



## **THE RURAL MUNICIPALITY OF MACDONALD**

### **BY-LAW NO. 7/16**

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF MACDONALD to regulate the proceedings and conduct of the Council and the committees thereof.

WHEREAS the provisions of the Municipal Act, L.M. 1996, c. 58 provide in part as follows:

#### **Council to pass a procedures 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, the Council of the Rural Municipality of Macdonald, in Council assembled, enacts as follows:

**TITLE**

- 1.0 This by-law may be referred to as "The Rural Municipality of Macdonald 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) "Chair" means the person presiding at the meeting of council or committee.
  - (d) "Committee" means a committee or other body established under The Rural Municipality of Macdonald 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 Rural Municipality of Macdonald.
  - (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.
  - (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, 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.

**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 30 days, and the meeting shall be held at 9:00 a.m. or 3:00 p.m., in the Council Chambers of the Municipal Office located at 161 Mandan Drive in Sanford.
- 4.1 Council must at its Inaugural Meeting review the Procedures and Organizational by-laws.

**QUOROM**

- 5.0 A majority of the members of council constitutes a quorum. A quorum of council for The Rural Municipality of Macdonald shall be four 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 four members. In the case of a council committee, the minimum number for a quorum is two.

- 5.2 Lack of quorum - if no quorum is present within 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 (speaker phone or a similar device where the member may speak and hear each other and the public may hear the discussion) 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 at least 72 hours preceding the meeting of council. A copy of the draft agenda shall be posted in the municipal office and on the municipality's 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 at least 120 hours prior to the scheduled time of the 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
  - in-camera
  - adoption of the agenda
  - confirmation of the minutes
  - unfinished business
  - reports
  - finance
  - resolutions
  - by-laws
  - reception of delegations
  - planning
  - general business
  - reception of petitions
  - notice of motion
  - adjournment
- 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 the council shall be held on:
- a) the Second Tuesday of each month at the hour of 9:00 a.m. until adjournment or the hour of 5:00 p.m.; and
  - b) the Fourth Tuesday of each month at the hour of 3:00 p.m. until adjournment or the hour of 10:00 p.m..
- or at such other time and place as shall hereafter be fixed by resolution of Council. If such day or any regular meeting day shall be a General

Holiday, the said meeting shall be held upon the next following day which is not a General Holiday at the same time and place. The Reeve of council may, on 48 hours written notice, given through the office of the CAO, postpone any regular meeting of the council to a day to be named in such notice, and such postponed meeting shall be held at the time and place provided in this section. The Reeve of council or two members of Council may by giving, before the day of the meeting, 24 hours notice to all members of council, change the hour at which a meeting is scheduled to start to an hour to be named in such notice, and such changed meeting shall be held at the time provided such notice shall be oral or in writing.

- 8.1 When at any session of the council, the hour of adjournment shall be reached, the Reeve or other presiding officer shall declare the council adjourned and leave the Chair, unless the council by unanimous resolution determines otherwise.
- 8.2 The Reeve will chair all meetings of council, or in his absence the Deputy Reeve will chair the meeting. 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 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.
- 8.4 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 8.5 Despite clause 8.4 of this by-law, council or council committee may be a meeting closed to the public if:
  - (a) the members decide during the meeting to meet as a committee to discuss a matter;
  - (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:
    - 1) an employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance
    - 2) a matter that is in its preliminary stages and respecting which discussions in public could prejudice the municipality's ability to carry out its activities or negotiations
    - 3) the conduct of existing or anticipated legal proceedings
    - 4) the conduct of an investigation under, or enforcement of, an Act or by-law
    - 5) the security of documents or premises, or
    - 6) a report of the Ombudsman received by the head of the council under clause 36(1)(e) of The Ombudsman Act.
- 8.6 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 Macdonald 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 municipality's website at least 24 hours before the scheduled time of the meeting.

- 9.3 Should the Reeve be unavailable, the Deputy Reeve may call a special meeting only if requested in writing by two members of council 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 the adding of items to the agenda.

### **DELEGATIONS**

- 10.0 The Chair may limit the time taken by a delegation to 10 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 120 hours before the council meeting and advise the CAO of the topic and scope of the presentation.
- 10.2 There shall not be a limit to the number of 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 CAO must record in the minutes the name of any member who exercises his right to abstain from voting on any resolution.
- 11.2 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 11.3 Council may not reconsider or reserve 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.
- 11.4 When council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 11.5 Any member of council may, prior to the taking of a vote on any question put forth, 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; 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 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 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 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 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, 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.

#### **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 practise, 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 10 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 after another question 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, be 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 behaviours 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 meeting proceedings, including public hearings subject to the prior approval of Council.
- 15.13 For purposes of ensuring compliance with the rules of conduct, a member of the Council will be delegated the responsibility of observing and reporting to the Head of Council any occasions when the conduct of any person is not consistent with the rules of conduct approved by the Council.
- 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 15.13 becomes disqualified from council.

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

By-Law No. 29/14 is hereby repealed.

DONE AND PASSED by the Council of the Rural Municipality of Macdonald, in Council duly assembled, at Sanford, Manitoba this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2016.

THE RURAL MUNICIPALITY OF MACDONALD

\_\_\_\_\_  
Brad Erb  
Reeve

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Daryl Hrehirchuk, CMMA  
Chief Administrative Officer

Read a First time this 11<sup>th</sup> day of April, A.D., 2016

Read a Second time this 29<sup>th</sup> day of April, A.D., 2016

Read a Third time this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 2016