

# TOWN OF KINDERSLEY GOVERNANCE POLICY



Updated 2017

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## **I. INTRODUCTION**

The purpose of this policy is to outline and promote a mutual understanding of the Town of Kindersley's governance structure, in addition to the roles and responsibilities of the Mayor and Council of the Town of Kindersley (Council), and the Chief Administrative Officer (CAO).

The Town of Kindersley exists to establish, develop, and maintain, a sustainable and viable community through the management and maintenance of municipal infrastructure, facilities, and services. By providing necessary and desirable services and facilities, citizens can enjoy a clean, safe, and attractive community for a reasonable investment.

This policy serves to complement other policies, Town of Kindersley bylaws, and relevant legislation.

The Council shall have a Strategic Plan that outlines Council's priorities and serves as a guiding document for both Council and Administration in fulfilling the directives of Council.

## **II. ORGANIZATIONAL STRUCTURE**

- a) Council Members are accountable to the people who elect them and they are responsible for encouraging and enabling public participation in the process of governing.
- b) Administration is responsible for implementing the decisions of Council through the Chief Administrative Officer, the sole employee of Council, who is responsible for implementing the decision and policies set by Council, and for managing all human resources required for the municipal operations of the Town of Kindersley.

**COMMUNITY**  
**Residents and businesses of the Town of Kindersley**

**COUNCIL**  
**Elected governing body of the Town of Kindersley**

**ADMINISTRATION**  
**The Chief Administrative Officer who reports to Council and manages all  
Directors and other employees of the Town of Kindersley**

### III. ROLE OF COUNCIL

- a) Council of the Town of Kindersley is an elected body that consists of one Mayor and six Councillors. The role of Council is to provide good governance, represent the public interests, and act for the well-being of the municipality.
- b) Council is collectively responsible for:
  - 1. The strategic direction of the municipality;
  - 2. Setting the priorities that guide Administration in the day to day operations of the municipality;
  - 3. Developing, approving, and evaluating municipal policies, codes, and bylaws that regulate the municipality;
  - 4. Maintaining the financial integrity of the municipality by the responsible allocation of resources through annual budget deliberation;
  - 5. Carefully considering, debating, and making decisions on matters affecting the municipality and its members;
  - 6. Determining the services and programs the municipality provides, as well as the level to which they are provided;
  - 7. Determining mill rates and fees for services the municipality provides
  - 8. Carrying out the duties of Council as defined under *The Municipalities Act* or any other applicable legislation
- c) Members of Council are responsible for:
  - 1. Properly preparing for and attending scheduled meetings
  - 2. Participating in the collective role of Council
  - 3. Voting on motions put to vote, except if declaring a conflict of interest
  - 4. Listening attentively, participating in meetings and not interrupting the proceedings
  - 5. Speaking respectfully always, and refraining from using offensive, disrespectful, or un-parliamentary language
  - 6. Respectfully upholding the decisions of Council as a whole, regardless of an individual Councillor's personal position on an issue
  - 7. Respecting the confidentiality of information that is private or sensitive in nature, or pertains to any clause identified in the *Local Authority Freedom of Information and Protection of Privacy (LAFOIP) Act*.
  - 8. Avoiding conflict of interest always and in all matters of Council decision
  - 9. Participating in Council committee meetings and meetings of other bodies as appointed by Council
  - 10. Performing civic and ceremonial duties as appointed by Mayor and Council

#### **IV. ROLE OF THE MAYOR**

- a) In addition to performing the role as a Member of Council, the Mayor is responsible for:
  - 1. Acting as the Chair of Council and presiding at all meetings, assuring the integrity of Council's process;
  - 2. Acting as primary spokesperson of Council, carrying out the civic and ceremonial duties of the Mayor's office;
  - 3. Making all decisions and taking all actions relating to a request issued in accordance with *LAFOIP*, unless this authority has been delegated. (*LAFOIP* legislates right of access to a local authority's documents and the protection of privacy with respect to personal information held by a local authority.);
  - 4. Acting as primary liaison between Council and the CAO;
  - 5. The Mayor, additionally, is responsible for the creation and maintenance of the CAO employee file, which shall contain:
    - i. Resumé of CAO
    - ii. Annual job performance evaluations
    - iii. CAO employment contract

#### **V. ROLE OF DEPUTY MAYOR**

- a) In addition to performing the role as a Member of Council, the Deputy Mayor is elected by Council to assume all responsibilities of Mayor and act in the capacity of the Mayor if:
  - 1. The Mayor is unable to perform his or her duties, or;
  - 2. The Office of the Mayor is vacant.
- b) Council shall elect a Member of Council to act as Mayor if both the Mayor and Deputy Mayor are unable to perform duties during a period of time.

#### **VI. ROLE OF THE CHIEF ADMINISTRATIVE OFFICER**

- a) The Chief Administrative Officer, being the one employee of Council, is Council's connection to the operational organization of the municipality.
- b) The CAO is responsible for:
  - 1. Serving as the impartial policy advisor to Council;
  - 2. Overseeing and keeping Council informed of the day to day operations of the municipality;
  - 3. Implementation of the policies, programs and services that are set by Council;
  - 4. Ensuring that the administrative practices and procedures are in place to effectively and efficiently carry out Council's decisions;
  - 5. Supporting Council in the development of policies, strategies and other objectives;
  - 6. Holding authority and accountability of all employees of the municipality;
  - 7. All duties as outlined in *The Municipalities Act* and the *Urban Municipal Administrators Act*, the *Tax Enforcement Act*, *Local Government Elections Act*, and any other relevant legislation.

## **VII. COUNCIL PROCEEDINGS**

- a) An act or proceeding of Council has no legislative authority unless it is approved or adopted by a bylaw or a resolution at a duly constituted public meeting of Council.
- b) Councils and Committees of Council are required to hold meetings in public, with exception to matters pertaining to the following:
  - 1. Long Range or Strategic Planning
  - 2. Those referenced in *The Local Authority Freedom of Information and Protection of Privacy Act*.
    - i. Records from Other Governments
    - ii. Law Enforcement and Investigations
    - iii. Documents of a Local Authority
    - iv. Advice from Officials
    - v. Economic and Other Interests
    - vi. Third Party Information
    - vii. Testing Procedures, Tests and Audits
    - viii. Danger to Health or Safety
    - ix. Solicitor-Client Privilege
    - x. Protection of Privacy
    - xi. Confidentiality Provisions in Other Enactments
- c) Proceedings and rules governing Council are established in The Procedures Bylaw.

## **VIII. LIST OF SCHEDULES (as they may change from time to time)**

- A. COUNCIL STRATEGIC PLAN**
- B. CODE OF ETHICS BYLAW**
- C. THE PROCEDURES BYLAW**
- D. PROCUREMENT AND PURCHASING POLICY**
- E. HUMAN RESOURCE MANUAL**
- F. MUNICIPAL COUNCIL MEMBER'S HANDBOOK (Government of Saskatchewan)**
- G. MUNICIPAL COUNCIL MEETING GUIDE (Government of Saskatchewan)**

# COUNCIL STRATEGIC PLAN



## Build Bridges

~ GOALS ~

- Improve relations with public and staff
- Open dialogue with neighbouring towns and RMs
- Attract new residents and businesses
- Make new partnerships
- Be transparent and accountable
- Support community pride and morale



## Smart Spending

~ GOALS ~

- Make sound decisions
- Lessen tax burden
- Promote healthy business climate
- Improve, build & maintain infrastructure
- Manage citizens' money responsibly



## Make It Happen

~ GOALS ~

- Complete Indoor Aquatic Centre project
- Complete Regional Landfill project
- Complete Lagoon project
- Complete Firehall project
- Revitalize downtown
- Create healthy & sustainable community
- Efficiency in staffing and operations



TOWN OF KINDERSLEY

[WWW.KINDERSLEY.CA/TOWNCOUNCIL](http://WWW.KINDERSLEY.CA/TOWNCOUNCIL)

**TOWN OF KINDERSLEY**

**BYLAW NO. 03-17**

**A BYLAW TO PROVIDE FOR THE CODE OF ETHICS FOR THE COUNCIL OF THE TOWN  
OF KINDERSLEY**

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

**Citation**

- 1 This Bylaw may be cited as *Code of Ethics Bylaw*.

**Governing Legislation**

- 2 This bylaw has been created to comply with section 93.1 of *The Municipalities Act* and as outlined in section 3.1, Schedule 1, of *The Municipalities Regulations*, as they may be amended from time to time.

**Preamble**

- 3 Members of Council recognize that their individual and collective actions have an impact on the lives of all residents and property owners in the community, and that fulfilling obligations and discharging duties responsibly requires a commitment to the highest standards of conduct and ethics.

The quality of the public administration and governance of the Town of Kindersley, as well as its reputation and integrity, depends on the conduct and ethics of the Members of Council as elected officials.

## **Purpose and Interpretation**

**4** The purpose of this code is to outline ethical standards and values for Members of Council, and their obligations in fulfilling their duties and responsibilities as elected officials.

This code is to be interpreted in accordance with any legislation applicable to the municipality, the common law, and the policies and bylaws of the municipality.

Neither the law nor this code is to be interpreted as exhaustive, and there may be occasions on which a Council will find it necessary to adopt additional rules of conduct in order to protect the public interest and to enhance the public confidence and trust in local government.

## **Standards and Values**

**5** It is the responsibility of each individual Member of Council, and of the Council as a whole, to ensure that individual Members uphold the standards and values set out in this code.

### **(1) Honesty**

(a) Members of Council shall be truthful and open in their roles as Council Members and as Members of the communities they serve.

### **(2) Objectivity**

(a) Members of Council shall make decisions dutifully, carefully, fairly and impartially.

(b) Members of Council shall apply ethical standards and reasoning to all decisions, recognizing the impact each decision has on others and the importance of fairness and consistency.

### **(3) Respect**

(a) Members of Council shall treat every person, including other Members of Council, the Chief Administrative Officer and any other municipal employee, and members of the public, with dignity, understanding and respect.

(b) Members of Council shall not engage in discrimination, bullying or harassment in their roles as Members of Council. They shall not use derogatory language towards others. They shall respect the rights of other people and groups. They shall treat people with courtesy and they shall recognize the importance of the different roles others play in local government decision making.

### **(4) Transparency and Accountability**

(a) Members of Council shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner, other than those discussions that are authorized to be dealt with in a confidential manner in closed session, so that stakeholders can view the process and rationale used to reach decisions and the reasons for taking certain actions.

(b) Members of Council are entirely responsible for the decisions that they make as a Council. This responsibility includes acts of commission

and acts of omission.

(5) Confidentiality

(a) Members of Council shall refrain from disclosing, releasing, or sharing any confidential information acquired by virtue of their office. The exception would be only if they are required by law, or authorized by Resolution of the Council, to do so. Members shall not take advantage of, or obtain private benefit from, information that is obtained or available to them in the course of, or as a result of, their official duties or position and that is not available in the public domain. This includes complying with *The Local Authority Freedom of Information and Protection of Privacy Act* in their capacity as Members of Council of a local authority.

(6) Leadership and the Public Interest

(a) Members of Council shall serve their constituents in a conscientious and diligent manner and act in the best interests of the municipality. A Member shall strive, by focussing on issues important to the community and demonstrating leadership, to build and inspire the public's trust and confidence in local government.

(b) Members of Council are expected to perform their duties in a manner that will bear close public scrutiny and shall not provide the potential or opportunity for personal benefit, wrongdoing, illegal or unethical conduct.

(7) Responsibility

(a) Members of Council shall act responsibly and in accordance with both letter and spirit of any relevant Policies or Acts of the Parliament of Canada and the Legislature of Saskatchewan, including *The Municipalities Act*.

(b) This duty includes disclosing actual or potential conflicts of interest, either financial or otherwise relating to their responsibilities as Members of Council. It includes following policies and procedures of the municipality, and exercising all conferred powers strictly for the purpose for which the powers have been conferred. Every Member of Council is individually and personally responsible for preventing potential and actual conflicts of interest.

(8) Diversity and Inclusion

(a) Members of Council shall value people for their differences and are committed to discouraging, and avoiding all forms of discrimination and harassment. Members shall seek new perspectives and ideas, inviting the contribution and wisdom of others, and cultivating participation in governance and decision-making.

## Definitions

6 In this Bylaw the following definitions apply:

(1) "**Chief Administrative Officer**" means the Chief Administrative Officer (CAO) of the Town of Kindersley and anyone acting as his/her designate in the provisions of this bylaw;

- (2) "**Claimant**" means an organization/member of the public/individual/Member of Council making the claim, via documented complaint, of a contravention by a Member(s) of Council of the Code of Ethics
- (3) "**Documented Complaint**" means the completed form found in Schedule A which offers information or evidence to the alleged contravention of the Code of Ethics.
- (4) "**Member(s) of Council**" means the individually elected Members of the Council of the Town of Kindersley who are equal in power and authority;
- (5) "**Member(s) of the public**" means member(s) of the general population;
- (6) "**Town**" means the Corporation of the Town of Kindersley in the Province of Saskatchewan.

### **Application**

7 This bylaw applies to all Members of Council of the Corporation of the Town of Kindersley commonly referred to as the Town.

### **Complaint Procedure**

8 As required by clause 93.1(5)(c) of *The Municipalities Act*, the following section details the procedure for handling contraventions of the Code of Ethics.

- (1) To report an alleged contravention of the Code of Ethics, an organization/member of the public/individual/Member of Council may submit the form found in Schedule A, directly to the Corporate Clerk, or to the Chief Administrative Officer, by mail, e-mail, fax or courier. The completed form, hence becoming the documented complaint by the claimant, will then be presented to Council at the next regular meeting of Council in an *in-camera* session.
- (2) Upon receipt of a complaint, Council shall discuss the complaint and take all necessary steps to investigate the complaint, ensure the complaint is valid.
- (3) All discussions surrounding alleged and substantiated contraventions of this policy shall be conducted in an *in-camera* session at a Meeting of Council.
- (4) If the claim is found to be substantiated, Council may, by Resolution, impose an appropriate penalty detailed in 10(1) to (7) based on the severity of the contravention of the Code of Ethics.
  - a) Any action taken by Council should include a time frame to complete the expected remedial action.
- (5) Council shall inform the claimant, the accused Member of Council, and any other relevant party of Council's decision, which includes:
  - a) Informing the claimant and accused Member of Council that the complaint is dismissed, or
  - b) Informing the complainant and accused Member of Council of the corrective action and/or the measures taken to ensure the behavior or activity does not continue.

**Contravention during a Council Meeting**

9 If Council is of the opinion that a Member has violated the Code of Ethics during a Council Meeting, Council may require the Member to remove themselves for the remainder of the Council Meeting. Council may apply additional penalties based on the severity of the contravention, and referenced in Sec. 10, Remedial Action.

**Remedial Action if Contravention Occurs**

10 Should a Member of a Council breach any of the principles outlined in this code, the possible courses of action that are available to Council include but are not limited to:

- (1) An apology, either written and/or verbal, by the Member of Council to the impacted individual(s), Council, and/or the general public.
- (2) Educational training on ethical and respectful conduct.
- (3) Repayment of moneys/gifts received.
- (4) Removal of the Member from Council Committees and/or bodies.
- (5) Dismissal of the Member from a position of Chairperson of a Committee.
- (6) Reprimand.
- (7) Request by the Council to the Minister for a formal review of the Member's actions and possible removal from office, and other measures as may be deemed appropriate by the Minister.

**Coming into Force**

11 This bylaw shall come into force and be in effect on the final passing thereof on the day of its final passing.

- (1) Given 1<sup>st</sup> reading the 30<sup>th</sup> day of January, 2017
- (2) Given 2<sup>nd</sup> reading the 30<sup>th</sup> day of January, 2017
- (3) Given 3<sup>rd</sup> reading and adopted the 30<sup>th</sup> day of January, 2017.



*[Handwritten Signature]*  
 \_\_\_\_\_  
 Mayor

*[Handwritten Signature]*  
 \_\_\_\_\_  
 Chief Administrator Officer

**SCHEDULE "A"**  
**FORMING PART OF BYLAW NO. 03-17**  
**FORMAL COMPLAINT FORM**

**Please note that knowingly signing a false affidavit may expose you to prosecution under the Criminal Code of Canada.**

I \_\_\_\_\_ of \_\_\_\_\_,  
*(First and Last Name) (Full mailing address)*

do solemnly affirm and declare that the following contents of this statement are true and correct and hereby request the Council of the Town of Kindersley to conduct an investigation whether or not the following Member(s) of the Town Council has/have contravened the Code of Ethics:

\_\_\_\_\_

*Member(s) of Council name(s)*

I have reasonable and probable grounds to believe that the above Member(s) has (have) contravened the Code of Ethics by reason of the following:

1. insert date(s), time and location of conduct;
2. include the sections of this bylaw that have been contravened;
3. provide the particulars and names of all persons involved, and of all witnesses;
4. provide contact information for all people listed;
5. any exhibits can be attached; and
6. if more space is required, please attach additional pages as needed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*(Signature of Complainant)*

\_\_\_\_\_  
*(Date signed)*

<b><u>For Office Use Only</u></b>
_____ <i>(Date filed)</i>
_____ <i>(Signature of Authorized Municipal Representative pursuant to subsection 8(1) of bylaw)</i>

**BYLAW 17-16**

**A BYLAW TO REGULATE THE PROCEEDINGS OF THE COUNCIL  
AND COMMITTEES OF THE COUNCIL OF THE TOWN OF KINDERSLEY**

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

**1. Citation**

1 This Bylaw may be cited as *The Procedures Bylaw*.

## ARTICLE I – PURPOSE, PRINCIPLES, DEFINITIONS AND APPLICATION

### 2. Purpose

2 *The Procedures Bylaw* establishes clear, transparent and consistent rules for Council Members, Administration, and the general public for the order and dispatch of business of the meetings of the Council of the Town of Kindersley and all Council Committee meetings.

### 3. Principles

3 The following Members' rights are the principles upon which *The Procedures Bylaw* is based:

- (1) The majority of Members have the right to decide;
- (2) The minority of Members have the right to be heard;
- (3) All Members have the right to information to help make decisions, unless otherwise prevented by law;
- (4) All Members have a right to an efficient meeting;
- (5) All Members have the right to be treated with respect and courtesy; and
- (6) All Members have equal rights, privileges and obligations.

### 4. Definitions

4(1) In this Bylaw the following definitions apply;

- (a) "**Act**" means The Municipalities Act, 2005 or in the event that the Town of Kindersley becomes the City of Kindersley, The Cities Act, 2002.
- (b) "**Acting Mayor**" means the Councillor elected by the Council to act as the Mayor if a vacancy arises in that office, and pursuant to the Act.
- (c) "**Adjourn**" means to suspend proceedings to another time or place.
- (d) "**Administration**" means the Chief Administrative Officer or an employee accountable to the Chief Administrative Officer.
- (e) "**Administrator**" means the person appointed as Administrator by the Council pursuant to the Act, and acting as the Chief Administrative Officer.
- (f) "**Agenda**" means the Council or Committee approved list of items to be discussed at the Council or Committee meeting.
- (g) "**Agenda deadline**" means the time established in subsection 12.3 and 12.4 of this bylaw.
- (h) "**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.
- (i) "**Business day**" means a day other than a Saturday, Sunday or statutory holiday.
- (j) "**Chair**" means a person who has the authority to preside over a meeting.
- (k) "**Chief Administrative Officer**" means the Administrator as appointed by Council pursuant to the Act. Also referred to as the "CAO".

- (l) "**Clerk**" means the person appointed by Council to serve as (City) Clerk pursuant to the Act, and to serve as the Clerk of the Council.
- (m) "**Committee**" means a Committee, Board, Authority or other body duly appointed by Council and that are carrying out powers, duties or functions delegated to them by the Council.
- (n) "**Communications**" include, but are not limited to the following: letter, memorandum, report, notice, electronic mail, facsimile, petition, brochure, or newspaper/magazine article.
- (o) "**Consent Agenda**" means a portion of a meeting that lists items of business which are routine in nature and do not require substantial discussion and are not debated. An overview of any consent agenda item may be provided by the Chair, or with the consent of the Chair; by Administration or by another member of Council. Removing an item from the Consent Agenda for substantial discussion or debate is done by majority vote of Council at the time of adopting the Agenda.
- (p) "**Consent Motion**" means a motion to adopt, without substantial discussion or debate, the recommendations of several items contained within a Consent Agenda.
- (q) "**Council**" means the Mayor and Councillors of the municipality elected pursuant to the provisions of The Local Government Election Act, 2015.
- (r) "**Councillor**" means the Council Member duly elected in the municipality as a Councillor, in accordance with The Local Government Election Act, 2015.
- (s) "**Delegation**" means an individual or group who appear before Council, or a committee of Council, in order to make a presentation on a matter that is either on the Council Agenda, or on a matter that is of broad or specific interest and that falls within the jurisdiction of the municipality.
- (t) "**Deputy Mayor**" means the Councillor who is appointed by Council, pursuant to section 8 of this Bylaw, to act as Mayor in the absence or incapacity of the Mayor, and to fulfill the duties of Deputy Mayor as determined, and amended from time to time, by Council.
- (u) "**In Camera**" means any portion of a council or committee meeting that, as per the Act, is closed to the public in accordance with one of the exemptions in Part III of The Local Authority Freedom of Information and Protection of Privacy Act, or concerns long-range or strategic planning.
- (v) "**Mayor**" means the Council Member duly elected in the municipality as the Mayor in accordance with The Local Government Election Act, 2015.
- (w) "**Member**" means the Mayor, Councillor or an appointed individual to a Committee, Commission or Board of Council.
- (x) "**Member of Council**" means the Mayor or Councillor duly elected in accordance with The Local Government Election Act, 2015.
- (y) "**Motion**" means a formal proposal placed before a meeting in order that it may be debated to a conclusion.
- (z) "**Mover**" means a person who presents or proposes a motion or amendment.
- (aa) "**Municipality**" means the municipal corporation.

(bb) "**Order of business**" means the list of items comprising the Agenda and the order in which those items appear on the Agenda.

(cc) "**Point of order**" means the raising of a question by a Member in a meeting claiming that the procedures of the meeting or of an individual Council Member are contrary to the procedural rules or practices.

(dd) "**Point of privilege**" is the raising of a matter by a Member which occurs while the Council is in session, where:

(i) the rights, privileges, decorum or dignity of the Council collectively or the rights and privileges of a Member individually have been affected,

(ii) when a Member believes that another Member has spoken disrespectfully toward them or the Council, or

(iii) when a Member believes their comments have been misunderstood or misinterpreted by another Member or Members; or

(iv) when a Member believes that comments made by the Member outside the Council Chamber have been misinterpreted or misunderstood by the community, the public or the news media in order to clarify his or her position.

(ee) "**Point of procedure**" means a question directed to the person presiding at a meeting to obtain information on the rules or procedures bearing on the business at hand.

(ff) "**Public hearing**" means a meeting of Council or that portion of a meeting of Council which is convened to hear matters pursuant to:

(i) The Municipalities Act, 2005; or The Cities Act, 2002 if applicable;

(ii) The Planning and Development Act, 2007;

(iii) any other Act; or

(iv) a resolution or bylaw of Council.

(gg) "**Quorum**" is, subject to relevant sections of the Act:

(i) in the case of Council, a majority of the whole Council,

(ii) in the case of a Committee, a majority of the Members appointed to the Committee.

(hh) "**Recess**" means an intermission or break within a meeting that does not end the meeting, and after which proceedings are immediately resumed at the point where they were interrupted.

(ii) "**Resolution**" means a formal determination made by Council or a Committee on the basis of a motion and vote, duly placed before a regularly constituted meeting or a special meeting of Council or a committee for debate and decision.

(jj) "**Second**" means a person who formally supports a motion or amendment at the time it is proposed.

(kk) "**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.

(ll) "**Special meeting**" means a meeting other than a regular scheduled meeting called pursuant to the relevant section of the Act or the provisions of this Bylaw.

(mm) "**Subcommittee**" means a Committee established by a Committee, Commission or Board to review and report on an aspect of the Committee, Commission or Board's business.

(nn) "**Unfinished Business**" means business which has been raised at the same, or a previous meeting, and which has not been completed.

(oo) "**Urgent Business**" means a time sensitive matter which requires Council's immediate and urgent consideration.

4(2) 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.

## 5. Application

5(1) This Bylaw applies to all meetings of Council and Committees.

5(2) Notwithstanding subsection 5(1), Council may, by resolution and bylaw allow a specific Board and Committee to establish its own procedures.

5(3) 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 *Robert's Rules of Order*.

5(4) 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

5(5) Subject to subsection 5(3), any ruling of the Mayor shall prevail, subject, however, to the jurisdiction of Council or the Committee to consider any appeals of those rulings.

## ARTICLE II – RESPONSIBILITIES AND PARLIAMENTARY AUTHORITY

### 6. Members' Responsibilities

6(1) The Members are responsible for:

(a) Attending scheduled meetings.

(b) Carefully considering and making decisions about meeting business.

(c) Voting on motions put to a vote.

(d) Respecting the rules of *The Procedures Bylaw*.

(e) Speaking respectfully at all times.

(f) Listening attentively, participating in a meeting, and not interrupting the proceedings.

(g) Refraining from using offensive, disrespectful, or un-parliamentary language about any Member, any official or employee of the municipality, or the Council as a whole.

(h) Address fellow Members as "Councillor", or in the case of the Chair, as "Mr./Madam Chair" or if the Chair is the Mayor, as "Mr./Madam Mayor" or as "Your Worship".

(i) Respecting and following Council's decisions.

- (j) Obeying the Chair's rulings and Council's decisions.
- (k) Respecting the confidentiality of matters discussed in closed meetings and In Camera and not disclosing the subject or substance of these discussions, unless authorized to do so.
- (l) Not wearing political or biased slogans on clothing or buttons during a meeting.
- (m) Obeying the Members of Council Code of Conduct.

## **7. Parliamentary Authority**

7(1) The Mayor shall serve as Chair and shall preside at all meetings of the Council. The Chair shall preserve order and enforce the rules of the Council, subject to an appeal to the Council by any Member. The Chair shall cite the rule or authority applicable to the case if requested to do so.

7(2) If there is a conflict between two or more rules in *The Procedures Bylaw*, or if there is no specific rule on a matter, the Chair will rule.

7(3) The Chair, consulting with the Clerk, may use *Robert's Rules of Order* as an aid in ruling as per 5(3) of this Bylaw.

7(4) The Chair may use Council's practices and former decisions, including previous rulings, in applying these rules and in making rulings.

7(5) The Chair shall objectively and fairly preside over the meetings as described in this Bylaw and be responsible for enforcing the rules contained herein.

## **8. Deputy Mayor**

8(1) Pursuant to the Act, Council shall, at its first meeting, or as soon thereafter as conveniently possible, and whenever the office becomes vacant, appoint from the elected Council a Member to serve as the Deputy Mayor and who shall hold this office for a two-year period, or for a longer or shorter period as the Council may decide.

8(2) 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 period of inability.

8(3) Council shall appoint a Member to act as Mayor if:

- (a) both the Mayor and the Deputy Mayor are unable to perform the duties of his or her office; or
- (b) the office of both the Mayor and the Deputy Mayor are vacant.

8(4) The Member to be appointed, pursuant to section 8(1) of this Bylaw, shall be elected by a majority of the Members present.

8(5) Where two or more Members have an equal number of votes, the Chief Administrative Officer shall:

- (a) write the names of those Members separately on blank sheets of paper of equal size, colour, and texture;
- (b) fold the sheets in a uniform manner so the names are concealed;
- (c) deposit them in a receptacle; and
- (d) direct a person to withdraw one of the sheets.

8(6) The Member whose name is on the sheet withdrawn pursuant to subsection 8(5)(d) shall be declared appointed.

## 9. Clerk

9(1) The Clerk is the meeting manager of Council and of all Committees, and ensures that, or is responsible for:

- (a) Managing Agenda deadlines. Establishing and enforcing deadlines for Agenda business.
- (b) Managing Agenda and meeting notices. Preparing, publishing, and distributing an Agenda for each meeting, and providing appropriate notice.
- (c) Standing in for Chair. In the absence of the Chair or any other Member designated to Chair in the Chair's absence, calling the meeting to order and presiding until Council or Committee immediately elects a meeting Chair.
- (d) Providing procedural advice to Members on Agenda business and on preparing motions.
- (e) Managing Agenda additions or removals. Informing the Chair and Council or Committee when items need to be added to or removed from the Agenda.
- (f) Advising on parliamentary procedures. Serving as the parliamentary expert to Council and Committees by advising the Chair on the meeting rules and on matters of parliamentary procedures.
- (g) Advising on errors in procedures. Calling to the attention of the Chair any error in proceedings that may affect the rights of any Member, Council, or Committee.
- (h) Advising Council on rules. Advising Council, Committee, or Members on matters of procedure subject to the duty of the Chair to make the final ruling.
- (i) Advising on closed meeting rules. Informing the Chair, if, in the Clerk's opinion, an issue that Council or a Committee is discussing in a closed meeting is not procedurally appropriate under the Act or the Procedures Bylaw.
- (j) Recording all Council and Committee business. Taking minutes and keeping a record of all the proceedings, including the votes, of Council and Committees.
- (k) Certifying copies. Certifying copies of bylaws.
- (l) Maintaining all documents. Maintaining records of the bylaws, special rules of order, standing rules, and minutes, including any amendments to these documents. Recording all Members' appointments. Maintaining a record of Council's appointments of persons to Committees, public advisory bodies, agencies and other bodies.
- (m) Allowing access to records. Making the minutes and records of Council meetings and Committee meetings available to Members and the public on request, in accordance with any applicable law and subject to receiving payment of any fee Council has approved.
- (n) Council-assigned duties. Performing other duties that Council assigns.
- (o) For Committees, the Clerk may delegate any or all of these responsibilities as deemed appropriate.

## ARTICLE III – MEETINGS AND PUBLIC PARTICIPATION

### 10. Regular Meetings

10(1) Regular Meetings of Council shall be held the second and fourth Monday throughout the months of January, February, March, April, May, June, September, October and November, and on the third Monday for the months of July and August, and on the second Monday for the month of December. Meetings shall commence at 5:00 p.m. unless otherwise ordered by motion, or unless such day is a public or civic holiday, in which case the Council meeting shall be held at the same hour on the next day following which is not a holiday.

10(2) Every Regular Meeting of the Council shall automatically adjourn at the hour of 10:30 p.m., unless otherwise determined by a vote of the majority of the Members present.

10(3) Notice of Regular Meetings of Council is not required to be given.

10(4) If Council changes the date, time, or place of a Regular Meeting of Council, 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; and
- (b) the public.

### 11. Special Meetings

11(1) As per the Act, the Chief Administrative Officer shall call a Special Meeting whenever requested to do so by the Mayor, or by a majority of the Members of Council.

11(2) The written request referred to in 11(1) shall include the following information:

- (a) all items of business to be transacted;
- (b) meeting details, including location, date, and time;
- (c) date of the request;
- (d) signatures of those persons requesting a Special Meeting as provided for in 11(1)

11(3) When a Special Meeting is to be held, the Chief Administrative Officer shall provide written notice of the time, date and place of the meeting to all Members of Council 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.

11(4) Notwithstanding 11(1) and 11(3), a Special Meeting may be held with less than twenty-four (24) hours notice to Members of Council, and without notice to the public, if all Members agree to do so, in writing, immediately before the beginning of the Special Meeting.

11(5) 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.

### 12. Closed Meetings

12(1) Council may close all or any part of its meetings to the public (In Camera) 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.

**12(2)** A resolution to move into closed session shall state, in general terms, the topic of discussion.

**12(3)** Where 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 Council;

(b) the Chief Administrative Officer and other members of administration as Members of Council deem appropriate; and

(c) such Members of the public as may be allowed to attend by Council.

**12(4)** Where Council resolves to close a portion of the meeting to the public, in addition to the resolution to do so, the Clerk 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.

**12(5)** No resolutions or bylaws may be passed during a closed meeting.

**12(6)** No business other than that described within the resolution pursuant to subsection 9(2) may be discussed.

**12(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.

### **13. Agenda**

**13(1)** The Clerk, in consultation with the Chief Administrative Officer, shall prepare the Agenda for all Regular and Special Meetings of Council for review by the Chair.

**13(2)** The Agenda shall include the order of business and all items of business and associated reports, bylaws or documents and shall be set out in accordance with the order of business.

**13(3)** The Clerk shall ensure that the Council Agenda is delivered to each Member no later than 9 p.m. on the second last business day preceding the day of the Council meeting.

**13(4)** The Clerk shall ensure that the Council Agenda is available to the general public and posted publicly no later than 12 p.m. on the day of the Council meeting.

**13(5)** If, for any reason, the Clerk is unable to meet the deadline mentioned in subsection 13(3) and/or 13(4), the Clerk shall prepare and distribute the Agenda as soon as reasonably possible to allow Council Members an opportunity to review the Agenda prior to the Council meeting.

**13(6)** All administrative reports, communication from the public, requests, or any other material intended for inclusion in a Council Agenda must be received by the Clerk no later than 3 (three) full business days prior to the Council meeting.

13(7) Council may, on a majority vote, permit additional material or amendments to the Agenda.

13(8) If there be no quorum present within fifteen minutes after the time appointed for the meeting, the Clerk shall call the roll and take down the names of the Members then present and the Council shall stand adjourned until the next Regular Meeting of Council, unless a Special Meeting be duly called in the meantime.

#### **14. Quorum**

14(1) Quorum shall be the majority of Members of Council.

14(2) In case where the Mayor and Deputy Mayor are not present at the hour appointed for the meeting, but quorum is achieved, the Clerk shall call the Members to order and a Chairperson shall be chosen who shall preside during the meeting or until such time as the arrival of the Mayor or Deputy Mayor.

14(3) If there be no quorum present within fifteen minutes after the time appointed for the meeting, the Chief Administrative Officer shall call the roll and take down the names of the Members then present and the Council shall stand adjourned until the next Regular Meeting of Council, unless a Special Meeting be duly called in the meantime.

#### **15. Communications to Council**

15 Subject to the provisions of Section 11, every communication, petition, remonstrance, or other written application intended to be presented to the Council, shall be provided to the Clerk and must be temperate and respectful in its language. Any communication, petition, remonstrance, or other written application shall be received by the Clerk at or before 1:00 p.m. in the afternoon on the second last business day preceding the day of the Council meeting. Late communication, petition, remonstrance, or other written application shall not be received by Council except in special cases of urgency and then only on acceptance by a majority vote of the Members present at the meeting.

#### **16. Delegation(s) to Council**

16(1) Delegation(s) wishing to appear before the Council shall make application to the Clerk no later than 1:00 p.m. on the second to last business day previous to the day of the meeting at which such delegation is to appear. The application shall be accompanied by an outline of the subject the delegation wishes to place before Council. Before placing the matter on the Agenda, the Clerk shall obtain the permission of the Mayor. Spokespersons for any one delegation shall be limited to three and the total time allowed for any one delegation to make its presentation shall be not more than ten minutes. In special cases, and on a majority vote of Members present, a delegation may be heard for a longer time or without notice. Any written or electronic presentation must be circulated to Council Members prior to being read.

16(2) When a delegation is addressing Council, no Member shall walk across or out of the room, or make any noise or disturbance; nor when a delegate is speaking shall any other Member pass between him and the Chair, or interrupt him except to raise a point of order.

16(3) A delegation called to order from the Chair shall immediately remain silent, but may afterwards be permitted to explain, and the Council, if appealed to, shall decide the case but without debate.

16(4) No delegate shall speak disrespectfully of Her Majesty the Queen, any of the Royal Family, or representative thereof; nor shall he/she use offensive words in or against the Council or against any Member thereof nor any Member of the municipality's staff; nor shall

he/she resist the rules of the Council, disobey the decision of the Chair or of the Council on questions or order or practice or upon the interpretation of the rules of the Council; and in case any delegate shall so resist or disobey, he/she may be ordered by the Chair to leave the Council Chambers for that meeting, and in case of his/her refusing to do so, he may on the order of the Chair, be removed therefrom by the police. In case of ample apology being made by the offender, he/she may, by vote of the majority of Council, be forthwith permitted to remain.

## **17. Procedure in Council**

**17(1)** At all Regular Meetings or Special Meetings of the Council, the Agenda will be adopted.

**17(2)** In adopting the Agenda, any Member of Council may request by resolution a variation of proceedings which may be granted by vote of the majority of Members of Council present.

**17(3)** The business shall in all cases be taken up in the order in which it stands upon the Agenda unless otherwise determined upon a vote of the majority of the Members present and without debate thereon.

**17(4)** The Order of Business shall be as follows and shall include only those items of business as are required for that specific meeting:

- (a) Regular Meeting of Council Called to Order (5:00 PM)
- (b) Adoption of Agenda
- (c) Declaration of Conflict of Interest
- (d) Confidential In Camera Meeting of Council (As Required)
- (e) Regular Meeting of Council Reconvenes (7:00 PM)
- (f) Approval of Minutes of Council
- (g) Public Hearings
- (h) Delegations/Petitions
- (i) Discussion/Decision Items
- (j) Accept as Presented the Accounts of the Town of Kindersley
- (k) Adoption of Bylaws of the Town of Kindersley
- (l) Proclamations/Declarations
- (m) Consent Agenda
  - (i) Correspondence for Acceptance and Filing
  - (ii) Minutes from Committees Reporting to the CAO and Council
  - (iii) Monthly Report of the Mayor
  - (iv) Management Monthly Report to the CAO
  - (v) Monthly Report of the Water Treatment Plant
  - (vi) Any Other Item as Agreed to by the Chair, CAO and Clerk
- (n) Confidential In Camera Meeting of Council (As Required)
- (o) Any Remaining Business of Council
- (p) Adjournment

**17(4)(i)** The order of business for that part of the Agenda "Discussion and Decision Items" is as follows:

- (a) Item introduction (brief) by the Chair
- (b) Presentation by staff of Administration Report relating to the item
- (c) Questions of Administration regarding the report
- (d) Introduction of Motion(s)
- (e) Council discussion and debate
- (f) Voting

17(5) All Members shall abide by the relevant Conflicts of Interest of Members of Council of the Act.

17(6) No notice need be given of any motion to be made before the Council.

17(7) When the Mayor is putting the question, no Member shall walk across or out of the room or make any noise or disturbance; nor when a Member is speaking shall any other Member pass between him and the Chair, or interrupt him except to raise a point of order.

17(8) A Member called to order from the Chair shall immediately remain silent, but may afterwards be permitted to explain, and the Council if appealed to shall decide the case, but without debate.

17(9) No Member shall speak disrespectfully of Her Majesty the Queen, any of the Royal Family, or representative thereof; nor shall he/she use offensive words in or against the Council or against any Member thereof nor any Member of the municipality's staff; nor shall he/she reflect upon any voice of the Council except for the purpose of moving that such vote be rescinded; nor shall he resist the rules of the Council, disobey the decision of the Chair or of the Council on questions or order or practice or upon the interpretation of the rules of the Council; and in case of ample apology being made by the offender, he/she may, by vote of the Council, be forthwith permitted to retake his/her seat.

17(10) Any Member may require the question or motion under discussion to be read at any time during the debate, but not so as to interrupt a Member while speaking.

17(11) No Member shall speak to the same question for longer than fifteen minutes or at the discretion of the Chair.

17(12) Upon a division of the Council, the names of those who vote for and those who vote against the question shall be entered upon the minutes, not only in the case required by law, but whenever any Member shall call for the "For" and "Against".

17(13) Any Member of Council may request that motion be recorded, and such request must be made prior to the vote and after the reading of the motion.

17(14) A defeated motion or a substantially similar defeated motion, as independently determined by the Clerk, must not be reconsidered within twelve (12) months of the date of the defeat of the motion within the same term of Council. This provision may be waived via a "Motion to Waive" affirmative and recorded vote of the majority of the Council Members present, with mover of the "Motion to Waive" being a Member of Council who had voted to defeat the initial motion. If there was not a recorded vote on the initial motion, any Member of Council may be the mover of the "Motion to Waive".

17(15) When directed by the Chair, motions or amendments made in respect of matters properly before Council shall be in writing.

17(16) After a motion has been moved, it shall be deemed to be in possession of the Council, but may, with permission of the Council, be withdrawn at any time before decision of amendment.

17(17) A motion to refer, until it is decided, shall preclude all amendments to the main question.

17(18) A motion to adjourn the Council or to adjourn the debate, shall always be in order, but no second motion to the same effect shall be made until after some intermediate proceedings shall have been made.

**17(19)** When a question is under debate the only motions in order shall be:

- (a) to extend the time of the meeting;
- (b) to refer;
- (c) to amend;
- (d) to lay on the table;
- (e) to postpone to a day certain;
- (f) to move the question;
- (g) to recess;
- (h) to move In Camera

**17(20)** A motion to amend shall be relevant to the main motion and shall not reverse the affirmative or negative intent of the main motion nor change it to the degree that the prime purpose of the main motion is lost.

**17(21)** A motion to table, postpone to a certain time, refer, or to adjourn, if carried, shall preclude the carrying forward to a subsequent meeting of any motions which have not been put.

**17(22)** The following motions shall be neither amendable or debatable:

- (a) to lay on the table;
- (b) to move the question; to move the previous question
- (c) to adjourn;
- (d) to postpone to a certain time; and
- (e) to refer for a report
- (f) to recess;
- (g) to move In Camera

**17(23)** A motion to move the previous question shall be put without debate and in the following words: "That this question be now put"; if this motion be seconded and resolved in the affirmative, the original question is to be put forthwith without any amendment or debate; but if the previous question is resolved in the negative, the main question may then be debated or amended.

**17(24)** When the question under consideration contains more than one distinct proposition, each proposition may be taken and considered separately.

**17(25)** After a question put by the Chair, no Member shall speak to the question nor shall any other motion be made until after the result of the vote has been declared.

**17(26)** Whenever the Chair is of the opinion that a motion is contrary to the rules and privileges of the Council, he/she shall appraise the Members thereof immediately, before putting the question, and shall on request, cite the rule of authority applicable to the case, without argument, comment or debate.

**17(27)** Whenever any matter of privilege or point of order arises, it shall be immediately taken into consideration and without debate.

17(28) Immediately following any ruling of the Chair, any Member of Council may make a motion to appeal that ruling, despite another Member having the floor. A motion to appeal a ruling cannot be debated or amended and the Chair is then to ask Members present, "*Is the ruling of the Chair upheld?*" and is immediately put to a vote. The Decision of Council is final.

17(29) No Member of Council shall speak more than fifteen (15) minutes on any matter at one time. Additional opportunities to speak to the motion or to discuss a motion may be granted by the chair.

17(30) Each Councillor present when a motion is put shall vote on the motion. A Member of Council who fails or refuses to vote on a question before the Council is deemed to have voted in the negative

17(31) Where there is a tied vote, the question shall be determined in the negative.

17(32) At a meeting where a delegation addresses and makes a request of the Council, Council will not vote on such request if it is the first time the request is made to the Council, and the request shall be considered at the next meeting. Council however may resolve, by a two-thirds affirmative vote of Members present, to consider the request immediately.

## **18. Bylaws**

18(1) Every proposed bylaw must have three (3) distinct and separate readings.

18(2) 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.

18(3) A proposed bylaw will be considered by Council immediately following consideration of the report or item to which the bylaw relates.

18(4) Only the title or identifying number has to be read at each reading of the bylaw.

18(5) 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.

18(6) 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.

18(7) When a bylaw has been given three (3) readings by Council, it:

1. becomes a municipal enactment of the municipality; and
2. is effective immediately unless the bylaw or an applicable provincial statute provides otherwise.

18(8) The Clerk, after conferring with the Chief Administrative Officer, 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.

18(9) Pursuant to the Act, after passage, every bylaw shall be signed by the Mayor and the Chief Administrative Officer/Clerk, and marked with the corporate seal of the municipality.

**19. Repeal**

Bylaw No. 03-16 and all amendments thereto are hereby repealed.

**20. Coming Into Force**

This Bylaw shall come into force and be in effect on October 26, 2016

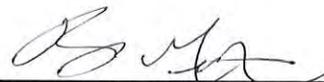
Given 1st reading the 25 day of October, 2016

Given 2<sup>nd</sup> reading the 25 day of October, 2016

Given 3<sup>rd</sup> reading and adopted the 25 day of October, 2016



  
\_\_\_\_\_  
Acting Mayor, Shaun Henry

  
\_\_\_\_\_  
Chief Administrative Officer, Bernie Morton



## PROCUREMENT AND PURCHASING POLICY

**DEPARTMENT:** All Departments

**COVERAGE:** Corporation Wide

**DATE ADOPTED:** October 11, 2016

**REVISION DATE:** October 24, 2016

**RELATED POLICIES:** N/A

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### 1. PURPOSE

1.1 The Town of Kindersley Procurement and Purchasing Policy (the "Policy") establishes the process for the procurement of goods, services and construction by the Town of Kindersley (the "Town") in a manner that:

- (a) Promotes open and fair competition (where a competition is deemed by the Town to offer best value);
- (b) Facilitates the best value for money in accordance with, among other things, *The Best Value in Procurement Act, 2015* (the "Act");
- (c) Upholds high ethical standards expected from a municipality;
- (d) Maintains the integrity of the Town's Strategic Plan;
- (e) Complies with all applicable trade agreements, including the Agreement on Internal Trade (AIT) and New West Partnership Trade Agreement (NWPTA), and all other legal obligations, including but not limited to, municipal, provincial and federal law as applicable and as amended.

1.2 This Policy addresses who has the authority to sign Agreements and approve payments.

### 2. DEFINITIONS

2.1 The following terms shall have the following meanings:

- (a) "**Agreement**" shall mean a written document containing terms and conditions for a contractor or supplier to carry out certain work or provide certain products or services.
- (b) "**Agreement Value**" shall mean the total value of an Agreement.
- (c) "**AIT**" shall mean the Agreement on Internal Trade, as amended from time to time.
- (d) "**Budgeted**" shall mean those items (goods and services) that have been pre-determined as justifiable expenses by Administration and subsequently approved by Council in the Town of Kindersley Annual Budget following the budgeting process.
- (e) "**Community Project**" shall mean that the goods and/or services to design and build the whole Project originate from and are provided by:

- i) residents, without cost or fee to the Town; or
  - ii) philanthropic institutions as a donation or grant; or
  - iii) persons with disabilities; or
  - iv) a non-profit organization; or
  - v) any combination of the above.
- (f) **“Council”** shall mean the Council of the Town of Kindersley.
- (g) **“NWPTA”** means the New West Partnership Trade Agreement, as amended from time to time.
- (h) **“Project”** shall mean any development or facility which: (i) provides a good or service to the public on behalf of, or in conjunction with, the Town; or (ii) is located on lands owned or otherwise controlled by the Town.
- (i) **“Proponent”** shall mean any entity or individual who submits a response to a call for competitive procurement, (i.e. an RFP or Tender).
- (j) **“Purchase Order”** shall mean a document endorsed by the municipality to formalize a purchase transaction with a vendor.
- (k) **“Request for Expressions of Interest”** or **“REOI”** shall mean a request to entities or individuals to submit confirmation they may be interested in participating in a potential project and in some REOIs to submit details regarding such participation.
- (l) **“Request for Proposals”** or **“RFP”** shall mean a non-binding request to entities or individuals to submit proposals for unspecified good and/or services.
- (m) **“Request for Qualifications”** or **“RFQ”** shall mean a pre-qualification stage of the procurement process where a formal request is issued by the Town to suppliers or contractors to submit an explanation and outline of their qualifications and ability to carry out the work or provide the goods or services required for a particular project.
- (n) **“Resident”** shall mean persons that have their primary dwelling at least two hundred and forty (240) days per year within fifty (50) kilometres of the Town.
- (o) **“Tender”** shall mean a request to entities or individuals to submit pricing for the supply of specific goods and/or services.
- (p) **“Town”** shall mean the Town of Kindersley.

### 3. PURCHASING PROCESS

#### 3.1 Pre-Approval

All expenditures made by the Town must be pre-approved prior to the purchase in one of the following manners; they must be:

- (a) Budgeted; or
- (b) Approved by Council Resolution; or

- (c) Authorized by the Chief Administrative Officer (CAO) as per article 4.1 (a); or
- (d) Approved under a declaration of a Local State of Emergency.

### **3.2 Procurement**

All goods and services shall be procured by the Town in a way that is consistent with this Policy and with its goals and objectives.

The Town acknowledges that following a competitive procurement process will result in the lowest price in most situations but it may not be appropriate, economical, or administratively reasonable for some procurement situations, and therefore, the following processes shall be followed:

- (a) Value up to \$5,000 – no competitive procurement process is required.
- (b) Value of \$5,001 - \$25,000 – the Town shall obtain written quotations (quotes) from at least two (2) contractors or suppliers. Quotes may be received by email, fax, or phone.
- (c) Value of \$25,001 - \$75,000 – the Town shall obtain quotes from at least three (3) contractors or suppliers; or, at the discretion of the CAO if deemed to be in the best interest of the municipality, the Town may utilize a competitive procurement process (i.e. Tender, RFP, REOI, or RFQ) to select the successful Proponent.
- (d) Value of \$75,001 or greater – the Town shall utilize a competitive procurement process of its choosing in order to select a successful Proponent to provide the goods or services.
- (e) Notwithstanding the foregoing Value thresholds, the Town shall be entitled at any time to utilize a competitive process regardless of the Value where it deems it necessary, appropriate or desirable in the circumstances.
- (f) The Town may make its selection of a successful Proponent based on whatever criteria the Town deems appropriate, in its sole discretion, and in keeping with article 1.1.

### **3.3 Documentation**

The Town shall utilize appropriate documentation in all of its purchasing processes. Purchase Orders are used where there is no Agreement, and in such cases wherever possible for equipment, materials, and supplies, unless the purchase is being made by credit card.

- (a) Credit Card Forms must be used when making any purchases with the credit card;
- (b) If it was not possible to use a Purchase Order at the time of purchase, then the invoice shall be approved as per 4.1 before the cheque is issued;
- (c) Agreements are to be engaged for projects and services valued at \$5,000 or more, and/or which exceed a 12-month period.

Administration may enter into long-term service and purchase Agreements (exceeding one year) providing it is in the best interest of the Town to do so taking into account price, stability, increased cost savings, or any other means that provides increased value to Town residents.

- (d) Provision of recurring services must be initially engaged through the use of the above-mentioned Purchase Order or Credit Card Form or a signed Agreement, and recurring documentation is not required with each payment.

### **3.4 Payment for Goods and Services Rendered**

After the goods have arrived or the services have been completed, they will be assessed for quality, and the associated invoice will be reviewed for accuracy before the authorized staff person approves the issuance of the payment as per article 4.1.

## **4. AUTHORIZATIONS**

### **4.1 Authorizing Purchases**

Purchasing Authorities have the authority to authorize single purchases within the following value parameters:

(a) For Budgeted items:

- (i) Purchases up to \$5,000 must be authorized by a Manager, a Director, *or* the CAO;
- (ii) Purchases up to \$10,000 must be authorized by a Director *or* the CAO;
- (iii) Purchases of \$10,001 and above must be authorized by the CAO.

(b) A Council Resolution is required to approve non-budgeted purchases of \$10,000 and above.

### **4.2 Signing Authority**

(a) All cheques for expenditures are to be co-signed by two of the following Signing Authorities:

- (i) The Mayor, or in his/her absence, any member of Council;
- (ii) The Chief Administrative Officer;
- (iii) The Deputy Administrator.

(b) All Agreements are to be co-signed by two of the following Signing Authorities, within the values:

- (i) Up to \$5,000 – signed by the Manager, and/or the Director, and/or the CAO, and/or the Mayor;
- (ii) \$5,001 to \$10,000 – signed by the Director, and/or the CAO, and/or Mayor;
- (iii) \$10,001 and above – signed by the CAO and the Mayor, and a Council Resolution is required to approve any agreement valued at \$10,001 or more prior to being signed.

## **5. GENERAL**

**5.1** The dollar limits above include PST, and exclude GST.

**5.2** No single purchase shall be divided in order to avoid any restrictions identified in this policy.

**5.3** If, at the sole discretion of the Town, a Project is deemed to be a Community Project, then this Purchasing Policy shall not apply to such goods or services provided to the Community Project by an entity other than the Town. The Community Project shall be subject to any other regulation put forward by the Town to regulate the development of such Community Projects.

This Purchasing Policy shall continue to apply to any goods or services procured or provided by the Town to the Community Project. For the sake of clarity, if the Town will procure or provide any good or services for the Community Project, then any procurement procedures utilized by the Town shall not be used to:

- (a) avoid competition; or
- (b) discriminate between suppliers; or
- (c) protect the Town's current suppliers from competition.



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# HUMAN RESOURCE MANUAL

This manual includes all compiled Human Resource Policies for the Town of Kindersley.

**TOK**  
**5/22/2012**

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<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-001</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> INTRODUCTION  <b>TOPIC:</b> <b>GENERAL</b>	<b>ORIGINAL DATE:</b> 1993 <b>REVIEWED:</b> November 2008 <b>REVISED:</b> March 13, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b>  

## INTRODUCTION

### Objectives

The Human Resource policy Manual contains the human resource policies and procedures of the Town of Kindersley. The objectives of this manual are to:

- Provide a standard reference for managers and employees in understanding their rights and carrying out their responsibilities.
- Encourage continuity and consistency in the administration and application of human resource policies; and
- Provide direction and authority in the day-to-day administration of human resources.

### Application

These policies are approved by the Mayor and Town Council, administered by the Human Resource Department and apply to all employees of the Town of Kindersley. However, where there is a conflict between these policies and the Collective Agreement, the Collective Agreement will take precedence.

### Preparation and Distribution of Policies

It will be the responsibility of the Chief Administrative Officer to ensure that all department managers are provided with an up-to-date version of this section of the manual. Department managers will ensure that each employee in the department are provided with a copy of the policies and made aware of any changes that occur.

### Interpretation

Interpretation of the policy will be the responsibility of the Chief Administrative Officer. Any interpretation of the policies rendered by the Chief Administrative Officer will stand until repealed by Council. The Chief Administrative Officer, will inform, in writing, all department managers of any and all interpretations made to ensure consistency in the application of these policies. Interpretations of policy will be added to the manual immediately following the policy being interpreted.

### Development of Policies

The policies must first go through the following process before being approved:

1. The policy is written up in proposal form.
2. The policy is reviewed for its legality in the light of current labour legislation.
3. The policy is reviewed for its enforceability and fairness by department managers.
4. The policy is presented to Council for approval.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-002</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Hiring  <b>TOPIC:</b> <b>Employee Recruitment</b>	<b>ORIGINAL DATE:</b> 1993 <b>REVIEWED:</b> November 2008 <b>REVISED:</b> March 13, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley will endeavor to recruit the most competent individuals to fill all employment positions.

**PROCEDURE:**

**Promotions**

Whenever any job with the Town of Kindersley becomes open, preference in the selection of a candidate to fill the position will be for a person presently employed with the Town provided that this employee has the mental and physical qualifications for the job and has a past record of achievement commensurate with the position.

Unionized vacant and newly created positions must be internally posted for a period of seven (7) calendar days in order that employees have the opportunity to apply as per the C.U.P.E. #2740 contract.

Where the qualifications of two or more employees are relatively equal, length of service will be the determining factor.

In the case where promoted employees are unable to meet the requirements of the new position during the probationary period, the employee will return to his/her previous position and salary and replacement workers hired to fill the employee's vacated position will be released from employment with the Town of Kindersley.

**Posting a Unionized Position**

Once the qualifications required for the position have been determined by the department manager, the following procedure will be used by all departments to ensure fairness in employment practices:

Preparation of advertisement and postings - The advertisement/postings will be prepared by the department manager and include:

- The title of the position,
- Essential requirements for education and experience
- Knowledge and skills required

- Key areas of responsibility
- Starting/end date where applicable
- Hours of work
- Closing date of competition
- Respondent
- The following statement regarding acknowledgement of applications: “We thank all candidates for their interest, however, only those selected for an interview will be contacted.”

### **Utilization of Government Job Creation Programs**

Whenever possible and feasible, government job creation programs will be used to provide temporary services provided that budgetary considerations have been made for any matching funds necessary for these programs. New programs are especially appropriate for funding under such schemes.

### **Utilization of Fine Option Programs**

Personnel made available to the Town by the courts through the community service and fine options programs of Saskatchewan Justice will only be used in areas where they need not be bonded. Workers assigned under the above programs that have been convicted of break and enter will only be permitted to work outdoors and under supervision.

### **Distribution of the Advertisement**

As stated previously, prior to posting the position to the general public, any unionized advertisement will first be circulated to personnel already employed by the Town to give them the first opportunity to apply. When posting to the general public the advertisement should be submitted to local news media, to local employment agencies, and then to provincial and national media and employment agencies (if applicable).

### **Response Time for Advertisement**

A reasonable amount of time must be allowed from the time that the advertisement becomes public until the closing of the competition to give all applicants a fair chance at having their applications reviewed. This response time will vary depending on the distribution of the advertising and on the urgency of filling the vacant position.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-003</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Hiring  <b>TOPIC:</b> <b>Selection</b>	<b>ORIGINAL DATE:</b> 1993 <b>REVIEWED:</b> November 2008 <b>REVISED:</b> March 13, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b>  

**POLICY:**

The Town of Kindersley will conduct a screening process that is fair and equitable.

**PROCEDURES:**

- 1) It is the responsibility of each applicant to demonstrate that she/he meets the requirements of the position.
- 2) Each interview team will consist of a minimum of two persons. The composition of this team will depend on the position being filled. For a management position, the team will be chosen by the Chief Administrative Officer. For the Chief Administrative Officer position the interview team will be chosen by Town Council.
- 3) Applicants who meet the basic requirements of the position will be invited to an interview where they will be evaluated on their response to a preset list of topics, education, and experiential criteria.
- 4) Unsuccessful candidates can be informed either by mail, in-person, or by telephone.
- 5) Second interviews will be held when several candidates demonstrate equal abilities.
- 6) Following the selection process, the department manager and/or Chief Administrative Officer should check a minimum of two references provided by the three final candidates. If the reference checks prove satisfactory, the position will be offered first by telephone and confirmed by letter to the first selection, and if that candidate cannot accept, to the second and so on. If none of the candidates accept, a new recruitment process will begin.
- 7) The written contract of employment may provide the following details, but not limited to:
  - Cover letter welcoming the employee
  - The job description and the name of the position being offered.
  - Terms of employment and probationary period.
  - Compensation and benefits
  - Holidays
  - Starting date
  - Hours of work
  - Terms of termination
  - Requirement to complete an oath of confidentiality
  - Requirement to complete a criminal reference check (if applicable to position)

a) Forward two copies of the offer of employment to the potential employee. The potential employee shall be requested to sign and return one copy while retaining the other for personnel files, as an indication of acceptance of the terms of employment.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-004</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Hiring  <b>TOPIC:</b> <b>Commencement</b>	<b>ORIGINAL DATE:</b> 1993 <b>REVIEWED:</b> November 2008 <b>REVISED:</b> March 13, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b>  

**POLICY:**

The Town of Kindersley will ensure that each new employee participates in an orientation process.

**PROCEDURE:**

Once an employee has been hired, the department manager shall ensure that the new employee, in the course of his/her orientation, obtains the appropriate payroll forms. The completed forms shall be forwarded immediately to the Payroll Clerk. Copies of all forms completed are kept in the employee's personnel file.

**Orientation:** On the first day of work and in the period immediately following this time, the new employee shall be welcomed and oriented to the personnel and procedures of the department. The department manager shall ensure that the new employee is familiar with, but is not limited to:

- Human Resource and Department Policy manuals
- The hours of work
- The probationary period
- Benefits and when they begin
- Pay period and time sheets
- Travel and sustenance and claims

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-005</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Hiring  <b>TOPIC:</b> <b>Employment of Relatives</b>	<b>ORIGINAL DATE:</b> 1993 <b>REVIEWED:</b> November 2008 <b>REVISED:</b> March 13, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b>  

**POLICY:**

The Town of Kindersley will hire relatives of current employees subject to certain restrictions to reduce the potential for conflict of interest.

**PROCEDURES:**

Relatives of Town of Kindersley employees may be hired by any department provided that these new employees will not be supervised by a relative as defined below; or they do not, on a regular basis, work directly with the relative.

For the purpose of this policy, "relative" is defined as follows:

husband, wife, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, uncle, aunt, first cousins, grandfather, grandmother, common law, fiance(e).

This policy is at the discretion of the Chief Administrative Officer.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-006</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Hiring  <b>TOPIC:</b> <b>Hiring Members of Council</b>	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVISED:</b> March 13, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

No member of Town Council can be hired based on the potential for perceived or real conflict of interest.

**PROCEDURES:**

No member of Town Council shall be considered for employment by the Town of Kindersley unless they first resign their position on Town Council.

The family of Councilors, such as defined in the policy on the Hiring of Relatives (HRG-007) shall not be hired by the Town of Kindersley. This policy is at the discretion of the Chief Administrative Officer. (NOTE: Consideration will be given to term and/or seasonal positions.)

Should a relative of a present employee of the Town be elected to Council, that employee may continue their employment. Should that employee resign, however, he/she shall not be eligible for rehire so long as an immediate relative sits on Council.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-007</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Hiring  <b>TOPIC:</b> Former Employees	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVISED:</b> March 13, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

Former employees of the Town of Kindersley that left in good standing will be given the opportunity to apply for vacant positions as they arise.

**PROCEDURES:**

Former employees may be rehired provided that they were not previously dismissed for just cause from the employ of the Town of Kindersley.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-008</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Hiring  <b>TOPIC:</b> Employment <b>Classification</b>	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> March 2010 <b>REVIEWED:</b> March 13, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley employs persons from a wide range of employment classifications.

**PROCEDURE:**

The terms below shall be used to refer to persons employed with the Town of Kindersley.

**EMPLOYEE** - all persons, other than members of Council, who receive wages or salaries from the Town of Kindersley or its agencies. An employee serves the employer.

**PERMANENT FULL-TIME EMPLOYEE** - any employee working a regular number of hours per week, equal to or exceeding, 32 hours per week; or Town Office clerical staff working a regular number of hours per week equal to or exceeding 35.

**PERMANENT PART-TIME EMPLOYEES** - any employee working a regular number of hours amounting to less than 32 hours per week, other than Town Office and RCMP clerical staff.

**TEMPORARY FULL-TIME EMPLOYEES** - any employee whose service is for a temporary, limited time period and who works a regular number of hours equal to or exceeding 32 hours per week.

**TEMPORARY PART-TIME EMPLOYEES** - any employee whose service is for a temporary limited period and who works a regular number of hours less than 32 hours per week.

**CASUAL EMPLOYEES** - any employee whose service is on an as-needed basis for any number of hours.

**MANAGEMENT** - any employee who is hired, or contracted to a position in which he/she manages the affairs of a department or program, develops and supervises programs, budgets and finances. This may include hiring, supervising and dismissing any staff assigned to that department

**CONTRACT WORKERS** – Contract workers may be hired when the organization requires regular full– or part-time work to be done over a significant period of time; and hire a contract worker as a self-employed service provider when the organization needs advice, specialized services or irregular short-term work done.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-009</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Hiring  <b>TOPIC:</b> Probationary Periods	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> March 13, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley recognizes that new employees will need a period of time to become familiar with the organization and to move towards competency in their position. The first few months of employment represent an opportunity for both the employee and the Town of Kindersley to determine if the original hiring decision was best for all involved.

**DEFINITIONS:**

Commencement Date: The date on which a probationary employee begins work for the Town of Kindersley.

Anniversary Date: The hiring date or a change in status on a new job within the Town of Kindersley.

**PROCEDURE:**

- A) The probationary period is an extension of the selection process and provides the Manager/Supervisor with an opportunity to determine through regular performance reviews, if the individual's knowledge, skills, and abilities are an appropriate match to the job requirements. Employees will be officially appointed to their positions upon satisfactory completion of the probationary period. Probation applies to new Employees and to in-service promotions.
- B) The period of probation shall be six(6) months from the Employee's commencement date
- C) The Manager/Supervisor should discuss any concerns about a probationary employee with the Chief Administrative Officer as they arise. As these concerns are discussed, the Manager/Supervisor and the Employee will design a process for necessary change.
- D) The Manager/Supervisor is to ensure that the Employee has received adequate orientation, guidance, on-the-job training, and coaching. The Manager/Supervisor is to set goals, monitor performance, and provide feedback to the Employee on a regular basis.
- E) Permanent Status of Probation occurs following a positive Performance Evaluation.
- F) If the Employee is considered unsatisfactory, the department manager shall inform the Probationary Employee, both verbally and in writing, and will clearly outline the reasons for this decision.
- G) Whether or not the Probationary Employee is accepted as a permanent employee, the department manager shall inform the Payroll Clerk of the employee's status.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-010</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Hiring  <b>TOPIC:</b> Personnel Files	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> March 13, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley will maintain personnel file(s) for each employee. Personnel files are the property of the Town of Kindersley.

**PROCEDURE:**

Employee records are maintained for several important reasons:

- to ensure that legal, regulatory, and procedural requirements have been met
- to provide a basis for making personnel decisions (e.g. benefits, salary, termination)
- to assist with human resources management
- to collect information for statistical human resources reports

Employee records may include the following, but not limited to:

- Employee Information Sheet (home address, telephone, emergency contact, birth date)
- Hiring and termination dates
- Benefit status and information
- Job description
- Application form and/or resume
- Employee certifications and training
- Reference check documentation
- Employment letter/contract of agreement
- Special leave request forms and any applicable medical certificates
- Compensation history
- Performance evaluations
- Confidential correspondence with employee
- Termination information, exit interview (if possible), letter of resignation or termination
- Letters of recommendation

Documents, which may adversely affect employment or form the basis of disciplinary action, are placed in the employees' personnel files, employees will be provided the opportunity to acknowledge the placement of the documents. Employee refusal to acknowledge the placement of the documents does not stop the placement of the document in the file.

The information contained in employee files is strictly confidential. Only the employee, Human Resources, Chief Administrative Officer and the Assistant Administrator will have full access to an employee's file. Access to specific information (e.g. payroll/benefit information), may be obtained by the Payroll Clerk through the Assistant Administrator.

Employees should communicate any changes in personal information such as benefit status, name, address, or phone number to the Assistant Administrator and Payroll Clerk.

### ***Access to Personal Files***

Employees can review their personal files at any reasonable time convenient to both the employee and the Employer.

The Assistant Administrator will be present while employees review their own files.

No original documents can be removed or copied from a personal file without permission from the designated Town of Kindersley representative..

Employees can only review their own personal files.

Ex-employees may have access to their personal files in accordance with the above.

Upon an employee's death or termination, a personal file remains the property of the Employer.

### ***Change of Status***

Whenever an employee experiences a change of status within the organization, it is the responsibility of the Supervisor/Manager to inform the Payroll Clerk immediately on the change. Changes in status may include, but not be limited to:

- new employee is hired
- change in rate of pay
- employee is laid off, quits, or is discharged
- laid off employee returns to work
- change from probationary to permanent status

It is the employee's responsibility to notify the Payroll Clerk of any changes in personal information. Changes may include, but not limited to the following:

- employee name change
- change in marital status or a change in dependents
- employee wishes to change beneficiary
- change in the amount of income tax being deducted

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-020</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> General  <b>TOPIC:</b> <b>Hours of Work/Overtime</b>	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> March 2011 <b>REVIEWED:</b> March 13, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b>  

**POLICY:**

The Town of Kindersley requires Employees to work hours in accordance to their job-description and Department Manager's instructions.

**PROCEDURES:**

Hours of work will vary to accommodate the diverse operational requirements and service commitments of the municipality. Operational hours and responsibilities vary between Town departments and are determined by Department Managers.

***Unless directed otherwise by the respected Department Manager, hours of work are:***

1.     Non-Management Employees (Non-Unionized)

A)     Regular full-time hours of work are either seven (7) or eight (8) hours per day, contingent to the position held. Seven (7) hour days or thirty-five (35) hours per week are generally Monday through Friday, including a one hour unpaid lunch break. Eight (8) hour days or forty (40) hours per week are generally Monday through Friday, including a one hour unpaid lunch break. Regular full-time hours of work may vary from the above with approval of his/her supervisor.

B)     No over-time shall be worked by Non-Management Employees unless previously approved by his/her supervisor.

C)     Compensation for Non-Management Employee's overtime hours in excess of the regular full-time hours of work may be in the form of either cash reimbursement or time-off in lieu at a rate of one and a half (1 ½) times hours worked, with such determination to be made by the Department Manager.

2.     Management (Non-Unionized)

Each member of the management staff is responsible for ensuring all their job responsibilities are fulfilled.

Regular hours of work are usually 8:00 a.m. - 5:00 p.m., Monday to Friday(40 hours), including a one hour unpaid lunch break, but may vary according to job priorities and/or requirements. Management is not entitled to compensation for overtime required to fulfill their regular job duties.

At the discretion of the CAO, flex time hours of work may be granted on a case by case and individual basis.

Unless otherwise stipulated in an employment contract, additional time worked for duties above and beyond the normal job performance, requirements or responsibilities may be recognized as follows:

- A) Upon approval of the CAO, up to ten (10) EDO's (earned days off ) per calendar year may be allotted
- B) All Earned Days off must be taken within sixty (60) days of being earned.
- C) Managers are responsible for ensuring that their department has been made aware that they will not be in attendance and that the department is adequately staffed and prepared.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-021</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> General  <b>TOPIC:</b> Rest Breaks	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> March 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley recognizes the importance of rest breaks for Employees.

**PROCEDURE:**

The Town of Kindersley allows for two, twenty minute paid breaks daily, one in the morning and one in the afternoon. In the event of afterhours shift work, one break will be allowed for every four hours worked.

If so desired, food and/or refreshments to be consumed during the allotted rest breaks should be brought by the employee when working away from Town facilities. In the event that two or more individuals are working individually, yet in reasonably close vicinity, they may meet at a pre-determined spot for a rest break, provided it does not exceed the allotted twenty minutes for rest break which includes any travel time.

Decisions regarding employees driving Town vehicles/equipment to Town facilities for rest breaks will be determined by the direct supervisor. Travel time to and from Town facilities is to be included in the twenty minute break window.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-022</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> General  <b>TOPIC:     <i>Dress Code</i></b>  Supersedes: <b>HRG-044</b> <b>Related Policies:</b> Collective Agreement Article 34	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> April 2009 <b>REVIEWED:</b> March 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b>  

**POLICY:**

Town of Kindersley employees work in the public and should represent themselves professionally in accordance to industry standards. The appearance of the staff reflects upon the organization. Appropriate dress for all appointments and/or meetings with customers is required.

**PROCEDURE:**

- (1) Employees are expected to dress in appropriate clothing for their respective positions. If a uniform is assigned it must be worn during all working hours. If personal protective equipment (PPE) is required, it must be worn.
- (2) Personal appearance and hygiene shall also be given consideration by all employees.
- (3) Outdoor Employees
  - If the position permits shorts they must be of an appropriate length
  - Shirts are to be worn at all times. T-shirts must have a sleeve. Vulgar t-shirts or clothing may not be worn
  - Unacceptable for either gender: rumpled or ripped clothing, miniskirts, underwear as outerwear, inappropriately revealing attire such as bare midriffs, and flip-flops (unless worn at the Aquatic Centre)
  - Hoodies are not acceptable at any time when working around equipment, machinery, or moving parts
- (4) **Business & Casual Attire:**  
*Typically this type of dress includes:*
  - Suits
  - Dresses
  - Skirts
  - Dress pants & cords

- Khaki's and other cottons
- Dress shoes or leather shoes
- Nylons/socks in cooler months
- Blazers
- Dress Shirts
- Golf Shirts
- Sweaters or turtle necks

*For clarification of the Dress Code Policy, please note the following:*

- Shorts, Dresses, Skirts – no shorter than 4" above the knee
- Appropriate sandals permitted during the summer months; no simple flip flops
- Footwear must be worn at all times in all facilities with the exception of the Aquatic Centre pool area
- Unacceptable for either gender: rumpled or ripped clothing, miniskirts, underwear as outerwear, inappropriately revealing attire such as bare midriffs

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-023</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> General  <b>TOPIC:</b> Use of Property  <b>Supersedes:</b> HRG-045 <b>Related Policies:</b> none	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> March 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

Town of Kindersley employees are expected to show the utmost care and respect in the use of its material and intellectual property

**PROCEDURE:**

**Definition:**

Intellectual Property

Any document, tool or any other work produced for Town purposes, any task that has been performed for the Town, or any confidential information that the employee might become aware of through his/her work is the property of the Town of Kindersley. This information is to remain confidential even after the employee's departure.

A. Use of Computers:

Employees who have access to Town computers are expected to respect the following guidelines:

1. Use of Society Computer Network:  
Employees and volunteers are expected to use the Town's Computer Network as a means of communication and consider it to be a professional correspondence tool.
  
2. Use of Software:  
It is the policy of the Town of Kindersley to respect the proprietary rights of a computer software developer. As a user, employees are required to comply with the license agreements associated with the computer software products.
  
3. Use of the Internet:  
The Town of Kindersley recognizes that the Internet is a useful tool to aid employees in accomplishing their duties. As such, its primary use is for education, research, communication, and administration as applicable to Town Business.  
It is recognized that some personal use of the Internet will occur. Incidental use is acceptable, provided it takes place only during approved breaks and lunch times.

Employees should be aware that the following activities are criminal in nature and the use of the Town's equipment and resources to engage in these activities (or similar activities not listed here) will result in discipline by the Town up to and including dismissal:

- Possessing, downloading, or distributing child pornography;
- Gaining unauthorized access to a computer system;
- Trying to defeat security features of the electronic network;
- Spreading computer viruses with intent to cause harm;
- Destroying, altering, or encrypting data without authorization and with the intent of making it inaccessible to others with a lawful need to access it;
- Interfering with others' lawful use of data and computers;
- Sending electronic messages, without lawful authority, that cause people to fear for their safety or the safety of anyone known to them;
- Disseminating messages that promote hatred or incite violence against identifiable groups;
- Intercepting other people's private communications or electronic mail (in transit);
- Distributing, publishing or possessing for the purpose of distributing or publicly displaying any obscene material;
- Violating another person's copyright;
- Spreading false allegations or rumors that would harm a person's reputation; and
- Unlawfully destroying, altering, or falsifying electronic records.

Employees should also be aware that the following activities, while not criminal in nature, are considered unacceptable usage of the Town's equipment and resources and will result in discipline up to and including dismissal:

- Downloading, viewing, accessing or distributing pornographic and/or obscene material;
- Using the Town's equipment and resources in any way that may be perceived as harassment or discrimination under the Harassment and Discrimination-free Workplace Policy;
- Using the Town's equipment and resources for personal financial gain.

4. E-mail:

Employees should be aware that they have no reasonable expectation of privacy in e-mail transmitted, received, and stored on and/or through the Town's network. E-mail, whether created or received, is the property of the Town and is not a private employee communication.

5. Telephones:

Telephones, both stationary and mobile, issued to employees by departments are to be used primarily to conduct Town business. It is recognized that some personal use of the office/ cell telephones will occur. Incidental use is acceptable, but not beyond the point where it:

- Interferes with the employees ability to complete work assignments;
- or
- Becomes a burden on the Town's systems and or resources;
- or
- It becomes excessive.

Any voice or data charges related to personal use of telephones must be reimbursed by the employee.

6. Intellectual Property:

An employee who produces a document, tool, or any other work for the Town cannot take ownership of the product. A task that has been performed for the Town becomes property of the Town of Kindersley.

Intellectual property also includes the use of confidential information that the employee might become aware of through his/her work. This information is to remain confidential even after the employee's departure.

7. Use of Equipment:

Use of Town equipment shall be for business purposes only.

Private use of Town property (e.g. tractor, truck, photo copier, etc.) will be permitted only when authorized. The employee is expected to properly use Town equipment. Misuse or damage caused to Town equipment or property could result in disciplinary actions and or/ other sanctions.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-024</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> General  <b>TOPIC:</b> Confidential Information  <b>Supersedes:</b> HRG-043 <b>Related Policies:</b> none	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> March 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley is committed to maintaining the highest level of confidentiality and ensures precautions. The Town abides by the Personal Information Protection and Electronic Documents Act (PIPEDA) and the Local Authority Freedom of Information and Protection of Privacy Act.

**PROCEDURE:**

Confidential and Sensitive Information

Employees of the Town of Kindersley often deal with sensitive and confidential information. Employees are bound by their Oath of Confidentiality not to reveal any confidential or sensitive information pertaining to their work without first obtaining permission from the client or the Chief Administrative Officer or their department manager. Employees breaking confidentiality shall be subject to disciplinary action as provided in the discipline section of this manual.

Electronic and Paper Files

Each employee is responsible for ensuring that confidential and sensitive information is secure, whether that information is held in electronic or paper files. All files should be locked when employees cannot directly supervise their security. Computers should not be left open to the general public, be password protected and be turned off in the evening.

Computer systems must be password protected.

Historical, sensitive and essential operational documents and files are to be stored in a secure location.

Buildings and Equipment

The facilities and equipment of the Town should be secure against intrusion and vandalism at all times. Employees should report any security breaches to a department manager as soon as one is discovered and should inform a department manager when a facility or piece of equipment cannot be adequately secured. Lost or

stolen keys, access cards or fobs must be reported immediately to the departmental manager. All keys, access cards and fobs are the property of the Town and must be returned if no longer in the employ of the Town.

<p><b>REFERENCE:</b> HUMAN RESOURCE POLICY</p> <p><b>HRG-025</b></p>	<p><b>TOWN OF KINDERSLEY</b></p>	
<p><b>HUMAN RESOURCE POLICY</b></p>	<p><b>SECTION:</b> General</p> <p><b>TOPIC:</b> <b>Vehicle Usage</b></p> <p><b>Supersedes:</b> none <b>Related Policies:</b> none</p>	<p><b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> June 2009 <b>REVIEWED:</b> April 24, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b></p> 

**POLICY:**

The Town of Kindersley maintains the right to limit the use of all Town owned, leased, or hired vehicles/equipment.

**PROCEDURE:**

This policy applies to all Town employees who utilize Town owned, leased, or hired vehicles/equipment in their assigned work.

Responsibilities:

*Administration/Managers/Supervisors:*

- Ensure that all managers/supervisors are aware of the policies related to any Town owned, leased, or hired vehicles/equipment; and
- Monitor usage of vehicles and equipment by managers/supervisors

*Employee:*

- Use vehicles and equipment for work related purposes; and
- Not to participate in any activity which are in violation of laws or this policy.

Vehicle Usage:

Failure to abide by the following guidelines will result in discipline by the Employer up to and including dismissal:

- Persons operating a Town-owned vehicle must have a valid drivers' license at the level required to operate the equipment/vehicle.
- All drivers shall comply with all rules, regulations and laws of operating a motor vehicle.

- Any traffic violations shall be the responsibility of the operator and outstanding fines must be paid immediately.
- Operators shall be responsible for keeping their vehicles clean and tidy at all times.
- Operators are required to comply with any maintenance schedules set out for the vehicle.
- Operators should follow any guidelines with reference to fuel conservation that may be placed in the vehicle.
- In the case of accidents involving Town vehicles/equipment, the operator must immediately inform their manager/supervisor and ensure full compliance with the law.

#### Storage of Town Fleet:

All town vehicles will be stored at the designated department location(s) at the end of every shift.

#### On Call

Employees required to be “on call” during off-shift hours may be permitted to take a town vehicle home with prior approval of the department’s senior manager.

- Vehicles are to be driven directly from place of work to home and vice versa.
- Town vehicles are not for personal use.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-026</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> General  <b>TOPIC:</b> Cost Control  <b>Supersedes:</b> HRG-042 <b>Related Policies:</b> none	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> April 24, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

Employees of the Town of Kindersley are expected to be fiscally responsible while conducting Town business, providing Town services, and operating Town facilities.

**PROCEDURE:**

Employees of the Town must make every effort to manage and control the costs of providing services and operating Town facilities.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-027</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> General  <b>TOPIC: Conflict of Interest</b>  Supersedes: Outside interest of Employees	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> April 24, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**Purpose:**

The objective of this policy is to ensure that neither the public's interests nor the personal and private interests of employees are compromised in the course of daily operations by raising awareness of certain conduct.

**Procedure:**

All employees are expected to conduct themselves with personal integrity, ethics, honesty and diligence in performing their duties.

Conflict of interest exists when the duties and responsibilities of an employee are, or potentially could be, compromised by his or her personal and private interests. A conflict of interest may be real, apparent or perceived.

“Real” conflict of interest exists when the employee has knowledge of a private interest economic, pecuniary or otherwise that could influence the exercise of his or her public duties and responsibilities.

“Apparent” or “perceived” conflict of interest exists when the employee is in a situation in which a reasonably well-informed person could properly have a reasonable apprehension that a conflict of interest exists, even when there may not be a conflict.

Employees shall immediately disclose to their supervisor/manager, in writing, any business, commercial or financial interest where such interest might be construed as being in real, apparent, or perceived conflict with their official duties; and immediately disclose to their supervisor/manager in writing any situation that arises during the course of daily operations whereby the duties and responsibilities of an employee were, or potentially could be, compromised by his or her personal and private interests.

**Outside Employment**

Employees may engage in remunerative employment with another employer, volunteer activity, carry on a business, or receive remuneration from public funds for activities outside their position provided that:

- it does not interfere with the performance of their duties;
- it does not bring the Town of Kindersley into disrepute;
- they do not have an advantage derived from their employment as a Town employee;
- it is not performed in such a way as to appear to be an official act or to represent the Town's public position or policies; or
- It does not involve the use of Town premises, services, equipment, or supplies to which the staff member has access by virtue of their employment, unless official authorization is secured.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-028</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Employment  <b>TOPIC:</b> <b>Performance Management</b>	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> April 24, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley conducts annual employee performance evaluations to allow a manager/supervisor and employee to reflect upon personal relationships on the job, the demands of the position, demonstrated skill, and level of achievement.

**PROCEDURE:**

The prime purpose of employee performance evaluation is to allow a supervisor and employee to evolve a method of appraisal and feedback that reflects their personal relationships, the demands of the job, and current events for the purpose of improving the employee's value and potential within the Town. The performance of each employee will be reviewed formally and in writing on at least an annual basis. Additional appraisal may be conducted in developmental stages or when performance is not meeting standards.

**Objectives;**

- To measure and evaluate an employee's job related attributes, behaviors and results;
- To ensure the employee and the organization are both clearly aware of the goals, performance measures, and results;
- To ensure that goals are realistic and attainable
- To determine what training and development is required;
- To continually monitor employee's progress and communicate any ongoing issues to assist the employee in reaching goals and aligning expected performance levels with corporate goals and objectives.

**Distribution**

Copies of the performance evaluation will be protected due to the confidential nature of this manager/employee relationship. One original of the Evaluation will be filed in the personnel file and one copy will be given to the employee.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-029</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> General  <b>TOPIC:</b> Recognition of Service  <b>Supersedes:</b> HRG-041 <b>Related Policies:</b> none	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2009 <b>REVIEWED:</b> April 25, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley formally recognizes long-term employees for their service to the Town.

**PROCEDURE:**

Long-Term Service Award

The purpose of these awards is to reward and provide recognition of long-term employees. The awards will provide tangible demonstrations of recognition and appreciation to the loyal and dedicated service of the Town's employees. The awards are presented at an annual Town function, eg: the Christmas Party, and are given independent of any factor other than time served in the Town's employ.

Awards

- |                   |   |
|-------------------|---|
| Five Years        | Town Pin and gift certificate / gift card (\$50 value)  |
| Ten Years         | Town Pin and gift certificate / gift card (\$100 value) |
| Fifteen Years     | Town Pin and gift certificate / gift card (\$150 value) |
| Twenty Years      | Jacket (Approximate value \$300)                        |
| Twenty-Five Years | Watch (Approximate value \$500)                         |
| Thirty Years      | Display Clock (Approximate value \$750)                 |
| Thirty-Five Years | Framed Picture (Approximate value \$1500)               |

\*All service awards will include a Certificate of Recognition

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-030</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> General  <b>TOPIC:</b> Service Record  <b>Supersedes:</b> HRG-040 <b>Related Policies:</b> Collective Agreement 2006-2008, Article 16	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> April 25, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

Each employee's length of service and seniority is based on his/her most recent hiring date with the Town.

**PROCEDURE:**

Each employee's length of service is based on his/her most recent hiring date with the Town.

Calculating Length of Current Service

Calculation of length of service will begin on the employee's hire date as a permanent employee of the Town of Kindersley. Length of service and seniority shall continue to accumulate during:

- sick leave up to 365 days.
- time lost due to accidents on the job up to 365 days.
- lay off of an employee for less than 3 months.
- approved maternity, paternity, or adoption leave.

Length of service may be affected by:

- leave of absence.
- lay off.
- failure to report to work.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-031</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> General  <b>TOPIC:</b> Disciplinary Procedures  <b>Supersedes:</b> HRG-046, HRG-047 <b>Related Policies:</b> Respectful Workplace Policy, Harassment and Discrimination-free Workplace Policy	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> April 25, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

Employees are expected to maintain a level of conduct and performance that will ensure that the Town provides an efficient and courteous service. Behaviours listed below which would prevent efficient and courteous service will be subject to disciplinary action.

**PROCEDURE:**

The behaviours are listed according to what action will be taken on first offence.

Verbal Warning

In the process of on-going evaluation, managers will first verbally warn employees of behaviours or performance levels that are unacceptable. Verbal warnings are to be used for only minor offences and can only be used twice.

***Minor Offences include but are not limited to:***

- Use of foul language
- Socializing to the point where it disrupts other employees
- Being habitually late without reasonable cause
- Rudeness to fellow employees, suppliers, the public, customers, Town Council, etc.

Written Warning

For two or more of the same minor offences and for a major offence, managers will give the offending employee a written warning. Written warnings should be accompanied with a verbal warning. Only one written warning will be given for the same offence.

***Major Offences include but are not limited to:***

- Being absent without notification or excuse.
- Leaving the job during working hours without authorization from the department manager or supervisor.
- Gambling on the job or on Town property during rest periods.

- Misrepresenting facts on job applications, medical examinations, time sheets, and other reports.
- Abuse of authority
- Conduct, comments, actions or gestures that are humiliating, offensive, hurtful or belittling and that poison the work environment.
- Bullying or intimidation
- Yelling or shouting (except where intended to alert another to danger)
- Deliberate exclusion of an employee from relevant work activities or decision making
- Decision-making which is influenced by factors which have no work-related purpose
- Attempting to discredit an employee by spreading false information about him/her
- Unsatisfactory job performance

### Suspension

When an employee has received a written warning for repeated minor offences or for a major offence, the next step in the disciplinary process is a one-day suspension without pay. For serious major offences, employees may be given a written warning and a 1-3 day suspension without pay at the same time.

#### ***Serious, Major Offences include but are not limited to:***

- Conducting oneself in a manner that offends public morality or decency while on the job.
- Refusing to perform work or obey a reasonable order given by a department manager or supervisor.
- Possessing or consuming intoxicants of any kind on the job.
- Reporting to work in an intoxicated state.

### Dismissal

If a written warning has already been given, a repeat offence will result in the employee's dismissal. Some severe offences will result directly in dismissal.

#### ***Severe Offences include but are not limited to:***

- Fighting or instigating a fight on the job or otherwise being abusive to other employees or the general public.
- Stealing or willfully destroying Town or another employee's property.
- Bringing firearms, fireworks, or explosives on the job site without authorization.
- Bringing knives, weapons, or other objects that may be used as weapons without authorization.

Managers must deal with each case of breach of Town policy in a consistent manner but must also deal with each case on its own merits. The foregoing general procedure outlines the minimum steps that must be taken when instituting disciplinary procedures.

Managers/Supervisors should also refer to Harassment and Discrimination-free Workplace Policy for offenses that include harassment, sexual harassment, and discrimination.

Offences listed in this policy and the disciplines identified are intended as a guide. The Town reserves the right to assess discipline, including dismissal from employment, based upon the facts of each case even though the circumstances of that case may not be specifically identified in the policy.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-032</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> General  <b>TOPIC:</b> Grievance Policy  <b>Supersedes:</b> HRG-048 <b>Related Policies:</b> Collective Agreement 2006-2008, Article 11	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> April 25, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley realizes that problems may occasionally develop in the employer-employee relationship and that a suitable method of dealing with these problems is required. Problems may arise in such areas as job classification and salary, disciplinary actions, performance evaluations, benefits eligibility and the like. In order to ensure fair and equitable treatment for all employees, eliminate dissatisfaction, and resolve problems so that constructive relationships can be maintained, the Town of Kindersley has a Grievance Policy that shall be available for any out-of-scope employee of the Town of Kindersley.

**PROCEDURE:**

Step 1:

The complaint or grievance must be in writing as well as the employee will bring the situation to the attention of his/her immediate Supervisor within 20 working days of the occurrence of the problem creating the grievance, explaining the nature of the problem and the suggested solution, if there is one. The manager/supervisor will investigate and will provide a written solution or explanation within five (5) working days to the employee. In the event that the Supervisor fails to respond to the grievance or to provide a satisfactory settlement, the employee may proceed to the next level.

Step 2:

Failing a satisfactory settlement in Step 1, the grievance may be referred to the department head. The department head will respond in writing within five (5) working days of the receipt of the decision of the Supervisor. The department head shall give his/her written reply within five (5) working days of the time it was submitted to him/her. In the event that the department head fails to respond to the grievance or to provide a satisfactory settlement, the employee may proceed to the next level.

Step 3:

If the employee is dissatisfied with the solution provided by the department head or if the department head failed to respond within 5 working days, the employee may forward a copy of his written grievance to the Chief Administrative Officer. The CAO will first ensure that the problem has first been dealt with by the employee's supervisor and department head and, if it has, will talk with the employee and the supervisor and department head

to get further clarification of the problem. Minutes will be taken of this meeting. After carefully considering the facts, the CAO will present the employee, within 5 working days, with a written solution to the problem.

Step 4:

If the employee remains dissatisfied with the situation, the employee will present the problem to the General Government Committee of Town Council who will make a recommendation to Town Council regarding the solution to the problem. The Town Council's decision on the matter will be final and binding on all parties unless the case deals with a matter of law or human rights, in which case, the employee may choose to institute legal proceedings.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-033</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> General  <b>TOPIC:</b> Gifting Policy  Supersedes: None	<b>ORIGINAL DATE:</b> May 16, 2012  <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**Policy:**

To provide direction and guidance regarding the acceptance of gifts, favours or services. This policy must also be considered in conjunction with the Town's Conflict of Interest policy.

**Procedure:**

Employees should not accept gifts, favours, services or any other benefit from any individual or organization that is connected directly or indirectly with the performance of their responsibilities. Exceptions to this policy may include:

1. *The exchange of hospitality as part of normal daily operations or as part of regular business interaction. (These gifts should be infrequent, related to normal business and as a rule would have a retail value of less than \$100. (i.e. lunch or tickets to an event)*
2. *Tokens exchanged as part of protocol*
3. *The normal presentation of gifts to persons participating in public functions*
4. *The normal exchange of gifts between friends*

The following criteria, when taken together, are intended to guide the judgement when considering accepting a gift:

- The benefit is of a nominal value;
- The exchange creates no obligation;
- Reciprocation is easy;
- It occurs infrequently; and
- Is not in violation of the Town's Conflict of Interest policy

If an employee is uncertain about accepting any gifts, they should err on the side of caution and not accept any gift, favour or service.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-040</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Separation  <b>TOPIC:</b> <b>Resigning and Retiring</b>  <b>Supersedes:</b> HRG-051 <b>Related Policies:</b> none	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> April 25, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley recognizes that employees will eventually resign or retire from their position and want to ensure that the transition is made causing the least amount of disruption to the department as possible and that the employee departs on good terms if at all possible.

**PROCEDURE:**

Exit Interview:

All employees who resign or retire should be interviewed by the department manager as soon as possible following the announcement of the employee's imminent departure to ascertain the reason for the resignation or retirement. If the employee has a good work record, the department manager may want to explore the possibility of a leave of absence instead of resigning or retiring or, if the resignation or retirement is due to some problem being experienced by the employee, to explore possible solutions to the problem.

The department manager will complete a Separation of Employment form on each employee interviewed.

Retirement:

Employees who are retiring should allow for at least three months between their announcement of retirement and actual departure date so that the proper arrangements for pension benefits can be made. The department manager should immediately inform the Payroll Clerk of the impending change.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-041</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Separation  <b>TOPIC:</b> Dismissal  <b>Supersedes:</b> HRG-052 <b>Related Policies:</b> none	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> May 2, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley recognizes that on occasion an employee may be dismissed from their position. The Town of Kindersley will ensure that treatment of the individual will be legal, ethical and in compliance with Saskatchewan Labour Standards.

**PROCEDURE:**

If all avenues have been exhausted and there is “just cause” for termination of an employee, the manager/ supervisor must consult with the Chief Administrative Officer prior to termination.

The manager/supervisor will then complete necessary written documentation for the employee who is dismissed and will ensure that clear and adequate reasoning for the dismissal is documented.

<p><b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-042</b></p>	<p><b>TOWN OF KINDERSLEY</b></p>	
<p><b>HUMAN RESOURCE POLICY</b></p>	<p><b>SECTION:</b> Separation <b>TOPIC:</b> Severance Pay <b>Supersedes:</b> HRG-053 <b>Related Policies:</b> none</p>	<p><b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> May 2, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> </p>

**POLICY:**

The Town of Kindersley will pay severance pay in accordance with Saskatchewan Labour Standards.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-050</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Compensation & Benefits  <b>TOPIC:</b> <b>Compensation</b>	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> April 25, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley is committed to establishing and maintaining competitive salaries.

**PROCEDURE:**

Salary Grid Increments

Employees will be placed on the grid according to their experience and education. Performance evaluations will be completed annually. Incremental movement will be determined by positive performance evaluations and final approval from the Chief Administrative Officer.

**PAY PERIODS**

Typically there shall be 24 semi- monthly pay periods for all employees.

Time Sheets & Leave Forms - All employees must submit a Time Sheet and a Request for Leave form, if leave has been taken, before salary or wage payment will be made.

**TRAVEL CLAIMS**

Travel and sustenance claims will be paid out as they are received by Administration. Employees claiming travel or sustenance expenses must first fill out a Travel Claim form.

**PAY CHEQUE LISTINGS**

Each pay period, the Town of Kindersley will provide the employee with a statement setting out: regular hours worked, overtime hours worked, wage rate, wages paid, overtime pay paid, annual vacation pay paid, amount of deduction from wages, overtime pay or entitlements and the purpose for which each deduction was made and the period covered by the pay period. Any questions on pay cheques should be directed to the Payroll Clerk.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-051</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Compensation & Benefits  <b>TOPIC:</b> <b>Benefits</b>  <b>Supersedes:</b> HRG-021, HRG-022, HRG-023 1993 <b>Related Policies:</b> Collective Agreement 2006- 2008, Article 2.08 , Article 28	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> May 2, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley provides an employee benefit package to eligible employees.

**PROCEDURE:**

Employees are encouraged to examine the details of the benefit plans.

INSURANCE TYPE	TOWN PORTION	EMPLOYEE PORTION
Extended Health Care Insurance	100%	0%
Dental Care Insurance	100%	0%
Life Insurance	100%	0%
Accidental Death and Dismemberment	100%	0%
Dependent Life Insurance	100%	0%
Weekly Indemnity Insurance	100%	0%
Long-Term Disability Insurance	0%	100%
Municipal Employees Pension Plan (MEPP)	AS PER MEPP	

With regard to maternity/paternity/adoption leave, lay-off or disability, the Town will pay 100% of the total premiums if the employee chooses to continue their benefits while on leave, up to a maximum of 2 months. If the employee wishes to continue benefits for the duration of their leave, the employee is responsible for paying the premiums. The employee will pay their portion in advance either as a whole or through post-dated cheques.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-053</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Compensation & Benefits  <b>TOPIC:</b> Sick Leave  <b>Supersedes:</b> HRG-027 1993 <b>Related Policies:</b> Collective Agreement 2006-2008, Article 19	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> <b>Date Effective:</b> <b>Signature:</b> 

**POLICY:**

Eligible employees are entitled to paid sick leave.

**PROCEDURE:**

Calculation of Sick Leave Credits

Eligible employees shall be credited with Sick Leave Credits at the rate of one and one-half (1 1/2) days per full month of service to a maximum accumulation of unused Sick Leave Credits of one hundred and twenty (120) days. Employees claiming sick pay may be required to complete a statutory declaration stating that they were ill or injured and unable to work after seven (7) days of sick leave in any calendar year. If requested by the Employer or their designate, the employee shall also produce a duly signed medical certificate indicating that they were unable to perform their duties due to illness or injury.

Employees who claim sick leave during the year shall be entitled, after they return to work, to accrue such loss of sick leave credits at the rate of one and one-half (1 1/2) days per month until the maximum of one hundred and twenty (120) days has again been reached. After all accumulated sick leave has been used employees shall only be entitled to the amount payable under the Group Insurance Plan.

**Medical Certificate for Sick Leave**

Any employee who reports in sick for more than three (3) consecutive days must obtain a certificate from a qualified physician stating when it will be possible for the employee to return to work.

**Sick Leave Credits Paid out on Termination**

Upon leaving the service on retirement or death, an employee shall receive payment for unused sick leave credits in the following manner:

- an employee with more than ten (10) years of service and up to fifteen (15) years of service shall receive payment for one-twelfth (1/12) of their unused sick leave credits.

- an employee with more than fifteen (15) years of service and up to twenty (20) years of service shall receive payment for one-sixth (1/6) of their unused sick leave credits.
- an employee with more than twenty (20) years of service, shall receive payment for one-third (1/3) of their unused sick leave credits. This payment shall be made on the basis of the employee's last ten (10) years average daily rate of pay, with one hundred and twenty (120) days being the maximum accumulation of such sick leave credits upon which these payments shall be based.

### **Sick Leave Without Pay**

Sick leave without pay shall be granted to an employee who does not qualify for sick leave with pay or who is unable to return to work at the termination of the period for which sick leave pay had been granted.

The employee must present a medical certificate indicating he/she is unable to return to work. Subsequently, the employee must present an updated medical certificate within two (2) weeks of a written request by the Employer.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-054</b>	<b>TOWN OF  KINDERSLEY</b>	
	<b>SECTION:</b> Compensation & Benefits  <b>TOPIC:</b> <b>Workers Compensation</b>  <b>Supersedes:</b> HRG-028 1993 <b>Related Policies:</b> Collective Agreement 2006-2008, Article 20	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> May 2, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b>  

**POLICY:**

Employees injured while on Town business will be entitled to benefits from the Workers' Compensation plan.

**PROCEDURE:**

Any employee prevented from performing his/her regular work with the Town on the account of occupational accident, that is recognized by the Worker's Compensation Act shall continue to receive their regular salary normally earned from the Town for the first (9) nine months or any lesser period of approved compensation while unable to work.

The employee shall, for a period of time outlined above, remit to the Town all monies normally received from the Workers' Compensation Board.

Where by reason of a disability an employee is unable to function satisfactorily in the work in which he/she is engaged he/she shall, if possible, be offered modified duties within the Town of Kindersley.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-055</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Compensation & Benefits  <b>TOPIC:</b> <b>Holidays</b>  <b>Supersedes:</b> HRG-024, HRG-025 1993 <b>Related Policies:</b> Collective Agreement 2006-2008, Article 21	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> May 2, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

Employees are entitled to paid Statutory Holidays.

**PROCEDURE:**

All full-time permanent employees shall be eligible to observe the following Statutory Holidays with pay. Temporary and casual employees will have to have been employed by the Town for at least thirty (30) days in the past twelve (12) months and must not have been absent without consent on the work day immediately preceding and the work day immediately following the Statutory Holiday in order to be eligible.

- New Year's Day
- Family Day
- Good Friday
- Victoria Day
- Canada Day
- Labour Day
- Thanksgiving Day
- Remembrance Day
- Christmas Day
- Boxing Day
- Saskatchewan Day
- Any declared Provincial or Civic Holiday
- Half day on December 24<sup>th</sup>
- Half day on December 31<sup>st</sup>

Any Statutory Holiday which falls on a weekend will be observed on the next working day immediately following the weekend.

Employees celebrating religious holidays not listed as Statutory Holidays will be permitted to observe these religious holy days by accumulated time, annual vacation credits or leave without pay. Employees who will be celebrating religious holy days must inform the Town of Kindersley by letter of the days on which these holy days will fall during the year.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-056</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Compensation & Benefits  <b>TOPIC:</b> <b>Vacation</b>  <b>Supersedes:</b> HRG-026 1993 <b>Related Policies:</b> Collective Agreement 2006-2008, Article 22	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> January 2009 <b>REVIEWED:</b> May 2, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

Employees are entitled to annual paid vacation.

**PROCEDURE:**

Calculating Annual Vacation Credits

For the purposes of calculating annual vacation credits, the year shall be from January 1 to December 31. For using the current year's vacation credits, employees shall have until March 31 of the year following for which they are eligible, but employees shall have the option of having a maximum of five days of vacation to be paid in cash or carrying over 5 days of vacation to the following year. Any cash payout or carryover shall be approved by their supervisor and the Chief Administrative Officer.

Casual and temporary employees shall receive compensation in lieu of vacation at current approved rates based on their total regular wages for the year of employment. Permanent full-time employees annual vacation credits shall be calculated according to the number of months or parts of months that the employee worked using the following formula:

SERVICE CATEGORY	DAYS CREDIT PER YEAR
00-07 years	15 (three weeks)
08-15 years	20 (four weeks)
16-19 years	25 (five weeks)
20+ years	30 (six weeks)

All employees shall be entitled to annual vacation with pay and termination pay based on two percent (2%) of annual earnings for each week of earned vacation or portion thereof.

### Statutory Holidays During Annual Vacation

If a Statutory Holiday falls during a permanent employee's annual vacation, the employee shall be granted credit for an extra day.

### Scheduling Annual Vacation

Each department shall schedule the annual vacations of staff in such a way to ensure minimal disruption of the work of the department. In cases where there are two or more employees requesting the same time, the employee with seniority will be given first choice. In all cases, supervisors shall approve vacation schedules.

Once confirmed and posted, vacation schedules may only be changed at the discretion of the supervisor. Any employee requesting such a change must do so a minimum of 2 weeks immediately preceding the first start date of vacation.

To minimize disruption to departmental workloads and to assist supervisors with scheduling temporary/casual staff to backfill the workload of an employee who is taking vacation, employees are encouraged to schedule vacation in blocked periods of time of at least one week each.

Vacation may be scheduled in time periods of less than one week at the discretion of the supervisor.

### Effect of Death Vacation Credits

Annual vacation credits are payable to the estate of any employee who dies while employed by the Town prior to using these credits.

### Saving Annual Vacation Credits

Normally, employees will use all their annual vacation credits during the year in which they are given. Saving annual vacation credits beyond the year for which they are granted will require the permission of the Chief Administrative Officer.

### Effects of Layoff, Resignation, Retirement or Dismissal

Any employee leaving the employ of the Town of Kindersley for any reason shall receive pay in lieu of annual vacation for those credits still remaining to the employee.

### Effects of Extended Leave of Absence

Employees authorized to take extended leaves of absence for any reason may opt to take annual vacation credits as part of their leave of absence rather than take leave without pay. Employees choosing this option should so inform their department manager. Employees on leave without pay or extended sick leave will not accumulate annual vacation credits.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-057</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Compensation & Benefits  <b>TOPIC:</b> Parental Leave  <b>Supersedes:</b> HRG-029 1993 <b>Related Policies:</b> Collective Agreement 2006-2008, Article 9	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> May 2, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley is committed to assisting employees during the very exciting time of welcoming a new child into their family.

**PROCEDURE:**

As per Saskatchewan Labour Standards the Town of Kindersley will allow maternity, adoption and parental leave as set out in the Labour Standards Act.

The employee must notify the Employer of his or her intention to return to work, at least four weeks, before the day employment is resumed.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-058</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Compensation & Benefits  <b>TOPIC:</b> <b>Pressing Necessity</b>  <b>Supersedes:</b> HRG-033 and HRG-034 1993 <b>Related Policies:</b> Collective Agreement 2006-2008, Article 8	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> May 2, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b>  

**POLICY:**

Eligible employees are entitled to leave for pressing necessity as defined below.

**PROCEDURE:**

**Jury or Witness in any Court:**

The Town of Kindersley shall grant leave of absence to any employee who is required to appear or serve as a juror or witness in any court. The Town of Kindersley shall pay any employee the difference between the normal earnings and the payment the employee receives for appearing or serving as a juror or witness, excluding payment for travelling, meals or other expenses. The employee will present proof of service and the amount of pay received.

Time spent by an employee required to appear or serve as a court witness in any matter arising out of an employee's employment shall be considered as time worked and shall be paid at the employee's appropriate rate of pay. During this period the employee's benefits will continue.

**Court Leave**

Employees having to make a court appearance as a defendant will be granted time off without pay for this purpose. Employee benefits will continue during this period.

**Funeral**

Employees shall be granted up to one day with pay to attend a funeral as a pall bearer.

**Birth of Child**

Employees shall be granted one day with pay to attend the birth of their child.

**Care of Sick Dependent**

When both parents are employed, leave for pressing necessity shall be granted to an employee for up to two (2) days per scenario, and limited to five (5) days per year. Leave is without pay or accumulated sick leave may be utilized. This leave is intended to make provisions for the care of a sick dependent.

**Medical Leave**

Employees who are required to accompany or transport their spouses, parents or dependents to doctor appointments, medical examinations or tests and/or surgeries shall be granted leave up to five (5) days. Leave is without pay or accumulated sick leave may be utilized.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-059</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Compensation & Benefits <b>TOPIC:</b> <b>Compassionate Leave</b>  <b>Supersedes:</b> HRG-030 1993 <b>Related Policies:</b> Collective Agreement 2006-2008, Article 8	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> May 2, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

Town of Kindersley employees are entitled to leave with pay for compassionate leave.

**PROCEDURE:**

A permanent full-time employee shall be granted three (3) days compassionate leave, plus two (2) days, if necessary, for one-way travel that exceeds 300 km, with pay, for pressing emergency and including death, serious accident or critical or serious illness of a member of his/her immediate family.

For the purpose of this policy, immediate family shall be defined as: spouse, common law spouse, life-partner, son, daughter, mother, father, sister, brother, grandparent, step-children, step-parent, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandchildren, and legal wards or guardians.

The Chief Administrative Officer may grant extensions of compassionate leave as necessary and may grant compassionate leave for cases other than those listed above.

Employees may not defer compassionate leave.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-060</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Compensation & Benefits  <b>TOPIC:</b> Educational Leave  <b>Supersedes:</b> HRG-031 1993 <b>Related Policies:</b> Collective Agreement 2006-2008, Article 8	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> May 2, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

Town of Kindersley employees are entitled to educational leave.

**PROCEDURE:**

The Chief Administrative Officer may grant an employee an educational leave of absence with or without pay for a period of up to one month.

After completion of an education leave with pay, employees must sign an undertaking to continue working with the Town for a period of not less than one year. Any employee leaving employment with the Town of Kindersley before the expiration of this one year period will be required to repay a percentage of the leave pay equal to the amount of time required to complete the year.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-061</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Compensation & Benefits  <b>TOPIC:</b> Education Reimbursement  <b>Supersedes:</b> HRG-032 1993 <b>Related Policies:</b> Collective Agreement 2006-2008, Article 33	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> May 3, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

Town of Kindersley employees may be entitled to reimbursement for educational expenses.

**PROCEDURE:**

The Town of Kindersley encourages its employees to further their education and will, to that end, consider expenses for any course relevant as determined by the Chief Administrative Officer to the employee's field which has been provided for in the departmental budget.

The cost of the course, tuition, expenses such as travel, meals and accommodation will be considered.

Should employment with the Town of Kindersley cease within one year of completing the said course, the employee shall reimburse the Town of Kindersley on a pro-rata basis starting from the date the course was completed.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-062</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Compensation & Benefits  <b>TOPIC:</b> Voting Leave  <b>Supersedes:</b> none <b>Related Policies:</b> none	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> May 3, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley encourages all employees to participate in the electoral process.

**PROCEDURE:**

To ensure that employees have adequate time to exercise their franchise to vote, the Town of Kindersley will not prevent employees from having three (3) consecutive hours free to vote during the hours the polls are open. The Town of Kindersley reserves the right to schedule this leave and will endeavor to minimize the time away from work. (e.g. if the polls are open from 8:00 am- 8:00 pm and the employee works until 5:00 pm, no time from work will be given, as there are three free hours to vote between 5:00 pm and 8:00 pm)

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-063</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Compensation & Benefits  <b>TOPIC:</b> Leave of Absence  <b>Supersedes:</b> HRG-035 <b>Related Policies:</b> Collective Agreement 2006-2008, Article 8	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> May 14, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

Town of Kindersley employees may be entitled to special leave without pay.

**PROCEDURE:**

The Chief Administrative Officer may grant, upon written request, leave without pay to any employee for up to one (1) month per year of service up to a maximum of six (6) months. The Chief Administrative Officer may grant leave without pay beyond six (6) months, on a case-by-case basis.

Benefits may be continued during a leave of absence at the employee's expense.

Vacation and sick leave benefits do not accumulate during a leave of absence.

Upon return, the employee shall be placed at the same salary rate and in the same or comparable employment status.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-064</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Compensation & Benefits  <b>TOPIC:</b> <b>Travel and Related Expenses</b>	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> September 2009 <b>REVIEWED:</b> May 14, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

Employees who are required to travel by the Town of Kindersley, as a condition of their employment will be entitled to claim reasonable expenses related to mileage, meals, accommodation, hospitality & entertainment, and other related expenses.

**PROCEDURE:**

Employees must complete the *pre*-travel and expense request forms in advance of any travel, and receive prior authorization from their supervisor. Per diem may be paid prior to the leave if requested and approved by direct supervisor.

At the completion of the travel employees must complete the *post*-travel expense form. Any requests for reimbursement, above the regular allowance must be accompanied by receipts.

Per diem allowances are as per the Saskatchewan Public Service Commission current approved rates.

Employees may not claim for traffic violations, car-washes, repairs, or towing.

Reimbursements are discretionary and may be subject to final approval by the Chief Administrative Officer.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-065</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Compensation & Benefits  <b>TOPIC:</b> Relocation Expenses  <b>Supersedes:</b> HRG-037 <b>Related Policies:</b> none	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> May 14, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

Recently hired individuals hired by the Town of Kindersley may be entitled to recover relocation expenses.

**PROCEDURE:**

New employees hired by the Town of Kindersley may be given a relocation allowance at the discretion of the Chief Administrative Officer. Each case will be decided upon on its own merit.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-066</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Compensation & Benefits  <b>TOPIC:</b> Professional Dues  <b>Supersedes:</b> HRG-036 <b>Related Policies:</b> none	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> May 3, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley encourages employees to maintain professional standings with industry associations.

**PROCEDURE:**

The Town of Kindersley will assist employees to maintain professional standing with one professional association by paying annual membership fees to the association on the employee's behalf. Further, the employee will be permitted to attend one (1) annual meeting of the association provided that the cost of such a meeting is provided for in the department's budget. Registration, travel and sustenance will be paid for any such annual meeting held within the Province of Saskatchewan. If annual meetings are held anywhere outside the Province, the employee will first have to obtain permission from the Chief Administrative Officer before requesting that the cost of such an event be covered. The Chief Administrative Officer will decide on a case-by-case basis whether or not permission will be granted for the employee to attend the meeting and how much, if any, of the cost will be covered by the Town.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-080</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Training & Development  <b>TOPIC:</b> Employee Input  <b>Supersedes:</b> HRG-049 <b>Related Policies:</b> none	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>REVIEWED:</b> May 14, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley recognizes valuable input and suggestions given by employees throughout the year.

**PROCEDURE:**

Employees are encouraged to assist in the efficient and effective operation of Town programs and facilities by offering suggestions to their department managers on ways to improve operating procedures of the Town. The department manager will then record these suggestions and, if they involve other departments, will bring them up for discussion at the next Manager's Meeting.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-081</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Training & Development  <b>TOPIC:</b> <b>Succession Planning</b>  <b>Supersedes:</b> none <b>Related Policies:</b> none	<b>ORIGINAL DATE:</b> December 2008 <b>REVIEWED:</b> May 3, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY:**

The Town of Kindersley is committed to developing, implementing and achieving a succession planning system that ensures continuity for all key leadership positions.

**PROCEDURE:**

1. Identification of positions becoming vacant within the next 5 years due to retirements, including discussions with employees to determine retirement plans and projected dates of retirement.
2. Ensure current, accurate job descriptions are maintained.
3. Provide opportunities for internal candidates to obtain qualifications required for promotion within the organization.
4. Provide opportunities for internal candidates to obtain experience in leadership positions.
5. Monitor performance of internal candidates through annual performance evaluations to identify strengths and weaknesses, career goals, and training needs, to assist in screening of internal candidates.
6. External recruitment/advertising methods to attract candidates when position vacancies occur.
7. Hire applicants in accordance with the Town of Kindersley Hiring Policy.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-090</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Health & Safety  <b>TOPIC:</b> <b>Respectful Workplace</b> <b>Supersedes:</b> none <b>Related Policies:</b> none	<b>ORIGINAL DATE:</b> 1993 <b>REVISED:</b> November 2008 <b>Date Effective:</b> November 2008 <b>DATE LAST REVIEWED:</b> May 22, 2012  <b>Signature:</b> 

**POLICY:**

The Town of Kindersley is committed to creating and sustaining a vibrant, healthy, safe and caring work environment. To do so, all people are to be treated with respect, honesty and dignity. Behaviour and/or situations that run contrary to such treatment will not be tolerated.

**PROCEDURE:**

The Town recognizes that conflicts, disagreements or inappropriate behaviours will occur. We expect these issues to be resolved in a manner that contributes to a healthy and productive workplace.

The Town of Kindersley promises to respond quickly to complaints about inappropriate behaviour in the workplace, and to resolve issues speedily, openly, honestly and with appropriate consideration for privacy and confidentiality.

**1. Objectives**

The Town of Kindersley is committed to working in collaboration with its employees, unions and associations to create a respectful workplace by:

- a) Promoting and maintaining a common understanding of the expectations and behaviours considered appropriate and inappropriate in Town workplaces and in the delivery of or access to Town services, and;
- b) Taking action to prevent and/or deal with inappropriate behaviour wherever Town business is being conducted.

## 2. Scope

This policy applies to:

a) People:

- i) Town of Kindersley employees (including job applicants)
- ii) Contractors providing service for or to The Town
- iii) Suppliers delivering material to The Town
- iv) Volunteers
- v) Members of Town Council
- vi) Members of the public who are accessing Town services or Town operated facilities

b) Places:

- i) Town buildings, facilities, sites, offices or work environment
- ii) Locations visited by employees while travelling on Town related business including conferences, meetings, vendor/supplier or customer sites
- iii) Locations of work-based social gatherings.

## 3. Appropriate Workplace Behaviours

It is not possible to itemize every instance of appropriate or inappropriate behaviour. In general terms, the kinds of behaviours that are to be encouraged are those which support and create a respectful workplace and its related business objectives. Examples include:

- Being polite, courteous and respectful of others
- Using common greetings, farewells or brief enquiries about others' wellbeing which are seen as an acknowledgement of others as unique individuals
- When reviewing others' ideas, suggestions or work, identifying what is positive or good about the proposal as well as where it can be improved
- Treating others equitably and fairly
- Listening to what others have to say
- Being open-minded to others' ideas, comments and suggestions
- Seeking input and the active involvement of appropriate people in planning, decision-making and implementing initiatives
- Ensuring that decision-making takes into account relevant factors, is fair and is seen to be fair
- Recognizing and valuing the diversity among workgroup members, the customers and citizens
- Willingly and sincerely apologizing to people when something you said or did may have offended them.

## 4. Inappropriate Workplace Behaviour

Inappropriate behaviour is that which is objectionable and/or unwelcome to an individual. Such behaviour serves no valid work related purpose and can create a poisoned work environment. There are three categories of inappropriate behaviour addressed in the policy. They are:

- Disrespectful Behaviour
- Discrimination/Harassment
- Damage to People or Property

Disrespectful Behaviour is:

- Vexatious: Conduct, comments, actions or gestures which are humiliating, offensive, hurtful or belittling
- Repeated: Conduct, comments, actions, or gestures when taken in isolation seem minor but when repeated can lead to a conclusion of harassment OR a single incident of sufficient seriousness to have a significant impact on the recipient or the work environment
- Hostile or unwanted
- Affecting the employee's dignity, wellbeing, or physical integrity

- Resulting in a harmful or poisoned work environment

Examples of disrespectful behaviour include, but are not limited to:

- written or verbal comments, actions, gestures or other behaviours or 'jokes' which are humiliating, offensive, hurtful or belittling
- bullying or intimidation
- abuse of authority
- yelling or shouting (except where intended to alert another to danger)
- deliberate exclusion of an employee from relevant work activities or decision making
- decision-making which is influenced by factors which have no work-related purpose
- attempting to discredit an employee by spreading false information about him/her

### Discrimination/Harassment

Discriminatory or harassing behaviours include comments or actions which are unwelcome, that are based on a prohibited ground of discrimination and result in a negative or poisoned work environment. Examples include:

- any previously described inappropriate behaviour that is based on a prohibited ground
- Sexual harassment includes comments or conduct such as: unwelcome advances, requests, comments, physical contact (unnecessary touching, pinching or jostling) or gestures (suggestive or persistent staring) that are of a sexual nature. Implied or expressed threats of reprisal for refusal to comply with a request of a sexual nature or implied or expressed promises of reward for agreeing to comply with a request of a sexual nature
- Unwelcome remarks, jokes, taunts, suggestions or speculations about a person's body, attire, sex life, etc.
- Display of pornographic or other sexual materials in the form of pictures, electronic mail, graffiti, cartoons or sayings.

Discriminatory practices, policies, or systems include:

- Denial of equitable treatment in hiring or in the terms, conditions, or benefits of employment
- Access to or the processes by which people use Town related services, programs and/or facilities
- Failing to accommodate an individual(s) protected under Saskatchewan's Human Rights legislation.
- Damage to People or Property
- Vandalism or deliberate destruction of Town property
- Threats - Any act, gesture or statement that gives an employee reasonable cause to believe that there is risk of injury to themselves, another person or City property. Any statement, either verbal or written, that is reasonably interpreted by a person to be menacing or taunting in nature. This could include, but not limited to, such things as coercion, intimidation, persecution, humiliation, bullying, ridiculing or belittling.
- Violent Acts - Violent acts are defined as any act that causes, or may cause, physical harm or significant emotional distress to a Town employee or a member of the public. Behaviours that are threatening to personal safety or are violent require immediate action to prevent escalation and to ensure the safety of others. Incidents of threats or violence should be reported immediately to the Chief Administrative Officer.

## **5. Responsibilities**

Every employee has the right to be treated in a fair, reasonable and respectful manner. For this to be a normal part of our environment, we must find strategies which prevent our differences from escalating and resolve them quickly when they do occur.

a) As an employee of The Town of Kindersley, you are responsible for creating a respectful workplace environment by:

- Ensuring your behaviour is respectful and appropriate at all times
- Accepting responsibility for your own actions, reactions, and behaviours and your impact on others
- Making your concerns known promptly if something is troubling you
- Being a part of the solution
- Immediately informing your supervisor and the Director of Human resources if there is an imminent threat or risk of violence that could compromise an individual's safety.

b) As a leader at The Town you have additional responsibilities to create and sustain a respectful workplace environment. They include:

- Being a role model for Town behaviour standards such as The Respectful Workplace Policy, The Harassment and Discrimination-Free Workplace Policy, and the Code of Ethics.
- Ensuring awareness of and compliance with the Respectful Workplace Policy in your area of responsibility
- Taking appropriate action in a prompt, impartial and confidential manner when Respectful Workplace Policy issues come to your attention
- Supporting all parties involved in resolving issues under the Respectful Workplace Policy
- Making sure no person suffers reprisal as a result of making a complaint, or for providing information.

## **6. Violation of this Policy**

a) Any employee, who violates this policy, will be subject to appropriate disciplinary action, which may include termination of employment.

b) Members of the public, visitors to Town facilities or individuals conducting business with The Town of Kindersley, are expected to adhere to this policy. This includes refraining from inappropriate behaviour towards employees, elected officials, and persons acting on behalf of The Town of Kindersley. If inappropriate behaviour occurs, The Town will take appropriate action to ensure a respectful workplace. This could include barring the person from facilities or discontinuing business with contractors or suppliers.

## **7. Criminal Offences**

Where behaviour may constitute a criminal offence, The Town will refer these matters to the R.C.M.P. for further investigation.

## **8. False or Frivolous Complaints**

Complaints that are found to be false, frivolous or made in bad faith will not be tolerated and will be subject to appropriate disciplinary action or denial of service.

## **9. Retaliation**

Everyone (see Section 2A) has the right to report, in good faith, incidents of discrimination, harassment or inappropriate behaviour without fear of retaliation.

Retaliation by any person against anyone involved in informal or internal or external formal complaint processes, will not be tolerated and will be subject to discipline, up to and including dismissal or denial of Town services.

## **Documents and Other Physical Evidence**

Physical evidence including documents relevant to the allegations should be secured in a timely way. If necessary, photographs of physical evidence should be taken and notarized as to their source.

A log of all documents and physical evidence should be maintained, including the source of the evidence and the date and time it was received. Efforts should be made to authenticate all physical evidence and to ensure it has not been altered or tampered with in any way.

The investigator shall have in his or her records of the investigation copies of all documents reviewed and photographs or other reproductions of any other physical evidence considered, or when possible, the physical evidence itself.

## **Witnesses**

Witnesses should be advised of the following before the interview:

- a) The purpose of the interview.
- b) Of the witnesses' protection from retribution.
- e) Of the requirement to keep details of the interview confidential.
- f) Of the investigator's responsibility to inform the Chief Administrative Officer of the findings of the investigation.
- g) Of the witnesses' right to ask for clarification of any questions the investigator may ask.
- h) That there is no expectation that witnesses will have answers to all questions put to them, and that when this is so an answer such as "I don't know" or "I don't recall" is preferable to a speculative answer.

## **Investigation Report**

Upon completion of the investigation, the investigator shall submit a written report to the Chief Administrative Officer.

The investigation report provides the basis for the resolution of the complaint. It should be a document which could stand alone as a permanent record of the investigation. It should anticipate and answer the questions of the Chief Administrative Officer, who must determine what actions, including possible disciplinary action, must be taken. It is worth remembering that should the complainant or the respondent challenge the outcomes of the investigation, the report could be subject to scrutiny by a human rights tribunal or a court.

The investigation report shall include a description of the harassment or discrimination issue, an outline of the process used to collect evidence, a description of the evidence relevant to making a determination, a listing of the facts relevant to a determination and a statement as to whether these facts are undisputed or determined on the balance of probabilities, any relevant assessments of the credibility of the complainant, the respondent or any witnesses, an identification of any contentious issues and the investigator's determination on the balance of probabilities of those issues, an account of how witnesses were chosen for interviews and the basis for excluding any witnesses proposed by the complainant and respondent, and a review of the relevant documents reviewed in the course of the investigation. A copy of the log of interviews should be attached to the report as should a copy of the log of documents and other physical evidence.

The investigation report should include any opinions as to whether the facts as determined constitute a violation of the Town of Kindersley Harassment and Discrimination policy. It should not contain opinions or recommendations as to what actions should be taken in light of the facts determined by the investigation.

The challenge for investigators is to produce a report which is concise, specific and factual.



## HARASSMENT POLICY

**DEPARTMENT:** All Departments

**COVERAGE:** Corporation Wide

**DATE ADOPTED:** September 26, 2016

**REVISION DATE:** August 15, 2016

**RELATED POLICIES:** Harassment and Discrimination Policy - May 22, 2012  
Zero Tolerance Policy – November 2015

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### **POLICY:**

All employees of the Town of Kindersley (the Town) are entitled to employment that is free of harassment.

Harassment is strictly prohibited and will not be tolerated.

The Town will make every reasonable practicable effort to ensure that no employee, or other person under the Town's direction, is subjected to harassment, and will take timely and appropriate corrective action to stop any incidents when they occur.

This policy is not intended to discourage or prevent the complainant from exercising any other legal rights pursuant to any other law.

### **A. DEFINITION**

The Town adopts the *Saskatchewan Employment Act's* definition of Harassment, which is:

*"any inappropriate conduct, comment, display, action or gesture by a person:*

*(i) that either:*

*A. is based on race, creed, religion, colour, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, nationality, ancestry or place of origin; or*

*B. [affects] the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated; and*

*(ii) that constitutes a threat to the health or safety of the worker."*

Further, harassment is a form of discrimination that is prohibited in Saskatchewan under the *Saskatchewan Human Rights Act*.

For a more detailed description of harassment and discrimination, refer to section J. DESCRIPTIONS, of this policy.

## **B. APPLICATION**

The Town will enforce this policy on all Town properties and at all Town functions, including but not limited to:

- any facility or land operated or owned by the Town;
- at Town-related extra-curricular activities such as Community Engagement Meetings;
- in the course of learning or work-related functions outside of the Town;
- during learning or work-related travel;
- work-related use of the telephone or computer.

## **C. PRIVACY & CONFIDENTIALITY**

The Town will make every effort to ensure that a complaint is kept in confidence and will not disclose the name of a complainant or an alleged harasser or the circumstances related to a complaint to any person except as necessary to investigate, to respond to any legal and/or administrative proceedings arising under this policy, to take corrective action with respect to the complaint, or where such disclosure is required by law. Complainants and respondents will be cautioned to maintain confidentiality.

When discipline is imposed, details shall be restricted to those persons who have a need to know about the case including the respondent's supervisor.

## **D. COMPLAINTS**

Any employee of the Town who believes he or she has been subjected to harassment or who believes another employee of the Town is being subjected to harassment (the Complainant) should, in a timely way, bring their concerns to the attention of a supervisor, a union representative, or Human Resource personnel. Any employee of the Town may seek confidential advice and assistance respecting the resolution of complaints of harassment from Human Resource personnel.

All employees also have the right to request the assistance of an occupational health officer to resolve harassment complaints as per 3-9(5) of the *Saskatchewan Employment Act*.

All employees have the right to file a complaint with the Saskatchewan Human Rights Commission as per 4-27 of the Saskatchewan Human Rights Code.

## **E. TIMELINES**

In order to maximize opportunities for resolution anyone who believes he or she has been subjected to harassment or who believes another employee of the Town is being subjected to harassment should bring their concerns to the attention of their supervisor, a union representative, or Human Resource personnel as soon as possible after becoming aware that harassment may have occurred.

Complainants should note that The Saskatchewan Human Rights Code has a one-year limitation on the filing of complaints under that statute.

## **F. PRESOLUTION PROCEDURES**

### **1. Informal Resolution Procedures**

a) Benefits of Informal Resolutions

Complainants and respondents are urged to utilize informal resolution procedures when appropriate. Such procedures bring about timely resolution and relief, ensure the complainant and respondent remain in control of the resolution, bring about results acceptable to both the respondent and the complainant, and allow complainants and respondents to find closure.

The Chief Administrative Officer (CAO) may, on receipt of a written complaint, decide the complaint would be better resolved through informal procedures and require the complainant and respondent seek resolution through mediation of other informal procedures.

b) Implementing Informal Resolutions

Whenever possible, complainants should implement informal resolutions including bringing conduct which appears to violate this policy to the attention of the respondent and letting him or her know the conduct is unwelcome or seeking the assistance of the person responsible for supervising or overseeing the respondent in letting the respondent know the conduct is unwelcome.

Complainants and others who become aware of harassment including the supervisor or union representative are encouraged to seek the assistance of Human Resource personnel for assistance in implementing informal resolutions. Human Resources will offer advice as to how a complaint might be informally resolved, coach a complainant such that he or she can effectively implement an informal resolution, and otherwise assist a complainant in implementing an informal resolution.

Where appropriate and agreeable to both complainant and the respondent, Human Resources will themselves provide mediation services to affect a resolution agreeable to both.

The Town recognizes that certain types of harassment are not amenable to informal resolution. The use of informal resolution procedures is not therefore a prerequisite to seeking a formal resolution, nor does the use of informal procedures, when they prove unsuccessful, prevent a complainant from making a complaint to the CAO.

**2. Formal Resolution Procedures**

a) Submission of Complaints

Requests for formal complaints shall be made in writing to the CAO.

Complaints shall include a description of the acts or omissions which are alleged to be harassing, identify those responsible for the acts or omissions, contain a description of any efforts undertaken to resolve the matter through informal resolution procedures and shall be signed by the complainant.

Any employee of the Town who believes he or she has been subjected to harassment as defined in this policy may submit a complaint and in so doing will become the complainant.

Any employee of the Town who believes he or she has clear evidence of harassment as defined in this policy for which there is no specific complainant or no complainant willing to submit a complaint may him or herself submit a complaint and in so doing will become the complainant.

b) Acceptance of a Complaint

Complaints must be received by the CAO within six (6) months of the date the alleged harassment became known or ought reasonably to have become known to the complainant. Where circumstances reasonably warrant, CAO may waive this clause.

The CAO shall, within five (5) business days of receiving a complaint, determine whether the acts or omissions described in the complaint, if substantiated, would constitute harassment as defined in this policy. If he or she determines the acts or omissions would not constitute harassment, the complaint shall be dismissed.

The determination of the CAO on this matter is final. If the CAO determines the complaint should be dismissed, he or she shall first offer to meet with the complainant(s) and provide his or her reasons for dismissing the complaint.

c) Notification and Preliminary Discussion

Should the CAO determine the acts or omissions described in the complaint would, if substantiated, constitute harassment, she or he shall send notice of the complaint to the respondent, including a copy of the complaint, a copy of this policy and a list of sources of advice and support. The respondent will also be notified of his or her right to meet with the CAO, within ten (10) business days of receipt of the notice, to discuss the complaint.

At the same time, the CAO shall notify the complainant of his or her acceptance of the complaint and of the complainant's right to meet with the CAO, within ten (10) business days of receipt of the notice to discuss the complaint.

The CAO shall, within twenty (20) business days of receiving the complaint, make one of the following decisions and so advise the complainant and respondent in writing:

- i) To authorize an investigation of the complaint; or
- ii) To require the complainant and the respondent to seek resolution through mediation or other dispute resolution procedures

d) Investigations

If the CAO authorizes an investigation of the complaint, he or she shall, within ten (10) business days, appoint a person(s) to carry out an investigation to be completed within a reasonable period of time. Investigations shall be conducted in accordance with the Protocol for Investigations.

Upon completion of the investigation, the investigator(s) shall submit a written report to the CAO. The report shall include an outline of the process used to collect evidence, a description of the evidence gathered, a listing of the facts relevant to the complaint as determined on the balance of probabilities, and determination as to whether or not the complaint of harassment is substantiated.

Within three (3) business days of receiving the investigative report, the CAO shall provide a copy of the report to both the complainant and the respondent.

The CAO shall inform the complainant and respondent in writing of the determination made within three (3) business days of the determination being made.

In the event the complaint is substantiated, the CAO, in consultation with the supervisor, will decide what actions the Town will take to resolve the complaint.

e) Discipline

Discipline will be administered in accordance with the disciplinary clauses of the various collective agreements.

Discipline of employees of the Town may include one or more of the following:

- i) Reprimand
- ii) Suspension without pay
- iii) Dismissal with cause

f) Withdrawal of Complaint

The complainant may request the withdrawal of the complaint at any time prior to the receipt of the investigation report through the submission of a written request. The CAO will determine whether the complaint should continue and inform the complainant and respondent of his or her decision in writing.

g) Mediation and other Dispute Resolution Procedures

If the CAO requires, that resolution be sought through mediation, he or she shall, within ten (10) business days, appoint a person to facilitate such a resolution. If a resolution of the complaint is achieved, the complainant and respondent shall notify the CAO in writing and no further action on the complaint will be taken. If no resolution is achieved, the CAO shall be so advised by the facilitator. In such cases, the CAO will authorize an investigation or dismiss the complaint. Discussions between the complainant, the respondent, and the facilitator are confidential and cannot be used in any other proceedings.

h) Extension of Deadlines

The CAO may extend the deadlines and shall advise the complainant and respondent in writing of such extensions.

i) Delegation

The CAO may delegate all or some of his or her responsibilities.

j) Right to Accompaniment

The complainant and the respondent may be accompanied during any stage of the formal resolution procedures by another person who may, if necessary, speak for the complainant or respondent.

k) Complaints Made In Bad Faith

In the rare case that a complaint was made in bad faith, that is deliberately and maliciously filed knowing it had absolutely no basis, the complainant will be subject to the same penalties as the harasser. The person unjustly accused of harassment will have his/her reputation restored and given the benefit of any necessary remedies that would be given in a case of harassment.

## **G. WORK ENVIRONMENT REVIEW**

A supervisor may authorize a review of a department, or program which is affected by multiple complaints of harassment or other indicators of an unhealthy work environment including, but not limited to, high turnover rates amongst employees, high absenteeism rates, heavy utilization of leaves for medical reasons, or high levels of grievances and other forms of conflict.

**1. Purpose**

The purpose of a review is to ensure the creation and maintenance of work environment free of harassment, to improve the work environment, and to facilitate ongoing productivity, satisfaction and engagement.

**2. Conduct of Review**

The supervisor is encouraged to consult with the CAO when planning a work environment review. The supervisor shall meet with employees and to inform them of his or her decision to conduct a review of the work or study environment. The supervisor may conduct the review or may appoint another person to conduct the review. The review shall provide every person who works in the environment with the opportunity to participate in a confidential interview. Any statements provided during a review will be confidential and shall not be used in any other proceedings without the written consent of the person who provided the statement.

**3. Report**

The person who conducts the review will prepare a written report which protects the confidentiality of statements provided during the review and contains recommendations consistent with the purposes of the review. Having regard for confidentiality, the supervisor shall discuss the report with the department and provide the department the opportunity to respond to the recommendations and make other recommendations. The supervisor shall determine which, if any, of the recommendations shall be implemented and ensure their implementation.

**H. PROTOCOL FOR INVESTIGATIONS**

This protocol sets out guidelines for the conduct of investigations initiated the CAO. A copy of this protocol shall be provided to an investigator(s) appointed under the authority of that clause.

**1. Timelines**

Investigations of complaints must be completed in a timely manner. Under most circumstances investigations must be completed within twenty (20) business days. The CAO may extend this time period where circumstances warrant.

**2. Investigator Neutrality**

The Town expects the investigator(s) to act in a neutral and objective manner throughout the course of an investigation. An investigator shall excuse him or herself from an investigation if it becomes apparent that a conflict of interest may impair his or her ability to be neutral or to appear to be neutral.

**3. Procedural Fairness**

It is the responsibility of investigator(s) to ensure procedural fairness and the principles of natural justice govern the conduct of their investigations.

Specifically the investigator(s) shall:

- a) Ensure the complainant and respondent know the substance of each other's cases.
- b) Ensure the complainant and respondent are given full opportunity to respond to each other's cases.
- c) Ensure the respondent is made aware of, and allowed to respond fully to, any new allegations or information which arises in the course of the investigation.
- d) Treat all information received in an appropriately confidential manner.
- e) Ensure the complainant and respondent are aware of their right to accompaniment and arrange interviews so as to facilitate that right.
- f) Ensure the complainant, respondent and any witnesses are provided with the opportunity to verify the accuracy of notes taken during an interview.
- g) Display neutrality in language both verbal and non verbal.
- h) Delay findings until all the evidence has been received and assessed.
- i) Deal with the complaint in a serious manner.
- j) Refer to the allegations as allegations throughout the investigation.

#### **4. Evidence of Retaliation**

Any form of retaliation or reprisal against a complainant or a witness to a complaint is strictly prohibited. An investigator(s) who determines that retaliation has occurred or may be about to occur should immediately inform the CAO.

#### **5. A Defensible Investigation**

Investigations under this policy should reflect these standards.

- a) Witness statements or investigator notes of witness interviews should be signed by the witness.
- b) Investigator notes of complainant and respondent interviews should be signed by the complainant or respondent.
- c) All crucial witnesses should be interviewed in person.
- d) All important witnesses suggested by the complainant and respondent or discovered in the course of the investigation should be interviewed.

- e) Critical inquiries about the relationship of the complainant and respondent and the relationship of witnesses to the complainant and respondent should be undertaken to assist in the assessment of credibility.
- f) All important documents suggested by the complainant and the respondent or discovered in the course of the investigation should be reviewed.
- g) Proper records of the investigation should be maintained including a log of all interviews, notes of all interviews, copies of all written statements, and copies of all documents, including electronic records, reviewed in the course of the investigation. Other pieces of physical evidence should be secured and logged.
- h) Evidence that thoughtful consideration was given to both the complainant's and the respondent's version of events.
- i) Evidence the investigation was focused, i.e. that it sought answers to the questions critical to substantiating or disproving the allegations.

## **6. Documents and Other Physical Evidence**

Physical evidence including documents relevant to the allegations should be secured in a timely way. If necessary, photographs of physical evidence should be taken and notarized as to their source.

A log of all documents and physical evidence should be maintained, including the source of the evidence and the date and time it was received. Efforts should be made to authenticate all physical evidence and to ensure it has not been altered or tampered with in any way.

The investigator shall have in his or her records of the investigation copies of all documents reviewed and photographs or other reproductions of any other physical evidence considered, or when possible, the physical evidence itself.

## **7. Witnesses**

Witnesses should be advised of the following before the interview:

- a) The purpose of the interview.
- b) Of the witnesses' protection from retribution.
- c) Of the requirement to keep details of the interview confidential.
- d) Of the investigator's responsibility to inform the CAO of the findings of the investigation.
- e) Of the witnesses' right to ask for clarification of any questions the investigator may ask.

- f) That there is no expectation that witnesses will have answers to all questions put to them, and that when this is so an answer such as “I don’t know” or “I don’t recall” is preferable to a speculative answer.

## **8. Investigation Report**

Upon completion of the investigation, the investigator(s) shall submit a written report to the CAO.

The investigation report provides the basis for the resolution of the complaint. It should be a document which could stand alone as a permanent record of the investigation. It should anticipate and answer the questions of the CAO, who must determine what actions, including possible disciplinary action, must be taken. It is worth remembering that should the complainant or the respondent challenge the outcomes of the investigation, the report could be subject to scrutiny by a human rights tribunal or a court.

The investigation report shall include a description of the harassment issue, an outline of the process used to collect evidence, a description of the evidence relevant to making a determination, a listing of the facts relevant to a determination and a statement as to whether these facts are undisputed or determined on the balance of probabilities, any relevant assessments of the credibility of the complainant, the respondent or any witnesses, an identification of any contentious issues and the investigator’s determination on the balance of probabilities of those issues, an account of how witnesses were chosen for interviews and the basis for excluding any witnesses proposed by the complainant and respondent, and a review of the relevant documents reviewed in the course of the investigation. A copy of the log of interviews should be attached to the report as should a copy of the log of documents and other physical evidence.

The investigation report should include any opinions as to whether the facts as determined constitute a violation of the Town Harassment Policy. It should not contain opinions or recommendations as to what actions should be taken in light of the facts determined by the investigation.

The challenge for investigators is to produce a report which is concise, specific and factual.

## **I. RESPONSIBILITIES**

While this policy recognizes that all employees of the Town share responsibility for achieving and maintaining an environment free of harassment, it is imperative that accountability for the accomplishment of certain key responsibilities be assigned.

### **1. Responsibilities of the Town**

The Town, through its Council and CAO, is responsible for:

- a) Ensuring that policy and procedures are in place which reflects the Town’s desire to create and maintain an environment free of harassment;

- b) Ensuring the policy and procedures allow for the resolution of allegations of harassment in a timely and effective way while reflecting the principles of natural justice and providing due process for complainants and respondents;
- c) Upholding appropriate disciplinary measures when imposed, regardless of the authority or seniority of the respondent;
- d) Ensuring any contractors with the Town and any visitors or business Associates are aware of this policy and their right to pursue complaints under this policy if subjected to harassment by a member of the Town.
- e) Determining what appropriate disciplinary action may be taken against any member of the Town who makes an allegation of harassment in bad faith;
- f) Implementing informal resolutions to complaints of harassment, when appropriate;
- g) Implementing formal resolutions including disciplinary action to deal with individuals who engage in harassing behaviors, when appropriate;
- h) Educating employees to the benefits of learning and work environment free of harassment, to their role in the creation and maintenance of such an environment, and to their rights and obligations under this policy.

## **2. Responsibilities of Supervisors**

Within their portfolios, supervisors bear a special administrative responsibility for creating and maintaining work environments free of harassment.

In practice this administrative responsibility includes:

- a) Modeling inclusive and respectful behaviors in their interactions with others.
- b) Informing themselves and the staff for whom they are responsible of the provisions of this policy and procedures and supporting awareness about harassment in general.
- c) Ensuring that due process is maintained when dealing with employees who are involved with the resolution of complaints of harassment.
- d) Promoting and supporting the educational efforts of the Town to inform its' employees about harassment.
- e) Seeking resolutions to complaints of harassment and seeking the advice of human resources when appropriate.
- f) Ensuring prompt relief from harassment within their departments.
- g) Ensuring appropriate disciplinary measures are imposed when required, in consultation with the CAO.

## **3. Responsibilities of Human Resources**

Human Resource personnel are provided to assist employees in the creation of work environments free from harassment, including the provision of assistance in resolving complaints. The responsibilities of the Human Resource personnel include:

- a) Providing confidential advice and assistance respecting this policy and procedures to complainants, respondents, supervisors and employees of the Town;
- b) Developing and delivering educational programming aimed at preventing harassment;
- c) Providing guidance on what constitutes a healthy work environment;
- d) Assisting complainants to utilize informal resolution procedures and facilitating the implementation of informal resolution procedures when appropriate, including the provision of mediation services;
- e) Assisting complainants in the preparation of written complaints to the CAO requesting the implementation of formal resolution procedures;
- f) Providing advice and assistance to the CAO who is planning or conducting a work environment review. Ensuring appropriate disciplinary measures are imposed when required, in consultation with the CAO.

#### **4. Responsibilities of Employees**

All employees have a crucial role to play in the creation of work environments which are free from harassment. The responsibilities of employees include:

- a) Modeling inclusive and respectful behavior in their interactions with others.
- b) Familiarizing themselves with the Harassment Policy and Procedures.
- c) Assisting others who may be subjected to harassment in obtaining the advice and assistance they require.
- d) Reporting harassing behavior to their direct supervisor.

#### **5. Responsibilities of the CAO**

The CAO is responsible for receiving written complaints requesting formal resolution of allegations of harassment in accordance with the following formulation:

- a) Written complaints should be submitted and received for review and investigation.
- b) The CAO may, in order to ensure the creation and maintenance of environments free of harassment, initiate an investigation without a written complaint.
- c) The CAO may recommend to a member of the management team that a work environment review should be conducted within a department.

- d) In the event that the supervisor is not able to perform the responsibilities of this policy because of a conflict of interest or other reason, the responsibilities will be performed by either the Deputy Administrator or the CAO.

## J. DESCRIPTIONS

Harassing conduct can take many forms. This part provides more description and examples of types of harassment which have been identified by the courts.

The examples provided are not exhaustive; rather they are intended to illustrate types of conduct that are prohibited by this policy.

### 1. Harassment

Harassment is an abuse of real or perceived authority. In general, harassing behaviour is marked by one or more of the following characteristics: it is disrespectful of a person's dignity; it is inappropriate for the situation; it violates relationships of trust; and it takes advantage of a real or perceived inequality of personal or assigned power.

Canadian courts have identified two broad types of harassment: *quid pro quo*, or "this for that" harassment, and *poisoned environment*.

- a) *Quid pro quo harassment* occurs when a harasser uses his or her authority or power to get an individual to agree to do certain things he or she does not wish to do and should not be required to do. *Quid pro quo* harassment is frequently an aspect of sexual harassment where the harasser uses his or her power to obtain sexual favors.

*Quid pro quo* harassment often entails threats, implied or otherwise, to an individual's status as an employee by someone in a supervisory role. *Quid pro quo* harassment can, however, occur between equals or peers.

- b) *Poisoned environment harassment* refers to situations in which the work or study environment is poisoned in such a way as to make it difficult and even impossible for members of certain groups to succeed.

Examples of behaviors which contribute to a poisoned environment include:

- a) Derogatory or degrading remarks, particularly related to race, creed, religion, color, sex, sexual orientation, marital status, family status, disability, physical size or weight, age, ancestry or place of origin.
- b) Inappropriate displays of offensive material.
- c) Unwelcome and invasive comments or inquiries about the private lives of others.
- d) Unwanted touching, patting, pinching or hugging.
- e) Leering or ogling with suggestive overtones.
- f) Unfair distribution of work assignments.

- g) Sabotaging of work.
- h) Withholding information required to complete a job.
- i) Use of intimidation, threats or physical coercion.
- j) Favoring those who comply with the harassing demands to the disadvantage of others.
- k) Abusive and foul language whether written or verbal.
- l) Jokes which single individuals out for ridicule.
- i) Public humiliation.

## **2. Discrimination**

Discrimination is any act, behaviour or practice, which may be intentional or unintentional, that has the purpose or effect of imposing burdens, obligations, disadvantages, or preferences on a person or class of persons based on any of the prohibited grounds set out in The Saskatchewan Human Rights Code, namely religion, creed, marital status, sex (including pregnancy), sexual orientation, disability, age, color, ancestry, nationality, place of origin, race (or perceived race) or receipt of public assistance.

The courts have recognized two types of discrimination: direct discrimination and indirect or adverse impact discrimination.

Discrimination is usually intentional and happens when someone who is covered by the protected grounds cited above is treated differently for no reason other than their race, age, sex or sexual orientation,

Direct discrimination tends to be quite blatant and is not all that common. Under certain circumstances direct discrimination may be defensible.

Indirect or adverse impact discrimination arises when an apparently neutral rule or standard which, on the face of it is not discriminatory, nevertheless adversely affects certain members of the group to whom it applies. Indirect or adverse impact discrimination is usually not intentional and is therefore not as apparent as direct discrimination. It is, however, much more common.

An issue which sometimes arises when adverse impact discrimination is proven is whether the person who has been adversely impacted can be reasonably accommodated.

<b>REFERENCE:</b> HUMAN RESOURCE POLICY <b>HRG-092</b>	<b>TOWN OF  KINDERSLEY</b>	
<b>HUMAN RESOURCE  POLICY</b>	<b>SECTION:</b> Health & Safety  <b>TOPIC:</b> <b>Pandemic Influenza Planning</b>  <b>Supersedes:</b> none <b>Related Policies:</b> none	<b>ORIGINAL DATE:</b> November 2009 <b>REVIEWED:</b> May 3, 2012 <b>Date Effective:</b> May 22, 2012 <b>Signature:</b> 

**POLICY: Pandemic Influenza Policy**

The Town of Kindersley recognizes that in the event of a federally, provincially or locally declared Influenza Pandemic, the current sick leave policy may not address the needs of The Town of Kindersley employees. It is imperative that a staff member who has been diagnosed with Pandemic Influenza, or has been exposed to Pandemic Influenza because a member of their household has been diagnosed with Pandemic Influenza, stay at home rather than come to work and potentially infect other staff members.

**PROCEDURE:**

1. Permanent and temporary staff members will be granted paid sick leave if they or their household are showing signs and symptoms of the Pandemic Influenza.
2. Sick leave will be granted over and above any regular sick leave already accrued by the staff member, as needed.

In deciding whether an employee with an apparently contagious illness may continue to work, The Town of Kindersley will consider several factors:

- The employee must be able to perform normal job duties and meet regular performance standards
- The employee's continued presence must pose no risk to the health of the employee, other employees and/or customers, contractors, visitors or to themselves.

The following general instruction will be used for employees who are sick or have sick members residing with them:

- If you can function without medications; and without exhibiting the signs and symptoms of the influenza then you are expected to come to work.
- If you have been off work then the standard shall be that you are to wait until you have been symptom free for 24 hours before returning to work.

In the event that it is determined that an employee is unable to perform normal job duties, meeting regular performance standards, or poses a risk to the health of themselves or others, The Town of Kindersley reserves the right to inform the employee that they must take sick leave until their health improves, and has been clear of symptoms for (24) twenty four hours or been cleared by a physician. This leave will be paid at the employees' regular rate of pay. If an employee disputes The Town of Kindersley's evaluation that such a risk exists, the employee must submit a statement from his or her attending health care provider that the employee's continued employment poses no significant risk to the employee, or others.



## **CELL PHONE POLICY**

**DEPARTMENT:** All Departments

**COVERAGE:** All Employees

**DATE ADOPTED:** July 28, 2016

**REVISION DATE:** June 23, 2016

**RELATED POLICIES:** Social Media Policy; Internet Use Policy; Cell phones Use Policy; Human Resources Policy Manual

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### **CONTEXT AND OVERVIEW**

#### **INTRODUCTION**

The Town of Kindersley makes cell phones available to its employees where relevant, useful and/or necessary for their jobs.

This Cell Phone Policy describes the rules governing use of cell phones provided by the Town of Kindersley. It also sets out how staff members are expected to conduct themselves when using cell phones.

For the purposes of this policy, the term “cell phone” is defined as any handheld electronic device with the ability to receive and/or transmit voice, text, or data messages without a cable connection (including, but not limited to, cellular telephones, digital wireless phones, radio-phones/walkie-talkies, telephone pagers, tablets, personal digital assistants (PDA) with wireless communications capabilities.

This policy should be read alongside other key policies. In particular, users should also read the Town of Kindersley’s e-mail use, internet use, and social media policies.

#### **PURPOSE**

The use of cell phones and mobile devices is a standard means of communications in business.

Like any technology, cell phones can cause difficulties if used incorrectly or inappropriately. This cell phones policy:

- Reduces the security and business risks faced by the Town of Kindersley,
- Informs staff of how they are permitted to use Town cell phones,
- Ensures employees use good cell phone etiquette, and
- Helps the Town satisfy its legal obligations regarding cell phones use.

## **POLICY SCOPE**

This policy applies to all staff, managers, and Members of Council who use Town of Kindersley cell phones.

It applies no matter where cell phone use takes place: on company premises, while travelling for business, or while working from home.

## **GENERAL CELL PHONES GUIDELINES**

### **BUSINESS CELL PHONES USE**

The Town of Kindersley recognizes that cell phones are a key communication tool. For instance, staff members may use cell phones to:

- Communicate with citizens and other Town personnel,
- Utilize online applications that facilitate business activities,
- Conduct research on behalf of the Town, and
- Distribute information to colleagues.

For these reasons, the Town of Kindersley will ensure that all employees are provided with a Town-owned cell phone if one or more of the following circumstances should apply:

- The employee's job duties are critical to the operation of the Town and immediate response by email, text, or voice call is required.
- The employee needs to be accessible after normal working hours.
- The employee must be accessible in the event of an emergency.
- The employee is frequently away from access to traditional land-based phone services.
- The employee's job duties require frequent travel away from his or her home office location.
- The employee's job requires him or her to be mobile with direct office contact and access to email.

### **CELL PHONES AND DRIVING**

Employees must consider their own safety and the safety of others at all times. Use of cell phones while driving is strictly prohibited unless using a hands-free device and ensuring that safety is not compromised in any way. If a hands-free device or voice-activated system is not available, employees must pull to the side of the road and safely stop the vehicle before placing or accepting a call, regardless of the circumstances, including slow or stopped traffic. Use voice mail or have another passenger handle calls when possible.

Employees must not take notes, text message, or email while driving.

### **PERSONAL USE OF BUSINESS CELL PHONES**

The Town also recognizes that cell phones are an important tool in many people's daily lives. As such, it allows employees to use their company cell phones for personal reasons, with consideration to the following:

- Personal cell phone use should not result in additional charges to the Town or exceed the allowable limits for voice calls, text, and/or data, unless authorized for special circumstances (i.e. travel or emergency).
- Inappropriate content is always inappropriate, no matter whether it is being sent or received for business or personal reasons.
- Downloading of personal mobile applications is not permitted unless authorized to do so.
- Use of personal social media applications on a Town-owned cell phone must not interfere with business activities, and must not compromise security or confidentiality of any information pertaining to the Town of Kindersley contained on or accessible by the device.
- All cell phone internet use must comply with the Town of Kindersley Internet Use Policy.

## **AUTHORIZED USERS**

Only authorized users are permitted to use Town of Kindersley cell phones.

Authorization is provided when a new employee joins the Town and is granted by the supervising Manager, Director, or Chief Administrative Officer, in coordination with the Communications division.

Unauthorized use of the company's cell phone system is prohibited.

Employees who misuse a Town cell phone without authorization – or who provide access to unauthorized people – are subject to disciplinary action.

## **KEY AREAS**

### **CELL PHONE SECURITY**

Staff members must always consider the security of the Town's systems and data when using cell phones. When used inappropriately, cell phones can be a source of security problems for the company. Users of the company cell phone system must not:

- Open attachments from unknown sources, in case they contain a virus, Trojan, spyware, or other malware,
- Disable security or virus scanning software. These tools are essential to protect the company from security problems,

### **CONFIDENTIALITY**

Employees should take the necessary precautions to protect the confidentiality of personal information encountered either in the performance of their duties or otherwise. Cell phones use and disclosure of all electronic information is subject to the terms of *The Local Authority*

*Freedom of Information and Protection of Privacy Act, and Section 117 of The Municipalities Act.*

## **INAPPROPRIATE CELL PHONES CONTENT AND USE**

Town cell phones must not be used to send or store inappropriate content or materials.

It is important employees understand that viewing or distributing inappropriate content via cell phone is not acceptable under any circumstances.

Users must not:

- Write or send e-mails or texts that might be defamatory or incur liability for the municipality,
- Create or distribute any inappropriate content or material via cell phones,
- Use cell phones for any illegal or criminal activities,
- Send offensive or harassing messages to others, within the company or otherwise, or
- Send messages or material that could damage the Town of Kindersley's image or reputation.

Inappropriate content includes, but is not limited to: pornography, racial or religious slurs, gender-specific comments, information encouraging criminal skills or terrorism, or materials relating to cults, gambling, and illegal drugs.

This definition of inappropriate content or materials also covers any text, images, or other media that could reasonably offend someone on the basis of race, age, sex, religious or beliefs, national origin, disability, sexual orientation, or any other characteristic protected by provincial or federal law.

Any recipient(s) of content considered to be inappropriate should report this to the supervising manager, director, or Chief Administrative Officer.



## **E-MAIL USE POLICY**

**DEPARTMENT:** All Departments

**COVERAGE:** All Employees

**DATE ADOPTED:** June 28, 2016

**REVISION DATE:** June 13, 2016

**RELATED POLICIES:** Social Media Policy; Internet Use Policy; Human Resources Policy Manual

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### **CONTEXT AND OVERVIEW**

#### **INTRODUCTION**

The Town of Kindersley makes e-mail available to its employees where relevant and useful for their jobs.

This E-mail Use Policy describes the rules governing e-mail use at the Town of Kindersley. It also sets out how staff members are expected to conduct themselves when using e-mail.

This policy should be read alongside other key policies. In particular, users should also read the Town of Kindersley's internet use and social media policies.

#### **PURPOSE**

E-mail is a standard way of communication in business. It is used widely and is arguably as important as telephone communication.

Like any technology, e-mail can cause difficulties if used incorrectly or inappropriately. This e-mail policy:

- Reduces the security and business risks faced by the Town of Kindersley,
- Informs staff of how they are permitted to use Town e-mail,
- Ensures employees good e-mail etiquette, and
- Helps the Town satisfy its legal obligations regarding e-mail use.

#### **POLICY SCOPE**

This policy applies to all staff, managers, and Members of Council who use the Town of Kindersley e-mail system.

It applies no matter where e-mail use takes place: on company premises, while travelling for business, or while working from home.

It applies to use of company e-mail on any device, no matter whether owned by the company or employee.

## **GENERAL E-MAIL GUIDELINES**

### **BUSINESS E-MAIL USE**

The Town of Kindersley recognizes that e-mail is a key communication tool and encourages employees to use e-mail whenever appropriate.

For instance, staff members may use e-mail to:

- Communicate with citizens,
- Conduct research on behalf of the Town, and
- Distribute information to colleagues.

### **PERSONAL USE OF E-MAIL**

The Town of Kindersley also recognizes that e-mail is an important tool in many people's daily lives. As such, it allows employees to use their company e-mail account for personal reasons, with the following stipulations:

- Personal e-mail use should be of a reasonable amount level and restricted to non-work times, such as breaks or during lunch hours.
- All rules described in this policy apply equally to personal e-mail use. For instance, inappropriate content is always inappropriate, no matter whether it is being sent or received for business or personal reasons.
- Personal e-mail use must not affect the e-mail service available to other users. For example, sending exceptionally large files by e-mail could slow access for other employees.
- Users may access their own personal e-mail accounts at work, if they can do so via our internet connection. For instance, a staff member may check their Yahoo or Google Mail during their lunch break.

### **AUTHORIZED USERS**

Only authorized users are permitted to use the Town of Kindersley email system.

Authorization is provided when a new employee joins the Town and is assigned login details for the use of the Town's IT system and equipment.

Unauthorized use of the company's e-mail system is prohibited.

Employees who use the Town's e-mail system without authorization – or who provide access to unauthorized people – are subject to disciplinary action.

## **KEY AREAS**

### **E-MAIL SECURITY**

When used inappropriately, e-mail can be a source of security problems for the Town of Kindersley. Users of the company e-mail system must not:

- Open e-mail attachments from unknown sources, in case they contain a virus, Trojan, spyware, or other malware,
- Disable security or e-mail scanning software. These tools are essential to protect the company from security problems,
- Send confidential municipal data via e-mail. The Communications division can advise on appropriate tools to use instead, or
- Access another user's company e-mail account. For instance, if access to a specific message is required while an employee is away, the manager or the Communications division should be contacted.

Staff members must always consider the security of the Town's systems and data when using e-mail as a communication tool. If required, help and guidance is available from the Town of Kindersley's IT department.

Users should note that e-mail is not inherently secure. Most e-mails transmitted over the internet are sent in plain text. This means they may be vulnerable to interception.

Although such interceptions are rare, it's best to regard e-mail as an open communication system, and is not suitable for confidential messages and information.

## **CONFIDENTIALITY**

Employees should take the necessary precautions to protect the confidentiality of personal information encountered either in the performance of their duties or otherwise. E-mail use and disclosure of all electronic information is subject to the terms of *The Local Authority Freedom of Information and Protection of Privacy Act*, and Section 117 of *The Municipalities Act*.

- Users must not use account names or passwords for any other purpose than for what they are intended, and only as authorized to do so

## **INAPPROPRIATE E-MAIL CONTENT AND USE**

The Town e-mail system must not be used to send or store inappropriate content or materials.

It is important employees understand that viewing or distributing inappropriate content via e-mail is not acceptable under any circumstances.

Users must not:

- Write or send e-mails that might be defamatory or incur liability for the municipality,
- Create or distribute any inappropriate content or material via e-mail,
- Use e-mail for any illegal or criminal activities,
- Send offensive or harassing e-mails to others, within the company or otherwise, or
- Send messages or material that could damage the Town of Kindersley's image or reputation.

Inappropriate content includes, but is not limited to: pornography, racial or religious slurs, gender-specific comments, information encouraging criminal skills or terrorism, or materials relating to cults, gambling, and illegal drugs.

This definition of inappropriate content or materials also covers any text, images, or other media that could reasonably offend someone on the basis of race, age, sex, religious or beliefs, national origin, disability, sexual orientation, or any other characteristic protected by provincial or federal law.

Any user who receives an e-mail they consider to be inappropriate should report it to their manager, director, or Chief Administrative Officer.

## **COPYRIGHT**

The Town of Kindersley respects and operates within copyright laws. Users may not use Town e-mail to share any copyrighted software, media, or materials owned by third parties, unless permitted by said third party.

Employees must not use the Town's e-mail system to perform any tasks that may involve a breach of copyright law.

Users should keep in mind that the copyright on letters, files, and other documents attached to e-mails may be owned by the e-mail sender, or by a third party. Forwarding such e-mails to other people may breach this copyright.

## **CONTRACTS AND LIABILITY**

Users must be careful about making commitments or agreeing to purchases via e-mail.

An e-mail message may form a legally binding contract between the Town of Kindersley and the recipient – even if the user has not obtained proper authorization within the company.

## **E-MAIL DISCLAIMER**

The standard Town e-mail template includes an e-mail disclaimer. Users must not remove or change this when they send messages.

## **E-MAIL MARKETING AND BULK E-MAIL (CANADA'S ANTI-SPAM LEGISLATION CONSIDERATION)**

The Town of Kindersley may use e-mail to inform citizens of information pertaining to the Town, Council, or community as a whole, in addition to emergency notifications, however there is significant legislation in Canada that covers spam and bulk e-mail for use of marketing and CEMs (commercial electronic messages). All e-mail campaigns must be authorized by the Manager of Communications and/or Chief Administrative Officer and implemented by Communications staff manager by way of the Town's e-mail marketing tools.

Users must not send bulk or spam e-mails using the standard business e-mail system.

Spam or bulk e-mail is defined by:

- Any unsolicited bulk e-mail involving nearly identical messages sent to numerous recipients by email.

All questions about e-mail marketing should be directed to the Manager of Communications.

## **BEST E-MAIL PRACTICE**

### **E-MAIL ETIQUETTE**

E-mail is often used to communicate with citizens, and other important contacts. Although a relatively informal medium, staff should be aware that each e-mail they send affects the Town's image and reputation.

It's a good idea to follow rules of good e-mail etiquette. User's must:

- Not forward on chain e-mails or "humorous" messages. These clog up people's inboxes and some topics are not appropriate for the workplace,
- Always use a meaningful subject line rather than leaving it blank or using a single word like "hello",
- Only use the "important message" setting sparingly, for messages that really are important,
- Seldom ask recipients to send a "message read" receipt. Many people find these annoying and not all e-mail services support them,
- Not use ALL CAPITAL LETTERS in messages or subject lines. This can be perceived as impolite,
- Be sparing with group messages, only adding recipients who will find the message genuinely relevant and useful,
- Use the "CC" (carbon copy) field sparingly. If someone really needs to receive a message, they should be included in the "to" field, and
- Use the "BCC" (blind carbon copy) field to send group messages where appropriate. It stops an e-mail recipient from seeing who else was included on the e-mail.

### **INTERNAL E-MAIL**

E-mail is a valid way to communicate with colleagues. However, it tends to be overused for internal communication.

Users should keep these points in mind when e-mailing colleagues:

- Would the issue be better addressed via a face-to-face discussion or telephone call?
- Is e-mail the best way to send documents out for discussion? Often, it becomes very hard to keep track of feedback and versions.
- It's rarely necessary to "Reply All". Usually it's better to reply and then manually add other parties who need to see a specific message.

## **POLICY ENFORCEMENT**

### **MONITORING E-MAIL USE**

The Town e-mail system and software are provided for legitimate business use.

The Town of Kindersley therefore reserves the right to monitor employee use of e-mail.

Any such examinations or monitoring will only be carried out by authorized staff such as managers, directors, or the IT department.

Additionally, all e-mails sent or received through the Town's e-mail systems are part of official Town of Kindersley records. The Town can be legally compelled to show information to law enforcement agencies or other parties.

Users should always ensure that the business information sent via e-mail is accurate, appropriate, ethical, and legal.

### **POTENTIAL SANCTIONS**

Knowingly breaching this e-mail policy is a serious matter. Users who do so will be subject disciplinary action, up to and including termination of employment.

Employees, staff, and Members of Council may also be held personally liable for violating this policy.

Where appropriate, the Town will involve the police or other law enforcement agencies in relation to breaches of this policy.



## **INTERNET USE POLICY**

**DEPARTMENT:** All Departments

**COVERAGE:** All Employees

**DATE ADOPTED:** June 28, 2016

**REVISION DATE:** June 13, 2016

**RELATED POLICIES:** Social Media Policy; Email Policy; Human Resources Policy Manual

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### **CONTEXT AND OVERVIEW**

#### **INTRODUCTION**

The Town of Kindersley makes internet access available to its employees where relevant and useful for their jobs.

This Internet Use Policy describes the rules governing internet use at The Town of Kindersley. It also sets out how staff members are expected to conduct when using the internet.

This policy should be read alongside other key policies. The Town of Kindersley's Social Media Policy and E-mail Policy are particularly relevant to staff who use the internet.

#### **PURPOSE**

The internet is a powerful tool that can bring significant benefits to The Town of Kindersley.

However it is important that every person who uses the internet understands how to use it responsibly, safely, and legally.

This Internet Use Policy:

- Reduces the online security risks faced by the Town of Kindersley
- Informs staff of what they can and cannot do online and ensures that internet resources are used for purposes appropriate to the Town's mission and vision
- Ensures employees do not view inappropriate content at work
- Helps the Town of Kindersley satisfy its legal obligations regarding internet use
- Emphasizes the confidential and secure safekeeping of corporate, personal, and third party information acquired by the Town of Kindersley

#### **POLICY SCOPE**

This policy applies to all staff and Council of the Town of Kindersley who use the internet for work related purposes.

It applies no matter whether the internet access takes place on municipality premises, while travelling for business, or while working from home.

It applies to use of the internet on any computer or device that is owned by the municipality, or that is connected to any company networks or system. For example, it applies both to an employee using the internet at their desk, and to any employee who connects their own tablets or smart phone to the company wireless network.

People accessing the Town's public internet connection are subject to this policy.

## **GENERAL INTERNET GUIDELINES**

### **INTERNET USE IS ENCOURAGED**

The Town of Kindersley recognizes that the internet is an integral part of doing business. It therefore encourages its employees to use the internet whenever such use supports the Town's goals and objectives.

For instance, staff members may use the internet to:

- Purchase office supplies
- Conduct research
- Carry out communication functions on behalf of the municipality

There are many valid reasons for using the internet at work and the employees are encouraged to explore and take advantage of the internet's many advantages.

### **PERSONAL INTERNET USE**

The Town also recognizes that the internet is embedded into many people's daily lives. As such, it allows employees to use the internet for personal reasons, with the following stipulations:

- Personal internet use should be of a reasonable level and restricted to non-work times, such as breaks and during lunch,
- All rules described in this policy apply equally to personal internet use. For instance, inappropriate content is always inappropriate, no matter whether it is being accessed for business or personal reasons, during work time or breaks, or on work computers or personal devices, and
- Personal internet use must not affect the internet service available to other people in the company. For example, downloading large files could slow access to other employees.

### **AUTHORIZED USERS**

Only people who have been authorized to use the internet at the Town of Kindersley may do so.

Authorization is provided when a new employee joins the Town and is assigned login details for the use of the Town's IT system and equipment.

Unauthorized use of the company's internet connection is prohibited.

## **KEY AREAS**

## **INTERNET SECURITY**

Used unwisely, the internet can be a source of security problems that can do significant damage to the municipality's data and reputation.

- Users must not knowingly introduce any form of computer virus, Trojan, spyware, or other malware into the Town's IT system
- Employees must not gain access to websites or systems for which they do not have authorization, either within the company or outside it
- Municipal data should only be uploaded to and shared via approved services. The Communications division can advise on appropriate tools for sending and sharing large amounts of data
- Employees must not steal, use, or disclose someone else's login or password without authorization
- Employees must ensure that passwords are not improperly shared with unauthorized personnel for any online accounts managed by the Town.

Staff members must always consider the security of the company's systems and data when using the internet. If required, help and guidance is available from the Communications and IT division.

## **CONFIDENTIALITY**

Employees should take the necessary precautions to protect the confidentiality of personal information encountered either in the performance of their duties or otherwise. Internet use and disclosure of all electronic information is subject to the terms of *The Local Authority Freedom of Information and Protection of Privacy Act*, and Section 117 of *The Municipalities Act*.

- Users must not use account names or passwords for any other purpose than for what they are intended, and only as authorized to do so
- Users must respect the privacy of others and not intentionally seek information on, obtain copies of, or modify files, tapes, or passwords belonging to other users of the Town unless authorized to do so

## **INAPPROPRIATE CONTENT AND USES**

There are many sources of inappropriate content and materials available online. It is important for employees to understand that viewing or distributing inappropriate content is not acceptable under any circumstances.

Users may not:

- Take part in any activities on the internet that could bring the Town of Kindersley into disrepute,
- Create or transmit material that might be defamatory or incur liability for the company,
- View, download, create, or distribute any inappropriate content or material,
- Use the internet for any illegal or criminal activities,

- Send offensive or harassing material to others,
- Broadcast unsolicited personal views on social, political, religious or other non-business related matters, or
- Send or post messages or material that could damage the Town of Kindersley's image or reputation.
- Participate in online recreational game playing during work hours unless during a designated break or as part of an authorize and assigned Town activity or project.

Inappropriate content includes, but is not limited to: pornography, racial or religious slurs, gender-specific comments, information encouraging criminal skills or terrorism, or materials relating to cults, gambling, and illegal drugs.

This definition of inappropriate content or materials also covers any text, images, or other media that could reasonably offend someone on the basis of race, age, sex, religious or beliefs, national origin, disability, sexual orientation, or any other characteristic protected by provincial or federal law.

## **COPYRIGHT**

The Town of Kindersley respects and operates within copyright laws. Users may not use the internet to:

- Publish or share any copyrighted software, media, or materials owned by third parties unless permitted by that third party, or
- Download illegal copies of music, films, games or other software, whether via file-sharing services or other technology.

Employees must not use company equipment, software, or internet connection to perform any tasks which may involve breach of copyright law.

## **POLICY ENFORCEMENT**

### **MONITORING INTERNET USE**

Town of Kindersley IT and internet resources – including computers, smart phones, and internet connections – are provided for legitimate business purposes.

The municipality therefore reserves the right to monitor use of the internet, to examine systems and review the data stored in those systems.

Any such examinations or monitoring will only be carried out by authorized managers.

Additionally, all internet data written, sent, or received through the municipality's computer systems is part of official Town of Kindersley records. The company can be legally compelled to show that information to law enforcement agencies or other parties.

Users should always ensure that the business information sent over or uploaded to the internet is accurate, appropriate, ethical, and legal.

### **POTENTIAL SANCTIONS**

Knowingly breaching this internet use policy is a serious matter. Users who do so will be subject to disciplinary action, up to and including termination of employment.

Employees, managers, and Members of Council may also be held personally liable for violating this policy.

Where appropriate the Town will involve the police or other law enforcement agencies in relation to breaches of this policy.

## SOCIAL MEDIA POLICY

**DEPARTMENT:** All Departments

**COVERAGE:** All Departments



**DATE ADOPTED:** November 5, 2015

**REVISION DATE:** October 19, 2016

**RELATED POLICIES:** Internet Use Policy, Human Resources Policy, Email Use Policy, Cell Phone Policy

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The Town of Kindersley Social Media Policy was developed as a component of the Strategic Communications Plan and is intended to provide both a framework for use of social media as well as guidelines for employees of the Town of Kindersley engaged in online conversations as representatives of the Town. This Social Media Policy applies to all Departments of the Town of Kindersley (TOK) and all employees therein.

### Policy

As a municipal government organization, the Town of Kindersley is held to a higher standard when it comes to online communication. Certain ethics should be followed at all times by all TOK personnel participating in social media.

Most conversations on social media platforms (including but not limited to Facebook, Twitter, Livestream, LinkedIn, and YouTube) are of an informal nature, therefore, a less formal writing style is permissible. However, professional discourse is expected at all times. The main focus of this Social Media Policy is to avoid messaging that will result in misinterpretation of Town policies or Council decisions, the spread of inaccurate information, or in extreme cases, conversations that could result in legal ramifications. Below are suggested guidelines when communicating with the public via any social media outlet.

### Scope

The guidelines set forth in this Social Media Policy should be applied to any online medium where information may reflect back on the image of the TOK or Town personnel. This policy applied to all forms of social media including, but not limited to: blogs, Facebook, Twitter, LinkedIn, Livestream, and YouTube. These guidelines also apply to any comments Town of Kindersley personnel may leave on others' blogs or Facebook pages, edits to Wikipedia, responses to tweets, posting on message boards/forums, opinions on online polls or any product/services Town personnel might author.

### Guidelines

1. The written conduct of all TOK social media authors should be consistent with the Town's mission, vision, and values.
2. Individuals are personally responsible for the content they post. Remember that posts can be seen by both personal and professional contacts. Posts should be responsible and protect privacy of individuals.



3. Only photos/videos taken by the Town of Kindersley in an official capacity will be posted on social media sites. These may include official award photos, photos/videos taken of speakers during meetings/conferences, event/videos photos with permission of the subject, promotional photos/videos, and official presentations.
4. Posts should not publish any confidential or proprietary information, and should respect copyright and disclosure laws.
5. Posts should be consistently informative in nature and positive in tone.
6. Links to the Town of Kindersley website are to be provided whenever possible.
7. Focus is placed on proactive messaging as opposed to reactionary messaging prompted by comments from the public.
8. All personal messages are to be responded to in a timely manner. Matters requiring follow-up should be forwarded to the appropriate department for additional information or response.
9. Only those personnel who have been given credentials by the Manager of Communications and/or Chief Administrative Officer (CAO) are permitted to post information in an official capacity on behalf of the Town of Kindersley.
10. Employees not posting in an official capacity of the Town of Kindersley are discouraged from, and subject to disciplinary action, for making social media posts or engaging in comments or discussions related to Town matters that could be interpreted as an endorsement or official commentary of the Town of Kindersley.
11. Do not post or link to any materials that are deemed defamatory, harassing, or indecent in nature.
12. Do not promote personal projects or endorse brands, companies, causes, or opinions when posting from a TOK account.

**Additional notes:**

1. The Internet is not anonymous, nor does it forget.
2. There is no clear line between work and personal life online. Always be honest and respectful in both capacities.

**Anti-Bullying Bylaw 21-14**

As per the Town of Kindersley's Anti-Bullying Bylaw 16-16, any repeated or habitual harassment of others, include taunts, name-calling and put-downs that are verbal, written, or electronically, digitally, or cyber transmitted on the Internet is deemed a bullying behaviour and is subject to enforcement as defined in the bylaw.

1. If an employee feels that he/she is being harassed by a member of the public through social media, either individually or collectively as part of a Town department, it should be reported immediately to his/her supervisor and appropriate action will be taken.

# Council Member's Handbook



November 2016

## CONGRATULATIONS!!

Your voters have put their trust in you to manage and make decisions that are in their best interests. You are now part of a team expected to make decisions that will affect all of the ratepayers objectively and fairly.

It is very important that your ratepayers see you working as a team. Voters in your municipality very quickly recognize when there is dissention among members of council. When voters recognize council dissention, they lose confidence in council's ability to manage the municipality.

This guide tells you:

- what to expect during your term of office;
- information on your role;
- information on the role of council;
- information on the role of administration;
- information about various aspects of running your municipality; and
- tips on making your term of office successful.

Footnotes at the bottom of the pages of this handbook reference sections from the municipal acts and regulations. It is important that council understand and act according to the legislated authorities given to municipalities. Choosing to act outside of jurisdiction is contrary to law and places the municipality at risk. Your administrator will help to inform you of legislated requirements, limitations and authorities. You may also call a municipal advisor to discuss technical questions regarding legislation at 1-306-787-2680.

You will find the term "municipality" throughout this handbook. It means a town, village, resort village, city, rural municipality, northern village and northern hamlet.

### Information on Saskatchewan.ca

- ✓ You will find links to resources that are available online in this handbook.
- ✓ Explore the links to find more detailed information on a topic.
- ✓ Use the search engine on Saskatchewan.ca to find other resources about municipalities and related topics.

**Disclaimer:** This handbook is an overview of municipal administration for council members. It is not intended as a substitute for reading and understanding legislation. If in doubt, contact the Ministry of Government Relations or seek the advice of a solicitor.

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## LOCAL GOVERNMENT

Municipalities are corporations<sup>1</sup> created by the provincial government by legislation. They must follow federal and provincial rules. They are recognized as accountable and responsible levels of government in the areas that are under their jurisdiction.<sup>2</sup>

Your municipality has:

- a legal name;
- rights;
- responsibilities under the law; and
- geographic boundaries in which it operates.

Municipalities:

- ✓ are corporations; and
- ✓ must follow federal and provincial laws.

## PURPOSE OF A MUNICIPALITY

The municipal council makes decisions that will affect the municipality as a whole. Decisions made by municipal council members affect the services that people rely on every day. These services can include:

- drinking water;
- sewer and waste;
- streets;
- garbage removal; and
- recycling.

In addition to service provisions, municipalities:

- develop and maintain a safe and sustainable community; and
- provide wise stewardship of public assets.<sup>3</sup>

Municipal governments:

- ✓ provide services;
- ✓ keep communities safe; and
- ✓ look after public assets.

<sup>1</sup> subsection 4(1) *The Municipalities Act*, subsection 4(1) *The Cities Act*, subsection 4(1) *The Northern Municipalities Act, 2010*

<sup>2</sup> subsection 3(1)(a) *The Municipalities Act*, subsection 3(1) *The Cities Act*, subsection 3(1) *The Northern Municipalities Act, 2010*

<sup>3</sup> subsection 4(2) *The Municipalities Act*, subsection 4(2) *The Cities Act*, subsection 4(2) *The Northern Municipalities Act, 2010*

## LEGISLATIVE FRAMEWORK

*The Municipalities Act (MA)*, *The Cities Act (CA)* and *The Northern Municipalities Act, 2010 (NMA)* provide rules about how municipalities work.<sup>4</sup> Municipalities are the local level of government accountable to the people that elected them.<sup>5</sup> They are responsible for encouraging and enabling public participation.<sup>6</sup>

Municipalities have governmental powers and natural person powers.

- **Governmental powers** are powers that only a level of government has the authority to perform, such as levying taxes<sup>7</sup> and enacting and enforcing bylaws.<sup>8</sup> Because these powers are authorized by legislation, a municipality is required to follow the legislation. The municipality can only do what the act allows or directs it to do.
- **Natural person powers** are things that an ordinary person can perform, such as the ability to enter into contracts and own property.<sup>9</sup> Municipalities may do almost anything that a natural person may do, but there are some limitations. They are subject to provincial and federal laws.<sup>10</sup>

### Municipalities:

- ✓ are a level of government accountable to their citizens;
- ✓ have prescribed governmental powers; and
- ✓ have natural person powers.

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<sup>4</sup> subsection 3(2) *The Municipalities Act*, subsection 3(2) *The Cities Act*, subsection 3(2) *The Northern Municipalities Act, 2010*

<sup>5</sup> subsection 4(2) *The Municipalities Act*, subsection 4(2) *The Cities Act*, subsection 4(2) *The Northern Municipalities Act, 2010*

<sup>6</sup> clause 3(2)(d) *The Municipalities Act*, clause 3(2)(d) *The Cities Act*, clause 3(2)(d) *The Northern Municipalities Act, 2010*

<sup>7</sup> subsection 283(2) *The Municipalities Act*, subsection 253(1) *The Cities Act*, subsection 304(2) *The Northern Municipalities Act, 2010*

<sup>8</sup> section 8 *The Municipalities Act*, section 8 *The Cities Act*, section 8 *The Northern Municipalities Act, 2010*

<sup>9</sup> subsection 4(3) *The Municipalities Act*, subsection 4(3) *The Cities Act*, subsection 4(3) *The Northern Municipalities Act, 2010*

<sup>10</sup> clause 3(1)(b) *The Municipalities Act*, clause 3(1)(b) *The Cities Act*, clause 3(1)(b) *The Northern Municipalities Act, 2010*

## ACTING OUTSIDE THE SCOPE OF JURISDICTION

Municipal legislation provides council with broad authority<sup>11</sup> to act in a wide variety of situations, but there are also many limits and procedural requirements in legislation. Your administrator will work with council to keep decisions within legislated authority.

When a local government acts outside its scope of jurisdiction, it is acting unlawfully. A choice to act outside of legislated authority can lead to a legal challenge to a resolution or bylaw.<sup>12</sup> This may expose the municipality to financial damages and to a loss of confidence by voters.

At the end of the day, council must make sure that the municipality acts according to the legislation. Work with administration; they are your experts in legislation.

Council:

- ✓ has broad authority; and
- ✓ must ensure it remains within its legislated authority.

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<sup>11</sup> subsection 6(1) *The Municipalities Act*, subsection 6(1) *The Cities Act*, subsection 6(1) *The Northern Municipalities Act*, 2010

<sup>12</sup> section 358 *The Municipalities Act*, section 320 *The Cities Act*, section 378 *The Northern Municipalities Act*, 2010

## OATH OF OFFICE

After the election and before you assume any duties of office, you and every other elected official must take an Oath of Office.<sup>13</sup> If you fail or refuse to sign the Oath of Office, you have no right to participate in council debates or decisions.

The Oath of Office is a public document and is accessible by the public.<sup>14</sup> It is very important that you realize that the Oath says that you understand:

- your duties of office;
- the conflict of interest provisions; and
- the code of ethics.

Every elected official is to take an Oath of Office saying they:

- ✓ are qualified to hold office;
- ✓ promise to perform the duties of office; and
- ✓ shall adhere to the code of ethics, rules of conduct and legislated requirements.

## PUBLIC DISCLOSURE STATEMENT

Public disclosure statements are mandatory for elected municipal officials. The mandatory disclosure helps to ensure the public that decisions are made in the best interests of the municipality. The disclosure statement identifies:

- the name and nature of employment;
- financial interests; and
- other involvement that may be seen to affect fairness in making a municipal decision.

The disclosure statement does not include your specific financial details such as salary, the value of holdings, or number of shares. If you have complex business interests and arrangements, you may want to discuss how to complete this statement with a lawyer or accountant.

You may wish to refer to [Public Disclosure Statement Tips](#) when completing the disclosure statement.

Public Disclosure Statements:

- ✓ must be submitted within 30 days of election;
- ✓ contain an elected official's personal information; and
- ✓ are accessible by the public.

<sup>13</sup> section 94 *The Municipalities Act*, section 68 *The Cities Act*, section 108 *The Northern Municipalities Act, 2010*

<sup>14</sup> clause 117(1)(b.01) *The Municipalities Act*, clause 91(1)(a.1) *The Cities Act*, clause 133(1)(a.1) *The Northern Municipalities Act, 2010*

## COUNCIL CODE OF ETHICS

Become familiar with the code of ethics bylaw for council members because it sets out the behaviour that is expected of you as a member of the council.

The code of ethics must:

- Define how council members will behave with each other, employees, and the public;<sup>15</sup> and
- Include the model code of ethics in the regulations that apply to your municipality.<sup>16</sup>

The model code of ethics talks about:

1. Honesty
  - Council members must be truthful and open.
2. Objectivity
  - Decisions will be made carefully, fairly and impartially.
3. Respect
  - Treat people with dignity, understanding and respect.
4. Transparency and Accountability
  - Council business and all other duties shall be conducted so that citizens will be able to clearly see how and why a decision.
5. Confidentiality
  - Confidential information learned during the course of performing your office is to be kept private.
  - Council members shall not benefit from information obtained in the course of their municipal duties.
6. Leadership and Public Interest
  - Council members will serve their citizens and always act in the best interests of the municipality.
  - Acting for personal benefit, wrongdoing or unethical conduct will not be tolerated.
7. Responsibility
  - Council members shall act in accordance with legislation, disclose conflicts of interest, follow policies and procedures of the municipality and exercise powers strictly for the purpose intended.

Council will also establish a process to deal with contraventions of the code that will outline the remedial actions available to council.

### The Code of Ethics:

- ✓ sets standards for council members;
- ✓ includes the minimum code of ethics; and
- ✓ may extend to members of all municipal bodies.

<sup>15</sup> subsection 93.1(2)*The Municipalities Act*, subsection 66.1(2)*The Cities Act*, subsection 107.1(2)*The Northern Municipalities Act, 2010*

<sup>16</sup> clause 93.1(5)(a)*The Municipalities Act*, clause 66.1(5)(a)*The Cities Act*, clause 107.1(5)(a)*The Northern Municipalities Act, 2010*

## ROLE OF COUNCIL

### ***Duties and Responsibilities of Council***

Council is elected to make decisions for the municipality about services, policies and programs. Council members have an equal voice at the council table – every council member has one vote. A majority vote is required to make a council decision. A council decision is the decision of the municipality. All council members must respect the decision, even when they did not vote in favour.

Council:

1. develops and evaluates policies and programs;
2. is accountable to the public for the decisions it makes; and
3. makes sure that the municipality acts within the law.

Over the course of your term, council will need to make many complex decisions. These may include decisions on strategic and financial planning, economic development, staff, public relations and communications, and land use planning.

### ***Duties and Responsibilities of Individual Council Members***

As a member of council, you cannot be an employee of:

- the municipality;
- the municipality's committees;
- business improvement districts; or
- controlled corporations.<sup>17</sup>

A member of council must:

- represent the voters and consider the well-being and interests of the municipality;<sup>18</sup>
- participate in council, committee and other bodies' meetings;<sup>19</sup> and
- ensure that administrative procedures and policies are in place to implement council decisions.<sup>20</sup>

Council members need to become very familiar with the council procedures bylaw because it establishes written rules for conducting business at meetings for council members, administrators and the public to follow.

An effective council member is objective, open minded and willing to listen. You must look at each issue in light of what is the best course of action for the municipality, regardless of what you personally feel. Everyone's input is important and must be respected for council to reach the right decision.

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<sup>17</sup> section 112 *The Municipalities Act*, section 86 *The Cities Act*, section 128 *The Northern Municipalities Act, 2010*

<sup>18</sup> subsection 92(a) *The Municipalities Act*, subsection 65(a) *The Cities Act*, subsection 106(a) *The Northern Municipalities Act, 2010*

<sup>19</sup> subsection 92(c) *The Municipalities Act*, subsection 65(c) *The Cities Act*, subsection 106(c) *The Northern Municipalities Act, 2010*

<sup>20</sup> subsection 92(d) *The Municipalities Act*, subsection 65(d) *The Cities Act*, subsection 106(d) *The Northern Municipalities Act, 2010*

It is common for a council member to feel overwhelmed in their new role. [The Municipal Leadership Development Program](#) offers a number of training modules for council members and administrators. Another resource offering training material is located at <http://www.georgecuff.com/>.

It is also important to:

- attend conferences and meetings and related training sessions;
- discuss matters with previous experienced council members in your municipality; and
- network with elected officials at other municipalities.

Education on municipal matters and good listening skills enable you to set policies and enact bylaws in the best interests of your citizens.

A Member of Council:

- ✓ represents the voters;
- ✓ considers the well-being and interests of the municipality;
- ✓ participates in council, committee and other bodies' meetings; and
- ✓ makes sure that administrative procedures and policies are in place to implement council decisions.

## ***Duties and Responsibilities of Mayor or Reeve***

The mayor or reeve has the same duties and responsibilities as all other councillors. As the head of council, the mayor or reeve also:

- presides at a council meeting when in attendance, unless council has passed a bylaw for someone else to preside at the meeting;
- is a member of all council committees and all bodies established by council unless council provides otherwise;
- makes all decisions and takes all actions about releasing information as the "head" under *The Local Authority Freedom of Information and Protection of Privacy Act*; unless the mayor or reeve delegates the authority as "head" to an employee of the municipality; and
- performs other duties that legislation or a municipal bylaw requires.

A Mayor or Reeve:

- ✓ presides at a council meeting when in attendance;
- ✓ is a member of all council committees and municipal bodies; and
- ✓ is the "head" under *The Local Authority Freedom of Information and Protection of Privacy Act*.

## ***Duty to Respect Confidentiality***

As a council member, you may be privy to third-party or confidential information. You share the same responsibility to maintain the confidentiality surrounding the information that is required of any employee of the municipality.

It is important to keep confidential matters discussed in closed meeting sessions or confidential information of a private nature private until discussed at a public meeting.

If confidential municipal information comes into your hands, a wise option may be to return the information to the municipal office to file it securely.

### Council Members:

- ✓ may be privy to third-party or confidential information; and
- ✓ must keep matters discussed in confidence private until they are discussed in a public forum.

## ***Council Committees, Boards and Other Bodies***

Councils may establish committees, boards and other bodies<sup>21</sup> to help them carry out their municipal responsibilities. Council may choose to create council committees made up of council members only, or to create committees, boards or other bodies that enlist the help of members of the community that are not serving on council.

Appointing committees, boards or other bodies recognizes that, due to time and resource pressures, council cannot handle the complex and heavy workload by itself. It is also an effective way of bringing additional expertise and new perspectives to the table.

Usually a group established by council are required to exercise their duties and powers at a duly convened meeting that is open to the public. Groups established by council also require written meeting procedures. Generally, these groups make recommendations to council, who acts on the recommendations and makes the final decision.

However, council may choose to delegate some decision-making authority to the group that is established. Actions are not effective unless council has delegated authority to the group by resolution or bylaw or council adopts the recommendations or decisions at a council meeting.

### Committees, Boards and Other Bodies:

- ✓ are established by council to help carry out municipal tasks;
- ✓ require written meeting procedures ; and
- ✓ may have decision-making authority that has been delegated by council.

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<sup>21</sup> section 81 *The Municipalities Act*, section 55 *The Cities Act*, section 100 *The Northern Municipalities Act, 2010*

## ROLE OF ADMINISTRATION

### ***Administrator***

The administrator is an important member of the municipal management team. The administrative organization of your municipality and reporting relationships of senior staff is set by council and generally reflects the municipality's size, services and priorities. Often the administrator reports directly to council and the other staff members report to the administrator. Department heads may also report directly to council.

Training your staff so they can carry out their duties and understand new developments in their field is very important.

### ***Duties of Administrator***

Your administrator must:

1. ensure that the policies and programs of the municipality are implemented;
2. ensure that minutes of each council meeting are prepared and distributed in a timely way;
3. provide professional advice and support for council's consideration and decision-making;
4. manage the finances of the municipality;
5. advise and inform council on the operation and affairs of the municipality; and
6. manage, lead and direct the rest of the municipality's employees, unless council decides otherwise.

Council should expect that the administrator will:

- prepare and distribute council meeting agendas and supporting documents in a timely way, so council members can participate in the debate and make informed decisions;
- prepare easy to understand monthly financial statements that provide a snapshot of the financial position of the municipality; and
- provide well-researched and easy to understand reports that contain options to address issues, and a recommended course of action for council's consideration.

The Administrator:

- ✓ operates the municipality in accordance with council decisions and policies;
- ✓ ensures legislative compliance; and
- ✓ advises council on legislative and operational matters.

## ***Employee Code of Conduct***

Council creates a [code of conduct for employees](#) of the municipality. The code of conduct:

- provides an understanding of the rights, privileges and obligations of municipal employees;
- protects the public interest;
- promotes high ethical standards among municipal employees;
- provides direction to employees when uncertain about ethical appropriateness of certain conduct; and
- sets out the corrective measures for unethical conduct.

The code of conduct for employees will include rules about conflict of interest. Employees cannot:

- use information that is not available to the public;
- seek to further the employee's private interests; and
- use his or her position to influence another person's decision in a way that a person's private interest would benefit.

The employee code of conduct will also describe what can be done when staff suspects that they have a conflict of interest.

### **An Employee Code of Conduct:**

- ✓ describes conduct that council sees as a conflict of interest;
- ✓ describes what will happen when a conflict of interest is suspected; and
- ✓ sets out corrective measures for unethical conduct.

## CONFLICT OF INTEREST

Citizens expect integrity in the decisions and day-to-day operations of their public institutions and elected officials at all levels — including municipal governments and municipal officials. Identifying, addressing and managing conflicts of interest are key to maintaining the public's trust.

The existence of a conflict of interest is not, in and of itself, evidence of wrongdoing. In many cases, it is virtually impossible to avoid having a conflict of interest while sitting on council. Declaring a conflict of interest is a healthy part of the decision-making process. When a conflict is properly declared, allegations of undue influence in the decision-making process are prevented.

Understanding the rules about conflict of interest allows you to perform your duties without fear of unintentionally becoming involved in a conflict of interest situation.

Only the Court of Queen's Bench can determine if a council member has a conflict of interest. A voter or a council can apply to the court if they believe that a council member has violated the conflict of interest rules. The court will hear the evidence and will make a decision. If the court decides that the member of council violated the rules, the member could be disqualified from council and would have to immediately resign.

### ***What is a conflict of interest?***

Conflict of interest provisions recognize that the judgment of even the most well-meaning person may be impaired when their own interests or the interests of a closely connected person is affected. A conflict of interest occurs when a person in public life is in a position where a private interest may, or may appear to, conflict with their role as a municipal council member.

Each council member is responsible for determining whether a conflict exists in a matter brought before council. Some questions to ask include:

- "Is the council member perceived to be financially or otherwise vested in the public issue?"
- "Is the council member's private interests perceived to be in conflict with their public duty?"
- "Would a reasonably well-informed person consider that the interest might influence how the official's public duty is exercised?"

If a council member is in doubt as to whether a conflict exists, they may wish to seek a legal opinion to ensure that relevant legislation and the common law is carefully considered. Because the consequences of violating conflict of interest rules may be severe, a council member may wish to declare an interest if they are in doubt regarding a potential conflict.

### ***What may not be a conflict of interest?***

Legislation lists many situations that may arise while conducting municipal business where the need to declare a conflict of interest would not apply.

For example, a conflict of interest would not exist when a motion to pay the utility bills is presented to council where a member of council is employed by SaskPower.

Council members are also not considered to be in a position of conflict when setting the tax policy for the municipality, or when setting remuneration for members of council.

A full list of the situations where the need to declare a conflict of interest does not apply are found in subsection 143(2) of *The Municipalities Act*, subsection 115(2) of *The Cities Act*, and subsection 161(2) of *The Northern Municipalities Act, 2010*.

### ***What do I do when I think I may have a conflict of interest?***

As a member of council, you cannot use your office to influence a decision made by another person to further your private interests or the private interests of a closely connected person.<sup>22</sup>

A council member must disclose an interest each and every time the matter in which an interest is held is brought before council. Disclosure of an interest at one meeting does not carry over to other meetings or last for the full term of council. If a council member is absent from a council meeting where a matter that the member has an interest is discussed, the member must disclose the interest at the next council meeting.

All situations of real or perceived conflict of interest, as well as bias, should be assessed with great caution. At any point where the subject of potential conflict arises, be it at a committee or council meeting, or even outside of a meeting format, legislation requires the member to abstain from voting and not participate in discussion in any way, be it formally or informally. Informal participation extends to being present in the room, as influence can be exerted through body language as much as verbal or written communication.

If an interest is properly declared, there is no conflict in the decision made by council. When an interest is declared, the declaration:

- occurs before any consideration or discussion;
- requires that the general nature of the conflict be disclosed;
- includes any material details that may reasonably be seen to affect the member's impartiality; and
- involves the person making the declaration leaving the room while the topic is being discussed and decisions relating to the topic are being made.

A declaration of a conflict of interest, including the general nature, the material details, and the abstention or withdrawal from council chambers is recorded in the meeting minutes.

#### Council Members with a Conflict of Interest:

- ✓ declare they have a conflict of interest when they have one whether they are present at the meeting or not;
- ✓ leave council chambers; and
- ✓ do not discuss the matter with other council members or staff.

<sup>22</sup> section 144.2 *The Municipalities Act*, section 117.2 *The Cities Act*, section 162.2 *The Northern Municipalities Act, 2010*

## COUNCIL'S ROLE IN FINANCIAL MANAGEMENT

Council is responsible for the financial position of the municipality. Council must manage the municipality's finances so that service and program priorities can continue to be delivered at a reasonable cost.

Council:

- creates a plan and a budget;
- monitors the financial position of the municipality throughout the year; and
- reports on the municipality's financial position at the end of the year.

As a council member, you are not expected to be an accountant or an auditor. Your administrator will provide you with the information you need.

### ***Budget Deliberations***

When making these decisions, it is important to remember that you are responsible as an elected member of the council to safeguard taxpayers' money and to make the best use of financial resources. To be effective, decision-making should be outcome driven. When making a decision, council members should ask:

- "What do we want to achieve?"
- "How does this fit into the big picture?"
- "What level of service should we provide?"
- "How do we make sure that the municipality is a sustainable service provider?"

Level of service refers to the amount, quality and kind of municipal services provided. Level of service encompasses the idea that the services provided:

- are appropriate to the needs and desires of citizens;
- are financially feasible to provide; and
- may include municipal road networks, policing, fire protection, water, sewer, recreation facilities, and solid waste disposal.

Council determines the level of service provided by:

- consulting with the public;
- setting measurable performance goals;
- ensuring minimum service standard requirements are met;
- developing policies after careful analysis of information provided by administrators; and
- determining the cost associated with the level of service provided.

Council decisions help ensure that the municipality raises the required revenue to pay for the cost of services provided. Priorities that may shape budget decisions include:

- operating costs;
- proposed capital projects;
- infrastructure maintenance program – how to maintain current infrastructure to provide the level of service desired;
- infrastructure renewal plan – how to ensure infrastructure will continue to provide the level of service desired in the future;
- planning for growth; and
- financial commitments to maintain the health, safety and welfare of the residents.

Key questions council members should consider about revenue and spending include:

- “How much will this cost the municipality?”
- “How much revenue is required to meet the goals and objectives of council?”
- “Are the costs associated with providing this level of service feasible?”
- “Will spending in this area create a desirable cost/benefit return?”
- “Are the risks associated with not doing this acceptable?”

## ***Budget and Tax Rate***

Council members determine the tax rate used to generate the revenues required to balance the approved budget. Relying on analysis and information provided by the administrator, council members decide:

- the amount of revenues generated by taxation;
- the distribution of tax rates on property assessments; and
- the distribution of taxation between property classes.

The nature of the tax structure that is implemented will form the municipality’s tax policy. It is important to note that tax tools and tax policies do not work in isolation. Municipal officials should:

- discuss tax policy and the reasoning behind the decisions that have been made;
- review the impact of any tax tools and other authorities employed in the tax policy;
- monitor collectables to determine if a change in policy might enhance the ability to collect; and
- communicate with the public.

No matter which tax policy decisions are made, it is a good idea to communicate the rationale behind the decisions. Keep ratepayers informed of current tax policy and the reasons that taxation choices were made. Council should be able to clearly explain the tax policy including the use of any tax tools or other authorities to their taxpayers.

More information about municipal tax policy is available in the [Municipal Tax Policy Manual](#).

## ***Borrowing***

Borrowing is also a source of funding for municipalities. Buying or building capital assets often requires a major investment commitment from council. Municipalities are increasingly planning for and undertaking large, expensive capital projects. The magnitude and costs of these projects usually generate public interest in the municipality's capital plan. Citizens want to understand what council is proposing and why and how the financing of a project will affect them.

Involving citizens from the outset, by making information about council's proposals available, is important. Information should include:

- the total cost of the project;
- whether there are other sources of funding for the project;
- how the municipality intends to pay for its share of the costs (including through borrowing, etc.); and
- the impact on property taxes for property owners as a whole as well as for specific property owners.

Long-term borrowing enables a municipality to pay for capital projects and equipment over a period of years, often matching the term of the borrowing with the estimated useful life of the capital asset. In this way those who benefit from the capital asset are the ones who pay for it.

### The Budget Process:

- ✓ sets the amount, quality and kind of service provided;
- ✓ decides how much revenue is needed to pay operating and capital expenditures for the year;
- ✓ creates the tax policy; and
- ✓ determines whether borrowing is required.

## ***Financial Statements: Monitoring Municipal Finances***

Council evaluates the financial position of the municipality throughout the year. Comparing year-to-date financial reports with the approved budget allows council to respond to changing priorities, unanticipated events and over-expenditures.

Your administrator will provide you with financial reports on a monthly basis. In addition, your administrator will explain large differences in budgeted expenditures compared to actual costs. If you do not understand the reports, it is important to ask the administrator to explain the information.

The annual audited financial statement is council's most important tool for reporting on the financial position of the municipality. The audited statements ensure accountability and transparency because it allows council and citizens to compare actual year-end results with the annual budget.

Council must appoint a qualified auditor each year to report to council on the financial affairs of the municipality.<sup>23</sup> A qualified auditor is as a member in good standing of a recognized accounting profession that is regulated. Your auditor must be able to meet your municipality's terms and deadlines for submitting the audit. The financial statements must be prepared by June 15 (September 1 in cities)<sup>24</sup> for the period ending December 31 of the previous year.<sup>25</sup> The audited financial statements must be sent to the Ministry of Government Relations by July 1.<sup>26</sup> (September 1 for cities)<sup>27</sup>

The auditor also prepares a report on your audited financial statement. The report tells council about any:<sup>28</sup>

- problems found with the municipality's accounting procedures or internal controls;
- funds spent without proper authorization;
- issues that council should be aware of; and
- recommendations for council action.

Council may wish to invite the auditor to a council meeting to discuss the report and the audited financial statement.

The municipality must advertise that the audited financial statements are available to the public at the municipal office by September 1.<sup>29</sup> Many municipalities post a consolidation of their financial statement on their website, in a paper that circulates in their municipality or send a copy of the consolidated financial statement in the mail to each ratepayer.

Financial Statements:

- ✓ are an important tool to monitor the municipality's financial position;
- ✓ provide a measure of expenditures compared to budgeted amounts; and
- ✓ include a report to council about potential issues found during the audit.

<sup>23</sup> section 189 *The Municipalities Act*, subsection 159(1) *The Cities Act*, subsection 210(1) *The Northern Municipalities Act, 2010*

<sup>24</sup> subsection 156(1) *The Cities Act*

<sup>25</sup> subsection 185(1) *The Municipalities Act*, subsection 207(1) *The Northern Municipalities Act, 2010*

<sup>26</sup> section 185 *The Municipalities Act*, subsection 208(1) *The Northern Municipalities Act, 2010*

<sup>26</sup> subsection 186(1) *The Municipalities Act*,

<sup>27</sup> subsection 157(1) *The Cities Act*

<sup>28</sup> section 189 *The Municipalities Act*, section 160 *The Cities Act*, section 211 *The Northern Municipalities Act, 2010*

<sup>29</sup> subsection 185(3) *The Municipalities Act*, subsection 155(3) *The Cities Act*, subsection 207(3) *The Northern Municipalities Act, 2010*

## ***Stewardship of Assets***

Capital assets typically form a large part of the municipality's net worth. Municipal infrastructure exists to provide services to the community. Council needs to make sure the municipality's infrastructure is providing the services the community depends on. Your municipality needs to install, operate, maintain, upgrade and dispose of infrastructure assets including:

- roads;
- water and sewer lines;
- lagoons;
- landfills; and
- buildings.

Operating and sustaining assets with limited funds means a municipality needs a good system to prioritize spending. By using good asset management practices and principles, council can better understand how municipal assets work, what they cost to operate and what levels of service they provide. Council wants to ensure residents are getting the best bang for their buck when it comes to local infrastructure and the services it provides.

Good stewardship means you make the right decisions to obtain the best value. Minimizing costs may pose risks which also need to be considered in your decision-making.

### **Asset Management:**

- ✓ helps to provide the greatest return on investment;
- ✓ balances operating costs against desired performance; and
- ✓ requires a good priority system.

## GETTING DOWN TO BUSINESS

### ***Making Decisions***

Councils make decisions by passing bylaws and resolutions approved by a majority vote of council members at a meeting that is open to the public. If there is a tie vote, the vote on the bylaw or resolution is defeated.

Legislation tells you when a bylaw is required. Generally, council passes bylaws for matters that have a long-term or broad impact on the public such as making laws for your municipality (e.g. zoning, animal control, etc.) or setting property tax tools.

Resolutions are a formal expression of council's decisions. Resolutions usually deal with routine or administrative matters, such as approving monthly financial statements or accounts for payment, or buying or selling real estate.

### ***Fair Decision-Making***

Councillors must look after the interests of the entire municipality. If you are in a municipality that has wards or divisions, you will have to be careful not to place the interest of your ward or division above the interest of the whole municipality. Your effectiveness depends on providing input as a representative of an area while thinking and voting for needs of the whole municipality.

The path to a good decision does not always follow a straight line. When making decisions:

- respect other people's opinions;
- work together as a team;
- seek out everyone's opinions;
- ensure you express your views during a debate;
- insist on professional debate of important issues in a respectful setting; and
- for complicated matters, call on experts.

Council members should be courteous, timely, clear and direct in communicating with each other, with employees and with the public. This means that you:

- take time to listen;
- are approachable;
- respect confidentiality;
- are clear with people about what you can or cannot do; and
- apologize if you make a mistake.

As a council, you want your decisions to be fair. Council establishes municipal policies to:

- ensure that its decisions are implemented consistently;
- manage the expectations of citizens;
- describe how municipal staff will handle daily operations; and
- establish municipal jurisdiction.

Council decisions impact citizens of a municipality directly so it is important to hear from the public. In making decisions, council may ask:

- Are we hearing all sides of a question?
- Is there someone who we are not hearing from who will be affected by the decision?
- Was the public consulted or should it be?
- Does council have all the relevant facts?
- Are we basing our decision on fact and law or on feelings and opinions?
- Can you explain your decision to the people affected by it?
- Is the decision consistent with other decisions made in similar circumstances?
- Is the decision consistent with the evidence considered?
- Should a policy be established?

It is important to communicate council decisions with the public. Make sure you explain why you have made a decision. People will complain when they think they are treated unfairly. People who are heard and treated with respect are less likely to complain and more likely to accept a resolution or settlement that is not what they initially wanted.

#### Making Decisions:

- ✓ is a team effort;
- ✓ includes listening to other councillors and the public;
- ✓ may include expert advice; and
- ✓ affects people directly so be able to explain your decisions.

## ***Meetings***

Councils are required to conduct their business in meetings that are open to the public. This ensures that the public can hear the debate and know what was decided. Legislation allows councils to meet in a closed or “in camera” meeting only in very specific situations.

Councils are required to hold regular council meetings, as established in the municipality’s Council Procedures Bylaw. Councils can also hold special meetings in addition to regular meetings. Special meetings are usually held when important or unforeseen business arises that needs to be dealt with before the next regular meeting.

Council members have a legislated responsibility to attend council meetings. A council member is automatically disqualified from council, and must resign their seat, if they are absent from three consecutive council meetings without the permission of council.

Council meetings may be conducted electronically, such as over the phone or through video-conferencing. This provides an option to accommodate council members who, due to work or other responsibilities, are unable to attend the meeting in person.

A legally constituted meeting:

- is a regular meeting in accordance with a resolution and the council meeting procedures bylaw;
- is a special meeting called in accordance with legislation and the council meeting procedures bylaw; and
- requires notice to the public and to council members be provided when required.

## **Quorum**

Council meetings require a majority (50% plus one or a “quorum”) of council to be present before a meeting convenes and at all times during the meeting. There are exceptions to requirements for quorum when a member declares a conflict of interest and withdraws from a meeting. A council member who participates electronically is considered present at the meeting.

## **Council Meeting Procedures Bylaw**

A council meeting procedures bylaw sets out the way council conducts its business so that meetings are more orderly and efficient. This benefits not only the council members and staff, but also members of the public. Procedure bylaws cannot establish rules or procedures contrary to the provincial legislation.

Every municipality must have a council meeting procedures bylaw in place. The procedure bylaw must cover:<sup>30</sup>

- rules for the conduct of members of council;
- rules about the confidentiality, transparency, openness and accessibility of documents to be discussed or that are presented to council;
- rules surrounding items to be discussed by or presented to councils,
- rules about delegations, presentations and submissions;
- the days, times and places of regularly scheduled meetings and the procedures for amending those days, times and places;
- the procedure to be used to call a special meeting;
- the procedure to close all or a part of a meeting; and
- the procedure to appoint an elected official as a deputy reeve/mayor, or an acting reeve/mayor if he/she is unable to perform the duties.

A more detailed meetings procedures bylaw would also cover:

- calling the meeting to order and quorum;
- postponing the meetings;
- agenda;
- minutes;
- bylaws;
- rules of debate;
- voting on motions;
- committee of the whole;

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<sup>30</sup> subsection 81.1(2) *The Municipalities Act*, subsection 55.1(2) *The Cities Act*, subsection 100.1(2) *The Northern Municipalities Act, 2010*

- committees and committee meetings; and
- revisiting decisions of council.

Council committees and other bodies established by council also need written meeting rules.<sup>31</sup> The rules may be different. Council may ask the entity to establish their own rules but council must make sure that the rules are in writing and are publicly accessible.<sup>32</sup>

A [Sample template for Council Procedures Bylaw](#) is available on the Government of Saskatchewan website.

## ***Voting at Meetings***

A simple majority vote of members present at a meeting decides a matter.<sup>33</sup> However:

- unanimous consent of members present is required to authorize three readings of a bylaw at a single meeting;<sup>34</sup>
- unanimous consent and full attendance is required to consider items not included on the notice of a special meeting;<sup>35</sup> and
- the meeting procedure bylaw established by council may require a higher percentage of votes for certain motions.

## ***All Members Must Vote***

Legislation requires every member of council, including the mayor or reeve, votes on every question.<sup>36</sup> If there is a tied vote, the motion is defeated. A passed motion must have consent from a majority of council.<sup>37</sup>

You cannot abstain from voting unless you have a conflict of interest. If you abstain from voting for any other reason, legislation deems your vote as a vote in the negative.<sup>38</sup>

It is important to make resolutions and vote on matters council debates even if council chooses to do nothing so that the public has a record that council has considered the topic.

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<sup>31</sup> subsection 81.1(5) *The Municipalities Act*, subsection 55.1(5) *The Cities Act*, subsection 100.1(5) *The Northern Municipalities Act, 2010*

<sup>32</sup> subsection 81.1(5) *The Municipalities Act*, subsection 55.1(5) *The Cities Act*, subsection 100.1(5) *The Northern Municipalities Act, 2010*

<sup>33</sup> section 100 *The Municipalities Act*, section 73 *The Cities Act*, section 115 *The Northern Municipalities Act, 2010*

<sup>34</sup> subsection 103(4) *The Municipalities Act*, subsection 77(4) *The Cities Act*, subsection 119(4) *The Northern Municipalities Act, 2010*

<sup>35</sup> subsection 123(4) *The Municipalities Act*, subsection 97(4) *The Cities Act*, subsection 141(4) *The Northern Municipalities Act, 2010*

<sup>36</sup> subsection 99(2) *The Municipalities Act*, subsection 72(2) *The Cities Act*, subsection 114(2) *The Northern Municipalities Act, 2010*

<sup>37</sup> section 102 *The Municipalities Act*, section 76 *The Cities Act*, section 117 *The Northern Municipalities Act, 2010*

<sup>38</sup> subsection 99(3) *The Municipalities Act*, subsection 72(3) *The Cities Act*, subsection 114(3) *The Northern Municipalities Act, 2010*

## ***Chairing the Meeting***

The chair maintains order at a meeting and facilitates debate on questions before council or a committee. This is an acquired skill that does not always come naturally. Chairs have the following skills:

- Aware of the rules
  - Familiarize yourself with the council procedures bylaw.
- Prepared
  - Review the agenda to become familiar with items to be discussed at the upcoming meeting.
- Timely
  - Start meetings on time. Few things can frustrate members more than waiting for members who are late.
  - Ensure the debate remains productive.
  - When discussion becomes repetitive, consider summarizing the debate and asking if anyone has other points to offer. If there are none, perhaps the members are ready to vote on the matter.
  - If more information is required, consider asking for a motion to postpone the item.
- Impartial
  - Although the chair will have a position on most matters coming before the meeting, it is important that decisions as the chair be based on meeting principles, and not on a personal viewpoint.
  - Encourage participation from members who may be less vocal, particularly if one or two members appear to be monopolizing the debate.
- Firm
  - Stay on course.
  - Discourage discussions not related to the business at hand.
  - Discourage private discussions when another member attempts to address council.
- A team player
  - The chair does not have any special power respecting the decision-making process.
  - The chair has one vote only, just like any other member.
  - The chair cannot veto a decision of council.

Restoring order to a meeting is usually more difficult than maintaining order. The chair may need to use the following actions:

- Use the gavel
  - The sharp sound of a gavel tapping against the sound block will usually interrupt offending conduct. If you don't have their attention by that time, continuing will likely not bring about the desired results.
- Ask for a recess
  - Sometimes a brief recess (five to ten minutes) may allow members to gather their thoughts. During this time, the chair may consider having a quiet discussion with the member(s) who may be contributing to the disruption.
- Refer the contentious item
  - If a particular item is controversial, it may be beneficial to postpone it, refer it to committee for further information, or reschedule it to a special meeting.
- Ask for an adjournment
  - Participants may decide it is not productive to continue the current meeting. Hopefully, the meeting has dealt with all essential business prior to this action.

## ***Meeting Resources***

- For information on types of motions and the order of precedence, see Roberts Rules of Order Online at <http://www.rulesonline.com/>.
- Information about improving the efficiency and effectiveness of meetings is available under *Insights, Articles and Ideas* by Eli Mina, Registered Parliamentarian at [www.elimina.com](http://www.elimina.com).

### Meetings:

- ✓ are how councils conduct municipal business;
- ✓ are conducted according to the council meeting procedures bylaw;
- ✓ must be attended by a quorum of council; and
- ✓ require that all elected officials present vote unless a conflict of interest is declared.

## ***Minutes***

The minutes show decisions that council made at a meeting by recording resolutions passed or defeated. Minutes do not record individual opinions.

Minutes contain very few notations. Some notations that are important to record are:

- declarations of conflict of interest; and
- information about delegations.

The administrator (clerk in cities)<sup>39</sup> asks that council approve previous minutes at the next regular council meeting.<sup>40</sup> Following approval, the administrator and the presiding officer sign the last page of the minutes. Good administrative practice includes the administrator and presiding officer initialing each page of the minutes, other than the signature page.

It is important to read and note errors and declarations of conflict of interest because the minutes are a permanent public record of council's decisions.

## **Bylaws**

A municipality can pass a bylaw when the bylaw clearly links to a municipal purpose. The power to pass bylaws includes the power to:

- regulate places, things and activities;
- deal with development, activities, industries, businesses or things in different ways by dividing them into classes or subclasses; and
- provide for a system of licences, inspections, permits or approvals.

Some municipal bylaws are about how the municipality is going to operate. Other bylaws may impose responsibilities or limitations on citizens or business owners. Legislation provides numerous ways to enforce the bylaws. For example, council may:

- create offences, including continuing offences;
- impose fines payable upon summary conviction;
- provide for voluntary penalty payments for offences; or
- provide for inspection to ensure compliance with bylaws.

It is important to build support for proposed bylaws early in the process. Methods of public participation may include:

- notices on municipal websites;
- invitations to submit comments regarding the proposal;
- surveys or opinion polls;
- setting up committees, task forces or focus groups to provide recommendations; or
- meeting with the public or identified stakeholders.

In some cases, notably zoning bylaws, the public must be provided notice and they are guaranteed an audience with council to present their views.

All of these measures provide information to council enabling them to develop policy that is more in tune with community expectations. These efforts can lead to greater acceptance, and this in turn should increase compliance rates. After a bylaw is passed, it's also important to make sure the public is aware of it.

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<sup>39</sup> clause 85(2)(c) *The Cities Act*

<sup>40</sup> clause 111(2)(c) *The Municipalities Act*, clause 127(2)(c) *The Northern Municipalities Act, 2010*

## ***Matters that Must be Dealt with by Council***

There are many things that council alone must deal with<sup>41</sup> – you cannot delegate the decision to a committee or other body. Your administrator will advise you when council cannot delegate. Some decisions that council cannot delegate include:

- adopting budgets;
- borrowing money;
- establishing a purchasing policy;
- creating council committees and other bodies and define their functions; and
- appointing, suspending or dismissing an administrator or a full-time municipal solicitor.

## ***Matters that Require Public Notice Before Being Dealt with by Council***

In some cases, council cannot consider an item at a meeting until the public has received notice.<sup>42</sup> Your administrator will advise you when public notice is required according to your public notice bylaw. Choosing to debate and decide on a matter without providing appropriate public notice when it is required enables any voter to legally challenge the decision made. For example, public notice is required when council intends to discuss:

- borrowing money;
- establishing a purchasing policy;
- leasing land for less than fair market value without a public offering;
- setting remuneration for council members; or
- permanently closing a road.<sup>43</sup>

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<sup>41</sup> section 127 *The Municipalities Act*, section 101 *The Cities Act*, subsection 119(2) *The Northern Municipalities Act, 2010*

<sup>42</sup> subsection 128(1) *The Municipalities Act*, subsection 101(2) *The Cities Act*, subsection 146(1) *The Northern Municipalities Act, 2010*

<sup>43</sup> subsection 13(4) *The Municipalities Act*, subsection 13(6) *The Municipalities Act*, subsection 13(4) *The Northern Municipalities Act, 2010*

## ***Personal Immunity/Liability***

As an elected member of council, you may also be held legally liable for decisions to act or not to act.

Council members make decisions at council meetings. ***Individual council members, including mayors and reeves, have no authority to act on their own:***

- If you decide to purchase a mower for the municipality without prior approval because you found one that was a “good deal”, you may find that you are responsible to pay the price of that mower out of your personal funds.
- If your council has authorized the purchase of a piece of equipment and you decide to cancel the order for any reason, you may find that any order cancellation costs may be payable by you personally instead of by the municipality.

On the other hand, if you are aware of a dangerous situation on one of your roads and your council fails to take any action, it may find that the situation may cause a liability to the municipality. Or, if you as a councillor have noticed a dangerous situation and you fail to take the appropriate action by reporting it to administration, you may be personally held responsible for failing to report the danger.

Your municipality may wish to develop a policy about reporting situations that pose a potential risk. A written policy:

- may protect council members from potential liabilities; and
- will give staff direction informing them of council’s expectations when situations pose a risk to the municipality.

Legislation protects you as a member of council, a member of a public utility board established by council, a member of a council controlled corporation or a municipal officer, volunteer or agent but only ***when you are acting in good faith.***<sup>44</sup>

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<sup>44</sup> section 355 *The Municipalities Act*, section 317 *The Cities Act*, section 375 *The Northern Municipalities Act*, 2010

## CITIZEN'S ACCESS TO INFORMATION

Citizens need access to information to:

- know about the decisions of council;
- be aware of the services and programs available and how they are delivered; and
- understand how they can get answers to their questions.

When citizens attend council meetings, they should be made to feel welcome and not as though they are intruding. Council business is and should be the concern of every citizen. Because of this, legislation contains provisions for making council documents available for inspection by the public during normal business hours.<sup>45</sup>

Any document that is presented at an open council meeting should be available to the public, as a general rule. Not only may citizens see the documents at the municipal office, they may also ask for copies of any of these documents. Minutes, financial information, accounts paid, contracts and reports are available to the public on request.

It is important to understand that, under *The Local Authority Freedom of Information and Protection of Privacy Act*, all municipal records are accessible when an application is made.<sup>46</sup> *The Local Authority Freedom of Information and Protection of Privacy Act* also requires municipalities protect personal information of citizens, employees and others.<sup>47</sup> Some information may be blacked out before records are given.

### Access to Information:

- ✓ Citizens are entitled to municipal information;
- ✓ Minutes, financial information, accounts paid, contracts and reports are available to the public on request;
- ✓ All municipal records are accessible; and
- ✓ Personal or private information must be protected.

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<sup>45</sup> subsection 117(1) *The Municipalities Act*, subsection 91(1) *The Cities Act*, subsection 133(1) *The Northern Municipalities Act, 2010*

<sup>46</sup> section 5 *The Local Authority Freedom of Information and Protection of Privacy Act*

<sup>47</sup> section 28 *The Local Authority Freedom of Information and Protection of Privacy Act*

## CITIZEN COMPLAINTS

Councils should make every effort to work with citizens to address their concerns because council is elected by and accountable to its citizens. It is always ideal when the municipality can resolve a complaint. Policies about how complaints will be handled and who responds to the matter may help council efficiently manage the issue.

A good communication strategy or ratepayer consultation when changing policies or enacting bylaws may reduce the number of complaints received. When citizens feel informed and included in decisions, they are less likely to complain.

Further information on options available to citizens in dealing with council are found in the [Citizens Guide to Shaping Council Decisions](#) on the Saskatchewan.ca website.

Citizens can take their complaints further if they do not believe that the municipality has satisfactorily resolved them. Citizens may file a complaint with Ombudsman Saskatchewan, who has authority to investigate complaints relating to administrative actions of the municipality or a municipal employee.

The Ombudsman is neutral, impartial and independent. Unlike a judge, the Ombudsman does not take a position on matters of public policy. After an investigation, the Ombudsman can make recommendations to a municipality if the Ombudsman finds that a municipality:

- has made a decision or acted in a way that is contrary to law, unreasonable, unjust, oppressive, improperly discriminatory or based on a mistake of law or fact;
- has exercised a statutory power, duty or function for an improper purpose, on irrelevant grounds, or by taking into account irrelevant considerations; or
- should have given reasons for a decision or action.

Information about the Ombudsman is available online at <https://www.ombudsman.sk.ca>.

All citizens have a fundamental right to challenge a decision made by council to the Court of Queen's Bench if they believe that a municipality is acting outside or contrary to the law.

### Accountability:

- ✓ Most citizens' complaints can be resolved through discussion;
- ✓ Take time to listen to citizens;
- ✓ Citizens may elevate their complaints to the Ombudsman; and
- ✓ All citizens have a right to take a municipality to court.

## Municipal Council Meeting Guide



Advisory Services and  
Municipal Relations Branch  
October 2013

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## Introduction

The purpose of this guide is to provide information for municipal staff and council members about conducting council and council committee meetings. Meetings of other municipal bodies such as boards, commissions or committees whose membership includes persons other than members of council are not directly referenced by legislation.

The information in this guide is subject to the rules and procedures established by the municipality that established the body.

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

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

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

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

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

1. Robert's Rules of Order (Newly Revised);
2. Bourinot's Rules of Order;
3. Auer's Essentials of Parliamentary Procedures;
4. Procedures for Meetings and Organizations; and
5. Parliamentary Procedure at a Glance.

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

## **Definitions**

“The Act”	means <i>The Municipalities Act</i> ;
“Council”	means the council of the municipality;
“Councillor”	means a member of council for a town, village, resort village or rural municipality, as the case may be;
“Council Committee” or “Committee”	means a council committee established by a municipal council comprised solely of council members;
“Head of Council”	means the reeve or mayor;
“Meeting”	means a council meeting or a committee meeting;
“Member”	means a reeve, mayor or councillor and includes members of council committees established by a municipality;
“Municipality”	means an urban or a rural municipality;
“Rural Municipality”	means a rural municipality as defined in <i>The Municipalities Act</i> ;
“Urban Municipality”	means a city, town, village, resort village or restructured municipality.

## **Public Accountability**

Municipal councils are accountable to the people or the public who elected them to office. Councils exercise their powers and makes decisions for the municipality through the passing of resolutions and bylaws. An action of council is not effective unless it is adopted by a bylaw or resolution at a properly constituted public council meeting.<sup>1</sup>

A meeting is properly constituted if:

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

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<sup>1</sup> Section 119

These issues are addressed later in this guide.

Any act of a committee is not effective until the recommendation is decided by council unless council has provided the committee with operational authority. Certain powers of a council are discretionary which means council has the option of whether to carry out that particular function. Other duties are mandatory requiring council to perform the function.

## **Meetings**

### ***Open Meetings***

Council and council committee meetings are to be conducted in public.<sup>2</sup> Everyone has the right to attend meetings unless they have been expelled for improper conduct by the presiding officer.

Councils and committees have limited authority to close meetings to the public to discuss certain items,<sup>3</sup> namely:

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

### ***Closed Sessions***

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

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

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

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

“That this meeting be closed to the public for the discussion of  
\_\_\_\_\_ (state matter)”

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<sup>2</sup> Section 119

<sup>3</sup> Section 120

The motion is debatable but not amendable and requires a majority vote. The minutes should reflect the time at which the meeting went into a closed session and the time the closed session ends.

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

## **Types of Meetings**

### ***First Meeting of Council***

The first meeting of council after the annual election (rural) or general election (urban) is to be held within 31 days after the date of the election at the time, place and date determined by the administrator.<sup>4</sup>

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

### ***Regular Meetings***

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

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

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

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<sup>4</sup> Section 121

<sup>5</sup> Section 122

### ***Special Meetings***

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

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

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

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

A Waiver of Notice form is included in Appendix B. A waiver of notice is not required if members of council are provided more than 24 hours notice of the special meeting.

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

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

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

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

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<sup>6</sup> Section 123

<sup>7</sup> Section 124

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

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

### ***Public Notice***

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

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

A sample public notice form is included in Appendix E.

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

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

- provide notice to the public of the meeting including how the meeting will be conducted;
  - a sample public notice form is included in Appendix D;
- the facilities must enable the public to hear all meeting participants at the place specified in the notice and the administrator must be present at that place; and
- the facilities must permit all participants to communicate adequately with each other during the meeting.

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<sup>8</sup> Section 128

<sup>9</sup> Section 125

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

If a council or committee intends to permit members to participate by telephone or other modes of communication, it may consider adopting a policy to allow this occurrence. This policy may include logistical items such as:

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

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

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

If council receives a valid petition requesting a public meeting to discuss a municipal matter the head of council must call for a public meeting of voters to be held within 30 days. A valid petition contains signatures of:

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

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

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

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<sup>10</sup> Section 129

## **Roles and Requirements for Members**

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

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

A sample Oath of Office is located in this guide – Appendix G.

### ***Quorum***

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

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

Vacant offices do not affect the number required to establish a quorum. The number of members required forming a quorum for a seven person council or committee is four.

Example: If two offices are vacant, leaving five members remaining, the attendance of four members is necessary to hold a valid meeting.

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

### ***Pecuniary Interest***

Pecuniary interest is generally defined as a potential financial conflict of interest and applies if the interest is beneficial or harmful. Actual profit or loss does not factor into establishing the existence of pecuniary interest.

It is the personal duty of each council member to determine if he or she has a pecuniary interest in a matter. It is not the responsibility of the administrator or another council member to point out a possible situation of pecuniary interest.

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<sup>11</sup> Section 94

<sup>12</sup> Section 98

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

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

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

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

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

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

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

If a matter affects a member of council as a voter, taxpayer or owner the member of council has a right to be heard by the remaining members of council.

In this case the member must leave his or her place at the council table and move to the place typically designated for delegates addressing council. He or she may exercise his or her right to be heard similar to any other person coming before council. A member exercising this right may wish to obtain independent legal advice.

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<sup>13</sup> Section 143

<sup>14</sup> Section 141

<sup>15</sup> Section 144

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

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

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

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

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

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

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

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<sup>16</sup> Section 146

<sup>17</sup> Section 145

<sup>18</sup> Section 148

<sup>19</sup> Section 93

<sup>20</sup> Section 115

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

Municipal councils have the option to appoint a deputy mayor or deputy reeve.<sup>21</sup> Some councils choose to adopt a schedule by which each member of the council serves part of their term on council as the deputy mayor or deputy reeve.

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

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

### **Administrator**

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

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

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

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

The administrator along with the presiding officer, is required to sign the minutes of all council and council committee meetings after they have been approved.

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<sup>21</sup> Section 91

<sup>22</sup> Section 110

<sup>23</sup> Section 111

### ***Acting Administrator***

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

### ***Substitute***

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

## **Agenda**

### ***Purpose***

The word "agenda" is from the Latin word meaning "things to be done." The meeting's agenda is simply a list of items for consideration during the meeting. The agenda contributes to effective meetings as members consider matters in an orderly and expedient manner. It is good practice for all meeting participants to receive a copy of the agenda with appropriate background documents well in advance of the meeting date.

A properly prepared agenda will save time for the presiding officer chairing the meeting. Providing meeting participants with background information on the items for discussion before the meeting enables them to be better prepared to make sound decisions. Another benefit is that members are less likely to miss important items of business. The type and detail of the agenda will depend on the size of the municipality, the members' expectations and the administrator.

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<sup>24</sup> Section 112

### ***Contents of Agenda***

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

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

### ***Title and Heading***

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

### ***Call to Order***

The presiding officer calls the meeting to order.

### ***Adoption of the Agenda***

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

If meeting participants adopt the agenda:

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

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

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

### ***Business Arising From Minutes***

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

### ***Presentations***

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

### ***Delegations***

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

### ***Correspondence***

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

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

Correspondence requiring discussion or action is included under “New Business”.

### ***Financial Reports***

The monthly financial report or reports usually make up this agenda item. Councils can determine the timing of a financial report i.e. whether it is monthly, quarterly, etc. The financial reports may include items such as a statement of receipts and disbursements, bank reconciliations, month-end cash balances or any other financial information requested by council. As with other decisions of council, a resolution describes the timing and content of financial reports.

### ***Payment of Accounts***

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

### ***Committee Reports***

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

### ***Staff Reports***

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

### ***Appointments***

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

### ***Old or Unfinished Business***

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

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

### ***New Business***

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

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

### ***Bylaws***

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

If the bylaw is to have first reading at a meeting the administrator should circulate a copy of the bylaw to each member at least 24 hours before the meeting. Members are entitled to an opportunity to review the full text of a proposed bylaw before it receives first reading. If a bylaw is to be given third reading and there have been amendments since the first meeting members are to be given or provided the opportunity to review the full text of the bylaw before they vote on it.

<sup>25</sup>

### ***Other***

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

### ***Adjournment***

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

## **Motions**

### ***General Procedures for Motions***

The main purpose of a meeting is to see that ideas or items of business are proposed, considered and decided. A motion is a proposed action to address the issue. A resolution is a motion that council has voted on. Council may use a formal or informal process in its meetings.

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<sup>25</sup> Section 103

In a formal setting a motion introduces an item of business. Council's meeting procedures may require seconders for motions or the submission of motions in a written format. A sample motion form, included as Appendix H of this Guide illustrates the type of written form that council members could use. After receiving a motion from a councillor the presiding officer states the motion and calls for discussion or debate. The presiding officer regulates the discussions.

All members may speak for or against a motion, move amendments and ask questions to gain information on a particular point. It is customary for each member other than the mover, to speak only once to each motion. Members vote on the motion following a full discussion. This process leads to amendments to main motions and sometimes amendments to amendments. This degree of formality is not common practice in many municipalities.

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

### ***Proposing a Motion***

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

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

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<sup>26</sup> Section 81

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

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

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

### ***Negative Motions***

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

There are a couple ways to address this:

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

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

### ***Types of Motions***

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

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

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

### ***Main Motion***

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

Examples of main motions include:

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

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

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

### ***Motion to Reconsider***

A motion to reconsider is a main motion enabling council to revisit a resolution previously decided. Most rules indicate this motion typically may arise during the current meeting. The mover is limited to someone who previously voted with the majority. Council cannot entertain a motion to reconsider if the municipality has already acted on the original resolution.

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

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

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

### ***Motion to Adjourn***

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

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

### ***Subsidiary Motion***

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

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

### ***Lay on the Table***

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

### ***The Previous Question***

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

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

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

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

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

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<sup>28</sup> Section 100

<sup>29</sup> Section 100

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

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

### ***Commit or Refer***

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

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

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

### ***Amend***

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

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

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

Amendments may:

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

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

### ***Postpone Indefinitely***

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

### ***Incidental Motions***

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

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

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

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

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

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

For clarity, the presiding officer may restate the amendment.

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

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

### ***Suspension of the Rules***

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

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

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

If a member wishes to prevent the consideration of a main motion the member may interrupt another speaker to determine if the question should be considered. The motion must be made before there is any debate on the question or before a subsidiary motion is offered. The object of the motion is to avoid consideration of questions which may be irrelevant, unproductive or contentious; it is not intended to cut off debate. The motion objecting to considering a question may be useful if for example, there are repeated attempts to have council reconsider resolutions or policies.

### ***Division of the Question***

At times a motion may be worded in such a way that part of it could be supported and another part not supported by the same member. The presiding officer or a member may suggest splitting the motion into two parts or more motions. After the main motion is split each divided motion should be complete on its own.

### ***Privileged Motions***

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

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

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

### ***Voting on a Motion***

When the discussion has been sufficient and all those who wish to speak have done so or have been encouraged to do so the presiding officer may ask the administrator to read the motion before asking for a vote. This step ensures all members are fully aware of the motion before them particularly if there has been significant debate on the question.

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

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

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<sup>30</sup> Section 103

<sup>31</sup> Section 123

### ***Recorded Votes***

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

### ***All Members Must Vote***

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

### ***Defeated Motions***

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

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

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

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<sup>32</sup> Section 101

<sup>33</sup> Section 99

### ***Tied Vote***

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

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

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

Samples of motions to amend:

“I move to amend the motion by inserting \_\_\_\_\_ between \_\_\_\_\_ and \_\_\_\_\_.”

“I move to amend the motion by adding \_\_\_\_\_ after \_\_\_\_\_.”

“I move to amend the motion by substituting \_\_\_\_\_ instead of \_\_\_\_\_.”

“I move to amend the motion by striking out \_\_\_\_\_ and inserting \_\_\_\_\_.”

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

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

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<sup>34</sup> Section 102

### ***Withdrawing a Motion***

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

### ***Chairing the Meeting***

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

1. Be aware of the rules.

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

2. Be prepared.

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

3. Be timely.  
Start meetings on time. Few things can frustrate members other than waiting for members who are late. Ensure the debate remains productive. If members are reiterating previously made points meeting productivity declines and so too may the interest of members. When discussion becomes repetitive consider summarizing the debate and asking if anyone has other points to offer. If there are none perhaps the members are ready to vote on the matter. If more information is required consider asking for a motion to postpone the item.
4. Be impartial.  
As a member of council or a committee the presiding officer will have a position on most matters coming before the meeting. It is important that your rulings and decisions as the presiding officer are based on meeting principles and not on a personal viewpoint. Encourage participation from members who may be less vocal than others particularly if one or two members appear to be monopolizing the debate.
5. Be firm.  
It's relatively easy for meeting participants to engage in discussions not related to the business at hand. Likewise, members may engage in private discussions even while another member attempts to address council. Stay on course.
6. Remember – the chair is only one member of council/the committee.  
The presiding officer does not have any special power respecting the decision-making process. The presiding officer has one vote only just like any other member.

## ***Restoring Order***

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

1. Use the gavel.  
If the conduct of one or more members contravenes the meeting rules or practices the sharp sound of a gavel tapping against the sound block is usually sufficient to interrupt the offending conduct. Don't bang it, tap it. One to three times should be sufficient. If you haven't got their attention by that time continuing will likely not bring about the desired results.
2. Ask for a recess.  
If continuing debate is non-productive a brief recess (five to ten minutes) may allow members to gather their thoughts. During this time the presiding officer may consider having a quiet discussion with the member(s) who may have contributed to the disruption. If necessary the members may consider recessing until the following day.
3. Refer the contentious item.  
If a particular item is controversial it may be beneficial to postpone it, refer it to committee for further information or reschedule it to a special meeting.
4. Ask for an adjournment.  
In the worse-case scenario participants may decide it is not productive to continue the current meeting. Hopefully, the meeting has dealt with all essential business prior to this action.

## Preparation of Minutes

### *Purpose*

Minutes are the official record of meeting proceedings. The administrator must keep a record of council meetings. They should be clear, accurate and concise and include the following essential information:

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

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

Minutes are a vital document respecting the affairs of the municipality since they record the council's decisions.

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<sup>35</sup> Section 111

### ***Recording Decisions***

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

Resolutions, including those processing and adopting bylaws reflect the decisions made by council – there is no provision in the legislation to do otherwise. Council considers all matters by way of motion and council decides all matters by voting. A majority of the votes decides each question however; legislation requires unanimous approval to certain items such as consent to provide three readings to a bylaw at a single meeting. Procedure bylaws may increase the requirements to more than a majority.

### ***Recording Names***

Legislation requires the administrator record the names of council and council committee members present at the meeting. Aside from the legislative requirement recording the names of members present proves the existence of a quorum. Another reason is for the purpose of calculating the remuneration of council members if meeting attendance is the basis of council's remuneration.

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

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

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

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

Good administrative practice includes the administrator and presiding officer also initial each page of the minutes.

### ***Format of Minutes***

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

### ***Checklist for Minutes***

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

### ***Form and Neatness***

Besides following a standard format the minutes should also be styled to enhance readability. Consider the following pointers that may help in the preparation of minutes:

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

### ***Things to Avoid***

- Do not use only first names when recording the names of the meeting participants;
- Do not use white-out;
- Do not erase;
- Do not add handwritten notes or comments in the margins. Keep in mind that original bylaws are part of the minutes so do not write on them either; and
- Avoid the use of acronyms unless they have been prefaced earlier in the minutes. This is because persons who are not familiar with organizations such as SARM, SUMA, RMAA and UMAAS may read minutes.

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

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

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

### ***Correcting the Minutes***

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

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

“Moved by Councillor \_\_\_\_ that the minutes of the regular/special meeting held on (date) be approved.”

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

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

Correct minor errors by striking out the error, writing in the correction and having the presiding officer and administrator initial the change.

If the municipality retains electronic copies of the minutes consider distinctively noting the amendments. Use strikeout font to delete text, a different colour to add new text or the comment feature to detail the changes.

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

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

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

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

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

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

### ***Council Committee and Other Bodies***

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

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<sup>36</sup> Section 116

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

<sup>38</sup> Section 81

## **Committee of the Whole**

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

“Moved by Councillor \_\_\_\_ that this meeting resolve itself into Committee of the Whole to consider (the subject matter) and Councillor \_\_\_\_ shall chair the meeting.”

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

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

The council meeting minutes include:

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

### ***Council Committees***

Members of council typically form the membership of council committees which is normally established by resolution rather than by bylaw. Council reviews these committees periodically, annually or on a locally determined schedule. A key requirement of legislation is to define the functions of the committee. Examples are Road Committee, Public Works Committee and Finance and Administration Committee.

As part of the process to establish a council committee the municipality may set out the procedures, conduct of the committee and potentially the conduct of members. Councils may define procedures such as how often the committee meets, the process to call a meeting and the frequency and manner of reporting to council.

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

### ***Other Bodies***

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

As with council committees council has the authority to define the functions and procedures of municipal bodies typically including a reporting mechanism. Procedures established by council may address operational matters such as how meetings are called or the type of notice provided to members particularly if the requirements are less formal than those required for council or council committee meetings. Generally speaking, municipal bodies conduct their meetings in the same fashion as council or council committee meetings.

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

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<sup>39</sup> Section 81

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

## **Procedure Bylaws**

### ***Purpose***

A procedure bylaw sets out the way council conducts its business. Councils that have enacted procedure bylaws generally find meetings proceed more efficiently and effectively. Meetings are more orderly and easier to follow which benefits council members and staff and members of the public. Procedure bylaws cannot establish rules or procedures contrary to the provisions of the Act.

### ***Contents***

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

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

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

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

## Other Resources

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

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

**Appendix A – Sample Request for a Special Meeting**

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

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

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

Meeting Details:

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

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

SIGNED:

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

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Office Use Only:

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

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

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

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

Municipality of (Name of Municipality) \_\_\_\_

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

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

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

SIGNED:

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

Date:

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### Appendix C – Sample Method of Notice Request

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

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

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

Check one of the above

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

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

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

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

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

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

PUBLIC NOTICE

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

Dated this [date]

At [location]

[Administrator's signature]

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

PUBLIC NOTICE

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

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

Dated this [date]  
At [location]

[Administrator’s signature]

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

PUBLIC NOTICE

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

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

Dated this [date]  
At [location]

[Administrator’s signature]

**Appendix G – Oath of Office**

Oath – Member of Council

I, \_\_\_\_\_, having been elected to the office of  
(Reeve/Mayor/Councillor) in the \_\_\_\_\_ of

DO SOLEMNLY PROMISE AND DECLARE THAT:

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

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

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

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

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

**Appendix H – Sample Motion Form**

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

Motion Form

Motion No.:

\_\_\_\_\_

Moved by:

That:

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

Pecuniary Interest (if applicable)  
Declared by:

Recorded Vote Requested: Yes  No:

FOR	AGAINST

Carried       Defeated

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

[Date]  
[Full Name of Municipality]

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

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

SIGNED:

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

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

## Appendix J – Sample Agenda

Agenda for the [Full Name of Municipality]

First Meeting of Council to be held Tuesday November 9, 2010, 8:00 a.m.  
in the Municipal Office at \_\_\_\_\_, Saskatchewan

Signing of Declarations:	
Call to Order:	
Agenda:	Review, adopt (optional)
Minutes:	Approval of minutes - October 12, 2010 (attached)
Business Arising from the Minutes:	Rescind Motion 210/10 re: tax cancellation – Bill Black
Delegations:	8:15 a.m.. Mr. Tim Smith and Mr. Bill Frisby, Green Grass Lions Club re: the cemetery
Correspondence:	MLDP Module - Newly Elected Officials Community Planning - Certificate of Approval - Sask. Health re: disposal site ABC Construction re: paving rates
Financial Reports:	Bank reconciliations Monthly receipts and expenditures
Accounts:	List attached
Hearing:	Recess to conduct hearing, proposed zoning bylaw amendment
Committee Reports:	Transportation Committee Protective Services Committee
Staff Reports:	Administrator's report
Appointments:	Deputy Mayor Library Board - Donna Miller Recreation Board - John White, Bill Green
New Business:	Appointment of Recreation Program Director MLDP Newly Elected Officials Module Paving Project - W16-33-9-W3
Bylaws:	14/2010 - Dispense with the Mailing of Assessment Notices
Announcements:	
Adjournment:	

## Appendix K – Sample Minutes

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

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

### Present:

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

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

### Call to Order:

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

### Agenda:

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

### Correction of Minutes:

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

### Minutes:

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

### Delegations:

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

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**Lions Club Cemetery Initiative:**

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

**Business Arising from the Minutes:**

Rescind Motion No. 210/10

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

224/10      Skeeny:      That motion No. 210/10 to cancel taxes on Lot 15, Block 23, Plan No. YX4455 in the Hamlet of Green Grass be rescinded.  
Carried  
Councillor Horowitz returned to the council chambers (9:00 a.m.)

**Correspondence:**

225/10      Budd:      That the following correspondence, having been read, be filed:  
1. Saskatchewan Association of Rural Municipalities  
    • Re: Municipal Leadership Development Program Module  
2. Community Planning - Certificate of Approval;  
3. Sask. Health re: Disposal Site; and  
4. ABC Construction re: Paving Rates.  
Carried

**Financial Reports:**

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

**Accounts:**

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

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

Carried

Zoning Hearing:

228/10 Steele: That this meeting be recessed for the purpose of conducting a public hearing to hear any person or group that wants to comment on the proposed bylaw.  
Carried (9:55 a.m.)

Reconvene:

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

**Committee Reports:**

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

Carried

230/10 Protective Services Committee: Councillor Budd gave a verbal report.  
Budd: That Reeve Ross attends the November 15, 2010 regular meeting of the Town of Nearly Perfect council to discuss the terms of the cost-sharing agreement regarding the joint purchase of a new fire truck.

Carried

**Staff Reports:**

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

Carried

**Appointments:**

Deputy Reeve

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

Councillor Skeeny requested a recorded vote.

For: Horowitz, Brown, Steele, Ross

Against: Skeeny, Budd, Grey

Carried

Library Board Appointments

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

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

Carried

**New Business:**

Recreation Program Director

234/10 Grey: That Rosie O'Grady is hired for the position of Recreation Program Director as of December 1, 2010 at a salary of \$4,250.00 per month with duties as specified in the RM of Nearly Perfect No. 999 policy manual.

Carried

MLDP Module

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

Carried

Pavement Problems – S16-33-9-W3

236/10 Steele: That Smith Engineering Ltd. is requested to attend the next regular meeting of council to discuss solutions to the heaving problems on the road S 16-33-9-W3.

Carried

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**Bylaws:**

Dispense with the Mailing of Assessment Notices

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

Carried

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

Carried

**Announcements:**

December Regular Meeting

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

Carried

**Adjournment:**

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

Carried

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Reeve

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Administrator

## Appendix L – Motions at a Glance

### Motions to Amend

- “I move to amend the motion by inserting \_\_\_\_ between \_\_\_\_ and \_\_\_\_.”
- “I move to amend the motion by adding \_\_\_\_ after \_\_\_\_.”
- “I move to amend the motion by substituting \_\_\_\_ instead of \_\_\_\_.”
- “I move to amend the motion by striking out \_\_\_\_ and inserting \_\_\_\_.”

### Motion to Postpone

- “I move that we postpone consideration of this motion until the next regular meeting of council on \_\_\_\_ [date].”
- “I move to postpone this motion indefinitely.”

### Motion to Reconsider

- “I move that this council reconsider the motion to \_\_\_\_ [state the motion].”

### Motion to Refer

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

### Motion to Rescind

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

### Notice to Rescind

- “I give notice that I shall move to rescind resolution # \_\_\_\_ at the next regular meeting of council to be held on \_\_\_\_ [date].”

### Motion to Table

- “I move to table the main motion.”

### Motion to Take from the Table

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

## Appendix M – Motions According to Precedence

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

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

Objective:	You Say:	Interrupt?	Debate?	Amend?
Close the meeting	I move to adjourn	N	N	N
Take a break	I move to recess for ...	N	N	Y
Register a complaint	I rise to a question of privilege	Y	N	N
Lay aside temporarily	I move to table the motion	N	N	N
Close debate	I move the previous question	N	N	N
Limit or extend debate	I move that debate be limited to ...	N	N	Y
Postpone to a certain time	I move to postpone the motion to ...	N	Y	Y
Refer to committee	I move to refer the motion to ...	N	Y	Y
Modify wording of motion	I move to amend the motion by ...	N	Y	Y
Bring business before the meeting (main motion)	I move that / to ...	N	Y	Y
<b>Incidental Motions</b> – no order of preference				
Enforce rules	Point of order	Y	N	N
Submit a matter to the meeting	I appeal from the decision of the chair	Y	Varies	N
Suspend rules	I move to suspend the rules which ...	N	N	N
Avoid main motion	I object to the consideration of the... question	Y	N	N

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

Divide motion	I move to divide the... question	N	N	Y
<b>Motions That Return a Question to the Meeting</b> <ul style="list-style-type: none"> <li>• no order of precedence; cannot be introduced if another question is pending</li> </ul>				
Take matter from the table	I move to take from the table ...	N	N	N
Cancel a previous decision	I move to rescind ...	N	Y	Y
Reconsider motion	I move to reconsider the vote ...	N	Varies	N

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

To suppress debate or hasten action:

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

To delay action

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

To prevent action

- Object to consideration
- Withdraw a motion

To consider more carefully

- Committee of the Whole

To change a decision

- Reconsider
- Rescind

To maintain rules and order

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

To close a meeting

- Adjourn
- Fix time of next meeting
- Recess