

# MUNICIPALITY OF CLANWILLIAM-ERICKSON BYLAW NO. 4/14

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 Clanwilliam-Erickson, in open meeting assembled, enacts as follows:

## TITLE

- 1.0 This by-law may be referred to as "The Municipality of Clanwilliam-Erickson 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 Town of Erickson 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 Mayor and the Councillors of the Municipality of Clanwilliam-Erickson.
  - 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 Mayor.
  - j) "General Holiday" means each Saturday and Sunday, and includes such days as New Years Day, Louis Riel Day, Good Friday, Easter Monday, Victoria Day, Canada 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 mayor must call the Organizational Meeting of Council within 30 days, and the meeting shall be held at 9:00 a.m. on the scheduled day for the regular November council meeting and such Organizational Meeting is to precede the regular meeting of council and be held in the council chambers of the Municipality of Clanwilliam-Erickson.
- 4.1 Council must at its Organizational 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 Clanwilliam-Erickson shall be 3 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 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.

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### 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 Chief Administrative Officer, together with copies of the supporting materials shall be available to the members of council at least 24 hours preceding the meeting of council.
- 7.1 All items to be placed on the agenda of the next regular meeting of council must be provided to the Chief Administrative Officer no later than 12:00 noon of the day preceding the scheduled time of the regular meeting of council each month.
- 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 Chief Administrative Officer shall state the business for consideration in accordance with the following order of business:
- Call to Order
  - Confirmation of the Minutes
  - Delegations & Petitions
  - Finances
  - By-laws
  - New Business
  - Unfinished Business
  - Committee Reports
  - Correspondence
  - Notice of Motion
  - In Camera
  - 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 Council shall be held on the second Wednesday of each month in the council chambers of the Municipality of Clanwilliam-Erickson at the hour of 9:00 a.m., and on the fourth Wednesday of each month at the hour of 9:00 a.m; excepting the November regular monthly meeting, which shall be held immediately following the Organizational meeting on that same day.
- 8.1 The Council of the Municipality of Clanwilliam-Erickson shall hold its regular meetings of council in the council chambers of the Municipality of Clanwilliam-Erickson at Erickson, Manitoba. Regular monthly meetings may be held at an alternate location within the Municipality of Clanwilliam-Erickson providing that a resolution of council designates such alternate location at the previous regular monthly meeting of council.
- 8.2 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.
- 8.3 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 Council may by proper notification and unanimous agreement, vary the date and time of a regular meeting as circumstances may require.

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- 8.5 Notice of any change of day or time of a regular meeting of council must be posted in the Municipal Office at least 7 days before the regularly scheduled date of the meeting.
- 8.6 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.
- 8.7 Council shall hold its meeting 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:
- 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) any employee, including the employee's salary, duties, 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 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.
- 8.10 The Chief Administrative Officer or the Assistant to the Chief Administrative officer shall attend all meetings of the council and act as Secretary thereof.
- 8.11 Any matter before the council may be referred to the next meeting or be tabled with the consent of council unless determined otherwise by resolution of council. Any matter tabled or referred to the next meeting shall be placed on the agenda of the next regular meeting as unfinished business.

### **SPECIAL MEETINGS OF COUNCIL**

- 9.0 A special meeting of Council of the Municipality of Clanwilliam-Erickson 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.
- 9.1 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 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 the members of council at least 24 hours before the scheduled time of the meeting or within a reasonable time, taking into consideration the circumstances of the issues that may arise.
- 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 Chief Administrative Officer 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**

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- 10.0 The chair may limit the time taken by a delegation to 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 Chief Administrative Officer no later than 12:00 noon of the day preceding the regular meeting of council and advise the Chief Administrative Officer of the topic and scope of the presentation.
- 10.2 Directed through the presiding officer, the council shall be allowed to question the delegation to obtain comments or clarification on the matter in question, but no member of council shall infer or give any indication of what council's decision may be.
- 10.3 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

### **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 any abstention.
- 11.2 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.
- 11.3 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 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.

### **PROCEDURE AT PUBLIC HEARING**

- 12.0 Each member of Council must attend a public hearing called by the 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 15 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 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 the 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

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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 first reading.
- 13.7 A proposed by-law may be amended on any reading thereof, by a vote of the majority of the council.

### **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/she must leave his/her chair, and call upon one of the members to fill his/her place until he/she resumes his/her chair.

### **CONDUCT**

- 15.0 Every member previous to his speaking may be requested to 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, and in cases of dissatisfaction, the other Councilors may put the question as to which shall be heard.
- 15.2 When the Chair is called on to decide a point of order or practice, he/she shall do so with-out comment unless requested to do so.
- 15.3 When the Chair is putting a question, no member shall leave his/her chair, nor make any noise or disturbance. When a Councilor is speaking, no other Councilor shall hold discourse or interrupt him except to raise a point of order, nor pass between him/her and the chair.
- 15.4 A Councilor called to order shall immediately take his seat, but may afterwards be permitted to explain, and the Council if appealed to, shall decide on the case without debate; if there be no appeal, the decision of the Chair shall be final.
- 15.5 Discussion shall be limited to the question in debate.
- 15.6 Any Councilor may require the question, motion of document under discussion to be read for his/her information at any time during the debate; but not so as to interrupt a Councilor while speaking.
- 15.7 No member shall speak to the question or in reply for longer than 5 minutes without approval by council.
- 15.8 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.

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- 15.9 A motion that has been read may be withdrawn at any time before decision or amendment with the permission of the mover and the seconder.
- 15.10 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 15.11 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 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.
- 15.12 Where at a council meeting a member of council is conducting himself in a disorderly or improper manner, the council may, by 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 that member to be removed.
- 15.13 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.
- 15.14 Council may limit the number of persons allowed in the council chambers.
- 15.15 The public and media may audio/video tape meeting proceedings, including public hearings providing that arrangements are made with the Chief Administrative Officer at least 24 hours prior to the meeting or public hearing.
- 15.16 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.
- 15.17 A member who breaches the requirement of confidentiality under clause 15.15 becomes disqualified from council.

### **CONFLICT OF INTEREST**

- 16.0 When business comes before council at any meeting of council, it is the responsibility of each and every member to disclose any conflict of interest and accordingly, to excuse himself/herself from the meeting without comment.
- 16.1 Provision for a member to address the council as a delegation to speak on business that he/she has a vested interest in, will be granted, only if written request for such representation has been received by the Chief Administrative Officer at least 7 days prior to the meeting. After addressing the council, the delegation shall remove himself/herself from the council chambers prior to the council making a decision on the business in question.
- 16.2 No member of council shall resist the rules or disobey the decision of the Mayor or Deputy Mayor, in respect to the rules of procedure.
- 16.3 All points of order and procedure not resolved by rules provided in this by-law shall be resolved by a majority decision of council.
- 16.4 By-Law No. 597-11 of the Town of Erickson and By-law 1484/10 of the Rural Municipality of Clanwilliam are hereby repealed.

**DONE AND PASSED** as a by-law of the Municipality of Clanwilliam-Erickson at Erickson in the Province of Manitoba this 28<sup>th</sup> day of January, 2015.

MUNICIPALITY OF CLANWILLIAM-ERICKSON  
BYLAW NO. 4/14

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Mayor

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Chief Administrative Officer

Read a first time this	<u>14<sup>th</sup></u>	day of	<u>January</u>	A.D.	<u>2015</u>
Read a second time this	<u>14<sup>th</sup></u>	day of	<u>January</u>	A.D.	<u>2015</u>
Read a third time this	<u>28<sup>th</sup></u>	day of	<u>January</u>	A.D.	<u>2015</u>