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## **GILBERT PLAINS MUNICIPALITY**

### **By-law No. 2023-05**

**Being a by-law to govern the organization of the Gilbert Plains Municipality 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.

**NOW THEREFORE** the council of the Gilbert Plains Municipality, in open session duly assembled, enacts as follows:

#### **1.0 TITLE**

- 1.1 This by-law may be referred to as the “Gilbert Plains Municipality Organizational By-law.”

#### **2.0 COMPOSITION**

The Council of the Gilbert Plains Municipality is composed of:

- a) Reeve; and
- b) Six Councillors

#### **3.0 ROLE OF COUNCIL**

- 3.1 The responsibilities of Council are determined by the legislative framework of The Manitoba Municipal Act. In this by-law, the view of Council is founded on the principle that the members are stewards of the organization. As such, they have a responsibility to oversee the conduct of the organization, to monitor management and to endeavor to ensure that all major policy issues affecting the affairs of the organization are given consideration. In normal circumstances, the Council shall not intrude on the prerogatives and responsibilities of management and day-to-day management functions should not be performed by Council
- 3.2 Council is responsible for:
- 3.2.1 developing and evaluating the policies and programs of the municipality;
  - 3.2.2 insuring that the powers, duties and functions of the municipality are appropriately carried out; and
  - 3.2.3 carrying out the powers and duties and functions expressly given to the Council under this or any other Act.

#### **4.0 HEAD OF COUNCIL**

- 4.1 The Head of Council for the Gilbert Plains Municipality is to have the title of Reeve.
- 4.2 At the first regular Council meeting in each year, the Council must consider the recommendation for appointment of a Councillor to Deputy Reeve as submitted by the head of Council. The appointment of Deputy Reeve must be approved by resolution of Council. The Deputy Reeve shall act in place of the Reeve when the Reeve is unable to carry out the powers, duties and function of the Reeve.
- 4.3 In addition to performing the duties of a member of Council, the Reeve has a duty:
- 4.3.1 to preside when in attendance at a Council meeting, except where the Procedures By-law or this or any other Act otherwise provides;
  - 4.3.2 to provide leadership and direction to the Council; and
  - 4.3.3 to perform any other duty or function assigned to a Reeve by this By-law, or by the Municipal Act, or any other Act.

## 5.0 GENERAL DUTIES OF COUNCIL MEMBERS

- 5.1 Each member of the Council has the following duties:
- 5.1.1 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;
  - 5.1.2 to participate generally in developing and evaluating the policies and programs of the municipality;
  - 5.1.3 to participate in meetings of the Council and of Council committees and other bodies to which the member is appointed by the Council;
  - 5.1.4 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;
  - 5.1.5 to keep reasonably informed of the programs and projects relevant to the portfolio appointed to;  
and;
  - 5.1.6 to perform any other duty or function imposed on the member by this By-law, or by the Municipal Act.

## 6. COMMITTEE OF THE WHOLE

- 6.1 The Committee of the whole shall have the jurisdiction over all aspects of the Council, its coverage shall be as follows:
- 6.1.1 to report from time to time on all matters connected with the duties imposed on the committee and to recommend to Council such action that may be deemed necessary;
  - 6.1.2 to prepare and introduce to Council all such by-laws and policies as may be necessary to give effect to the reports or recommendations that are adopted by Council; and
  - 6.1.3 to consider and report respectively on any and all matters referred to them by Council.
- 6.2 Composition and Chairing
- The Committee of the Whole is composed of the entire Council sitting as a legislative study committee. The Council can segregate the committee of the whole agenda into specific functions and appoint a Councillor to chair that portion of the agenda.
- 6.3 Delegation
- 6.3.1 In accordance with section 85(1) of the Municipal Act Council delegates to the committee of the whole all its powers, duties and functions which can be delegated that do not contravene section 85(2)

### ***Matters that a council may delegate***

85(1) *A council may by by-law delegate any of its powers, duties or function under a by-law or this or any other Act to the head of council, a Council committee, the chief administrative officer or a designated Officer, unless the by-law or Act otherwise provides.*

### ***Matters that a council may not delegate***

85(2) *A council may not delegate*

- (a) *Its power or duty to pass a resolution or by-law;*
- (b) *Its power to make, suspend or revoke the appointment of a person to the position of chief administrative officer;*
- (c) *its duty to hold a public hearing under this Act; or*
- (d) *a duty to decide appeals imposed on it by a by-law or this or any other Act, whether generally or on a case by case basis, unless the delegation is to a council committee and authorized by by-law.*



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## **7.0 STANDING COMMITTEES**

- 7.1 The following committees are hereby established as the Standing Committees of Council:
- a) Communications
  - b) Infrastructure
  - c) Human Resources and Employee Liaison
  - d) Protective Services
  - e) Finance
  - f) Recreation, Culture and Economic Development
  - g) Policies & By-Laws
- 7.2 The special duties of the Standing Committees, in addition to the aforesaid general duties, shall be as follows:
- 7.2.1 Council shall appoint no less than once each calendar year, a Chairperson for each committee. The chairperson shall consider relevant any Council business for the area of responsibility and cause to have the item placed on the agenda of the committee of the whole or regular council meeting, as the case may be. In addition, the Chairperson will act as chair for the relevant portion of the regular committee of the whole meetings. The Reeve may consider any Council business that does not logically fall within the jurisdiction of any one of the other standing committees.
- 7.2.2 The finance committee (consisting of two members or council) shall meet prior to every Committee of the Whole Meeting to review and approve the cheque listing and payables, and review employee payroll and council indemnities

## **8.0 SPECIAL OR AD-HOC COMMITTEES**

- 8.1 A Special or ad-hoc Committee of Council may be appointed by resolution of Council at any time during a regular or special meeting specifying the business to be dealt with by the committee, and the time frame that the committee shall exist.
- 8.2 An appointment to any committee of Council may be repealed only by a resolution of Council.

## **9.0 YOUTH MEMBER**

- 9.1 The Council of the Gilbert Plains Municipality, may, by resolution, appoint a person with the title “youth member” to sit with the Council and to participate in Council deliberations.
- 9.2 A youth member must be less than 18 years of age and enrolled as a full-time student in the Mountainview School Division and must be a resident of Gilbert Plains.
- 9.3 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.
- 9.4 The term of office for a youth member is to be established with the appointment But shall not exceed one year.

## **10.0 BOARD OF REVISION**

- 10.1 At the first regular Council meeting in each year, Council shall by resolution appoint a Board of Revision to hear assessment appeals during the year.
- 10.2 The Board of Revision shall consist of the Reeve and all members of Council

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of the Gilbert Plains Municipality. The Reeve shall act as chair of the board of revision, or in the absence of the Reeve, the Deputy Reeve. In the absence of the Reeve and the Deputy Reeve, Council shall appoint a chair by resolution.

**11.0 SIGNING AUTHORITY**

11.1 Agreements and cheques and other negotiable instruments must be signed or authorized by:

11.1.1 The head of Council, or the deputy head of Council, or other designated Member of Council, and


11.1.2 The Chief Administrative Officer (CAO) or the Assistant CAO, when appointed by resolution, in the absence of the CAO.

**12.0 REPEAL**


12.1 THAT by-law 2022-015 and any by-law thereof be repealed upon the passing of this By-law.

**DONE AND PASSED** as a By-law of the Gilbert Plains Municipality in the Province of Manitoba this 27<sup>th</sup> day of June, 2023.

**GILBERT PLAINS MUNICIPALITY**



Jim Manchur, Reeve



Courtney Roehl CAO

Read a first time this 6<sup>th</sup> day of June, 2023

Read a second time this 27<sup>th</sup> day of June, 2023

Read a third time this 27<sup>th</sup> day of June, 2023