


**BACK TO THE
BASICS**



WORKSHOP

PRESENTATION



2019

INTRODUCTION

This document was compiled by Terry Zahara, Donna Strudwick (Office Inspectors for the Rural Board of Examiners) and Tim Leurer (Past President of the Rural Municipal Administrators' Association of Saskatchewan). It formed the basis for a presentation made by Mr. Leurer and Ms. Strudwick to members of both the Rural Municipal Administrators' Association of Saskatchewan and the Urban Municipal Administrators' Association of Saskatchewan at the divisional workshops held in April, 2019.

The information contained herein is a guideline to the use of best practices and is designed to assist administrators, primarily in the areas of minute preparation and bylaw enactment. It does not take the place of provincial legislation or any document which outlines legislative requirements.

As the presentations were discussion-based and largely comprised of questions and answers, a verbatim copy is unavailable. We trust that these speaking notes will be of some assistance.

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LEGISLATIVE REQUIREMENTS

- The procedural bylaw, which is a requirement under Section 81.1(1) of *The Municipalities Act*, will outline the rules for conducting business at your meetings. Be sure you are familiar with its content. The template provided from the Ministry of Government Relations is intended to be used as a guide for all municipalities to develop their council procedures bylaw. The content must be modified and formatted to suit the needs of each individual municipality. Sections of the template that are not relevant to your municipality should not be included in your bylaw.

- Sections 122 and 123 of *The Municipalities Act* set out the requirements for regular and special meetings, proper notice and waiver of notice.
 - A waiver of notice must be signed by all members of Council (even though they may not be attending the meeting) prior to commencement of the meeting.
 - The minutes of a special meeting must state the purpose for the meeting. No other business can be transacted at the meeting unless all members of Council are present and unanimously agree to the transaction.

- All meetings are open to the public in accordance with Section 119 of *The Municipalities Act*. The attendance of observers is not recorded in the minutes.

- A portion of any meeting may be closed to the public (in-camera session) provided it is closed for one of the reasons stated in Part III of *The Local Authority Freedom of Information and Protection of Privacy Act*.
 - Minutes must state the time the meeting goes in-camera and the matter to be discussed. No resolutions can be passed in a closed session
 - Record the time that the meeting returns to open session. The recommendation resulting from the closed session must be stated and dealt with in public.
 - This format cannot be used to address employee salaries – that is public information.

- If a public hearing is required by any Act, it shall be conducted in accordance with the provisions of the Public Hearings section of the Council Procedures Bylaw. It is not necessary to recess or close the council meeting – the Reeve/Mayor simply declares the hearing on the matter open.

- Conflicts of interest are addressed in Sections 141-146 of *The Municipalities Act*, and all administrators must be aware of these provisions.
 - A financial interest always constitutes a conflict of interest.
 - The onus to declare rests solely with the member of Council.
 - A member of Council must declare their conflict of interest prior to a matter being discussed, and the member must leave the room. Minutes must record the interest and the time which the member left. Once the matter has been discussed and voted upon, the member may return to the chamber; and the minutes must record the time of their return. The member may state the reason for their declaration and, if so, state the general nature of the conflict in the minutes. A member may declare a conflict without providing details for their decision.

- If your municipality has a zoning bylaw in place, you must appoint a Development Appeals Board of not less than three persons. Members of your Council and employees of the municipality are not eligible; and the appointment must state the term of office for each person. Council may wish to consider establishing a District Development Appeals Board with neighbouring municipalities. (Refer to Sections 214 – 215 of *The Planning and Development Act*.)

THE AGENDA

- The agenda may be adopted, but it is not mandatory to do so. If your agenda is adopted it will be strictly adhered to, and the resolutions recorded in the minutes will follow the same order as the agenda. The approved agenda must be attached to the minutes.

- An approved agenda may be amended by way of resolution.

- If an agenda is not adopted it serves as a guideline only, and changes to the agenda do not require a resolution. The agenda may be attached to the minutes.

RECORDING THE MINUTES

- The minute book is a permanent record of the decisions made by Council, and it must be neat and accurate. Proper grammar, spelling and punctuation are very important.
- Minutes can be printed on minute, legal or letter-sized paper. Please....do not use both sides of the paper.
- The heading or opening paragraph on each set of minutes must state the type of meeting (regular, special, first meeting following a general election or committee), the date, the location and the civic address. The heading may read as follows:

“Minutes of a regular meeting of the Council of the Rural Municipality of Anywhere No. 001 held on Tuesday, September 3, 2019 in the Council Chamber of the Administration Building, 123 Main Street, Newton, Saskatchewan.”

- Record the time of commencement (call to order) and the time of adjournment.
- Always record attendance, including the first and last name of each member of Council and their respective ward or division. Remember to record your attendance as well.
- Minutes must be clear, concise and informative. They are a written document of the municipal history.
- Resolutions must clearly state the action to be taken – include pertinent details only and refrain from using preamble. Each resolution should include the “5 W’s” of writing and be able to stand on its own to provide the information required to ensure that anyone reading the minutes can understand the reason for the decision.
- There is no prescribed format for numbering resolutions, however, it is best to use a configuration that includes the year.
- All pages of the minutes subsequent to the first page should be dated and numbered.
- Upon approval, minutes are to be signed by the administrator and the person presiding at the meeting at which the minutes are approved.

- Section 99 of *The Municipalities Act* states that every member of Council who is present at a meeting shall vote on all matters. If a member abstains it constitutes a negative vote, and the abstention must be recorded in the minutes.
- Minutes are “approved” and budgets are “adopted”. (To approve indicates an overall agreement. To adopt is more singular and implies acceptance of a policy or document.)
- Properly identify individuals and locations. (“Mike Green from ABC Construction” rather than “Mike from ABC”; or the road “north of Sec. 1-12-12-W2” rather than the road “adjacent to the Brown farm”.)
- Refrain from using negative motions. Rather than stating “that the municipality not provide a grant to”, the resolution could read “that a request for granting from be denied”.
- Any person who is scheduled to meet with Council should be identified in the minutes, as follows: “At 10:30 a.m. Harry White of Newton Equipment met with Council to provide information on a new Spider motor grader.”
- Recorded votes are addressed in Section 101 of *The Municipalities Act*. It is important to note that a recorded vote must be requested prior to the vote being taken. State the name of each member present, the division/ward which they represent and whether they voted for or against the resolution.
- If a resolution is rescinded strike the original motion, enter a notation in the margin including the number of the rescinding resolution, and initial the notation.
- Attach a copy of the annual budget to the minutes of the meeting at which the budget was adopted. The budget must be signed by the Reeve/Mayor and the Administrator.
- When a bylaw is passed, the original copy is attached to the minutes.
- Mill rates cannot be set prior to a budget being adopted. It is best to have two separate resolutions – one to adopt the budget and another to set the mill rate.
- A resolution to acknowledge correspondence should identify all items of correspondence – this may be done by listing the items in the text of the resolution or by attaching a list of the items to the minutes.

- If a bylaw is given three readings at one meeting, four separate resolutions are required. The four resolutions could be recorded as follows:
 - (1) THAT Bylaw No. 2019-06, being a bylaw to establish a mill rate factor, be given first reading. (Carried)
 - (2) THAT Bylaw No. 2019-06 be given second reading. (Carried)
 - (3) THAT Council proceed with third reading of Bylaw No. 2019-06 at this meeting. (Carried Unanimously) **Note: If this resolution is not unanimous, Council cannot proceed with third reading at this time.**
 - (4) THAT Bylaw No. 2019-06, being a bylaw to establish a mill rate factor, be given third and final reading. (Carried)

BYLAW ENACTMENTS AND THE BYLAW REGISTER

- As the Administrator, you are responsible for ensuring that the bylaw register is up to date, and that a proper index is maintained. If bylaws have expired or are redundant, prepare a rescinding bylaw to have them removed from the register.
- A bylaw register must only contain one repealing bylaw at any given time. When preparing a bylaw to repeal previous bylaws always be sure to include the last repealing bylaw.
- A certified copy of each bylaw must be included in the register (the original is always kept in the minute book).
- A bylaw certification should be signed by the Administrator, and the municipality's seal affixed.
- If you find that a bylaw in the register has not been sealed, confirm that it is a true copy by checking the original in the minute book, and then add the certification to the bylaw. Remember that you are only certifying its authenticity, and you can do so even though you were not the administrator at the time the bylaw was passed.
- Keeping repealed bylaws and a corresponding index in a Repealed Bylaw Register is a great idea!

ELECTION PROCEDURES
The Local Government Elections Act
An Election Guide for Municipalities

- When election officials are appointed, it's a good idea to have the Oaths of Office signed right away. That way it won't be forgotten.
- Ensure that election materials and ballot box contents are destroyed in accordance with the regulations. Remember that nomination papers are now retained until the terms of office have expired.
- When establishing the location of the polling stations, be sure to specifically list the polling station for each division/ward.
- Although the next election year may be for only three divisions, *The Local Government Elections Act* requires polling stations to be set for each division. This ensures that the polling stations are in place in the event of a by-election.
- A by-election must be held within 6 months of the vacancy occurring, unless the vacancy occurs after January 1st during an election year.
- The term of office for a councillor elected in a by-election begins when they are **acclaimed or declared after election day**. A member elected in a by-election holds office for the remainder of the unexpired term of the person they replaced.
- In a general election the term of office for councillor or reeve/mayor **begins at the first meeting of council following the general election**. The first meeting of the Council following a general election is held within 31 days after the date of the election at a time, date and place determined by the administrator.
- A copy of the declaration of results for each office is to be provided to Council. A resolution at the first meeting of Council following the election could acknowledge the declaration of results provided by the returning officer.

GENERAL

- Policy, Bylaw or Resolution?
 - A Policy provides guidance on how to implement certain procedures. An example of a policy manual can be found on the Government Relations website; and it can be adopted by either resolution or bylaw.
 - A resolution is a decision of Council.
 - A bylaw is a form of legislation that is established by the Council of a municipality to address the needs of all citizens. Enforcement action can be taken for non-compliance.
- Don't be afraid to implement change! Doing things simply because "that's the way they've always been done" may no longer be applicable, and it may not meet legislative requirements.
- The certification stating the date on which tax notices were mailed is to be attached to the front of the tax roll. There is no prescribed form for this – a sample is attached.
- Do you print a copy of your tax roll at year-end? Many administrators now rely on an electronic file. This complies with legislation provided the information can be easily accessed at any time. Therefore, the onus rests with the administrator to ensure the file can be opened. If your tax roll from 20 years ago is saved on a floppy disc, chances are your current equipment won't accommodate access. In order to avoid a catastrophe, it is **suggested that you retain a hard copy.**

NOTE TO CONTENTS OF THIS GUIDE

Where not specific in legislation, the recommended action is considered a best practice.

CERTIFICATION OF TAX NOTICE MAILING
in accordance with Section 269 of
The Municipalities Act

I hereby certify that the 2018 tax notices for the Municipality
of Anywhere were mailed on _____
from the Post Office in Anywhere, Saskatchewan.

Dated at Anywhere, Saskatchewan this _____ day of
_____, 2018

Jane Doe,
Administrator.