

**TOWN OF STONEWALL
BY-LAW NO. 04-18**

Being a By-Law to regulate the proceedings and conduct of the Town of Stonewall Council and the Committees thereof.

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

NOW THEREFORE the Council of the Town of Stonewall, in open meeting duly assembled, hereby enacts as follows:

1.0 TITLE

1.1 This by-law may be referred to as "The Town of Stonewall Procedure By-Law".

2.0 COUNCIL BOUND BY PROCEDURAL BY-LAW

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

3.0 DEFINITIONS

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

- (a) **"Act"** shall mean the Municipal Act, S.M. 1996 c.58 of the Province of Manitoba;
- (b) **"Agenda"** means the agenda for a regular or special meeting of Council, a meeting of the Committee of the Whole of Council, or a Committee of Council;
- (c) **"Chair"** means the person presiding at the meeting of Council, Committee of the Whole of Council or of the committee;
- (d) **"Committee"** means a committee or other body established under The Town of Stonewall Organizational By-Law, but does not include a Committee of the Whole of Council;
- (e) **"Committee of the Whole of Council"** shall mean all members present at a meeting of the 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 Stonewall elected pursuant to the provisions of The Municipal Act;
- (h) **"Council Meeting"** means a regular meeting or special meeting of the Council but does not include a public hearing held by the Council;
- (i) **"In Camera"** means in private or to the exclusion of the public;
- (j) **"Members"** means, when referring to the Council, the Councillors and the Mayor;
- (k) **"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, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day and any other day declared a holiday by the provincial or Federal Governments;
- (l) **"Town"** means the Town of Stonewall.

4.0 SUSPENSION

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

5.0 FIRST REGULAR MEETING OF COUNCIL

5.1 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.

6.0 COUNCIL INAUGURAL MEETING

6.1 Following a general election, the Mayor must call an inaugural meeting of Council within thirty (30) days, and the meeting shall be held at 6:30 PM., in the Council Chambers of the Town Hall in the Town of Stonewall.

6.2 Council must within 30 days of the Inaugural Meeting review this Procedure By-Law and the Organizational By-Law of the Town, and must indicate so by resolution of Council.

7.0 QUORUM

7.1 A majority of the Members constitutes a quorum. Subject to the Municipal Conflict of Interest Act, the minimum number for a quorum of Council shall be 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.

7.2 If a position on Council is vacant, the quorum will be the majority of the remaining Members provided that the minimum number for a quorum cannot be less than three (3) Members. In the case of a Council committee, the minimum number for a quorum is two (2) Members.

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

8.0 COMMUNICATION FACILITY

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

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

9.0 AGENDA

9.1 An agenda of each regular meeting of Council or of a meeting of the Committee of the Whole of Council, as prepared by the Chief Administrative Officer or their designate, together with copies of supporting materials shall be available to the Members at least 48 hours preceding the meeting of Council via All Net. A copy of the agenda shall be posted in the municipal office at the same time.

9.2 All items to be placed on the agenda of the next regular meeting of Council or of a meeting of the Committee of the Whole of Council must be provided to the Chief Administrative Officer or their designate at least 60 hours prior to the scheduled time of the meeting.

9.3 Items may be added to the agenda at a regular meeting of Council or a meeting of the Committee of the Whole of Council, by a majority vote of the Members present at the meeting.

9.4 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 and Department Reports
 - Department Heads
 - Finance
 - Council
 - Other
- (6) By-Laws
- (7) Unfinished Business
- (8) Correspondence/Communications
- (9) New Business
- (10) In Camera
- (11) Other Business
- (12) Adjournment

9.5 Notwithstanding the provisions of Section 9.4, it shall always be in order for Council to vary the order in which business on the agenda is dealt with by a majority vote of the Members present.

10.0 FORMS OF ADDRESS

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

11.0 REGULAR MEETING

11.1 Regular meetings of Council shall be held on the second and fourth Wednesdays of each month during the months of September, October, January through June inclusive, the second and third Wednesday of November and December, as well as the second Wednesday in July, and the fourth Wednesday in August, in the Council Chambers of the Town of Stonewall at the hour of 6:30 PM. A notice prior to the first Council meeting each year shall be posted in the municipal office outlining the regular meeting schedule for that year.

11.2 All meetings of Council shall be chaired by the Mayor, and in their 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, by a majority vote of the Members present, one of its Members to chair the meeting.

11.3 If the day fixed for a regular meeting of Council is a General Holiday, the meeting shall be held on the next day following which is not a holiday, at the same time and place.

11.4 Council may by resolution vary the date and time of a regular meeting as circumstances may require.

11.5 Notice of any change of day or time of a regular meeting of Council must be posted in the municipal office at least forty-eight (48) hours before the regularly scheduled date of the meeting.

11.6 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.

11.7 The Council shall observe a maximum adjournment time of no later than 9:30 PM., whereby the item on the agenda under discussion at 9:30 PM. will be the last item dealt with at that meeting unless, by majority vote, the Council decide to extend the time of adjournment.

- 11.8 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 11.9 Despite clause 11.8 of this By-Law, Council or Council Committees may close a meeting to the public, if:
- (a) the Members decide during the meeting to meet as a committee to discuss a matter, and
 - (b) the decision and general nature of the matter are recorded in the minutes of the meeting, and
 - (c) the matter to be discussed relates to:
 - (i) an employee, including the employee's performance, duties, responsibilities, salary or wage and benefits;
 - (ii) a matter that is in its preliminary stages and respecting which discussion in public could prejudice the municipality's ability to carry out its activities or negotiations;
 - (iii) the conduct of existing or anticipated legal proceedings;
 - (iv) the conduct of an investigation under, or enforcement of, an act or By-Law;
 - (v) the security of documents or premises, or
 - (vi) a report of the Ombudsman received by the mayor under clause 36(1)(e) of *The Ombudsman Act*.
- 11.10 No resolution or by-law may be passed at a meeting that is closed to the public, except after a resolution to re-open the meeting to the public.

12.0 SPECIAL MEETINGS OF COUNCIL

- 12.1 A special meeting of the Council 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 (2) Members of Council stating the purpose of the meeting. A copy of the written request must also be served on the Chief Administrative Officer.
- 12.2 Should the Mayor not call a special meeting within 48 hours of receiving a written request by two (2) Members of Council, the Chief Administrative Officer must call the meeting in accordance with Section 12.3 of this By-Law.
- 12.3 The notice of the special meeting to all Members may be oral, in electronic or written form, and must state the purpose of the meeting, and must be provided to all Members and posted in the Municipal Office at least 48 hours before the scheduled time of the meeting.
- 12.4 Should the Mayor be unavailable, the Deputy Mayor may call a special meeting only if requested in writing by two (2) Members of Council in accordance with this Section.
- 12.5 Members may waive the right to be given notice of a special meeting by giving written notice to the Chief Administrative Officer and having done so shall be deemed to have been given notice of a special meeting.
- 12.6 At a special meeting, no subjects or matters, other than those mentioned in the notice calling the special meeting, shall be considered, unless all Members are present and unanimously agree by resolution to deal with the other matters at the meeting.

13.0 COMMITTEE OF THE WHOLE MEETINGS OF COUNCIL

- 13.1 Regular meetings of the Committee of the Whole of Council shall be held on the third Wednesday of each month during the months of September, October, and January through June, inclusive, in the Council Chambers of the Town of Stonewall at the hour of 6:30 PM. A notice prior to the first Council meeting each year shall be posted in the municipal office outlining the regular meeting schedule for that year.

- 13.2 All meetings of the Committee of the Whole of Council shall be chaired by the Mayor, and in their 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, by majority vote of the Members present, one of its members to chair the meeting.
- 13.3 If the day fixed for a regular meeting of the Committee of the Whole 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.
- 13.4 Council may by resolution at a regular or special meeting of Council vary the date time and place of a Committee of the Whole of Council meeting as circumstances may require.
- 13.5 Notice of any change of day or time of a regular meeting of the Committee of the Whole of Council must be posted in the municipal office at least forty-eight (48) hours before the regularly scheduled date of the meeting.
- 13.6 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.
- 13.7 The Committee of the Whole of Council shall observe a maximum adjournment time of no later than 9:30 PM., whereby the item of the agenda under discussion at 9:30 PM. will be the last item dealt with at that meeting unless, by majority vote, the Committee decide to extend the time of adjournment.
- 13.8 The Committee of the Whole of Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 13.9 Despite clause 13.8 of this By-Law, Committee of the Whole of Council meetings may be closed to the public, if:
- (a) the Members decide during the meeting to meet as a committee to discuss a matter, and
 - (b) the decision and general nature of the matter are recorded in the minutes of the meeting, and
 - (c) the matter to be discussed relates to:
 - (i) an employee, including the employee's performance, duties, responsibilities, salary or wage and benefits;
 - (ii) a matter that is in its preliminary stages and respecting which discussion in public could prejudice the municipality's ability to carry out its activities or negotiations;
 - (iii) the conduct of existing or anticipated legal proceedings;
 - (iv) the conduct of an investigation under, or enforcement of, an act or by-law;
 - (v) the security of documents or premises, or
 - (vi) a report of the Ombudsman received by the mayor under clause 36(1)(e) of *The Ombudsman Act*.
- 13.10 A special meeting of the Committee of the Whole of Council 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 (2) Members of Council stating the purpose of the meeting. A copy of the written request must also be served on the Chief Administrative Officer.
- 13.11 Should the Mayor not call a special meeting within 48 hours of receiving a written request by two (2) Members of Council, the Chief Administrative Officer must call the meeting in accordance with Section 13.12 of this By-Law.
- 13.12 The notice of the special meeting to all Members may be oral, in electronic or written form, and must state the purpose of the meeting, and must be provided to all Members and posted in the Municipal Office at least 48 hours before the scheduled time of the meeting.

- 13.13 Should the Mayor be unavailable, the Deputy Mayor may call a special meeting only if requested in writing by two (2) Members of Council in accordance with this Section.
- 13.14 Members may waive the right to be given notice of a special meeting by giving written notice to the Chief Administrative Officer and having done so shall be deemed to have been given notice of a special meeting.
- 13.15 At a special meeting, no subjects or matters, other than those mentioned in the notice calling the special meeting, shall be considered, unless all Members are present and unanimously agree by resolution to deal with the other matters at the meeting.
- 13.16 A decision made by the Council at a Committee of the Whole of Council meeting is not binding upon Council unless the decision is passed by a resolution at a regular or special meeting of Council.

14.0 DELEGATIONS

- 14.1 The Chair may limit the time taken by a delegation to fifteen (15) minutes and may require the delegation to appoint a spokesperson.
- 14.2 To allow Members to prepare for delegations, all presenters must register with the Chief Administrative Officer or their designate at least 60 hours before the Council meeting and advise the Chief Administrative Officer or their designate of the topic and scope of the presentation.
- 14.3 There shall normally be a limit of four (4) delegations included on the agenda of a Council meeting, but the Chief Administrative Officer or their designate is granted authority to schedule delegations as deemed appropriate.

15.0 VOTING

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

16.0 PROCEDURE AT PUBLIC HEARING

- 16.1 Each member of Council must attend a public hearing required to be held under the Act or The Planning Act unless the member;
 - (a) is excused by the other Members from attending the hearing;
 - (b) is unable to attend due to illness; or
 - (c) is required under *The Municipal Council Conflict of Interest Act* to withdraw from the hearing.

- 16.2 Subject to the procedures set out in this Section, the Council must hear any person who wishes to make a presentation, ask questions or register an objection on his or her own behalf or on behalf of others.
- 16.3 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 ask questions of the person. All questions must be directed through the Chair of the hearing.
- 16.4 The Chair of the public hearing may decline to hear further presentation, questions or objections where they are satisfied that the matter has been addressed at the public hearing.
- 16.5 The Chair of the public hearing may decide which presenters the Council will hear where they are satisfied that presentations will be the same or similar.
- 16.6 The Chair of the public hearing may require any person, other than a member of Council, who, is in the opinion of the Chair, conducting themselves 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.
- 16.7 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 this information is announced at the adjournment of the hearing.
- 16.8 A member of Council who is not present at a Public Hearing required under The Act or The Planning Act may not take part in the decision on the matter which required the Public Hearing.

17.0 BY-LAWS AND RESOLUTIONS

- 17.1 Council may act only by resolution or by-law.
- 17.2 No motion shall be debated or put unless the same is in writing and has been moved and seconded, excepting a motion to adjourn which need not be in writing.
- 17.3 Every proposed by-law must be given three (3) separate readings, and each reading must be put to a separate vote.
- 17.4 Council may not give a proposed by-law more than two (2) readings at the same Council meeting.
- 17.5 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 17.6 Each member present at the meeting at which first reading of a by-law is to take place must be given, or have had, the opportunity to review the full text of the proposed by-law before the by-law receives first reading.
- 17.7 Each member present at the meeting at which third reading of a by-law is to take place must, before the proposed by-law receives third reading, be given or have had the opportunity to review the full text of the proposed by-law and any amendment passed after first reading.
- 17.8 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 or their designate must record in the minutes of the meeting the names of the Members present, the vote or abstention of each member, and the reason given for any abstention.

18.0 HEAD OF COUNCIL (Mayor) TAKING PART IN DEBATE

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

19.0 CONDUCT

- 19.1 Every member previous to their speaking shall address the Chair.

- 19.2 When two (2) or more Members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 19.3 When the Chair is called on to decide a point of order or practice, they shall do so without comment unless requested to do so.
- 19.4 When the Chair is putting a question, no member shall leave their chair.
- 19.5 Discussion shall be limited to the question in debate.
- 19.6 No member shall speak to the question or in reply for longer than five (5) minutes without the prior approval of the majority of Council.
- 19.7 A motion to adjourn takes precedence over all others and may be moved at any time, but the question cannot be received after another question is actually put and while Council is engaged in voting.
- 19.8 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 19.9 Where at a Council meeting, any person other than a member of Council is, in the opinion of the Chair, conducting themselves 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.
- 19.10 Where at a Council meeting a member of the Council is conducting themselves 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.
- 19.11 Persons in the Council Chambers are not permitted to display signs or placards to applaud participants in debate or to engage in conversation or other behaviours which may disrupt Council proceedings.
- 19.12 Council may limit the number of persons allowed in the Council Chambers.
- 19.13 The public and media may audio/video tape meeting proceedings, including public hearings providing that arrangements are made with the Chief Administrative Officer at least 24 hours prior to the meeting or public hearing.
- 19.14 A member must keep in confidence a matter that is discussed at a meeting closed to the public under subsection 152 (3) of the Act until the matter is discussed at a Council meeting conducted in public.
- 19.15 A member who breaches the requirement of confidentiality under clause 19.14 becomes disqualified from Council.

20.0 DISQUALIFICATION OF A MEMBER OF COUNCIL

- 20.1 Pursuant to Section 94 (1) of the Act, a member of Council is disqualified from Council if he or she:
 - (a) is absent for the full duration of three (3) consecutive regular Council meetings unless the absences are with the leave of Council, granted by Resolution passed at anyone of the three (3) meetings, a prior meeting or the next meeting following the third absence;
 - (b) when nominated or elected, was not eligible as a candidate under the Act;
 - (c) is liable to the Town under a judgement in an action under Section 171 of the Act (certain use of municipal money an offence);
 - (d) is convicted of an offence under the Act or any other Act and has not paid a fine imposed on conviction within 120 days after the fine was imposed or such time as the court has permitted for payment;
 - (e) is convicted of:
 - (i) an offence punishable by imprisonment for five (5) or more years; or
 - (ii) an offence under Section 122 (breach of trust by public officer), Section 123 (municipal corruption), Section 124 (selling or purchasing office) or

Section 125 (influencing or negotiating appointment or dealings in office)
of the Criminal Code; or

- (f) ceases to be qualified as an elector of the Town; or
- (g) breaches the requirement of confidentiality under Clause 83 (1) (d) of the Act (keep in confidence matters discussed at a closed meeting).

20.2 Pursuant to Section 93 of the Act, a member of Council is disqualified from Council and forfeits his or her seat on Council if he or she fails to comply with Section 93.12 of the Act (filing election finance statement) within 270 days after the day of the election.

21.0 GENERAL PROVISION

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

22.0 BY-LAW REPEAL

22.1 By-Law No. 06-17, and all amendments thereto, are hereby repealed in entirety.

DONE AND PASSED as a by-law of the Town of Stonewall at Stonewall, in Manitoba this day
of _____, A.D. 2018.

MAYOR

CHIEF ADMINISTRATIVE OFFICER

Read a first time this 7th day of March, A.D. 2018,
Read a second time this 21st day of March, A.D. 2018,
Read a third time this 21st day of March, A.D. 2018.