

THE RURAL MUNICIPALITY OF REYNOLDS

BY-LAW NO 12/17

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF REYNOLDS 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-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 Rural Municipality of Reynolds, in open meeting assembled, enacts as follows:

TITLE

- 1.0 This by-law may be referred to as "The Rural Municipality of Reynolds 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 Reynolds 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 a Council meeting sitting as a committee.
 - f) "Council" means the duly elected Reeve and Councillors of the Rural Municipality of Reynolds.
 - 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 Reeve and the Councillors.
 - 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, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any other day declared a holiday by the Federal or Provincial Governments.
 - k) "CAO" means the Chief Administrative Officer of The Rural Municipality of Reynolds.

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 thirty (30) days, and the meeting shall be held in the Council Chambers of The Rural Municipality of Reynolds, in Hadashville, Manitoba.
- 4.1 Council must review the Procedures and Organizational By-laws at its Inaugural Meeting.

QUORUM

- 5.0 A majority of the members of Council constitutes a quorum, subject to *The Municipal Council Conflict of Interest Act*. A quorum of Council for The Rural Municipality of Reynolds shall be five 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 CAO shall enter into the minutes the names of the members present at the meeting.
- 5.3 Where reasons of withdrawal from the meeting are due to an issue of conflict of interest, the number of members remaining at the meeting is not sufficient to constitute a quorum, then, notwithstanding the provisions of any Act of the legislator or any procedure of by-law of the Council, the number of members remaining, if not fewer than two, shall be deemed to constitute a quorum for the purposes of discussing and voting on the matter before Council.

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 device is 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 Friday at 1:00 p.m. preceding the meeting of Council. A copy of the draft agenda shall be posted in the Municipal office and 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 12:00 noon on Wednesday preceding the 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 presents, 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:
 - a) Calling the meeting to order
 - b) Adoption of the agenda
 - c) Confirmation of the minutes
 - d) Reception of delegation/hearings/petitions
 - e) Reports of committees (both regular meetings)
 - f) By-laws
 - g) Unfinished business
 - h) General business
 - i) Accounts (both regular meetings)
 - j) Communications
 - k) Agenda additions
 - l) Notice of motion
 - m) In Camera
 - n) 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 in the Council Chambers of The Rural Municipality of Reynolds as follows:
 - Second (2nd) and fourth (4th) Tuesday of each month from 6:30 P.M. TO 9:30 P.M. unless by resolution makes alternate arrangements for a meeting inside or outside of Municipal jurisdiction.
 - 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 meeting schedule for that year.

- 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 members present, if they constitute a quorum, may appoint by resolution, 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 date shall be changed to another available date by resolution of Council.
- 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 and on the Municipal website. CAO or Reeve to notify absent Councillor(s) of the change.
- 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 At the discretion of the Chair, there shall be a ten (10) minute break period at 8:20 p.m. during meetings.
- 8.7 At the discretion of the Chair, a maximum five (5) minute recess may be called by the Chair at any time during the meeting.
- 8.8 The Council shall observe a curfew whereby the item on the agenda under discussion at 9:30 p.m. will be the last item dealt with on that day unless by majority vote the Council decides to extend the time of adjournment. In any case, only one fifteen-minute 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; and
 - (vi) A report of the Ombudsman received by the reeve under clause 3(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.

SPECIAL MEETINGS OF COUNCIL

- 9.0 A special meeting of Council of The Rural Municipality of Reynolds 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 of the special meeting. A copy of the written request must also be served to 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 Municipal website at least (48) 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 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 subject 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.

COUNCIL/COMMITTEE/STAFF REPORTS

- 10.0 All Council/committee/staff reports shall be submitted in writing to the Reynolds Municipal office not later than Wednesday at noon the week prior to the Council meeting.

DELEGATIONS

- 11.0 The Chair may limit the time taken by a delegation to ten (10) minutes. The delegation must appoint a spokesperson. All questions shall be channeled through the Chair.
- 11.1 To allow members of Council to prepare for delegations, all presenters shall register with the CAO by 12:00 noon on Wednesday preceding the Council meeting.
- 11.2 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, upon consultation with the Reeve.
- 11.3 The Chair may interrupt and deny any further right of a delegation to be heard at a meeting of Council if, in his or her opinion, the delegation:
 - a) Is not acting in a respectful manner; or
 - b) Speaks on a subject which is not within Council's jurisdiction.
- 11.4 The public shall not have the right to participate 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

- 12.0 A member has one vote each time a vote is held at a Council meeting at which the member is present.
- 12.1 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 the abstention which will only be for a conflict of interest.
- 12.2 The CAO must record in the minutes the name of any member who exercises his right to abstain from voting on any resolution.
- 12.3 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated. A defeated resolution can be brought back at any other meeting.
- 12.4 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.
- 12.5 When Council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 12.6 Any member of Council may, prior to the taking of a vote on any question, request a recorded vote to be taken. The CAO must record in the minutes the names of the members present and the vote or abstention of each member.

PROCEDURE AT PUBLIC HEARING

- 13.0 Each member of Council must attend a public hearing called by Council unless the member:
- a) Is excused by resolution, by the other members from attending the hearing;
 - b) Is unable to attend owing to illness or previous commitment; and
 - c) Is required under *The Municipal Council Conflict of Interest Act* to withdraw from the hearing.
- 13.1 The Chair of the public hearing (held under *The Municipal Act*) 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.
- 13.2 The Chair of the public hearing may decline to hear further presentations, questions or objections where he or she is satisfied that the matter has been addressed at the public hearing.
- 13.3 The Chair of the public hearing may decide which presenters will be heard, if he or she is satisfied that presentations are the same or similar.
- 13.4 The Chair of the public hearing may require any person(s), who is in the opinion of the Chair conducting himself in disorderly or improper conduct, to leave the public hearing and if that person(s) fails to do so, may cause that person(s) to be removed.
- 13.5 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

- 14.0 Council may act only by resolution or by-law.
- 14.1 No motion shall be debated or put unless it is in writing and is seconded, excepting a motion to adjourn which need not be in writing.
- 14.2 Every proposed by-law must be given three separate readings, and each reading must be put to separate vote. A reading may be given to a by-law at a special meeting of Council.
- 14.3 Council may not give a proposed by-law more than two readings at the same Council meeting.
- 14.4 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 14.5 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.
- 14.6 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.

HEAD OF COUNCIL TAKING PART IN DEBATE

- 15.0 The Chair can participate in the debate without leaving the Chair.

CONDUCT

- 16.0 Every member previous to his speaking shall address the Chair.
- When a member is addressing the Chair, he or she must:
- a) Speak respectfully; and
 - b) Stay on the subject being discussed.
- 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, the Chair 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 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 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/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.
- 15.11 Where at a committee meeting, any person 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.
- 15.12 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.
- 15.13 Council may limit the number of persons allowed in the Council chambers.
- 15.14 Persons are not permitted to eat or bring food during regular Council meetings.
- 15.15 The public and media may audio/visual tape meeting proceedings, including public hearing providing that arrangements are made with the CAO 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 15.16 becomes disqualified from Council pursuant to Section 94(1) (h) of the Municipal Act.
- 15.18 A point of order and procedure not resolved by rules provided in this by-law shall be resolved by a majority decision of Council.
- 15.19 That By-law No. 2/17 be hereby rescinded.

DONE AND PASSED as a by-law of The Rural Municipality of Reynolds. At Hadashville, in the Province of Manitoba this 9th day of January, 2018.

THE RURAL MUNICIPALITY OF REYNOLDS

David Turchyn, Reeve

Yann Boissonneault, CAO

Read a first time the 19th day of December, 2017 Res. _____

Read a second time 19th day of December, 2017 Res. _____

Read a third time 9th day of January, 2018 Res. _____