

THE RURAL MUNICIPALITY OF WHITEHEAD
PROCEDURE BY-LAW NO. 2024-01

Being a by-law of the Rural Municipality of Whitehead to regulate the proceedings and conduct of Council and its committees to be known as the “Procedure By-law”.

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.

THEREFORE BE IT RESOLVED that the council of The Rural Municipality of Whitehead, in open meeting assembled, enacts as follows:

PURPOSE AND DEFINITIONS

- 1.0 The purpose of this by-law is to establish the rules and regulations that shall be observed in conducting the business of Council and all committees thereof.
- 2.0 In this by-law:
- (a) “Agenda” means the list of items to be discussed for a regular or special meeting of Council or committee of council.
 - (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 body established under The Rural Municipality of Whitehead 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) “Communication Facility” means any electronic method of communication that enables a minimum of verbal engagement.
 - (g) “Council” means the duly elected reeve and councillors of The Rural Municipality of Whitehead.
 - (h) “Council Meeting” means a regular meeting or special meeting of the Council but does not include a public hearing held by the Council.
 - (i) “In Camera” means in private or to the exclusion of the public.
 - (j) “Members” means, when referring to the Council, the Councillors and the Reeve.
 - (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, August Civic Holiday, Labour Day, National Day for Truth and Reconciliation, 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 of the members present, except in cases where the Act or by this by-law, some other vote is required.

COUNCIL INAUGURAL MEETING

- 4.0 Following a general election, the Reeve must call the Inaugural Meeting of Council within 30 days and the meeting shall be held at a date and place as specified by the Reeve.
- 4.1 No business can be proceeded with at the inaugural meeting until the Oath of Office has been subscribed.
- 4.2 Council, once in its term, must review the Procedure By-law.

QUORUM

- 5.0 A majority of members of Council constitutes a quorum. A quorum of Council for the Rural Municipality of Whitehead shall be 4 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. In the case of a council committee, the minimum number for a quorum is 2.
- 5.2 Lack of quorum – If no quorum is present within 30 minutes after the time scheduled for a meeting the Council shall stand adjourned, and the CAO shall enter in the minutes the names of members present at the meeting.
- 5.3 Where, by reason of withdrawals from a meeting under the provisions of *The Municipal Council Conflict of Interest Act*, the number of members remaining is not sufficient to constitute a quorum, the said Act provides that the number of members still remaining, if not fewer than two, is deemed to constitute a quorum.

COMMUNICATION FACILITY

- 6.0 Any member of Council participating in a meeting of council by means of a communication facility shall do so only with prior approval of Council and on terms and conditions set by Council.
- 6.1 Members of Council participating in a meeting of council by means of a communication facility are deemed to be present at the meeting.

AGENDA

- 7.0 In preparing the council agenda, the CAO shall state the business for consideration in accordance with the following order of business:
 - 1. Call to Order
 - 2. Adoption of the Agenda
 - 3. Adoption of Minutes as Circulated
 - 4. Declaration of Conflict of Interest
 - 5. Presentations and Delegations
 - 6. By-laws
 - 7. Unfinished Business
 - 8. New Business
 - 9. Accounts
 - 10. Committee and Boards Reports
 - 11. Communications
 - 12. Notice of Motion
 - 13. In Camera
 - 14. Adjournment

- 7.1 Items may be added to the agenda at a regular meeting of Council by a majority vote of the members present, prior to adoption of the agenda.
- 7.2 Notwithstanding the provisions under 8.4, it shall always be in order for the council to vary the order in which business on the agenda shall be dealt with by a majority vote of the members present.

REGULAR MEETING

- 8.0 Regular meetings of Council shall be held on the 2nd Monday of each month and may be held at the following locations at the discretion of Council:
- (a) Kemnay Community Hall;
 - (b) Whitehead Hall;
 - (c) Whitehead Municipal Office; or
 - (d) Virtual means when under the guidance of the Province of Manitoba or Government of Canada due to public health concerns or orders.
- 8.1 Location and times are to be established annually by resolution.
- 8.2 All meetings of Council shall be chaired by the Reeve, or in their absence, by the Deputy Reeve. If the Reeve or Deputy Reeve is not present at the time scheduled for a meeting, the Council may appoint one of its members to chair the meeting.
- 8.3 If the day fixed for a regular meeting of Council is a general holiday, the meeting shall be held on the next day following which is not a holiday at the same time and place.
- 8.4 Council may by resolution vary the date, time, and location of a regular meeting as circumstances may require.
- 8.5 At the hour set for a meeting to commence, and providing that a quorum is present, the Reeve shall take the chair and shall call the meeting to order.
- 8.6 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.

CLOSED MEETING

- 9.0 Despite clause 8.6 of this by-law, and in accordance with subsection 152(3) of the Act, the Council or council committee may close a meeting to the public if:
- (a) the members decide during the meeting to meet as a committee to discuss a matter;
 - (b) the decision and general nature of the matter are recorded in the minutes of the meeting; and
 - (c) the matter to be discussed relates to;
 - i. an employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance,
 - ii. a matter that is in its preliminary stages and respecting which discussion in public could prejudice the municipality's ability to carry out its activities or negotiations,
 - iii. the conduct of existing or anticipated legal proceedings,

- iv. the conduct of an investigation under, or enforcement of, an Act or by-law,
- v. the security of documents or premises, or
- vi. a report of the Ombudsman received by the head of the council under clause 36(1)(e) of *The Ombudsman Act*.

9.1 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 MEETING OF COUNCIL

10.0 A special meeting of council of The Rural Municipality of Whitehead may be called:

- (a) at any time by the Reeve, and must be called by the Reeve, or
- (b) if the Reeve 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.

10.1 Special meetings may be held in-person or by virtual means;

10.2 Should the Reeve not call a special meeting within 48 hours of receiving written request by two members of council, the CAO must call the meeting in accordance with the provisions of this by-law.

10.3 The notice of the special meeting to all members of council may be oral, in electronic or written form, and must state the purpose of the meeting, and must be provided to all members of council and posted in the municipal office at least 48 hours before the scheduled time of the meeting.

10.4 Should the Reeve be unavailable; the Deputy Reeve may call a special meeting only if requested in writing by 2 members in accordance with this part.

10.5 Any member of Council may waive the right to be given notice by giving written notice to the CAO and having done so shall be deemed to have been given notice of a special meeting of Council.

10.6 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 the adding of items to the agenda.

SPECIAL EMERGENCY MEETINGS

11.0 Where a state of emergency is declared under an Act of the Legislature or an Act of Parliament or, where in the opinion of the Reeve, a disaster or emergency exists or is imminent, a special emergency meeting of Council may be called by the Reeve after giving such notice as is considered reasonable in the circumstances.

PRESENTATIONS AND DELEGATIONS

12.0 A person, group or organization desiring to make a formal request to the RM of Whitehead Council to address an issue, may make a request of Council to appear under the Order of Delegations. Delegations would provide all relevant material, clearly indicate the issue to be addressed, along with possible solutions or options for Council's consideration.

12.1 Persons desiring to present to Council either as a Presentation or Delegation must:

- (a) inform the CAO, in writing, or via electronic format, on a prescribed form, of their request to appear as a presentation or delegation, including:
 - i. the date of the meeting at which they wish to appear;
 - ii. the subject to be discussed and any material that is to be distributed to Council;
 - iii. the name and current contact information of the person who will be addressing Council;
 - iv. the telephone number where the representative of the presentation or delegation can be reached during normal business hours; and
 - (b) submit such requests not later than Noon, five (5) days prior to a regular meeting.
- 12.2 A maximum of three (3) presentations and/or delegations will be permitted at each meeting. Presenters or delegates requesting to appear before Council who have previously appeared before Council on the same subject will be limited to providing only new information in their second or subsequent appearances.
- 12.3 The Reeve may interrupt and deny any further right of presentation or delegation to be heard at a meeting of Council if, in their opinion, the presenter:
- (a) does not speak respectfully of His Majesty the King or the official or representative of his government;
 - (b) uses offensive words in referring to any member of Council or to any official or employee of the municipality or member of the public;
 - (c) shouts, immoderately raises their voice, uses profane, vulgar or other offensive language; or
 - (d) speaks on a subject which is not within Council's jurisdiction.
- 12.4 Presentations and Delegations are limited to ten (10) minutes. Council, by way of resolution, may extend the limited time if majority of Council feels there is additional relevant information.

VOTING

- 13.0 A member has one vote each time a vote is held at a council meeting at which the member is present.
- 13.1 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 and whether they voted in favour or against. Should a conflict of interest be declared, the member will be marked absent from the vote.
- 13.2 Every member of Council present when a question is put must vote on the question, unless a majority of the other members present excuse him or her from so doing or if such member is prohibited from voting or allowed to abstain from voting by this by-law or any Act of the Legislature. If any member persists in refusing to vote for other than the reasons stated, he or she must be recorded as voting in the negative on the question before Council.
- 13.3 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 13.4 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.

- 13.5 When council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 13.6 Any member of council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The CAO must record in the minutes of the meeting of Council the names of the members present and whether they voted in favour or against. Should a conflict of interest be declared, the member will be marked absent from the vote.

PROCEDURE AT PUBLIC HEARING

- 14.0 Each member of Council must attend a public hearing called by council unless the member:
- (a) is excused by the other members from attending the hearing;
 - (b) is unable to attend owing to illness; or
 - (c) is required under *The Municipal Council Conflict of Interest Act* to withdraw from the hearing.
- 14.1 The Chair of the public hearing has the right to limit the time taken by a person to 10 minutes. Council, by way of resolution, may extend the limited time if majority feels there is additional relevant information. After which, council may ask questions of the person. All questions must be channelled through the Chair of the hearing.
- 14.2 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.
- 14.3 The Chair of the public hearing may decide which presenters will be heard, if they are satisfied that presentations are the same or similar.
- 14.4 The Chair of the public hearing may require any person, other than a member of council, who is in the opinion of the Chair conducting 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.
- 14.5 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

- 15.0 Council may act only by resolution or by-law.
- 15.1 All by-laws must be introduced for first reading by a resolution that the by-law, specifying its number and short title be read a first time and Council must vote on the motion for first reading without amendment or debate.
- 15.2 Every proposed by-law must be given three separate readings, each reading must be put to a separate vote with not more than two readings at a meeting.
- 15.3 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 15.4 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.

- 15.5 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 the first reading.
- 15.6 When any Act of the Legislature requires Council to hold a public hearing on a proposed by-law, the public hearing must be held and be concluded before the by-law is given third and final reading.
- 15.7 If the provisions of The Municipal Act or any other Act requires a by-law to receive approval from the Minister of Municipal Government or some other provincial representative, the by-law does not come into full force and effect until such approval is given.

CONDUCT

- 16.0 Prior to their speaking, every member shall address the Chair.
- 16.1 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 16.2 When the Chair is called on to decide a point of order or practise, he shall do so without comment unless requested to do so.
- 16.3 When the Chair is putting a question, no member shall leave their chair.
- 16.4 Discussion shall be limited to the question in debate.
- 16.5 No member shall speak to the question or in reply for longer than 5 minutes without approval of Council.
- 16.6 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 put and while council is engaged in voting.
- 16.7 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, no new matter shall be introduced.
- 16.8 Where at a council meeting, any person other than 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.
- 16.9 Where at a council meeting a member of the council is conducting themselves in a disorderly or improper manner, the council may, by a resolution passed by the majority of the other members present, require the member to leave the meeting, and if the member fails to do so, may cause the member to be removed.
- 16.10 Persons in the council chambers are not permitted to display signs or placards to applaud participants in debate or to engage in conversation or other behaviours which may disrupt council proceedings.
- 16.11 Council may limit the number of persons allowed in the council chambers.
- 16.12 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.

16.13 A member who breaches the requirement of confidentiality under clause 16.12 becomes disqualified from council.

HEAD OF COUNCIL TAKING PART IN DEBATE

17.0 If the Chair desires to present or second a motion, or participate in debate, they can do so without leaving the chair.

MEETINGS GENERALLY

18.0 Without the prior approval of the Reeve, no member of Council, Administration or the public may bring into the Council Chamber a cellular device. Video or audio recordings are prohibited by the public, Council, and media outlets unless prior written approval is given.

18.1 Members of the public who constitute the audience in the meeting locations during a meeting of Council:

- (a) may not address Council without permission from Council;
- (b) must maintain order and quiet during the proceedings of Council;
- (c) may not interrupt any person or action of the members of Council or any other person who may be address Council.

18.2 Any public person who conducts themselves improperly while in the meeting and who disturbs the proceedings of Council by words or actions and who, when requested to do so by the Reeve, refuses to stop and end such improper conduct or leave with meeting if requested, is guilty of disorderly and improper conduct and the Reeve may cause such person to be removed from the meeting location.

18.3 In all maters and under all circumstances every member of Council must be guided by and have regard to the statutory provisions of *The Municipal Council Conflict of Interest Act*.

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

By-law No. 2022-12 is hereby repealed.

DONE AND PASSED by a by-law of the Rural Municipality of Whitehead, in the Province of Manitoba this 11th day of March, 2024.

Originally signed by
T. Tuttosi

Reeve

Originally Signed by
J. Maxon

Chief Administrative Officer

Read a first time this	12 th	day of February	A.D. 2024.
Read a second time this	12 th	day of February	A.D. 2024.
Read a third time this	11 th	day of March	A.D. 2024.