

**THE MUNICIPALITY OF EMERSON-FRANKLIN  
BY-LAW NO. 02-15**

**PROCEDURES BY-LAW**

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 the 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 as “The Municipality of Emerson- Franklin 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) “Chair” means the person presiding at the meeting of council or committee.
- d) “Committee” means a committee or other body established under The Municipality of Emerson-Franklin Organizational By-law, but does not include a committee of the whole council or Local Urban District.
- e) “Committee of the Whole Council” means a committee of all members present at a council meeting sitting as a committee.
- f) “Council means the duly elected reeve and councillors of The Municipality of Emerson - Franklin.
- g) “Council meeting” means a regular meeting or special meeting of the council but does not include a public hearing held by the council.
- h) “In Camera” means in private or to the exclusion of the public.
- i) “Members” means, when referring to the council, the councillors and the reeve.
- j) “General Holiday” means each Saturday and Sunday, and includes such days as New Year’s Day, Good Friday, Easter Monday, Victoria Day, Dominion Day, The First Monday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, Louis Riel 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 days in the Council Chambers in Dominion City.

4.1 Council must at its Inaugural Meeting review the Procedures and Organizational by-laws and indicate so by resolution.

## **QUORUM**

- 5.0 A majority of the members of council constitutes a quorum. A quorum of council for the Municipality of Emerson-Franklin shall be 5 members.  
Subject to the Municipal Conflict of Interest Act, the minimum number for a quorum of Council for the Municipality of Emerson-Franklin shall be 3 members.  
For the purposes of a quorum, a member is not counted if the member is required to abstain under the Municipal Conflict of Interest Act.
- 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 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 electronically and paper copies if requested at least 72 hours preceding the meeting of council. A copy of the draft agenda shall be posted in the municipal office at the same time.
- 7.1 All items to be placed on the agenda of the next regular meeting of council must be provided to the CAO at least 96 hours prior to the scheduled time of the regular meeting.
- 7.2 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.
- 7.3 In preparing the council agenda, the CAO shall state the business for consideration in accordance with the following order of business:
- call the meeting to order
  - adoption of the agenda
  - confirmation of the minutes
  - accounts
  - reception of delegations
  - unfinished business
  - general business
  - reports of committees
  - reception of petitions
  - communications
  - by-laws
  - 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 by a majority vote of the members present.

### **REGULAR MEETING**

- 8.0 Regular meetings of council shall be held on the 2<sup>nd</sup> Tuesday of each month in the council chambers of the Municipality at the hour of 9:30 A.M.. 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 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 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 that is not a holiday at the same time and place.
- 8.3 Council may by resolution 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 at least 2 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 4:00 P.M. will be the last item dealt with on that day unless by majority vote the council to 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, 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:
- 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) 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.

### **SPECIAL MEETINGS OF COUNCIL**

- 9.0 A special meeting of Council 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 CAO.
- 9.1 Should the reeve 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 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 24 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 CAO and having done so shall be deemed to have been given notice of a special meeting of council.
- 9.5 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 10 minutes. The delegation must appoint a spokesperson.
- 10.1 To allow members of council to prepare for delegations, all presenters shall register with the CAO at least 120 hours before the council meeting and advise the CAO 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 CAO is granted authority to schedule delegations as deemed appropriate.
- 10.3 The Chair shall terminate a presentation or delegation if the spokesperson displays inappropriate behavior or improper conduct.

### **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 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.
- 11.2 The CAO must record in the minutes the name of any member who exercises his 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 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.

#### **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 minutes, after which council may wish to ask questions of the person. All questions must be channeled through the Chair of the 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, if 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 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.
- 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 unless it is in writing and is seconded, excepting only a motion to adjourn which need not be in writing.
- 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 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, 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 If the Chair desires to present or second a motion he must leave the chair, and call upon one of the members to fill his place until he resumes the chair. If the chair desires to participate in debate, he can do so without leaving the chair.

#### **CONDUCT**

- 15.0 Every member previous to his 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 of practice, he shall do so without comment unless requested to do so.
- 15.3 When the Chair is putting a question, no member shall leave his chair.
- 15.4 Discussion shall be limited to the question in debate.
- 15.5 No member shall speak to the question or in reply for longer than 5 minutes without approval of council.
- 15.6 No member shall speak more than once to any question without permission from the Chair.
- 15.7 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.
- 15.8 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 15.9 Where at a council meeting, any person other than a member of council is, in the opinion of the Chair, conducting himself 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.
- 15.10 Where at a council meeting 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.
- 15.11 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 behaviours, which may disrupt council proceedings.
- 15.12 Council may limit the number of persons allowed in the council chambers.
- 15.13 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.

- 15.14 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.
- 15.15 A member who breaches the requirement of confidentiality under clause 15.13 becomes disqualified from council.

### **SPOKESPERSON**

- 16.0 The head of Council shall be the Official Spokesperson of the Municipality.

### **PETITIONS AND CORRESPONDENCE**

- 17.0 Petitions intended to be presented to Council shall be legibly written, typed or printed, shall comply with the requirements of the Municipal Act, and shall be signed by at least one person.
- 17.1 Correspondence intended to be presented to Council shall be legibly written, typed or printed and shall be signed by at least one person.

### **MOTIONS**

- 18.0 When a question is before the Council the mover thereof shall have an opportunity of speaking thereto before any other member is permitted to do so and before any decision is made with respect to it.
- 18.1 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
- 18.2 When a motion has been made and seconded and is being considered by Council no member may make any other motion except:
- a) A motion to refer the main question to some other person or group for consideration
  - b) A motion to amend the main questions or an amendment to it
  - c) A motion to table the main question
- 18.3 A member moving a motion to table any matter whether the matter is contained in a petition, inquiry, motion or other matter before the Council shall include in the motion to be tabled;
- a) The time at the present meeting, or the date of the future regular or special meeting, to which the motion is to be tabled; or
  - b) A provision that the matter is to be tabled indefinitely
- 18.4 A motion to table a matter shall not be debated except as to the date and time when Council will again consider the motion
- 18.5 A tabled motion may only be taken from the table through a positive vote of Council
- 18.6 A matter which has been tabled to a particular date shall not be considered again by council before the date set unless by 2/3 majority of the Whole of Council the tabled item is taken from the table
- 18.7 Where an amendment has been moved to a motion which is under discussion, an amendment to the amendment may be moved but no further amendments may be moved to the amendment or to the principal question until after the amendment to the amendment is voted upon.
- 18.8 A member who moved or seconded a motion may move or second an amendment to it.
- 18.9 While a motion is under discussion by Council a member may not move

- a) An amendment which does not relate to the subject matter of the principal motion, or;
- b) An amendment directly contrary to the principal motion.

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

#### **ORDER OF PROCEEDING FOR COMMITTEES OF COUNCIL**

20.0 The rules of The Council shall be observed in Committee so far as may be applicable.

Meeting dates and times shall be held as follows for the following committees:

Finance Committee: 2<sup>nd</sup> Tuesday of the month 8:00 a.m.

Transportation Committee: Change to Committee of the Whole: 2<sup>nd</sup> Tuesday of the month 9:00 a.m.

Emerson Golf Course Construction Committee: To be determined

Public Works Employee Union Committee: To be determined

Employee Workplace Health & Safety Committee: To be determined (Min 4x/year)

No member, while in Committee, shall be limited to the number of times they may speak provided, however, no member shall speak more than twice until every member who desires to do so shall have spoken.

#### **ORDER OF PROCEEDING FOR LOCAL URBAN DISTRICT COMMITTEES**

21.0 All proceedings of the Committee shall be governed and conducted in accordance with Subsection 114(1) of the Municipal Act.

The rules of the Council shall be observed in the Local Urban District Committee so far as many applicable.

Following a general election, the CAO must call the Inaugural Meeting of the Committee within 30 days, and the meeting dates and times shall be held as follows:

1<sup>st</sup> Wednesday of the Month 4:30 p.m. at Emerson Town Hall

The Committee shall, at its Inaugural Meeting, by ballot elect the Chairperson of the Committee.

A majority of the members of the Local Urban District Committee constitutes a quorum. Subject to the Municipal Conflict of Interest Act, the minimum number for a quorum of the Committee shall be 2 members.

For the purposes of a quorum, a member is not counted if the member is required to abstain under the Municipal Conflict of Interest Act.

If a position on the Committee is vacant, the quorum will be the majority of the remaining members of the Committee provided that the minimum number for a quorum cannot be less than 2 members.

A draft agenda of each regular meeting of the Committee, as prepared by the Administrative Office together with copies of supporting materials shall be available electronically to the members of the Committee at least 72 hours preceding the meeting of the Committee. A copy of the draft agenda shall be posted in the municipal office at the same time..

Items may be added to the agenda at a regular meeting of the Committee by a majority vote of the members present, prior to adopting the final agenda for the regular meeting of the Committee.

All meetings of the Committee shall be chaired by the chairperson. If the chairperson is not present at the time scheduled for a meeting, the Committee may appoint one of its members to chair the meeting.



The Committee shall observe a curfew whereby the item on the agenda under discussion at 3 hours from the start of the meeting will be the last item dealt with on that day unless by majority vote the Committee decides to extend the time of adjournment.

Delegations shall only be permitted where the issues is within the scope of jurisdiction of the Committee.

The Chair may limit the time taken by a delegation to 10 minutes, after which the Committee may wish to ask questions of the spokesperson. All questions must be channeled through the Chair. The delegation must appoint a spokesperson.

Petitions shall only be permitted where the issue is within the scope of jurisdiction of the Committee.

The Committee may act only by resolution, which must first be approved by the Council of the Municipality of Emerson-Franklin before it is enacted.

All points of order and procedure not resolved by rules provided in this by-law shall be ruled by the Chair, subject to the appeal and reversal by a majority decision of the Committee.

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

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Reeve Greg Janzen

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C.A.O. Tracey French

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.