject matter of an enquiry is not debatable at a meeting of City Council.

(Bylaw No. 5479)

Rules applicable where not provided for in this Bylaw

- 31(1) When any matter arises relating to Council procedure, which is not covered by this Bylaw, the matter shall be decided by reference to *Bourinot's Rules of Order of Parliamentary Procedure*.
- (2) In the event of any conflict between the provisions in this Bylaw and those contained in *Bourinot's Rules of Order of Parliamentary Procedure*, the provisions of this Bylaw shall apply.

(Bylaw No. 5176; Bylaw No. 5647)

PART III

COMMITTEE OF THE WHOLE

Proceedings of Committee of the Whole

- 32(1) The Deputy Mayor or Acting Deputy Mayor, as the case may be, shall preside at all meetings of the Committee of the Whole.
- (2) The rules of procedure provided for in Part II of this Bylaw respecting the proceeding of City Council shall apply, *mutatis mutandis*, to the proceedings of the Committee of the Whole, provided, however:
- (a) that no motion shall require a seconder; and
 - (b) members of City Council need not stand while addressing the Presiding Officer.
- (3) Committee of the Whole shall be called to order by the Presiding Officer upon resolution of City Council to do so.

(Bylaw No. 5176)

Communications and petitions

Written Communication – Matters on City Council Agenda

- 33(1) When a person or delegation wishes to have a letter or other written communication considered by Council, it shall be addressed to the City Clerk; and,
- (a) Clearly set out the matter in issue and the request being asked of Council;

- (b) (i) for written correspondence, must be printed, typewritten or legibly written, contain the mailing address of the writer and be signed with the name of the writer; or
 - (ii) for electronic communication, must contain the name of the writer and both the mailing and electronic address of the writer.
- (2) A communication received by the City Clerk which does not meet the conditions in subsection (1) or is abusive in nature shall be filed by the City Clerk in a folder in the City's online file system and copied to Council members.
- (3) A communication received by the City Clerk which contains or relates to personal information shall be dealt with in accordance with the provisions of *The Local Authority Freedom of Information and Protection of Privacy Act*.
- (4) Subject to subsection (6), (7), and (8), the City Clerk shall place all original communications and petitions on the agenda of the next ensuing regular meeting of City Council where reasonably practicable and not to exceed two (2) ensuing City Council meetings, which are to be considered by Committee of the Whole.
- (5) Whenever appropriate and possible, the City Manager shall prepare, or cause the preparation of, a report or letter of transmittal for the benefit of members of City Council to accompany all communications and, for the purpose of obtaining such additional information, the City Clerk may delay placing a communication on the agenda of City Council until such information is available unless directed to do otherwise by the Mayor.
- (6) No communication or petition shall be placed on the agenda of City Council or considered by Committee of the Whole if:
 - (a) the communication does not identify or provide any means of contacting the author;
 - (b) with respect to a communication, the purpose of which is to request an opportunity for a delegation to be heard, that communication does not contain a description of the issue or issues to be addressed by the delegation, together with a summary of the action or actions to be requested of City Council by the delegation;

- (c) the communication or petition contains offensive or disparaging remarks respecting the City of Moose Jaw, City Council, or any civic official, or any other person;
 - (d) the communication or petition is merely for the purpose of providing information without seeking action of City Council, in which case, the City Clerk shall merely provide a copy of same to members of City Council for their information.
- (7) Subject to the requirements of *The Cities Act* or any other applicable law, the City Clerk may delay placing a petition on the agenda of City Council for the purpose of determining the sufficiency of that petition.
- (8) All communications or petitions must be received in the form required by this section at the City Clerk's Office by 12:00 p.m. on the Monday of the week prior to the meeting at which the individual or delegation wishes to address City Council and/or a committee of City Council. Where the Monday falls on a statutory holiday, the Communication or petition must be received by no later than 12:00 p.m. on the following day.
- (9) Where an aggrieved citizen wishes to appeal an action of the City and no other appeal forum is available, the forum shall be Executive Committee. An appeal Decision by Executive Committee shall be deemed final, shall be in written form and is not subject to amendment or ratification at a subsequent meeting of Council.

*((Bylaw No. 5176; Bylaw No. 5479; Bylaw No. 5600;
Bylaw No. 5532; Bylaw No. 5647)*

Requests to Speak or Provide Written Comments – Matter on Council Agenda

- 33.1(1) If a person wishes to speak to Council or make a written submission on a matter already on a Council agenda, for which a hearing is not required, that person shall notify the City Clerk in writing, which notice shall set out the reason for the request to speak.

- (2) A request to speak or make written submission pursuant to subsection (1) must be received by the City Clerk before 10:00 a.m. on the day of the Regular Business Meeting.

(Bylaw No. 5647)

Delegations before Committee of the Whole

- 34(1) No person or delegation shall be heard by Committee of the Whole:
 - (a) Except in relation to a matter on the agenda of, and when properly before, City Council;
 - (b) Except by resolution permitting that delegation or person, as the case may be, to address members of City Council;
 - (c) Except when called upon to do so by the Presiding Officer;
 - (d) After the commencement of debate by members of City Council on a motion respecting the matter in question, other than a motion to permit persons or delegates to speak.
- (2) Prior to addressing members of City Council, all persons wishing to speak on behalf of themselves or a delegation shall state their name for the record.
- (3) Unless the presiding Office provides additional time to the speaker, all presentations shall be limited to ten (10) minutes in duration.

(Bylaw No. 5647)

Decorum in the Public Gallery

- 34.1(1) Members of the public who constitute the gallery in Council Chambers during a City Council meeting:
 - (a) shall respect the decorum of City Council and refrain from public outbursts, shouting, or behaviour intended to disrupt the debate, discussion and/or general proceedings of City Council; and
 - (b) shall not address City Council without permission of City Council.
- (2) The Mayor or presiding Officer may cause to be expelled or excluded, any person who creates any disturbance or acts improperly during a meeting and every person who refuses to leave when requested to do so may be removed.
- (3) The public shall comply with City Council's established policy with respect to protocol as may be amended from time to time.

- (4) No member of the public shall bring into Council Chambers a cellular phone or similar electronic device, unless the phone or device is programmed and remains programmed so as to prevent an audible tone or ring.

(Bylaw No. 5176 and Bylaw No. 5479)

Delegates may not speak offensively

- 35(1) No person, who has been granted the privilege of addressing members of City Council, shall make offensive or disparaging remarks respecting the City of Moose Jaw, City Council, any member of City Council, any civic official, or any other person.
- (2) In the event of a violation of subsection (1), the Presiding Officer shall promptly interrupt the speaker and require an immediate withdrawal of the offending remarks, with suitable apology.
- (3) In the event a speaker fails to comply with the requirements of the Presiding Officer pursuant to subsection (2), that person shall not be permitted to continue his/her address to members of City Council and may, by resolution, be expelled from Council Chambers upon such terms and conditions as City Council may deem appropriate.

(Bylaw No. 5176)

Motion to rise and report

- 36(1) Committee of the Whole may, by motion, resolve to rise and report prior to the conclusion of the business to be transacted thereat.
- (2) After the hour of 9:30 pm, a motion to rise and report need only be supported by two (2) members present.

(Bylaw No. 5176)

PART IV
PROCEDURE RESPECTING BYLAWS

Introduction of bylaws

- 37(1) Every bylaw shall be introduced by the Deputy Mayor or Acting Deputy Mayor, as the case may be, upon resolution of City Council to do so.
- (2) No bylaw shall be introduced in blank or in an imperfect form.
- (3) No bylaw shall be introduced unless all members of City Council have had an opportunity to review the full text of the proposed bylaw.

(Bylaw No. 5176)

First reading of a bylaw

- 38(1) A motion to give first reading to a bylaw is not subject to debate.
- (2) During first reading of a bylaw, the Deputy Mayor or Acting Deputy Mayor, as the case may be, shall read the title only of the bylaw.
- (3) A bylaw is not subject to amendment during first reading.

(Bylaw No. 5176)

Second reading of a bylaw

- 39(1) A motion to give second reading to a bylaw shall be subject to debate.
- (2) During second reading of a bylaw, the Deputy Mayor or Acting Deputy Mayor, as the case may be, shall read the title only of the bylaw.
- (3) A bylaw is not subject to amendment during second reading.

(Bylaw No. 5176)

Committal to Committee of the Whole

- 40(1) After second reading, every bylaw shall be referred to Committee of the Whole for clause by clause consideration and report.
- (2) Unless upon resolution the Committee decides otherwise, each clause of a bylaw shall be read and considered separately, in its proper order.
- (3) During consideration of a bylaw, Committee of the Whole may:
 - (a) hear delegations or other persons respecting that bylaw;
 - (b) lay the bylaw on the table and postpone debate;
 - (c) on the advice of the City Solicitor, amend the bylaw.

- (4) Upon consideration of a bylaw, Committee of the Whole shall promptly report to City Council, who shall receive same forthwith.

(Bylaw No. 5176)

Third reading of a bylaw

- 41(1) A motion to give third reading to a bylaw shall be subject to debate.
- (2) During third reading of a bylaw, the Deputy Mayor or Acting Deputy Mayor, as the case may be, shall read the title only of the bylaw.
- (3) A bylaw is not subject to amendment during third reading.
- (4) No bylaw shall receive more than two (2) readings at the same meeting of City Council:
 - (a) except by the unanimous resolution of the members present; or
 - (b) in the case of a bylaw that has been amended by Committee of the Whole, except by the unanimous resolution of all members of City Council.

(Bylaw No. 5176)

Custody of bylaws

- 42(1) Every bylaw which has been passed by City Council shall be numbered, dated, signed by the Mayor and City Clerk, affixed with the corporate seal, and kept in safekeeping by the City Clerk.
- (2) Every bylaw which has been passed by City Council shall be bound with the Minutes of City Council, as a supplement thereto, for the year in which they are passed and shall have a separate index prepared therefore.

(Bylaw No. 5176)

PART V
STANDING COMMITTEES OF CITY COUNCIL

Executive Committee established

- 43(1) Executive Committee is hereby established comprised of all members of City Council.
- (2) City Council shall, from time to time, appoint a Councillor to be the Chairperson of Executive Committee and such appointment shall continue for a term of two (2) months or until a successor is appointed.
- (3) The Chairperson appointed pursuant to subsection (2) shall preside at all meetings of Executive Committee.
- (4) Subject to Subsection (4.1), meetings of Executive Committee shall be held at the call of the Chairperson.
- (4.1) Where a meeting of the Executive Committee is called:
- (a) all members shall receive, at least, twenty-four (24) hours notice in writing of the time and place of the meeting and, in general terms, the business to be transacted thereat; and
 - (b) the City Clerk shall post notice of the time and place of the meeting at City Hall at least twenty-four (24) hours prior to the meeting and the notice shall describe, in general terms, the business to be transacted thereat.
- (5) The rules of procedure provided for in Part III of this Bylaw respecting the proceedings of the Committee of the Whole shall apply, *mutatis mutandis*, to the proceedings of Executive Committee.
- (6) The rules provided for in Part III of this Bylaw respecting delegations addressing Committee of the Whole shall apply, *mutatis mutandis*, to delegations or persons wishing to address members of Executive Committee.

(Bylaw No. 5176, Bylaw No. 5246, Bylaw No. 5479 and Bylaw No. 5600)

44. Section 44 is Repealed

Subsection 44 of the Procedure Bylaw is repealed by deleting “**Budget Committee established**”.

(Bylaw No. 5176; Bylaw No. 5647)

Personnel Committee established

- 45(1) Personnel Committee is hereby established comprised of all members of City Council.
- (2) City Council shall, from time to time, appoint a Councillor to be the Chairperson of Personnel Committee and such appointment shall continue for a term of two (2) months or until a successor is appointed.
- (3) The Chairperson appointed pursuant to subsection (2) shall preside at all meetings of Personnel Committee.
- (4) Subject to subsection (5), meetings of Personnel Committee shall be held at the call of the Chairperson.
- (5) Where a meeting of Personnel Committee is called:
 - (a) all members shall receive, at least, twenty-four (24) hours notice in writing of the time and place of the meeting and, in general terms, the business to be transacted thereat; and
 - (b) the City Clerk shall post notice of the time and place of the meeting at City Hall at least twenty-four (24) hours prior to the meeting and the notice shall describe, in general terms, the business to be transacted thereat.
- (6) The rules of procedure provided for in Part III of this Bylaw respecting the proceedings of Committee of the Whole shall apply, *mutatis mutandis*, to the proceedings of Personnel Committee.
- (7) The rules provided for in Part III of this Bylaw respecting delegations addressing Committee of the Whole shall apply, *mutatis mutandis*, to delegations or persons wishing to address members of Personnel Committee.

(Bylaw No. 5176)

Meetings of standing committees to be in public, exceptions

- 46(1) Subject to the specific provisions of this Bylaw, all meetings of Standing Committees shall be open to the public and every member of the public shall have the right to be present during such meetings unless that person has been expelled for improper conduct.

- (2) Notwithstanding subsection (1), a Standing Committee may, by resolution, close all or part of a meeting to the public if the matter to be discussed is within one (1) of the exemptions listed in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.
- (3) Where a Standing Committee resolves to close a portion of a meeting to the public, all persons shall be excluded from the meeting except:
 - (a) the members of the Committee;
 - (b) the City Manager, the City Clerk and such other members of City Administration as the members of the Committee may deem appropriate;
 - (c) such members of the public as may be allowed to attend by the Chairperson.
- (4) Where a Standing Committee resolves to close a portion of a meeting to the public, in addition to the resolution to do so, the City Clerk shall record in the minutes thereof:
 - (a) the time the in-camera portion of the meeting commenced and concluded;
 - (b) the names of the parties present; and
 - (c) the exemption in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* relied upon for authority to close the meeting to the public.
- (5) Subject to subsection (6), no act or proceeding of a Standing Committee is effective unless it is authorized or adopted at a meeting, which is open to the public.
- (6) The Personnel Committee may deliberate and render decisions with respect to grievance proceedings at a meeting closed to the public.

(Bylaw No. 5176)

Proceedings of Standing Committees

- 47(1) All questions, matters and proceedings properly before a Standing Committee shall be decided by resolution of members then present.
- (2) The City Clerk shall ensure that the minutes of every meeting of a Standing Committee are recorded in accordance with the requirements set forth in *The Cities Act*.

(Bylaw No. 5176)

Reports of Standing Committees

- 48(1) The minutes of every meeting of all Standing Committees shall be placed by the City Clerk on the agenda of the next regular meeting of City Council.
- (2) Upon receipt of the minutes of a meeting of any Standing Committee, all resolutions contained therein are deemed to be in the possession of City Council and, upon motion to adopt the minutes of such meeting, all such resolutions are deemed to be:
 - (a) ratified and approved by City Council; and
 - (b) of the same force and effect as a resolution of City Council.
- (3) A motion to receive the minutes of a meeting of a Standing Committee is not subject to debate.
- (4) A motion to adopt the minutes a Standing Committee shall be subject to debate.

(Bylaw No. 5176)

PART VI
ADVISORY AND OTHER COMMITTEES

Advisory and other committees

- 49(1) City Council may, by bylaw or resolution, establish any committee or board that it considers desirable for the purpose of providing advice and recommendations to members of City Council respecting the management and operation of any activity of the City.
- (2) City Council shall, by bylaw or resolution, set out the constitution, duties, powers and functions of any committee or board established pursuant to subsection (1).
- (3) Subject to subsection (4), all boards and committees established or continued by City Council prior to the passage of this Bylaw are continued pursuant to the terms of this Bylaw.
- (4) All boards or committees continued pursuant to subsection (3) shall be subject to the requirements of *The Cities Act* or the provisions of this Bylaw.
- (5) All board or committee members once appointed by City Council shall be entitled to vote at their respective board or committee. Third party incorporated agencies shall be permitted to designate an alternate representative to attend a meeting where their appointed representative is unavailable to attend. The name of that alternate shall be provided at time of nomination and shall be so designated by a motion of City Council. Such designated substitute shall have full speaking and voting rights.

(Bylaw No. 5176 and Bylaw No. 5479)

Proceedings of advisory and other committees

- 50(1) All questions, matters and proceedings properly before a committee established or continued pursuant to this Part shall be decided by resolution of members then present.
- (2) Subject to any specific powers, duties and authority which may be delegated by bylaw or resolution of City Council, no decision, recommendation or resolution of a board or committee established pursuant to subsection (1) shall be effective unless specifically adopted by resolution of City Council.

- (3) The City Clerk shall ensure the minutes of every committee established or continued pursuant to this Part are recorded in accordance with the requirements set forth in *The Cities Act*.

(Bylaw No. 5176)

Reports of advisory and other committees

51. The minutes of every meeting of all advisory and other committees shall be placed by the City Clerk on the agenda of the next regular meeting of City Council.

(Bylaw No. 5571; Bylaw No. 5549)

Nominations to advisory and other committees

52. The City Clerk shall, annually or on such other basis as may be required by City Council, prepare and advertise a list of all boards and committees of City Council, to which members of the public may be appointed, and publicly call for the names of persons interested in being appointed to such boards or committees.

(Bylaw No. 5176)

PART VII

MISCELLANEOUS

Suspension of rules

53. Subject to any requirements which may be set forth in *The Cities Act*, any rule of procedure provided for in this Bylaw may be temporarily suspended by motion and affirmative vote of not less than two-thirds of the members present.

(Bylaw No. 5176)

Procedure for repeal or amendment of this Bylaw

54. This bylaw may not be repealed or amended:
- (a) without prior written notice to all members of City Council; and
 - (b) except by motion and affirmative vote by not less than two-thirds of the members of City Council present.

(Bylaw No. 5176)

Bylaws Repealed

55. Bylaws No. 4361, 4532, 4594, 4674, 4722, 4733, 4873, 5571 and 5600 are repealed.
(Bylaw No. 5176; Bylaw No. 5647)

Coming into Force

56. This Bylaw comes into force and effect on its passage.
(Bylaw No. 5176)

(Sgd.) "Al Schwinghamer"
MAYOR

(Sgd.) "Steven D. Schiefner"
CITY CLERK

SCHEDULE “A”

List of Exemptions in Part III of

The Local Authority Freedom of Information and Protection of Privacy Act

The following information is confidential and the proceedings of City Council or any committee of Council may be held in-camera for the purpose of obtaining or discussing such information:

1. Information obtained in confidence either implicitly or explicitly from another level of government or another local authority.
2. Information, the release of which, could interfere or prejudice law enforcement or any lawful investigation or be injurious to the conduct of existing or anticipated legal proceedings.
3. A record which contains a draft bylaw or resolution.
4. In-camera agendas or deliberations which include personal information.
5. Records which may contain:
 - (1) advice, proposals, recommendations, analysis or policy options developed by or for a local authority;
 - (2) consultations or deliberations involving officers or employees of the local authority;
 - (3) positions, plans, procedures, criteria or instructions developed for contractual or other negotiations by or on behalf of the local authority;
 - (4) plans that relate to the management of personnel or the administration of the local authority which have not been implemented; and
 - (5) information including proposed plans, policies or projects which may reasonably expect to result in disclosure of a pending policy or budgetary decision.

6. A record which could reasonably be expected to discuss:
 - (1) trade secrets;
 - (2) proprietary information;
 - (3) information obtained through research by an employee, the disclosure of which, could be reasonably expected to deprive the employee of priority of publication;
 - (4) information, the disclosure of which, could reasonably be expected to interfere with contractual or other negotiations;
 - (5) positions, plans, procedures, criteria or instructions developed for the purpose of contractual or other negotiations;
 - (6) information, the disclosure of which, could reasonably be expected to prejudice the economic interest of the local authority; and
 - (7) information, the disclosure of which, could reasonably be expected to result in an undue benefit or loss to a person.
7. Third party information, which includes trade secrets of a third party or other information supplied in confidence to a local authority by a third party.
8. Records that contain information relating to testing or auditing procedures or details of specific tests to be given or audits to be conducted, the disclosure of which could reasonably be expected to prejudice the use or results of the tests or audits.
9. Any record, the disclosure of which could threaten the safety or physical or mental health of an individual.
10. Records which contain information, which is subject to solicitor-client privilege.