



Town of Neepawa

Organizational and Procedures By-law

By-law No. 3146

Town of Neepawa

Organization and Procedure By-law
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**Town of Neepawa
BY-LAW NUMBER 3146**

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

WHEREAS Section 148(1) of *The Municipal Act*, provides that a Council must establish by by-law an organizational structure for the Municipality and review the By-law at least once during its term of office, and

WHEREAS Section 148(2) of the *Act* states that the Organizational By-Law must provide for the following:

- a) the establishment of Council committees, other than Committees of Local Urban Districts and other bodies of Council including their duties and functions;
- b) the appointment of a Deputy Head of the Council to act in place of the Head of Council when he or she is unable to carry out the powers, duties and functions of the Head;
- c) the manner of appointment of persons to Council Committees and other bodies.

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.

AND WHEREAS the Council of the Town of Neepawa deems it advisable to repeal the present procedure and organization by-laws and to enact a new one, pursuant to the provisions of *The Municipal Act*,

NOW THEREFORE THE MAYOR AND COUNCIL OF THE TOWN OF NEEPAWA IN OPEN SESSION ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1. TITLE

This by-law may be referred to as "The Town of Neepawa Organizational and Procedures By-Law".

2. DEFINITIONS

In this By-Law,

- a) "**Agenda**" means the agenda for a Regular or Special Meeting of Council or Committee of Council.
- b) "**Act**" means *The Municipal Act C.C.S.M.c. M225*
- c) "**By-Law**" means a By-Law of The Town of Neepawa.
- d) "**Chair**" means the person presiding at the meeting of Council or Committee of Council.
- e) "**Town**" means the corporation of The Town of Neepawa and where the context so requires, means the area included within the boundaries of the Town.
- f) "**Chief Administrative Officer**" means the Chief Administrative Officer (CAO) of the Town of Neepawa.
- g) "**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.
- h) "**Council**" means the duly elected Mayor and Councillors of The Town of Neepawa.
- i) "**Youth Member**" means a person appointed by council under article 3.7 of this by-law.
- j) "**Council Meeting**" means a regular meeting or special meeting of the Council but does not include a Public Hearing held by Council.
- k) "**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, Civic Holiday, Labour Day, Thanks Giving Day, Remembrance Day, Christmas Day, Boxing Day and any other day declared a holiday by the Provincial or Federal Government.

- l) **“In Camera”** means in private or to the exclusion of the public.
- m) **“Members”** means, when referring to the Council, the Mayor and the Councillors.

3. ORGANIZATION

3.1. HEAD OF COUNCIL

The Head of Council for the Town of Neepawa is to have the title of Mayor. [Section 80 MA] At the Organizational Meeting of Council in each year, the Mayor must appoint a Councillor as Deputy Mayor, who will act in the place of the Mayor when she or he is unable to carry out the powers, duties and functions of the Mayor. [Section 148(2) (b) MA]

The Mayor is a member of all Council Committees unless the Council expressly provides otherwise in its Organizational By-law. [Section 107(2) MA]

The Mayor shall be addressed as “Mayor (surname)” or “Your Worship” or Mr. / Mrs. / Ms. Mayor”

In addition to performing the duties of a member of Council, the Mayor has a duty: [Section 83(2) MA]

- a) to preside when in attendance at a Council Meeting, except where the Organizational and Procedures By-law or *The Municipal Act* or any other *Act* otherwise provides;
- b) to provide leadership and direction to the Council;
- c) to perform any other duty or function assigned to the Mayor by *The Municipal Act* or Council; and
- d) to act as Chairperson of the Strategic Initiative Committee.

3.2. DEPUTY MAYOR

The Deputy Mayor shall be addressed as “Deputy Mayor (surname)”.

In addition to performing the duties of a member of Council, the Deputy-Mayor has a duty:

- a) in the absence of the Mayor, preside at a Council Meeting, except where the Organizational and Procedures By-Law or The Municipal Act or any other *Act* otherwise prohibits;
- b) to act as Chairperson of the Legislative & Municipal Government Committee.

3.3. ROLE OF COUNCIL [Section 82 MA]

A councillor is to have the title Councillor and shall be addressed as “Councillor (surname)”.

Council is responsible for,

- a) developing and evaluating the policies and programs of the Town;
- b) ensuring that the powers, duties and functions of the Town are appropriately carried out; and
- c) carrying out the powers, duties and functions expressly given to the Council under *The Municipal Act* or any other *Act*.

3.4. GENERAL DUTIES OF MEMBERS [Section 83(1) MA]

Each member of a Council has the following duties:

- a) to consider the well-being and interests of the Town as a whole and to bring to the Council's attention anything that would promote the well-being or interests of the Town;
- b) to participate generally in developing and evaluating the policies and programs of the Town;
- c) to participate in meetings of the Council and of Council Committees and other bodies to which the member is appointed by the Council;

- d) to keep in confidence a matter that is discussed at a meeting closed to the public under subsection 152(3) of *The Municipal Act* and that the Committee decides to keep confidential until the matter is discussed at a meeting of the Council or of a Committee conducted in public;
- e) to comply with the "Code Of Conduct" for members of Council;
- f) to perform any other duty or function imposed on the member by the Council or *The Municipal Act* or any other Act.

3.5. ROLE OF COMMITTEE CHAIR

The general duties and expectations of the committee chair will be as follows:

- a) to Chair meetings of the Standing Committee;
- b) to report to Council and accurately reflect the recommendations originating from the Committee meeting;
- c) to accurately present the agenda item before Council, for resolution should there be failure by the Committee to reach a consensus.
- d) to recommend to Council for approval the names of citizen representative(s), where applicable, to their respective Standing Committee for one year.

3.6. COMMITTEES [Section 107(1) MA]

3.6.1. A Council committee may be composed:

- a) entirely of members of Council;
- b) of a combination of members of Council and other persons; or
- c) entirely of persons who are not members of the Council.

3.6.2. The general duties and exceptions of the Committees will be as follows:

- a) to report from time to time on all matters connected with the duties assigned to the committee and to recommend such action as may be deemed necessary;
- b) to prepare and introduce to Council all such by-laws as may be necessary to give effect to the reports of recommendation that are adopted by Council;
- c) to consider and report on any and all matters referred to them by Council;
- d) to develop and recommend plans and policies related to the Committee's responsibilities;
- e) to ensure that all Council Committee meetings are open to the public [Section 152(1)] unless otherwise noted in Section 152(3) of *The Municipal Act* to close a meeting; and
- f) to re-open the meeting to the public according to Section 152(4).

3.6.3. The following Committees are established as the Standing Committees of Council:

- a) Finance & Administration Committee;
- b) Human Resources Committee;
- c) Public Works & Infrastructure Committee;
- d) Public Safety Committee;
- e) Community Development Committee;
- f) Legislative & Municipal Government Committee;
- g) Strategic Initiatives Committee.

3.6.4. The special duties of the Standing Committees, in addition to the aforesaid general duties, are as follows:

(a) Finance & Administration Committee

- (i) To oversee all contracts, orders, reports, accounts payable, recommendations and proceedings involving the expenditure of municipal funds;
- (ii) To oversee all accounts, accounts receivable, expenditures and outlay of all sums payable under contract;
- (iii) To ensure that no account, claim or demand not expressly authorized to be paid by a statute, by-law, or resolution of Council, shall be paid by the CAO until it has been authorized by this Committee in

- consultation with the appropriate Standing Committees, where applicable, and approved by Council;
- (iv) To annually review and recommend to Council the types, rates and conditions of payments to be made to members of the Council and Council Committees, as compensation and for expenses incurred while attending business that the Council considers appropriate;
 - (v) To lead Council in the annual budgeting process;
 - (vi) To lead the Organizational & Procedures By-law review process; and
 - (vii) To consider and make recommendations to Council on all other matters that Council assigns to the Finance & Administration Committee.

The Administrative Liaison to the Finance & Administration Committee is the Chief Administrative Officer and the Director of Finance.

(b) Human Resources Committee

- (i) To annually review and recommend updates to personnel policies;
- (ii) To consider salary and wage negotiations and requests for benefits;
- (iii) To assist when required with interviewing management positions;
- (iv) To research trends and needs regarding human resource issues;
- (v) To consider all matters related to municipal organizational chart
- (vi) To hear a grievance appeal at the 2nd step of the grievance proceedings and render a decision;
- (vii) To consider and make recommendations to Council on all other matters that Council assigns to the Human Resources Committee.

The Administrative Liaison to the Human Resources Committee is the Chief Administrative Officer.

(c) Public Works & Infrastructure Committee:

- (i) To consider all matters relating to municipal land, buildings and equipment, including their acquisition, maintenance and disposal.
- (ii) To consider all matters relating to municipal roads and their opening, closing, altering, diverting and maintenance;
- (iii) To consider matters relating to garbage and waste and sewer collection, disposal and recycling programs;
- (iv) To consider all matters relating to water and sewer within the Town of Neepawa and surrounding area;
- (v) To recommend to Council at the beginning of each year such projects, works and matters under its control as it considers essential to be carried out during the year, together with their detailed cost;
- (vi) To consider all matters relating to the maintenance and operation of the Municipal Airport;
- (vii) To consider all matters relating to the maintenance and operation of all parks and cemeteries within the Town's jurisdiction; and
- (viii) To consider and make recommendations to Council on all other matters that Council assigns to the Public Works & Infrastructure Committee.

The Administrative Liaison to the Public Works & Infrastructure Committee is the Manager of Operations.

(d) Public Safety Committee:

- (i) to recommend to Council initiatives and plans to enhance the safety of the residents of the Town;
- (ii) to consider and report to Council on matters respecting fire services;
- (iii) to consider and report to Council on matters respecting policing services;
- (iv) to consider and report to Council on matters respecting emergency services;
- (v) to consider and report to Council on matters respecting by-law enforcement services;
- (vi) to review regulatory by-laws of the Town of Neepawa and recommend changes to Council; and

- (vii) To consider and make recommendations to Council on all other matters that Council assigns to the Public Safety Committee.

The Administrative Liaison for the Public Safety Committee is the Fire Chief and the senior RCMP officer responsible for the Town of Neepawa.

(e) Community Development Committee:

- (i) to review the needs for recreation, sport and special events within the Neepawa, and recommend amendments to the recreation plans of the Neepawa;
- (ii) to review the needs for upgrading and/or replacement of recreational facilities of Neepawa;
- (iii) to encourage, promote & develop Neepawa tourism, arts, culture and heritage in the town;
- (iv) to liaise with community organizations that lead to an enhanced quality of life within Neepawa;
- (v) to explore possibilities for community development and growth opportunities;
- (vi) to make recommendations to Council on available grants or funding opportunities that could be accessed by Town of Neepawa and community groups; and
- (vii) To consider and make recommendations to Council on all other matters that Council assigns to the Recreation & Community Services Committee.

The Administrative Liaison for the Community Development Committee is the Leisure Services Manager and Economic Development Officer.

(f) Legislative and Municipal Government Committee:

- (i) to review the agenda, for Regular Meetings of Council;
- (ii) to research the programs and priorities of other governments in search of opportunities for the Town of Neepawa to partner;
- (iii) to coordinate the Town of Neepawa's lobby efforts;
- (iv) to set the schedule for the reporting to Council by Committees; and
- (v) To consider and make recommendations to Council on all other matters that Council assigns to the Legislative & Municipal Government Committee.

The Administrative Liaison to the Legislative & Municipal Government Committee is the Chief Administrative Officer.

(g) Strategic Initiatives Committee:

- (i) to make recommendations to Council on all land development issues including:
 - proposed Development Plan and/or Zoning By-Law amendments;
 - subdivision applications;
 - variation applications;
 - conditional use applications;
 - proposals for development that deviate from existing development controls.
- (ii) to review and report to Council on all matters respecting the sale and development of municipal land including issues related to zoning;
- (iii) to consider and report on all matters relating to building inspection services;
- (iv) to review and report to Council on all matters respecting economic and community development matters;
- (v) to identify and promote growth opportunities for the well-being of Neepawa and the surrounding area; and
- (vi) To consider and make recommendations to Council on all other matters that Council assigns to the Strategic Initiatives Committee.

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The Administrative Liaison to the Strategic Initiatives Committee is the Chief Administrative Officer, Manager of Operations, Economic Development Officer and Development Officer for the Neepawa and Area Planning District.

- 3.6.5. Each Standing Committee shall be composed of two members of Council with the exception the Strategic Initiatives Committee which will be composed of the whole of Council.
- 3.6.6. The CAO is an Administrative Liaison to all Standing Committees. Administrative Liaison appointments to committees may be amended from time to time to accommodate specific projects; staff vacancies or restructuring. All such appointments shall be made on the recommendation of the CAO in consultation with the Mayor and the appropriate Standing Committee Chair.
- 3.6.7. The Mayor is an ex-officio member of all Standing Committees.
- 3.6.8. At the Annual Organizational Meeting in each year, Council shall consider appointments to Standing Committees and other bodies of Council. Appointments to all Standing Committees including naming of a Chairperson shall be carried out as follows:
 - a) The Mayor shall appoint the Chair of the Committee;
 - b) Council shall by consensus or where required, elect the subsequent committee member.
- 3.6.9. Mayor and Council may, by December 31st in each year, appoint by resolution members of the community with relevant skill, knowledge and experience to sit as a member of any Standing Committees.
- 3.6.10. Special Meetings of Standing Committees may be called by the Chairperson or by two members of the committee in the same manner as provided in Section 4.8.1 of this by-law.
- 3.6.11. A Special Committee of Council may be appointed by resolution at any time specifying the business and reporting time-lines to be dealt with by the committee.
- 3.6.12. An appointment to any committee of Council may be made or repealed only by a resolution of the Council.
 - a) Committees shall have the power to invite participation from members of Council or other persons to the Committee in order to enable it to perform the tasks assigned to it and such additions shall be ratified by resolution of Council;
 - b) Any committee or member thereof shall have full access to any records of the Town that may be required to permit them to perform the purpose of their duties.
- 3.6.13. By December 31st of each year, Council, through a recommendation of the Legislative and Municipal Government Committee, may appoint a member of Council to the following external organizations and committees for the following year:

Direct Interest:

- a) Western Regional Library Board
- b) Whitemud Watershed Conservation District Sub-Dist 39
- c) Neepawa and Area Planning District
- d) Neepawa and Area Development Corporation (NADCO)
- e) Neepawa Veterinary Services District
- f) County Court Building
- g) Evergreen Environmental Technologies

Indirect Interest:

- h) Home Assistance Neepawa & District (HAND)
- i) Yellowhead Highway Association
- j) Joint Health Committee

- k) Neepawa & Area Disabled Person's Association
- l) Sayward Estate Management Committee
- m) Immigration & Settlement Services (NADCO)
- n) Spruce Plains Justice Committee
- o) Housing Committee
- p) Medical Clinic Committee

Appointments shall be from the members appointed to the respective Standing Committee of Council where that entity is directly associated to that Standing Committee's responsibility.

- 3.6.14. Role of Committee Representatives to External Committees
- a) to represent Neepawa Council on the Committee;
 - b) if necessary, to seek clarification from Council of its position with respect to the Committee;
 - c) to report to Council on activities and decisions originating from the Committee meeting.

3.7. YOUTH MEMBER

- 3.7.1 The Council of the Town of Neepawa, may, by resolution appoint a person with the title "youth member" to sit with the council and to participate in council deliberations. [Section 81(1) MA]
- 3.7.2 A youth member must be less than 18 years of age of enrolled as a full-time student in a school. [Section 81(2) MA]
- 3.7.3 A youth member is not counted for the purpose of determining a quorum or deciding a vote of the council. [Section 81(3) MA]

3.8. BOARD OF REVISION

- 3.8.1 At the Annual Organizational Meeting in each year, Council must appoint by resolution a Board of Revision to hear assessment appeals during the year;
- 3.8.2 The Board of Revision may consist of not less than four (4) members, consisting of a Citizen Representative and a minimum of three (3) Members of the Council. Council must appoint by resolution, a member of the Board of Revision to serve as presiding officer of the Board and a Secretary to the Board.

3.9. SIGNING AUTHORITY [Section 134 (1) MA]

- 3.9.1 Agreements and cheques and other negotiable instruments must be signed or authorized by:
- a) the Mayor; or the Deputy Mayor; or the Chairperson of the Finance and Administration Committee; and
 - b) the CAO, or the Director of Finance, or a designated Officer appointed by resolution of Council at the Annual Organizational Meeting.

4. PROCEDURES

4.1. SUSPENSION

- 4.1.1. Any rule contained in this By-law may be suspended by a vote of the majority of the members present at a meeting of Council or Committee, provided quorum is established, except in cases where the *Act* or this By-Law requires some other vote.

4.2. ORGANIZATIONAL MEETING

- 4.2.1. Following a general election, the Mayor must call the Inaugural Meeting of Council within thirty (30) days, and the meeting shall be held at 7:00 p.m. in the Council Chambers at Town Office, Neepawa, Manitoba. [Section 100 MA]
- 4.2.2. Every member of council shall make and subscribe the official oath prescribed by *The Municipal Act* and shall conform with Section 10 of *The*

Municipal Council Conflict of Interest Act before entering into their duties and shall deposit the oath and the list of assets, duly, completed, with the CAO of the Town. Failure to comply make the position vacant and disqualifies the person until the next general election [Section 101 (1) & (2) MA]

4.2.3. The Annual Organizational Meeting shall be held on the first Tuesday in November of each year.

4.2.4. The business of Council at the Annual Organizational Meeting shall be limited to the appointment of Council Committees, appointment of Youth Member, the naming of the Town's signing officers for banking purposes, such other actions as this By-law directs, and where necessary swearing in of new council.

4.3. **QUORUM** [Section 135 MA]

4.3.1. A quorum is required for and during each council meeting.

4.3.2. Subject to *The Municipal Council Conflict of Interest Act*, the quorum of council is:

- a) a majority of the number of members comprising council; or
- b) if a position is vacant, a majority of the remaining members of council.

4.3.3. Subject to *The Municipal Council Conflict of Interest Act*, the minimum number for a quorum cannot be less than three (3) members.

4.3.4. For the purpose 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*.

4.3.5. In the case of a Council Committee, the minimum number for a quorum is a majority of the Council Committee Members.

4.3.6. Should there be no quorum present within thirty (30) minutes after the time scheduled for a meeting, the Council will stand adjourned and the CAO shall enter into the minutes the names of members present at the meeting.

4.4. **COMMUNICATION FACILITY**

4.4.1. Any member of council participating in a meeting of Council by means of a communications facility shall do so only with prior approval of Council and only if the facility enables the members to hear and speak to each other and the public to hear the members. [Section 150 (1) MA]

4.4.2. Members of Council participating in a meeting of Council by means of a communication facility or device are deemed to be present at the meeting. [Section 150(2) MA]

4.5. **RECEIPT OF COMMUNICATIONS**

On the receipt of a communication intended for Council, the Mayor will do one or more of the following:

- a) refer it to the CAO in order to place as an item on the agenda for the next regular meeting of council in full or in summary form; or
- b) refer it to the Legislative and Municipal Government Committee for consideration and direction;
- c) refer it to the CAO for a report to Council in full or in summary form; or
- d) refer it to the CAO for action and/or reply, with a copy of such response being sent to Council; or
- e) refer it to Administration for direct reply, with a copy of such responses being sent to Council; or
- f) circulate it to the members of Council individually as information if it does not require any further action by Council

4.6. **AGENDA**

- 4.6.1. Items may be added or removed from 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.
- 4.6.2. All material for inclusion in the Agenda shall be in the possession of the CAO not later than 12:00 p.m. of the Friday immediately preceding the Tuesday on which the Council Meeting is to be held.
- 4.6.3. The CAO is responsible for the preparation of the Regular Meeting of Council Agenda and may consult the Legislative and Municipal Government Committee.
- 4.6.4. In preparing the Council Agenda, the CAO must state the business for consideration with the following order of business for a Regular Meeting of Council:
 1. Meeting Called to Order
 2. Approval of Agenda
 3. In Camera
 4. Approval of Minutes
 5. Presentations/Delegations
 6. Old Business
 7. New Business
 8. Council Committee Reports
 9. Managers Reports
 10. Correspondence
 11. Mayor's Report
 12. Resolutions
 13. By-laws
 14. Accounts
 15. Other Business
 16. Adjournment
- 4.6.5. A draft agenda of each Regular Meeting of Council, together with copies of supporting materials shall be available to the members of Council by 3:30 P.M. Friday preceding the Regular Meeting of Council. A copy of the draft Agenda shall also be posted at Town Office and on the Town of Neepawa Website not later than 4:00 P.M. Monday preceding the meeting in a location accessible for viewing by the Public.
- 4.6.6. Any member of Council wishing to have an item(s) placed on the agenda shall direct all such requests to the CAO in the times prescribed in Section 4.6.2., notwithstanding the provisions under 4.6.4, it shall always be in order for the Council to vary the order in which business on the agenda by a majority vote of the members present.

4.7. **REGULAR MEETINGS**

- 4.7.1. Regular meetings of council shall be held the first and third Tuesdays of each month at 7:00 P.M. in the Council Chambers of the Town of Neepawa. In the case where an In-camera session is required the Regular meeting shall be opened no earlier than 5:00 P.M., or as required, in order for Council to go into a closed meeting and shall not reopen the Regular meeting until 7:00 P.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.
- 4.7.2. All meetings of Council shall be chaired by the Mayor or in the absence of the Mayor, by the Deputy Mayor. If the Mayor or Deputy Mayor is not present at the time scheduled for a meeting, the Council shall appoint one of its members to chair the meeting.
- 4.7.3. Every member must attend all regular meetings of Council unless such absence is deemed to be necessary but, where a member fails to attend three consecutive regular meetings without being authorized to do so by statute or by a resolution passed by Council, such member thereby forfeits

his or her seat on Council in accordance with the provisions of *The Municipal Act*. [Section 94(1) MA]

- 4.7.4. 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.
- 4.7.5. Council, by resolution, may vary or cancel the date and time of a regular meeting as circumstances may require with forty-eight (48) hours notice to the public for a regular meeting.
- 4.7.6. Notice of any changes of day or time of a regular meeting of Council must be posted in the Town office and on the Town of Neepawa Website at least forty-eight (48) hours before the regularly scheduled date of the meeting.
- 4.7.7. The Council shall observe a curfew for the Regular Meeting of Council 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 one half hour extension is allowed. All matters of business which appear on the Council Agenda which have not been dealt with shall be deemed to be deferred and are carried forth to the next Regular Meeting of Council or Special Meeting of Council.
- 4.7.8. All matters requiring the Council to go in-camera will be placed on a separate agenda to be discussed prior to or following the Council Meeting.
- 4.7.9. Council shall hold its meetings openly and no person shall be excluded, except for improper conduct. [Section 152(2) MA]
- 4.7.10. Despite clause 4.7.8 of this By-Law, Council or a Council Committee may close a meeting [Section 152(3) MA] 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 of Neepawa'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 from the Ombudsman received by the Mayor under clause 36 (1) (e) of *The Ombudsman Act*.
- 4.7.11. 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 152(4) MA]

4.8. **SPECIAL MEETINGS OF COUNCIL**

- 4.8.1. 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 written request must also be served on the CAO. [Section 151(1) MA]
- 4.8.2. 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 4.8.3 of this By-Law. [Section 151(3) MA]

- 4.8.3. Section 151(2) of *The Municipal Act* requires that notice of a special meeting must be given in accordance with the procedures by-law. For the Town of Neepawa, 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 at least forty-eight (48) hours' notice before the scheduled time of the meeting. The requirement for forty-eight (48) hours' notice may be waived by unanimous consent of all Members of Council.
- 4.8.4. Should the head of Council be unavailable, the Deputy Head of Council may call a special meeting only if requested in writing by two (2) members in accordance with this part.
- 4.8.5. Any member of Council may waive the right to be given notice by giving written notice to the CAO and by having done so shall be deemed to have been given notice of a special meeting of Council. [Section 151 (5) MA]
- 4.8.6. 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 151(6) MA]
- 4.9. **COUNCIL COMMITTEES**
- 4.9.1. A schedule of regular meetings of the Standing Committees will be set by Council. The schedule may be adjusted by the Chair to accommodate the needs of members.
- 4.9.2. Special Meetings of Standing Committees may be called at any time by the Chairperson or by two (2) members of the Committee, and must be called by the Chairperson, if the Chairperson receives a written request from at least two (2) members of the Committee stating the purpose. A copy of the written request must also be served on the CAO.
- 4.9.3. Should the Chairperson not call a special meeting within forty-eight (48) hours of receiving a written request by two members of the Committee, the CAO must call the meeting in accordance with Section 4.8.3 of this By-Law.
- 4.9.4. Any member of Council not a member of a Committee has the right, and is encouraged to attend and participate in discussions in Committee Meetings (with the exception of the Grievance Committee).
- 4.10. **DELEGATIONS**
- 4.10.1. The chair may limit the time taken by a delegation to ten (10) minutes. The delegation must appoint a spokesperson who shall speak for the delegation.
- 4.10.2. To allow members of Council to prepare for delegations, all presenters shall register with the CAO at least five (5) days before the Council Meeting and provide, in writing, the topic and scope of the presentation to be brought before Council.
- 4.10.3. There shall not be a limit to the number of delegations included on the Agenda of a Council Meeting, however the CAO is granted the authority to schedule delegations as deemed appropriate to fit the time constraints of the meeting.
- 4.10.4. The public shall not participate in discussion at a council meeting, unless asked for their participation by unanimous consensus of the members present or if necessary by majority vote of Council.

4.11. VOTING

- 4.11.1. A member has one vote each time a vote is held at a Council Meeting at which the member is present. [Section 136 MA]
- 4.11.2. The minutes of a meeting which 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 the abstention. [Section 137 MA]
- 4.11.3. The CAO must record in the minutes the name of any member who exercises their right to abstain from voting on any resolution together with the reason given for the abstention.
- 4.11.4. If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated. [Section 138 MA]
- 4.11.5. Council may not reconsider or reverse a decision [Section 139(1) MA] 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.
- 4.11.6. When Council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration. [Section 139 (2) MA]
- 4.11.7. Notwithstanding anything provided in this section, where pursuant to any motion duly passed by Council, the Town has undertaken contractual liability or obligation, Council shall not reconsider, alter, vary, revoke, rescind or replace the motion except to the extent that it does not attempt to avoid or interfere with the liability or obligation.
- 4.11.8. Any member of Council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The CAO must record in the Minutes of the Meeting of Council the names of the members present, the vote or abstention of each member.

4.12. PROCEDURE AT PUBLIC HEARINGS

- 4.12.1. 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. [Section 160(2) MA]
- 4.12.2. The Chair of the Public Hearing may decide which presenters will be heard, if they are satisfied that the presenters are the same or similar, unless an objection is registered by a majority of members of Council present
- 4.12.3. The Chair of the Public Hearing has the right to limit the time taken by the presenter to ten (10) minutes, unless an objection is registered by a majority of Council present. Following the presentation, Council may wish to ask questions of that presenter. All questions must be directed through the Chair of the hearing. [Section 160(4)(a) MA]
- 4.12.4. 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 unless an objection is registered by a majority of members of Council present. [Section 160(4)(b) MA]
- 4.12.5. 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,

unless an objection is registered by a majority of members of Council present. [Section 160(4)(d) MA]

- 4.12.6. 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 160 (5) MA]

4.13. **BY-LAWS AND RESOLUTIONS**

- 4.13.1. Council may act only by resolution or by-law. [Section 140(1) MA]
- 4.13.2. No motion shall be debated or put forward unless it is in writing and is seconded, excepting only a motion to adjourn which need not be in writing.
- 4.13.3. Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote. [Section 142(1) MA]
- 4.13.4. Council may not give a proposed by-law more than two readings at the same Council meeting. [Section 142(2) MA]
- 4.13.5. 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 by-law before the by-law receives first reading. [Section 142(3) MA]
- 4.13.6. Only the title or an identifying number must be read at each reading of a proposed by-law. [Section 142(5) MA]
- 4.13.7. 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. [Section 142(4) MA]
- 4.13.8. When *The Municipal Act*, or any other *Act*, 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. [Section 143 MA]

4.14. **HEAD OF COUNCIL TAKING PART IN DEBATE**

- 4.14.1. If the Mayor desires to present or second a motion, or participate in the debate, he/she must relinquish their role as Chair, hereby requesting the Deputy Mayor, or in his/her absence, another member of Council, to preside as Chair for the duration of the particular item under discussion.

4.15. **CONDUCT**

- 4.15.1. The Chair shall maintain order and decorum at all times. The Chair shall decide the questions of order subject to an appeal to the Council. The decision of the Chair shall be final unless reversed by a vote of the majority of the members present.
- 4.15.2. Every member before speaking shall address the Chair.
- 4.15.3. When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 4.15.4. 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.
- 4.15.5. When the Chair is putting a question, no member shall leave their chair.
- 4.15.6. Discussion shall be limited to the question in debate.
- 4.15.7. The Chair has the right:
- a) to limit a member of Council for time spent on an issue; and
 - b) to limit total time spent on any issue by Council as a whole, subject to an objection being registered, by resolution, by a majority of members of Council present.

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- 4.15.8. 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 put and while Council is engaged in voting.
- 4.15.9. Immediately before putting the question, the chair shall have the privilege of summarizing the debate but no new matter shall be introduced.
- 4.15.10. Where any person, including 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 unless an objection is registered by a majority of members of Council present.
- 4.15.11. Persons in the Council Chambers are not permitted to display signs or placards or to engage in conversation or other behaviours which may disrupt Council proceedings.
- 4.15.12. Where the number of delegates exceeds the room available at a meeting or hearing of Council, Council may recess the meeting or hearing to relocate to a larger area.
- 4.15.13. The public and media may audio/video tape meeting proceedings including public hearings providing that arrangements are made with the CAO at least twenty-four (24) hours prior to the meeting or public hearing.
- 4.15.14. 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.
- 4.15.15. A member who breaches the requirement of confidentiality under clause 4.15.14 becomes disqualified from Council.
- 4.16. **POINT OF ORDER**
 - 4.16.1. A member of Council may raise a point of order when they believe that a rule has been violated by a motion or any speech by another member of Council.
 - 4.16.2. Upon being requested by the Chair to state their point of order, the objecting Member will give a clear and succinct account of the point at issue and shall not deal with or raise other matters.
 - 4.16.3. The Chair may request the advice of Council on the point of order but the Chair will decide the point of order raised.
 - 4.16.4. The decision of the Chair may be appealed to the Council by the member of Council raising the point of order.
 - 4.16.5. Upon the decision of the Chair being appealed, the Chair will give the terms of this decision and the point of appeal, and put the question to Council.
 - 4.16.6. The question shall be decided by a majority vote of Council members present without a debate.
- 4.17. **ROUTINE**
 - 4.17.1. All points of order and procedure not resolved by rules provided in this by-law shall be resolved:
 - a) first, by reference to Roberts Rules of Order; and
 - b) second, by a majority of Council.
 - 4.17.2. The CAO is authorized to handle all routine business for The Town of Neepawa after a general election, and before the new Council is sworn in.
 - 4.17.3. The Organizational and Procedural By-Law of Council will be reviewed a minimum once per term.

5. COMING INTO FORCE

5.1.1. This By-Law shall come into full force and effect on the day following the date of final passage.

5.1.2. That By-Law Number 3093 and By-law Number 3101 are hereby repealed.

DONE AND PASSED as a By-Law of the Town of Neepawa in the Province of Manitoba this 6th day of January, A.D. 2015.

Adrian de Groot
Mayor

Colleen Sychyshyn
Chief Administrative Officer

Read a first time on this 16th day of December, 2014
Read a second time on this 6th day of January, 2015
Read a third time this 6th day of January, 2015