

BEING A BY-LAW TO REGULATE THE PROCEEDINGS AND CONDUCT OF THE GILBERT PLAINS MUNICIPALITY 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.

NOW THEREFORE the Council of the Gilbert Plains Municipality, in open meeting assembled, enacts as follows:

1.0 TITLE

- 1.1 This by-law may be referred to as "The Gilbert Plains Municipality Procedure By-Law".
- 1.2 The following rules and regulations shall be observed in Council, Committee of the Whole of Council and in all committees thereof.

2.0 DEFINITIONS

- 2.1 In this by-law,
 - (a) Act means *The Municipal Act* S.M. 1996 c. 58.
 - (b) Agenda means the agenda for a regular or special meeting of Council, a meeting of the Committee of the Whole of Council, or a Committee of Council.
 - (c) Chair means the person presiding at the meeting of Council, Committee of the Whole of Council or of the committee.
 - (d) Committee means a committee or other body established under Municipality of Gilbert Plains Organizational By-Law, but does not include a Committee of the Whole of Council.
 - (e) Committee of the Whole of Council means a committee of all members of Council sitting as a committee.
 - (f) Communication Facility means an electronic or other communication facility which said facility enables Members of Council to hear and to speak to each other and enables the public to hear the Members of Council.
 - (g) Council means the duly elected Reeve and Councillors of the Municipality of Gilbert Plains.
 - (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 the exclusion of the public.
 - (j) Member(s) means, when referring to the Council, the Councillors 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, the first Monday in August, Labour Day, National Truth and Reconciliation Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any other day declared a holiday by the provincial or federal governments.
 - (l) Office means the Gilbert Plains Office, #201 Main Street N, Gilbert Plains, MB

3.0 SUSPENSION

3.1 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.

4. COUNCIL INAUGURAL MEETING

4.1 Following a general election, the Reeve must call an inaugural meeting of Council within thirty (30) days, and the meeting shall be held at 9:00 a.m. in the Council Chambers of the Gilbert Plains Municipality Office.

4.2 Council must within 30 days of the Inaugural Meeting review this Procedure By-Law and the Organizational By-Law of the Gilbert Plains Municipality, and must indicate so by resolution of Council.

5. QUORUM

5.1 A majority of the Members constitutes a quorum. Subject to the *Municipal Conflict of Interest Act*, the minimum number for a quorum of Council shall be four (4) Members. For the purpose of a quorum, a member is not counted if the member is required to abstain under the *Municipal Conflict of Interest Act*.

5.2 If a position on Council is vacant, the quorum will be the majority of the remaining Members 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 two (2) Members.

5.3 Lack of quorum - If no quorum is present within thirty (30) minutes after the time scheduled for a meeting, the Council or the Committee of the Whole of Council shall stand adjourned, and the Chief Administrative Officer or his/her designate shall enter into the minutes the names of the Members present at the meeting.

6. COMMUNICATION FACILITY

6.1 Any member of Council participating in a meeting of Council or Committee of the Whole of Council by means of a communication facility shall do so only with the prior approval of Council and on terms and conditions set by Council.

6.2 Members participating in a meeting of Council or Committee of the Whole of Council by means of a communication facility are deemed to be present at the meeting.

7. AGENDA

7.1 An agenda of each regular meeting of Council or of a meeting of the Committee of the Whole of Council, as prepared by the Chief Administrative Officer or his/her designate, together with copies of supporting materials shall be available to the Members at least two (2) business days preceding the meeting of Council. A copy of the agenda shall be posted on the website at the same time.

7.2 All items to be placed on the agenda of the next regular meeting of Council or of a meeting of the Committee of the Whole of Council must be provided to the Chief Administrative Officer or his/her designate at least four (4) business days prior to the scheduled time of the meeting.

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

7.4 In preparing the agenda for a regular meeting of Council, the Chief Administrative Officer or his/her designate shall state the business for consideration in accordance with the following order of business;

- (1) Calling the Meeting to Order
- (2) Adoption of the Agenda
- (3) Adoption of the Minutes
- (4) Finance
- (5) By-Laws & Agreements
- (6) Staff/Committee/Council Reports
- (7) Public Hearings & Delegations
- (8) Transportation & Public Works
- (9) Zoning and Subdivisions
- (10) Unfinished Business
- (11) New Business
- (12) In Camera
- (13) Correspondence
- (14) Committee Minutes & Reports
- (15) Adjourn

7.5 Notwithstanding the provisions of Section 7.4, it shall always be in order for Council to vary the order in which business on the agenda is dealt with by a majority vote of the Members present.

8. FORMS OF ADDRESS

8.1 The Reeve shall be addressed as "Reeve (surname)", "Your Worship" or "Mr./Mrs./Ms./Madam Reeve". The Deputy Reeve, when acting for the Reeve, shall be addressed as "Deputy Reeve (surname)". Members of the Council shall be addressed as "Council Member/Councillor (surname)".

9. REGULAR MEETING

9.1 Regular meetings of Council shall be held every third Tuesday, in the Council Chambers of the Gilbert Plains Municipality at the hour of 6:00 pm. A notice prior to the first Council meeting each year shall be posted in the Office and on the website outlining the regular meeting schedule for that year.

9.2 All meetings of Council shall be chaired by the Reeve, and in his/her absence, by the Deputy Reeve or ALT Deputy Reeve. If the Reeve/Deputy Reeve/ALT Deputy Reeve is not present at the time scheduled for a meeting, the Council may appoint, by a majority vote of the Members present, 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 Council may by resolution vary the date and time of a regular meeting as circumstances may require.

9.5 Notice of any change of day or time of a regular meeting of Council must be posted in the municipal office at least two (2) business days before the regularly scheduled date of the meeting.

9.6 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.

9.7 The Council shall observe a maximum duration of four (4) hours at their regular Council Meetings. Unless, by majority vote, the Council decide to extend the time of adjournment.

9.8 Council by resolution shall decide if meals breaks are required upon review of the agenda.

- 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 Committees 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 Reeve under clause 36(1)(e) of *The Ombudsman Act*.

- 9.11 No resolution or by-law may be passed at a meeting that is closed to the public, except a resolution to re-open the meeting to the public.

10. SPECIAL MEETINGS OF COUNCIL

- 10.1 A special meeting of the 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 (2) Members stating the purpose of the meeting. A copy of the written request must also be served on the Chief Administrative Officer.
- 10.2 Should the Reeve not call a special meeting within 48 hours of receiving a written request by two (2) Members, the Chief Administrative Officer must call the meeting in accordance with Section 10.3 of this By-law.
- 10.3 The notice of the special meeting to all Members may be oral, in electronic or written form, and must state the purpose of the meeting, and must be provided to all Members and posted in the Municipal Office at least 48 hours before the scheduled time of the meeting.
- 10.4 Should the Reeve be unavailable; the Deputy Reeve may call a special meeting only if requested in writing by two (2) Members in accordance with this Section.
- 10.5 Members may waive the right to be given notice of a special meeting by giving written notice to the Chief Administrative Officer and having done so shall be deemed to have been given notice of a special meeting.
- 10.6 At a special meeting, no subjects or matters, other than those mentioned in the notice calling the special meeting, shall be considered, unless all Members are present and unanimously agree by resolution to deal with the other matters at the meeting.

11. DELEGATIONS

- 11.1 The Chair may limit the time taken by a delegation to fifteen (15) minutes and may require the delegation to appoint a spokesperson.
- 11.2 To allow Members to prepare for delegations, all presenters must register, in writing, with the Chief Administrative Officer or his/her designate at least four (4) business days

before the Council meeting and advise the Chief Administrative Officer or his/her designate of the topic, scope of the presentation and supply supporting documents.

11.3 There shall normally be a limit of three (3) delegations included on the agenda of a Council meeting, but the Chief Administrative Officer or his/her designate is granted authority to schedule delegations as deemed appropriate.

12. VOTING

12.1 A Member, including the Reeve, is entitled to one vote each time a vote is held at a Council meeting at which the Member is present.

12.2 The Chief Administrative Officer or his/her designate must record in the minutes of the meeting of Council the names of the Members present.

12.3 The Chief Administrative Officer or his/her designate must record in the minutes of a meeting of Council the name of any Member who exercises their right to abstain from voting on any resolution.

12.4 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.

12.5 If an equal number of Members vote for and vote against a resolution or by-law, the resolution or by-law is defeated.

12.6 Council may not reconsider or reverse a decision within one year after it is made unless:

- (i) at the same meeting at which the decision is made, all the Members who voted on the original resolution are present and all Members agree to reconsider and vote again; or
- (ii) 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.

12.7 When Council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.

12.8 Any member of council may, prior to the taking of a vote on any question, 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 and the reason given for the abstention.

13. PROCEDURE AT PUBLIC HEARING

13.1 Each member of Council must attend a public hearing required to be held under the Act or The Planning Act unless the member:

- (a) is excused by the other Members from attending the hearing;
- (b) is unable to attend due to illness; or
- (c) is required under *The Municipal Council Conflict of Interest Act* to withdraw from the hearing.

13.2 Subject to the procedures set out in this Section, the Council must hear any person who wishes to make a presentation, ask questions or register an objection on his or her own behalf or on behalf of others.

13.3 The Chair of the public hearing has the right to limit the time taken by a person to fifteen (15) minutes, after which Council may ask questions of the person. All questions must be directed through the Chair of the hearing.

13.4 The Chair of the public hearing may decline to hear further presentation, questions or objections where he/she is satisfied that the matter has been addressed at the public hearing.

- 13.5 The Chair of the public hearing may decide which presenters the Council will hear where he/she is satisfied that presentations will be the same or similar.
- 13.6 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 him/herself 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.
- 13.7 If a public hearing is adjourned, the Council must give public notice of the date, time and place of the continuation of the hearing, unless this information is announced at the adjournment of the hearing.
- 13.8 A member of Council who is not present at a Public Hearing required under *The Act* or *The Planning Act* may not take part in the decision on the matter which required the Public Hearing.

14. RULES OF ORDER

- 14.1 Rules of Order not specified by statute, by-law or resolution shall be governed by Robert's Rules of Order. The Reeve shall serve as parliamentarian and may seek advice from the Chief Administrative Officer or his/her designate as to correct rules of procedure or questions of specific rule application.

15. BY-LAWS AND RESOLUTIONS

- 15.1 Council may act only by resolution or by-law.
- 15.2 No motion shall be debated or put unless the same is in writing and has been moved and seconded, excepting a motion to adjourn which need not be in writing.
- 15.3 Every proposed by-law must be given three (3) separate readings, and each reading must be put to a separate vote.
- 15.4 Council may not give a proposed by-law more than two (2) readings at the same Council meeting.
- 15.5 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 15.6 Each member present at the meeting at which first reading of a by-law 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.
- 15.7 Each member present at the meeting at which third reading of a by-law 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.

16. HEAD OF COUNCIL (Reeve) TAKING PART IN DEBATE

- 16.1 If the Chair desires to present or second a motion, or participate in the debate, he/she must leave the chair, and call upon one of the Members to fill his/her place until he/she resumes the Chair. The Chair does not need to leave the chair to discuss a motion, unless asked to by a member of Council.

17. CONDUCT

- 17.1 Every member previous to his/her speaking shall address the Chair.
- 17.2 When two (2) or more Members address the Chair at the same time, the Chair shall name the member who is to speak first.

- 17.3 When the Chair is called on to decide a point of order or practice, he/she shall do so without comment unless requested to do so.
- 17.4 When the Chair is putting a question, no member shall leave his/her chair.
- 17.5 Discussion shall be limited to the question in debate.
- 17.6 No member shall speak to the question or in reply for longer than five (5) minutes without the prior approval of the majority of Council.
- 17.7 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.
- 17.8 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 17.9 Where at a Council meeting, any person other than a member of Council is, in the opinion of the Chair, conducting him/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.
- 17.10 Where at a Council meeting a member of the Council is conducting him/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.
- 17.11 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.
- 17.12 Council may limit the number of persons allowed in the Council Chambers.
- 17.13 The public and 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.
- 17.14 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.
- 17.15 A member who breaches the requirement of confidentiality under clause 17.14 becomes disqualified from Council.

18. DISQUALIFICATION OF A MEMBER OF COUNCIL

- 18.1 Pursuant to Section 94(1) of *the Act*, a member of Council is disqualified from Council if he or she;
 - (a) is absent for the full duration of three (3) consecutive regular Council meetings unless the absences are granted by Resolution passed at anyone of the three (3) meetings, a prior meeting or the next meeting following the third absence.
 - (b) when nominated or elected, was not eligible as a candidate under the Act.
 - (c) is liable to the Gilbert Plains Municipality under a judgement in an action under Section 171 of *the Act* (certain use of municipal money an offence)
 - (d) is convicted of an offence under *the Act* or any other Act and has not paid a fine imposed on conviction within 120 days after the fine was imposed or such time as the court has permitted for payment.

- (e) is convicted of
 - (i) an offence punishable by imprisonment for five (5) or more years; or
 - (ii) an offence under Section 122 (breach of trust by public officer), Section 123 (municipal corruption), Section 124 (selling or purchasing office) or Section 125 (influencing or negotiating appointment or dealings in office) of the Criminal Code; or
- (f) ceases to be qualified as an elector of the Municipality; or
- (g) breaches the requirement of confidentiality under Clause 83(1)(d) of *the Act* (keep in confidence matters discussed at a closed meeting).

19. GENERAL PROVISION

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

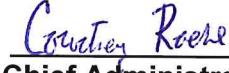
20. REPEAL OF BY-LAWS

20.1 By-Law No.2022-14 and any by-law thereof be hereby repealed.

DONE AND PASSED as a by-law of the Gilbert Plains Municipality, in Manitoba, this 10th day October of 2023.

Read a first time this 19th day of September, 2023
Read a second time this 19th day of September, 2023
Read a third time this 10th day of October, 2023


Reeve
Jim Manchur


Chief Administrative Officer
Courtney Roehl