



**TOWN OF NEEPAWA**  
**ORGANIZATION & PROCEDURES BY-LAW**  
**BY-LAW NO. 3186-18**

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**TOWN OF NEEPAWA  
BY-LAW NUMBER 3186-18**

**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, unless the context otherwise requires:

- a) **Act** means *The Municipal Act C.C.S.M.c. M225*
- b) **Agenda** means the agenda for a Regular or Special Meeting of Council or Committee of Council.
- c) **Chair** means the person presiding at the meeting of Council or Committee of Council.
- 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.
- e) **Committee of The Whole** means all members present at a meeting of the Council sitting as a council 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 Council.
- h) **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.
- i) **In-Camera** means in private or to the exclusion of the public.
- j) **Members** mean, when referring to the Council, the Mayor and the Councillors.

k) **Municipality** means the Town of Neepawa.

### 3. ORGANIZATION

#### 3.1 ROLE OF COUNCIL

The Council of the Town of Neepawa is responsible:

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

#### 3.2 HEAD OF COUNCIL

The Head of Council for the Town of Neepawa is to have the title of Mayor and in addition to performing the duties of a member of Council, the Mayor has a duty:

- 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 a Mayor by this by-law, or by *The Municipal Act*, or any other *Act*; and

3.2.1 If not specifically named as a member of a Council Committee, the Mayor shall be an 'ex-officio' member of such committees with the privilege of voting, and if present at a committee meeting, shall be counted in the determination of a quorum.

#### 3.3 GENERAL DUTIES OF MEMBERS

Each member of a Council has the following duties and responsibilities:

- a) to consider the well-being and interests of the municipality as a whole and to bring to the Council's attention anything that would promote the well-being or interests of the municipality;
- b) to participate generally in developing and evaluating the policies and programs of the municipality;
- 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* of the Manitoba Legislature.
- g) Notwithstanding the provisions of Subsection 3.3(d), above, a member of Council may discuss with the Chief Administrative Officer or any other designated officer any confidential matter that has been previously dealt with at a closed meeting and before the matter is made public at an open meeting.

#### 3.4 COMMITTEES

The general duties and expectations of the Committees of Council shall be as follows:

- a) to report from time to time on all matters connected with the duties imposed on 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 recommendations that are adopted by Council;
- c) to develop and recommend plans and policies related to the Committee's responsibilities;
- d) to consider and report on any other matters referred to them by Council.

3.4.1 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.

3.4.2 An appointment to a Council Committee may only be repealed by a resolution of Council.

3.4.3 At the Annual Organizational Meeting in each year, Council shall consider appointments to Council Committees and other bodies.

3.4.4 Appointments to all Council Committees, including naming of a Chairperson shall be carried out as follows:

- a) The Mayor shall appoint the Chair of the Committee; and
- b) Council shall by consensus, or where required, elect the subsequent committee member.

3.4.5 The following Committees are hereby established as the Standing Committees of Council and shall be comprised of two (2) members of Council, with the exception the Committee of the Whole which will be comprised of the whole of Council.

**a) *Committee of the Whole***

Committee of the Whole shall be considered as special study sessions of the whole of council whereby no official action is contemplated. These sessions will have an agenda, however may be conducted informally so long as such informality is not in conflict with these rules. The Chief Administrative Officer, in consultation with the Mayor, shall arrange the agenda for the Committee of the Whole study session, and wherever possible, provide detail to the topics under discussion. Committee of the Whole sessions shall be considered open sessions of Council, however may be closed to the public if such matters are in the preliminary stages and will eventually be decided upon at a meeting open to the public.

The Mayor shall act as Chairperson for the Committee of the Whole meetings.

**b) *Human Resources Committee***

- (i) Review existing policies, or recommendations for new policies and training programs as proposed by the CAO and management team;
- (ii) Act as the Grievance Committee of Council with respect to provisions contained within the collective agreement and provide support to the CAO as a Negotiations Committee of Council for Union negotiations.
- (iii) Review proposed compensation and benefit changes submitted by the CAO for non-union employees and provide recommendations to Council;
- (iv) To support the CAO and Management Team as an advisor in support of actions taken, or the application of policy or contract;

- (v) Consider any personnel matter of a sensitive nature referred to the Committee by the CAO;
- (vi) To assist when required in the interviewing of a management position.

**c) General Government & Finance Committee:**

- (i) Review and provide input into:
  - transactions & proceedings involving receipt or expenditure of funds;
  - the annual Financial Plan, including acting as Council's lead in the process;
  - documents forwarded to the Town by the Auditor; and
  - financial statements and associated documents.
- (ii) 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 committee, where applicable and approved by Council;
- (iii) Coordinate the Town of Neepawa's lobby efforts;
- (iv) Review matters of general land assembly and land use planning and provide recommendations to Council, including recommendations to Council on land development issues such as Development Plan and Zoning By-Law amendments, subdivision applications, variation and conditional use applications and proposals for development that deviate from existing development controls;
- (v) Review and report to Council on matters respecting the sale and development of municipal land including issues related to zoning;
- (vi) Review all financial grant requests submitted under the Town's grant policy; meet if necessary with the requesting organization for review; and provide annual grant recommendations to Council for its consideration during the annual budget deliberations.

**d) Protection & Community Services Committee:**

- (i) Review and recommend to Council on matters relating to the operations of the following:
  - Protective services - police, fire, emergency services, animal control;
  - Public Health and welfare services - cemetery operations, handi-van, health care, etc.;
  - Veterinary services – Veterinary District Board; and
  - By-Law enforcement.
- (ii) To recommend to Council initiatives and plans to enhance residents safety.

**e) Public Works & Infrastructure Committee:**

- (i) To consider all matters relating to:
  - Municipal land, buildings and equipment, including acquisition, maintenance and disposal;
  - Municipal roads and their opening, closing, altering, diverting and maintenance;
  - Sidewalks and drainage;
  - Garbage and waste collection, disposal and recycling programs;
  - Water and sewer; and
  - Municipal Airport.
- (ii) 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;

- (iii) To consider matters relating to maintenance and infrastructure for all parks and cemeteries within the Town's jurisdiction.

**f) Recreation & Economic Development Committee:**

- (i) To consider all matters relating to:
  - Public recreation including parks, playgrounds and the swimming pool;
  - Arts, culture and heritage;
  - Economic development – local and regional;
  - Housing initiatives;
  - Tourism; and
  - Campground and library operations.
- (ii) Review the needs for recreation, sport and leisure activity within Neepawa and implement changes to accommodate the needs within the community based on proactive planning;
- (iii) Review the needs for upgrading and/or replacement of recreational facilities;
- (iv) Liaise with community organizations that lead to an enhanced quality of life within Neepawa and the greater community from both a recreational and economic development standpoint;
- (v) Review and report to Council on all matters respecting economic and community development, including activities targeting investment attraction;
- (vi) Identify and promote growth opportunities for the well-being of Neepawa and the surrounding area;

3.4.6 The CAO is the administrative liaison to all Standing Committees and shall designate additional members of the management team, or other designates, to represent an area of expertise for each Committee.

3.4.7 By way of resolution at the annual organizational meeting in each year, Council shall consider appointments to the following committees, boards and other bodies.

- (i) Western Regional Library Board
- (ii) Neepawa Library Board
- (iii) Whitemud Watershed Conservation District Sub-District 39
- (iv) Neepawa and Area Planning District
- (v) Neepawa and Area Development Corporation (NADCO)
- (vi) Neepawa Veterinary Services District
- (vii) County Court Building
- (viii) Evergreen Environmental Technologies
- (ix) Yellowhead Centre Board
- (x) Home Assistance Neepawa & District (HAND)
- (xi) Trans Canada Yellowhead Highway Association
- (xii) Neepawa & Area Disabled Person's Association
- (xiii) Sayward Estate Management Committee
- (xiv) Spruce Plains Justice Committee
- (xv) Physician Recruitment Committee
- (xvi) Federation of Canadian Municipalities
- (xvii) Yellowhead Economic Corridor
- (xviii) Rossburn Subdivision Trails Association

3.4.8 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.

3.4.9 Role of Committee Representatives to External Committees:

- a) to represent Neepawa Council on the Committee and if necessary, seek clarification from Council on its position with respect to the Committee;
- b) to report to Council on activities and decisions originating from the Committee meetings.

### **3.5 YOUTH MEMBER**

- 3.5.1 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.
- 3.5.2 A youth member must be less than 18 years of age or enrolled as a full-time student in a school.
- 3.5.3 A youth member is not counted for the purpose of determining a quorum or deciding a vote of the council.

### **3.6 BOARD OF REVISION**

- 3.6.1 At the Annual Organizational Meeting in each year, Council must appoint by resolution a Board of Revision to hear assessment appeals during the year;
- 3.6.2 The Board of Revision shall consist of the members of the Town of Neepawa Council. The Mayor shall serve as the presiding officer of the Board, while the Chief Administrative Officer or their designate shall serve as the Secretary to the Board.

### **3.7 SIGNING AUTHORITY**

- 3.7.1 Agreements, cheques & other negotiable instruments must be signed or authorized by:
- a) the Mayor; or the Deputy Mayor; or the Chairperson of the General Government and Finance 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 COUNCIL INAUGURAL 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.
- 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 Chief Administrative Officer. Failure to comply shall deem the position vacant and disqualifies the person until the next general election.

### **4.3 ANNUAL ORGANIZATIONAL MEETING**

- 4.3.1 The Annual Organizational Meeting shall be held on the first Tuesday in November of each year.
- 4.3.2 The business of Council at the Annual Organizational Meeting shall be limited to the appointment of Council Committees and other committees, the 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 the swearing in of new council.
- 4.3.3 At the Organizational Meeting of Council in each year, the Council must consider the recommendation for appointment of a Councillor to the position of Deputy Mayor as submitted by the Head of Council. Such appointment approved by resolution of Council. The Deputy Mayor shall act in place of the Mayor when he or she is unable to carry out the powers, duties and functions of the Mayor.



#### **4.4 QUORUM**

- 4.4.1 A quorum is required for and during each council meeting.
- 4.4.2 Subject to The Municipal Council Conflict of Interest Act, a 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.
- 4.4.3 Subject to *The Municipal Council Conflict of Interest Act*, the minimum number for a quorum cannot be less than three (3) members.
- 4.4.4 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*.
- 4.4.5 In the case of a Council Committee, the minimum number for a quorum is a majority of the Council Committee Members.
- 4.4.6 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.

#### **4.5 COMMUNICATION FACILITY**

- 4.5.1 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.
- 4.5.2 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.

#### **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 General Government and Finance Committee.
- 4.6.4 In preparing the Council Agenda, the CAO must state the business for consideration at a Regular Meeting Council, in the following order:
1. Call to Order
  2. Approval of Agenda
  3. Approval of Minutes
  4. Presentations/Delegations
  5. Council Reports
  6. Department Reports
  7. Correspondence
  8. Finance
  9. Unfinished Business
  10. New Business
  11. By-Laws
  12. Other Business
  13. In-Camera (if required)
  14. 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.
- 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*.
- 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 at the close of the regular meeting.
- 4.7.9 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 4.7.10 Despite clause 4.7.9 of this By-Law, Council or a Council Committee may close a meeting to the public if the:
- 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.

#### **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.

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.

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.

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.

#### **4.9 COMMITTEE OF THE WHOLE MEETINGS OF COUNCIL**

4.9.1 When required, meetings of the Committee of the Whole of Council shall be held on the first and third Tuesday of each month between the hours of 5:00 p.m. to 7:00 p.m. in the Council Chambers of the Town of Neepawa.

4.9.2 Dependent on the length of the agenda and matters to be discussed, the Council of the Town of Neepawa reserves the right to reduce the timeframe allotted for Committee of the Whole discussions, or to cancel meetings deemed unnecessary.

#### **4.10 COUNCIL COMMITTEES**

4.10.1 Regular meetings of the Standing Committees of Council may be held as determined by each Standing Committee.

4.10.2 Special Meetings of Standing Committees may be called at any time by the Chairperson or by two (2) members of the Committee, in the same manner as provided for special meetings of Council in this by-law.

4.10.3 Any member of Council not a member of a Committee has the right to attend committee meetings and participate in discussions, but shall not vote.

4.10.4 Every meeting of a Standing Committee must be conducted in public and no person excluded, except for improper conduct.

4.10.5 Notwithstanding the provisions of Section 4.10.4 of this by-law, a Standing Committee may close a meeting to the public if the decision and general nature of the matter are recorded in the minutes of the meeting and if the matter to be discussed relates to items referred to in Section 4.7.10.

4.10.6 No resolution may be passed at a meeting closed to the public, except a resolution to re-open the meeting to the public.

4.10.7 A resolution of a Standing Committee is not binding upon the Council unless it is ratified by the whole of Council at a regular or special meeting of Council.

#### **4.11 DELEGATIONS**

4.11.1 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.

4.11.2 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.

4.11.3 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.

4.11.4 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.

#### **4.12 VOTING**

4.12.1 A member has one vote each time a vote is held at a Council Meeting at which the member is present.

4.12.2 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.

4.12.3 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.

4.12.4 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.

4.12.5 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.

4.12.6 When Council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.

4.12.7 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.

4.12.8 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.

#### **4.13 PROCEDURE AT PUBLIC HEARINGS**

4.13.1 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.

4.13.2 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.

4.13.3 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.

4.13.4 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.

4.13.5 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.

4.13.6 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.

#### **4.14 BY-LAWS AND RESOLUTIONS**

4.14.1 Council may act only by resolution or by-law.

4.14.2 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.

4.14.3 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.

4.14.4 Council may not give a proposed by-law more than two readings at the same Council meeting.

4.14.5 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.

4.14.6 Only the title or an identifying number must be read at each reading of a proposed by-law.

4.14.7 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.

4.14.8 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.

#### **4.15 HEAD OF COUNCIL TAKING PART IN DEBATE**

4.15.1 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.

#### **4.16 CONDUCT**

- 4.16.1 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.
- 4.16.2 Every member before speaking shall address the Chair.
- 4.16.3 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 4.16.4 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.
- 4.16.5 When the Chair is putting a question, no member shall leave their chair.
- 4.16.6 Discussion shall be limited to the question in debate.
- 4.16.7 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.
- 4.16.8 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.
- 4.16.9 Immediately before putting the question, the chair shall have the privilege of summarizing the debate but no new matter shall be introduced.
- 4.16.10 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.
- 4.16.11 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.
- 4.16.12 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.
- 4.16.13 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.
- 4.16.14 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.
- 4.16.15 A member who breaches the requirement of confidentiality under clause 4.16.14 becomes disqualified from Council.

#### **4.17 POINT OF ORDER**

- 4.17.1 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.
- 4.17.2 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.
- 4.17.3 The Chair may request the advice of Council on the point of order but the Chair will decide the point of order raised.

- 4.17.4 The decision of the Chair may be appealed to the Council by the member of Council raising the point of order.
- 4.17.5 Upon the decision of the Chair being appealed, the Chair will give the terms of his decision and the point of appeal, and put the question to Council. The question shall be decided by a majority vote of Council members present without debate.

#### **4.18 ROUTINE**

- 4.18.1 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.
- 4.18.2 The Mayor shall serve as parliamentarian and may seek advice from the Chief Administrative Office as to correct rules of procedure or questions of specific rule application.
- 4.18.3 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.
- 4.18.4 The Organizational and Procedural By-Law of Council will be reviewed a minimum once per term.

#### **5. COMING INTO FORCE**

- 5.1 This By-Law shall come into full force and effect on the day following the date of final passage.
- 5.2 That By-Law Number 3146 is hereby repealed.

**DONE AND PASSED** as a By-Law of the Town of Neepawa in the Province of Manitoba this 4<sup>th</sup> day of December, A.D. 2018.

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*Blake McCutcheon, Mayor*

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*Colleen Sychyshyn, CAO*

Read a first time on this 20<sup>th</sup> day of November, 2018  
 Read a second time on this 20<sup>th</sup> day of November, 2018  
 Read a third time this 4<sup>th</sup> day of December, 2018