

Municipality of Norfolk Treherne

Procedures By-Law

By-Law No. 72-2021

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.

THEREFORE BE IT RESOLVED that the council of the Municipality of Norfolk Treherne, in open meeting assembled, enacts as follows:

1.0 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) "**Chief Administrative Officer**" the Chief Administrative Officer of the Municipality of Norfolk Treherne or his/her designate.
- e) "**Committee**" means a committee or other body established under the Municipality of Norfolk Treherne 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 a duly elected Reeve and Councilors of the Municipality of Norfolk Treherne.
- 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 the exclusion of the public.
- j) "**Members**" means, when referring to the Council, the Councilors and the Reeve.
- k) "**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, 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

- 3.0 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 a general election, the Reeve must call the Inaugural Meeting of Council within (30) thirty days, and the meeting shall be held at 9:00 am in the Council Chambers of the Municipality of Norfolk Treherne.
- 4.1 The Chief Administrative Officer is authorized to hire a Consultant/Advisor to make a presentation at the Inaugural meeting.
- 4.2 Every member of council shall make and subscribe the official oath prescribed by The Municipal Act and shall conform with Section 10 of the Conflict of Interest Act before entering into their duties and shall deposit the oath and the list of assets, duly completed, with the Chief Administrative Officer.
- 4.3 Council at its Inaugural Meeting shall review the following:
- a) The following sections of The Municipal Act: Duties of Members of Council, Disqualification and Chief Administrative Officer Responsibilities
 - b) Section 10 of the Conflict of Interest Act
 - c) Portfolios and Board Appointments
 - d) Procedures, Organizational, Indemnity and current Taxation by-law
 - e) Other Business
- 4.4 No delegations may be booked at the Inaugural Meeting.

QUORUM

- 5.0 A majority of the members of council constitutes a quorum. Subject to "The Municipal Council Conflict of Interest Act", a quorum of council for the Municipality of Norfolk Treherne shall be (4) four 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. In the case of a council committee, the minimum number for a quorum is 2.
- 5.2 Lack of quorum – If no quorum is present within (30) 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 the members present at the meeting.

- 5.3 Where reasons of withdrawal from the meeting are due to an issue of conflict of interest the number of members remaining at the meeting is not sufficient to constitute a quorum, then, notwithstanding the provision of any Act of the legislature or any procedure of by-law of the Council, the number of members remaining, if not fewer than two, shall be deemed to constitute a quorum for the purposes of discussing and voting on the matter before Council.

COMMUNICATION FACILITY

- 6.0 Any member of council participating in a meeting of council by means of a communication facility shall do so only with approval of council on terms and conditions set by council.
- 6.1 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 Chief Administrative Officer, together with copies of supporting materials shall be available to the members of council and public five days (5) prior to the meeting of Council. The Chief Administrative Officer may continue to add or delete items to update the agenda as needed prior to the start of the meeting. A notice prior to the first council meeting each year shall be posted in the Municipal Office and on the Municipal website outlining the regular meeting schedule for that year.
- 7.1 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 5 business days prior to the scheduled day of the regular meeting.
- 7.2 Once the meeting begins items may be added to the agenda at a regular meeting of council by a majority vote of the members present.
- 7.3 In preparing the council agenda, the Chief Administrative Officer shall state the business for consideration in accordance with the following order of business:
- Call the Meeting to Order by Chair
 - Adoption of Council meeting agenda
 - Confirmation of the previous Council minutes
 - Finance and Accounts
 - By-Laws & Policies
 - Reception of Delegations / Petitions
 - Old Business
 - Reports
 - New Business

- Correspondence/Communications
- Notice of Motion
- 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. A proposed change of order is deemed accepted unless challenged by a member of council. If challenged, then the order may be changed only after a majority vote of the members present.

REGULAR MEETING

- 8.0 Regular meetings of council shall be held on the 2nd Tuesday of each month. All regular meetings will start at 9:00am in Council Chambers of the Municipality of Norfolk Treherne.
- 8.1 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 members present may if they constitute a quorum appoint one of its members to chair the meeting. A chairman appointed, shall have the same authority and shall exercise the same functions, in presiding at the meeting, as the Reeve might have had or exercised if present.
- 8.2 If the day fixed for a regular meeting of council is a general holiday, the meeting shall be held on the next business day or on a day set by council with the same time and place as a regular meeting.
- 8.3 Council may 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 and on the municipal website at least 4 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 Reeve 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 12:00PM (noon) 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 one-half hour extension is allowed. In the event items are not covered they will be tabled until Council's next regular meeting unless a special meeting is called.
- 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: (Sec. 152 (3) of The Municipal Act)
- (a) in the case of a council, the council decides 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) if 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 the 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 head of the 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.
- 8.10 A member must keep in confidence a matter that is discussed at a meeting closed to the public under provision 8.8 of this by-law until the matter is discussed at a council meeting conducted in public.
- 8.11 A member who breaches the requirement of confidentiality under 8.10 becomes disqualified from council.
- 8.12 The Reeve shall chair the meeting and may, prior to the motion being put, summarize the key points of debate and indicate his preference in the matter. The member moving the motion shall then have the right to conclude the debate
- 8.13 Every member of council speaking to the question and motion shall address himself solely to the Reeve or Chair.
- 8.14 When two or more members address the Reeve at the same time, the Reeve shall name the member who is to speak first.
- 8.15 If the Reeve desires to present or second a motion, or participate in debate, he can do so without leaving the chair.
- 8.16 On any motion the mover shall be entitled to speak for a maximum of five (5) minutes on opening the debate and three (3) minutes on closing the debate and any other member of council shall be entitled to maximum of three (3) minutes at any one time.

- 8.17 In any proceedings of Council or Committee when any point of order is raised which is not covered by these rules of procedure, the ruling of the Chair regarding rules of debate, subject to appeal to the Council, shall be conclusive.

SPECIAL MEETINGS OF COUNCIL

- 9.0 A special meeting of council of the Municipality of Norfolk Treherne 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.
- 9.1 Should the Reeve not call a special meeting within (48) forty-eight 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, must be provided to all members of council and posted in the municipal office and on the municipality's website at least 48 hours before the scheduled time of the meeting. Where the notice is in writing, it shall be delivered to the permanent home address of the members. Members may also be telephoned by the Clerk of the Meeting regarding the date and time of a special meeting.
- 9.3 Should the Reeve be unavailable the Deputy Reeve may call a special meeting only if requested in writing by (2) two members in accordance with this by-law. Any member of council may waive the right to be given notice by the Chief Administrative Officer 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 to deal with other matters.

DELEGATIONS

- 10.0 The Chair may limit the time taken by a delegation to (10) ten minutes. The delegation must appoint a spokesperson. All questions shall be channeled through the Chair.
- 10.1 To allow members of council to prepare for delegations, all presenters shall register with the Chief Administrative Officer at least 5 (five) days before the council meeting and advise the Chief Administrative Officer of the topic and scope of the presentation.
- 10.2 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 deemed appropriate.

- 10.3 The public shall not participate to 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.

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 vote on each question put to the Council shall, in all cases, be taken by open voting, by each member raising their hand.
- 11.2 The minutes of a meeting at which council votes on a 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 right to abstain from voting on any resolution and the reason.
- 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 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 request a recorded vote to be taken. The Chief Administrative Officer must record in the minutes the names of the council members present, the vote or abstention of each member.

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 10 (ten) minutes, after which council may wish to ask questions of the person. All questions must be channeled through the Chair of the public hearing.
- 12.2 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.
- 12.3 The Chair of the public hearing may decide which presenters will be heard, where he 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/herself in a disorderly or improper manner, to leave the public hearing and if that person fails to do so, may cause that person to be removed.
- 12.5 Where at a public hearing, 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 the member to be removed.
- 12.6 If a public hearing is adjourned, the council shall provide 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 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. A reading may be given to a by-law at a special meeting of council.
- 13.3 Council may not give a proposed by-law more than two readings at the same council meeting.
- 13.4 Only the title or an identifying number 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.

- 13.6 Each member present at the meeting at which third reading is to take place must be 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 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 Discussion shall be limited to the question in debate.
- 14.5 No member shall speak to the question or in reply for longer than (2) two minutes without approval of the Chair
- 14.6 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.
- 14.7 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 14.8 Where at a council meeting, any person other than a member of council is, in the opinion of the Chair, conducting himself/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 the member to be removed.
- 14.9 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.
- 14.10 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.
- 14.11 Council may limit the number of persons allowed in the council chambers.

- 14.12 The public and the media may audio/video tape meeting proceedings, including public hearings providing that arrangements are made with the Chief Administrative Officer at least (24) hours prior to the meeting or public hearing.
- 14.13 Every member of Council will wear appropriate meeting attire for all meetings where the member of Council is representing the municipality of which he/she was elected.
- 14.14 Cellular phones are to be on silent during council meetings.
- 14.15 The Reeve is appointed to act as the spokesperson for the Municipality unless another member of council is appointed by resolution to be the spokesperson for the Municipality or the spokesperson for a specific project.

LEAVE OF ABSENCE

- 15.0 A member of council is disqualified from council if he or she is absent for the full duration of three consecutive regular council meetings unless the absences are with the leave of the council, granted by a resolution passed at any of the three meetings, a prior meeting or the next meeting following the third absence. A leave of absence may be granted without pay.

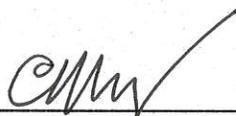
REPEAL AND ENACTMENT

- 16.0 That By-law No. 54-2019 is hereby repealed.
- 16.1 This by-law shall come into full force and take effect upon the passage thereof.

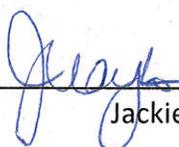
All points of order and procedure not resolved by rules provided in this by-law shall be resolved by a majority decision of council.

Done and passed by the Council of the Municipality of Norfolk Treherne, assembled at Treherne, Manitoba on the 9th day of February, 2021.





C. Will Eert, Reeve



Jackie Clayton, C.A.O.

Read a first time this 12th day of January, 2021.
Read a second time this 9th day of February, 2021.
Read a third time this 9th day of February, 2021.