



# STE. ANNE MUNICIPALITY

## BY-LAW #2023-19

BEING a By-Law to regulate the proceedings and conduct of the Council and its Committees.

WHEREAS *The Municipal Act* states as follows:

### **Council to pass 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.

BE IT RESOLVED that the Council of the RM of Ste. Anne enacts as follows:

### **1.0 TITLE**

1.1 This By-Law may be referred to as the “**Procedures By-Law.**”

### **2.0 COUNCIL INAUGURAL MEETING**

- 2.1 Following a general election, the Reeve must call the Inaugural Meeting of Council within 30 days to be held in the Council Chambers.
- 2.2 Council must within six months of its Inaugural Meeting review the Procedures and Organizational By-Laws.

### **3.0 QUORUM**

- 3.1 A majority of the members of Council constitutes a quorum.
- 3.2 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.
- 3.3 If no quorum is present within 15 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.
- 3.4 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.
- 3.5 A member participating in a meeting conducted by means of a communications facility is deemed to be present at the meeting.

### **4.0 AGENDA**

- 4.1 A draft agenda of each regular and committee meeting of Council shall be prepared by the CAO together with copies of supporting materials and shall be available to the members of Council by 4:30 pm on the Friday preceding the meeting. A copy of the draft agenda shall be posted in the Municipal Office and website at the same time.
- 4.2 All items to be placed on the agenda of the next regular meeting of Council and/or committee meeting must be provided to the CAO by 12:00 pm on the Thursday preceding the meeting.
- 4.3 Items may only be added to the agenda of a regular or committee meeting of Council after this deadline by Resolution along with the adoption of the final agenda.
- 4.4 In preparing the regular Council meeting agenda, the CAO shall state the business for consideration in accordance with the following order of business:



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## REGULAR DAY / EVENING COUNCIL MEETING AGENDA:

**Call to Order (9am / 6pm)**  
**Agenda**  
**Minutes**  
**Finances**  
**Municipal Delegate Reports**  
**Unfinished Business**  
**Notice of Motion/Petitions**  
**Committee Minutes and Matters**  
**Delegations**  
**Hearings**  
**Department Manager Reports**  
**By-Laws**  
**New Business**  
**Planning & Development**  
**Consent Agenda**  
**In Camera**  
**Adjournment**

- 4.5 Notwithstanding the provisions of Item 4.3, Council may vary the order in which business on the agenda shall be dealt with by Resolution as circumstances may require.
- 4.6 Elected Officials, who have been delegated to attend events on behalf of the Municipality, shall, at the first regular Council meeting following the function, report on their attendance at this event and any relevant information that Council should be aware of, to a maximum of 5 minutes per report.
- 4.7 Unfinished Business shall be reserved for matters not addressed during a previous meeting due to curfew or lack of quorum, for example.

### 5.0 Minutes

- 5.1 All Regular, Special, and Committee meeting minutes, after they have been ratified by resolution of Council and signed by the Head of Council and Recording Secretary:
- 5.1.1 Shall be available to be reviewed by any member of the public at the municipal office during regular business hours;
  - 5.1.2 May be emailed to any member of the public upon request;
  - 5.1.3 Shall be made available on the municipal website;
  - 5.1.4 May otherwise be communicated to the public, subject to any fees prescribed under the municipal Fees and Charges By-law.

### 6.0 REGULAR MEETING

- 6.1 Regular meetings of Council shall normally be held on the 2<sup>nd</sup> Wednesday of every month at 9:00 am and on the 4<sup>th</sup> Wednesday of every month at 6:00 pm in Council Chambers. A notice shall be posted in the Municipal Office outlining the regular meeting schedule for that year prior to the first Council meeting of each year.
- 6.2 Council may vary the date, time and place of a Council meeting by Resolution as circumstances may require.
- 6.3 All meetings of Council shall be chaired by the Reeve, or in their absence, the Deputy Reeve. If the Reeve and Deputy Reeve are not present at the time scheduled for a



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- meeting, the Council may appoint one of its present members to chair the meeting by Resolution.
- 6.4 If the day of a regular meeting of Council is a general holiday, Council shall determine by Resolution that the meeting shall be held on another day at the same time and place.
- 6.5 Notice of any change of day or time of a regular meeting of Council must be posted in the Municipal Office at least 5 days before the regularly scheduled date of the meeting.
- 6.6 At the time set for a meeting to commence, and providing that a quorum is present, the Reeve shall take the chair and call the meeting to order.
- 6.7 Council shall hold its meetings openly and no person shall be excluded except for improper conduct.
- 6.8 Regular Council Meetings shall be recorded and, where possible, livestreamed to maximize public accessibility, with recordings to be added to the Municipal website. Special Meetings of Council should also adhere to the above. Committee Meetings should be recorded wherever possible, for internal purposes only.
- 6.9 All meetings occurring solely by virtual means must be livestreamed to allow public access to the proceedings.
- 6.10 Despite clause 5.7 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 is 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 stage 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*.
- 6.11 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.

## 7.0 SPECIAL MEETINGS OF COUNCIL

- 7.1 A special meeting of Council of the RM of Ste. Anne may be called at any time by the Reeve.
- 7.2 A special meeting of Council must be called by the Reeve if the Reeve receives a written request from at least 2 members of Council stating the purpose. A copy of the written request must also be served on the CAO.
- 7.3 Should the Reeve be unavailable, the Deputy Reeve may call a special meeting only if requested in writing by 2 members in accordance with this part.
- 7.4 Should the Reeve not call a special meeting within 48 hours of receiving a written request by 2 members of Council, the CAO must call the meeting in accordance with this part.
- 7.5 The notice of the special meeting to all members of Council may be oral, in electronic, or in written form. The notice must state the purpose of the meeting, and must be provided to all members of Council and posted in the Municipal Office in as much time as reasonably possible



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- 7.6 In an emergency, a special meeting called may be cancelled by a consensus of a majority of Council after contacting all members of Council.
- 7.7 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.
- 7.8 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 add items to the agenda.

## **8.0 DELEGATIONS**

- 8.1 All delegations shall register with the CAO by 12:00 pm on the Thursday preceding the meeting except in an emergency where a delegation may be added to the agenda.
- 8.2 The delegation must appoint a spokesperson.
- 8.3 Presenters must in all cases advise the CAO in writing of the topic and scope of the presentation.
- 8.4 The Chair may limit the time taken by a delegation to 10 minutes.
- 8.5 There shall be no 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.
- 8.6 Delegations may be refused if the person is making application to discuss a matter that has already been discussed and dealt with or decided upon from a previous delegation(s). In these events, the CAO shall present to Council the refusal and all supporting documentation and information at the next regular Council meeting.
- 8.7 Presenters who deviate from the topic and scope of the presentation as submitted in writing to the CAO may be instructed to remove themselves from the delegation and return to the public gallery.

## **9.0 VOTING**

- 9.1 A member has one vote each time a vote is held at a Council meeting at which the member is present.
- 9.2 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, abstention or absence of each member, and the reason given for any abstention.
- 9.3 If an equal number of members vote for and against a Resolution or By-Law, the Resolution or By-Law is defeated.
- 9.4 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; or
  - b) a member gives written notice to the Council from at least 1 regular meeting to the next regular meeting of a proposal to review and reverse the decision.
- 9.5 When Council reconsiders and reverses a decision, Council may direct that the minutes show the original decision and the decision made on reconsideration.
- 9.6 Prior to a vote on any question, any member of Council may request for a recorded vote to be taken. The CAO must record in the minutes of the Council meeting the name of each member present, the vote, abstention or absence of each member and the reason given for any abstention.

## **10.0 PROCEDURE AT PUBLIC HEARING**

- 10.1 Each member of Council must attend a public hearing called by Council unless the member:



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- 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.
- 10.2 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.
- 10.3 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.
- 10.4 The Chair of the public hearing may decide which presenters will be heard if he is satisfied that presentations are the same or similar.
- 10.5 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.
- 10.6 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.
- 10.7 Members of the public wanting to attend a Public Hearing virtually must register with the office prior to noon the business day preceding the Hearing day.

## 11.0 BY-LAWS AND RESOLUTIONS

- 11.1 Council may act only by Resolution or By-Law.
- 11.2 No motion shall be debated until moved & seconded, only with the exception of a motion to adjourn.
- 11.3 Every proposed By-Law must be given three separate readings and each reading must be put to a separate vote.
- 11.4 Council may not give a proposed By-Law more than 2 readings at the same Council meeting.
- 11.5 Only the title or an identifying number must be read at each reading of a proposed By-Law.
- 11.6 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.
- 11.7 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.
- 11.8 If the Chair desires to present or second a motion, they shall leave the chair and call upon one of the members to fill their place until they resume the chair.

## 12.0 CONDUCT

- 12.1 Every member who wishes to speak shall address the Chair.
- 12.2 When 2 or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 12.3 When the Chair is called on to decide a point of order or practice, they shall do so without comment unless requested to do so.
- 12.4 When the Chair is putting a question, no member shall leave their chair.
- 12.5 Should any member leave their chair during the meeting for longer than 5 minutes, or should a member be absent during a vote, the CAO shall record the name of the member and length of time of absence in the minutes.
- 12.6 Discussion shall be limited to the question in debate.



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- 12.7 No member shall speak to the question or reply for longer than 5 minutes without approval of Council.
- 12.8 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 debating or voting.
- 12.9 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 12.10 Where at a Council meeting any person, other than a member of Council is, in the opinion of the Chair, conducts 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.
- 12.11 Where at a Council meeting a member of the Council conducts 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.
- 12.12 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.
- 12.13 The public and media may use any form of recording during meetings only with prior permission from the Chair, and disclosure of the same made to all those in attendance at the start of the meeting, prior to any recording commencing. All personal recording must cease upon the meeting adjourning and also during recesses.
- 12.14 A member must keep in confidence a matter that is discussed at a meeting closed to the public under subsection 152(3) of *The Municipal Act* until the matter is discussed at a public meeting of Council or Committee.
- 12.15 A member who breaches the requirement, of confidentiality under clause 11.12 becomes disqualified from Council.
- 12.16 All members must adhere to all requirements under *The Municipal Council Conflict of Interest Act*.
- 12.17 All points of order and procedure not resolved by rules provided in this By-Law shall be resolved by Resolution.

## 13.0 SUSPENSION

- 13.1 Any rule contained in this By-Law may be suspended by Resolution unless any Act or By-Law provides otherwise.

BE IT FURTHER RESOLVED that By-Law #2023-05 is hereby repealed.

DONE AND PASSED by the Council of the RM of Ste. Anne, in Council duly assembled in the RM of Ste. Anne, in Manitoba, this 11<sup>th</sup> day of October, 2023.

Reeve

Chief Administrative Officer

Read a first time this 27<sup>th</sup> day of September, 2023, by Resolution #2023-489.

Read a second time this 11<sup>th</sup> day of October, 2023, by Resolution #2023-517.

Read a third time this 11<sup>th</sup> day of October, 2023, by Resolution #2023-518.