

# THE RURAL MUNICIPALITY OF ST. ANDREWS

## BY-LAW NO. 4338

SECTION 1 SHORT TITLE AND PURPOSE .....	2
SECTION 2 DEFINITIONS AND APPLICATION.....	2
SECTION 3 INAUGURAL MEETING OF COUNCIL.....	5
SECTION 4 QUORUM .....	5
SECTION 5 REGULAR MEETINGS OF COUNCIL.....	5
SECTION 5.1 MEETINGS OF COMMITTEE OF THE WHOLE.....	7
SECTION 5.2 PRELIMINARY COUNCIL BRIEFINGS.....	7
SECTION 5.3 MEETINGS OF COMMITTEES.....	7
SECTION 6 AGENDAS FOR REGULAR MEETINGS OF COUNCIL.....	8
SECTION 6.1 AGENDAS FOR COMMITTEE OF THE WHOLE MEETINGS .....	8
SECTION 6.2 AGENDAS FOR COMMITTEE MEETINGS.....	8
SECTION 7 SPECIAL MEETINGS OF COUNCIL .....	8
SECTION 7.1 ELECTRONIC MEETINGS.....	9
SECTION 8 IN CAMERA MEETINGS .....	10
SECTION 9 DELEGATIONS .....	12
SECTION 10 PUBLIC HEARINGS .....	13
SECTION 11 ROLE OF MEMBERS AND CHAIR .....	14
SECTION 11.1 ROLE OF STAFF.....	15
SECTION 12 MEMBER DEBATING.....	15
SECTION 13 CONDUCT.....	16
SECTION 14 QUESTIONS OF PRIVILEGE.....	17
SECTION 15 POINTS OF ORDER .....	17
SECTION 16 APPEAL RULINGS.....	18
SECTION 17 MOTIONS.....	18
SECTION 18 NOTICE OF MOTION.....	20
SECTION 19 VOTING - GENERAL.....	21
SECTION 20 VOTING - QUESTION.....	21
SECTION 21 VOTING - CONFLICT.....	22
SECTION 22 RECORDED VOTE .....	22
SECTION 23 BY-LAWS .....	22
SECTION 24 REPEAL OF BY-LAWS AND EFFECTIVE DATE.....	24

**BEING A BY-LAW** to regulate the proceedings and conduct of the Council and the committees thereof.

**WHEREAS** subsection 149(1) of *The Municipal Act*, R.S.M. 1988, c. M225 provides that a Council must establish by-law rules of procedure, and review the by-law at least once during each term of office;

**NOW THEREFORE** Council of the Rural Municipality of St. Andrews duly assembled enacts as follows:

### **Short Title and Purpose**

- 1 This By-Law may be referred to as The Rural Municipality of St. Andrews Procedure By-Law. The purpose of this By-law is to provide for the process of open and effective government by regulating the meetings of Council and the committees thereof.

### **Definitions and Application**

2(1) In this By-Law, unless the context otherwise requires:

- (a) "Act" means *The Municipal Act*, as restated or amended from time to time;
- (b) "Agenda" means the list of items and orders of business for any regular or Special Meeting of Council or a Committee;
- (c) "By-law" means a by-law of the Municipality;
- (d) "Chair" means the Mayor, or other person(s) appointed by resolution of Council to preside at a regular or Special Meeting of Council or a Committee or a meeting of Committee of the Whole or a public hearing under the Municipal Act or The Planning Act;
- (e) "Chief Administrative Officer" means the person appointed as the Municipality's Chief Administrative Officer by Council pursuant to the Act;
- (f) "Committee" means a committee of Council established under the Municipality's Organizational By-law including a Committee of the Whole;
- (g) "Committee of the Whole" means a committee of all Members present at a Council meeting sitting as a committee whereby discussion can occur, but no decisions can be made and no resolutions can be passed;
- (h) "Council" means the council, made up of the duly elected Mayor and Councillors, of the Municipality;
- (i) "Councillor" means the elected representative of an electoral ward on the Council of the Municipality;

- (j) "Delegation" means an address to Council or a Committee by one or more persons who are not Members, Members at Large, or staff of the Municipality;
- (k) "Deputy Chair" means the person presiding at a regular or Special Meeting of Council or a Committee or a meeting of Committee of the Whole or a public hearing under the Municipal Act or The Planning Act in the absence or incapacity of the Chair;
- (l) "Deputy Mayor" means the deputy head of Council;
- (m) "Electronic Meeting" means a meeting called and held in full or in part via electronic means (including, but not limited to, audio teleconference, video teleconference, or via means of the Internet), and with or without in person attendance;
- (n) "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 (Civic Holiday), Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, Louis Riel Day and any other day declared a holiday by the Government of Manitoba or the Government of Canada;
- (o) "In Camera Meeting" means a closed Meeting, or portion thereof, of Council or a Committee which is not open to the public;
- (p) "Inaugural Meeting" means the first meeting of a new Council after a municipal election where the declarations of office are made;
- (q) "Initial Request Period" means the timeframe that falls within forty-eight (48) hours following receipt by the Mayor of a written request for a Special Meeting as set forth in subsection 7(1);
- (r) "Majority" means a minimum of fifty-one percent (51%);
- (s) "Mayor" means the head of Council;
- (t) "Meeting" means a regular or Special Meeting of Council or a Committee, but does not include a Public Hearing;
- (u) "Members" means the Mayor and Councillors, and each is a "Member";
- (v) "Member at Large" means a member of the public appointed by Council to a Committee;
- (w) "Municipality" means the Rural Municipality of St. Andrews;

- (x) "Point of Information" means a request directed through the Chair to another Member or Member at Large or to administration for information relevant to the business at hand but not related to a Point of Procedure;
  - (y) "Point of Order" means the raising of a question by a Member or Member at Large to call attention to any departure from this By-law;
  - (z) "Point of Procedure" means a question directed to the Chair to obtain information on a matter of parliamentary law or the rules of the Municipality relevant to the business at hand in order to assist a Member or Member at Large to make an appropriate motion, raise a Point of Order, or understand the parliamentary situation or the effect of a motion;
  - (aa) "Preliminary Council Briefing" means an update to Council that is given by staff of the Municipality, consultants to the Municipality, or someone with expertise who is invited by Council or the Committee whereby discussion can occur but no decisions can be made and no resolutions can be passed;
  - (bb) "Public Hearing" means an advertised meeting of Council convened to hear matters pursuant to the Act or *The Planning Act* (Manitoba) and is separate from a regular or special meeting of Council;
  - (cc) "Question of Privilege" means all matters affecting the rights and immunities of Council collectively or any of its Members individually;
  - (dd) "Special Meeting" means a meeting of Council held in accordance with section 151 of the Act; and
  - (ee) "Time Sensitive" means requiring action prior to the next regularly scheduled Meeting.
- 2(2) This By-law shall govern regular and Special Meetings of Council and Committees and Public Hearings and shall be binding upon all Members and Members at Large.
- 2(3) When any matter relating to the meeting proceedings is not addressed in this By-law, Bourinot's Rules of Order apply.
- 2(4) In the event of conflict between the provisions of this By-law and Bourinot's Rules of Order, the provisions of this By-law shall apply.
- 2(5) In the absence of any statutory obligation, any provision of this By-law may be waived by resolution of Council if a Majority of the Members present vote in favour of dealing with the matter under consideration.
- 2(6) A resolution waiving any provision of this By-law as provided for in subsection 2(5) shall only be effective for the Meeting during which it is passed.
- 2(7) Council must review this By-law and any proposed amendments within the first twelve (12) months following a general election.

### **Inaugural Meeting of Council**

- 3(1) An Inaugural Meeting of Council shall be held on the seventh (7<sup>th</sup>) day following a municipal general election at the hour of 7:00 p.m. at the municipal council chambers in Clandeboye, Manitoba or a location to be determined by Council.

### **Quorum**

- 4(1) The quorum required for a meeting of Council shall be determined in accordance with section 135 of the Act.
- 4(2) The quorum required for a meeting of a Committee shall be a Majority of Committee members.
- 4(3) As soon as there is a quorum of Council or a Committee after the hour fixed for the Meeting, the Chair shall call the members to order.
- 4(4) Unless a quorum is present within thirty (30) minutes after the time appointed for the Meeting, the Meeting may, at the discretion of the Chair, stand adjourned until the next regular meeting date or until a Special Meeting is called to deal with the matters intended to be dealt with at the adjourned Meeting. The names of members of Council or the Committee present at the expiration of the thirty (30) minutes time limit shall be recorded and such record shall be appended to the next Agenda.
- 4(5) The only action that can legally be taken in the absence of quorum is to fix the time to which to adjourn (if more than thirty (30) minutes is being allowed), recess or take measures to obtain a quorum.
- 4(6) In the event that quorum is lost after the Meeting is called to order, the Meeting shall be suspended until quorum is obtained. If quorum is not obtained within thirty (30) minutes, the Meeting shall stand adjourned.

### **Regular Meetings of Council**

- 5(1) Regular meetings of Council shall be held on the second and fourth Tuesday of each month at the municipal council chambers in Clandeboye, Manitoba at the hour of 5:00 p.m., except for:
- (a) such days on which Public Hearings under *The Planning Act* are held in accordance with subsection 5(2), in which case the regular Meeting of Council shall commence following the conclusion of such Public Hearings;
  - (b) the months of July and August, in which regular Meetings of Council shall only be held on the second Tuesday of each month at the hour of 5:00 p.m., which Meeting shall include Public Hearings under *The Planning Act*; and
  - (c) the month of December, in which a regular Meeting of Council shall only be held on the second Tuesday of the month at the hour of 5:00 p.m.

- (d) circumstances that require a Meeting as defined by this by-law or a Public Hearing under the Municipal Act or The Planning Act to be held through an electronic format as provided in Section 7.1(1) of this by-law.
- 5(2) Public Hearings under *The Planning Act* shall be held on the second Tuesday of each month at the municipal council chambers in Clandeboye, Manitoba at the hour of 5:00 p.m. prior to the commencement of the regular Meeting of Council. Council may determine an additional public hearing meeting is required and set the date and time of same.
- 5(3) If the day fixed for a regular Meeting of Council is a General Holiday, the Meeting shall be held on the next day which is not a General Holiday, at the same place and time.
- 5(4) On the date of the last regular Meeting of Council in each calendar year, the regular Meeting schedule for the following calendar year shall be posted in the municipal office of the Municipality and on the Municipality's website.
- 5(5) At or prior to the last regular Meeting of Council in each calendar year, Council shall by resolution appoint for the following calendar year:
- (a) a Member to the position of Chair who will chair the regular or Special Meeting of Council or a Committee or a meeting of Committee of the Whole or a public hearing under the Municipal Act or The Planning Act; and
  - (b) a Member to the position of Deputy Chair who will chair the regular or Special Meeting of Council or a Committee or a meeting of Committee of the Whole or a public hearing under the Municipal Act or The Planning Act in the absence or incapacity of the Chair.
- 5(6) Council may, by resolution, change the date, time or place of a regular Meeting as circumstances require. Notice of the change must be given at least seven (7) days in advance:
- (a) to any Member not present at the Meeting at which the change was made; and
  - (b) to the public, by posting the notice in the municipal office of the Municipality and on the Municipality's website.
- 5(7) The Agenda item that is in the process of Council consideration four (4) hours after the scheduled start of the regular Meeting of Council will be the last Agenda item considered unless by Majority vote Council decides to extend the time of adjournment. Only one half hour extension shall be permitted. This subsection 5(7) shall also apply to meetings of Committee of the Whole.
- 5(8) A Member is disqualified from Council if he or she is absent for the full duration of three (3) consecutive regular Council Meetings unless the absences are with the leave of Council granted by a resolution passed at any of the three (3) Meetings for which the Member is absent, a prior Meeting or the next Meeting following the third absence. A leave of absence may be granted without pay.

- 5(9) Members shall provide advance written notice to the Mayor and Chief Administrative Officer if they are unable to attend a regular Council Meeting or a Committee of the Whole meeting. The Chief Administrative Officer shall keep a record of all absences by each Member in a calendar year and notify a Member following their second consecutive absence without leave.

### **Meetings of Committee of the Whole**

- 5.1(1) Council may meet as Committee of the Whole to consider budget items, strategic planning, policy issues not included in the mandate of a Committee, or any other matter.
- 5.1(2) Regular meetings of Committee of the Whole shall be held on the third Monday of each month at the municipal council chambers in Clandeboye, Manitoba at the hour of 5:00 p.m. except for circumstances that requires a Committee of the Whole meeting to be held through an electronic format as provided in Section 7.1(1) of this by-law.
- 5.1(3) If the day fixed for a regular meeting of Committee of the Whole is a General Holiday, the meeting shall be held on the next day which is not a General Holiday, at the same place and time.
- 5.1(4) Notwithstanding any other provision of this by-law, no motions shall be introduced or considered in a Committee of the Whole Meeting.

### **Preliminary Council Briefings**

- 5.2(1) Preliminary Council Briefings may be arranged by the Chief Administrative Officer, in consultation with Council.
- 5.2(2) Preliminary Council Briefings shall have a formal agenda but may be conducted informally. The Preliminary Council Briefing agenda shall, whenever possible, contain a detailed briefing item and shall be provided to Council a minimum of forty-eight (48) hours before the date of the Preliminary Council Briefing.
- 5.2(3) All Preliminary Council Briefings will be closed to the public, as all matters considered must be in preliminary stages or otherwise within a category set forth in Subsection 8(2).
- 5.2(4) Notwithstanding any other provision of this by-law, no motions shall be introduced or considered in a Preliminary Council Briefings.

### **Meetings of Committees**

- 5.3(1) Meetings of Committees other than Committee of the Whole shall be called by the Chair upon a minimum forty-eight (48) hours' notice to Committee members.
- 5.3(2) All Members can attend any Committee Meeting. If such Member is not a member of the Committee, they will not receive remuneration for their attendance unless approved by resolution of Council.

### **Agendas for Regular Meetings of Council**

6(1) The following applies to the preparation of the regular Meeting Agenda:

- (a) all items to be placed on the Agenda must be provided to the Chief Administrative Officer at least one hundred twenty (120) hours prior to the scheduled time of the regular meeting of Council;
- (b) a draft Agenda shall be prepared by the Chief Administrative Officer and shall be made available to Members and the public at least ninety-six (96) hours prior to the scheduled time of the regular meeting of Council, by posting the draft Agenda in the municipal office and on the Municipality's website;
- (c) the order of items on an Agenda for each regular Meeting of Council shall be as set out in Schedule "A"; and
- (d) 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 and provided that only items considered to be of a Time Sensitive nature needing immediate Council approval may be added.

### **Agendas for Committee of the Whole Meetings**

- 6.1(1) A draft Agenda shall be prepared by the Chief Administrative Officer and shall be made available to Members and the public at least ninety-six (96) hours prior to the scheduled time of the regular meeting of Council, by posting the draft Agenda in the municipal office and on the Municipality's website;
- 6.1(2) The order of items on an Agenda for each Committee of the Whole Meeting shall be as set out in Schedule "B".
- 6.1(3) Items may be added to the Agenda at a Committee of the Whole Meeting by a Majority vote of the Members present, prior to adopting the final Agenda.

### **Agendas for Committee Meetings**

- 6.2(1) Agendas for Committee Meetings other than Committee of the Whole shall be set by the Chair and shall be provided to Committee members a minimum of forty-eight (48) hours in advance of the Meeting date.

### **Special Meetings of Council**

- 7(1) A Special Meeting may be called at any time by the Mayor, and must be called by the Mayor or, if the Mayor is unavailable, the Deputy Mayor, if the Mayor or Deputy Mayor receives a written request that includes the purpose of the Special Meeting from at least two (2) Members. A copy of such written request must also be provided to the Chief Administrative Officer.



- 7(2) The Mayor or Deputy Mayor (as the case may be) must call a Special Meeting within the Initial Request Period, failing which the Chief Administrative Officer must call a Special Meeting within forty-eight (48) hours following the end of the Initial Request Period.
- 7(3) No less than forty-eight (48) hours' notice of a Special Meeting, which states the time, date and place that the meeting is to be held and states in general terms the nature of the business to be conducted at the meeting, shall be provided to each Member and to the public.
- 7(4) Notice:
  - (a) to Members may be in electronic or written form; and
  - (b) to the public shall be provided by posting the notice in the municipal office of the Municipality and on the Municipality's website.

Any Member may waive the right to be given notice by giving written notice of such waiver to the Chief Administrative Officer and having done so, shall be deemed to have been given notice.

- 7(5) A Special Meeting may be held with less than forty-eight (48) hours' notice to all Members and without notice to the public if at least a Majority of the whole Council agrees in writing before the beginning of the Special Meeting.
- 7(6) No business other than that stated in the notice shall be conducted at any Special Meeting unless all the Members are present, in which case, by unanimous consent, any other business may be conducted.

### **Electronic Meetings**

- 7.1(1) A regular Meeting or Special Meeting of Council or a Committee or a Public Hearing under the Municipal Act or The Planning Act may be conducted by Electronic Meeting in accordance with this by-law.
- 7.1(2) The Chief Administrative Officer shall establish practices and procedures for electronic participation by Members, Members at Large and staff.
- 7.1(3) Where any other provision of this by-law conflicts with the need to facilitate electronic participation, Council shall have the authority to modify such provision or provisions to ensure Members and Members at Large can effectively participate in the Meeting.
- 7.1(4) Members and Members at Large must notify the Chief Administrative Officer a minimum of twenty-four (24) hours prior to the Meeting of their intent to participate electronically.
- 7.1(5) The Electronic Meeting shall begin with a roll call to determine which Members and Members at Large are participating electronically. Members and Members at Large will be required to audibly indicate their presence, or they will be noted as absent.

- 7.1(6) Members and Members at Large attending and present during an Electronic Meeting shall be counted for purposes of quorum at the commencement and at any point in time during the Meeting and shall be entitled to vote as if they were attending the Meeting in person. Members participating in an Electronic Meeting shall notify the Chair of their departure (either temporary or permanent) from the Meeting, before absenting themselves, in order to ensure a quorum is maintained.
- 7.1(7) A public notice of an Electronic Meeting shall include sufficient information as to provide the public with a means to electronically access the open session of such Electronic Meeting.
- 7.1(8) With the exception of a Public Hearing, an Electronic Meeting shall not permit public delegations, except by way of electronic submission received in advance of the Meeting, which shall be submitted to the Chief Administrative Officer prior to the start of the Meeting and shall be provided to Members and Members at Large at the Meeting.
- 7.1(9) To avoid as much disruption as possible and to support seamless dialogue and debate, all Members will keep their electronic devices on mute unless speaking.
- 7.1(10) All Members must ensure they maintain complete privacy in their off-site meeting space.
- 7.1(11) Notwithstanding the foregoing, this by-law shall continue to apply to an Electronic Meeting held pursuant to this section.

#### **In Camera Meetings**

- 8(1) Subject to subsection 8(2), Council and Committees shall hold their meetings openly and no person shall be excluded, except for improper conduct.
- 8(2) Council and Committees may close all or part of their meetings to the public if the matter to be discussed relates to:
  - (a) personnel matters, including an employee's salary, duties and benefits and any appraisal of an employee's performance;
  - (b) 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, including contractual matters or collective bargaining;
  - (c) the conduct of existing or anticipated legal proceedings or matters which, if disclosed, would violate solicitor-client privilege;
  - (d) the conduct of an investigation under, or enforcement of, an Act or By-law;
  - (e) a report of the Ombudsman received under clause 36(1)(e) of *The Ombudsman Act* (Manitoba);

- (f) personal information which, if disclosed, would be deemed to be a unreasonable invasion of an individual's privacy under section 17 of *The Freedom of Information and Protection of Privacy Act* (Manitoba);
  - (g) information about a business, disclosure of which would be prohibited under section 18 of *The Freedom of Information and Protection of Privacy Act* (Manitoba);
  - (h) information provided explicitly or implicitly in confidence by another government or governmental body, disclosure of which is prohibited under section 20 of *The Freedom of Information and Protection of Privacy Act* (Manitoba); and
  - (i) information concerning actual or pending emergencies;
  - (j) the security of documents or premises.
- 8(3) Before holding a Meeting or part of a Meeting that is to be closed to the public, Council or the Committee must state by resolution:
- (a) the fact of the holding of the Meeting or part of the Meeting that is to be closed to the public;
  - (b) the general nature of its subject matter; and
  - (c) the clause(s) under subsection 8(2) under which the meeting is to be closed to the public.
- 8(4) No one is permitted to be present during a Meeting that is closed to the public except the following individuals:
- (a) members of Council or the Committee;
  - (b) employees of the Municipality who are providing clerical assistance to Council or the Committee during the In Camera Meeting; and
  - (c) other employees of the Municipality as well as consultants and others who are under contract to the Municipality, whose presence is determined by the Chair of Council or the Committee to be reasonably necessary in order to assist Council or the Committee in its deliberations while in an In Camera Meeting.
- 8(5) When Council or a Committee is holding an In Camera Meeting, no resolution or by-law may be passed at such In Camera Meeting except a resolution to reopen the Meeting to the public.
- 8(6) At no time will Members record any portion of the Meeting. All information, documentation, notes or deliberations received, reviewed, or taken in a Meeting or Preliminary Council Briefing that is closed to the public is confidential and must not be released to the public or any individual not entitled to be present at the Meeting. The

response of Members and Members at Large to inquiries about any matter dealt with by Council or a Committee at a Meeting closed to the public, prior to it being reported publicly, must be “no comment” or words to that effect. A Member who breaches this duty of confidentiality becomes disqualified from Council.

### **Delegations**

- 9(1) Members of the public may appear in Delegation at a regular meeting of Council or a Committee for the purpose of providing input on any resolution, by-law, report, or other Agenda item.
- 9(2) All members of the public wishing to appear in Delegation must:
  - (a) notify the Chief Administrative Officer at least one hundred twenty (120) hours before the scheduled time of the Council or Committee meeting; and
  - (b) advise the Chief Administrative Officer of the matter they would like to address.
- 9(3) Upon notification that a member of the public wishes to appear in Delegation, the Chief Administrative Officer, in consultation with the Chair, shall determine whether the request to appear in Delegation falls within the criteria set forth in this Section 9. If it is determined that the request to appear in Delegation falls within such criteria, the Chief Administrative Officer shall schedule the Delegation.
- 9(4) Each Delegation must appoint a spokesperson. Presentations may be made verbally or in writing, or both. All supporting information for verbal presentations and all written presentations must be submitted to the Chief Administrative Officer who will determine if Council requires the presentation in advance of the Meeting for review.
- 9(5) There shall be a limit of three (3) Delegations per Agenda item, which will be scheduled at the discretion of Council.
- 9(6) If the Agenda item to be addressed is a legal matter or under current or potential legal proceedings, or has been voted upon or otherwise resolved, then the request to appear in Delegation will be refused.
- 9(7) Information presented by a member of the public in Delegation shall relate only to the subject matter for which the presentation was originally requested.
- 9(8) Verbal presentations shall be limited to ten (10) minutes in length unless there is consent by Council to extend the allotted time based on any one or more of the following:
  - (a) the issue or By-law under discussion is deemed by Council to be contentious or complex and the allotted time is not sufficient, in the opinion of Council, to give the matter due consideration;
  - (b) the granting of an extension of time will not prejudice the rights of other presenters to their allotted presentation time as prescribed by this By-law.

- 9(9) Council shall limit questions of clarification to an aggregate total of five (5) minutes per presentation unless there is consent by Council to extend the allotted time.
- 9(10) The Chair may curtail any Delegation or any questions of a Delegation for disorder or any other breach of this by-law and, should the Chair rule that the Delegation is concluded, the Delegation shall withdraw immediately.

### **Public Hearings**

- 10(1) Each Member must attend a Public Hearing unless the Member:
- (a) is excused by the other Members from attending the Public Hearing;
  - (b) is unable to attend due to illness;
  - (c) is required under *The Municipal Conflict of Interest Act* (Manitoba) to withdraw from the Public Hearing.
- 10(2) Members sitting as a Public Hearing body with respect to a Public Hearing under *The Planning Act* constitute an impartial body that must consider all sides of the merits of the application in a public forum before making a decision. Contact with members of the public, including the applicant, outside of the Public Hearing forum to discuss matters related to the application is not permitted.
- 10(3) All members of the public wishing to speak at a Public Hearing should register with the Chief Administrative Officer prior to the Public Hearing. Names of registered speakers for a Public Hearing will not be released to the public prior to the Public Hearing.
- 10(4) The Chair shall declare the Public Hearing in session and shall outline Public Hearing procedures.
- 10(5) The Chief Administrative Officer or their delegate shall introduce the application, resolution or by-law and shall briefly state the intended purpose. Staff presentations, if required, shall follow the introduction of the application, resolution, or by-law.
- 10(6) The order for members of the public to speak at a Public Hearing under the Act shall be as follows:
- (a) members of the public in support of the resolution or by-law;
  - (b) members of the public opposed to the resolution or by-law; and
  - (c) members of the public wishing to provide information.
- 10(7) The order for members of the public to speak at Public Hearing under *The Planning Act* shall be as follows:
- (a) the applicant;
  - (b) members of the public in support of the application;

- (c) members of the public opposed to the application; and
- (d) members of the public wishing to provide information.

Following such presentations, the applicant may speak in rebuttal to address any matter raised by the previous speakers but may not provide new information unless it addresses a matter raised by the previous speakers.

- 10(8) In each category set forth in subsections (6) and (7), the Chair shall call upon those persons who have registered with the Chief Administrative Officer to speak first, followed by those persons at the Public Hearing who have not registered with the Chief Administrative Officer but who wish to address Council.
- 10(9) Presentations by the public may be made verbally, in writing, or both. Verbal presentations shall be limited to ten (10) minutes in length unless there is consent by Council to extend the allotted time, after which Council may wish to ask questions. All questions must be directed through the Chair.
- 10(10) The Chair may decide which presentations will be heard if they are satisfied that presentations are the same or similar. The Chair may decline to hear further presentations, questions or objections where they are satisfied that the presentation deals with duplicative information and does not present any new information for Council consideration.
- 10(11) The Chair may require any member of the public who, in the opinion of the Chair, is conducting themselves in a disorderly or improper manner to leave the Public Hearing and, if that person fails to do so, may cause that person to be removed.
- 10(12) Following public presentations, the Chair shall declare the Public Hearing closed. Council may then make a decision with respect to the application, resolution or by-law, or may adjourn the Public Hearing to another date.
- 10(13) If a Public Hearing is adjourned, Council shall provide a public notice of the date, time and place of continuation of the Public Hearing, unless that information is announced at the adjournment.

#### **Role of Members and Chair**

- 11(1) The Chair shall preside over the conduct of the Meeting, including the preservation of good order and decorum, ruling on points of order, replying to points of procedure and deciding all questions relating to the orderly procedure of the meeting, subject to an appeal by any member of Council or a Committee from any ruling of the Chair.
- 11(2) The preservation of good order and decorum during the meeting applies not only to members of Council or a Committee but also to any members of the public. At the discretion of the Chair, members of the public may be requested to leave the meeting for its duration due to interruptions caused by said members of the public and if, that person fails to do so, the Chair may have such member of the public removed.

- 11(3) Members of the public in the Council Chambers or a room where a Meeting is taking place are not permitted to display signs or placards, to applaud participants in debate, or to engage in conversation or other behaviours which may disrupt proceedings.
- 11(4) Council may limit the number of members of the public allowed in the Council Chambers.
- 11(5) Members of the public and the media may audio and/or video tape Meeting proceedings, including Public Hearings, providing that arrangements are made with the Chief Administrative Officer at least 24 hours prior to the scheduled start time of the Meeting or Public Hearing.
- 11(6) The Chair shall make reasonable efforts, including the calling of a recess, to ensure all members of Council or a Committee in attendance at a Meeting are present while a vote is being taken, unless a member of Council or a Committee is excused from voting by the Act, *The Municipal Council Conflict of Interest Act* (Manitoba), or this By-law.
- 11(7) When the Chair wishes to move or second a motion or participate in the debate, he or she must vacate the chair and call upon the Deputy Chair to fulfil the duties of the Chair until such time as the Chair resumes such duties.
- 11(8) In the absence or incapacity of the Chair, the Deputy Chair shall chair the Meeting until such time as the Chair arrives.
- 11(9) In the absence or incapacity of both the Chair and Deputy Chair, members of Council or a Committee shall elect a member to chair the Meeting until such time as the Chair or Deputy Chair arrives.

### **Role of Staff**

- 11.1(1) The Chief Administrative Officer or their delegate shall attend all Meetings of Council to answer questions with reference to items which are on the Agenda.
- 11.1(2) Members may ask questions of the Chief Administrative Officer or their delegate through the Chair on matters under debate.
- 11.1(3) The Chief Administrative Officer's or their delegate's response to a question must be concise and to the point.

### **Member Debating**

- 12(1) All questions or requests for debate must be directed through the Chair. When two (2) or more members of Council or a Committee address the Chair at the same time, the Chair shall name the member who is to speak first.
- 12(2) Members of Council or a Committee wishing to speak on a matter should indicate their intention by raising their hand and being recognized by the Chair and should not speak more than once until every member of Council or the Committee has had the opportunity to speak except:

- (a) in the explanation of a material part of their speech which may have been misunderstood; or
- (b) in reply, to close debate, after everyone else wishing to speak has spoken, provided that the member of Council or the Committee presented the motion.

12(3) Through the Chair, a member of Council or a Committee may ask:

- (a) questions of another member of Council or the Committee or of the Municipality's administration on a Point of Information relevant to the Agenda item; or
- (b) questions to the Chair to obtain information relating to a Point of Procedure.

12(4) Supplementary questions or a series of questions relating to the matter before Council or the Committee may be raised by a member of Council or the Committee through the Chair; however, each such question requires the consent of the Chair.

12(5) Discussion shall be limited to the question in debate.

12(6) No member of Council or a Committee shall speak to the question or in reply for longer than five (5) minutes without the approval of Council or the Committee).

### **Conduct**

13(1) Members of Council or a Committee shall not:

- (a) by conversation, or otherwise, disturb, delay, or disrupt the conduct of business at a Meeting;
- (b) use rude or offensive words or unparliamentary language in the Meeting;
- (c) conduct themselves in a rude, offensive, unparliamentary, disorderly or improper manner;
- (d) disobey the rules of the Meeting or decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of the Meeting;
- (e) leave their seat or make any noise or disturbances while a vote is being taken and the result is declared;
- (f) interrupt a member of Council or the Committee while speaking, except to raise a Point of Order or Question of Privilege;
- (g) pass between a member of Council or the Committee who is speaking and the Chair;



- (h) by words, tone, manner of speaking, or gesture, express any opinion or make any allegation that, directly or indirectly, reflects upon the character of any person or groups of persons;
  - (i) speak disrespectfully to or about another Member, Member at Large, staff of the Municipality, or the public; or
  - (j) question the motives of another Member or Member at Large.
- 13(2) A member of Council or a Committee who persists in a breach of this section, after having been called to order by the Chair, may by a resolution passed by a Majority of the other members of Council or the Committee be ordered to leave the Meeting and, if the member fails to do so, may cause the member to be removed.
- 13(3) At the discretion of Council or the Committee, a member who has been removed from a Meeting pursuant to subsection (2) may resume their attendance following an apology.
- 13(4) A member of Council or a Committee who wishes to leave a Meeting prior to adjournment shall so advise the Chair, and the time of departure shall be noted in the minutes.

#### **Questions of Privilege**

- 14(1) A Member who desires to address the Meeting upon a matter that concerns the rights or privileges of Council collectively, or of the Member individually, shall be permitted to raise such Question of Privilege.
- 14(2) A Question of Privilege shall take precedence over other matters and while the Chair is ruling on the Question of Privilege, no one shall be considered to be in possession of the floor.

#### **Points of Order**

- 15(1) A member of Council or a Committee who desires to call attention to a violation of the rules of procedures shall ask leave of the Chair to raise a Point of Order. When leave is granted, the member shall state the Point of Order with a concise explanation and shall attend the decision of the Chair on the Point of Order. The speaker in possession of the floor when the Point of Order was raised shall have the right to the floor when debate resumes.
- 15(2) A member of Council or a Committee called to order by the Chair shall immediately vacate the floor until the Point of Order is dealt with and shall not speak again without the permission of the Chair unless to appeal the ruling of the Chair.
- 15(3) When the Chair is called on to decide a Point of Order, the Chair shall do so without comment unless requested to provide reasons for the ruling by a member of Council or the Committee.

## **Appeal Rulings**

- 16(1) The decision of the Chair on a matter of conduct, Point of Order, or Question of Privilege shall be final, subject to an immediate appeal by a member of Council or the Committee.
- 16(2) If a decision is appealed, the Chair shall provide reasons for the ruling and the members of Council or the Committee, without debate, shall decide the question. The ruling of Council or the Committee shall be final.

## **Motions**

- 17(1) No motion shall be debated or put unless it is seconded, excepting a motion to adjourn, which need not be in writing. When a motion is not seconded, this must be recorded in the minutes.
- 17(2) When a motion is before the Meeting and the mover wishes to withdraw it or modify it or substitute a different one in its place then if no member objects, the Chair shall grant permission. However, if any objection is made, it is necessary to obtain a resolution of Council to withdraw and this motion cannot be debated or amended. Once a motion is withdrawn, the effect is the same as if it had never been made.
- 17(3) Any member of Council or a Committee may require the motion under discussion to be read at any time during the debate, except when a member is speaking.
- 17(4) The mover of a motion must be present when the vote on the motion is taken.
- 17(5) When a matter is under debate, no motion shall be received other than a motion to:
- (a) fix the time for adjournment;
  - (b) adjourn;
  - (c) withdraw the motion;
  - (d) table the motion;
  - (e) call the question (that the vote must now be taken);
  - (f) postpone to a certain time or date;
  - (g) refer;
  - (h) amend;
  - (i) postpone indefinitely;

which order shall be the order of precedence.

- 17(6) A motion relating to a matter not within the jurisdiction of Council or the Committee shall not be in order.
- 17(7) A motion to table enables Council or a Committee to lay the pending question aside temporarily when something else of immediate urgency has arisen. The motion is not debatable or amendable and, when passed, the question may only be resurrected by a motion to take from the table. If the question is not taken from the table prior to the close of the next regular Council or Committee meeting, the question dies.
- 17(8) A motion to refer shall require direction as to the person or group to which it is being referred and is debatable. A motion to refer is generally used to send a pending question to a Committee or administration so that the question may be carefully investigated and put into better condition for Council or the Committee to consider.
- 17(9) A motion to postpone to a certain time or date is debatable. Debate on the motion must be confined to its merit only and cannot go into the main question except as necessary for debate of the immediately pending question. A motion to postpone to a certain time or date is generally used if Council or the Committee would prefer to consider the main motion later in the same meeting or at another meeting.
- 17(10) A motion to postpone indefinitely must include a reason for postponement and is debatable. Debate can go into the main question. A motion to postpone indefinitely is generally used as a method to dispose of question without bringing it to a direct vote.
- 17(11) A motion to amend shall be dealt with as follows:
- (a) Only one amendment at a time shall be presented to the main motion. When the amendment has been disposed of, another may be introduced. All amendments must relate to the matter being discussed in the main motion and shall not so substantially alter the motion so as to change the basic intent or meaning of the main motion. The Chair shall rule on disputes arising from amendment.
  - (b) The amendment shall be voted upon and, if any amendment is carried, the main motion, as amended, shall be put to the vote, unless a further amendment is proposed.
  - (c) Nothing in this section shall prevent other proposed amendments being read for the information of the members of Council or the Committee.
  - (d) When the motion under consideration contains distinct propositions, the vote upon each proposition shall, at the request of any member of Council or the Committee, be taken separately.
- 17(12) Council or a Committee shall not reconsider or rescind a decision within one (1) year after it is adopted unless:
- (a) at the same meeting at which the decision is made, all the members who voted on the original resolution are present; or

- (b) a member gives written notice to Council or the Committee, from at least one regular meeting to the next regular meeting, of a proposal to reconsider and/or rescind the decision;

and Council or the Committee follows the relevant procedure set forth in subsection 17(13) or 17(14) hereof.

17(13) Subject to subsection 17(12), a motion to reconsider shall be dealt with as follows:

- (a) After a motion has been voted upon, at any time during the remainder of the current Meeting or during the next regular Meeting, any member of Council or the Committee who voted with the prevailing side may make a motion to reconsider and shall state the reason for making a motion to reconsider.
- (b) Debate on a motion to reconsider must be confined to reasons for or against the reconsideration.
- (c) If a motion to reconsider is carried, the question on which the vote is to be reconsidered becomes the next order of business.
- (d) Reconsideration of the question shall be open to debate, voted upon, and shall require the votes of a Majority of the members of Council or the Committee present to carry it, unless otherwise required by this By-law.
- (e) A motion that has been approved for reconsideration and passes automatically suspends the previous motion.

17(13) Subject to subsection 17(12), a motion to rescind shall be dealt with as follows:

- (a) A motion to rescind a previous motion may be accepted by the Chair and, if passed by a Majority vote of the members of Council or of the Committee present, the previous motion shall be declared null and void.
- (b) If a motion to rescind relates to an action taken at a previous Meeting and the matter does not appear on the Agenda, a notice of motion shall precede the motion to rescind.
- (c) A motion to rescind will not undo actions which have already been taken as a result of the motion previously passed.

17(14) When Council or a Committee reconsiders or rescinds a decision, the minutes must show the original decision and the decision made on reconsideration or rescission.

#### **Notice of Motion**

18(1) A written notice of motion may be received by the Chair prior to the closing of a Meeting. In this event, the member of Council or the Committee shall read the notice of motion, which shall be recorded in the minutes and shall form part of the agenda for the next Meeting or other meeting date as specified by the mover.

- 18(2) A member of Council or a Committee may verbally present and describe a notice of motion for consideration at the next Meeting or other meeting date as specified by the mover.
- 18(3) A member of Council or a Committee who hands a written notice of motion to the Chair to be read at any regular Meeting need not necessarily be present during the reading of the motion.

### **Voting – General**

- 19(1) Every member of Council or a Committee shall vote on every matter, unless:
  - (a) the member is required to abstain from voting under this or any other by-law or enactment; or
  - (b) the member is permitted to abstain from voting under this or any other by-law or enactment.
- 19(2) A member of Council or a Committee present at a meeting shall make a request for a recess if for any reason he/she may be away from Council Chambers or the meeting room during a time when a vote on a matter is imminent, unless that member is excused from voting pursuant to this section.
- 19(3) A member of Council or a Committee has one vote each time a vote is held at a Meeting at which the member is present.
- 19(4) Votes shall be made by the raising of hands as the Chair calls for those in favour or against.

### **Voting – Question**

- 20(1) When a motion that a vote be taken (question) is presented, it shall be put to vote without debate and, if carried by a Majority vote of the members of Council or the Committee present, the resolution and any amendments thereto shall be submitted to a vote immediately without further debate.
- 20(2) When the Chair, having ascertained that no further information is required, commences to take a vote, no member shall speak to or present another motion until the vote has been taken on such resolution or amendment.
- 20(3) A member of Council or a Committee who disagrees with the announcement made of the result of a vote may immediately object to the declaration and the vote shall be retaken.
- 20(4) If there is an equal number of votes for and against a resolution or by-law, the resolution or by-law is defeated.

### **Voting – Conflict**

- 21(1) Members who have a reasonable belief that they have a direct or indirect pecuniary interest (as defined in *The Municipal Council Conflict of Interest Act*) in a matter before Council, a Committee, or any board, commission, committee or agency to which they are appointed as a representative of Council shall:
- (a) not attempt in any way, either before, during, or after the Meeting at which the matter is to be debated, to influence the voting on the matter;
  - (b) if present at the Meeting, declare and disclose the general nature of the pecuniary interest prior to any discussion of the matter, abstain from discussion or voting on any questions relating to the matter, and remove themselves from Council Chambers until the matter is concluded. The minutes shall indicate the declaration of disclosure, the time at which the Member left the room, and the time the Member returned.

### **Recorded Vote**

- 22(1) Any member of Council or a Committee may, prior to the taking of a vote on any question put, require a recorded vote to be taken.
- 22(2) Every recorded vote taken at a Meeting shall be recorded in the following manner:
- (a) by noting the names of the members voting for and against all motions and of those who abstained from the vote; or
  - (b) by noting that the motion was passed unanimously when all members present vote in favour of the motion.

### **By-laws**

- 23(1) When a by-law is presented to a Council meeting for enactment, the Chief Administrative Officer shall cause the short title and description of the by-law to appear on the Agenda. Once first reading is given, the by-law will be assigned a number.
- 23(2) Each by-law must be given three separate readings, and each reading must be put to a separate vote.
- 23(3) The following shall apply to the passage of all by-laws:
- (a) A by-law shall be introduced for first reading by a motion that it be read a first time.
  - (b) After a motion for first reading of the by-law has been presented, Members may debate the substance of the by-law and propose and consider amendments to the by-law.

- (c) Any proposed amendments shall be put to vote if required and, if carried, shall be considered as having been incorporated into the by-law at first reading.
- (d) When all amendments have been accepted or rejected, the Chair shall call the question on the motion for first reading of the by-law.
- (e) When a by-law is subject to a statutory public hearing, a public hearing date shall be established before second reading.
- (f) All aspects of passage of a by-law at first reading shall apply to second and third readings of any by-law.

23(4) The following shall apply to third reading of all by-laws:

- (a) A by-law shall not be given more than two readings at one meeting.
- (b) A by-law shall be passed when a Majority of the Members present vote in favour of third reading, provided that any applicable provincial statute does not require a greater majority.

23(5) Each Member present at the Meeting:

- (a) 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;
- (b) at which third reading is to take place must be given, or have had, before the by-law receives third reading the opportunity to review the full text of the proposed by-law and any amendment passed at or after first reading.

23(6) The minutes of a Meeting at which third reading has taken place must show the name of each Member present, the vote or abstention of each Member, and the reason given for any abstention.

23(7) When a by-law has been given three readings and is signed in accordance with this by-law, it is considered an enactment of the Municipality and is effective immediately, unless the by-law or an applicable provincial statute provides otherwise.

23(8) The previous readings of a proposed by-law are rescinded if the by-law:

- (a) does not receive third reading within two years following first reading; or
- (b) is defeated on second or third reading.

23(9) After passage, a by-law shall be signed by the Mayor or Deputy Mayor and by the Chief Administrative Officer or Chief Administrative Officer's designate and shall be impressed with the corporate seal of the Municipality.

23(10) Clerical, typographical, and grammatical errors in by-laws may be corrected by the Chief Administrative Officer.

23(11) The Chief Administrative Officer may consolidate a by-law by incorporating all amendments to it into one by-law.

23(12) A copy of any by-law, resolution or record certified by the Chief Administrative Officer as a true copy of the original is prima facie proof of the by-law, resolution, or record.

**Repeal of By-laws and Effective Date**


24(1) By-Law No. 4319 of the Municipality and any amendments thereto are hereby repealed and shall hereafter cease to have effect.

24(2) This By-Law shall come into force and effect on the day it receives third and final reading by Council.

**DONE AND PASSED** by the Council of the Rural Municipality of St. Andrews, in Council duly assembled, at Clandeboye, Manitoba, this 12th day of January, 2021.

**RURAL MUNICIPALITY OF ST. ANDREWS**

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

Read a First time this 24<sup>th</sup> day of November, 2020.

Read a Second time this 8<sup>th</sup> day of December, 2020.

Read a Third time this 12<sup>th</sup> day of January, 2021



**SCHEDULE "A"**  
**COUNCIL AGENDA – ORDER OF BUSINESS**

**First Tuesday of the Month (Planning Hearings)**

Call to Order  
Announcements  
Adoption of Agenda  
Planning and Related Delegations  
Adoption of Minutes  
By-Laws and Policies  
Reception of Delegations/Petitions  
Correspondence for Action  
Correspondence for Information  
Old/Unfinished Business  
New Business  
In Camera/Out of Camera  
Resolutions from In Camera  
Adjournment

**Second Tuesday of the Month**

Call to Order  
Announcements  
Adoption of Agenda  
Adoption of Minutes  
Council Reports  
By-Laws and Policies  
Approval of Accounts  
Reception of Delegations/Petitions  
Correspondence for Action  
Correspondence for Information  
Old/Unfinished Business  
New Business  
In Camera/Out of Camera  
Resolutions from In Camera  
Adjournment

**SCHEDULE "B"**

**COMMITTEE OF THE WHOLE AGENDA – ORDER OF BUSINESS**

**Third Monday of the Month**

Call to Order

Management Reports

Reception of Delegations

Old Business

New Business

In/Out of Camera

Adjournment