

# RURAL MUNICIPALITY OF EAST ST. PAUL

## BY-LAW NO. 2015-09

### Being a by-law to regulate the proceedings and conduct of the 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 East St. Paul, in open meeting assembled, enacts as follows:

#### TITLE

- 1.0 This by-law may be referred to as "The Rural Municipality of East St. Paul Procedures By-law."
- 1.1 The following rules and regulations shall be observed in Council, and in all committees thereof.

#### LEGISLATION

- 2.0 All proceedings of Council shall be governed and conducted in accordance with The Municipal Act, being Chapter 58 of the Statutes of Manitoba S.M. 1996, as amended, which shall supersede all sections of this by-law inconsistent therewith.
- 2.1 The Rural Municipality of East St. Paul Procedures By-law shall at no time set a lower standard of procedure or conduct than that provided for in The Municipal Act.

#### DEFINITIONS

- 3.0 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) "**Applicant**" means a person who makes a request to appear and present to council at a public hearing.
  - 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 East St. Paul Organizational By-law
  - f) "**Council**" means the duly elected Mayor and Councillors of the Rural Municipality of East St. Paul.
  - g) "**Council Meeting**" means a regular meeting or special meeting of the council but does not include a public hearing held by the council.
  - h) "**In Camera**" means in private or to the exclusion of the public.

- j) **“Members”** means, when referring to the Council, the Councillors and the Mayor.
- k) **“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, Terry Fox Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any other day declared a holiday by the Provincial or Federal Government.

#### **SUSPENSION**

- 4.0 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**

- 5.0 Following a general election, the Mayor must call the Inaugural Meeting of Council within 15 days, and the meeting shall be held at 5:30 p.m. at the Council Chambers of the Rural Municipality of East St. Paul.

- 5.1 Council must within one year of its Inaugural Meeting review the Procedures By-law and the Organizational By-law, and must indicate so by resolution.

#### **QUORUM**

- 6.0 A majority of the members of Council constitutes a quorum. Subject to the Municipal Conflict of Interest Act, the minimum number for a quorum of council for the Rural Municipality of East St. Paul shall be 3 members. For the purposes of a quorum, a member is not counted if the member is required to abstain under The Municipal Conflict of Interest Act.

- 6.1 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 3 members.

- 6.2 Lack of quorum - If no quorum is present within 15 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.

- 6.3 A meeting shall stand adjourned when there ceases to be a quorum.

#### **ATTENDANCE**

- 7.0 Where possible a member of Council shall advise the Chief Administrative Officer in advance that he or she is unable to attend the meeting, or that he or she will be delayed.

## **COMMUNICATION FACILITY**

- 8.0 Any member of Council participating in a meeting of council by means of a communication facility shall do so only with prior approval of Council and on terms and conditions set by Council. If the Mayor is participating by communication facility, the Deputy Mayor will assume the role as chair.
- 8.1 Members of Council participating in a meeting of council by means of a communication facility are deemed to be present at the meeting.

## **AGENDA**

- 9.0 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 on or before 3:30 p.m. on the Friday preceding the meeting of council. A copy of the draft agenda shall be posted in the Municipal Office and on-line at the same time.
- 9.1 All items to be placed on the agenda of the next regular meeting of council must be provided to the Chief Administrative Officer by 12:00 noon on the Thursday prior to the regular meeting.
- 9.2 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.
- 9.3 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
  - Adoption of the agenda
  - Confirmation of the minutes
  - Business arising from previous meetings
  - Finances
  - By-laws
  - Policies
  - Public hearings (scheduled for 5:45 p.m.)
  - Delegations (scheduled for 5:45 p.m.)
  - General business
  - Business arising from delegations
  - Council members reports
  - In camera
  - Adjournment
- 9.4 Notwithstanding the provision under section 9.3, 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 MEETING**

- 10.0 Regular meetings of Council shall be held on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month in the Council Chambers of the Rural Municipality of East St. Paul at the hour of 5:30 p.m. The 4<sup>th</sup> Tuesday Council Meeting shall also include a regular planning meeting. Regular meetings of Council shall be held every 2<sup>nd</sup> Tuesday starting on the 2<sup>nd</sup> Tuesday of each September with the exception of the months of July and August each year, when meetings will be held every fourth week until a new schedule starts again in the first week in September. A notice prior to the first council meeting each year shall be posted in the Municipal Office and on-line outlining the regular meeting schedule for that year.
- 10.1 All meetings of Council shall be chaired by the Mayor, or in his/her absence, by the Deputy Mayor. If the Mayor or Deputy Mayor is not present at the time scheduled for a meeting, the Council may appoint one of its members to chair the meeting.
- 10.2 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.
- 10.3 The Mayor may, upon two (2) clear days written notice given through the Chief Administrative Officer, postpone or relocate any regular meeting of council to a day to be named in such notice and such notice shall state the time and place of the meeting. All members of Council will be provided with a copy of the notice by electronic form at the earliest opportunity. Council may, by resolution, also change the date, time and place of a regular council meeting, as well as cancel a regular council meeting.
- 10.4 Notice of any change of day or time of a regular meeting of council must be posted in the Municipal Office and on-line at least 48 hours before the regularly scheduled date of the meeting.
- 10.5 At the hour set for a meeting to commence, and providing that a quorum is present, the Mayor shall take the chair and shall call the meeting to order.
- 10.6 The Council shall observe a curfew whereby the item on the agenda under discussion at 10:00 p.m. will be the last item dealt with on that day unless by unanimous vote the Council decide to extend the time of adjournment. In any case, only one half hour extension is allowed.
- 10.7 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 10.8 Despite section 10.7 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) 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.

10.9 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**

- 11.0 A special meeting of council of the Rural Municipality of East St. Paul may be called at any time by the Mayor, and must be called by the Mayor, if the Mayor 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 Chief Administrative Officer.
- 11.1 Should the Mayor not call a special meeting within 48 hours of receiving written request by two members of Council, the Chief Administrative Officer must call the meeting in accordance with section 10.2 of this by-law.
- 11.2 The notice of the special meeting to all members of Council will be communicated 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-line within a reasonable time before the scheduled time of the meeting.
- 11.3 Should the Mayor be unavailable, the Deputy Mayor may call a special meeting only if requested in writing by 2 members in accordance with this part.
- 11.4 Any member of Council automatically waives the right to be given notice of a special meeting of council when on vacation or on approved leave.
- 11.5 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.

## **COMMITTEES**

12.0 Committees of Council shall be appointed by resolution of Council.

## **DELEGATION**

- 13.0 The Chair may limit the time taken by a delegation to ten (10) minutes, after which Council may wish to ask questions of the delegates. All questions must be channeled through the Chair. A maximum of three (3) people from the delegation will be allowed to speak provided all three speakers have previously registered to be part of the delegation.
- 13.1 To allow members of Council to prepare for delegations, all presenters shall register in writing with the Chief Administrative Officer no later than 10:00 am on the Thursday before the council meeting and advise the Chief Administrative Officer in writing of the topic and scope of the presentation.
- 13.2 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.
- 13.3 The Chair may terminate a presentation if the spokesperson displays inappropriate behaviour or improper conduct.
- 13.4 No member of Council shall express their personal opinion or that any specific action should be taken until the delegation has ended and after debate has taken place during Business Arising from Delegations.

## **PETITIONS AND CORRESPONDENCE**

- 14.0 Petitions intended to be presented to Council shall be legibly written, typed or printed, and dated, shall comply with the requirement of The Municipal Act, and shall be signed by at least one person.
- 14.1 Correspondence intended to be presented to Council shall be legibly written, typed or printed, and dated, and shall be signed by at least one person.

## **MOTIONS**

- 15.0 When a question is before the Council the mover thereof shall have an opportunity of speaking thereto before any other member is permitted to do so and before any decision is made with respect to it.
- 15.1 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.
- 15.2 When a motion has been made and seconded and is being considered by Council no member may make any other motion except:

- a) a motion to refer the main question to some other person or group for consideration;
  - b) a motion to amend the main question or an amendment to it;
  - c) a motion to table the main question.
- 15.3 A member moving a motion to table any matter whether the matter is contained in a petition, inquiry, motion or other matter before the Council shall include in the motion to be tabled:
- a) the time at the present meeting, or the date of the future regular or special meeting, to which the motion is to be tabled; or
  - b) a provision that the matter is to be tabled indefinitely.
- 15.4 A motion to table a matter shall not be debated except as to the date and time when Council will again consider the motion.
- 15.5 A tabled motion may only be taken from the table through a positive vote of Council.
- 15.6 A matter which has been tabled to a particular date shall not be considered again by Council before the date set unless by 2/3 majority of the whole of Council the tabled item is taken from the table.
- 15.7 Where an amendment has been moved to a motion which is under discussion, an amendment to the amendment may be moved but no further amendments may be moved to the amendment or to the principal question until after the amendment to the amendment is voted upon.
- 15.8 A member who moved or seconded a motion may move or second an amendment to it.
- 15.9 While a motion is under discussion by Council a member may not move:
- a) an amendment which does not relate to the subject matter of the principal motion; or
  - b) an amendment directly contrary to the principal motion.
- 15.10 A motion that has been read may be withdrawn at anytime before decision or amendment with the permission of the mover and seconder.

## **VOTING**

- 16.0 A member has one vote each time a vote is held at a council meeting at which the member is present.
- 16.1 Voting shall be indicated by raising either hand.
- 16.2 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.

- 16.3 The Chief Administrative Officer must record in the minutes the name of any member who exercises his/her right to abstain from voting on any resolution along with the reason for abstaining.
- 16.4 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 16.5 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 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.
- 16.6 When Council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 16.7 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.
- 16.8 Where no request is made under section 15.7, the Chief Administrative Officer shall record the number of members who voted in favour, as well as the number of members who voted against.

#### **PROCEDURE AT PUBLIC HEARING**

- 17.0 Where The Municipal Act requires a council to hold a public hearing, 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.
- 17.1 The Chair can adjourn the Public Hearing if the number of persons greatly exceeds the capacity of the facility.
- 17.2 The place for a public hearing may be moved from the Council Chambers to another suitable facility identified by the Mayor to accommodate in excess of one hundred (100) persons in the audience.
- 17.3 The Chair shall open the hearing to order at the appropriate time and as stated in the notice.



- 17.4 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.
- 17.5 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.
- 17.6 The Chair of the public hearing may decide which presenters will be heard, if he is satisfied that presentations are the same or similar.
- 17.7 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 themselves in a disorderly or improper conduct, to leave the public hearing and if that person fails to do so, may cause that person to be removed.
- 17.8 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.
- 17.9 The format of the hearing shall be:
- a) The Chief Administrative Officer shall read the process for the planning hearings and the procedure after the hearings;
  - b) The Applicant shall have an opportunity to speak;
  - c) persons in support shall have an opportunity to speak;
  - d) persons in opposition shall have an opportunity to speak;
  - e) persons requesting information on the issue may have an opportunity to speak;
  - f) the Applicant shall have an opportunity to respond to public comments;
  - g) public representations shall be closed or the meeting recessed for further information;
  - h) the Council shall debate the issue and then by resolution make a decision.
- 17.10 Council may adopt policies with regards to the conduct of members of Council during the following time periods:
- a) Prior to the filing of an application
  - b) Between the filing of an application and holding of the public hearing
  - b) During the public hearing
  - c) After the adjournment of a hearing and prior a decision being made

#### **RULES OF ORDER**

- 18.0 Rules of order not specified by statute, by-law or resolution shall be governed by Roberts Rules of Order. The Mayor shall serve as parliamentarian and may seek advice from the Chief Administrative Officer as to correct rules of procedure or questions of specific rule application.

## **BY-LAWS AND RESOLUTIONS**

- 19.0 Council may act only by resolution or by-law.
- 19.1 No motion shall be debated or put unless it is moved and is seconded.
- 19.2 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 19.3 Council may not give a proposed by-law more than two readings at the same council meeting.
- 19.4 Only the title and the identifying number must be read at each reading of a proposed by-law.
- 19.5 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 by-law before the by-law received first reading.
- 19.6 Each member present at the meeting at which third reading is to take place must, before the proposed by-law received 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.

## **HEAD OF COUNCIL TAKING PART IN DEBATE**

- 20.0 The Chair shall be able to debate, move a motion, and vote on resolutions.

## **CONDUCT**

- 21.0 Every member who wishes to speak shall be recognized by the Chair and then address the Chair.
- 21.1 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 21.2 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.
- 21.3 When the Chair is putting a question, no member shall leave their chair or make any noise or disturbance, and when a member is speaking no other member shall hold discourse or interrupt the speaker except to raise a point of order.
- 21.4 Any member may require the question or motion under discussion to be read for information at any time during the debate but not so as to interrupt a member while speaking.
- 21.5 Discussion shall be limited to the question in debate.

- 21.6 No member shall speak to the question or in reply for longer than 5 minutes without approval of Council.
- 21.7 Members may not speak more than once to any question without permission from the Chair.
- 21.8 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 21.9 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.
- 21.10 Where at a council 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. Such offending member may, by ample apology and by vote of the Council, be restored forthwith.
- 21.11 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 behaviors which may disrupt council proceedings.
- 21.12 Council may limit the number of persons allowed in the Council Chambers.
- 21.13 The public and media may not audio/video tape meeting proceedings, including public hearings unless authorization is given by resolution of Council.
- 21.14 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.
- 21.15 A member who breaches the requirement of confidentiality under section 20.14 becomes disqualified from Council.
- 21.16 All points of order and procedure not resolved by rules provided in this by-law shall, subject to the appeal and reversal by a majority decision of Council, be ruled by the Chair.

#### **REPEAL**

- 22.0 On the passing of this By-law, By-law 2015-09 is hereby repealed.
- 23.0 This by-law shall take effect as of the first day of January, 2016.

DONE AND PASSED as a by-law of the Rural Municipality of East St. Paul in the Province of Manitoba this 7<sup>th</sup> day of **October, 2015**.

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Mayor

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Chief Administrative Officer

Read a first time this 15<sup>th</sup> day of September, 2015

Read a second time this 7<sup>th</sup> day of October, 2015

Read a third time and **PASSED** this 7<sup>th</sup> day of October, 2015