



Rural Municipality of Whitehead
March 11, 2024 - Regular Meeting of Council - 08:30 AM (RM Office)

- 1 CALL TO ORDER**
- 2 ADOPTION OF THE AGENDA**
- 3 ADOPTION OF MINUTES AS CIRCULATED**
- 4 PUBLIC HEARINGS**
 - 4.1 Conditional Use CO2024-01 - Garnett Speers - NE 13-9-22
- 5 DELEGATIONS**
 - 5.1 Municipal Waste Management - Shawn Samuels
 - 5.2 RM of Whitehead Fire Dept.
- 6 BYLAWS AND POLICIES**
 - 6.1 Procedure By-law 2024-01
 - 📎 Procedure By-law 2024-01 - Report
 - 6.2 Organizational By-law 2024-02
 - 📎 Organizational Amending By-law 2024-02 - Report
 - 6.4 Aggregate Mining and Transportation By-law 2024-03
 - 📎 Aggregate Mining and Transportation Amending By-law No. 2024-03 - Report
 - 6.6 Zoning By-law No. 2021-04
 - 📎 Administration Report - Zoning By-law Discussion
- 7 ACCOUNTS**
 - 📎 February 2024 Cheque Listing
- 8 CORRESPONDENCE**
 - 📎 RM of Cornwallis - Communication
- 9 SUBDIVISION**
- 10 UNFINISHED BUSINESS**
- 11 NOTICE OF MOTION**
- 12 NEW BUSINESS**
 - 12.1 Conditional Use CO2024-01 - Garnett Speers - NE 13-9-22
 - 📎 Administrations Recommendation - Conditional Use CO2024-01
 - 12.2 Organizational By-law - Committee Structures
 - 12.3 Sealed Bid for Heating System

13 COMMITTEE AND BOARDS REPORTS

 Vet Board Minutes - February 2024

 LUD Report - February 2024

14 IN CAMERA

14.1 Personnel and Legal Matters

15 Adjournment

Administrations Report/ Recommendation

Council Meeting Date: March 11, 2024

Agenda Item: 6.1 – Procedure By-law No. 2024-01

Policy or by-law: Procedure Bylaw Section referenced:

Recommendation:

Administration recommends that Council give the proposed by-law 3rd Reading.

The Procedure By-law has been revised to alter the Regular Meeting order of business to include a Declaration of Conflict of Interest and to reorientate the agenda order to have frequently heavier items of business earlier in the meeting.

Further changes were made to the by-law as forms of housekeeping with respect to numbering, formatting, and general language usage for clarification.

The proposed by-law received 1st and 2nd readings at the February 12, 2024 Regular Meeting of Council.

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-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. In Camera
 - 10. Accounts
 - 11. Committee and Boards Reports
 - 12. Communications
 - 13. Notice of Motion
 - 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 matters 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 day of, 2024.

Reeve

Chief Administrative Officer

Read a first time this	day of	A.D. 2024.
Read a second time this	day of	A.D. 2024.
Read a third time this	day of	A.D. 2024.

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-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:

TITLE

~~This by law may be referred to as "The Rural Municipality of Whitehead Procedures By law."~~

~~1.0 The following rules and regulations shall be observed in council, and in all committees thereof.~~

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.
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- (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.
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- (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 ~~the meeting~~ to Order
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9. In Camera
10. Accounts
11. ~~reports of~~ Committee and Boards Reports

12. Communications

13. Notice of Motion

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 ~~final~~ agenda ~~for the regular meeting of Council.~~
- 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 ~~8-4~~ **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. municipal assistance~~
 - i. an employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance,
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public could prejudice the municipality's ability to carry out its activities or negotiations,

- iii. the conduct of existing or anticipated legal proceedings,
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- 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; ~~when under the guidance of the Province of Manitoba or Government of Canada due to public health concerns or orders.~~

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 section 8.2** 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

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 - 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 ~~previous~~ 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

~~Disruption of the proceedings~~

- 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.

~~Visitors in the gallery~~

- 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.

~~Disturbance by members of the public~~

- 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.

~~Conflict of interest~~

- 18.3 In all matters 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 day of, 2024.

Reeve

Chief Administrative Officer

Read a first time this	day of	A.D. 2024.
Read a second time this	day of	A.D. 2024.
Read a third time this	day of	A.D. 2024.

Administrations Report/ Recommendation

Council Meeting Date: March 11, 2024

Agenda Item: 6.2 – Organizational Amending By-law No. 2024-02

Policy or by-law: Organizational Bylaw 2018-09 Section referenced: 8.0(b)

Recommendation:

Administration recommends that Council give the proposed by-law 1st and 2nd Reading.

At its February 12, 2024 regular meeting, Council discussed amending the Organizational By-law to adjust to current practices. As the Deputy Reeve is now appointed semi-annually, it causes unnecessary disruptions when compared to when appointed annually.

The proposed amendment to Organizational By-law 2018-09 retains the structure of signatories as three individuals, two being from Council and one being the Chief Administrative Officer. The proposed amendment simply replaces the Deputy Reeve with a member of Council, to be appointed annually. Council may choose to appoint the Deputy Reeve in practice but would no longer be required to do so.

BY-LAW NO. 2024-02

BEING A BY-LAW of the Rural Municipality of Whitehead to amend the Organizational By-law No. 2018-09.

WHEREAS the Council of the Rural Municipality of Whitehead in Organizational By-law No. 2018-09 regulates and controls the organizational structure the Rural Municipality of Whitehead.

AND WHEREAS it is deemed necessary and expedient to amend the by-law to clarify the signing authority structure.

NOW THEREFORE the Rural Municipality of Whitehead in regular session assembled, enacts as follows:

1. By-law No. 2018-09 is hereby amended as follows:
 - a. Section 8.0 by:
 - i. deleting the words “or the deputy head of council, and”;
 - ii. adding the following as 8(b):
“an annually appointed member of Council, and”;
 - iii. renumbering 8(b) accordingly to 8(c).
2. This by-law shall come into full force and take effect on the day following the date of passage.

DONE AND PASSED by the Council of the Rural Municipality of Whitehead duly assembled this ___ day of _____, A.D. 2024.

Reeve

Chief Administrative Officer

Read a first time this	day of	A.D. 2024
Read a second time this	day of	A.D. 2024
Read a third time this	day of	A.D. 2024

THE RURAL MUNICIPALITY OF WHITEHEAD

BY-LAW NO. 2018-09

Being a by-law to govern the organization of the Rural Municipality of Whitehead 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.

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

TITLE

1.0 This by-law may be referred to as “The Rural Municipality of Whitehead Organizational By-law.”

ROLE OF COUNCIL

2.0 Council is responsible

- a) for developing and evaluating the policies and programs of the Municipality;
- b) for ensuring that the 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 this of any other Act.

GENERAL DUTIES OF MEMBERS

3.0 Each member of a council has the following duties:

- 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) 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 perform any other duty or function imposed on the member by the Council or this or any other Act.

COMMITTEES & BOARD REPRESENTATIVES

4.0 The general duties of Committees 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 and recommendations that are adopted by Council.
- c) To consider and report respectively on any and all matters referred to them by Council.

- 4.1 The following committees are hereby established as the Standing Committees of council:
- a) Finance Committee
 - b) Personnel Committee
 - c) Fire Services Committee
 - d) Machinery Committee
 - e) Waste Disposal Services Committee
 - f) Drainage Committee
 - g) Asset Management Committee
- 4.2 The special duties of the Standing Committees, in addition to the aforesaid general duties shall be as follows:
- a) Finance Committee
 - 1) Oversight all accounts, expenditures and outlay all sums payable under contract before any monies are paid; and 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 the same has been authorized by the Finance Committee and approved by Council.
 - 2) To annually review and recommend to Council the types, rates and conditions of payments to be made to or on behalf of members of the Council and Council Committees, as compensation and for expenses incurred while attending to municipal business, and for any other purpose relating to municipal business that the Council considers appropriate.
 - 3) Composition: 3 members of Council
 - 4) To meet monthly
 - b) Personnel Committee
 - 1) To consider salary and wage negotiations
 - 2) To consider requests for benefits
 - 3) To assist with interviewing of new employees
 - 4) To review personnel policy
 - 5) To review job descriptions
 - 6) To review and consider grievances of employees not satisfied by CAO
 - 7) Composition: 3 Councillors
 - 8) To meet quarterly
 - c) Fire Services Committee
 - 1) To consider and report on all matters relating to the Fire Department, buildings and equipment, including their acquisition, maintenance and disposal.
 - 2) Create and revise policies and procedures.
 - 3) Yearly review of policies and procedures.
 - 4) To meet with Fire Chief and CAO and 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.
 - 5) Composition: Reeve & 2 Council members (non-Fire Department members) and the Fire Chief of the Whitehead Fire Department.
 - 6) To meet quarterly.
 - d) Machinery Committee
 - 1) In consultation with the Public Works Foreman, to consider and report on all matters relating to equipment, including their acquisition, maintenance and disposal.
 - 2) Composition: 3 members of Council
 - 3) To meet quarterly

- e) Waste Disposal Services Committee
 - 1) To consider and report on all matters relating to the operation of the waste disposal site and recycling.
 - 2) Composition: 3 members of Council
 - 3) To meet quarterly

- f) Drainage Committee
 - 1) Liaison with outside boards and entities
 - 2) Watershed District
 - 3) Working with other committees
 - 4) RM planning
 - 5) Composition: 2 members of Council

- g) Asset Management Committee
 - 1) To attend workshops, seminars and information sessions with the CAO, Finance Assistant and Public Works Foreman, and aid in development of Asset Management Plan, including categorizing municipal roads.
 - 2) Composition: 3 members of Council
 - 3) To meet at least quarterly

All Committees – To recommend to council prior to the beginning of each year such matters under its control as it considers essential to be carried out during the year, together with their detailed cost.

4.3 The Reeve is “ex-officio” a member of all those Committees as set forth in Section 4.1 of this by-law with the privilege of voting thereon.

4.4 Members of Council and/or resident electors shall be appointed to represent the Municipality on Local and Regional Boards as council authorizes.

The general duties of the Board representatives shall be as follows:

- a) To report from time to time on all matters connected with the duties imposed on the Board 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 and recommendations that are adopted by Council.
- c) To consider and report respectively on any and all matters referred to them by Council.
- d) To recommend to Council at the beginning of each year the funding requirements of the Board essential for the operation of the Board and the commitments of the Board.

4.5 Members of Council of the Municipality may be appointed to the local and regional boards as follows:

- a) Whitehead Elton Regional Water Cooperative – Reeve and 1 member of Council
- b) Southwest Weed District – 2 members of Council
- c) Souris Valley Rec Commission – 1 members of Council
- d) Souris Vet Board – 1 member of Council
- e) Planning District – Reeve and 1 member of Council
- f) Watershed District – 2 members of Council
- g) Assiniboine River Basin Initiative – 1 member of Council
- h) Southwest Flood Strategy – 1 member of Council

- 4.6 At the organizational Council meeting in each year, the Council must consider the recommendations for appointments to Standing Committees and other bodies of council submitted by the head of council. All appointments to Standing Committees and other bodies of council, including naming of a chairperson, must be approved by resolution of council.
- 4.7 Regular meetings of the Standing Committees may be held as determined by each Standing Committee, or as indicated otherwise in this by-law.
- 4.8 Special meeting of the Standing Committees may be called by the chairperson or by two members of the committee in the same manner as provided in The Rural Municipality of Whitehead Procedures By-law.
- 4.9 Any member of council not a member of a committee has the right to attend committee meetings but shall not be allowed to vote. With the permission of the majority of the members of the committee, a visiting member of council may be allowed to take part in any discussions.
- 4.10 A special committee of council may be appointed by resolution of council at any time specifying the business to be dealt with by the committee.
- 4.11 An appointment to any committee of council may be repealed only by a resolution of the council.

HEAD OF COUNCIL

- 5.0 The head of council for The Rural Municipality of Whitehead is to have the title of Reeve.
- 5.1 At the organizational meeting of council in each year, council must by resolution, appoint a councillor as Deputy Reeve, who shall act in place of the Reeve when the Reeve is unable to carry out the powers, duties and functions of the Reeve.
- 5.2 In addition to performing the duties of a member of a council, the Reeve has a duty
- a) to preside when in attendance at a council meeting, except where the procedures by-law or this or any other Act otherwise provides;
 - b) to provide leadership and direction to the council; and
 - c) to perform any other duty or function assigned to a Reeve or by this or any other Act.

YOUTH MEMBER

- 6.0 The council of The Rural Municipality of Whitehead, may, by resolution, appoint a person with the title "youth member" to sit with the council and to participate in council deliberations.
- 6.1 A youth member must be less than 18 years of age or enrolled as a full-time student at Brandon, Southwest Horizon or Fort La Bosse School Division and must be a resident of The Rural Municipality of Whitehead.
- 6.2 A youth member is not permitted to move or second any resolution nor is the youth member counted for the purpose of deciding a vote of the council. A youth member is not allowed to participate in committee of the whole deliberations that are closed to the public.
- 6.3 The term of office for a youth member is to be established with the appointment but shall not exceed 1 year.

BOARD OF REVISION

- 7.1 At the organizational council meeting in each year, council shall by resolution appoint a Board of Revision to hear assessment appeals during the following 12 months.

- 7.2 The Board of Revision shall consist of the Council of the Rural Municipality of Whitehead. The Council shall appoint the Reeve to serve as presiding officer of the Board.

SIGNING AUTHORITY

- 8.0 Agreements and cheques and other negotiable instruments must be signed or authorized by
 - a) the head of Council, ~~or the deputy head of council, and~~
 - b) an annually appointed member of Council, and
 - c) the chief administrative officer.

By-law No. 2108 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, 2019.

RURAL MUNICIPALITY OF WHITEHEAD

Reeve

Chief Administrative Officer

Read a first time this 11th day of February A.D. 2019.
Read a second time this 11th day of March A.D. 2019.
Read a third time this 11th day of March A.D. 2019.

Administrations Report/ Recommendation

Council Meeting Date: March 11, 2024

Agenda Item: 6.2 – Aggregate Mining and Transportation Amending By-law No. 2024-03

Policy or by-law: Aggregate Mining and Transportation By-law No. 2023-05

Section referenced: Section 5

Recommendation:

The Aggregate Mining and Transportation by-law follows the fee rates as set by the Province annually and notice was received by Bulletin #2024-03 that the maximum 2024 rates had been set. The proposed by-law amends the Aggregate Mining and Transportation By-law to align the rates accordingly.

Administration recommends that the by-law be given 1st and 2nd readings.

BY-LAW NO. 2024-03

BEING A BY-LAW of the Rural Municipality of Whitehead to amend the Aggregate Mining and Transportation By-law No. 2023-05

WHEREAS the Council of the Rural Municipality of Whitehead in Aggregate Mining and Transportation Fees By-law No. 2023-05 regulates and controls the mining and transportation of aggregates in the Rural Municipality of Whitehead.

AND WHEREAS it is deemed necessary and expedient to amend the by-law to adhere to fee rates as outlined by Regulation 48/97 under the Municipal Act.

NOW THEREFORE the Rural Municipality of Whitehead in regular session assembled, enacts as follows:

1. By-law No. 2023-05 is hereby amended as follows:

a. Section 5.1 by:

- i. deleting from subsection 5.1(a) the number \$0.28159 and substituting therefor the number \$0.2915.
- ii. deleting from subsection 5.1(a) the number \$0.28159 and substituting therefor the number \$0.5189.
- iii. deleting from subsections 5.1(b) and (c) all instances of the number \$0.06398 substituting therefor the number \$0.0662.
- iv. deleting from subsections 5.1(b) and (c) all instances of the number \$0.11188 and substituting therefor \$0.1158.
- v. deleting from subsections 5.1(b) and (c) all instances of the number \$0.03193 and substituting therefor the number \$0.0330.
- vi. deleting from subsections 5.1(b) and (c) all instances of the number \$0.05610 and substituting therefor the number \$0.0580.

2. This by-law shall come into full force and take effect on the day following the date of passage.

DONE AND PASSED by the Council of the Rural Municipality of Whitehead duly assembled this ___ day of _____, A.D. 2024.

Reeve

Chief Administrative Officer

Read a first time this	day of	A.D. 2024
Read a second time this	day of	A.D. 2024
Read a third time this	day of	A.D. 2024

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF WHITEHEAD to regulate and control mining and transportation of aggregates in the Rural Municipality of Whitehead and to be known as “The Aggregate Mining and Transportation By-Law”

WHEREAS THE MUNICIPAL ACT, in part, provides as follows:

232(1) A Council may pass by-laws for municipal purposes respecting the following matters:

- (a) the safety, health, protection and well-being of people, and the safety and protection of property;
- (b) people, activities and things in, on or near a public place or a place open to the public, including parks, municipal roads, recreation centers, restaurants, facilities, retail stores, malls, and private clubs and facilities that are exempt from municipal taxation;
- (c) subject to section 233, activities or things in or on private property;
- (d) municipal roads, including naming the roads, posting the names on public or private property, and numbering lots and buildings along the roads;
- (m) local transportation systems;
- (n) businesses, business activities and persons engaged in business;
- (o) the enforcement of by-laws.

232(2) Without limiting the generality of subsection (1), a council may in a by-law passed under this Division

- (a) regulate or prohibit subject to the regulation, provide for a system of licences, permits or approvals, including any or all of the following:
 - (i) establishing fees, and terms for payment of fees, for inspections, licences, permits and approvals, including fees related to recovering the cost of regulation;
 - (ii) establishing fees for licences, permits and approvals that are higher for persons or businesses who do not reside or maintain a place of business in the Municipality;
 - (iii) prohibiting a development, activity, industry, business or thing until a licence, permit or approval is granted;
 - (iv) providing that terms and conditions may be imposed on any licence, permit or approval, and providing for the nature of the terms and conditions and who may impose them;
 - (v) providing for the duration of licences, permits and approvals and their suspension for cancellation or any other remedy, including undertaking remedial action, and charging and collecting the costs of such action, for failure to pay a fee or to comply with a term or condition or with the by-law or for any reason specified in the by-law and
 - (vi) providing for the posting of a bond or another security to ensure compliance with a term or condition.

239(1) If this or any other Act or by-law authorizes or requires anything to be inspected, remedied, enforced or done by a Municipality, a designated officer of the Municipality may, after giving reasonable notice to the owner or occupier of land or the building or other structure to be entered to carry out the inspection, remedy, enforcement or action,

- (a) enter the land or structure at any reasonable time, and carry out the inspection, remedy, enforcement or action; and
- (b) request that anything be produced to assist in the inspection, remedy, enforcement or action; and
- (c) make copies of anything related to the inspection, remedy, enforcement or action.

293 A Municipality must maintain

- (a) municipal roads within its boundaries; and
- (b) land within its boundaries that is shown on a plan of subdivision registered by an applicant at a land titles office under The Planning Act as dedicated for public use as a municipal

road, upon compliance by the applicant with any condition that is related to the road and required for approval of the plan.

294 A Municipality is required to construct or maintain a municipal road only to a standard that is appropriate to the use to which the Municipality expects the road to be put.

AND WHEREAS the Lieutenant Governor in Council has made regulation No. 48/97 under section 232(2)(e) of the Municipal Act for the purpose of regulating aggregate mining and transportation fees and agreements;

AND WHEREAS the Council of the Rural Municipality of Whitehead deems it is necessary to provide for the licencing of aggregate mining and transportation within the Municipality and to set fees payable in connection with such licencing;

NOW THEREFORE the Council of the Rural Municipality of Whitehead in Council duly assembled enacts as follows;

1.0 DEFINITIONS

1.1 In this by-law;

“AGGREGATE” means a quarry mineral that is used solely for construction purposes or is used as a constituent of concrete, other than in the manufacture of cement, and includes sand, gravel, clay and crushed stone or rock.

“AGGREGATE MINING AND TRANSPORTATION LICENCE” means a licence issued under paragraph 4.0 of this by-law.

“MINE, MINING OR MINED” means the removal of a substance to a place outside the boundaries of a parcel or tract of land from which such substance has been extracted by means of digging or excavation.

“MUNICIPALITY” means the Rural Municipality of Whitehead.

“MUNICIPAL ROAD” means a municipal road as defined in The Municipal Act and which is located within the Rural Municipality of Whitehead.

“OWNER” means the person having the right to remove and dispose of aggregate in, under or upon a parcel or tract of land r, where such right cannot be conveniently determined, the legal owner of such a parcel or tract.

“PERSON” means a natural person, a partnership, a firm, a business, an association, a credit union, a cooperative or a Municipality.

“PIT LOCATION” means the parcel or tract of land from which aggregate is mined and includes a pit location specified in an Aggregate Mining and Transportation licence.

“TRANSPORT, TRANSPORTING, OR TRANSPORTED” means the movement of a substance from one place to another place.

2.0 APPLICATION

2.1 Unless provided to the contrary herein, this by-law applies to every person mining or transporting aggregate within the Municipality.

2.2 This by-law does not apply to the Municipality

2.3 This by-law does not apply to the Crown or a Crown Agency, except to the extent provided in paragraph 5 hereof.

3.0 PROHIBITIONS

- 3.1 No person shall mine aggregate within the Municipality unless;
- (a) such person had a valid and subsisting Aggregate and Mining and Transportation licence for the pit location from which such aggregate was mined; or
 - (b) the aggregate was mined from a pit location specified in a valid and subsisting Aggregate Mining and Transportation Licence issued to a licensee other than such person and such person has provided to the licensee the information specified in paragraph 3.4 hereof.
- 3.2 No person shall transport aggregate within the Municipality unless;
- (a) such aggregate was mined from a pit location specified in a valid and subsisting Aggregate Mining and Transportation Licence and such person has provided to the licensee the information specified in paragraph 3.4 hereof; or
 - (b) such aggregate was obtained from a pit location outside the municipality or from a pit location owned by the Crown or a Crown Agency or such person pays to the Municipality prior to transporting such aggregate the amount of fees set forth in sub-paragraphs 5.1 (b) and (c); or
 - (c) such person makes arrangements satisfactory to the Municipality, prior to transporting such aggregate, for the payment of fees that would be due to the Municipality if sub-paragraphs 5.1 (b) and (c) were applicable to such person.
- 3.3 No owner shall allow, suffer or permit the mining or transportation of aggregate from any land of the owner unless such land is specified as a pit location in a valid and subsisting Aggregate Mining and Transportation Licence.
- 3.4 Where a person transports aggregate that was mined from a location specified in a valid and subsisting Aggregate Mining and Transportation Licence or from a pit location for which such Licence should have been obtained, such person shall within reasonable time provide to the Licensee or to the person who should have obtained a Licence, the following information;
- (a) his full name and mailing address
 - (b) the full name and address of his employer, if any; and
 - (c) the quantity of aggregate transported by him from the pit location in question; and
 - (d) the route over which aggregate has been or will be transported; and
 - (e) any other information necessary to calculate fees due or the party from whom they are due in accordance with sub-paragraph 5.1 (b) and (c).

4.0 LICENCES

- 4.1 Aggregate Mining and Transportation Licences shall be in the form attached hereto as Schedule "A".
- 4.2 Aggregate Mining and Transportation Licences shall be valid and subsisting for a period of one year, commencing January 1 and ending December 31, notwithstanding the time of issuance.
- 4.3 Every owner of property from which aggregate is mined or transported shall obtain an Aggregate Mining and Transportation Licence prior to allowing any mining or transportation of aggregate from their property unless the person doing the mining or transporting has a valid and subsisting Aggregate Mining and Transportation Licence.
- 4.4 Every person requiring an Aggregate Mining and Transportation Licence shall make application for such licence at the Municipality and shall pay to the Municipality the fee for such licence at the time of application.
- 4.5 The fee for an Aggregate Mining and Transportation Licence shall be \$75.00

4.6 The holder of an Aggregate Mining and Transportation Licence shall produce such licence to a designated officer of the Municipality forthwith upon demand.

5.0 ADDITIONAL FEES

5.1 A person required to have an Aggregate Mining and Transportation Licence shall pay fees to the Municipality as follows:

(a) a fee based on the quantity of aggregate mined in the Municipality by that person which fee shall be the lesser of the amounts calculated as follows:

- (i) ~~-\$0.28159~~ \$0.2915 per tonne; or
- (ii) ~~-\$0.450124~~ \$0.5189 per cubic metre or

(b) a fee for the maintenance, repair and restoration of any Municipal Road used to transport aggregate mined by that person which fee shall be calculated as follows:

- (i) where the aggregate is transported during the period commencing March 1st. and ending November 30th. of a year, the product obtained when the number of kilometers of municipal road over which the aggregate is transported is multiplied by the lesser of ~~\$0.06398~~ \$0.0662 per tonne or ~~\$0.11188~~ \$0.1158 per cubic metre, and
- (ii) where the aggregate is transported during the period commencing December 1 of one year and ending the last day of February of the following year, the product obtained when the number kilometers of municipal road over which the aggregate is transported multiplied by the lesser of ~~\$0.03193~~ \$0.0330 per tonne or ~~0.05610~~ \$0.0580 per cubic metre, and

(c) a fee for the shortening of the lifetime of a municipal road resulting from the transportation of aggregate mined by that person which fee shall be calculated as follows:

- (i) where the aggregate is transported during the period commencing March 1st. and ending November 30th. of a year, the product obtained when the number of kilometers of municipal road over which the aggregate is transported is multiplied by the lesser of ~~\$0.06398~~ \$0.0662 per tonne or ~~\$0.11188~~ \$0.1158 per cubic metre; and
- (ii) where the aggregate is transported during the period commencing December 1st. of one year and ending the last day of February of the following year, the product obtained when the number of kilometers of municipal road over which the aggregate is transported is multiplied by the lesser of ~~\$0.03193~~ \$0.0330 per tonne or ~~\$0.05610~~ \$0.0580 per cubic metre.

5.2 Notwithstanding that this by-law may be inapplicable to a particular person mining aggregate or to a particular pit location from which aggregate is mined, all persons transporting aggregate within the municipality shall pay to the municipality as and when due, the fees set forth in sub-paragraphs 5.1 (b) and (c).

5.3 Where a person is required to have an Aggregate Mining and Transportation Licence in any part of a calendar year, such person shall provide to the municipality on or before February 25th. in the ensuing year, a complete and accurate record in the form attached hereto as Schedule "B".

5.4 Where a person is required to have an Aggregate Mining and Transportation Licence in any part of a calendar year, such person shall maintain a complete and accurate record of all persons transporting aggregate obtained from the pit location specified in such licence, together with the amount and delivery route of such aggregate and such records shall be retained for at least six years.

5.5 Fees payable by a person required to have an Aggregate Mining and Transportation Licence in any part of a calendar year, shall be remitted in full to the Municipality on or before February 25th in the ensuing year.

6.0 AGREEMENT IN LIEU OF FEES

- 6.1 In lieu of payment of fees referred to in sub-paragraphs 5.1 (b) and (c), or either of them, the Municipality may enter into agreements with a person required by this by-law to have an Aggregate Mining and Transportation Licence.
- 6.2 Any agreement made under the authority of this paragraph shall be in conformity with Manitoba Regulation 48/97, as amended from time to time and is subject to the approval of the Council of the Municipality.

7.0 ENFORCEMENT

- 7.1 Any person who contravenes any provision of this by-law is guilty of an offence and is liable to a fine in accordance with Schedule "A" in the Compliance By-law No. 2022-10.
- 7.2 Where any person contravenes any provision of this by-law for more than one day, such person is guilty of a separate offence for each day such contravention continues.
- 7.3 Upon reasonable notice, a person required to have an Aggregate Mining and Transportation Licence in any year shall permit a designated officer of the municipality to enter upon any premises where records required under this by-law are kept, to examine such records and to make copies thereof.
- 7.4 In the event that fees due and owing under this by-law are not paid by an owner or a person acquiring aggregate from an owner as and when due, the Municipality may add the amount thereof to the real property taxes of the owner and collect such fees in the same manner as taxes or take any other remedy available to the Municipality.

8.0 BOUNDARY ROADS

- 8.1 The Municipality may enter into an agreement with a neighbouring municipality for the maintenance, repair and restoration of a boundary road if said boundary road is the route over which aggregate has been or will be transported and stated in a valid and subsisting Aggregate Mining and Transportation Licence.

9.0 COMING INTO FORCE

- 9.1 This by-law comes into force and effect on the day that it received third reading.
- 9.2 That By-law No. 2022-11 is hereby now repealed.

DONE and passed by the Council of the Rural Municipality of Whitehead in regular session assembled this 15th day of May A.D. 2023

Originally signed
T. Tattasi

Reeve

Originally signed
D. Carriere

Chief Administrative Officer

Read a first time this 11th day of April A.D. 2023
Read a second time this 11th day of April A.D. 2023
Read a third time this 15th day of May A.D. 2023

Administrations Report

Council Meeting Date: March 11, 2024

Agenda Item: 6.5 – Zoning By-law Discussion

Policy or by-law: Zoning By-law No. 2021-04

Section referenced: 3.8, 3.9, 3.10, 3.11

Recommendation:

An inquiry was received from a resident regarding the building of a 'secondary suite' on a property within the RR5 zone. Under the Zoning By-law, this is not permissible within RR5 nor RR2 zoning, however, is permissible as a conditional use application under General Development (GD) and Residential Services (RS) zones. Both the GD and RS zones address properties within the area of Alexander or Kemnay and typically have single dwellings on lots considerably smaller than RR5.

With the receipt of an inquiry, and the possible suitability of RR5 zoning to consider conditional use secondary suites, it is considered appropriate to review this section of the Zoning By-law.

Administration is seeking direction from Council on whether to pursue this or if the Zoning By-law will remain unamended.

RM of Whitehead Payment Register

Report Date
2024-02-29 2:08 PM

Batch: 2024-00010 to 2024-00016

Page 1

Bank Code: AP - AP-GENERAL OPER

Payment #	Vendor	Date	Amount
Computer Cheque			
15678	Brandt Tractor Ltd.	2024-02-02	2,221.91
15679	Brandon Bearing Ltd.	2024-02-02	732.06
15680	Brandon Heating & Plumbing Ltd	2024-02-02	8,962.24
15681	Capital I Industries 2012	2024-02-02	1,455.87
15682	EMCO Waterworks	2024-02-02	266.66
15683	Jen Kondejewski	2024-02-02	137.50
15684	Manitoba Hydro	2024-02-02	1,228.17
15685	Manitoba Water Services Board	2024-02-02	54,208.97
15686	MB Municipal Employees	2024-02-02	4,229.01
15687	Office Innovations Inc	2024-02-02	138.81
15688	Protelec Alarms Ltd	2024-02-02	63.49
15689	Air Liquide Canada Inc	2024-02-02	207.65
15690	Receiver General Of Canada	2024-02-02	8,191.41
15691	RFNow Inc	2024-02-02	611.42
15692	Julie Bean	2024-02-12	80.00
15693	Christine Burton	2024-02-12	213.86
15694	Danniele Carriere	2024-02-12	102.56
15695	CrossMan Direct Underground	2024-02-12	4,284.00
15696	Izzard Plumbing, Heating & Septic	2024-02-12	719.25
15697	Manitoba Hydro	2024-02-12	446.76
15698	Sherrie Merckx	2024-02-12	25.20
15699	Minister Of Finance - Manitoba	2024-02-12	3,624.20
	Issued to: Minister of Finance - Manitoba		
15700	Municipal Waste Management	2024-02-12	7,143.19
15701	Prairie By-Law Enforcement	2024-02-12	210.00
15702	Princess Auto Ltd.	2024-02-12	33.59
15703	RBC Royal Bank	2024-02-12	1,878.46
15704	Way To Go Consulting	2024-02-12	210.00
15705	Wolseley Canada	2024-02-12	64.18
15706	ALS Canada Limited	2024-02-27	213.68
15707	Brandon Bearing Ltd.	2024-02-27	94.65
15708	Canadian Pacific Railway Co.	2024-02-27	1,614.00
15709	Evolution Training & Consulting Ltd	2024-02-27	3,937.50
15710	Heritage Co-Op 1997 Ltd.	2024-02-27	2,103.47
15711	J.J. Electric Ltd	2024-02-27	664.70
15712	Bell MTS	2024-02-27	448.28
15713	Manitoba Hydro	2024-02-27	6,337.61
15714	Mar-Dee Enterprises	2024-02-27	218.62
15715	Petty Cash - Christine Burton	2024-02-27	60.76
15716	Wendy Peterson	2024-02-27	700.00
15717	Princess Auto Ltd.	2024-02-27	808.61
15718	RM of Whitehead	2024-02-27	150.00
15719	Rogers	2024-02-27	91.84
15720	SENSUS	2024-02-27	18,900.00
15721	Speers Custom Woodworking	2024-02-27	21,415.61
15722	Thompson Dorfman Sweatman	2024-02-27	12,258.94
	Total for Computer Cheque:		171,708.69
		Total for AP:	171,708.69

**RM of Whitehead
Payment Register**

Report Date
2024-02-29 2:08 PM

Batch: 2024-00010 to 2024-00016

Page 2

Bank Code: RB Visa - Royal Bank Visa

Payment #	Vendor	Date	Amount
Other			
1	Amazon	2024-02-06	34.31
1	Canadian Tire	2024-02-06	36.95
1	Manitoba Municipality Association	2024-02-06	1,017.00
1	Mum's Family Restaurant	2024-02-06	269.61
1	Ooma Office	2024-02-06	115.36
1	RBC Royal Bank	2024-02-06	12.00
1	Rocky Mountain Equipment	2024-02-06	132.72
1	Staples /BD#238 Brandon	2024-02-06	116.20
1	Titan Certified Tracking Solutions	2024-02-06	144.31
	Total for Other:		<u>1,878.46</u>
	Total for RB Visa:		<u><u>1,878.46</u></u>

Payments Printed: 54

James Maxon

From: CAO <cao@gov.cornwallis.mb.ca>
Sent: March 5, 2024 5:31 PM
To: James Maxon
Subject: RE: Road 114W

Follow Up Flag: Follow up
Flag Status: Completed

Hello James:

The Cornwallis Council wishes to have a joint meeting with the Elton Council on this request, as we also have a project on the Boundary Road to be done – I will send you more info when I have it prior to our meeting.

I am trying to arrange for other joint meetings. How do the following dates look for you (assume you are attending?) and Council, for a **Joint Meeting** in the **evening**:
Wednesday March 13 or Thursday March 14?

If either of those two do not work we could possibly do Friday March 15, or Monday March 18 – however Deputy Reeve Terry Ross is unable to make these two dates so the above two dates would be preferred.

Most likely, our Public Works Supervisor will attend, but first lets try to narrow down a date then see if the PW folks are attending.

Let me know if you or Council has other topics they wish to discuss.

I have yet to specify what time exactly – that may depend on others availability.

Sincerely,

Holly Krysko, B.Comm, CMMA
Interim Chief Administrative Officer
Rural Municipality of Cornwallis
P: 204-725-8686
Site 500 Box 10 RR 5
Brandon, MB R7A 5Y5

From: James Maxon <cao@rmofwhitehead.ca>
Sent: Tuesday, January 30, 2024 12:19 PM
To: CAO <cao@gov.cornwallis.mb.ca>
Subject: RE: Road 114W

Sounds good, thank you Holly.

Best,

James Maxon, M.A. (RD)
Chief Administrative Officer
RM of Whitehead

From: CAO <cao@gov.cornwallis.mb.ca>
Sent: Tuesday, January 30, 2024 12:02 PM
To: James Maxon <cao@rmofwhitehead.ca>
Subject: RE: Road 114W

James: I will have this on our next agenda for Feb 12th so that Council is aware, and see if they wish to agree or have a PW meeting.

Holly Krysko, B.Comm, CMMA
Interim Chief Administrative Officer
Rural Municipality of Cornwallis
P: 204-725-8686
Site 500 Box 10 RR 5
Brandon, MB R7A 5Y5

From: James Maxon <cao@rmofwhitehead.ca>
Sent: Tuesday, January 30, 2024 11:27 AM
To: CAO <cao@gov.cornwallis.mb.ca>
Cc: Financial Analyst <finance@gov.cornwallis.mb.ca>
Subject: Road 114W

Good Morning,

I'm emailing today reaching out to the RM of Cornwallis with respect to work the RM of Whitehead would like to undertake on Road 114W.

This boundary road between our two RMs is of course subject to a road agreement from 2017 and we believe that the work to be undertaken falls beyond routine and would be under Section 4. So, I am contacting you now to have the discussion and consultation with respect to the work that is required to bring it back up to good condition. I have attached a quote we have already received from XXX for the work, and it outlines what the road needs. We are still waiting on a second quote from XXX, we hope that it will be less, but we are budgeting with the first quote in mind. As you can see from the quote, this is a significant project, and we see this as warranting 50/50 cost sharing between the municipalities.

This is something that was brought to our attention over the past couple years from residents of both RMs who use the road on a regular basis. We are prepared to lead on the project to have the work completed within the 2024 year and are budgeting accordingly. Please call me at your earliest convenience to discuss this matter.

I look forward to hearing back from you and having a conversation on this project,

James Maxon, M.A. (RD)
Chief Administrative Officer
Rural Municipality of Whitehead
Box 107 Alexander, MB R0K 0A0
Ph.204.752.2261



Administrations Report

Council Meeting Date: March 11, 2024

Agenda Item: 12.1 – Conditional Use CO2024-01 – Garnett Speers – NE 13-9-22

Policy or by-law: Zoning By-law No. 2021-04

Section referenced:

Recommendation:

The applicant is seeking to place a mobile home on a location in the AG zone as a farm-use temporary dwelling. This location has been used for similar use in the past with another mobile home.

Considering this is for farm-use and is at a location used for a similar mobile home in the past, Administration has no concerns with this application.

Administration recommends the that the Conditional Use application be approved.



Planning & Development
517 Second Avenue
Box 107 Alexander, MB R0K 0A0
T: 204.752.2261

Chief Administrative Officer
Box 107
Alexander, MB R0K 0A0

RE: NE 13-9-22 (address or legal description of application)

I(We) hereby give authorization to:

Garnett Speers (Applicant's name)

To apply for a development application for the above address.

Registered Owner(s) on the Current Status of Title:

<u>Joyce Speers</u> Name (Print)	<u>Joyce Speers</u> Signed	^{W.S.} <u>Feb 16/24</u> Date
_____ Name (Print)	_____ Signed	_____ Date
_____ Name (Print)	_____ Signed	_____ Date
_____ Name (Print)	_____ Signed	_____ Date

W

N

mobile
home

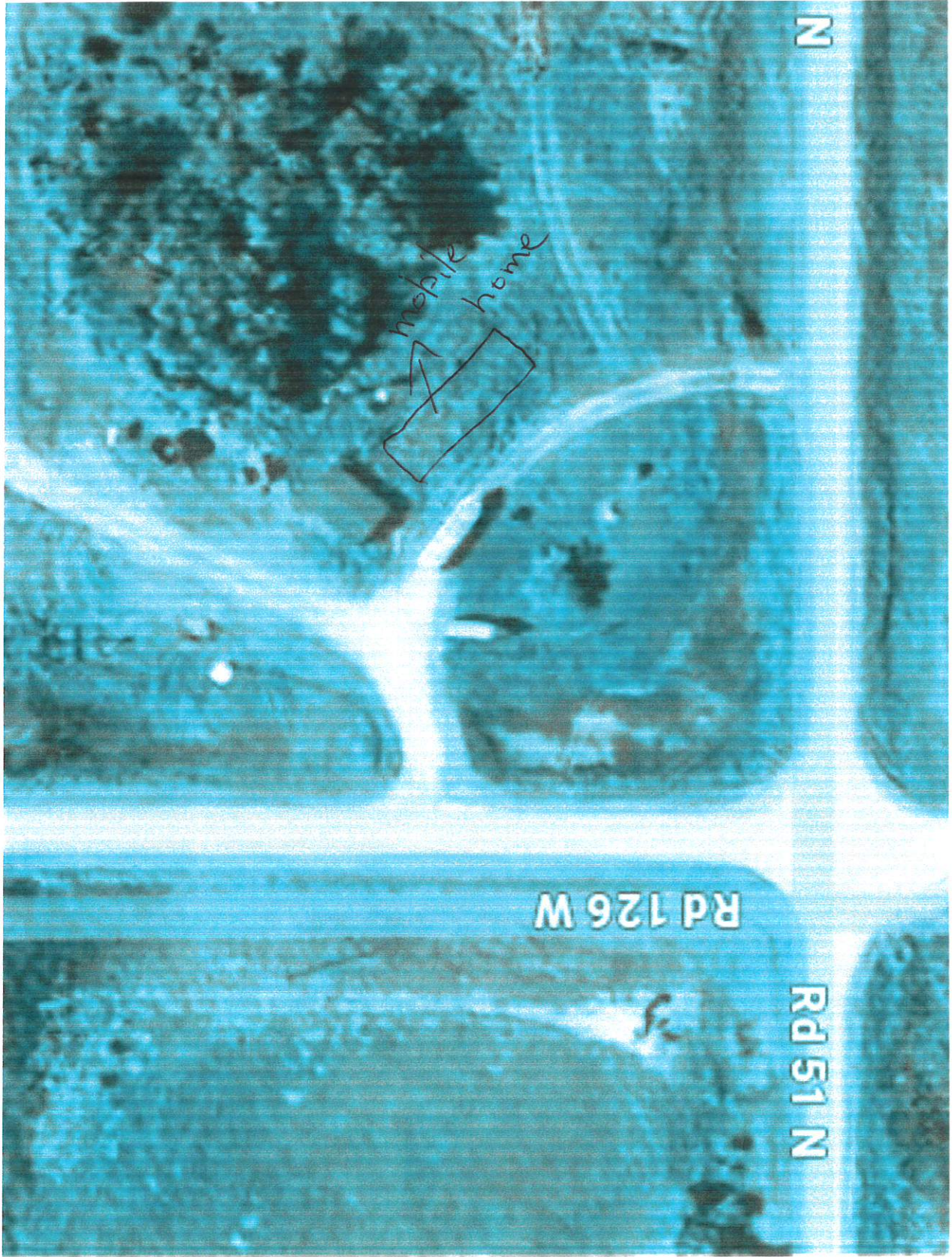
S

N

Rd 126 W

Rd 51 N

E



Souris and Glenwood Vet Board Clinic Meeting

February 16,2024 -Chicken Chef

Present-Todd Walker, Frank Jones, Don Brown

Dr Haley Adams, Sande Denbow

Regrets-Scott Phillips Dennis Forester

Call to -12:23

Agenda-

Minutes of last meeting-unavailable-no quorum

Financial Statement-Bank Balance \$13,430.88 as of December 31, 2023

Motion to allow Sande to start online banking for utilities was made by Todd Walker seconded by Frank Jones (c)

Hydro will be contacted to have the clinic make equal payments as this utility continues to be high and Frank will run an infrared test as soon as he is able Sande will work on budget and financial year end

User fees discussed and this must be addressed as to the amount (suggested \$5-10) and easy to collect

Motion to ask Grassland Municipality to join made by Todd Walker seconded by Frank Jones (c)

Tip Table-will be advertised and buyer will be responsible for the removal of such

Dr Haley discussed a list of purchases she has made over the year and will they be reimbursed to keep everything owned by the clinic or allow her to bring in her own equipment -more discussion required

Provincial grant intakes will start April 1 **Motion** to ask for a small increase from our fellow participating municipalities of 5% plus Souris Glenwood was made by Frank Jones seconded by Todd Walker (c)Frank Jones wants

Oakland Wawanesa to increase their funding to \$2000

Next meeting-call if the chair

Adjourn Frank Jones

LUD COMMITTEE MEETING

Feb.26 th/2024 @ 5:00pm

TOPICS OF DISCUSSION::

Unfinished Business:

Unightly Properties:

-Property in question were served

Garbage Cans:

-April 6th weekend hoping to get the bins painted

-Motion made for \$250 (max) to provide lunch for the 4H kids who are painting the bins

Tentative plans made for town clean up to be on April 28th weekend

Budget 2024

-Discussion on Mill Rate

-Discussion on contribution to RM for fixing Walker Ave E. Motion made and passed to contribute up to \$3000

New Business:

Placement of the three new crime stoppers signs we received. (Ball diamond, school yard, in front of the office)

Discussion on having Jason (from the province) come and check on the terrible state Second Ave is in.

Ad has been sent out for accepting applications for Green Team. Going to have a list made up for next meeting, for Green Team members duties.

Central Assiniboine Watershed District offering application for free tree's. Going to apply, thinking around 25 tree's.

Meeting adjourned at 6:27pm Next Meeting March 25th @5pm