

# **RURAL MUNICIPALITY OF GRAHAMDALE**

## **BY-LAW NO. 1069-2023**

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 Rural Municipality of Grahamdale, in open meeting assembled enacts as follows:

### **TITLE**

- 1.0 This by-law may be referred to as “The Rural Municipality of Grahamdale 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 L.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 Grahamdale 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) “Communication Facility” means an electronic or other communication facility which said facility enables Members of Council to hear and to speak to each other and enables the public to hear the Members of Council.
  - g) “Council” means the duly elected Reeve and Councillors of The Rural Municipality of Grahamdale;
  - h) “Council Meeting” means a regular meeting or special meeting of the council but does not include a public hearing held by the council;
  - i) “In Camera” means in private or to the exclusion of the public;
  - j) “Members” means when referring to the council, the Councillors and the Reeve;
  - k) “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, National Day for Truth and Reconciliation, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day and any other day declared a holiday by the Provincial or Federal Government.

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### **SUSPENSION**

- 3.0 Any rule contained in this by-law may be suspended by a vote of the municipality 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 30 days, and the meeting shall be held at 9:00 a.m. in the Rural Municipality of Grahamdale Office in Moosehorn, Manitoba.
- 4.1 Council must within 30 days of its Inaugural Meeting review the Procedure By-Law and the Organizational By-Law of the Rural Municipality of Grahamdale and must indicate so by resolution of Council.

### **QUORUM**

- 5.0 A majority of the members of council constitutes a quorum. The minimum number for a quorum of Council shall be four (4) Members. For the purpose of a quorum, a member is not counted if the member is required to abstain under the Municipal Conflict of Interest Act.
- 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 3.
- 5.2 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 Chief Administrative Officer or his/her designate 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 or committee of the whole 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 or committee of the whole of council by means of communication facility are deemed to be present at the meeting.

### **AGENDA**

- 7.0 A Draft agenda of each regular meeting of council or committee of the whole of council, as prepared by the CAO or his/her designate, together with copies of supporting materials shall be available to the members of council at least two (2) business days 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.

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- 7.1 All items to be placed on the agenda of the next regular meeting of council must be provided to the CAO at least 48 hours prior to the scheduled time of the regular meeting.
- 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 of the next regular meeting, the CAO shall state the business for consideration in accordance with the following order of business:
1. Call the meeting to order
  2. Confirmation of the minutes
  3. Additions and adoption of the agenda
  4. Financials
  5. Reports of committees
  6. Correspondence
  7. By-laws
  8. Unfinished Business
  9. New Business
  10. In Camera
  11. Delegations and Public Hearings
  12. Adjournment
- 7.4 Notwithstanding the provisions of Section 7.3, it shall always be in order for Council to vary the order in which business on the agenda is dealt with by a majority vote of the members present.

## **REGULAR MEETING**

- 8.0 Regular meetings of Council shall be held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month in the Council chambers of the Rural Municipality of Grahamdale except for the month of December when there shall only be one regular council meeting held on the 2<sup>nd</sup> Thursday. Start time for each meeting is as follow:
- Regular meetings of council held on the 2<sup>nd</sup> and 4<sup>th</sup> Thursday of each month shall begin at the hour of 9:00 a.m. Council shall break for lunch between 12:00 and 1:00 p.m.
- 8.1 All meetings of Council shall be chaired by the Reeve, or in his or her absence, by 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 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.
- 8.3 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 at least two (2) days before the regularly scheduled date of the meeting.

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- 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 The Council shall observe a curfew for each Regular meeting of Council as follows:
- whereby the item on the Agenda under discussion at 4:00 p.m. will be the last item dealt with at the regular council meeting unless by majority vote the Council decide to extend the time of adjournment. In any case, only one-half hour extension is allowed.
- 8.7 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 8.8 Despite clause 9.7 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) repealed S.M. 2004, c.2, s.31
    - ii) an employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance
    - iii) 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
    - iv) the conduct of existing or anticipated legal proceedings
    - v) the conduct of any investigation under, or enforcement of, an Act or By-law
    - vi) the security of documents or premises, or
    - vii) a report of the Ombudsman received by the head of the 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.

### **SPECIAL MEETINGS OF COUNCIL**

- 9.0 A special meeting of council may be called at any time by the Reeve and must be called by the Reeve, if the Reeve receives a written notice from at least two members of council stating the purpose. A copy of the written request must also be served on 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 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 2 members in accordance with this Section.

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- 9.4 Members 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.

### **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, in writing, with the CAO or his/her designate at least twenty-four (24) hours before the council meeting and advise the or his/her designate of the topic, scope of the presentation and supply supporting documents.
- 10.2 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.

### **VOTING**

- 11.0 A member, including the Reeve, is entitled to 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/her right to abstain from voting on any resolution.
- 11.3 If any 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 CAO must record in the minutes of the meeting of council the names of the members present, the vote or abstention of each member.

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### **PROCEDURE AT PUBLIC HEARING**

- 12.0 Each member of Council must attend a public hearing required to be held under the Act or The Planning Act unless the member:
- a) is excused by the other members from attending the hearing;
  - b) is unable to attend owing to illness; or
  - c) is required under *The Municipal Council Conflict of Interest Act* to withdraw from the hearing.
- 12.1 Subject to the procedures set out in this section, the Council must hear any person who wishes to make a presentation, as questions or register an objection on his or her own behalf or on behalf of others.
- 12.2 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.
- 12.3 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.
- 12.4 The Chair of the public hearing may decide which presenters will be heard, if he is satisfied those presentations are the same or similar.
- 12.5 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.
- 12.6 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 this information is announced at the adjournment of the hearing.
- 12.7 A member of Council who is not present at a Public Hearing required under the Act or The Planning Act may not take part in the decision on the matter which required the Public Hearing.

### **RULES OF ORDER**

- 13.0 Rules of Order not specified by statute, by-law or resolution shall be governed by Robert's Rules of Order. The Reeve shall serve as parliamentarian and may seek advice from the Chief Administrative Officer or his/her designate as to correct rules of procedure or questions of specific rule application.

### **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 has been moved and seconded, except 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 a separate vote.

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- 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.
- 14.7 Any member of Council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The Chief Administrative Officer or his/her designate must record in the minutes of the meeting the names of the members present, the vote of abstention of each member, and the reason given for any abstention.

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

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

### **CONDUCT**

- 16.0 Every member previous to his speaking shall address the Chair.
- 16.1 When two or more members address the Chair at the same time, the chair shall name the member who is to speak first.
- 16.2 When the Chair is called on to decide a point of order or practice, he shall do so without comment unless requested to do so.
- 16.3 When the Chair is putting a question, no member shall leave his chair.
- 16.4 Discussion shall be limited to the question in debate.
- 16.5 No member shall speak to the question or in reply for longer than 5 minutes without approval of council.
- 16.6 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.
- 16.7 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.

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- 16.8 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.
- 16.9 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.
- 16.10 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.
- 16.11 Council may limit the number of persons allowed in council chambers.
- 16.12 The public and media may audio/video tape meeting proceedings; including public hearings providing those arrangements are made with the CAO at least 24 hours prior to the meeting or public hearing.
- 16.13 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.
- 16.14 A member who breaches the requirement of confidentiality under clause 16.13 becomes disqualified from council.

## **DISQUALIFICATION OF A MEMBER OF COUNCIL**

- 17.0 Pursuant to section 94(1) of the Act, a member of Council is disqualified from Council if he or she:
- a) is absent for the full duration of three (3) consecutive regular Council meetings unless the absences are with the leave of Council, granted by Resolution passed at any one of the three (3) meetings, a prior meeting or the next meeting following the third absence;
  - b) is the councillor appointed to the committee of a local urban district under clause 112(1)(a) and is absent for the full duration of three consecutive regular committee meetings unless the absences are with the leave of the committee granted by a resolution of the committee passed at any one of the three meetings, a prior meeting or the next meeting following the third absence;
  - c) when nominated or elected, was not eligible as a candidate under the Act;
  - c.1) forfeits his or her seat under subsection 93.16(2);
  - d) is liable to the Municipality under a judgement in an action under Section 171 of the Act (certain use of municipal money an offence);
  - e) is convicted of an offence under this or any other Act and has not paid a fine imposed on conviction within 120 days after the fine was imposed or such time as the court has permitted for payment;
  - f) is convicted of
    - (i) an offence punishable by imprisonment for five (5) or more years; or
    - (ii) an offence under Section 122 (breach of trust by public officer), Section 123 (municipal corruption), Section 124 (selling or purchasing office) or Section 125 (influencing or negotiating appointment or dealings in office) of *The Criminal Code* (Canada); or

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- g) ceases to be qualified as a voter; or
- h) breaches the requirement of confidentiality under Clause 83(1)(d) of the Act (keep in confidence matters discussed at a closed meeting).

### GENERAL PROVISION

18.0 All points on order and procedure not resolved by rules provided in this by-law shall be resolved by the majority decision of Council.

By-Law No. 1058-2022 is hereby repealed.

DONE AND PASSED AS A BY-LAW OF THE RURAL MUNICIPALITY OF GRAHAMDALE AT MOOSEHORN, IN MANITOBA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
Craig Howse  
Reeve

\_\_\_\_\_  
Shelly Schwitek,  
Chief Administrative Officer

Read a first time this \_\_\_\_\_ day of \_\_\_\_\_ 2023.

Read a second time this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Read a third time this \_\_\_\_\_ day of \_\_\_\_\_, 2023.