

THE TOWN OF SWAN RIVER

BY-LAW NO. 10/2018

**Being a by-law to regulate the proceedings and conduct of the council and the committees thereof.**

**WHEREAS** section 149(1) of the Municipal Act provides that a council must establish by by-law rules of procedure and review the by-law at least once during the term of office.

**THEREFORE BE IT RESOLVED** that the council of The Town of Swan River in open meeting assembled enacts as follows:

**TITLE**

- 1.0 This by-law may be referred to as “The Town of Swan River Procedures By-Law”.
- 1.1 The following rules and regulations shall be observed in council, and in all committees thereof.

**DEFINITIONS**

- 2.0 In this by-law,
  - a) “Agenda” means the agenda for a regular or special meeting of council or committee of council.
  - b) “Act” means The Municipal Act S.M. 1996 c.58.
  - c) “Chair” means the person presiding at the meeting of council or committee.
  - d) “Committee” means a committee or other body established under The Town of Swan River Organizational By-Law, but does not include a committee of the whole council.
  - e) “Committee of the Whole Council” means a committee of all members present at a council meeting sitting as a committee.
  - f) “Council” means the duly elected mayor and councillors of The Town of Swan River.
  - g) “Council Meeting” means a regular meeting or special meeting of the council but does not include a public hearing held by the council.
  - h) “In Camera” means in private or to the exclusion of the public.
  - i) “Members” means, when referring to the council, the councillors and the mayor.
  - j) “General Holiday” means each Saturday and Sunday, and includes such days as New Year’s Day, Good Friday, Victoria Day, Canada Day, Terry Fox Day, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing 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 the 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 in the Council Chambers.
- 4.1 Council must at its Inaugural Meeting review the Procedures and Organizations by-laws.

## **QUORUM**

- 5.0 A majority of the members of council constitutes a quorum. A quorum of council for The Town of Swan River shall be four members.
- 5.1 If a position on council is vacant, the quorum will be the majority of the remaining members of council provided that the minimum number for a quorum cannot be less than 3 members. In the case of a council committee, the minimum number for a quorum is 2.
- 5.2 Lack of quorum – If no quorum is present within (30) minutes after the time scheduled for a meeting, the council shall stand adjourned, and the CAO shall enter into the minutes the names of the members present at the meeting.

## **COMMUNICATION FACILITY**

- 6.0 Any member of council shall be allowed to participate in a meeting of council by means of an audio/visual communication facility with 72 hours' notice to the CAO and in accordance with any other clauses outlined in this by-law.
- 6.1 Members of council participating in a meeting of council by means of a communication facility are deemed to be present at the meeting.
- 6.2 Any member of council shall only be permitted to use an audio/visual communication facility if they are physically unable to be present due to either:
- a) Being admitted to a hospital or care facility, or
  - b) Being further than 50 km from the Town of Swan River at the time of the meeting.

## AGENDA

- 7.0 An 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 (72) hours preceding the meeting of council. A copy of the agenda shall be posted in the municipal office at the same time.
- 7.1 All items to be placed on the agenda of the next regular meeting of council must be provided to the CAO at least (120) hours prior to the scheduled time of the regular meeting.
- 7.2 Items may be added to the agenda at a regular meeting of council by a majority vote of the members, prior to adopting the final agenda for the regular meeting of council. No item may be added to an agenda of a meeting where any member of council is absent.
- 7.3 In preparing the council agenda, the CAO shall state the business for consideration in accordance with the following order of business:
- Call the meeting to order.
  - Adoption of the agenda
  - Confirmation of the minutes
  - Reception of delegations
  - Reception of petitions
  - Reports of Committees/staff
  - Communications
  - New Business
  - Unfinished business
  - Accounts
  - By-laws
  - Notice of Motion
  - In camera
  - Adjournment
- 7.4 Notwithstanding the provisions under 7.3, it shall always be in order for the council to vary the order in which business on the agenda shall be dealt with by a majority vote of the members present.

## REGULAR MEETING

- 8.0 Regular meetings of council shall be held on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month. All meetings to be held in the council chambers of the Town of Swan River at the hour of 7:30 p.m.
- 8.1 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.
- 8.2 If the day fixed for a regular meeting of council is a general holiday, the meeting shall be held on the next day following which is not a holiday at the same time and place.
- 8.3 Council may by resolution vary the date and time of a regular meeting as circumstances may require.
- 8.4 Notice of any change of day or time of a regular meeting of council must be posted in the municipal office at least 2 days before the regularly scheduled date of the meeting.
- 8.5 At the hour set for a meeting to commence, and providing that a quorum is present, the mayor shall take the chair and shall call the meeting to order.
- 8.6 The council shall observe a curfew whereby the item on the agenda under discussion at (11:00 p.m.) will be the last item dealt with on that day unless by majority vote the council decide to extend the time of adjournment. In any case, only one half hour extension is allowed.
- 8.7 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 8.8 Despite clause 8.7 of the 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 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) (repealed) S.M. 2004, c.2, s.31,
    - ii) an employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance
    - iii) 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,

- iv) the conduct of existing or anticipated legal proceedings,
- v) the conduct of an investigation under, or enforcement of, an Act or by-law,
- vi) the security of documents or premises, or
- vii) a report of the Ombudsman received by the head of the council under clause 36(1)(e) of The Ombudsman Act.

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

### **SPECIAL MEETINGS OF COUNCIL**

9.0 A special meeting of council of The Town of Swan River 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 CAO.

9.1 Should the mayor not call a special meeting within (48) hours receiving written request by two members of council, the CAO must call the meeting in accordance with section 9.2 of this by-law.

9.2 The notice of the special meeting to all members of council may be oral, electronic or written form, and must state the purpose of the meeting, and must be provided to all members of council and posted in the municipal office at least (48) hours before the scheduled time of the meeting

9.3 Should the head of council be unavailable, the deputy head of council may call a special meeting only if requested writing by 2 members in accordance with this part.

9.4 Any member of council may waive the right to be given notice by giving written notice to the CAO and having done so shall be deemed to have been given notice of a special meeting of council.

9.5 At a special meeting, no subjects or matters, other than those mentioned in the notice calling the meeting, shall be taken into consideration, unless all members of council are present, and the members unanimously agree by resolution to adding of items to the agenda.

### **DELEGATIONS**

10.0 The Chair may limit the time taken by a delegation. The delegation must appoint a spokesperson.

10.1 To allow members of council to prepare for delegations, all presenters shall register with the CAO at least (120) hours before the council meeting and advise the CAO of the topic and scope

of the presentation. All materials upon which they rely must also be submitted to the CAO at least 120 hours before the council meeting.

- 10.2 There shall not be a limit to the number of delegations included on the agenda of a council meeting, but the CAO is granted authority to schedule delegations as deemed appropriate.

## **VOTING**

- 11.0 A member has one vote each time a vote is held at a council meeting at which the member is present.
- 11.1 The minutes of the meeting at which council votes on the third reading of a by-law must show the name of each member present, the vote or abstention of each member, and the reason given for any abstention.
- 11.2 The CAO must record in the minutes the name of any member who exercises his right to abstain from voting on any resolution.
- 11.3 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 11.4 Council may not reconsider or reverse a decision within one year after it is made unless:
- a) at the same meeting at which the decision is made, all the members who voted on the original resolution are present and agree to reconsider and vote again; or
  - b) a member gives written notice to the council, from at least one regular meeting to the next regular meeting, of a proposal to review and reverse the decision.
- 11.5 When council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 11.6 Any member of council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The CAO must record in the minutes of the meeting of council the names of the members present, the vote or abstention of each member.

## **PROCEDURE AT PUBLIC HEARING**

- 12.0 Each member of Council must attend a public hearing called by council unless the member:
- a) is excused by the other members from attending the hearing;
  - b) is unable to attend owing to illness;
  - c) is required under The Municipal Council Conflict of Interest Act to withdraw from the hearing.

- 12.1 The Chair of the public hearing has the right to limit the time taken by a person to (10) minutes, after which council may wish to ask questions of the person. All questions must be channelled through the Chair of the hearing.
- 12.2 The Chair of the public hearing may decline to hear further presentations, questions or objections where he is satisfied that the matter has been addressed at the public hearing.
- 12.3 The Chair of the public hearing may decide which presenters will be heard, if he is satisfied that presentations are the same or similar.
- 12.4 The Chair of the public hearing may require any person, other than a member of council, who is in the opinion of the Chair conduction himself in a disorderly or improper conduct, to leave the public hearing and if that person fails to do so, may cause that person to be removed.
- 12.5 If a public hearing is adjourned, the council shall provide a public notice of the date, time and place of the continuation of the hearing, unless information is announced at the adjournment of the hearing.

#### **BY-LAWS AND RESOLUTIONS**

- 13.0 Council may act only by resolution or by-law.
- 13.1 No motion shall be debated or put forward unless it is in writing and is seconded, except only a motion to adjourn which need not be in writing.
- 13.2 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 13.3 Council may not give a proposed by-law more than two readings at the same council meeting.
- 13.4 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 13.5 Each member present at the meeting at which first reading is to take place must be given, or have had, the opportunity to review the full text of the proposed by-law before the by-law receives first reading.
- 13.6 Each member present at the meeting at which second 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 second reading.
- 13.7 Each member present at the meeting at which third reading is to take place must, before the proposed by-law receives third reading, be given, or have had, the opportunity to review the full text of the proposed by-law and any amendment passed after first reading.

## **HEAD OF COUNCIL TAKING PART IN DEBATE**

- 14.0 If the Chair desires to present or second a motion, he must leave the chair, and call upon one of the members to fill his place until he resumes the chair.

## **CONDUCT**

- 15.0 Every member previous to his speaking shall address the Chair.
- 15.1 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 15.2 When the Chair is called on to decide a point of order or practise, he shall do so without comment unless requested to do so.
- 15.3 When the Chair is putting a question, no member shall leave his chair.
- 15.4 Discussion shall be limited to the question in debate.
- 15.5 The chair shall reserve the right to limit the number and length of time a member shall speak to the question.
- 15.6 A motion to adjourn takes precedence over all others and may be moved at any time, but the question cannot be received after another question is actually put and while council is engaged in voting.
- 15.7 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 15.8 Where at a council meeting, any person other than a member of council is, in the opinion of the Chair, conducting himself in a disorderly or improper manner, the Chair may require that person to leave the meeting and if that person fails to do so, may cause that person to be removed.
- 15.9 Where at a council meeting a member of the council is conducting himself in a disorderly or improper manner, the council may, by a resolution passed by the majority of the other members present, require the member to leave the meeting, and if the member fails to do so, may cause the member to be removed.
- 15.10 Persons in the council chambers are not permitted to display signs or placards to applaud participants in debate or to engage in conversation or other behaviours which may disrupt council proceedings.
- 15.11 Council may limit the number of persons allowed in the council chambers.
- 15.12 The public and media may audio/video tape meeting proceedings, including public hearings providing that arrangements are made with the CAO at least (24) hours prior to the meeting or public hearing.

- 15.13 A member must keep in confidence a matter that is discussed at a meeting closed to the public under subsection 152(3) of the Act until the matter is discussed at a council meeting conducted in public.
- 15.14 A member who breaches the requirement of confidentiality under clause 15.13 becomes disqualified from council.
- 16.00 All points of order and procedure not resolved by rules provided in the by-law shall be resolved by a majority decision of council.
- 17.00 By-Law No. 7/2014 is hereby repealed.

**DONE AND PASSED** as by-law of The Town of Swan River of Swan River in the Province of Manitoba this 15<sup>th</sup> day of January, 2019

Read a first time this 20<sup>th</sup> day of November, 2018

Read a second time this 18<sup>th</sup> day of December, 2018

Read a third time this 15<sup>th</sup> day of January, 2019

Original signed January 15/19

Lance Jacobson  
Mayor

Original signed January 15/19

Derek Poole  
Chief Administrative Officer