



Town of Winnipeg Beach BY-LAW 5/2019

BEING A BY-LAW TO REGULATE THE PROCEEDINGS AND CONDUCT OF THE COUNCIL AND THE COMMITTEES HERETO.

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 Town of Winnipeg Beach, in open meeting assembled enacts as follows:

TITLE

- 1.0 This By-Law may be referred to as "The Town of Winnipeg Beach Procedures By-Law".
- 1.1 The following rule 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) "CAO" means the Chief Administrative Officer of the Town of Winnipeg Beach.
 - e) "Committee" means a committee or other body established under The Town of Winnipeg Beach Organizational By-Law, but does not include a committee of the whole council.
 - 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 Mayor and Councillors of The Town of Winnipeg Beach.
 - 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 Mayor and the Councillors.
 - k) "General Holiday" means each Saturday and Sunday and includes such days as New Year's Day, Louis Riel Day, Good Friday, Victoria Day, Canada Day, The First Monday in August, Labour Day, Remembrance Day, Christmas Day, Boxing Day and any other day declared a holiday by the Provincial or Federal Government.
 - l) "Written" to mean handwritten or electronic.

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 this By-Law, some other vote is required.

COUNCIL INAUGURAL MEETING

- 4.0 Following a general election, the Mayor must call the Inaugural Meeting of Council within (30) days, and the meeting shall be held in the Council Chambers.

- 4.1 Council must at its Inaugural Meeting review the Procedures and Organizational By-Laws.

QUORUM

- 5.0 A majority of the members of Council constitutes a quorum. A quorum of Council for The Town of Winnipeg Beach shall be three (3) 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 three (3) members.
- 5.2 Lack of quorum – If no quorum is present within thirty 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 members present at the meeting.
- 5.3 In the case of a Council Committee excluding standing Committees of Council, the minimum number for a quorum is two (2).

COMMUNICATION FACILITY

- 6.0 Members of Council participating in a meeting of Council by means of a communication facility or device are deemed to be present at the meeting.

AGENDA

- 7.0 A draft agenda of each regular meeting of Council as prepared by the Chief Administrative Officer and reviewed by the Mayor, together with copies of supporting materials shall be available to the members of Council by 6:00 p.m. the Saturday preceding the meeting of Council. A copy of the draft agenda shall be made available in the Town Administration Office at the same time.
- 7.1 Items may be added to or deleted from 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.
- 7.2 Any member of Council wishing to have an item(s) placed on the agenda shall direct all such requests to the Mayor and/or the C.A.O. of the agenda item before 12:00 noon on the Wednesday prior to Council Meeting.
- 7.3 In preparing the Council agenda, the Chief Administrative Officer shall state the business for consideration with the following order of business:
- Call to order
 - Approval of Agenda
 - Confirmation of Minutes
 - Unfinished Business
 - Delegations/Variations
 - Committee Reports
 - Correspondence
 - Financial
 - By-Laws
 - New & General Business
 - Notice of Motion
 - In Camera
 - Adjournment
- 7.3.1 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.

REGULAR MEETINGS

8.0 One regular meeting of Council shall be held each month in the Council Chamber of The Town of Winnipeg Beach at 6:00 p.m. as follows:

- ✓ 4th Wednesday of each month, January through October, inclusive
- ✓ 3rd Wednesday of each month, November and December

A notice prior to the first council meeting each year shall be posted in the Municipal Office outlining the regular meeting schedule for that year.

- 8.1 All meetings of Council shall be chaired by the Mayor or in the absence of the Mayor, by the Deputy Mayor. If neither the Mayor nor the Deputy Mayor is 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, by resolution, may vary the date and time of a regular meeting as circumstances may require with 48 hours notice to the public for a regular meeting, which has been rescheduled.
- 8.4 Notice of any changes of day or time of a regular meeting of Council must be posted in the municipal office at least 48 hours 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 Mayor 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 after the fourth hour of calling the meeting to order will be the last item dealt with on that day 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 from attending, except for improper conduct. Any other means other than personal attendance must be approved by resolution of council.
- 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 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 head of the Council under clause 36(1) 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 of The Town of Winnipeg Beach may be called at any time by the Mayor, and must be called by the Mayor, if the Mayor 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.
- 9.1 Should the Mayor 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 9.2 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 at least 48 hours before the scheduled time of the meeting.
- 9.3 Should the head of Council be unavailable, the deputy head of Council may call a special meeting only if requested in writing by 2 members in accordance with this part.
- 9.4 Any member of Council may waive the right to be given notice by giving written notice to the Chief Administrative Officer and by having done so shall be deemed to have been given notice of a special meeting of Council.
- 9.5 Any member of Council who will be away from the municipality for five (5) days must notify the Chief Administrative Officer, such notice automatically constituting a waiver of notice unless a specific issue is identified. Any specific issue pending identified under this provision may not be considered by the Council until the identified return date of the member 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 adding of items to the agenda.

DELEGATIONS

- 10.0 The chair may limit the time taken by a delegation to fifteen (15) minutes. The delegation must appoint a spokesperson who shall speak for the delegation.
- 10.1 To allow members of Council to prepare for delegations, all presenters shall register in writing with the Chief Administrative Officer by 2:00 P.M. the Wednesday preceding the day of the Council meeting and advise the Chief Administrative Officer, in writing, of the topic and scope of the presentation. A copy of the delegation's presentation shall be filed with the Chief Administrative Officer following the Council meeting.
- 10.2 There shall be a limit of 2 delegations included on the agenda of a Council meeting, but the Chief Administrative Officer is granted the 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 which 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 the abstention.
- 11.2 The Chief Administrative Officer must record in the minutes the name and reason of any member who exercises their 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 must show the original decision and the decision made on reconsideration.
- 11.6 Any member of Council may, prior to 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.

PROCEDURE AT PUBLIC HEARINGS

- 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.
 - d) has provided written notification as per clause 9.4 or 9.5 above.
- 12.1 The Chair of the public hearing has the right to limit the time taken by the person to fifteen (15) minutes, unless an objection is registered by a majority of Council present, after which Council may wish to ask questions of that person. All questions must be channelled through the chair of the hearing.
- 12.2 The chair of the public hearing may decline to hear further presentations, questions or objections where they are satisfied that the matter has been addressed at the public hearing unless an objection is registered by a majority of members of Council present.
- 12.3 The chair of the public hearing may decide which presenters will be heard, if they are satisfied that the presenters are the same or similar, unless an objection is registered by a majority of members of Council present.
- 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 themselves 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, unless an objection is registered by a majority of members of Council present.
- 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.



BY-LAWS AND RESOLUTIONS

- 13.0 Council may act only by resolution or by-law.
- 13.1 No motion shall be debated or put forward unless it is in writing and is seconded.
- 13.2 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 13.3 Council may not give a proposed by-law more than two readings at the same Council meeting.
- 13.4 Only the title, an identifying number and the definition of the bylaw must be read at each reading of a proposed by-law.
- 13.5 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, Council may, by resolution, require reading of the full text of a by-law at any meeting.
- 13.6 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.

HEAD OF COUNCIL TAKING PART IN DEBATE

- 14.0 The Chair may present or second a motion. If he wishes to participate in the debate, he must speak in the appropriate order the same as any other member of Council.

CONDUCT

- 15.0 Every member previous to their speaking shall address the chair.
- 15.1 When two or more members address the chair at the same time, the chair shall name the member who is to speak first.
- 15.2 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.
- 15.3 When the chair is putting a question, no member shall leave their chair.
- 15.4 Discussion shall be limited to the question in debate.
- 15.5 The Chair has the right:
 - (a) To limit a member of Council for time spent on an issue; and
 - (b) To limit total time spent on any issue by Council as a whole, subject to an objection being registered by resolution by a majority of members of Council present.
- 15.6 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.
- 15.7 Immediately before putting the question, the chair shall have the privilege of summarizing the debate but no new matter shall be introduced.
- 15.8 Where at a Council meeting any person other than a member of Council is in the opinion of the chair conducting themselves in a disorderly or improper manner,



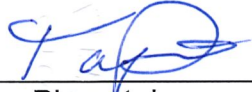
the chair may require that person to leave the meeting and if that person fails to do so, may cause that person to be removed unless an objection is registered by a majority of members of Council present.

- 15.9 Where at a Council meeting, a member of Council is conducting themselves 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.
- 15.10 Persons in the Council Chambers are not permitted to display signs of placards to applaud participants in debate or to engage in conversation or other behaviours which may disrupt Council proceedings.
- 15.11 Where the number of delegates exceeds the room available at a meeting or hearing of Council, Council may recess the meeting or hearing to relocate to a larger area.
- 15.12 The public and media may audio/video tape meeting proceedings; including public hearings providing that arrangements are made with the Chief Administrative Officer 24 hours prior to the next scheduled meeting or public hearing.
- 15.13 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.
- 15.14 A member who breaches the requirement of confidentiality under clause 15.13 becomes disqualified from Council.


ROUTINE

- 16.1 All points of order and procedure not resolved by rules provided in this by-law shall be resolved:
- (a) first, by a majority decision of Council
 - (b) second, by reference to Roberts Rules of Order
- 16.2 The Chief Administrative Officer is authorized to handle all routine business for the Town of Winnipeg Beach after a general election, and before the new Council is sworn in.
- 16.3 That By-Law 10/2018 be and is hereby rescinded.

DONE AND PASSED as a By-Law of the Town of Winnipeg Beach in the Province of Manitoba the 22nd day of May, 2019.



Tony Pimentel
Mayor



Kathryn Magnusson
Chief Administrative Officer

Read a first time on the 8th day of May, 2019 (Resolution 126/2019).
Read a second time on the 22nd day of May, 2019 (Resolution 147/2019).
Read a third time the 22nd day of May, 2019 (Resolution 148/2019).