

TOWN OF BEAUSEJOUR

BY-LAW NO. 1763/19

BEING A BY-LAW OF THE TOWN OF BEAUSEJOUR TO REGULATE THE PROCEEDINGS AND CONDUCT OF THE COUNCIL AND COMMITTEES THEREOF AND TO REPEAL BY-LAW 1748/18

Whereas Clause 149(1) of The Manitoba Municipal Act ^{C.C.S.M.C.M225} (TMA) 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;

And whereas Clause 149(2) requires that the Council of the municipality must govern itself in accordance with its procedural by-law;

And whereas Clause 149(3) of the TMA outlines what items must be included within the Procedural By-law of a Municipality;

Now therefore the Council of the Town of Beausejour, in open session assembled, enacts as follows:

SECTION 1 – TITLE

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

SECTION 2 – DEFINITIONS

2.0 In this by-law,

Agenda	means the listing of item for discussion during a regular or special meeting of council or committee of council.
Act	means The Manitoba Municipal Act ^{c.c.s.m.c.m225}
CAO	means the individual appointed as the Chief Administrative Officer of the Town.
Chair	means the person presiding over a meeting of council or a committee of council
Committee	means a committee or other body established under The Town of Beausejour Organizational By-law, but does not include a committee of the whole council or Local Urban District.

Committee of the Whole	means a meeting of all members or a quorum of Council is present sitting as a committee.
Council	means the duly elected mayor and councillors of The Town of Beausejour.
Council Meeting	means a regular meeting or special meeting of the council but does not include a public hearing held by the council.
In-Camera	means in private or to the exclusion of the public.
Members	means, when referring to the council, the councillors and the mayor and when referring to a committee the appointed participants on a committee.
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 (Civic Holiday), Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any other day declared a holiday by the Provincial or Federal Governments.

SECTION 3 – 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, any other act of the Legislature or this by-law requires some other vote.

SECTION 4 – INAUGURAL MEETING

- 4.0 Following a general election, the mayor must call the Inaugural Meeting of Council within (30) days of the day of the election.
- 4.1 The meeting shall be held in the Council Chamber located in the Civic Office of the Town of Beausejour.
- 4.2 At the Inaugural Meeting the members of Council must:
1. Each member shall make and file with the CAO an oath of office in the form approved by the Minister.
 2. File with the CAO, as per sections 9 and 13 of the Municipal Council Conflict of Interest Act, a disclosure of assets of the form as prescribe by the Municipality.
- 4.3 Failure to comply to section 4.2 above, within 30 days of the election, shall mean the person is disqualified from being nominated for, being elected to and from membership on the Council until the next general election.

- 4.4 Council must review the Procedures and Organizational by-laws at least once during their term office.

SECTION 5 – QUORUM

- 5.0 A majority of the members of council constitutes a quorum.
- 5.1 If a position on council is vacant, the quorum will be the majority of the remaining members of council
- 5.2 For the purposes of a quorum, a member is not counted if the member is required to abstain from voting under the Municipal Council Conflict of Interest Act.
- 5.3 The minimum for a quorum of council for the Town of Beausejour shall be three members.
- 5.4 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.
- 5.5 In the case of a council committee, the minimum for a quorum is 2.
- 5.6 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.

SECTION 6 – COMMUNICATIONS FACILITY

- 6.0 Any member of council participating in a meeting of council by means of a communication facility shall do so only with prior approval of council and on terms and conditions set by council.
- 6.1 Where a member is permitted to attend a meeting using a communication facility the Council must ensure the facility enables the member to hear and speak to each other and the facility permits the public to hear the members.
- 6.2 Members of council participating in a meeting of council by means of a communication facility are deemed to be present at the meeting.

SECTION 7 – AGENDA

- 7.0 A draft 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 (96) hours preceding the meeting of council.
- 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. The Mayor may direct the CAO to defer placing an item on the agenda until the next regular meeting of Council but no items shall be deferred more than once.
- 7.2 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 at the regular meeting of council.

- 7.3 In preparing the council agenda, the CAO shall state the business for consideration in accordance with the following order of business:
1. Attendance
 2. Call the Meeting to Order
 3. Addendums
 4. Adoption of Agenda
 5. Approval of Minutes
 6. Delegations
 7. Public Hearings / Planning Items
 8. By-Laws for Consideration
 9. General Business
 10. Accounts for Payment
 11. Monthly Financial Statements
 12. Department Head Reports
 13. Correspondence / Communications
 14. Committee Reports
 - a) Legislative and Finance
 - b) Personnel and Policy
 - c) Protective Services/Policing
 - d) Transportation Services/Works and Operations
 - e) Environmental Health/Utilities
 - f) Economic Development Services
 - g) Recreation and Culture
 15. Notice of Motion
 16. Reception of Petitions
 17. New Business
 18. In-Camera
 19. Adjournment
 20. Minutes & News Bulletin for Information
- 7.4 Notwithstanding the provisions under 7.3, it shall always be in order for the chair to vary the order in which business on the agenda shall be dealt with unless a majority vote of the members present directs otherwise.

SECTION 8 – REGULAR MEETINGS

- 8.0 Regular meetings of Council shall be held on the second (2nd) and fourth (4th) Tuesday of each month in the Council Chambers of the Town of Beausejour at the hour of 6:30 p.m. with no meeting taking place on the fourth (4th) Tuesday of July, August and December.
- 8.1 Prior to each Regular Council Meeting, Council may hold a meeting at 5:00 p.m. in order to deal with issues outlined in Section 8.11 of this By-law or a Committee of the Whole 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 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.
- 8.4 All meetings of Council shall be chaired by the mayor, or in his absence, by the deputy mayor.
- 8.5 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.
- 8.6 Council may by resolution vary the date and time of a regular meeting as circumstances may require.
- 8.7 The Head of Council may, upon (2) days (48 hours) written notice, through the Chief Administrative Officer's office, postpone any regular meeting of Council to a day to be named in such notice, and such postponed meeting shall be held at the time and place as noted in clause 8.0.
- 8.8 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.
- 8.9 Council shall observe a curfew whereby the item on the agenda under discussion at 10:00 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 a half hour extension is allowed.
- 8.10 Council shall hold its meeting openly and no person shall be excluded, except for improper conduct.
- 8.11 Despite clause 8.10 of this 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 a matter,
 - 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 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 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 head of the council under clause 36(1) (e) of The Ombudsman Act.
- 8.12 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.

SECTION 9 – SPECIAL MEETINGS

- 9.0 A special meeting of council of the Town of Beausejour may be called at any time by the mayor having served notice to the CAO.
- 9.1 A special meeting of council must be called if the Mayor receives a written request for the meeting, stating its purpose, from at least two members of council with a copy of the written request being served on the CAO.
- 9.2 Should the mayor not call a special meeting within forty-eight (48) hours of receiving written request by two members of council, the CAO must call the meeting in accordance with section 9.3 of this by-law.
- 9.3 The notice of the special meeting to all members of council may be oral, in 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 forty eight (48) hours before the scheduled time of the meeting.
- 9.4 Should the head of council be unavailable, the deputy head of council may call a special meeting only if requested in writing by 2 members in accordance with this part.
- 9.5 A special meeting shall not be held in the absence of a member unless the member has been given notice of the meeting in accordance with clause 9.3.
- 9.6 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.
- 9.7 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.

SECTION 10 – VOTING

- 10.0 Each member, at a meeting at which the member is present, has one vote each time a vote is held.
- 10.1 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 10.2 Any member of council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. A CAO must record in the minutes of the meeting of council the names of the members present, the vote or abstention of each member.
- 10.3 The CAO must record in the minutes the name of any member who exercises his right to abstain from voting on any resolution.
- 10.4 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.

- 10.5 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.
- 10.6 When council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.

SECTION 11 – DELEGATIONS

- 11.0 The Chair may limit the time taken by a delegation to 15 minutes. The delegation must appoint a spokesperson(s).
- 11.1 To allow members of council to prepare for delegations, all presenters should register with the CAO at least 120 hours before the council meeting and advise the CAO of the topic and scope of the presentation. See “Schedule A” Council Meeting Delegation Registration Form and Rules and Procedures for Council Meeting Delegations as attached.
- 11.2 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.
- 11.3 Where a delegation requests to be on a council agenda after the period allowed in clause 11.1 they may be permitted on the agenda under the following circumstances:
- a. A request is made of the Head of Council to appear on the agenda and the Head of Council requests the permission of the whole of Council to add the delegation to the Agenda.

SECTION 12 – PUBLIC HEARINGS

- 12.0 Subject to the procedures established within Section 12 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 with written approval.
- 12.1 At the beginning of the public hearing the Chair will inform the attendees of the procedural order for the public hearing.
- 12.2 Any person listed in accordance with section 12.0 must register with the recording secretary.
- 12.3 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.

- 12.4 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.
- 12.5 The Chair of the public hearing may decline to hear further presentations, questions or objections where is satisfied that the matter has been addressed at the public hearing.
- 12.6 The Chair of the public hearing may decide which presenters will be heard, if he is satisfied that presentations are the same or similar.
- 12.7 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 manner, to leave the public hearing and if that person fails to do so, may cause that person to be removed.
- 12.8 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.

SECTION 13 – BY-LAWS AND RESOLUTIONS

- 13.0 Council may act only by resolution or by-law.
- 13.1 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.
- 13.2 No motion shall be debated or presented unless it is in writing and is seconded except a motion to adjourn which need not be in writing.
- 13.3 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 13.4 Council may not give a proposed by-law more than two readings at the same council meeting.
- 13.5 Only the title or any identifying number must be read at each reading of a proposed by-law.
- 13.6 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.
- 13.7 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.
- 13.8 When the Act or any other act of the Legislature requires a council to hold a public hearing on a proposed by-law, the public hearing must be held before the by-law is given third reading.
- 13.9 Previous readings of a proposed by-law are rescinded if the proposed by-law:
 - a) Does not receive third reading within two years after first reading; or
 - b) Is defeated on second or third reading.
- 13.10 An amendment or repeal of any by-law is subject to the same requirements that apply to the passing of the by-law unless the Act or any other act of the Legislature

expressly provides otherwise.

SECTION 14 – HEAD OF COUNCIL TAKING PART IN A DEBATE

- 14.0 Where the Chair desires to participate in the debate or desires to present or second a motion, he/she may do so without leaving the chair.

SECTION 15 - CONDUCT

- 15.0 Every meeting of council or a council committee shall be conducted in public unless the members present, by resolution, vote to close the meeting.
- 15.1 Every member previous to his speaking shall address the Chair.
- 15.2 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 15.3 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.
- 15.4 When the Chair is presenting a question, no member shall leave his chair.
- 15.5 Discussion shall be limited to the question in debate.
- 15.6 No member shall speak to the question or in reply for longer than (5) minutes without approval of council.
- 15.7 A motion to table a discussion may be considered at any time prior to the question being called and can not be debated and the Chair must call the question immediately after the tabling motion has a second.
- 15.8 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 presented and while council is engaged in voting.
- 15.9 Immediately before presenting the question, the Chair shall have the privilege of summarizing the debate, but no new information shall be introduced.
- 15.10 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.
- 15.11 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.
- 15.12 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.
- 15.13 Council may limit the number of persons allowed in the council chambers.
- 15.14 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.
- 15.15 A member who breaches the requirement of confidentiality under clause 15.14 becomes disqualified from council.
- 15.16 All point of order and procedure not resolved by rules provided in this by-law shall

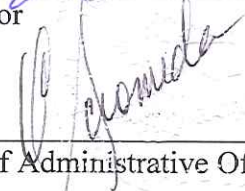
be resolved by a majority decision of council.

By-law No. 1748/18 is hereby repealed and any amendments thereto.

DONE AND PASSED as a by-law of The Town of Beausejour at Beausejour, in the Province of Manitoba, this 28th day of May, A.D. 2019.



Mayor



Chief Administrative Officer

Read a first time this 14th day of May, A.D. 2019.

Read a second time this 28th day of May, A.D. 2019.

Read a third time this 28th day of May, A.D. 2019.