

RURAL MUNICIPALITY OF STRATHCLAIR

BY-LAW NO. 2-2007

Being a By-Law of the R.M. of Strathclair 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 Rural Municipality of Strathclair, in open meeting assembled, enacts as follows:

TITLE

1.0 This by-law may be referred to as “The R.M. of Strathclair 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 Strathclair 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 Strathclair.
- 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, 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’s.

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 at 9:30 a.m. at the Strathclair Municipal Office.

4.1 Council must review the Procedures and Organizational by-laws within three months of the inaugural meeting.

QUORUM

5.0 A majority of the members of council constitutes a quorum. A quorum of council for the Rural Municipality of Strathclair shall be four (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 three (3) members. In the case of a council committee, the minimum number for a quorum is two (2) members.

5.2 Lack of quorum – If no quorum is present within thirty (30) minutes after the time schedules 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 together with copies of supporting materials shall be available to the members of council at least 24 hours preceding the meeting of council and shall be posted in the Municipal Office. A copy of the draft agenda shall be sent to each Council member four days prior to a regular meeting.

7.1 Items may be added to the agenda at a regular meeting of council prior to adopting the final agenda for the regular meeting of council.

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- 7.2 In preparing the council agenda, the CAO shall state the business for consideration in accordance with the following order of business: Call to Order, Adoption of Agenda, Confirmation of Minutes, Accounts, Coffee Break, Reports of Standing Committees, Reception of Delegations, By-Laws, Coffee Break, Unfinished Business, New Business, Chairperson review of delegation list for required action, Adjourn.
- 7.3 Notwithstanding the provisions under 7.2, 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 First Wednesday on or after the Fourth of each month in the Council Chambers of the R.M. of Strathclair at the hour of 9:30 a.m.
- 8.1 All meetings of Council shall be chaired by the Reeve or in his/her absence, 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.
- 8.2 Council may by resolution vary the date and time of a regular meeting as circumstances may require.
- 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 The Council shall observe a curfew whereby the item on the agenda under discussion at 5:00 p.m. will be the last item dealt with on that day unless by majority vote the council decide to extend the time of adjournment.
- 8.5 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 8.6 Despite clause 8.5 of this by-law, council or council committee may close a meeting to the public if:
- a) the members decide 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) 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.
- 8.7 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 The Reeve may call a special meeting of council at any time. A special meeting 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 be served on the CAO.
- 9.1 Should the Reeve not call a special meeting within 24 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.
- 9.3 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.
- 9.4 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 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 CAO by the Thursday prior to the council meeting and advise the CAO of the topic and scope of the presentation. Council will hear only the person that registers to speak.
- 10.2 There shall be a limit to the number of delegations included on the agenda of a council meeting, and the CAO is granted authority to schedule delegations as deemed appropriate but not so that total delegations require more than two hours of the meeting. A majority vote of Council can decide otherwise.

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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 CAO 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 All motions not unanimously carried require a recorded vote. The CAO must record in the minutes of the meeting of council the names of the members present, the vote for, against 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; 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 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.
- 12.4.1 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 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 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 questions 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, 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.
- 15.10 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 provided that arrangements are made with the CAO at least 24 hours prior to the meeting or public hearing, indicating their intended use of the audio/video tape in writing and with the approval of Council by resolution. Council has the right to deny any or all requests.
- 15.13 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 a resolution concerning the matter has been voted on.
- 15.14 A member who breaches the requirement of confidentiality under clause 15.13 becomes disqualified from council.

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

By-Law No. 4-2002 is hereby repealed.

DONE and PASSED as a by-law of The Rural Municipality of Strathclair at Strathclair in the Province of Manitoba this 23rd day of January 2007.

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REEVE

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CHIEF ADMINISTRATIVE OFFICER

Read a first time this 10th day of January, 2007.
Read a second time this 10th day of January, 2007.
Read a third time this 23rd day of January, 2007.