

The Rural Municipality of Mountain

BY-LAW NO. #01/16

BEING A BY-LAW TO REGULATE THE PROCEEDINGS AND CONDUCT OF COUNCIL AND THE COMMITTEES THEREOF.

WHEREAS Section 149(1) of The Municipal Act provides that a council must establish by by-law rules of procedure and review the by-law at least once during the term of office.

THEREFORE BE IT RESOLVED THAT the council of The Rural Municipality of Mountain, in open meeting assembled, enacts as follows:

TITLE

1.0 This by-law may be referred to as “The R.M. of Mountain Procedures By-Law.”

1.1 The following rules and regulations shall be observed in council, and in all committees thereof.

DEFINITIONS

2.0 In this by-law,

- a) “Agenda” means the agenda for a regular or special meeting of council or committee of council.
- b) “Act” means The Municipal Act S.M. 1996 c.58.
- c) “CAO” means the Chief Administrative Officer of The Rural Municipality of Mountain.
- d) “Chair” means the person presiding at the meeting of council or committee.
- e) “Committee” means a committee or other body established under The Rural Municipality of Mountain Organizational By-law, but does not include a committee of the whole council or Local Urban District.
- f) “Committee of the Whole Council” means a committee of all members present at a council meeting sitting as a committee.
- g) “Council” means the duly elected reeve and councillors of The Rural Municipality of Mountain.
- h) “Council Meeting” means a regular or special meeting of the council but does not include a public hearing held by the council.
- i) “In Camera” means in private or to the exclusion of the public.
- j) “Members” means, when referring to the council, the councillors and the reeve.
- k) “General Holiday” means each Saturday and Sunday, and includes such days as New Year’s Day, Good Friday, Victoria Day, The First Monday in August, Labour Day, Thanksgiving Day, Remembrance Day, ½ day Christmas Eve, Christmas Day, Boxing Day, Louis Riel Day, Canada Day, and any other day declared a holiday by the Provincial or Federal Government.
- k) “he, she, him, her and the like” refer to the individual and are not intended to be gender specific.

SUSPENSION

3.0 Any rule contained in this by-law may be suspended by a vote of the majority of the members present, except in cases where the Act or by this by-law, some other vote is required.

COUNCIL INAUGURAL MEETING

4.0 Following a general election, the Reeve must call the Inaugural Meeting of Council within thirty (30) days, and the meeting shall be held at 10:00 a.m. in the R.M. of Mountain Council Chambers in Birch River, Manitoba.

4.1 Council must at its Inaugural Meeting review the Procedures and Organizational by-laws.

HEAD OF COUNCIL

5.0 A majority of the members of council constitutes a quorum. A quorum of council for The Rural Municipality of Mountain shall be four (4) members.

- 5.1 If a position on council is vacant, the quorum will be the majority of the remaining members of council provided that the minimum number for a quorum cannot be less than 3 members. In the case of a council committee, the minimum number for a quorum is 2.
- 5.2 Lack of quorum - If no quorum is present within thirty (30) minutes after the time scheduled for a meeting, the council shall stand adjourned, and the CAO shall enter into the minutes the names of the members present at the meeting.

COMMUNICATION FACILITY

- 6.0 Any member of council may participate in a meeting of council by means of a communication facility.
- 6.1 Members of council participating in a meeting of council by means of a communication facility are deemed to be present at the meeting.

AGENDA

- 7.0 A draft agenda of each regular meeting of council, as prepared by the CAO, together with copies of supporting materials shall be available to the members of council at least three (3) days preceding the meeting of council.
- 7.1 Items may be added to the agenda at a regular meeting of council by a majority vote of the members present, prior to adopting the final agenda for the regular meeting of council.
- 7.2 In preparing the meeting agenda, the CAO shall state the business for consideration in accordance with the following order of business:

Regular Meetings of Council

- *Call to Order
- *Agenda – Adoption of Agenda
- *Matters Arising from the Minutes
- *Minutes – Adoption of Minutes
- *By-Laws and Policies
- *Financial
 - Accounts Payable
 - Financial Statement
- *Ward Reports/Work Orders
- *Delegations/Petitions
- *General Business
- *Communications
- *Adjournment

- 7.3 Notwithstanding the provisions under 7.2, it shall always be in order for the council to vary the order in which business on the agenda shall be dealt with by a majority vote of the members present.

REGULAR MEETINGS

- 8.0 Regular meetings of council shall be held on the 2nd Wednesday and 4th Wednesday of each month in the council chambers of The Rural Municipality of Mountain from 10:00 A.M. to and be subject to a 4:30 P.M. curfew. A notice prior to the first council meeting each year shall be posted in the Municipal Office outlining the *regular* meeting schedule for that year.
- 8.1 All meetings of Council shall be chaired by the Reeve, or in his/her absence, by the Deputy Reeve. If the Reeve or Deputy Reeve is not present at the time scheduled for a meeting, the council may appoint one of its members to chair the meeting.
- 8.2 If the day fixed for a regular meeting of council is a general holiday, the meeting shall be held on the next day following which is not a holiday at the same time and place.
- 8.3 Council may by resolution vary the date and time of a regular meeting as circumstances may require.

- 8.4 Notice of any change of day or time of a regular meeting must be posted in the municipal office at least two (2) days before the regularly scheduled date of the meeting.
- 8.5 At the hour set for a meeting to commence, and providing that a quorum is present, the Reeve shall take the chair and shall call the meeting to order.
- 8.6 The council shall observe a curfew whereby the item on the agenda under discussion at the time fixed for adjournment will be the last item dealt with on that day unless by majority vote the council decide to extend the time of adjournment. In any case, only one half hour extension is allowed.
- 8.7 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 8.8 Despite clause 8.7 of this by-law, council or council committee may close a meeting to the public if:
- a) the members decide during the meeting to meet as a committee to discuss a matter, and
 - b) the decision and general nature of the matter are recorded in the minutes of the meeting; and
 - c) the matter to be discussed relates to
 - (i) municipal assistance,
 - (ii) an employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance
 - (iii) a matter that is in its preliminary stages and respecting which discussion in public could prejudice the municipality's ability to carry out its activities or negotiations,
 - (iv) the conduct of existing or anticipated legal proceedings,
 - (v) the conduct of an investigation under, or enforcement of, an Act or by-law,
 - (vi) the security of documents or premises, or
 - (vii) a report of the Ombudsman received by the head of council under clause 36(1)(e) of The Ombudsman Act.
- 8.9 No resolution or by-law may be passed at a meeting that is closed to the public, except a resolution to reopen the meeting to the public.

SPECIAL MEETINGS OF COUNCIL

- 9.0 A special meeting of council of The Rural Municipality of Mountain may be called at any time by the Reeve, and must be called by the Reeve, if the Reeve receives a written request from at least two members of council stating the purpose. A copy of the written request must also be served on the CAO.
- 9.1 Should the Reeve not call a special meeting within forty-eight (48) hours of receiving written request by two members of council, the CAO must call the meeting in accordance with section 9.2 of this by-law.
- 9.2 The notice of the special meeting to all members of council may be oral, in electronic or written form, and must state the purpose of the meeting, and must be provided to all members of council and posted in the municipal office at least forty-eight (48) hours before the scheduled time of the meeting.
- 9.3 Should the Head of Council be unavailable, the Deputy Head of Council may call a special meeting only if requested in writing by 2 members in accordance with this part.
- 9.4 Any member of council may waive the right to be given notice by giving written notice to the CAO and having done so shall be deemed to have been given notice of a special meeting of council.
- 9.5 At a special meeting, no subjects or matters, other than those mentioned in the notice calling the meeting, shall be taken into consideration, unless all members of council are present, and the members unanimously agree by resolution to adding of items to the agenda.

DELEGATIONS

- 10.0 The Chair may limit the time taken by a delegation to *fifteen (15) minutes*. The delegation must appoint a spokesperson.
- 10.1 To allow members of council to prepare for delegations, all presenters shall register in writing with the CAO at least seven days before the council meeting unless the CAO deems the matter to be of urgent nature. Delegation must also advise the CAO of the topic and scope of the presentation.`
- 10.2 There shall be a limit of three delegations included on the agenda of a council meeting, but the CAO is granted authority to schedule delegations as deemed appropriate.

VOTING

- 11.0 A member has one vote each time a vote is held at a council meeting at which the member is present.
- 11.1 The minutes of a meeting at which council votes on the third reading of a by-law must show the name of each member present, the vote or abstention of each member, and the reason given for any abstention.
- 11.2 The CAO must record in the minutes the name of any member who exercises his right to abstain from voting on any resolution.
- 11.3 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 11.4 Council may not reconsider or reverse a decision within one year after it is made unless:
- a) at the same meeting at which the decision is made, all the members who voted on the original resolution are present and agree to reconsider and vote again; or
 - b) a member gives written notice to the council, from at least one regular meeting to the next regular meeting, of a proposal to review and reverse the decision.
- 11.5 When council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 11.6 Any member of council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The CAO must record in the minutes of the meeting of council the names of the members present, the vote or abstention of each member.

PROCEDURE AT PUBLIC HEARING

- 12.0 Each member of council must attend a public hearing called by council unless the member :
- (a) is excused by the other members from attending the hearing;
 - (b) is unable to attend owing to illness,
 - (c) is required under The Municipal Council Conflict of Interest Act to withdraw from the hearing.
- 12.1 All public hearings shall be chaired by the Reeve, or in his/her absence, by the Deputy Reeve. If the Reeve or Deputy Reeve is not present at the time scheduled for a meeting, the council may appoint one of its members to chair the meeting.
- 12.2 The Chair of the public hearing has the right to limit the time taken by a person to ten (10) minutes, after which council may wish to ask questions of the person. All questions must be channeled through the Chair of the hearing.
- 12.3 The Chair of the public hearing may decline to hear further presentations, questions or objections where he is satisfied that the matter has been addressed at the public hearing.
- 12.4 The Chair of the public hearing may decide which presenters will be heard, if he is satisfied that presentations are the same or similar.
- 12.5 The Chair of the public hearing may require any person, other than a member of council, who is in the opinion of the Chair conducting himself in a disorderly or improper manner, to

leave the public hearing and if that person fails to do so, may cause that person to be removed.

- 12.6 If a public hearing is adjourned, the council shall provide a public notice of the date, time and place of the continuation of the hearing, unless information is announced at the adjournment of the hearing.

BY-LAWS AND RESOLUTIONS

- 13.0 Council may act only by resolution or by-law.
- 13.1 No motion shall be debated or put unless it is in writing and is seconded,
- 13.2 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 13.3 Council may not give a proposed by-law more than two readings at the same council meeting.
- 13.4 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 13.5 By-laws may be introduced and given first reading in draft form, however all members of Council shall have the opportunity to review the full text of the proposed by-law before the by-law receives second reading.
- 13.6 Each member present at the meeting at which third reading is to take place must, before the proposed by-law receives third reading, be given, or have had, the opportunity to review the full text of the proposed by-law and any amendment passed after first or second reading.

HEAD OF COUNCIL TAKING PART IN DEBATE

- 14.0 If the Chair desires to present or second a motion, or participate in the debate, he must, leave the chair, and call upon one of the members to fill his place until he resumes the chair.

CONDUCT

- 15.0 Every member previous to his speaking shall address the Chair.
- 15.1 When two or more members address the Chair at the same time, the chair shall name the member who is to speak first.
- 15.2 When the Chair is called on to decide a point of order or practice, he shall do so without comment unless requested to do so.
- 15.3 When the Chair is putting a question, no member shall leave his chair.
- 15.4 Discussion shall be limited to the question in debate.
- 15.5 No member shall speak to the question or in reply for longer than five (5) minutes without the approval of council.
- 15.6 A motion to adjourn takes precedence over all others and may be moved at any time, but the question cannot be received after another is actually put and while council is engaged in voting.
- 15.7 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 15.8 Where at a council meeting, any person other than a member of council is, in the opinion of the Chair, conducting himself in a disorderly or improper manner; the Chair may require that person to leave the meeting and if that person fails to do so, may cause that person to be removed.
- 15.9 Where at a council meeting a member of the council is conducting himself in a disorderly or improper manner, the council may, by a resolution passed by the majority of the other

members present, require the member to leave the meeting, and if the member fails to do so, may cause that member to be removed.

15.10 Persons in the council chambers are not permitted to display signs or placards, to applaud participants in debate or to engage in conversation or other behaviors which may disrupt council proceedings.

15.11 Council may limit the number of persons allowed in the council chambers.

15.12 The public and media may audio/video tape meetings proceedings, including public hearings provided that arrangements are made with the CAO at least (24) hours prior to the meeting or public hearing.

15.13 A member must keep in confidence a matter that is discussed at a meeting closed to the public under subsection 152(3) of the Act until the matter is discussed at a council meeting conducted in public.

15.14 A member who breaches the requirement of confidentiality under clause 15.13 becomes disqualified from council.

All points of order and procedure not resolved by rules in this by-law shall be resolved by a majority decision of council.

By-law No. 09/11 is hereby repealed.

DONE AND PASSED as a by-law of The Rural Municipality of Mountain at the L.U.D. of Birch River in the Province of Manitoba this 22nd of March, A.D., 2016.

The Rural Municipality of Mountain

.....

Marvin Kovachik
Reeve

.....

Robin Wiebe
Chief Administrative Officer

Read a first time this 9th day of March, A.D. 2016.

Read a second time this 22nd day of March, A.D. 2016.

Read a third time this 22nd day of March, A.D. 2016.