

**TOWN OF KAMSACK
BYLAW No. 08/2023**

**A BYLAW OF THE TOWN OF KAMSACK TO REGULATE THE PROCEEDINGS OF THE
COUNCIL OF THE TOWN OF KAMSACK.**

The Council of the Town of Kamsack in the Province of Saskatchewan enacts as follows:

PART I – INTERPRETATION

1. Short Title

1.1 This bylaw may be cited as “The Procedure Bylaw”.

2. Purpose

2.1 The purpose of this bylaw is to establish clear, transparent, consistent and accessible rules for conducting business at meetings, for council members, administrations and the public to follow and participate in governing the municipality.

3. Definitions

In this bylaw:

- 3.1 “Act” means The Municipalities Act.
- 3.2 “Administration” means the administrator or an employee accountable to the administrator.
- 3.3 “Agenda deadline” is noon five business days prior to the date of the meeting where the matter will be considered.
- 3.4 “Amendment” means an alteration to a main motion by substituting, adding or deleting a word or words without materially altering the basic intent of the motion.
- 3.5 “Business day” means a day other than a Saturday, Sunday or holiday.
- 3.6 “Chair” means a person who has the authority to preside over a meeting.
- 3.7 “Closely connected person” means the agent, business partner, family or employer of a member of council;
- 3.8 “Committee” means a committee, board, authority or other body duly appointed by council.
- 3.9 “Communications” include, but are not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, or newspaper/magazine article.
- 3.10 “Council” means the mayor and councillors of the municipality elected pursuant to the provisions of *The Local Government Election Act*.
- 3.11 “Councilor” means the council member duly elected in the municipality as a councilor, in accordance with *The Local Government Election Act*.
- 3.12 “Controlling interest” means an interest that a person has in a corporation if the person beneficially owns, directly or indirectly, or exercises control or direction over shares of the corporation carrying more than 25% of the voting rights attached to all issued shares of the corporation;

- 3.13 "Delegation" means an individual or an organization addressing the Council about a specific item on the agenda of a meeting that falls within the body's jurisdiction, but does not include those speaking to a bylaw for which a public hearing has been held or scheduled.
- 3.14 "Family" means the spouse and dependent children of a member of council;
- 3.15 "Meeting" includes any regular, special, emergency or other meeting of a council, council committee, controlled corporation or other body, whether formal or informal;
- 3.16 "Member" means the mayor, or councillor.
- 3.17 "Motion" means a formal proposal placed before a meeting in order that it may be debated to a conclusion.
- 3.18 "Mover" means a person who presents or proposes a motion or amendment.
- 3.19 "Municipality" means the Town of Kamsack.
- 3.20 "Public hearing" means a meeting of council or that portion of a meeting of council which is convened to hear matters pursuant to:
 - 3.21 The Municipalities Act;
 - 3.22 The Planning and Development Act, 2007;
 - 3.23 any other Act; or
 - 3.24 a resolution or bylaw of council.
- 3.25 "Quorum" is a majority of the whole council (4 members).
- 3.26 "Resolution" means a formal determination made by council or a committee on the basis of a motion, duly placed before a regularly constituted meeting or a special meeting of council or a committee for debate and decision, and is duly passed.
- 3.27 "Senior officer" means the chairperson or vice-chairperson of the board of directors, the president, any vice-president, the secretary, the treasurer or the general manager of a corporation or any other person who performs functions for the corporation similar to those normally performed by a person occupying any of those offices.
- 3.28 "Special committee" means a committee appointed by council at any time to deal with a specific issue(s) and exist for a length of time required to review the issue(s) and make recommendations to council.
- 3.29 "Special meeting" means a meeting other than a regular scheduled meeting.

A reference in this bylaw to an enactment of the Legislative Assembly of Saskatchewan is a reference to the enactment as amended from time to time.

4. Application

- 4.1 This bylaw applies to all meetings of council.
- 4.2 When any matter relating to proceedings arise which is not covered by a provision of this bylaw, the matter shall be decided by reference to the Kamsack Council Meeting Procedures Manual.
- 4.3 In the event of any conflict between the provisions of this bylaw and those contained in any of the other authorities set out above, the provision of this bylaw shall apply.

PART II – MEETINGS

5. First Meeting

- 5.1 The first meeting of council shall be held on the second Monday immediately following a general election.
- 5.2 At the first meeting of council:
 - (a) the Returning Officer shall provide council with a copy of the declaration of results with respect to the election; and
 - (b) every council member shall take the oath of office pursuant to the Act.

6. Regular Meetings

- 6.1 Council shall set, by resolution, the day and time of Regular Meetings for the subsequent year at the last Regular Meeting of the current year.

7. Special Meetings

- 7.1 The administrator shall call a special meeting of council, whenever requested to do so, in writing or via email, by the mayor or a majority of the members.
- 7.2 When a special meeting is to be held, the administrator shall provide written notice of the time, date and place of the meeting to all members and to the public at least twenty-four (24) hours prior to the meeting and, in general terms, of the business to be transacted at the meeting.
- 7.3 Notwithstanding subsection 7.2, a special meeting may be held with less than twenty-four (24) hours' notice to members, and without notice to the public, if all members agree to do so, in writing, immediately before the beginning of the special meeting.
- 7.4 No business, other than that stated in the notice, shall be transacted at a special meeting, unless all the members are present and, by unanimous consent, they authorize other business to be transacted.

8. Meeting through Electronic Means

- 8.1 Participation in a council meeting by means of a telephonic, electronic or other communication facility will be allowed, in extenuating circumstance at the discretion of Council.

9. Notice of Meetings

- 9.1 Notice of regularly scheduled council meetings is not required to be given.
- 9.2 If council changes the date, time or place of a regularly scheduled meeting, at least twenty-four (24) hours' notice of the change will be given to:
 - (a) any members not present at the meeting at which the change was made via email; and,
 - (b) the public by posting notice of the meeting at the municipal office.

10. Actions in Public

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

11. Closed Sessions

- 11.1 Council may close all or any part of its meetings to the public if the matter to be discussed:
 - (a) is within one of the exemptions of Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*; or
 - (b) concerns long-range or strategic planning.
- 11.2 A resolution to move into closed session shall state, in general terms, the topic of discussion.
- 11.3 Where council resolves to close a portion of a meeting to the public, all persons shall be excluded from the meeting except the members of council and members of administration or members of the public that council may deem appropriate.
- 11.4 Where council resolves to close a portion of a meeting to the public, in addition to the resolution to do so, the administrator shall record in the minutes thereto:
 - (a) the time that the in-camera portion of the meeting commenced and concluded;
 - (b) the names of the parties present; and
 - (c) the legislative authority including the exemptions in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act* relied upon for authority to close the meeting to the public.
- 11.5 No resolutions or bylaws may be passed during a closed meeting.
- 11.6 No business other than that described within the resolution pursuant to subsection 11.2 may be discussed.
- 11.7 Matters discussed or to be discussed in a closed meeting are to be kept in confidence until discussed at a public meeting of council, unless otherwise provided for in this bylaw.

PART III – COUNCIL MEETING PROCEDURES

12. Agendas

- 12.1 The administrator shall prepare the agenda for all regular and special meetings of council.
- 12.2 All items to be included in the agenda must be submitted to the Administrator by the agenda deadline prior to the date of the meeting.
- 12.3 Agendas and supporting documents are to be sent electronically to Council by Wednesday prior to council meeting or as soon as possible thereafter.
- 12.4 Agendas will be posted on the website for the public

- 12.5 Council may on a majority vote, permit additions, including urgent business, to the agenda.

13. Order of Business at Meetings

- 13.1 The general order of business of every regular council meeting shall be as follows:
- (a) Call to order;
 - (b) Changes to the agenda;
 - (c) Adoption of minutes;
 - (d) Delegations;
 - (e) Departmental & Committee Reports;
 - (f) Financial Reports;
 - (g) Public Forum (optional);
 - (h) Communications;
 - (i) Bylaws;
 - (j) Personnel;
 - (k) Adjournment; and
 - (l) Mayor & Council Forum (round table);

14. Commencement of Council Meeting

- 14.1 At the hour set for the meeting, or as soon as all members of council present, the mayor, or in his or her absence the deputy mayor, shall take the chair and call the members to order.
- 14.2 If either the Mayor or Deputy Mayor fails to appear within fifteen (15) minutes of the time appointed, the administrator calls the members to order and, if a quorum is present a chairman will be chosen who shall preside until the arrive of the Mayor or Deputy Mayor. As Presiding Officer, he/she shall have the same authority at the meeting as the Mayor or Deputy Mayor.
- 14.3 If a quorum is not present 15 minutes after the time appointed for the meeting, the administrator shall record the names of the members present at the expiration of such time and announce that council shall then stand adjourned until the next meeting, unless a special meeting is called in the meantime.
- 14.4 Subject to the Act, if at any meeting the number of members is reduced to less than the number required for a quorum, council shall stand adjourned.
- 14.5 Members are encouraged to notify the administrator when the member is aware that he or she will be absent from any meeting of council.

15. Minutes

- 15.1 The administrator shall record the minutes of each council meeting and send electronically to each Council Member for preliminary approval within 48 hours of the meeting.
- 15.2 Minutes will be approved by Council via email.
- 15.3 Minutes will receive final approval at the next regular meeting of the Council and signed by the presiding member and the administrator in accordance with the Act.

16. Proclamations

- 16.1 All requests for proclamations shall be submitted to the Administrator by the agenda deadline prior to the meeting the proclamation will be considered at.
- 16.2 The proclamation will be considered by Council and approve the proclamation pursuant to subsection 19.1, provided the proclamation does not:
 - (a) promote any commercial business, unless, at the discretion of Council, the Proclamation provides a significant benefit to the community;
 - (b) involve any person or organization which promotes hatred of any person or class of persons or otherwise involves illegal activity; or
 - (c) contain any inflammatory, obscene or libelous statement.
- 16.3 Once the proclamation has been approved, the proclamation shall be noted on the appropriate council agenda as information.
- 16.4 Each organization shall be responsible for any costs and the disseminating of the proclamation to the media and making arrangements for the attendance of the Mayor or Councillors at the specific function or event.

17. Presentations & Recognitions

- 17.1 Presentations shall be listed on the agenda when authorized by the mayor and shall be intended to recognize an individual or group on behalf of council for some award or similar honour which they have received or for a group or individual to present to council some award or similar honour which the municipality has been awarded.

18. Public Hearing

- 18.1 If a public hearing is required by any Act, it shall be conducted in accordance with the provisions of this section.
- 18.2 The procedure by which the public hearing will be conducted or by which public input will be obtained shall be as follows:
 - (a) the mayor shall declare the hearing on the matter open;
 - (b) the administration shall present a report on the bylaw or resolution under consideration including the administration recommendations;
 - (c) if it is a hearing that involves an applicant, the applicant shall be given an opportunity to make representations on the matter under consideration;
 - (d) after the applicant, any person or group of persons or spokesperson acting on behalf of another person or group shall be given an opportunity to make representations on the matter under consideration;
 - (e) if it is a hearing that involves an applicant, at the conclusion of the speakers, the applicant shall be given an opportunity to respond to the representations of other people;
 - (f) council may request further information from administration;
 - (g) council shall formally receive all communications and written reports submitted to it on the subject matter of the hearing;
 - (h) the mayor shall declare the hearing closed; and
- 18.3 council shall then consider the matter and at the conclusion of the deliberations, council shall vote on the bylaw or resolution.
- 18.4 The time allowed for each person making representations shall be 15 minutes.
- 18.5 A hearing may be adjourned to a certain date.

- 18.6 A member shall abstain from taking part in the debate or voting on the bylaw or resolution, which is the subject of the hearing if the member was absent from any part of the public hearing.

19. Communications

- 19.1 A written communication received before the agenda deadline shall be placed by the administrator on the council agenda and shall be dealt with when the matter is considered by council at its meeting
- 19.2 A communication received after the agenda deadline will be scheduled for a subsequent council meeting, or if at the discretion of the Administrator is urgent, brought to the meeting for Council's consideration as an agenda addition.
- 19.3 All communications for Council must:
- (a) clearly set out in writing, the matter in issue and the request; and
 - (b) must contain the name of the writer and both the mailing and, if applicable, electronic address of the writer.
- 19.4 A communication received by the administrator, which does not meet the conditions or is abusive in nature, shall be returned to the writer.
- 19.5 A communication received by the administrator 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*.
- 19.6 Bound documents or studies in support of the delegation's notice shall, if sufficient copies are provided by the delegation, be circulated to members, but will not be reproduced.

20. Public Forum (Optional)

- 20.1 At the discretion of Council, time may be allocated on the agenda for a public forum.
- 20.2 Any member of the public wishing to speak to council on a municipal matter, may address council at the public forum, as long as they pre-register with the administrator prior to 12:00 noon on the day of the council meeting so that their name may be placed on a speakers list.
- 20.3 The total time allowed to speak shall be not more than 10 minutes per individual or delegation.

21. Delegations – Matters on Council Agenda

- 21.1 When a person wishes to speak to council on a matter already on a council agenda, for which a hearing is not required, that person shall notify the administrator in writing, which notice shall include the following:
- (a) the name and correct mailing address of the spokesperson;
 - (b) telephone number where the representative of the delegation can be reached during the day;
 - (c) originally signed, except when submitted by facsimile or e-mail; and
 - (d) clearly setting out the subject matter to be discussed and the request being made of council;
 - (e) on the prescribed "Delegation Form" available from the Town Office.

- 21.2 A request to speak to council pursuant to subsection 21.1 must be received by the administrator no later than the agenda deadline in order to be included on the council agenda.
- 21.3 In the event that a delegation makes an application to administrator after the deadline, regarding a subject which is on the agenda, the administrator will bring the request to the attention of council¹:
 - (a) Delegations will be advised by the administrator that they may not be heard by council unless the majority of members vote to allow the delegation to speak within the motion to approve the agenda.
- 21.4 Delegations speaking before council shall address their remarks to the stated business:
 - (a) Delegations will be limited to speaking only once; and
 - (b) Rebuttal or cross debate with other delegations shall not be permitted.
- 21.5 A maximum of 15 minutes shall be allotted for each delegation to present his or her position of support or opposition.
- 21.6 Where there are numerous delegates taking the same position on a matter, they are encouraged to select a spokesperson to present their views:
 - (a) Delegations are encouraged not to repeat information presented by an earlier delegation.
 - (b) The mayor shall at the conclusion of 15 minutes, inform the delegation that the time limit is up.
 - (c) The time limit may be extended, if a motion to extend is adopted by a majority of members.
 - (d) Upon the completion of a presentation to council by a delegation, any discourse between members and the delegation shall be limited to members asking questions for clarification and obtaining additional, relevant information only:
 - (a) Members shall not enter into debate with the delegation respecting the presentation; and
 - (b) Once a motion has been moved, no further representation or questions of the delegation shall be permitted.

22. Delegations – Matters not on Council Agenda

- 22.1 When a person wishes to speak to council on a matter not on a council agenda, for which a hearing is not required, that person shall notify the administrator in writing, which notice shall include the following:
 - (a) the name and correct mailing address of the spokesperson;
 - (b) telephone number where the representative of the delegation can be reached during the day;
 - (c) originally signed, except when submitted by facsimile or e-mail; and
 - (d) clearly setting out the subject matter to be discussed and the request being made of council;
 - (e) on the prescribed “Delegation Form” available from the Town Office.
- 22.2 A request to speak to council pursuant to subsection 22.1 must be received by the administrator no later than the agenda deadline in order to be included on the council agenda.

¹ This clause provides council with express authority to postpone hearing from a person until such time as council has sufficient opportunity to fully consider the intent of the presentation.

- 22.3 The administrator, who shall consult with council, may refuse to accept a request to speak to council if council has, within the six (6) months immediately preceding the request, already heard from the person and dealt with same or substantially the same matter by resolution or bylaw.
- 22.4 If a request to speak to council is refused pursuant to subsection 22.3, a copy of the request and reply, shall be forwarded to members by the administrator.
- 22.5 In the event that a delegation makes an application to administrator after the deadline, regarding a subject which is on the agenda, the administrator will bring the request to the attention of council:
- (a) Delegations will be advised by the administrator that they may not be heard by council unless the majority of members vote to allow the delegation to speak within the motion to approve the agenda.

23 Mayor and Councillors Forum (Round Table)

- 23.3 Statements shall include the sharing of the following information:
- (a) events, activities or community functions attended; and
- (b) general work of members on behalf of council colleagues, constituents and the municipality.
- 23.4 All comments will be verbal only and shall not be recorded in the minutes of the meeting.

24 Bylaws

- 24.3 Every proposed bylaw must have three (3) distinct and separate readings.
- 24.4 A proposed bylaw must not have more than two (2) readings at a council meeting unless the members present unanimously agree to consider third reading.
- 24.5 Only the title or identifying number has to be read at each reading of the bylaw.
- 24.6 Each member present at the meeting at which first reading is to take place must be given or have had the opportunity to review the full text of the proposed bylaw before the bylaw receives first reading.
- 24.7 Each member present at the meeting at which third reading is to take place must, before the proposed bylaw receives third reading, be given or have had the opportunity to review the full text of the proposed bylaw and of any amendments that were passed after first reading.
- 24.8 When a bylaw has been given three (3) readings by council, it:
- (a) becomes a municipal enactment of the municipality; and
- (b) is effective immediately unless the bylaw or an applicable provincial statute provides otherwise.
- 24.9 The administrator shall be empowered to correct any typographical error that may not have been corrected at the time of submission to council and the bylaw shall have the same status as if council had corrected same.
- 24.10 After passage, every bylaw shall be signed by the mayor and the administrator, pursuant to the Act and marked with the corporate seal of the municipality.

25 Adjournment

- 25.3 All regularly scheduled council meetings shall stand adjourned when the council has completed all business as listed on the order of business or upon the arrival of 10:00 pm.
- 25.4 If a member is speaking at adjournment time, the mayor shall wait until that person is done speaking before asking council to consider whether it wants to extend the time of the meeting.
- 25.5 Any business which remains on the agenda and which has not been dealt with at the time of adjournment shall be deemed to be postponed until the next regularly scheduled council meeting, or until a special meeting is called for the purpose of dealing with the unfinished items.

26 EXTENSION OF TIME

- 26.3 Notwithstanding section 24, a majority of the members present may extend a regularly scheduled council meeting beyond adjournment time by unanimous vote of all members present.
- 26.4 If council extends its meeting pursuant to subsection 25.1, the meeting shall continue until:
 - (a) the business of the meeting is completed;
 - (b) a motion to adjourn is passed; or
 - (c) a quorum is no longer present.

PART IV – CONDUCT AT COUNCIL MEETINGS

27 Mayor

- 27.3 The mayor shall:
 - (a) preside at all council meetings;
 - (b) preserve order at council meetings;
 - (c) enforce the rules of council;
 - (d) decide points of privilege and points of order; and
 - (e) advise on points of procedure.
- 27.4 The mayor shall have the same rights and be subject to the same restrictions, when participating in debate, as all other members.
- 27.5 The mayor shall have the same rights and be subject to the same restrictions as all other members to make a motion.
- 27.6 When wishing to make a motion, the mayor shall:
 - (a) vacate the chair, and request that the deputy mayor take the chair;
 - (b) the mayor / reeve shall remain out of the chair until the motion has been dealt with.

28 Deputy Mayor

- 28.3 The Deputy Mayor position shall rotate through each councilor in a sequential order, with each councilor being assigned as Deputy Mayor for a two month period.
- 28.4 If the mayor, for any reason, is unable to perform the duties of his or her office, the deputy mayor shall have all of the powers of the mayor during the inability.
- 28.5 If the Deputy Mayor is unavailable, the next councilor in line to be assigned as Deputy Mayor will take on the responsibility until the current Deputy Mayor returns.

29 Conduct of Public

- 29.3 All persons attending a council meeting shall:
 - 29.3.1.1 refrain from addressing council or a member unless permitted to do so;
 - 29.3.1.2 maintain quiet and order;
 - 29.3.1.3 refrain from disturbing the proceedings by words, gestures or actions;
 - 29.3.1.4 refrain from talking on cellular telephones;
 - 29.3.1.5 ensure that all electronic devices are silent.

30 Conduct of Delegations

- 30.3 When addressing members at a council meeting, a delegation shall refrain from:
 - 30.3.1.1 speaking disrespectfully of the federal government, the provincial government or another municipal council, or any official representing them;
 - 30.3.1.2 using offensive words in referring to a member, an employee of the municipality or a member of the public;
 - 30.3.1.3 reflecting on a vote of council except when moving to rescind or reconsider it;
 - 30.3.1.4 reflecting on the motives of the members who voted on the motion or the mover of the motion; or shouting or using an immoderate tone, profane, vulgar or offensive language

31 Conduct of Members

- 31.3 The Presiding Officer shall preserve order and decorum. He/she shall enforce the provisions of this Bylaw.
- 31.4 Members of council wishing to speak at a meeting shall ensure they do not interrupt another member.
- 31.5 If more than one member wishes to speak at a meeting at the same time, the mayor shall indicate which member shall speak first.
- 31.6 Every member of the Council, before speaking on any question or making any motion, shall address the Presiding Officer, but may remain sitting.
- 31.7 No member shall speak more than twice on the same question without permission from the Chair and no member shall speak more than five (5)

- minutes without the permission of the Chair.
- 31.8 When the Chair is putting the question, no member shall walk across or out of the room or make any noise or disturbance. When a member is speaking, no other member shall pass between him/her and the Chair, converse with the Chair or interrupt the speaker except to raise a Point of Order.
- 31.9 A motion to refer a question to a special or standing committee shall preclude any amendment to the motion.
- 31.10 Amendments shall be put to a vote in the reverse order in which they are moved.
- 31.11 All motions will require a mover before being discussed and voted on.
- 31.12 A motion to adjourn the meeting or to adjourn the debate shall always be in order, but if defeated, no second motion to the same effect shall be made until after some intermediate proceeding shall have been made.
- 31.13 After a vote has been called for by the Presiding Officer, no member shall speak to the question, nor shall any other motion be made until the result of the vote has been declared. The decision of the Presiding Officer as to whether the question has been finally put shall be final.
- 31.14 A member called to Order by the Chair shall immediately stop speaking, but may afterwards offer an explanation and the Council, if appealed to, shall decide the case without debate. If there is no appeal to the Council, the decision of the Chair shall be final.

32 Improper Conduct

- 32.3 No person present in the Council Chambers shall disregard the rules of the Council, disobey the decision of the Chair or of the Council or questions of order or practice, or question the interpretation of such rules of order. If any person shall disobey, he/she may be ordered by the Chair to leave his/her seat for that meeting, but in case of acceptable apology by the offender, he/she may be permitted to forthwith resume his/her seat.
- 32.4 The mayor may request that any person in the public gallery who disturbs the proceedings of council or acts improperly at a council meeting, leave or be expelled from the meeting.
- 32.5 The mayor may request that any delegation who addresses council improperly, leave or be expelled from the meeting.
- 32.6 No person shall refuse to leave a council meeting when requested to do so by the mayor.
- 32.7 Any person who refuses to leave when requested to do so may be removed.
- 32.8 If a person disturbs the proceedings of council or refuses to leave when requested to do so, the mayor may recess the meeting until the person leaves or adjourn the meeting to another day.

33 Voting of council

- 33.3 A member attending a council meeting shall vote at the meeting on a matter before council unless the member is required to abstain from voting pursuant to the Act or any other Act.
- 33.4 If a member is not required to abstain from voting on a matter before council and abstains from voting, the council member is deemed to have voted in the negative.

33.5 The administrator shall ensure that each abstention is recorded in the minutes of the meeting.

34 Voting of Mayor

34.3 The mayor shall vote with the other members on all questions.

35 Majority Decision

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

36 Recorded Vote

36.3 Before a vote is taken by council, a member may request that the vote be recorded.

36.4 If a vote is recorded, the minutes must show the names of the members present and whether each voted for or against the proposal or abstained.

37 Tied Vote

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

PART V – CONFLICTS OF INTEREST OF MEMBERS OF COUNCIL

36. Conflict of interest

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

36.2 A financial interest as described in subsection 36(1) always constitutes a conflict of interest.

36.3 Every member of council shall comply with any prescribed standards, procedures and rules in relation to a conflict of interest or a declaration of a conflict of interest.

37. Pecuniary interest

37.1 Subject to subsection 36(2), a member of council has a financial interest in a matter if:

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

- committee, a controlled corporation, or other body established by the council; or
- b) the member of council or a closely connected person could make a financial profit from or be adversely affected financially by a decision of council, a council committee, a controlled corporation, or other body established by the council.

38. Disclosure of interest

- 38.1 If a member of council has a conflict of interest in a matter before the council, a council committee, a controlled corporation or other body, the member shall, if present:
 - a) before any consideration or discussion of the matter, declare that he or she has a conflict of interest;
 - b) disclose the general nature of the conflict of interest and any material details that could reasonably be seen to affect the member's impartiality in the exercise of his or her office;
 - c) abstain from voting on any question, decision, recommendation or other action to be taken relating to the matter;
 - d) subject to subsection 38.4, refrain from participating in any discussion relating to the matter; and
 - e) subject to subsections 38.3 and 38.4, leave the room in which the meeting is being held until discussion and voting on the matter are concluded.
- 38.2 No member of a council shall attempt in any way, whether before, during or after the meeting, to influence the discussion or voting on any question, decision, recommendation or other action to be taken involving a matter in which the member of council has a conflict of interest.
- 38.3 If the matter with respect to which a member of council has a conflict of interest is the payment of an account for which funds have previously been committed and the payment is the amount previously approved, the member shall comply with clauses 38.1(a) to (d), but it is not necessary for the member to leave the room.
- 38.4 If the matter with respect to which a member of council has a conflict of interest is a question on which, pursuant to this Act or another enactment, the member, as a taxpayer, voter or owner, has a right to be heard by the council:
 - a) the member shall leave his or her place at the council table, but is not required to leave the room; and
 - b) the member may exercise a right to be heard in the same manner as a person who is not a member of the council.
- 38.5 Every declaration of a conflict of interest made pursuant to subsection 38.1 and the general nature and material details of

the disclosure and any abstention or withdrawal must be recorded in the minutes of the meeting.

- 38.6 On a declaration in accordance with clause 38.1, the person presiding at the meeting with respect to the matter shall ensure that the other requirements of this section are followed with respect to the member of council.

39. Absence from meeting and ongoing disclosure

39.1 If a conflict of interest in a matter has not been disclosed as required by section 38 due to the absence of the member of council from the meeting mentioned in that section, the member shall:

- a) disclose the conflict of interest at the next meeting of the council, council committee, controlled corporation or other body that the member attends; and
- b) otherwise comply with the requirements of that section.

39.2 A member of council who has disclosed a conflict of interest as required by subsection 38 shall:

- a) declare and disclose the conflict of interest at every meeting of council, council committee, controlled corporation or other body at which the member is present and the matter is discussed or considered; and
- b) comply with section 38.

40. Restrictions on influence and use of office

40.1 A member of council shall not use his or her office to seek to influence a decision made by another person to further the member of council's private interests or the private interests of a closely connected person.

40.2 If a contravention of Section 38 (Disclosure of Interest) occurs at a meeting to which that section applies, the proceedings related to the matter are not invalidated, but the council or other body may, within three years after the day on which a bylaw or resolution was passed or a decision was made, declare the bylaw, resolution or decision to be void.

40.3 Any member of a council who declares a conflict of interest pursuant to section 38 is not to be counted for the purpose of determining whether a quorum of the council is present when the question or matter is put to a vote.

40.4 If the number of members of council declaring a conflict of interest on a matter pursuant to section 38 results in a loss of quorum at a meeting with respect to the question or matter, the remaining number of members is deemed to be a quorum for that question

or matter, unless that number is less than two.

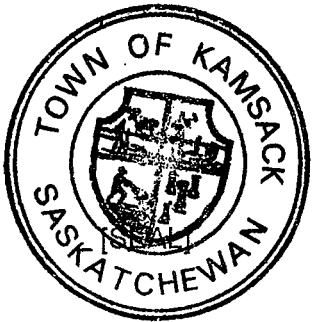
PART VI – MISCELLANEOUS

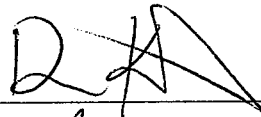
41. Repeal of Bylaws & Resolutions

41.1 Bylaw No. 16/2019 and all amendments thereto are hereby repealed.

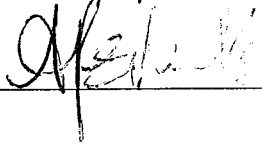
42. Coming Into Force

42.1 This bylaw shall come into force and take effect upon passing.



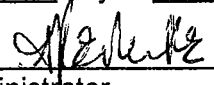


Mayor



Administrator

Read a third time and adopted
this 13 day of Feb 2023



Administrator