

## Municipality of Grassland

### By-Law No. 09-2022

#### 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 Municipality of Grassland, in open meeting assembled, enacts as follows:

#### TITLE

1.0 This by-law may be referred as "The Municipality of Grassland 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. C.C.S.M.c. M225
  - c) "Chair" means the person presiding at the meeting of council or committee.
  - d) "Committee" means a committee or other body established under The Municipality of Grassland Organizational By-Law, but does not include a committee of the whole council or Local Urban District.
  - e) "Committee of the Whole Council" means a committee of all members present at a council meeting sitting as a committee.
  - f) "Council" means the duly elected reeve and councillors of The Municipality of Grassland.
  - g) "Council Meeting" means a regular meeting or special meeting of the council but does not include a public hearing held by council.
  - h) "In Camera" means in private or to the exclusion of the public.
  - i) "Members" means, when referring to the council, the councillors and the reeve.
  - j) "CAO" means Chief Administrative Officer of the Municipality of Grassland.
  - 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, Canada Day, Terry Fox Day, Labour Day, National Day of Truth and Reconciliation, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any other day declared a holiday by the Provincial or Federal Government.

#### 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 Municipal Act or by this by-law, some other vote is required.

#### COUNCIL INAUGURAL MEETING

4.0 Following a general election an Inaugural Meeting of Council must be held within thirty (30) days; the meeting shall be held at 7:00 P.M. in the Council Chambers in Hartney.

4.1 Council must at its Inaugural Meeting review the Procedures and Organizational By-Laws.

#### QUORUM

5.0 A majority of the members of council constitutes a quorum. A quorum of council for The Municipality of Grassland shall be 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 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.
- 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 shall be available to the members of council by Monday at 2:00 p.m. preceding the meeting of council. A copy of the draft agenda shall be available in the municipal office at the same time.
- 7.1 All items to be placed on the agenda of the next regular meeting of council must be provided to the CAO by Monday at 2:00 p.m. preceding the scheduled meeting of council.
- 7.2 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.
- 7.3 In preparing the council agenda, the CAO shall state the business for consideration in accordance with the following order of business:
1. call the meeting to order
  2. adoption of the agenda
  3. adoption of the minutes
  4. meeting with public works department
  5. reception of delegations
  6. reception of petitions
  7. accounts
  8. by-laws & policies
  9. correspondence
  10. unfinished business
  11. new business
  12. Committee/Councillors/Staff Report
  13. In Camera
  14. Out of Camera
  15. Personnel Matters
  16. notice of motion
  17. adjournment
  18. Dates to Remember
- 7.4 Notwithstanding the provisions under 7.3, 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**

- 8.0 Regular meetings of council shall be held on the 2nd and 4<sup>th</sup> Tuesdays of each month in the council chambers in Hartney commencing at 7:00 P.M.
- 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 Thursday following which is not a holiday.
- 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 of council must be posted in the municipal office at least 3 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 11:00 P.M. 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:
- 1) the members pass a resolution during the meeting to meet as a committee to discuss a matter; and
  - 2) the decision and general nature of the matter are recorded in the minutes of the meeting; and
  - 3) the matter to be discussed relates to
  - 4) an employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance,
  - 5) 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,
  - 6) the conduct of existing or anticipated legal proceedings,
  - 7) the conduct of an investigation under, or enforcement of, an Act or by-law,
  - 8) the security of documents or premises, or
  - 9) a report of the Ombudsman received by the head of the 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 Municipality of Grassland 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. The reeve must also notify the CAO.
- 9.1 Should the reeve not call a special meeting within 24 hours of receiving a 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 and on the Municipal website at least 48 hours prior to 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 by 2 members in accordance with this part.
- 9.4 A special meeting must not be held in the absence of a member unless the member has been given notice of the meeting in accordance to this bylaw. A member who waives the right to be given notice by giving written notice of a special meeting is deemed to have been given notice of the meeting.
- 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 with the CAO at least 3 working days before the council meeting and advise the CAO of the topic and scope of the presentation unless the Reeve and CAO authorize otherwise under Section 7.1.
- 10.2 There shall be a limit to the number of delegations included on the agenda of a Council meeting, and this limit shall be 3 delegations, but the Chief Administrative Officer is granted authority to schedule additional delegations as is deemed appropriate.
- 10.3 The delegation shall wherever possible present a written submission to the Council for their records.
- 10.4 Council may, by resolution limit the number of delegation appearances before Council by any one person in any given year.
- 10.5 Council may by resolution, limit the number of times any delegation may appear before them regarding the same topic.

## 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.
- 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 and also record the vote for or against in the minute book.
- 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, and 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 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.

- 12.2 The Chair of the public hearing may decline to hear further presentations, questions or objections where he/she is satisfied that the matter has been addressed at the public hearing.
- 12.3 The Chair of the public hearing may decide which presenters will be heard, if he/she is satisfied that presentations are the same or similar.
- 12.4 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/herself 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.
- 12.5 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, exception to this is 13.3,
- 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 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.
- 13.6 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 the first or second reading.

#### **CONDUCT**

- 15.0 Every member previous to his/her 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/she shall do so without comment unless requested to do so.
- 15.3 When the Chair is putting a question, no member shall leave his/her 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 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 while another motion is actually put and while council is engaged in discussion or voting. The motion to adjourn must have a mover and seconder and voted upon the same as any other resolution of Council.
- 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/herself 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.
- 15.10 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 and or video tape meeting proceedings, including public hearings providing that arrangements are made with the CAO 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 Municipal 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.

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

**REPEAL**

16.0 By-Law No 07-2022 is hereby repealed.

16.1 This By-Law shall come into force and effect on the day after being passed by Council.

**DONE AND PASSED** as a by-law of the Municipality of Grassland at Hartney in the Province of Manitoba this 13th day of December, 2022.

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REEVE

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CHIEF ADMINISTRATIVE OFFICER

Read a first time this	30th	day of	November 2022
Read a second time this	30th	day of	November 2022
Read a third time this	13th	day of	December 2022