

RIVERDALE MUNICIPALITY BY-LAW 2015-02

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-law rules of procedures and review the by-law at least once during the term of office.

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

TITLE

- 1.0 This by-law may be referred as “Riverdale Municipality 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) “Anecdotal Minutes” means minutes which contain concise, point form summaries (followed by decisions made) of discussions, however do not attribute comments to members nor record any debate.
 - d) “Chair” means the person presiding at the meeting of council or committee.
 - e) “Committee” means a committee or other body established under Riverdale Municipality Organizational By-law, but does not include a committee of the whole council or Local Urban District.
 - 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 Riverdale Municipality.
 - 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) “Decision-only minutes” means minutes which exclude all discussion summaries and capture only what decisions are made or actions that were authorized by the assembly.
 - j) “In Camera” means in private or to the exclusion of the public.
 - k) “Members” means, when referring to the council the councillors and the mayor.
 - l) “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, Dominion 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.
 - m) “Good Faith” means that the council or its members are not acting fraudulently, oppressively or for improper motives such as, but not limited to advancing a private interest.

SUSPENSION

- 3.0 A rule of order for the conduct of business may be temporarily suspended or modified in a specific way by a motion carried by a majority of members present which includes a statement of the specific purpose of the motion, but may not be temporarily suspended or modified during consideration of motions or regulations governing finances or budget. A motion to temporarily suspend or modify a rule of order shall be debatable. When the item being debated under the temporarily suspended or modified rule of order has been completed the rule of order shall return to full force and effect.

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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 at 6:00pm and at the Riverdale Municipal Council chambers in Rivers, Manitoba.
- 4.1 Council must at its Inaugural Meeting review the Procedures and Organizational by-laws.

QUORUM

5. A majority of the members of council constitutes a quorum. A quorum of council for Riverdale Municipality shall be 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 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) 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.

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 prior approval of council and 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 Items for the agenda of the next regular meeting of council shall be provided to the CAO at least 4 business days in advance of the scheduled time of the regular meeting. The agenda shall be prepared for and made available to the council 3 business days in advance of the scheduled time for the regular meeting.
- 7.1 With the exception of minutes and preliminary agenda, any correspondence or preliminary or other documents including those in Council pre-meeting packages shall not be made available to the public until such time as these have been dealt with at an open meeting of Council. After these documents have been dealt with by Council, appropriate documents will be made available to the public. The intent of this section prevents distribution of documents which have not been discussed by council and does not prevent public discussion of agenda items.
- 7.2 The agenda may be amended 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:
1. Call the meeting to order
 2. Adoption of agenda
 3. Adoption of minutes
 4. Matters arising from minutes
 5. Delegations
 6. Communications
 7. Accounts and Finance
 8. General Business
 9. By-Laws
 10. Committee and Councillors reports
 11. Administration reports
 12. Notice of Motion
 13. Adjournment

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- 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 at the discretion of the Chair.

MINUTES

- 8.0 Minutes are the official municipal record of proceedings of all meetings and hearings of the Council of Riverdale Municipality. Style of minutes to be recorded is to be “decision-only”: and therefore, will not include discussion summaries. Exceptions to the “decision-only” style of minute-taking shall be made only in the following circumstances and “anecdotal minutes” shall be used: council and committee reports; disclosures of interest; special recognition; notices of motion; public meetings/hearings; presentations; and delegations.
- 8.1 Draft minutes shall be made available to the public within a reasonable time after the meeting, before Council’s approval. Minutes shall be reviewed by Council, and after approval, shall be made available to the public as adopted minutes.

REGULAR MEETING

- 9.0 Regular meetings of council shall be held on the 1st & 3rd Tuesday of each month excepting July and August in which there shall be one meeting on the 3rd Tuesday in the council chambers of Riverdale Municipality at the hour of 6:00 p.m.
- 9.1 A notice prior to the first council meeting each calendar year shall be posted in the Municipal Office and the local newspaper outlining the regular meeting schedule for that year.
- 9.2 All meetings of council shall be chaired by the Mayor, or in his absence, by the Deputy Mayor. If both the Head and Deputy Mayor are not present at the time scheduled for a meeting, the council may elect one of its members to chair the meeting.
- 9.3 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.
- 9.4 The time and date of a regular meeting may be varied by the majority agreement of members of council, expressed as a motion when such meeting has been called to order.
- 9.5 Notice must be provided to each Councillor and the Mayor, by the CAO, by phone, fax, mail or email, before the varied regular meeting can be considered to be duly constituted. The meeting shall be declared valid if the CAO has attempted by phone, fax, mail or email to contact all members of council.
- 9.6 If unable to attend regular meetings pursuant to 9.4 and 9.5, any member of council shall notify the CAO or Mayor of their willingness to waive the requirement that they be in attendance.
- 9.7 For the purposes of Section 9.4, notice of any changes of day or time of a regular meeting of council must be posted in the municipal office.
- 9.8 At the hour set for a meeting to commence, and providing that a quorum is present, the Mayor or as the case may be the Deputy Mayor or appointed member shall take the chair and shall call the meeting to order.
- 9.9 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 9.10 Despite clause 9.9 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;

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- 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*.

9.11 The public will not be allowed in the Riverdale Municipal Council Chambers during proceedings of a closed meeting. Upon approval of a resolution to reopen the meeting, the public will again be allowed in council chambers.

9.12 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.

SPECIAL MEETINGS OF COUNCIL

10.0 A special meeting of council of Riverdale Municipality may be called at any time by the Mayor, and must be called by the Mayor, if he or she 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.

10.1 Should the Mayor not call a special meeting within (48) hours of receiving a written request by two members of council, the CAO must call the meeting in accordance with section 10.2 of this by-law.

10.2 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 with the exception of an emergency situation.

10.3 Should the Mayor be unavailable, the Deputy Mayor may call a special meeting only if requested in writing by 2 members in accordance with this part.

10.4 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.

10.5 A special meeting of Council shall be declared valid if the CAO has attempted by phone, fax, mail or email to contact all members of Council.

10.6 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

11.0 The Chair may limit the time taken by a delegation to (10) minutes. The delegation must appoint a spokesperson.

11.1 To allow members of council to prepare for delegations, all presenters shall register with the CAO at least (48) hours before the council meeting and advise the CAO of the topic and scope of the presentation. Supporting material from the delegation should be provided with such a declaration of intent to discuss the delegation's concerns with council.

11.2 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. Delegations shall be scheduled prior to the agenda item which may be the subject of the delegation's representation.

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VOTING

- 12.0 A member has one vote each time a vote is held at a council meeting at which the member is present.
- 12.1 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.
- 12.2 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 12.3 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.
- 12.4 When council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 12.5 All votes which are not unanimous shall be recorded as votes for and against and abstained, and in the event of an abstention by a member, the name of the member and the reason shall be recorded. Before calling for a vote, a member may request that the vote be recorded and that the minutes show the recorded vote. If a decision is unanimous, a record of that fact is all that is required to be recorded in the minutes.

PROCEDURE AT PUBLIC HEARING

- 13.0 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.
- 13.1 The Chair of the public hearing will make every possible effort to ensure that the matters before council at the public hearing are canvassed as fully as possible and that the public has been given every opportunity to make representations at the hearing. The Chair may limit the time taken by a presenter to 10 minutes.
- 13.2 Members of council may ask questions of the presenter. All questions must be channeled through the Chair of the hearing.
- 13.3 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.
- 13.4 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 manner or exhibiting improper conduct, to leave the public hearing and if that person fails to do so, may cause that person to be removed.
- 13.5 Notwithstanding 13.4, prior to the removal of any person, that person may appeal to council to remain at the hearing. Council shall consider and vote on the appeal, a majority vote of council is required to remove the appellant from the hearing.
- 13.6 If a public hearing is adjourned to a later time, 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.

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BY-LAWS AND RESOLUTIONS

- 14.0 Council may act only by resolution or by-law.
- 14.1 No motion shall be debated or put unless it is in writing and is seconded.
- 14.2 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 14.3 Council may not give a proposed by-law more than two readings at the same council meeting.
- 14.4 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 14.5 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.
- 14.6 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.

MAYOR TAKING PART IN DEBATE

- 15.0 If the Chair desires to present or second a motion, he may do so without leaving the chair.
- 15.1 If the Chair desires to participate in the debate, he can do so without leaving the chair.

CONDUCT

- 16.0 Every member previous to his speaking shall address the Chair.
- 16.1 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first. In the event that more than two members wish to speak to the matter, the Chair shall create a speakers list and the members shall address the meeting in that order.
- 16.2 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.
- 16.3 When the Chair is putting a question, no member shall leave their chair.
- 16.4 Discussion shall be limited to the question in debate.
- 16.5 No member shall speak to the question or in reply for longer than (5) minutes without approval of council.
- 16.6 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. A motion to adjourn requires a majority vote of Council.
- 16.7 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 16.8 Where at a council meeting, any person other than a member of council is, in the opinion of the Chair, conducting himself or 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.
- 16.9 Where at a council meeting a member of the council is conducting himself or 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.

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- 16.10 Persons in the council chambers are not permitted to display signs or placards and to applaud participants in debate or to engage in conversation or other behaviors which may disrupt council proceedings.
- 16.11 Council may limit the number of persons allowed in the council chambers.
- 16.12 Audio or video taping of any proceedings of Council will not be allowed without the prior written consent of the Mayor and the Chief Administrative Officer. Audio or video taping, when permitted, will not be considered official municipal records and will not be permitted to be used as such.
- 16.13 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.
- 16.14 A member who breaches the requirement of confidentiality under clause 16.13 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.

DONE AND PASSED by the Council of the Riverdale Municipality, in meeting duly assembled, at Rivers, in Manitoba, this 6th day of January A.D. 2015.

Mayor – Todd Gill

Chief Administrative Officer

Read a first time this	<u>5th</u>	day of	<u>January</u>	A.D.	<u>2015</u>
Read a second time this	<u>6th</u>	day of	<u>January</u>	A.D.	<u>2015</u>
Read a third time this	<u>6th</u>	day of	<u>January</u>	A.D.	<u>2015</u>