

**TOWN OF NEEPAWA  
BY-LAW NO. 2904**

BEING A BY-LAW TO REGULATE THE PROCEEDINGS AND CONDUCT OF THE COUNCIL  
AND COMMITTEES OF THE TOWN OF NEEPAWA THEREOF.

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

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

**TITLE**

- 1.0 This by-law may be referred as "The Town of Neepawa 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
  - b. "ACT" means The Municipal Act S.M. 1996c.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 Neepawa Organizational By-Law but does not include a committee of the whole council or Local Urban District.
  - 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 Neepawa.
  - 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, Easter Monday, Victoria Day, Dominion 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.

**SUSPENSION**

- 3.0 Any rule contained in this By-Law may be suspended by a vote of the majority the members present, except in cases where the Act or this 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 at the Council Chambers in the Beautiful Plains County Court Building at 7:30 p.m.
- 4.1 Council must, at it Inaugural Meeting, be presented with the Procedures and Organizational By-Laws.

**QUORUM**

- 5.0 A majority of the members of council constitutes a quorum. A quorum of council for the Town of Neepawa 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.
- 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 Municipal Administrator shall enter into the minutes the names of the members present at the meeting.

#### REGULAR MEETING

- 6.0 Regular meetings of council shall be held Tuesdays at 7:30 p.m. bi-weekly in the Council Chambers of the Town of Neepawa.
- 6.1 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.
- 6.2 Council may, by resolution, vary the date and time of a regular meeting as circumstances may require.
- 6.3 Notice of any change of day or time of a regular meeting of council must be posted in the municipal office at least 1 day before the regularity scheduled date of the meeting.
- 6.4 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.
- 6.5 The Council shall observe a curfew whereby the item 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 one half hour extension is allowed.
- 6.6 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 6.7 Despite clause 6.6 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, 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. municipal assistance
    - 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.
- 6.8 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

- 7.0 A special meeting of council of the Town of Neepawa 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 Municipal Administrator.
- 7.1 Should the Mayor not call a special meeting within 48 hours of receiving a written request by two members of council, the Municipal Administrator must call the meeting in accordance with Section 7.2 of this by-law

- 7.2 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.
- 7.3 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.
- 7.4 Any member of council may waive the right to be given written notice to the Municipal Administrator and having done so shall be deemed to have given notice of a special meeting of council.
- 7.5 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 are present, and the members unanimously agree by resolution to adding of items to the agenda.

#### DELEGATIONS

- 8.0 The Chair may limit the time taken by a delegation to 10 minutes. The delegation must appoint a spokesperson.
- 8.1 To allow members of council to prepare for delegations, all presenters shall register with the Municipal Administrator at least 48 hours before the council meeting and advise the Municipal Administrator of the topic and scope of the presentation.
- 8.2 There shall be a limit to the number of delegations included on the agenda of a council chamber, but the Municipal Administrator is granted authority to schedule delegations as deemed appropriate.

#### VOTING

- 9.0 A member has one vote each time a vote is held at a council meeting at which a member is present.
- 9.1 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.
- 9.2 The Municipal Administrator must record in the minutes the name of any member who exercises his right to abstain from voting on any resolution.  
If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 9.3 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 9.4 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.
- 9.5 When council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 9.6 Any member of council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The Municipal Administrator 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

- 10.0 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.
- 10.1 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.

- 10.2 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.
- 10.3 The Chair of the public hearing may decide which presenters will be heard, if he is satisfied that the presentations are the same or similar.
- 10.4 The Chair of the public hearing may require any person, other than a member of the 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.
- 10.5 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

- 11.0 Council may act only by resolution or by-law.
- 11.1 No motion shall be debated or put unless it is in writing and is seconded, excepting only a motion to adjourn which need not be in writing.
- 11.2 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 11.3 Council may not give a proposed by-law more than two readings at the same council reading.
- 11.4 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 11.5 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.
- 11.6 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.
- 11.7 A resolution that has been read may be withdrawn at any time before decision or amendments with the permission of the mover and seconded. Amendments are resolutions which enable a pending question to be modified. An amendment provides an alternative form of wording for the question, which is now called the main resolution. The modification is affected by the addition, deletion or substitution of certain words, but not of the entire motion. The essential requirement for an amendment is that it be pertinent to the main resolution. It must not convert the main motion into a direct negative. Amending resolutions may be verbally moved and seconded. A main resolution, once properly moved and seconded becomes the property of the council and all members have the right to propose amendments to the main resolution before proceeding to a vote. An amendment that is the direct negative of the main motion is not in order, because this particular intent can be achieved directly by defeating the motion as it stands. Resolutions are debated and voted upon in the reverse order of their movement. When all desired amendments have been disposed of and the discussion is completed on the main resolution, the final vote is taken on the main resolution. All motions properly moved and seconded shall be presented in written form. Normally the preparation of the motion will be the responsibility of the Municipal Administrator. While being prepared the Chair may proceed to other business, returning to the question when the written resolution is ready for debate.
- 11.8 A tabling motion which proposes to postpone a question for the time being takes precedence over a motion under discussion. The motion must be moved and seconded and decided forthwith without debate or amendment. If fails to carry, the Chair shall return to the original resolution.

HEAD OF COUNCIL TAKING PART IN DEBATE

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

CONDUCT

- 13.0 Every member previous to his speaking shall address the Chair.
- 13.1 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 13.2 When the Chair is called on to decide a point of order or practise, he shall do so without comment unless requested to so.
- 13.3 When the Chair is putting a question, no member shall leave his chair.
- 13.4 Discussion shall be limited to the question in debate.
- 13.5 No member shall speak to the question or in reply for longer than 5 minutes without approval of council.
- 13.6 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 engaging in voting.
- 13.7 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 13.8 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.
- 13.9 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.
- 13.10 Persons in council chambers are not permitted to display signs or place cards to applaud participants in debate or to engage in conversation or other behaviours which may disrupt council proceedings.
- 13.11 Council may limit the number of persons allowed in the council chambers.
- 13.12 The public and media may audio/video tape meeting proceedings, including public hearings providing that arrangements are made with the Municipal Administrator at least 24 hours prior to the meeting or public hearing.
- 13.13 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.
- 13.14 A member who breaches the requirement of confidentiality under clause 13.13 becomes disqualified from council.

All points of order and procedure not resolved by rules provided in the by-law shall be resolved by a majority decision of council.

DONE AND PASSED as a By-Law of the Town of Neepawa at the Beautiful Plains County Court Building, in Neepawa, in the Province of Manitoba this 26<sup>th</sup> day of August, 1997.

TOWN OF NEEPAWA

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Mayor

Read a first time this 29<sup>th</sup> day of July, 1997.  
Read a second time this 29<sup>th</sup> day of July, 1997.  
Read a third time this 26<sup>th</sup> day of August, 1997.