

MUNICIPALITY OF OAKLAND-WAWANESA

BY-LAW NO. 06-2018

Being a by-law to regulate the proceedings and conduct of the council and the committees thereof and repeal Procedure By-law No. 05-17.

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 Municipality of Oakland-Wawanesa, in open meeting assembled, enacts as follows:

PART ONE: PURPOSE AND DEFINITIONS

Title

- 1.0 This by-law may be referred to as the “Municipality of Oakland-Wawanesa Procedure By-law”.
- 1.1 The following rules and regulations shall be observed in council, and in all committees thereof.

Definitions

- 1.2 In this by-law:

“Act” means The Municipal Act S.M. 1996 c.58.

“Agenda” means the agenda for a regular or special meeting of council or committee of council.

“CAO” means the Chief Administrative Officer of the Municipality of Oakland-Wawanesa or his/her designate.

“Chair” means the person presiding at the meeting of council or committee.

“Committee” means a committee or other body established under the Municipality of Oakland-Wawanesa Organizational By-law but does not include a committee of the whole council or Local Urban District.

“Committee of the Whole Council” means a committee of all members present at a council meeting sitting as a committee. It is a procedural device that permits council greater freedom of debate.

“Council” means the duly elected Head of Council and Councillors of the Municipality of Oakland-Wawanesa.

“Council Meeting” means a regular meeting or special meeting of the council.

“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, Terry Fox Day, Labour Day, Thanksgiving Day, Christmas Day, Boxing Day, and any other day declared a holiday by the Provincial or Federal Government.

“In Camera” means in private or to the exclusion of the public.

“Inaugural Meeting” means the organizational meeting of Council held immediately following a general election.

“Members” means, when referring to the council, the Councillors and the Head of Council of Council.

“Public Hearing” means a meeting of council or that portion of a meeting of council, which is convened to hear matters required by:

- (1) The Municipal Act;
- (2) The Planning Act;
- (3) any other Act; or
- (4) council.

PART TWO: GENERAL PROVISIONS

General Rule

- 2.0 In all proceedings coming before council and any established committee of council, the rules set out herein must be observed subject to any Act of the Manitoba Legislature and, in particular, The Municipal Act.

Reference Source

- 2.1 When any matter relating to proceedings arises which is not covered by a provision of this by-law, the matter must be decided by reference to the current edition of Robert's Rules of Order, where applicable.

In the event of any conflict between the provisions set out in this by-law and those contained in the reference source, the provisions of this by-law will apply.

Internal Regulation

- 2.2 Procedure is a matter of internal regulation and any ruling of the Head of Council or Committee Chairperson will prevail subject to the appellate jurisdiction of council or the committee.

Suspension of Rules

- 2.3 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.

Review of Rules

- 2.4 Each council must at least once during its term of office review the rules of procedure contained and set out in this by-law.

PART THREE: MEETINGS OF COUNCIL

General Powers

- 3.0 The general powers of council must be exercised by a resolution passed by the council except where such public business is specifically required to be exercised by the passage of a civic bylaw. A by-law or resolution that is inconsistent with any Act of the Manitoba Legislature, or with any regulations made pursuant to such an Act, has no validity.

Inaugural Meeting

- 3.1 Following a general election, the Head of Council must call the Inaugural Meeting of Council within 30 days of such election.
- 3.2 Every member of council must be given written notice of the day and time of the inaugural meeting and such notice must include a statement of the subjects to be taken into consideration at the meeting and be posted within the municipal office(s) at least 48 hours prior to the meeting.

Regular Meeting

- 3.3 Regular meetings of council shall be held on the 3rd Tuesday of each month at the hour of 9:00 a.m. Location of council meetings will be at the Nesbitt Hall, 39 Chesley Street, Nesbitt, MB. A notice prior to the first council meeting each year shall be posted in the municipal office(s) and on the municipal website outlining the regular meeting schedule for that year.
- 3.4 All meetings of council shall be chaired by the Head of Council, or in his absence, by the Deputy Head of Council. If the Head of Council or Deputy Head of Council is not present at the time scheduled for a meeting, the members present may, if they constitute a quorum, appoint one of its members to chair the meeting.

- 3.5 If the day fixed for a regular meeting of council is a general holiday, the meeting shall be held at a day set by council resolution at a previous regular meeting of council.
- 3.6 Council may by resolution vary the date and time of a regular meeting as circumstances may require.
- 3.7 Notice of any change of day or time of a regular meeting of council must be posted in the municipal office(s) at least 120 hours (5 days) before the regularly scheduled date of the meeting.
- 3.8 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.
- 3.9 The council shall observe a curfew whereby the item on the agenda under discussion at 12:00 p.m 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 a one-half hour extension is allowed.
- 3.10 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 3.11 Despite clause 3.10 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 of the whole 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)(e) of The Ombudsman Act.
- 3.12 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.
- 3.13 A video recording may be made of each regular meeting and if made, will be posted on the website and retained for a period of six months from the date of the meeting.

Agenda

- 3.14 A draft agenda of each regular meeting of council, as prepared by the CAO, together with copies of supporting materials shall be available to the members of council at least (96) hours (4 days) preceding the meeting of council. A copy of the draft agenda and supporting materials shall be posted on the municipal website at the same time and be available in hard copy at the municipal office(s).
- 3.15 All items to be placed on the agenda of the next regular meeting of council must be provided to the CAO at least 120 hours (5 days) prior to the scheduled time of the regular meeting.
- 3.16 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.
- 3.17 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 Agenda
 Presentations & Recognitions of Guests
 Confirmation of Minutes

Delegations
Public Hearings
Communications & Petitions
Accounts/Finance
Council, Committee and Staff Reports
Unfinished Business
General Business
By-laws
Giving of Notice
Adjournment

- 3.18 Notwithstanding the provisions under 3.17, 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.

Special Meetings

- 3.19 A special meeting of council may be called at any time by the Head of Council, and must be called by the Head of Council, if the Head of Council 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 CAO.
- 3.20 Should the Head of Council 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 the manner provided in this by-law.
- 3.21 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(s) and the municipal website at least 48 hours before the scheduled time of the meeting.
- 3.22 Should the Head of Council be unavailable, the Deputy Head of Council may call a special meeting only if requested in writing by two members in accordance with this by-law.
- 3.23 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.
- 3.24 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.
- 3.25 A video recording may be made of each special meeting and if made, will be posted on the website and retained for a period of six months from the date of the meeting.

Special Emergency Meetings, Civil Disaster or Emergency

Special Emergency Meetings

- 3.26 Special emergency meetings may be called with less than 48 hours' notice, if, in the opinion of the Head of Council or at the request from at least two members of council, a meeting is required to deal with an item of importance that must be decided without the opportunity to provide 48 hours' notice. Such special emergency meetings may be called after giving such notice as is considered reasonable in the circumstances.

Disaster or Emergency

- 3.27 Where a state of emergency is declared under an Act of the Legislature or an Act of Parliament or, where in the opinion of the Head of Council, a disaster or emergency exists or is imminent, a special emergency meeting of council may be called by the Head of Council after giving such notice as is considered reasonable in the circumstances.

Items of Business

- 3.28 Only such business as arises out of, or is incidental to, the special emergency, civil disaster or other emergency may be transacted at this meeting and, council must cause to be recorded in the minutes of the proceedings, the manner in which notice of the meeting is given.

PART FOUR: ORDER OF BUSINESS

Call to Order

- 4.0 At the date and time determined, the Head of Council, Deputy Head of Council or such other member as determined at the meeting shall call the meeting to order.

Adoption of the Agenda

- 4.1 The agenda, as circulated shall be adopted by resolution. No new items of business shall be added to the agenda without the support of a majority of members, or in the case of a special meeting, by support of all members of council.

Presentation & Recognition of Guests

- 4.2 Giving or Receiving Presentations

Presentations are to allow an opportunity for an individual or group to make to or receive from Council any form of presentation relating to a gift, award or similar honour.

- 4.3 Recognition of Guests

Recognition of guests is an opportunity for any member of council to give recognition to certain special guests (either individuals or groups) who are seated in the public gallery. A member of council wishing to recognize any visitor in the Council Chamber should, if possible, advise the Head of Council of such guests prior to the meeting being called to order.

Confirmation of Minutes

- 4.4 The minutes must be presented to council for a motion to confirm the minutes as circulated.

- 4.5 Any member may make a motion requesting that the text of the minutes be amended to correct any inaccuracy or omission, and if such motion is passed, council must adopt the minutes as amended. The reconsideration, alteration or rescinding of any motion passed at a previous meeting of council shall be in accordance with The Municipal Act.

Delegations

- 4.6 A delegation seeking permission to address a meeting of council on a subject, the matter of which appears on the agenda of that meeting, shall inform the CAO no later than 12:00 noon on the Monday prior to the meeting.

- 4.7 A delegation seeking permission to address a meeting of the council on a subject, the matter of which does not appear on the agenda, shall provide to the CAO no later than 12:00 Noon on the Wednesday prior to the meeting a written submission outlining the topic and desire of the delegation.

- 4.8 A delegation seeking permission to address council which has not advised the CAO prior to the meeting shall, subject to the approval of the majority of council members present, be permitted to address council.

- 4.9 The Chair may limit the time taken by a delegation to 10 minutes. The delegation must appoint a spokesperson. All questions shall be channeled through the Chair.

- 4.10 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 deemed appropriate.

- 4.11 The public shall not participate in the discussion at a council meeting, unless by unanimous consensus of the members present, or if necessary, a majority vote of council, the public is asked for their participation.

Public Hearing

- 4.12 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.
- 4.13 For public hearings held under The Municipal Act, council 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.
- 4.14 Council may decline to hear further presentations, questions or objections where it is satisfied that the matter has been addressed at the public hearing.
- 4.15 Council may decide which presenters will be heard, if it is satisfied that presentations are the same or similar.
- 4.16 Where at a public hearing, any person(s) other than a member of council is, in the opinion of the council, conducting himself in a disorderly or improper manner, council may, through the chair, require that person(s) to leave the meeting and if that person(s) fails to do so, may cause that person(s) to be removed.
- 4.17 Where at a public hearing, a member of 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.
- 4.18 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.

Communications & Petitions

- 4.19 Where a person or a group of persons wishes to bring any matter to the attention of council or to have any matter considered by council, a written letter, a non-statutory petition or other communication may be submitted to the CAO. Such communication or non-statutory petition must:
- (a) be printed, typewritten or legibly written;
 - (b) clearly set out the matter at issue and the request made of council;
 - (c) be temperate and respectful;
 - (d) be signed (facsimile signature acceptable); and
 - (e) provide the name and mailing address of the writer or spokesperson for the group submitting the petition.
- 4.20 On the receipt of a communication intended for council, the CAO may do the following:
- (a) include it as an item on the agenda for the next regular meeting of council in full or in summary form; or
 - (b) refer it to the Administration for a report to council or the appropriate committee; or
 - (c) refer it to the Administration for action and/or reply, with a copy of such response being sent to council; or
 - (d) refer it to the Head of Council for direct reply, with a copy of such response being sent to council; or

- (e) circulate it to the members of council individually as information if it does not require any further action by council.

4.21 Any matter required to be brought to council by way of statutory petition must be supported by a petition that meets the statutory provisions of The Municipal Act or other applicable legislation.

Accounts/Finance

4.22 Reports related to the General Account, the Utility Account and the Statement of Revenue and Expenses will be provided to council monthly for adoption by resolution.

Council/Committee/Staff Reports

4.23 All council/committee/staff reports shall be submitted in writing to the Nesbitt Municipal Office not later than 12:00 noon on the Thursday prior to the council meeting.

Unfinished Business

4.24 Items that have been tabled from previous meetings or are of an on-going nature may be considered under "Unfinished Business".

General Business

4.25 All new items of business shall be brought forward by correspondence, report or request for resolution under General Business and shall be submitted to the Nesbitt Office by 12:00 noon on the Thursday prior to the council meeting.

By-Laws

4.26 Every by-law being presented to council for enactment must have a by-law number assigned to it and be given a concise title indicating the purpose of the by-law.

4.27 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.

4.28 Council may not give a proposed by-law more than two readings at the same council meeting.

4.29 A reading may be given to a by-law at a special meeting of council.

4.30 Only the title or an identifying number must be read at each reading of a proposed by-law.

4.31 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.

4.32 All by-laws must be introduced for first reading by a motion that the by-law, specifying its number and short title be read a first time and council must vote on the motion for first reading without amendment or debate.

4.33 If at first reading of a by-law, a member does not elaborate on the subject matter of the by-law or phrase his or her question so as to indicate an opinion for or against the by-law, notwithstanding the above, he or she may ask a question or questions concerning the by-law.

4.34 If second reading is not being given at the same meeting, a member must specify the number and title of the by-law at the time it is being re-introduced and if no amendment is made to the by-law, this motion must then be put to a vote.

4.35 After a member has made a motion for second reading of a by-law, council may:

- (a) debate the substance of the by-law; and
- (b) propose and consider amendments to the by-law.

4.36 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.

- 4.37 The minutes of a meeting at which council votes on third reading to a by-law must show the name of each member present, the vote or abstention of each member and the reason for any abstention.

Giving of Notice

- 4.38 Council may reconsider a decision after it is made providing:
- (a) at the same meeting at which the decision is made, all members who voted on the decision are present; or
 - (b) a member gives written notice to council from at least one regular meeting to the next regular meeting of the intent to move a motion of reconsideration.
- 4.39 A decision of council may not be reconsidered more than once during its term of office unless a further reconsideration is supported by not less than a two-thirds (2/3) majority of its members present at the meeting at which the reconsideration is being put forward.

Adjournment

- 4.40 A motion to adjourn the meeting may be made at any time and if seconded, the motion must be put immediately without debate. If the motion is passed by a majority of the members present, the meeting must stand adjourned.

PART FIVE: PROCEEDINGS IN COUNCIL

Commencement

- 5.0 As soon as there is a quorum present and the commencement time for the meeting has arrived, the Head of Council will call the members to order. In his or her absence, the Deputy Head of Council or such other member as determined at the meeting must chair the meeting.
- 5.1 Any member of council participating in a meeting of council by means of a communication facility (speaker phone or a similar device where the member may speak and hear each other and the public may hear the discussion) shall do so only with prior approval of council and on terms and conditions set by council.
- 5.2 Members of council participating in a meeting of council by means of a communication facility are deemed to be present at the meeting.

Quorum

- 5.3 A majority of the members of council constitutes a quorum subject to The Conflict of Interest Act. A quorum of council for the Municipality of Oakland-Wawanesa shall be four members.
- 5.4 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 members.
- 5.5 Lack of quorum - If no quorum is present within 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.
- 5.6 Where, by reason of withdrawals from a meeting under the provisions of The Municipal Council Conflict of Interest Act, the number of members remaining is not sufficient to constitute a quorum, the said Act provides that the number of members still remaining, if not fewer than two, is deemed to constitute a quorum of council.

Voting

- 5.7 Council may act only by resolution or by-law.
- 5.8 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.
- 5.9 A member of council has one vote each time a vote is held at a council meeting at which the member is present.

- 5.10 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.
- 5.11 The CAO must record in the minutes the name of any member who exercise the right to abstain from voting on any resolution.
- 5.12 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 5.13 Council may not reconsider or reverse a decision of council (a council resolution) 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.
- 5.14 When council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 5.15 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.

Conduct

- 5.16 Every member previous to his speaking shall address the Chair.
- 5.17 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 5.18 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.
- 5.19 When the Chair is putting a question, no member shall leave his chair.
- 5.20 Discussion shall be limited to the question in debate.
- 5.21 No member shall speak to the question or in reply for longer than five minutes without approval of council.
- 5.22 Where at a council meeting a member of 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.
- 5.23 Where at a council meeting, any person other than a member of council is, in the opinion of the council, conducting himself/herself in a disorderly or improper manner, council may, through the Chair, require that person to leave the meeting and if that person fails to do so, may cause that person to be removed.
- 5.24 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.
- 5.25 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 5.26 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.
- 5.27 Council may limit the number of persons allowed in the council chambers.
- 5.28 The public and media may audio/video tape meeting proceedings, including public hearings, providing that arrangements are made with the CAO at least 24 hours prior to the meeting or public hearing.

- 5.29 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.
- 5.30 A member who breaches the requirement of confidentiality under clause 5.29 becomes disqualified from council.
- 5.31 All points of order and procedure not resolved by rules provided in this by-law shall be resolved by a majority decision of council.

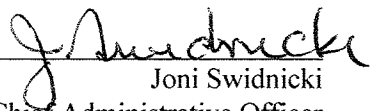
PART SIX: REPEAL OR AMENDMENT

- 6.0 By-law No. 05-2017 is hereby rescinded.

DONE AND PASSED as a by-law of the Municipality of Oakland-Wawanesa this 15th day of January, 2019.



Dave Kreklewich
Head of Council



Joni Swidnicki
Chief Administrative Officer

Read a first time this 18th day of December, 2018.

Read a second time this 15th day of January, 2019.

Read a third time this 15th day of January, 2019.