

**Town of Arborg
By-Law No. 8-2023**

Being a By-law to regulate the proceedings and conduct of the Town of Arborg 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 Arborg, in open meeting assembled, enacts as follows:

TITLE

1.0 This by-law may be referred to as ***"The Town of Arborg Procedures By-law"***.

COUNCIL BOUND BY PROCEDURAL BY-LAW

2.0 The following rules and regulations shall be observed in Council, Committee of the Whole of Council and in all committees thereof.

DEFINITIONS

3.0 Unless the context otherwise requires, where used in this By-Law;

- a) **"Act"** means The Municipal Act S.M. 1996 c 58, adopted by the Province of Manitoba;
- b) **"Agenda"** means the agenda for a regular or special meeting of Council or 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 The Town of Arborg Organizational By-law, but does not include a Committee of the Whole Council;
- e) **"Committee of the Whole Council"** shall mean all members present at a meeting 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"** shall mean the Mayor and Councillors of the Town of Arborg elected pursuant to the provisions of The Municipal Act;
- h) **"Council Meeting"** means a regular meeting or special meeting of Council but does not include a public hearing held by Council;
- i) **"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, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day and any other day declared a holiday by the Provincial or Federal Government;
- i) **"In Camera"** means in private or the exclusion of the public;
- j) **"Members"** means, when referring to the Council, the Councillors and the Mayor;
- k) **"Resolution"** means a motion made at a Council meeting that is voted on by Council.
- l) **"Town"** means the Town of Arborg.

SUSPENSION

4.0 Any rule contained in this by-law may be suspended by a vote of the majority of the Members present, except in cases where the Act or by this by-law, some other vote is required.

FIRST REGULAR MEETING OF COUNCIL

5.0 The first regular meeting of Council in each year for the purpose of this By-law shall be the first Regular Meeting of Council held in November with Council to hold that meeting no later than November 15th, except in the case of the Inaugural Meeting of Council following a general election.

COUNCIL INAUGURAL MEETING

- 6.0 Following a general election, the Mayor must call the Inaugural Meeting of Council within thirty days (30) and the meeting shall be held in the Council Chamber of the Civic Office in the Town of Arborg.
- 6.1 Council must, during each term of office, review the Procedures and Organizational By-laws.

QUORUM

- 7.0 A majority of the members of council constitutes a quorum. Subject to the Municipal Conflict of Interest Act, the minimum number for a quorum of Council shall be three (3) 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.
- 7.1 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 fewer than three (3) members. In the case of a Council committee, the minimum number for a quorum is two (2).
- 7.2 Lack of a quorum - if no quorum is present within thirty (30) minutes after the time scheduled for the meeting, the Council or the Committee of the Whole of Council shall stand adjourned, and the Chief Administrative Officer or their designate shall enter into the minutes the names of the Members present at the meeting.

COMMUNICATION FACILITY

- 8.0 Any Member of Council participating in a meeting of Council or Committee of the Whole of Council by means of a communications facility shall do so only with prior approval of Council and on terms and conditions set by Council.
- 8.1 Members participating in a meeting of Council or Committee of the Whole of Council by means of a communications facility are deemed to be present at the meeting.

AGENDA

- 9.0 A draft 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 their designate, together with copies of supporting materials shall be available to the Members by 4:30 p.m. of the Friday preceding the meeting of council. A copy of the draft agenda shall be posted on the municipal website at the same time.
- 9.1 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 their designate at least 24 hours prior to the scheduled time of the meeting.
- 9.2 Items may be added to the agenda at a regular meeting of Council or of a meeting of the Committee of the Whole of Council, by a majority vote of Members present at the meeting.
- 9.3 In preparing the agenda for a regular meeting of Council, the Chief Administrative Officer or their designate shall state the business for consideration in accordance with the following order of business;
- 1) Call to Order
 - 2) Adoption of the Agenda
 - 3) Confirmation of the Minutes
 - 4) Delegations, Hearings and Petitions
 - 5) Council & Department Reports
 - Department Heads
 - Council
 - Committee of the Whole
 - 6) Financial Business
 - 7) By-laws & Policies for Consideration
 - 8) Unfinished Business
 - 9) New and Other Business
 - 10) Correspondence/Communications
 - 11) Business Arising From Delegations
 - 12) In Camera
 - 13) Adjournment
- 9.4 Notwithstanding the provisions under Section 9.3, 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

- 10.0 Regular meetings of Council shall be held on the second and fourth Wednesdays of each month in the Council Chambers of the Town of Arborg at the hour of 9:00 A.M. A notice prior to the first Council meeting each year shall be posted in the Town Office outlining the regular meeting schedule for that year.
- 10.1 All meetings of Council shall be chaired by the Mayor or, on their absence, by the Deputy Mayor. If the Mayor or Deputy Mayor is not present at the time scheduled for the meeting, the Council may appoint, by a majority vote of the Members present, one of its Members to chair the meeting.
- 10.2 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.
- 10.3 Council may by resolution vary the date and time of a regular meeting as circumstances may require.
- 10.4 Notice of any change of day or time of a regular meeting of council must be posted in the municipal office and on the municipal website at least forty-eight (48) hours before the regularly scheduled date of the meeting.
- 10.5 At the hour set for the meeting to commence, and providing that a quorum is present, the Mayor shall take the Chair and shall call the meeting to Order.
- 10.6 Council shall observe a curfew whereby the item on the agenda under discussion at 2:00 P.M. will be the last item dealt with on that day unless by majority vote the Council decides to extend the time of adjournment.
- 10.7 Council shall hold its meeting openly, and no person shall be excluded, except for improper conduct.
- 10.8 Notwithstanding clause 10.7, Council or a Council Committee may close a meeting to the public if:
- a) the Members decide during the meeting to meet as a committee to discuss a matter, and;
 - b) the decision and general nature of the matter are recorded in the minutes of the meeting and;
 - c) the matter discussed relates to
 - i) an employee, or potential 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 Town'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;
 - vi) a report of the Ombudsman received by the head of council under clause 36(1)(e) of The Ombudsman Act.
- 10.9 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.

SPECIAL MEETINGS OF COUNCIL

- 11.0 A special meeting of council of the Town of Arborg may be called at any time by the Mayor, and must be called by the Mayor if the Mayor receives a written or electronic request from at least two members of council stating the purpose. A copy of the written or electronic request must also be served on the Chief Administrative Officer.
- 11.1 Should the Mayor not call a special meeting within forty-eight (48) hours of receiving written or electronic request by two members of council, the Chief Administrative Officer must call the meeting in accordance with section 11.2 of this by-law.

- 11.2 The notice of the special meeting to all Members of Council may be oral, in electronic or written form, must state the purpose of the meeting, and must be provided to all Members of Council and posted in the municipal office at least twenty-four (24) hours before the scheduled time of the meeting. An exception may apply when a matter of an urgent nature arises.
- 11.3 Should the Mayor be unavailable; the Deputy Mayor may call a special meeting only by electronic or written request by two members in accordance with this Section.
- 11.4 Members may waive the right to be given notice of a special meeting by giving written or electronic notice to the Chief Administrative Officer and having done so shall be deemed to have been given notice of a special meeting of Council.
- 11.5 At a special meeting, no subjects or matters, other than those mentioned in the notice calling the special meeting, shall be taken into consideration unless all Members are present and unanimously agree by resolution to deal with the other matters at the meeting.

COMMITTEES

- 12.0 The general duties of committees shall be as follows:
- a) to report from time to time on all matters connected with the duties imposed on the committee and to recommend such action as may be deemed necessary;
 - b) to prepare and introduce into Council all such by-laws as may be necessary to give effect to the reports and recommendations of the committees;
 - c) to consider and report respectively on any and all matters referred to it by Council;
 - d) to perform all the duties as prescribed by law, including the statutes of Canada and Manitoba as well as the by-laws of the Town of Arborg.
- 12.1 The special duties of the standing committees shall be set out by Council from time to time.
- 12.2 The Head of Council shall be an "ex officio" member of all standing and special committees.
- 12.3 Of the number of Members appointed to apprise any standing or special committee, a majority shall constitute a quorum.
- 12.4 The members of each standing and special committee shall meet as soon as convenient after they are appointed for the purpose of organizing.
- 12.5 Regular meetings of standing committees shall be held as may be determined by Council.
- 12.6 Special meetings of committees may be called by the chairperson or by a majority of the members of the committee in the same manner as special meetings of Council as provided in Section 11 of this by-law.
- 12.7 A special committee may be appointed at any time by resolution specifying the business to be dealt with by the committee.
- 12.8 The meetings of any committee of Council may be attended by other members of Council, who shall not be allowed to vote. Such members, with the permission of the majority of the members of the committee, may be allowed to take part in the discussion.
- 12.9 The committee chairperson shall preside at every meeting and shall vote on all questions submitted (unless they are personally interested), and in the case of an equal division the question shall fail to be passed by the committee.
- 12.10 The committee chairperson shall sign all such reports and documents as the committee may legally order.
- 12.11 Minutes of the transactions of the committee shall be kept, including all reports and recommendations to Council. All such reports or recommendations shall be presented to Council, either in writing or by oral statement, by the chairperson or an authorized member of the committee.

DELEGATIONS

- 13.0 The Chair may limit the time taken by a delegation to 10 minutes. The delegation must appoint a spokesperson.

- 13.1 To allow Members of Council to prepare for delegations, all presenters shall register with the Chief Administrative Officer or their designate at least 48 hours before the Council meeting and advise the Chief Administrative Officer or their designate of the topic and scope of the presentation.
- 13.2 There shall normally be a limit of four (4) delegations included on the agenda of a Council meeting, but the Chief Administrative Officer is granted authority to schedule delegations as deemed appropriate.

VOTING

- 14.0 A Member, including the Mayor, is entitled to one vote each time a vote is held at a Council meeting at which a Member is present.
- 14.1 The minutes of a meeting at which Council votes on the third reading of a by-law must show the name of each Member present, the vote or abstention of each member, and the reason given for any abstention.
- 14.2 The Chief Administrative Officer or their designate must record in the minutes the name of any member who exercises their right to abstain from voting on any resolution.
- 14.3 If an equal number of Members vote for or against a resolution or by-law, the resolution or by-law is defeated.
- 14.4 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 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.
- 14.5 When Council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.

PROCEDURE AT PUBLIC HEARING

- 15.0 Each member of Council must attend a public hearing required to be held under the Act of 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;
 - c) is required under The Municipal Conflict of Interest Act to withdraw from the hearing.
- 15.1 The Chair of the public hearing has the right to limit the time taken by a person to ten (10) minutes, after which Council may wish to ask questions of the person. All questions must be directed through the Chair of the hearing.
- 15.2 The Chair of the public hearing may decline to hear further presentations, questions or objections where they are satisfied that the matter has been addressed at the public hearing.
- 15.3 The Chair of the public hearing may decide which presenters will be heard, if they are satisfied those presentations will be the same or similar.
- 15.4 The Chair of the public hearing may require any person, other than a Member of Council, who is in the opinion of the Chair conducting himself in a disorderly or improper fashion, to leave the public hearing and, if the person fails to do so, may cause the person to be removed.
- 15.5 If a public hearing is adjourned, Council shall provide a 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.
- 15.6 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.

BY-LAWS AND RESOLUTIONS

- 16.0 Council may act only by resolution or by-law.

- 16.1 No motion shall be debated unless it is in writing and is seconded, excepting only a motion to adjourn, which need not be seconded.
- 16.2 Any member may require the question or motion under discussion to be read for their information at any time during the debate, but not so as to interrupt a member while speaking.
- 16.3 A motion that has been read may be withdrawn at any time before decision or amendment with permission of the mover and seconder.
- 16.4 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 16.5 Council may not give a proposed by-law more than two readings at the same council meeting.
- 16.6 Only the title and identifying number must be read at each reading of a proposed by-law.
- 16.7 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.
- 16.8 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.
- 16.9 Every by-law which is passed by the council shall be signed by the Mayor or other presiding officer and the Administrator and be sealed with the municipal seal, and shall be deposited by the Chief Administrative Officer in a place of security in their office.
- 16.10 Any Member of Council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The Chief Administrative Officer must record in the minutes of the meeting of Council the names of the Members present, and the vote or abstention of each Member.

HEAD OF COUNCIL TAKING PART IN DEBATE

- 17.0 The Chair may present or second a motion, as well as participate in the debate on a motion.

CONDUCT

- 18.0 Every member previous to their speaking shall address the Chair.
- 18.1 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 18.2 When the Chair is called upon to decide a point of order or practice, they shall do so without comment unless requested to do so.
- 18.3 When the Chair is putting a question, no Member shall leave their chair.
- 18.4 Discussion shall be limited to the question in debate.
- 18.5 No Member shall speak to the question or in reply for longer than five (5) minutes without the approval of Council.
- 18.6 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 accurately put and while the Council is engaged in voting.
- 18.7 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 18.8 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 the person leave the meeting and, if that person fails to do so, may cause that person to be removed.
- 18.9 Where at a council meeting a member of the council is conducting himself in a disorderly or improper manner, the council may, by resolution passed by the majority of the other members present, require the member to leave the meeting, and, if the member fails to do so, may cause the member to be removed.

- 18.10 Persons in the Council chambers are not permitted to display signs or placards or to applaud participants in debate or to engage in conversation or other behaviors, which may disrupt Council proceedings.
- 18.11 Council may limit the number of persons allowed in the council chambers.
- 18.12 The public and media may audio/video tape meeting proceedings, including public hearings, providing those arrangements are made with the Chief Administrative Officer at least twenty-four (24) hours prior to the meeting or public hearing.
- 18.13 A Member must keep in confidence a matter that is discussed at a meeting closed to the public under subsection 152(3) of The Municipal Act (as per Section 10.8 of this by-law) until the matter is discussed at a Council meeting conducted in public.
- 18.14 A Member who breaches the requirement of confidentiality under clause 18.13 becomes disqualified from Council.
- 18.15 A request by a Councillor to hold over material to a subsequent meeting may be granted if the majority of Council so approves.
- 18.16 No member shall engage in private conversation in such a manner as to interrupt the business of the Council.
- 18.17 When a Member is addressing the council the member
- a) shall not speak disrespectfully of His Majesty the King or his official representatives;
 - b) shall not use any offensive words in referring to any Member of Council, any officer or any employee of the Town of Arborg;
 - c) shall not indulge in personalities in the course of the debate nor reflect on the motives of the members who have voted for a particular motion;
 - d) shall not use profane, vulgar, offensive, threatening or intimidating language.
- 18.18 The priority of speaking to a motion shall be as follows:
- a) mover;
 - b) seconder;
 - c) others in order of who rose first; Mayor to have sole authority in making that decision.
- 18.19 A Member may speak to a motion for a period not exceeding five (5) minutes. The mover may close debate on the motion for a period not to exceed three (3) minutes.
- 18.20 Subject to any specific provisions of this by-law, no Member shall speak more than once to the same question without leave of council, except in clarification of a material part of a Member's speech, which may have been misunderstood, and, in doing so, shall not introduce new matter.
- 18.21 When a Member raises a point of order, the Member shall state the point of order to the Chair, and remain silent until the Chair has stated and decided on the point of order. Thereafter, the Member shall only address the Chair for the purpose of appealing to the council from the Chair's decision. If no Member appeals, the decision of the Chair shall be final.
- 18.22 Each member of Council must cast a vote on all questions, unless;
- a) they have identified a conflict under The Municipal Conflict of Interest Act of the Province of Manitoba; or
 - b) they have been excused from voting by a majority of the Members present at the said meeting; or
 - c) they choose to abstain from voting and the reason is given.
- 18.23 A Member may request a recorded vote on an issue prior to the question being called by the presiding officer. In the event that a recorded vote is requested, the Chief Administrative Officer shall record members voting for and against the motion on the resolution and in the minutes of the meeting.
- 18.24 All points of order and procedure not resolved by rules provided in this By-law, or by the Robert's Rules of Order, shall be resolved by a majority decision of Council.

BY-LAW REPEAL

19.0 By-law No. 8-2018 hereby repealed.

DONE AND PASSED by the Council of the Town of Arborg duly assembled at Arborg, Manitoba this 27th day of September A.D., 2023.



Peter Dueck
Mayor



Cindy Stansell
Chief Administrative Officer

Read a first time this	13th	day of	September	A.D. 2023
Read a second time this	27th	day of	September	A.D. 2023
Read a third time this	27th	day of	September	A.D. 2023