

# THE MUNICIPALITY OF BIFROST-RIVERTON

## BY-LAW 15-2018

**Being a by-law of The Municipality of Bifrost-Riverton to regulate the proceedings and conduct of the council and the committees thereof.**

**WHEREAS** subsection 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 its term of office”;

**THEREFORE BE IT RESOLVED** that the council of The Municipality of Bifrost-Riverton, in open meeting assembled, enacts as follows:

### TITLE

- 1.1 This by-law may be referred as the “The Municipality of Bifrost-Riverton Procedures By-law”.
- 1.2 The following rules and regulations shall be observed in council, and in all committees thereof.

### DEFINITIONS

- 2.1 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. 1966 c.58.
  - (c) “**CAO**” shall mean the Chief Administrative Officer of The Municipality of Bifrost-Riverton or a designated officer delegated to perform duties as the Chief Administrative Officer by the CAO in their absence.
  - (d) “**Chair**” means the person presiding at the meeting of council or committee.
  - (e) “**Committee**” means a committee or other body established under The Municipality of Bifrost-Riverton Organization By-law but does not include a committee of the whole council or Local Urban District.
  - (f) “**Committee of the Whole Council**” means a committee of all members present at a council meeting sitting as a committee.

- (g) **“Council”** means the duly elected reeve and councillors of The Municipality of Bifrost-Riverton.
- (h) **“Council Meeting”** means a regular meeting or special meeting of the council but does not include a public hearing 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 a New Year’s Day, Louis Riel Day, Good Friday, Easter Monday, Victoria Day, Canada Day, August Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any other day declared a holiday by the Provincial or Federal Government.

#### **SUSPENSION**

- 3.1 Any rule contained in this by-law may be suspended by a vote of the majority of the members present, except in cases where by *The Municipal Act* or this by-law, some other vote is required.

#### **COUNCIL INAUGURAL MEETING**

- 4.1 Following a general election, the reeve must call the Inaugural Meeting of Council within thirty (30) days. The meeting shall be held at 9:00 a.m. and in the Municipal Office council chambers located at 329 River Road, Arborg, MB.

#### **QUORUM**

- 5.1 A majority of the number of members comprising the council constitutes a quorum. A quorum of council for The Municipality of Bifrost-Riverton shall be four (4) members.
- 5.2 For the purpose of a quorum, a member is not counted if the member is required to abstain from voting under *The Municipal Council Conflict of Interest Act*. The number of councillors deemed to be a quorum in such a situation must not be fewer than three (3).
- 5.3 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 majority.

- 5.4 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**

- 6.1 A 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.
- 6.2 A member participating in a meeting conducted by means of a communication facility is deemed to be present at the meeting.
- 6.3 Any member of council participating in a meeting of council through electronic communications shall do so only with prior approval of council and on terms and conditions set by council.

#### **AGENDA**

- 7.1 A draft agenda of each regular meeting of council, as prepared under the supervision of the CAO, together with copies of supporting materials shall be available to the members of council at least ninety-six (96) hours preceding the meeting of council. A copy of the draft agenda shall be posted on the municipal website at the same time.
- 7.2 All items to be placed on the agenda of the next regular meeting of council must be provided to the CAO at least forty-eight (48) hours prior to the scheduled time of the regular meeting.
- 7.3 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.
- 7.4 In preparing the council agenda, the CAO shall state the business for consideration in accordance with the following order of business:
- Call to Order
  - Additions to the Agenda
  - Adoption of the Agenda
  - Adoption of the Minutes
  - Report of CAO & Public Works Manager
  - Reports of Elected Officials/Committees
  - Reception of Delegations/Petitions

- Planning & Hearings
- By-laws & Policies
- Finance (Financial Statements/Accounts for Payment)
- Correspondence
- Unfinished Business
- New Business
- In Camera
- Notice of Motion (as required)
- Adjournment

7.5 Notwithstanding the provisions under subsection 7.4, 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 of the members present.

### **REGULAR MEETING**

- 8.1 Regular meetings of council shall be held on the 2<sup>nd</sup> Wednesday of each month in the council chambers of The Municipality of Bifrost-Riverton at the hour of 8:00 a.m. for the months of May to October, and at 4:00 p.m. for the months of November to April.
- 8.2 All meetings of council shall be chaired by the reeve, or in his 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.
- 8.3 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.
- 8.4 Council may by resolution vary the date and time of a regular meeting as circumstances may require.
- 8.5 Notice of any change of day or time of a regular meeting of council must be posted in the municipal office and published in the local paper at least seven (7) days before the regularly scheduled date of the meeting.
- 8.6 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.
- 8.7 The council shall observe a curfew whereby the item on the agenda under discussion at 3:00 p.m. for the months of May to October, and at 11:00 p.m. for the months of November to April, will be the last item dealt with on that day unless by majority vote the council

decided to extend the time of adjournment. In any case, only one half hour extension is allowed.

### **MEETINGS IN GENERAL**

- 9.1 Every meeting of a council or council committee must be conducted in public.
- 9.2 Everyone has a right to be present at a meeting of a council or council committee unless the person chairing the meeting expels a person for improper conduct.
- 9.3 Despite subsection 9.1 of this by-law, council or council committee may close a meeting to the public if:
- (a) in the case of a council, the council decides 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; 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 a 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 reeve under clause 36(1)(e) of *The Ombudsman Act*.
- 9.4 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.

## **CONFIDENTIALITY**

10.1 Each member of council has the following duties:

- (a) to consider the well-being and interests of the municipality as a whole and to bring to the council's attention anything that would promote the well-being or interests of the municipality;
- (b) to participate generally in developing and evaluating the policies and programs of the municipality;
- (c) to participate in meetings of the council and of council committees and other bodies to which the member is appointed by the council;
- (d) to keep in confidence a matter that is discussed at a meeting closed to the public under subsection 152(3) of *The Municipal Act* and that the committee decides to keep confidential until the matter is discussed at a meeting of the council or of a committee conducted in public; and
- (e) to perform any other duty or function imposed on the member by the council or *The Municipal Act* or any other Act.

## **SPECIAL MEETINGS OF COUNCIL**

- 11.1 The reeve may call a special meeting of council whenever he or she considers it appropriate to do so, and must call a special meeting of council if he or she receives a written request for the meeting from at least two councillors stating the purpose. A copy of the written request must also be served on the CAO. The reeve shall call a special meeting within forty-eight (48) hours of receiving written request by two members of council.
- 11.2 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.
- 11.3 If the reeve does not call a special meeting as requested under subsection 11.1 within forty-eight (48) hours of receiving written request by two members of council, the CAO must call the meeting in accordance with subsection 11.4.
- 11.4 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 at least twenty- four (24) hours before the scheduled time of the meeting.

- 11.5 A special meeting must not be held in the absence of a member unless the member has been given notice of the meeting in accordance with subsection 11.4.
- 11.6 A member who waives the right to be given notice by giving written notice to the CAO of a special meeting is deemed to have been given notice of the special meeting.
- 11.7 Only a matter stated in the notice of a special meeting may be transacted at the meeting unless all members of the council are present and unanimously agree by resolution to deal with other matters.

#### **DELEGATIONS**

- 12.1 The Chair may limit the time taken by a delegation to ten (10) minutes. The delegation must appoint a spokesman.
- 12.2 To allow members of council to prepare for delegations, all presenters shall register with the CAO at least one hundred and twenty (120) hours before the council meeting and advise the CAO of the topics and scope of the presentation.
- 12.3 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**

- 13.1 A member of a council has one vote each time a vote is held at a council meeting at which the member is present.
- 13.2 The minutes of a meeting at which a 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.
- 13.3 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 13.4 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 are present; 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.
- 13.5 When council reconsiders and reverses a decision under subsection 13.4 the minutes must show the original decision and the decision made on reconsideration.
- 13.6 Any member of council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The minutes of the meeting of council must record the names of the members present, and the vote or abstention of each member.

#### **PUBLIC HEARINGS**

- 14.1 Each member of the council must attend the public hearing 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.
- 14.2 The Chair of the public hearing has the right to limit the time taken by a person to ten (10) minutes, after which council may wish to ask questions of the person. All questions must be channelled through the Chair of the hearing.
- 14.3 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.
- 14.4 All presenters shall register prior to a public hearing commencing and the Chair of the public hearing may decide which presenters will be heard, if he is satisfied that presentations are the same of similar.
- 14.5 The Chair of the public hearing may limit presentations to Municipality of Bifrost-Riverton residents and electors only.
- 14.6 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.

- 14.7 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**

- 15.1 Council may act only by resolution or by-law.
- 15.2 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.
- 15.3 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 15.4 Every proposed by-law must be given three separate readings at meetings of the council, and each reading must be put to a vote. Council may not give a proposed by-law more than two readings at the same council meeting.
- 15.5 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.
- 15.6 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.
- 15.7 The amendment or repeal of a by-law is subject to the same requirements that apply to passing the by-law, unless *The Municipal Act* or any other other Act expressly provides otherwise.

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

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

#### **CONDUCT OF COUNCIL**

- 17.1 Every member shall address the Chair and shall only speak when recognized by the Chair.

- 17.2 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 17.3 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.
- 17.4 When the Chair is putting a question, no member shall leave his chair.
- 17.5 Discussion shall be limited to the question in debate and no member other than the one proposing a question or motion shall speak more than once on the same question without the permission of the council, except by leave of the chair, in explanation of a material part of his or her speech which may have been misconceived but he or she must not introduce a new matter.
- 17.6 No member shall speak to the question or in reply for more than five (5) minutes without approval of council.
- 17.7 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.
- 17.8 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 17.9 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.
- 17.10 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 that person to be removed.
- 17.11 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.


17.12 Council may limit the number of persons allowed in the council chambers.


17.13 The public and media may audio/video tape meeting proceedings, including public hearing providing that arrangements are made with the CAO at least forty-eight (48) hours prior to the meeting or public hearing.

17.14 A member who breaches the requirement of confidentiality under section 10 of this by-law 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.

**DONE AND PASSED** as a by-law of The Municipality of Bifrost-Riverton at Arborg in the Province of Manitoba this 12<sup>th</sup> day of December, 2018.

  
\_\_\_\_\_  
Brian N. Johnson,  
Reeve

  
\_\_\_\_\_  
Cindy Stansell,  
Chief Administrative Officer

Read a first time this 14<sup>th</sup> day of November, 2018.

Read a second time this 12<sup>th</sup> day of December, 2018.

Read a third time this 12<sup>th</sup> day of December, 2018.