

HAMIOTA MUNICIPALITY

BY-LAW NO. 01-2015

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

WHEREAS Section 149 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 the council of Hamiota Municipality, duly assembled, enacts as follows:

TITLE

- 1.0 This by-law may be referred as “Hamiota Municipality 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) “*The Act*” means *The Municipal Act* S.M. 1996 c.58.
 - (c) “Chair” means the person presiding at the meeting of council or committee.
 - (d) “Committee” means a committee or other body established under Hamiota Municipality Organizational By-law, but does not include a committee of the whole council.
 - (e) “Committee of the Whole Council” means a committee of all members of Council present at a meeting sitting as a committee.
 - (f) “Council” means the duly elected Reeve and councillors of Hamiota Municipality.
 - (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 as per Sec. 153(3) of *The Municipal Act*.
 - (i) “Members” means, when referring to the council, the councillors and the Reeve.
 - (j) “General Holiday” means each Saturday and Sunday, and includes such days as New Year’s Day, Louis Riel Day, Good Friday, Victoria Day, Canada Day, August Civic Holiday, Labour Day, 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 *Act* or by this by-law, some other vote is required.

COUNCIL INAUGURAL MEETING

- 4.0 Following a general election, the mayor must call the Inaugural Meeting of Council within (30) days, and the meeting shall be held in the Council Chambers.
- 4.1 Council delegates to the CAO the authority to handle routine business for the period after a general election and before the new council is sworn in.

QUORUM

- 5.0 A majority of the members of council constitutes a quorum. A quorum of council for Hamiota Municipality 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 15 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, together with copies of supporting materials shall be available to the members of council by 4:30 p.m., Monday prior to the meeting of council. A copy of the draft agenda shall be posted on the municipal website 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 12 noon, Thursday prior to the scheduled regular meeting.
- 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:
- call the meeting to order
 - adoption of the agenda
 - Planning hearings (*conditional use/variation orders/subdivisions*)
 - General Planning Matters
 - confirmation of the minutes
 - reception of delegations
 - reception of petitions
 - reports of committees
 - communications for action
 - communications for information
 - accounts/financial statement
 - by-laws

- new/other business
- notice of motion
- in/out camera
- resolutions generated from In Camera
- adjournment

7.4 Notwithstanding the provisions under the previous section, 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 consensus of the members present.

REGULAR/COMMITTEE OF WHOLE MEETING

- 8.0 Regular meetings of council shall be held on the 1st and 3rd Wednesday of each month in the council chambers of Hamiota Municipality. The regular meetings will commence at the hour of 7:00 p.m. and 9:00 a.m. respectively.
- 8.1 A notice prior to the first council meeting each year shall be posted in the Municipal Office outlining the regular and committee of the whole schedule for the year.
- 8.2 All meetings of Council shall be chaired by the Reeve, or in his 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.
- 8.3 If the day fixed for a 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 Change in meeting dates:
a) 8.4.1 For the months of July and August there will only be 1 regular meeting per month held on the 3rd Wednesday of each month.
- 8.5 Council may by resolution vary the date and time of a regular meeting as circumstances may require.
- 8.6 Notice of any change of day or time of a regular meeting of council must be advertised and posted in the municipal office and on the website at least 7 days before the regularly scheduled date of the meeting.
- 8.7 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 The council shall observe a curfew whereby the item on the agenda under discussion at 11:00 p.m. on the 1st Wednesday, 1:00 p.m. on the 3rd Wednesday of the regular meetings 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.
- 8.9 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 8.10 Despite clause 8.9 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*.

8.11 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.

8.12 Any public person who conducts himself or herself improperly while in the Council Chamber and who disturbs the proceedings of Council by words or actions and who, when requested to do so by the Chair, refuses to stop and end such improper conduct or leave the Council Chamber if so requested, is guilty of disorderly and improper conduct and the Chair may cause such person to be removed from the chamber.

SPECIAL MEETINGS OF COUNCIL

9.0 A special meeting of council of Hamiota Municipality 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 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 and on the website at least 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 To allow members of council to prepare for delegations, all presenters shall register with the CAO by 12 noon the Thursday one week prior to the council meeting and advise the CAO of the topic and scope of the presentation. The CAO, in consultation with the Reeve will deem the need for delegation or if a letter to Council is preferred.

10.1 Every person being heard before Council as a delegation may be heard in person or through another person acting on their behalf. A delegation may be directed to appoint a spokesperson.

10.2 The total period of time allotted for delegate speakers including questions and responses shall not exceed 10 minutes.

- 10.3 The public shall not participate in discussion at a council meeting, unless by unanimous consensus of the members present, or if necessary a majority vote of council, the public is asked for their participation.

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 an abstention.
- 11.2 The CAO must record in the minutes the name of any member who exercises his/her 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 members 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 the council must attend the public hearing unless the member:
- (a) is excused by the other members from attending the hearing;
 - (b) is unable to attend owing to illness; or
 - (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 number of questions and time taken by a person to 10 minutes, after which council may wish to ask questions of the person. All questions must be channelled 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 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 is satisfied that presentations are the same or similar.
- 12.4 Section 8.11 applies to any person in the public gallery who conducts himself or herself improperly at a public hearing of Council.

- 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 A council may act only by resolution or by-law. If expressly required or authorized under a by-law or this or any other *Act* to do something by by-law may do it only by by-law. If required or authorized under a by-law or this or any other *Act* to do something by resolution or to do something without specifying that it be done by by-law or resolution, may do it by resolution.
- 13.1 No motion shall be debated or put unless it is in writing and is seconded, excepting only a motion to adjourn which need not be in writing.
- 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 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 reading.
- 13.7 A council that is expressly required or authorized under a by-law or this or any other *Act* to do something by by-law may do it only by by-law.
- 13.8 The amendment or repeal of a by-law is subject to the same requirements that apply to passing the by-law, unless this or any other *Act* expressly provides otherwise
- 13.9 A resolution of a council is not valid unless it is passed at a council meeting.

CONDUCT OF COUNCIL

- 14.0 Every member shall address the Chair and shall only speak when recognized by the Chair.
- 14.1 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 14.2 When the Chair is called on to decide a point of order or practise, the Chair shall do so without comment unless requested to do so.
- 14.3 When the Chair is putting a question, no member shall leave their chair.
- 14.4 Discussion shall be limited to the question in debate.
- 14.5 No member shall speak to the question or in reply for longer than 5 minutes without approval of council.

- 14.6 A motion to adjourn takes precedence over all others and may be moved at any time, but the question cannot be received after another question is actually put and while council is engaged in voting.
- 14.7 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 14.8 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.
- 14.9 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 the member to be removed.
- 14.10 Persons in the council chambers are not permitted to display signs or other behaviours which may disrupt council proceedings.
- 14.11 Council may limit the number of persons allowed in the council chambers.
- 14.12 If permission has been granted by Council, the public and media may audio/video tape meeting proceedings, including public hearings.
- 14.13 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.
- 14.14 A member who breaches the requirement of confidentiality under clause 15.14 becomes disqualified from council.

Council must review the Procedures and Organizational by-laws at least once during council's term of office.

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

DONE AND PASSED in Council at Hamiota Municipality Hamiota, in the Province of Manitoba this 21st day of January, 2015.

Reeve

Chief Administrative Officer

Read a first time this 7th day of January, 2015.
Read a second time this 7th day of January, 2015.
Read a third time this day 21st of January, 2015.