

**Organizational By-law 01-15**  
Municipality of Emerson-Franklin

Being a by-law to govern the Municipality of Emerson-Franklin and the committees thereof.

**WHEREAS** Section 148(1) of The Municipal Act provides that a Council must establish by by-law an organizational structure for the municipality and review the by-law at least once during its term of office.

**THEREFORE BE IT RESOLVED** that the Council of the Municipality of Emerson-Franklin, in open meeting assembled, enacts as follows:

**TITLE**

1.0 This by-law may be referred to as “The Municipality of Emerson-Franklin Organizational By-law.”

**COMPOSITION**

2.0 The Council of the Municipality of Emerson-Franklin is comprised of:  
a) the Head of Council; and  
b) Seven Councillors

**ROLE OF COUNCIL**

3.0 Council is responsible  
a) for developing and evaluating the policies and programs of the municipality;  
b) for ensuring that the powers, duties and functions of the municipality are appropriately carried out; and  
c) for carrying out the powers, duties and functions expressly given to the council under this or any other Act.  
d) approving and monitoring the Municipality’s mission and vision statement on a periodic basis;  
e) maintaining the Municipality’s financial integrity;  
f) representing the residents of the Municipality.

AND PRIMARILY COUNCIL MEMBERS SHALL GOVERN, LEAD & REPRESENT

**GENERAL DUTIES OF MEMBERS**

4.0 Each member of the Council has the following duties:  
a) to consider the well-being and interests of the municipality as a whole and to bring to the Council’s attention anything that would promote the well-being or interests of the municipality;  
b) to participate generally in developing and evaluating the policies and programs of the municipality;  
c) to participate in meetings of the Council and of Council committees and other bodies to which the member is appointed by the Council;  
d) to keep in confidence a matter that is discussed at a meeting closed to the public under subsection 152(3) and that the committee decides to keep confidential until the matter is discussed at a meeting of the Council or of a committee conducted in public;  
e) to perform any other duty or function imposed on the member by the Council or this or any other Act;  
f) to keep him/herself reasonably informed of programs and projects relevant to the portfolio that he/she is appointed to.  
g) Council members may be assigned to represent the Municipality on various outside organization(s) or committee(s) and are expected to keep other Council members informed of the activities of those organization(s) or committee(s).

**ROLE OF THE CHIEF ADMINISTRATIVE OFFICER**

5.0 The Chief Administrative Officer shall report to, be accountable to, and receive authority from the Council of the Municipality and  
a) is the administrative head of the Municipality

## Municipality of Emerson-Franklin – Organizational By-law No. 01-15

- b) is responsible for advising and informing the Council on the operation and affairs of the Municipality
- c) is responsible for the management and supervision of the employees of the Municipality
- d) shall carry out the powers, duties and functions assigned by the Council and must notify the Council if Municipality funds are spent or invested contrary to a by-law or resolution or the Manitoba Municipal Act
- e) may, from time to time and in accordance with sound management practices, delegate to his/her subordinates such duties and responsibilities deemed appropriate or necessary provided that he/she shall continue to be responsible for all actions of the subordinates with respect to matters so delegated.

### COMMITTEES

- 6.0 The general duties of committees shall be as follows:
- a) to report from time to time on all matters connected with the duties imposed on the committee and to recommend such action as may be deemed necessary.
  - b) To prepare and introduce to Council all such by-laws as may be necessary to give effect to the recommendations that are adopted by Council.
  - c) To consider and report respectively on any and all matters referred to them by Council.
- 6.1 Each Committee shall be comprised of at least three members of council.
- 6.2 The Head of Council is a member of only those committees to which he has been appointed.
- 6.3 At the first regular council meeting in each year, the council shall consider the recommendations for appointments to Committees and other bodies and Organizations of Council. All appointments to Committees and other bodies of Council, including naming of a chairperson, shall be approved by resolution of Council.
- 6.4 Meetings of Committees shall be determined by the Committee.
- 6.5 Any member of Council not a member of a committee has the right to attend committee meetings but shall not be allowed to vote. With the permission of the majority of the members of the committee, a visiting member of council may be allowed to take part in any discussions.
- 6.6 A committee of Council may be appointed by resolution of Council at any time specifying the business to be dealt with by the Committee.

The primary function of the Council and the Committees of Council is to focus on items of internal matters to the Municipality. Such matters shall include, but not limited to, the following:

#### Financial Items:

- To supervise all contracts, orders, reports, recommendations and proceedings involving the expenditure of municipal funds.
- To annually review and recommend to Council the types, rates and conditions of payments to be made to or on behalf of members of the Council and Council committees, as compensation and for expenses incurred while attending to municipal business, and for any other purpose relating to municipal business that the Council considers appropriate.
- To consider salary and wage negotiations.

- Annual review and report to council before March 15th of every year.

**Procedure for Approval of Accounts:**

The following procedure for approval of regular accounts payable:

- 1) Invoices are received at the municipal office.
- 2) Invoices are reviewed and initialed by the appropriate Department Manager (IE - Public Works Manager, various Fire Chiefs).
- 3) Invoices are then reviewed and approved for payment by the Chief Administrative Officer.
- 4) The Finance Committee reviews and initials all accounts.
- 5) Council will approve all cheques by resolution.

**Procedure for Financial Plan:**

The following is a suggested process for development of the Annual Financial Plan:

- 1) Council members should make initial requests and recommendations at a Council meeting.
- 2) Final recommendations or requests from all Council members and committees/organizations should be made by approximately February 15<sup>th</sup> of each year.
- 3) Staff will then prepare a draft budget for review by the Council. Council then reviews the year-end financial statements and draft budget by approximately March 15<sup>th</sup>. This includes calculation of the mill rates and presentation of the draft financial plan to the committee of the whole for review. The committee of the whole adjusts and finalizes the financial plan by approximately April 1st.
- 4) Staff then makes the necessary adjustments and advertises the financial plan for the public hearing.

At the public hearing, Council approves the financial plan and gives first reading to the tax levy by-law.

**Operational Items:**

- To consider and report on all matters relating to municipal roads and their opening, closing, altering, diverting and maintenance.
- To recommend to council at the beginning of each year such projects, works and matters under its control as it considers essential to be carried out during the year, together with their detailed cost.
- To consider and report on all matters relating to municipal land, buildings and equipment, including their acquisition, maintenance and disposal.
- To consider and report on all matters relating to municipal equipment, including their acquisition, maintenance and disposal.
- To consider and report on all matters relating to municipal roads and their opening, closing, altering, diverting and maintenance.
- To consider and report on all matters relating to the installation and maintenance of the rural water system.
- To consider and report on all matters related to the operation of all utility systems.
- To consider and report on all matters related to drainage, including private, municipal, provincial and federal.
- To ensure the proper provision of water, sewage, drainage and waste disposal services.
- To recommend to Council at the beginning of each year such projects, works and matters under its control as it considers essential to be carried out during the year, together with their detailed cost.
- To consider and report on all matters relating to the Waste Transfer

Station

- To consider and report on all matters relating to weed Control.
- To consider and report on all matters relating to the spraying for mosquitoes and grasshoppers.
- To Consider and report on all matters relating to the Vet Districts.
- To consider and report on all matters relating to Recycling.
- To consider and report on all matters relating to Recreation
- To consider and report on all matters relating to the Handivan Services.
- To review personnel policy.
- To review job descriptions.
- To review and consider grievances of employees.
- To consider all land planning requests.
- To supervise and advise on Tourism and economic development initiatives.

**Protective Items:**

- To ensure the proper provision of fire protection and Emergency Measures Operations.
- To consider and report on all matters relating to the Emerson and Dominion City Volunteer Fire Departments.
- To consider and report on all matters relating to Animal Control and By-Law Enforcement.
- To consider and report on all matters relating to Building Inspections.

Formal Decisions shall be made as By-Laws and or Resolutions at a meeting of Council.

**In Camera:**

Under subsection 152(3) of The Municipal Act “closed to public” also referred to as “In-camera” meetings may be held for the following reasons:

- a) Personnel Matters, including but not limited to discussion of an employee, including the employee’s salary, duties and benefits and any appraisal of the employee’s performance; or
- b) Negotiations, including but not limited to discussion of a matter that is in its preliminary stages and respecting which discussion in public could prejudice a municipality’s ability to carry out its activities or negotiations; or
- c) The conduct of existing or anticipated legal proceedings; or
- d) The conduct of an investigation under, or enforcement of an Act or by-law; or
- e) The security of documents or premises; or
- f) A report of the Ombudsman received by the head of the council under clause 36(1)(e) of The Ombudsman Act.

**HEAD OF COUNCIL**

7.0 The head of Council for The Municipality of Emerson-Franklin is to have the title of Reeve.

7.1 At the first regular meeting of Council in each year, Council must by resolution, appoint a Councillor as Deputy-Reeve, who shall act in place of the Reeve when he is unable to carry out the powers, duties and functions of the Reeve.

7.2 In addition to performing the duties of a member of a Council, the Reeve has a duty

**Municipality of Emerson-Franklin – Organizational By-law No. 01-15**

- a) to preside when in attendance at a Council meeting, except where the procedures by-law or this or any other Act otherwise provides;
- b) to provide leadership and direction to the Council;
- c) to act as the official spokesperson for the municipality; and
- d) to perform any other duty or function assigned to a Reeve or by this or any other Act.

**YOUTH MEMBER**

8.0 The Council, may, by resolution, appoint a person with the title “youth member” to sit with the Council and to participate in Council deliberations.

8.1 A youth member must be less than 18 years of age or enrolled as a full time student in a school within the Municipality.

8.2 A youth member may be elected by his/her school peers or appointed by the staff of the said school. Said youth member should display a keen interest in politics.

8.3 There may only be one youth member serving on Council at any given time.

8.4 A youth member is not permitted to move or second any resolution nor is the youth member counted for the purpose of deciding a vote of the Council. A youth member is not allowed to participate in committee of the whole deliberations that are closed to the public.

8.5 The term of office for a youth member is to be established with the appointment but shall not exceed 2 years.

**BOARD OF REVISION**

9.0 In each year, Council shall by resolution appoint a Board of Revision to hear assessment appeals during the year.

- a) The Board of Revision shall consist of council members of The Municipality. The Council shall appoint a member of The Board of Revision to serve as presiding officer of the Board.

**SIGNING AUTHORITY**

10.0 Agreements and cheques and other negotiable instruments must be signed or authorized by;

- a) the Head of Council, or the Deputy Head of Council, and
- b) the Chief Administrative Officer or Assistant Chief Administrative Officer.

**DONE AND PASSED** as a by-law of The Municipality of Emerson-Franklin in the Province of Manitoba this 10<sup>th</sup> day of February, 2015.

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Reeve

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Chief Administrative Officer

Read a first time this 7<sup>th</sup> day of January, 2015.  
Read a second time this 10<sup>th</sup> day of February, 2015.  
Read a third time this 10<sup>th</sup> day of February, 2015.