

**MUNICIPALITY OF LOUISE  
PROCEDURES BY-LAW**

**BY-LAW NO. 2018-16**

**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 Municipality of Louise, in open meeting assembled, enacts as follows:

**TITLE**

**1.0** This By-law may be referred to as "Municipality of Louise 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 Municipality of Louise 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 Head of Council and councillors of the Municipality of Louise.
- 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 Head of Council.
- j) "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, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any other day declared a holiday by the Provincial or Federal Government.

## **SUSPENSION**

- 3.0** 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 the general election of 24 October 2018, the first meeting of Council is to be held on 26 October 2018 at 10am at the municipal office.
- 4.1** Council must review the Procedures and Organizational By-laws at the Inaugural meeting.

## **QUORUM**

- 5.0** A majority of the members of Council constitutes a quorum. A quorum of council of the Municipality of Louise 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 four (4) members. In the case of a council committee, the minimum number for a quorum is fifty percent plus one (1).
- 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 CAO shall enter into the minutes the names of the members present at the meeting. An absence from the meeting without giving prior notice to the CAO or Head of Council, shall be noted as 'absent' in the minutes, otherwise the term 'regrets' shall be used.

## **COMMUNICATION FACILITY**

- 6.0** 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, as prepared by the CAO together with copies of copies of supporting materials shall be available to the members of council at least two (2) working days preceding the meeting of council.
- 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 three (3) working days 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, the CAO shall state the business for consideration in accordance with the following order of business:

- Call to order
- Adoption of the agenda
- Minutes
- Reception of delegations and hearings
- New business
- Unfinished business
- Council Member discussion period
- Notice of Motion
- Reports of boards and committees
- Correspondence
- Adjournment

**7.4** Notwithstanding the provisions under 7.3, 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.

**7.5** That the agenda be posted be posted at the municipal office and available to the general public one (1) day prior to the council meeting.

#### **REGULAR MEETING**

**8.0** Regular meetings of council shall be held on the 2<sup>nd</sup> and 4<sup>th</sup>, Wednesday of each month. All regular council meetings will be held in the council chambers of the Municipality of Louise commencing at the hour of 9:00am.

**8.1** All meetings of Council shall be chaired by Reeve or in his/her absence, by the Deputy-Reeve of Council. 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 five (5) working days before the regularly scheduled date of the meeting.

**8.5** At the hour set for a meeting to commence, and providing that a quorum is present, the Head of Council shall take the chair and shall call the meeting to order.

**8.6** The council shall observe a curfew whereby the item on the agenda under discussion at 12:00noon will be the last item dealt with on that day unless by majority vote the council decides to extend the time of adjournment. In any case, only a one 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 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, repealed, S.M. 2004 c2, 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 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 Reeve 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 the council of The Municipality of Louise may be called at any time by the Reeve, and must be called by the Reeve, or in his absence (and has waived the right to be given notice under 9.3) the Deputy-Reeve, if the Reeve receives a written request from at least two (2) 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 twenty-four (24) hours of receiving a written request by two (2) 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 will be oral, and must state the purpose of the meeting, and must be provided to all members of council at least twenty-four (24) hours before the scheduled time of the meeting.
- 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 ten (10) 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 at least five (5) working days before the council meeting and advise the CAO of the topic and scope of the presentation.
- 10.2** Written material will be requested on the topic of the delegation and it will be presented to the council members with the agenda for the meeting.
- 10.3** 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**

- 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 shall 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.
- 11.7 The Reeve is deemed to be in favour of all resolutions unless indicated by hand otherwise.

#### **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 ten (10) minutes, after which council may wish to ask questions of the person. All questions must be channeled through the Chair of the hearing.
- 12.2 The Chair of the public hearing may decline to hear further presentations, questions or objections where he/she 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/she is satisfied that presentations are the same or similar.
- 12.4 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.
- 12.6 Any written information sent to the CAO after the close of the public hearing will cause the CAO to advise Council, and if the council accepts the information the public hearing will be re-opened with the full notice requirements as per the appropriate legislation.

#### **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 If a motion is reconsidered and reversed, the minutes shall show the original decision and the decision made on reconsideration.

- 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 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.

#### **CONDUCT**

- 14.0 Every member previous to his/her speaking shall address the Chair.
- 14.1 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 14.2 When the Chair is called on to decide a point of order or practice, he/she shall do so without comment unless requested to do so.
- 14.3 When the Chair is putting a question, no member shall leave his/her chair.
- 14.4 No member shall speak to the question or in reply for longer than five (5) minutes without approval of the Chair. Each member may speak to the question a second time but for no longer than three (3) minutes.
- 14.5 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.
- 14.6 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 14.7 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.
- 14.8 Where at a Council meeting a member of 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.

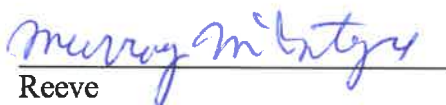
- 14.9 Persons in the Council Chambers are not permitted to display signs or placards to applaud participants in debate or to engage in conversation or other behaviors which may disrupt Council proceedings.
- 14.10 Council may limit the number of persons allowed in the Council Chambers.
- 14.11 The public and media may audio/video tape meeting proceedings, including public hearings providing that arrangements are made with the CAO at least two (2) working days prior to the meeting or public hearing. A copy of the recordings must be made available to Council or participants upon request.
- 14.12 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.
- 14.13 A member who breaches the requirement of confidentiality under clause 152(3) 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.

That By law 2015-1 is hereby repealed.

**DONE AND PASSED** as a By-Law of the Municipality of Louise at the LUD of Crystal City, in the Province of Manitoba, this 21<sup>st</sup> day of November 2018.

**MUNICIPALITY OF LOUISE**

  
Reeve

  
Chief Administrative Officer

Read a first time this 7<sup>th</sup> day of November 2018  
Read a second time this 21<sup>st</sup> day of November 2018  
Read a third time this 21<sup>st</sup> day of November 2018