

MUNICIPALITY OF PEMBINA
BY-LAW NO. 8/2018

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 its term of office;

NOW THEREFORE BE IT RESOLVED THAT the council of the Municipality of Pembina enacts as a by-law the following:

TITLE

- 1.1 This By-law may be referred to as "The Municipality of Pembina 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. 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 Municipality of Pembina 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 Municipality of Pembina.
 - g) "Council Meeting" means a regular meeting or special meeting of the council but does not include a public hearing held by 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, Louis Riel Day (Family Day), Good Friday, Easter Monday, Victoria Day, Dominion Day (Canada 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 or such other day(s) as declared by the Municipality of Pembina by resolution.

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 the Act or by 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, and the meeting shall be held in the Municipality of Pembina Council Chambers.
- 4.2 Council must at its Inaugural Meeting review the Procedures and Organizational by-laws.

QUORUM

- 5.1 A majority of the members of council constitutes a quorum. A quorum of council for the Municipality of Pembina shall be four (4) members
- 5.2 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 three (3) members. In the case of a council committee, the minimum number of a quorum is three (3).
- 5.3 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 shall enter into the minutes the names of the members present at the meeting.

COMMUNICATION FACILITY

- 6.1 Any member of Council participating in a meeting of Council by means of a communication facility/device shall do so only with prior approval of Council and on terms and conditions set by Council.
- 6.2 Members of council participating in a meeting of council by means of a communication facility/device are deemed to be present at the meeting.

AGENDA

- 7.1 A draft agenda of each regular meeting of council, as prepared by the Chief Administrative Officer, together with copies of supporting materials shall be available to the members of council at least two (2) days preceding the meeting of council. A copy of the draft agenda shall be posted in the municipal office 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 Chief Administrative Officer at least three (3) days 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 Chief Administrative Officer shall state the business for consideration.

REGULAR MEETING OF COUNCIL

- 8.1 Regular meeting(s) of council shall be held on the 2nd Thursday of each month in the council chambers of the Municipality of Pembina at the hour of 7:00 pm. A notice prior to the first council meeting each year shall be posted in the municipality office outlining the regular meeting schedule for that year.

- 8.2 All meeting 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 the 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 at least three (3) 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 Council shall hold its meeting openly and no person shall be excluded, except for improper conduct.
- 8.8 Despite clause 8.7 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) municipal assistance,
 - (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 the preliminary stages and respecting which discussion in public could prejudice the municipality's ability to carry out its activities or negotiations,
 - (iv) the conduct or existing or anticipated legal proceedings,
 - (v) the conduct of an 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 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

- 9.1 A special meeting of council of the Municipality of Pembina 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. A copy of the written request must also be served on the Chief Administrative Officer.
- 9.2 Should the Reeve not call a special meeting within forty-eight (48) hours of receiving written request by two members of council, the Chief Administrative Officer must call the meeting in accordance with section 9.3 of this By-law.
- 9.3 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 at least forty-eight (48) hours before the scheduled time of the meeting.

- 9.4 Should the Reeve be unavailable; the Deputy Reeve may call a special meeting only if requested by 2 members in accordance with part 9.1.
- 9.5 Any member of council may waive the right to be given notice by giving written notice to the Chief Administrative Officer and having done so shall be deemed to have been given notice of a special meeting of Council.
- 9.6 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 the adding of items to the agenda.

DELEGATIONS

- 10.1 The chair may limit the time taken by a delegation to ten (10) minutes. The delegation must appoint a spokesperson.
- 10.2 To allow members of council to prepare for the delegations, all presenters shall register with the Chief Administrative Officer at least three (3) days before the council meeting and advise the Chief Administrative Officer of the topic and scope of the presentation.
- 10.3 There shall not be a limit to the number of delegations included on the agenda of a council meeting, but the Chief Administrative Officer is granted authority to schedule delegations as deemed appropriate.
- 10.4 The delegation shall where ever possible present a written submission to the council for their records.

VOTING

- 11.1 A member has one vote each time a vote is held at a council meeting at which the member is present.
- 11.2 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 or abstention of each member, and the reason given for any abstention.
- 11.3 The Chief Administrative Officer must record in the minutes the name of any member who exercises his/her right to abstain from voting on any resolution.
- 11.4 If an equal number of members vote for and against a resolution or by-law, the resolution or By-law is defeated.
- 11.5 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.
- 11.6 When council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 11.7 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 must record in the minutes of the meeting of council the names of the members present, the vote or abstention of each member.

PUBLIC HEARINGS

- 12.1 Each member of council must attend a public hearing called by council unless the member is:
 - a) excused by the other members from attending the hearing,
 - b) unable to attend owing to illness, or
 - c) required under the Municipal Council Conflict of Interest Act to withdraw from the hearing.
- 12.2 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 for 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 that 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 him/herself 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 information is announced at the adjournment of the hearing.

BY-LAWS AND RESOLUTIONS

- 13.1 Council may act only by resolution or by-law.
- 13.2 No motions shall be debated or put unless it is in writing and is seconded.
- 13.3 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 13.4 Council may not give a proposed By-law more than two (2) readings at the same Council meeting.
- 13.5 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 13.6 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.
- 13.7 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.

HEAD OF COUNCIL TAKING PART IN DEBATE

- 14.1 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

- 15.1 Every member previous to his speaking shall address the Chair.
- 15.2 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 15.3 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.
- 15.4 When the Chair is putting a question, no member shall leave his chair.
- 15.5 Discussion shall be limited to the question in debate.
- 15.6 No member shall speak to the question or in reply for longer than five (5) minutes without approval of council.
- 15.7 A motion to adjourn takes precedence over all other 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.
- 15.8 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 15.9 Where at a council meeting, any person other than a member of council is, in the opinion of the Chair, conducting him/herself 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.
- 15.10 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 Person(s) 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.
- 15.12 Council may limit the number of persons allowed in the council chambers.
- 15.13 The public and media may audio/video tape meeting proceedings; including public hearings provided that arrangements are made with the Chief Administrative Officer at least twenty-four (24) hours prior to the meeting or public hearing.
- 15.14 A member must keep in confidence a matter that is discussed at a meeting closed to the public under sub-section 152 (3) of the Act until the matter is discussed at a Council meeting conducted in public.
- 15.15 A member who breaches the requirement of confidentiality under clause 15.14 becomes disqualified from Council.
- 15.16 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 REPEAL

16.1 By-law No. 1/2015 passed on the 22nd day of January, 2015 is hereby repealed.

DONE AND PASSED by Council of the Municipality of Pembina duly assembled in Manitou, in the Province of Manitoba, this 22nd day of November, 2018.



Glenn Shiskoski, Reeve



Wes Unrau, Chief Administrative Officer

Read a first time this 8th day of November, 2018.

Read a second time this 22nd day of November, 2018.

Read a third time this 22nd day of November, 2018.