

**TOWN OF MINNEDOSA**  
**BY-LAW NO. 2594**

Being a by-law of the Town of Minnedosa to regulate the proceedings and conduct of the Council and the committees to be known as the "Procedure By-law"

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 Town of Minnedosa, in open meeting assembled, enacts as follows:

**TITLE**

1.0 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.
- 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 Minnedosa 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 present at a Council meeting sitting as a committee.
- (f) **"Council"** means the duly elected Mayor and Councillors of The Town of Minnedosa.
- (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 Year's Day, Louis Riel Day, Good Friday, Easter Monday, Victoria Day, Canada Day, Terry Fox Day being 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.

**GENERAL PROVISIONS**

**General Rule**

3.0 In all proceeding coming before Council and any established committee of Council, the rules set out herein must be observed subject to any Act of the Manitoba Legislature and in particular *The Municipal Act*.

**Reference Source**

4.0 When any matter relating to proceedings arises which is not covered by a provision of this by-law, the matter must be decided by reference to the current addition of Robert's Rules of Order, where applicable.

5.0 In the event of any conflict between the provisions set out in this by-law and those contained in the reference source set out in Section 4.0, the provisions of this by-law will apply.

### **Suspension of Rules**

- 6.0 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.

### **Review of Rules**

- 7.0 Each Council must, at least once during its term of office, review the rules of procedure contained and set out in this by-law.

### **COUNCIL INAUGURAL MEETING**

- 8.0 Following a general election, the Mayor must call the Inaugural Meeting of Council within (30) days and the meeting shall be held at a date and place specified by the Mayor.
- 8.1 Council must at its Inaugural Meeting review the Procedures and Organizational By-Laws.
- 8.3 No civic business can be proceeded with at the inaugural meeting until after the Oath of Office has been subscribed to by all members of Council who are present for that purpose.

### **QUORUM**

- 9.0 A majority of the members of Council constitutes a quorum. A quorum of Council for the Town of Minnedosa shall be four (4) members.
- 9.1 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.
- 9.2 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**

- 10.0 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.
- 10.1 Members of Council participating in a meeting of Council by means of a communication facility are deemed to be present at the meeting.

### **REGULAR MEETING**

- 11.0 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 Town of Minnedosa Civic Centre at the hour of 5:30 p.m. A notice prior to the first Council meeting each year shall be posted in the municipal office and on the municipal website outlining the regular meetings schedule for that year.
- 11.1 Regular Meetings of Council for the months of July and August will be held on the third Tuesday of each month at the hour of 5:30 p.m.
- 11.2 Only one (1) Regular Meeting of Council will be held in July and August and November.
- 11.3 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.
- 11.4 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.
- 11.5 Council may by resolution vary the date and time of a regular meeting as circumstances may require.

- 11.6 Notice of any change of day or time of a Regular Meeting of Council must be posted in the municipal office and on the municipal website at least 7 days before the regularly scheduled date of the meeting.
- 11.7 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.
- 11.8 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 11.9 Despite clause 11.9 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;
  - (b) the decision and general nature of the matter are recorded in the minutes of the meeting;
  - (c) the matter to be discussed relates to:
    - i. personnel matters (e.g., employee information including salaries, benefits, duties, performance appraisals, etc.)
    - ii. preliminary discussions on matter that if discussed in public could affect the municipality's ability to carry it out (e.g., early discussions about selling surplus municipal land)
    - iii. unresolved legal matters
    - iv. an investigation being conducted under the authority of a By-Law (e.g., investigation of an unsafe property)
    - v. issues that deal with security of documents or property (e.g., establishing an alarm system for municipal facilities)
    - vi. a report of the Ombudsman, where the Ombudsman requires the report to be considered at a closed meeting under Section 36(1)(e) of *The Ombudsman Act*.
- 11.10 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.

## **AGENDA**

- 12.0 An 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 four (4) days preceding the meeting of Council. A copy of the agenda shall be posted in the municipal office and on the municipal website at the same time.
- 12.1 All items to be placed on the agenda of the next Regular Meeting of Council must be provided to the CAO at least five (5) days prior to the scheduled time of the regular meeting.
- 12.2 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.
- 12.3 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  
 Opening Remarks  
 Adoption of the Agenda  
 Adoption of the Minutes  
 Delegations/Presentations  
 Public Hearings  
 Correspondence  
 By-Laws  
 Old Business  
 New Business  
 Financial Matters

Committee Reports  
Management Reports  
Notice of Motion  
In Camera  
Resume Open Session  
Other  
Adjournment

- 12.4 Notwithstanding the provisions under 12.3, 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.

### **SPECIAL MEETINGS OF COUNCIL**

- 13.0 A Special Meeting of Council of the Town of Minnedosa 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 to the CAO.
- 13.1 Should the Mayor not call a Special Meeting within forty-eight (48) hours of receiving written request by two members of Council, the CAO must call the meeting in accordance with section 13.0 of this By-Law.
- 13.2 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 forty-eight (48) hours before the scheduled time of the meeting.
- 13.3 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.
- 13.4 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.
- 13.5 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**

- 14.0 A person, group or organization desiring to make a formal request to the Town of Minnedosa Council to address a concern or to present on a topic, may make a formal request of Council to appear under the Order of Delegations/Presentations. Delegations would provide all relevant material clearly indicate the concern to be address, along with possible solutions or options for Council's consideration.
- 14.1 Persons desiring to present to Council either as a Presentation or Delegation must:
- a. inform the CAO, in writing, or via, electronic format, on a prescribed form, of their request to appear before Council, including:
    - i. the date of the meeting at which they wish to appear
    - ii. the subject to be discussed and any material that is to be distributed to Council;
    - iii. the name and current contact information of the person who will be addressing Council; and
    - iv. the telephone number where the representative of the presentation or delegation can be reached during normal business hours;
  - b. submit such requests not later than Noon, five (5) days prior to a regular meeting.
- 14.2 A maximum of three (3) presentations and/or delegations will be permitted at each meeting. Presenters or delegates requesting to appear before Council who have previously appeared before Council on the same subject will be limited to providing only new information in their second or subsequent appearances.

- 14.3 The Mayor may interrupt and deny any further right of presentation or delegation to be heard at a meeting of Council if, in their opinion, the presenter:
- a. does not speak respectfully of His Majesty the King or the official representative of his government;
  - b. uses offensive words in referring to any member of Council or to any official employee or the municipality or member of the public;
  - c. shouts, immoderately raises their voice, uses profane, vulgar or offensive language; or
  - d. speaks on a subject that is not within Council's jurisdiction.

### **VOTING**

- 15.0 A member has one vote each time a vote is held at a Council meeting at which the member is present.
- 15.1 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. Should a conflict of interest be declared, the member will be marked absent from the vote.
- 15.2 Every member of Council present when a question is put, must vote on the question, unless a majority of the other members present excuse them from doing so or if such member is prohibited from voting or allowed to abstain from voting by this by-law or an Act of the Legislature. If any member persists in refusing to vote for other than the reasons stated, they must be recorded as voting in the negative on the question before Council.
- 15.3 The CAO must record in the minutes the name of any member who exercises his/her right to abstain from voting on any resolution.
- 15.4 If an equal number of members vote for and against a resolution or By-Law, the resolution or By-Law is defeated.
- 15.5 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.
- 15.6 When Council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 15.7 Any member of Council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The 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**

- 16.0 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.
- 16.1 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 channeled through the Chair of the hearing.
- 16.2 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.

- 16.3 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.
- 16.4 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 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.
- 16.5 If a Public Hearing is adjourned, the Council shall provide 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**

- 17.0 Council may act only by resolution or By-Law.
- 17.1 All by-laws must be introduced for first reading by a resolution that the by-law, specifying its number and short title be read a first time and Council must vote on the motion for first reading without amendment or debate.
- 17.1 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.
- 17.2 Every proposed By-Law must be given three separate readings and each reading must be put to a separate vote with no more than two (2) readings at a meeting.
- 17.3 Only the title or an identifying number must be read at each reading of a proposed By-Law.
- 17.4 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.
- 17.5 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.
- 17.6 When any Act of the Legislature requires Council to hold a public Hearing on a proposed by-law, the public hearing must be held and be concluded before the by-law is given third and final reading.
- 17.7 If the provisions of *The Municipal Act* or any other Act requires a by-law to receive approval from the Minister of Municipal Government or some other provincial representative, the by-law does not come into full force and effect until such approval is given.

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

- 18.0 If the chair desires to present or second a motion or participate in debate, he/she can do so without leaving the chair.

#### **CONDUCT**

- 19.0 Every member shall address the Chair prior to speaking.
- 19.1 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 19.2 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.
- 19.3 When the Chair is putting a question, no member shall leave his/her chair.
- 19.4 Discussion shall be limited to the question in debate.
- 19.5 No member shall speak to the question or in reply for longer than five (5) minutes without approval of Council.
- 19.6 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.
- 19.7 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.

- 19.8 Where at a Council meeting, any person other than a member of Council is, in the opinion of the Chair, conducting themselves 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.
- 19.9 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.
- 19.10 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.
- 19.11 Council may limit the number of persons allowed in the Council chambers.
- 19.12 The public and media may audio/video tape meeting proceedings, including Public Hearings providing that arrangements are made with the CAO at least twenty-four (24) hours prior to the meeting or public hearing.
- 19.13 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.
- 19.14 A member who breaches the requirement of confidentiality under clause 19.13 becomes disqualified from Council.
- 19.15 All points of order and procedure not resolved by rules provided in this By-Law shall be resolved by a majority decision of Council.

## **MEETINGS GENERALLY**

### **Disruption of the proceedings**

- 20.0 Without the prior approval of the Mayor, no member of Council, Administration or the public may bring into the Council Chamber a cellular device. Video or audio recordings are prohibited by the public, Council and media outlets unless prior written approval is given.

### **Visitors in the gallery**

- 21.0 Members of the public who constitute the audience during a meeting of Council:
- a. may not address Council without permission from Council;
  - b. must maintain order and quiet during the proceedings of Council;
  - c. may not interrupt any person or action of the members of Council or any other person who may be addressing Council.

**REPEAL**

By-Law No. 2584 is hereby repealed.

DONE AND PASSED as a By-Law of the Town of Minnedosa by Council duly assembled at the Council Chambers of the Town of Minnedosa this 9<sup>th</sup> day of January A.D. 2024.

THE TOWN OF MINNEDOSA

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Ken Cameron, Mayor

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Danniele Carriere, CAO

Read a first time this 12<sup>th</sup> day of December A.D. 2023

Read a second time this 12<sup>th</sup> day of December A.D. 2023

Read a third and final time this 9<sup>th</sup> day of January A.D. 2024