

TOWN OF NIVERVILLE

Bylaw No. 843-22

Being a bylaw 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 bylaw rules of procedure and review the bylaw at least once during the term of office.

THEREFORE BE IT RESOLVED that the Council of the Town of Niverville, in open meeting assembled, enacts as follows:

TITLE

1.0 This bylaw may be referred as "The Town of Niverville Procedures Bylaw".

1.1 The following rules and regulations shall be observed in Council, and in all committees thereof.

DEFINITIONS

2.0 In this bylaw,

- 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 Niverville.
- 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 Councilors of the Town of Niverville.
- 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 Councilors and the Mayor.
- j) "General Holiday" means each Saturday and Sunday and includes the 8 general holidays identified under Manitoba Employment Standards along with the first Monday in August, National Day for Truth and Reconciliation, Remembrance Day, Boxing Day, and any other day declared a holiday by the Provincial or Federal Government.

SUSPENSION

3.0 Any rule contained in this bylaw may be suspended by a vote of the majority of the members present, except in cases where the Act or by this bylaw, 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 at a time and location approved by the Mayor and Chief Administrative Officer.

4.1 Council must at its Inaugural Meeting review the Procedures and Organizational bylaws.

QUORUM

5.0 A majority of Council constitutes a quorum. A quorum of Council for the Town of Niverville is 3 members.

5.1 If a position on Council is vacant, the quorum will be the majority of the remaining Council members provided that the minimum number for a quorum cannot be less than 3. 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 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 Members of Council participating in a meeting of Council by means of a communication facility are deemed to be present at the meeting.

AGENDA

- 7.0 A draft agenda of each regular meeting of Council, as prepared by Town staff, together with copies of supporting materials shall be available to the members of Council at least the Monday prior to the meeting of Council with the exception of Monday being a holiday, the Friday prior to the Council meeting. CAO may use his discretion to add items to the agenda prior to a Council meeting. A copy of the draft agenda shall be posted on the Town of Niverville website at the same time made available to Council members.
- 7.1 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 for the regular meeting of Council. Discussion may concur on added agenda items, but no added item can be voted on unless unanimous approval provided by members of Council.
- 7.2 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
 - * confirmation of the minutes
 - * adoption of the agenda
 - * reception of delegations
 - * unfinished business
 - * communications
 - * report of Ways & Means committee (recommendations)
 - * seminars & meetings
 - * accounts
 - * bylaws
 - * new business
 - * adjournment
- 7.3 Notwithstanding the provisions under 7.2, 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 as follows:
- i. on the first Tuesday of each month at the hour of 9:00 a.m.
 - ii. on the third Tuesday of each month at the hour of 7:00 p.m.
- at the Niverville Community Resource and Recreation Centre. If required, an in camera meeting may convene at 1 hour prior to or following any regular meeting.
- 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 re-scheduled a minimum of three weeks in advance and held the same time and place.
- 8.3 Council may by resolution vary the date, time and location of a regular meeting as circumstances may require.
- 8.4 Notice of any change of day, time or location of a regular meeting of Council must be posted in the Town Office and posted on the Town website at least 7 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 Following 3 hours from start of the respective meeting, the Council shall observe a curfew whereby the item on the agenda under discussion 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 15 minute 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 this bylaw, 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 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 Town or third party'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 bylaw,
 - v) the securing 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.
- 8.9 No resolution or bylaw 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 Niverville 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 request must also be served on the CAO. Special meetings may be held at either the Town office, Niverville Heritage Centre or other venue as approved by Council.
- 9.1 Should the Mayor not call a special meeting within 48 hours of receiving written request by two members of Council, the CAO must call the meeting in accordance with section 9.2 of this bylaw.
- 9.2 The notice of the special meeting to all members of Council may be in electronic or written form and must state the purpose of the meeting and must be provided to all members of Council and the CAO. In an emergency situation, Council may after making reasonable effort to contact all members of Council, proceed with a special meeting.
- 9.3 Should the Head of Council be unavailable; the Deputy Mayor of Council must call a special meeting only if requested in writing by two 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 to ten (10) minutes. 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 3 working days before the Council meeting and advise the CAO of the topic and scope of the presentation. CAO is asked to exercise discretion and is permitted to waive this requirement.
- 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 a meeting at which Council votes on the third reading of a bylaw must show the name of each member present, the vote or abstention of each member and the reason given for any abstention.
- 11.2 All members other than the Mayor must exercise their right to vote on any resolution or bylaw. In the event a member asks to abstain from voting other than where a pecuniary interest is declared, the resolution or bylaw is automatically tabled until the next regular council meeting where the member must exercise their right to vote.
- 11.3 If an equal number of members vote for and against a resolution or bylaw, the resolution or bylaw 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 and the vote 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; or
 - 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 channeled 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 conducting 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.

BYLAWS AND RESOLUTIONS

- 13.0 Council may act only by resolution or bylaw.
- 13.1 No motion shall be debated or put unless it is presented and is seconded.
- 13.2 Every proposed bylaw must be given three separate readings and each reading must be put to a separate vote.
- 13.3 Council may not give a proposed bylaw 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 bylaw.
- 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 bylaw before the bylaw receives first reading unless all members of Council are present, and the members unanimously agree by resolution to waive the requirement to review the full text of the proposed bylaw before first reading.
- 13.6 Each member present at the meeting at which third reading is to take place must, before the proposed bylaw receives third reading, be given, or have had, the opportunity to review the full text of the proposed bylaw and any amendment after first reading.

HEAD OF COUNCIL TAKING PART IN DEBATE

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

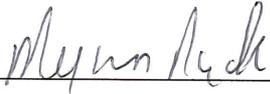
CONDUCT

- 15.0 Every member prior 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 practice, 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 No member shall speak to the question or in reply for longer than five minutes without approval of Council.
- 15.6 A motion to adjourn requires a seconder and majority vote and takes precedence over all others and may be moved at any time, but the motion 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. All elected or re-elected officials must complete Manitoba's training on municipal codes of conduct within six months of being elected. A member who fails to undergo the code of conduct training made available to them within the required time may not carry out a power, duty or function as a member until they have completed the training.
- 15.10 Persons in the Council Chambers are not permitted to solicit funds, display signs or placards, to applaud participants in debate or to engage in conversation or other behaviors which may

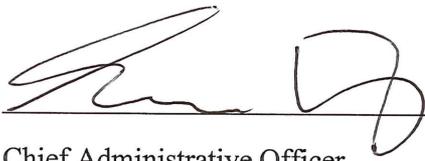
disrupt Council proceedings.

- 15.11 Council may limit the number of persons allowed in the Council Chambers.
- 15.12 The public and media may not make audio or video recordings or livestream the proceedings, including public hearings.
- 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.
- 15.15 All points of order and procedure not resolved by rules provided in this bylaw shall be resolved by a majority decision of Council.
- 15.16 That effective November 15, 2022, that Bylaw No. 800-18 is repealed, and Bylaw No. 843-22 shall take effect.

DONE AND PASSED as a bylaw of the Town of Niverville in Niverville in the Province of Manitoba this 15th day of November 2022.



Mayor



Chief Administrative Officer

Read a first time this 1st day of November, A.D. 2022.

Read a second time this 1st day of November, A.D. 2022.

Read a third time this 15th day of November, A.D. 2022.