

THE RURAL MUNICIPALITY OF ROSSER

BY-LAW 2-19 8-182

DRAFT

Being a By-law to regulate the proceedings and conduct of the Council and the Committees thereof and to repeal By-law 8-127-04

WHEREAS, pursuant to "The Municipal Act", S.M. of 1996, c. 58 - Cap. M225, a council must pass a procedures by-law:

Council to pass procedure by-law

149(1) A council must establish by by-law rules of procedure and review the by-law at least once during its term of office.

Council bound by procedures by-law

149(2) The council must govern itself in accordance with its procedures by-law.

Content of procedures by-law

149(3) The council must in its procedures by-law provide for

- (a) regular meetings of the council, and the day, time and place of the meetings;
- (b) the type and amount of notice to be given of regular meetings of the council;
- (c) the procedure to be followed and the type and amount of notice to be given to change the day, time or place of a regular meeting of the council;
- (d) rules respecting the conduct of council meetings;
- (e) rules respecting public participation at council meetings;
- (f) a procedure for the appointment of a member to act as head of council if the head and deputy head are unable to act or the offices are vacant;
- (g) the type and amount of notice to be given of a special meeting of the council; and
- (h) the time within which a special meeting of the council requested under clause 151(1)(b) must be called by the head of council and must take place.

Further content of procedures by-law

149(4) The council may in its procedures by-law provide for such other matters as the council considers necessary or desirable, including, subject to Division 5 (Local Urban Districts) of Part 3, the conduct of meetings of council committees.

Meeting through electronic communications

150(1) A council may conduct a meeting by means of an electronic or other communication facility if the facility enables the members to hear and speak to each other and the public to hear the members.

Participating member deemed to be present

150(2) A member participating in a meeting conducted by means of a communication facility is deemed to be present at the meeting."

NOW THEREFORE BE IT RESOLVED that the Council of the Rural Municipality of Rosser in open meeting assembled, enacts as follows:

1. TITLE

- 1.1 This by-law may be referred to as "Rosser Procedures By-Law".
- 1.2 The following rules and regulations shall be observed in Council, and in all Committees thereof.

2. DEFINITIONS

- 2.1 Unless otherwise expressly provided or unless the context otherwise requires, words and expressions in the By-law have the same meaning as the same words and expressions in "The Municipal Act".

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- 2.2 Wherever the singular or masculine are used throughout this By-law, the same shall be construed as meaning the plural or feminine or neutral, where the context so requires.
- 2.3 In this by-law the following terms shall have the following meaning:
- a) "**Agenda**" means the Agenda for a regular or special meeting of Council or Committees of the Council;
 - b) "**Act**" means "The Municipal Act" S.M. 1996, c.58 – chap, M225;
 - c) "**By-law**" means a by-law of the Municipality to regulate the proceedings and conduct of the Council and the Committees thereof;
 - 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 Rosser Organizational By-law, but does not include a Committee of the whole Council;
 - 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 Rosser;
 - h) "**Council Meeting**" means a regular meeting 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 Reeve;
 - k) "**Municipality**" means the Rural Municipality of Rosser;
 - l) "**General Holiday**" means each Saturday and Sunday, and includes such days as New Year's Day, Louis Riel Day, Good Friday, Easter Monday, Victoria Day, Dominion Day, the First Monday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any other day declared a holiday by the Provincial or Federal Government.

3. SUSPENSION

- 3.1 Any rule contained in this By-law, ~~except Clause 7.5~~ may be suspended by a majority consensus of members present, or if any member requests a vote, by resolution 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.

4. COUNCIL INAUGURAL MEETING

- 4.1 Following a general election the Reeve must call the Inaugural Meeting of Council within thirty (30) days, and the meeting shall be held in the Council Chambers of the Municipality.
- 4.2 Council must at its Inaugural Meeting review the Procedures and Organizational By-laws.

5. QUORUM

- 5.1 A majority of the members of Council constitutes a quorum. A quorum of Council ~~for~~ of the Municipality shall be three (3) members.
- 5.2 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 three (3) members. In the case of a Council Committee, the minimum number for a quorum is two (2).
- 5.3 If no quorum is present within thirty (30) minutes after the time scheduled for a meeting, the Council shall stand adjourned and the Chief Administrative Officer shall enter into the minutes, the names of the members present at the meeting.

6. COMMUNICATION FACILITY

- 6.1 Any members of Council participating in a meeting of Council by means of communication facility shall do so ~~only~~ with prior notice to the Chief Administrative Officer, approval of Council by resolution at the start of the meeting, and any other ~~on~~ terms and conditions set by Council.
- 6.2 Members of Council participating in a meeting of Council by means of a communication facility are deemed to be present at the meeting.

7. AGENDA

- 7.1 A draft Agenda of each regular meeting of Council, as prepared by the Chief Administrative Officer, together with copies of supporting materials shall be available to the members of Council at least seventy-two (72) hours preceding the meeting of Council. A copy of the draft Agenda shall be available at the Municipal Office and on the municipal website at the same time.
- 7.2 All items to be placed on the Agenda of the next regular meeting of Council must be provided to the Chief Administrative Officer at least one hundred and twenty-six ~~one hundred and twenty-six~~ (120~~96~~6) hours prior to the scheduled time of the regular meeting.
- 7.3 Items may be added to the Agenda at a regular meeting of Council by resolution ~~a majority vote of the members present~~, prior to adopting the final Agenda for the regular meeting of Council.
- 7.4 In preparing the Council Agenda, the Chief Administrative Officer shall state the business for consideration in accordance with the following order of business:
- Call the meeting to order
 - Acknowledgement of the Territory
 - Adoption of Agenda
 - Confirmation of minutes
 - Finance
 - Chief Administrative Officer's Report
 - Correspondence
 - By-Laws & Policies
 - ~~Public Works~~
 - Planning
 - Committee/Meeting Reports
 - Delegations/Public Works (For a day meeting delegation will be prescheduled for both the morning and afternoon and heard at the scheduled time. Public Works will be schedule immediately after the lunch break. For an evening meeting

delegation will be prescheduled and heard and the scheduled time. Public Works will be scheduled right after Confirmation of Minutes.

- Adjournment.

7.5 Notwithstanding the provisions under Clause 7.4, it shall always be in order for the Council to vary the order in which business on the Agenda shall be dealt with, by unanimous consensus ~~by a majority vote~~ of the members present.

~~7.5~~

8. REGULAR MEETING

8.1 Regular day meetings of Council shall be held at 9:00 a.m. on the second (2nd) Tuesday of each month and an evening meeting shall be held at 6:00 p.m. on the fourth (4th) Tuesday of each month excepting July, August and September in the Council Chambers of the Municipality.

8.2 A notice prior to the first Council Meeting of each year shall be posted in the municipal office and on the municipal website outlining the regular meeting schedule for that year.

8.3 All meetings of Council shall be Chaired by the Reeve, or in the absence of the Reeve, 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.

8.4 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.

~~8.4~~ 8.5 If a meeting is cancelled due to weather, the meeting shall be rescheduled by a majority consensus of Council. The new date and time for the rescheduled meeting will be posted in the municipal office and on the municipal website. In this circumstance Clause 8.7 does not apply for length of posting.

~~8.5~~ 8.6 Council may by resolution vary the date and time of a regular meeting as circumstances may require.

~~8.6~~ 8.7 Notice of any change of day or time of a regular meeting of Council must be posted in the municipal office and on the municipal website at least sevenfourteen (14) days before the regular scheduled date of the meeting.

~~8.7~~ 8.8 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.

~~8.8~~ 8.9 The Council shall observe a curfew whereby the item on the Agenda under discussion at 4:00 p.m. for day meetings and 9:00 p.m. for an evening meeting will be the last item dealt with on that day unless by resolution ~~majority vote~~ the Council decides to extend the time of adjournment.

~~8.9~~ 8.10 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.

~~8.10~~ 8.11 Despite clause 8.9 of this by-law, Council or Council Committees 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 matter to be discussed and general nature of the matter are recorded in the minutes of the meeting; and
- c) the matter discussed relates to

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- i. an employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance;
- ii. 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;
- iii. the conduct of existing or anticipated legal proceedings;
- iv. the conduct of an investigation under, or enforcement of, an Act or By-law;
- v. the security of documents or premises; or
- vi. a report of the Ombudsman received by the head of the Council under clause 36(1) (e) of "The Ombudsman Act".

~~8.148.12~~ 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.

9. SPECIAL MEETING OF COUNCIL

- 9.1 A special meeting of Council of the Municipality may be called at any time by the Reeve, and must be called by the Reeve, if the Reeve receives written request from at least two members of Council stating the purpose. A copy of the written request must also be served on the Chief Administrative Officer.
- 9.2 Should the Reeve not call a special meeting within forty-eight (48) hours of receiving written request by two members of Council, the Chief Administrative Officer must call the meeting in accordance with Section 9.3~~2~~ of this By-law.
- 9.3 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 and on the website at least forty eight (48) hours before the scheduled time of the meeting.
- 9.4 Should the Reeve be unavailable, the Deputy Reeve of Council ~~may~~ shall call a special meeting only if requested in writing by two members in accordance with this part.
- 9.5 Any member of Council may waive the right to be given notice by giving written notice to the Chief Administrative Officer and having done so shall be deemed to have been given notice of a special meeting of Council.
- 9.6 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.

10. DELEGATIONS

- 10.1 The Chair may limit the time taken by a delegation to fifteen (15) minutes. The delegation must appoint a spokesperson.
- 10.2 To allow members of Council to prepare for delegations, all presenters shall register with the Chief Administrative Officer at least ~~ninety-one hundred and twentysix~~ (12096) hours before Council Meeting and advise the Chief Administrative Officer of the topic and scope of the presentation.
- 10.3 Persons wishing to appear as a delegation in regards to an item placed on the Agenda provided to the public seventy-two (72) hours prior to the scheduled meeting, shall

register with the Chief Administrative Officer a minimum of two (2) hours before the Council Meeting and advise the Chief Administrative Officer of the topic of the presentation. In any case, registration of a delegation must occur prior to the commencement of a Council Meeting.

- 10.4 There shall not be a limit to the number of delegations included on the Agenda of a Council meeting, but the Chief Administrative Officer is granted authority to schedule delegations as deemed appropriate.
- 10.5 The public shall not participate in discussion at a Council Meeting, unless by unanimous consensus of the members present, or if necessary by a resolution a majority vote of Council, the public is asked for their participation.

11. VOTING

- 11.1 A member has one vote each time a vote is held at a Council Meeting at which the member is present.
- 11.2 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.
- 11.3 The Chief Administrative Officer must record in the minutes the name of any member who exercises his right to abstain from voting on any resolution.
- 11.4 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 11.5 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 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.
- 11.6 When Council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 11.7 Any member of Council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The Chief Administrative Officer must record in the minutes of the meeting of Council the names of the members present, the vote or abstention of each member.

12. PROCEDURE AT PUBLIC HEARINGS

- 12.1 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 due to illness
 - c) is required under "The Municipal Conflict of Interest Act" to withdraw from the hearing.
- 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 if 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 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 in the opinion of the Chair is conducting themselves 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 the information is announced at the adjournment of the hearing.

13. BY-LAWS AND RESOLUTIONS

- 13.1 Council shall act only by resolution or by-law.
- 13.2 No motion shall be debated or put to the question unless it is in writing and is seconded, except a motion to adjourn ~~which~~ that need not be in writing.
- 13.3 Every proposed by-law must be given three separate readings and each reading must be put to a separate vote.
- 13.4 Council may not give a proposed by-law more than two readings at the same Council Meeting.
- 13.5 Only the title or an identifying number of the by-law must be read at each reading.
- 13.6 Each member present at the meeting at which first reading is to take place must be given, or have had, the opportunity to review the full text of the proposed by-law before the by-law receives first reading.
- 13.7 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 reading.

14. HEAD OF COUNCIL TAKING PART IN DEBATE

- 14.1 If the Chair desires to present or second a motion, or participate in debate, ~~the Chair~~ can do so without leaving the Chairing position.

15. CONDUCT

- 15.1 Every member previous to speaking shall address the Chair.
- 15.2 When two or more members address the Chair at the same time, the chair shall name the member who is to speak first.
- 15.3 When the Chair is called on to decide a point of order or practice, they shall do so without comment unless requested to do so.
- 15.4 When the Chair is putting a question, no member shall leave ~~the Chambers~~ their Chair.
- 15.5 A discussion shall be limited to the question in debate.

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- 15.6 No member shall speak to the question or reply for longer than five minutes without approval of Council by a majority consensus of members present, or if any member requests a vote, by resolution.
- 15.7 A motion to adjourn takes precedence over all others and may be moved at any time, but the question cannot be received after another question is actually put and while Council is engaged in voting.
- 15.8 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 15.9 Where at a meeting, any person other than a member of Council is, in the opinion of the Chair, conducting themselves 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.
- 15.10 Where at a meeting a member of the Council is conducting themselves 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 the member to be removed.
- 15.11 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 behavior which may disrupt Council proceedings.
- 15.12 Council may limit the number of persons allowed in the council chamber.
- 15.13 The public and media may audio/video tape meeting proceedings, including public hearings providing the arrangements are made with the Chief Administrative Officer at least twenty-four (24) hours prior to the meeting or public hearing.
- 15.14 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.
- 15.15 A member who breaches the requirement of confidentiality under clause 15.14 becomes disqualified from Council.

16. OTHER REGULATIONS

- 16.1 All points of order and procedure not resolved by rules provided in this By-law shall be resolved by a majority consensus of members present, or if any member requests a vote, by resolution~~decision~~ of Council.

17. REPEAL

- 17.1 That By-Law ~~8-127-04~~ be repealed upon passage of this By-law.

DONE AND PASSED as a by-law of The Rural Municipality of Rosser at 0 077E PR 221, Rosser in the Province of Manitoba this 17th day of December, A.D. 2012.

Original Signed by "Frances Smee"

Reeve
Frances Smee

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~~Original Signed by "Beverley Wells"~~

~~Chief Administrative Officer~~

~~Larry Wandowich Beverley Wells~~

GIVEN First Reading this ~~12th~~ ~~13th~~ day of ~~February~~ ~~November~~, A.D. ~~2019~~ ~~2012~~.

GIVEN Second Reading this ~~17th~~ day of ~~December~~ A.D. ~~2012~~.

GIVEN Third Reading this ~~17th~~ day of ~~December~~, A.D. ~~2012~~.