



TOWN OF STE. ANNE
BY-LAW NO. 02-2019

Being a by-law of the Town of Ste. Anne to regulate the procedures and conduct of the council and its committees.

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.

AND WHEREAS Section 149(2) of *The Municipal Act* provides as follows: "The council must govern itself in accordance with its procedures by-law".

AND WHEREAS Section 149(3) of The Municipal Act provides as follows: "The council must in its procedures by-law provide for

- (a) regular meetings of the council, and the day, time and place of the meetings;
- (b) the type and amount of notice to be given of regular meetings of the council;
- (c) the procedure to be followed and the type and amount of notice to be given to change the day, time or place of a regular meeting of the council;
- (d) rules respecting the conduct of council meetings;
- (e) rules respecting public participation at council meetings;
- (f) a procedure for the appointment of a member to act as head of council if the head and deputy head are unable to act or the offices are vacant;
- (g) the type and amount of notice to be given of a special meeting of the council; and
- (h) the time within which a special meeting of the council requested under clause 151(1)(b) must be called by the head of council and must take place.

AND WHEREAS it is deemed necessary and in the best interest of the municipality to make and establish rules and regulations for the conduct of council meetings of the Town of Ste. Anne;

THEREFORE, BE IT RESOLVED that the council of the Town of Ste. Anne, in open meeting assembled, enacts as follows:

TITLE

- 1.0 This by-law may be referred to as "The Town of Ste. Anne 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) "CAO" means the Chief Administrative Officer of the Town of Sainte-Anne or his/her designate.
 - d) "Chair" means the person presiding at the Council Meeting or a meeting of a committee which includes the Head of Council (Mayor) or his/her designate.
 - e) "Committee" means a committee or other body established under The Town of Ste. Anne Organizational By-law, but does not include a committee of the whole council.
 - f) "Committee of the Whole Council" means a committee consisting of all members present at a council meeting.
 - g) "Council" means the duly elected Mayor and councillors of the Town of Ste. Anne.
 - 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 to exclusion of the public.
 - j) "Members" means, when referring to the council, the councillors and the Mayor.
 - k) "General Holiday" means each Saturday and Sunday, and includes such days as New Year's Day, Good Friday, Easter Monday, Victoria Day, Canada 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 Mayor must call the Inaugural Meeting of Council within 30 days, and the meeting shall be held at 7:00 pm at the office of the Town of Ste. Anne.
- 4.1 Council must review its Procedures and Organizational By-laws no later than the end of the year next following a general municipal election.

ROLE OF COUNCIL

- 5.0 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 council under this or any other Act.

GENERAL DUTIES OF MEMBERS

- 6.0 Each member of a 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;
 - 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 council or this or any other Act.

HEAD OF COUNCIL

- 8.0 The head of council for the Town of Ste. Anne is to have the title of Mayor.
- 8.1 Each year, council must by resolution appoint a councilor as Deputy-Mayor. Who shall act in place of the Mayor, when the Mayor is unable to carry out the powers, duties and functions of the Mayor.
- 8.2 In addition to performing the duties of a member of council, the Mayor has a duty
- 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, and
 - c) To perform any other duty or function assigned to a Mayor by this or any other Act.

COMMUNICATION FACILITY

- 9.0 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.
- 9.1 Members of council participating in a meeting of council by means of a communication facility are deemed to be present at the meeting.

QUORUM

- 10.0 A majority of the members of council constitutes a quorum. A quorum of council for the Town of Ste. Anne shall be 3 members.
- 10.1 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 3.

- 10.2 Lack of quorum - If no quorum is present within 15 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.
- 10.3 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.
- 10.4 A meeting shall stand adjourned when there ceases to be a quorum.

AGENDA

- 11.0 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 at least 96 hours (4 days) preceding the meeting of council. A copy of the draft agenda shall be posted in the municipal office and on the municipal website at the same time.
- 11.1 All items to be placed on the agenda of the next regular meeting of council must be provided to the CAO at least 5 days prior to the scheduled time of the regular meeting.
- 11.2 Items may be added to the agenda of the next regular meeting of council by a majority vote of the members present, prior to adopting the final agenda for the regular meeting of council.
- 11.3 In preparing the council agenda, the CAO shall state the business for consideration in accordance with the following order of business:
1. Meeting Called to Order
 2. Adoption of the Agenda
 3. Council Minutes
 4. Council/Committee/Staff Reports

Business of the Day:

5. Finance/Accounts
6. New Business
7. Unfinished business
8. Delegations/Public Hearings
9. By-laws
10. Communications
11. Notice of Motion
12. In Camera
13. Adjournment

REGULAR MEETING – CONDUCT

- 12.0 Regular meetings of council shall be held on the 2nd and 4th Tuesday of each month in the council chambers of the Town of Ste. Anne at the hour of 7:00 pm with the exception of the months of July, August and December each year, when meetings are held only once during these months. A notice prior to the first council meeting each year shall be posted in the Town Office and on the municipal website outlining the regular meeting schedule for the year.
- 12.1 All meetings of Council shall be chaired by the Mayor, or in his absence, by the Deputy Mayor. If the Mayor or Deputy Mayor is not present at the time scheduled for a meeting, the council may appoint one of its members to chair the meeting.
- 12.2 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 is not a holiday at the same time and place.
- 12.3 Council may by resolution vary the date and time of a regular meeting as circumstances may require.
- 12.4 Notice of any change of day or time of a regular meeting of council must be posted in the town office at least 48 hours before the regularly scheduled date of the meeting.
- 12.5 At the hour set for a meeting to commence, and providing that a quorum is present, the Mayor shall take the chair and shall call the meeting to order.
- 12.6 The council shall observe a curfew whereby the item on the agenda under discussion at 10:30pm will be the last item dealt with on that day unless by unanimous vote the council decide to extend the time of adjournment. In any case, only one half-hour extension is allowed.

- 12.7 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 12.8 Despite clause 12.7 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, or benefits.
 - 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 Mayor under clause 36(1)(e) of The Ombudsman Act.
- 12.9 A member must keep in confidence a matter that is discussed at a meeting closed to the public under provision 12.8 of this by-law until the matter is discussed at a council meeting conducted in public.
- 12.10 A member who breaches the requirement of confidentiality under 12.9 becomes disqualified from council.
- 12.11 Every member of council speaking to a question and motion shall address him/herself solely to the Mayor or Chairperson.
- 12.12 When two or more members address the Mayor at the same time, the Mayor shall name the member who is to speak first.
- 12.13 If the Mayor desires to present or second a motion, or participate in debate, he can do so without leaving the chair.
- 12.14 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.

STUDY SESSIONS OF COUNCIL

- 13.0 Special study sessions, or other Council meetings, may be designated as Strategic Priorities sessions where no official action is contemplated. Study sessions shall have a formal agenda, however, may be conducted informally so long as such informality is not in conflict with these rules. The Chief Administrative Officer in consultation with the Mayor, shall arrange a Council study session agenda. The Council study session agenda shall, wherever possible, contain a detailed study item. A copy of the study session agenda along with any supporting material shall be prepared for members of council, the CAO and any support staff, three (3) working days before the study session. A study session will be closed to the public as all matters are in preliminary stages and will eventually be decided upon at a public meeting.

SPECIAL MEETINGS OF COUNCIL

- 14.0 A special meeting of council of the Town of Ste. Anne may be called at any time by the Mayor, and must be called by the Mayor, if the Mayor 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.
- 14.1 Should the Mayor 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 13.2 of this by-law.
- 14.2 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 town office and on the Town's website within a reasonable time before the scheduled time of the meeting.
- 14.3 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 by-law.
- 14.4 Any member of Council automatically waives the right to be given notice of a special meeting of council when on vacation or on approved leave.

- 14.5 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

- 15.0 The Chair may limit the time taken by a delegation to 10 minutes after which Council may wish to ask questions of the delegates. A maximum of two (2) people from the delegation will be allowed to speak provided both speakers have previously registered to be part of the delegation.
- 15.1 To allow members of council to prepare for delegations, all presenters shall register with the CAO no later than 10:00 am on the Thursday before the council meeting and advise the CAO of the topic and scope of the presentation. If there are documents required for the presentation, that these documents be presented to the CAO no later than the Monday at 12:00 noon preceding the meeting. If the documents are not provided before the deadline, that the delegation may be rescheduled and this at the discretion of the CAO.
- 15.2 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 and to postpone a delegation to a future meeting of council provided the matter is not of an urgent nature and the spokesperson of such delegation is in agreement to the postponement.
- 15.3 Delegations will be scheduled to appear before Council between the hours of 7:15 pm and 9:00pm.

PETITIONS AND CORRESPONDENCE

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

VOTING

- 17.0 A member has one vote each time a vote is held at a council meeting at which the member is present.
- 17.1 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.
- 17.2 The CAO must record in the minutes the name of any member who exercises his right to abstain from voting on any resolution along with the reason for abstaining.
- 17.3 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 17.4 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.
 - c) When council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
 - d) 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

- 18.0 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.
- 18.1 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.

- 18.2 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.
- 18.3 The Chair of the public hearing may decide which presenters will be heard, if he is satisfied that presentations are the same or similar.
- 18.4 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.
- 18.5 Where at a public hearing, a member of the council is conducting himself in a disorderly or improper manner, the council may, by 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.
- 18.6 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.
- 18.7 The format of the hearing shall be:
 - a) Purpose and information of the hearing shall be presented by the Principle;
 - b) Persons in support shall have the opportunity to speak;
 - c) Persons in opposition shall have the opportunity to speak;
 - d) Persons requesting information on the issue may have an opportunity to speak;
 - e) The Principle shall have an opportunity to respond to public comments;
 - f) Public representations shall be closed or the meeting recessed for further information;
 - g) The Council shall debate the issue and then by resolution make a decision.

BY-LAWS AND RESOLUTIONS

- 19.0 Council may act only by resolution or by-law.
- 19.1 No motion shall be debated or put forward unless it is moved and is seconded.
- 19.2 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 19.3 Council may not give a proposed by-law more than two readings at the same council meeting. A reading may be given to a by-law at a special meeting of council.
- 19.4 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 19.5 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.
- 19.6 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.

CONDUCT

- 20.0 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.
- 20.1 When the Chair is putting a question, no member shall leave his chair.
- 20.2 Discussion shall be limited to the question in debate.
- 20.3 No member shall speak to the question or in reply for longer than 5 minutes without approval of council.
- 20.4 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.
- 20.5 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 20.6 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 the member to be removed.

- 20.7 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.
- 20.8 Persons in the council chambers are not permitted to display signs or placards or applaud participants in debate or to engage in conversation or other behaviors which may disrupt council proceedings.
- 20.9 Council may limit the number of persons allowed in the council chambers.
- 20.10 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.
- 20.11 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.
- 20.12 A member who breaches the requirement of confidentiality under clause 15.13 becomes disqualified from council.
- 20.13 All points of order and procedure not resolved by rules provided in this by-law shall be resolved by a majority decision of council.

BOARD OF REVISION

- 21.0 The Board of Revision shall consist of all members of the Town of Sainte-Anne council with the Mayor serving as presiding Officer of the Board.

SIGNING AUTHORITY

- 22.0 Agreements and cheques and other negotiable instruments must be signed or authorized by
- a) the Mayor, or the Deputy Mayor and
 - b) the Chief Administrative or the Finance Officer

FURTHER BE IT RESOLVED that By-law No. 1-2015 is hereby repealed.

DONE AND PASSED by Council of The Town of Ste. Anne, in open meeting assembled, at Ste. Anne, in Manitoba, this 22nd day of January, 2019, A.D.



Mayor – Richard Pelletier



C.A.O. - Marc Darker

Read a First time this 8th day of January, 2019
Read a Second time this 22nd day of January, 2019
Read a Third time this 22nd day of January, 2019