

THE TOWN OF CARMAN

BY-LAW NO. 06/1895

Being a by-law of the Town of Carman to regulate the proceedings and conduct of the Council and the Committees thereof.

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 Town of Carman, in open meeting assembled, enacts as follows:

TITLE

1.0 This by-law may be referred as "The Town of Carman Procedures By-Law".

1.1 The following rules and regulations shall be observed in Council, and in all committees thereof.

DEFINITIONS

2.0 In this by-law,

- (a) "Agenda" means the agenda for a regular or special meeting of Council or committee of Council.
- (b) "Act" means The Municipal Act S. M. 1996 c.58.
- (c) "Chair" means the person presiding at the meeting of Council or committee.
- (d) "Committee" means a committee or other body established under The Town of Carman Organizational By-Law, but does not include a committee of the whole Council.
- (e) "Committee of the Whole Council" means a committee of all members present at a Council meeting sitting as a committee.
- (f) "Council" means the duly elected Mayor and Councillors of The Town of Carman.
- (g) "Council Meeting" means a regular meeting or special meeting of the Council but does not include a public hearing held by the Council.
- (h) "Closed Session" means in private or to the exclusion of the public.
- (i) "Members" means, when referring to the Council, the Councillors and the Mayor.
- (j) "General Holiday" means each Saturday and Sunday, and includes such days as New Year's Day, Good Friday, Easter Monday, Victoria Day, Dominion Day, The First Monday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any other day declared a holiday by the Provincial or Federal Government.

SUSPENSION

3.0 Any rule contained in this by-law may be suspended by a vote of the majority 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 Mayor must call the Inaugural Meeting of Council within 30 days, and the meeting shall be held at 7:30 p.m. in the Council Chambers of the Memorial Hall.

4.1 Council must at its Inaugural Meeting review the Procedures and Organizational by-laws.

QUORUM

5.0 A majority of the members of Council constitutes a quorum. A quorum of Council for the Town of Carman shall be four members.

5.1 If a position on Council is vacant, the quorum will be the majority of the remaining members of Council provided that the minimum number for a quorum cannot be less than three members. In the case of a Council Committee, the minimum number for a quorum is two.

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 Chief Administrative Officer shall enter into the minutes the names of the members present at the meeting.

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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 A draft agenda of each regular meeting of Council, as prepared by the Chief Administrative Officer, together with copies of supporting materials shall be available to the members of Council at least 48 hours preceding the meeting of Council. A copy of the draft agenda shall be posted in the Municipal Office at the same time.
- 7.1 All items to be placed on the agenda of the next regular meeting of Council should be provided to the Chief Administrative Officer at least 96 hours prior to the scheduled time of the regular meeting.
- 7.2 Items may be added to the agenda at a regular meeting of Council by a majority vote of the members present, prior to adopting the final agenda for the regular meeting of Council.
- 7.3 In preparing the Council agenda, the Chief Administrative Officer shall state the business for consideration in accordance with the following order of business:
- Call the meeting to order
 - Confirmation of the minutes
 - Adoption of the agenda
 - Reception of delegations
 - Reception of petitions
 - Variation board
 - Communications
 - Unfinished business
 - Reports of committees
 - By-laws
 - General business
 - New business
 - Accounts
 - Notice of motion
 - Closed session
 - Adjournment
- 7.4 Notwithstanding the provisions under 7.3, 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 second and fourth Thursday of each month in the Council Chambers of the Town of Carman at the hour of 7:30 p.m., except July and August, which shall be held on the third Thursday at 6:30 a.m., and December, which shall be held on the third Thursday at 7:30 p.m. A notice prior to the first Council meeting each year shall be posted in the Municipal Office outlining the regular meeting schedule for that year.
- 8.1 All meetings of Council shall be chaired by the Mayor, or in his absence, by the Deputy Mayor. If the Mayor or Deputy Mayor is not present at the time scheduled for a meeting, the Council may appoint one of its members to chair the meeting.

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- 8.2 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 or at another date determined by the majority of Council.
- 8.3 Council may, by resolution, vary the date and time of a regular meeting as circumstances may require.
- 8.4 Notice of any change of day or time of a regular meeting of Council must be posted in the Municipal Office at least 15 days before the regularly scheduled date of the meeting.
- 8.5 At the hour set for a meeting to commence, and providing that a quorum is present, the Mayor shall take the chair and shall call the meeting to order.
- 8.6 The Council shall observe a curfew whereby the item on the agenda under discussion at 11:00 p.m. will be the last item dealt with on that day unless by majority vote the Council decides to extend the time of adjournment. In any case, only one half hour extension is allowed.
- 8.7 The Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 8.8 Despite clause 8.7 of this by-law, Council or Council Committee may close a meeting to the public if:
- (a) The members decide during the meeting to meet as a committee to discuss a matter, and
 - (b) The decision and general nature of the matter are recorded in the minutes of the meeting; and
 - (c) The matter to be discussed relates to
 - (i) Municipal assistance,
 - (ii) An employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance,
 - (iii) A matter that is in its preliminary stages and respecting which discussion in public could prejudice the municipality's ability to carry out its activities or negotiations,
 - (iv) The conduct of existing or anticipated legal proceedings,
 - (v) The conduct of an investigation under, or enforcement of, an Act or by-law,
 - (vi) The security of documents or premises, or
 - (vii) A report of the Ombudsman received by the Head of the Council under clause 36(1)(e) of The Ombudsman Act.
- 8.9 No resolution or by-law may be passed at a meeting that is closed to the public, except a resolution to reopen the meeting to the public.

SPECIAL MEETINGS OF COUNCIL

- 9.0 A special meeting of Council of the Town of Carman may be called at any time by the Mayor, and must be called by the Mayor, if the Mayor receives a written request from at least two members of Council stating the purpose. A copy of the written request must also be served on the Chief Administrative Officer.
- 9.1 Should the Mayor not call a special meeting within 48 hours of receiving written request by two members of Council, the Chief Administrative Officer must call the meeting in accordance with section 9.2 of this by-law.
- 9.2 The notice of the special meeting to all members of Council may be oral, in electronic or written form, and must state the purpose of the meeting, and must be provided to all members of Council and posted in the Municipal Office at least 24 hours before the scheduled time of the meeting.
- 9.3 Should the head of Council be unavailable, the Deputy Head of Council may call a special meeting only if requested in writing by two members in accordance with this part.
- 9.4 Any member of Council may waive the right to be given notice by giving written notice to the Chief Administrative Officer and having done so shall be deemed to have been given notice of a special meeting of Council.

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- 9.5 At a special meeting, no subjects or matters, other than those mentioned in the notice calling the meeting shall be taken into consideration, unless all Members of Council are present, and the members unanimously agree by resolution to adding of items to the agenda.

COMMITTEE MEETINGS

- 10.0 There are three standing committees of Council, namely Finance and Administration, Work and Operations, and Community and Social Development. All committees shall meet on a monthly basis at a time and location agreed on by the committee members.
- 10.1 Committee meetings shall be limited to a maximum length of 1½ hour.
- 10.2 In the event that a special committee meeting needs to be held, the Chairperson of said committee shall notify the Chief Administrative Officer of the need and together they shall determine a date for the special committee meeting. Committee members and the public must be notified a minimum of 24 hours prior to the special committee meeting.

DELEGATIONS

- 11.0 The Chair may limit the time taken by a delegation to 10 minutes. The delegation must appoint a spokesperson.
- 11.1 To allow members of Council to prepare for delegations all presenters shall register with the Chief Administrative Officer at least 96 hours before the Council meeting and advise the Chief Administrative Officer of the topic and scope of the presentation.
- 11.2 There shall not be a limit to the number of delegations included on the agenda of a Council meeting, but the Chief Administrative Officer is granted authority to schedule delegations as deemed appropriate.
- 11.3 If a delegation is present at a Council meeting to discuss the granting of money or the expenditure of municipal funds, no decision shall be made at the time of the delegation hearing. Rather the Chair shall request the item be inserted in the agenda under New Business or held over to the Finance and Administration Committee for a future recommendation.

VOTING

- 12.0 A member has one vote each time a vote is held at a Council meeting at which the member is present.
- 12.1 The minutes of a meeting at which Council votes on the third reading of a by-law must show the name of each member present, the vote or abstention of each member, and the reason given for any abstention.
- 12.2 The Chief Administrative Officer must record in the minutes the name of any member who exercises his right to abstain from voting on any resolution.
- 12.3 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 12.4 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.
- 12.5 When Council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 12.6 Any member of Council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The Chief Administrative Officer must record in the minutes of the meeting of Council the names of the members present and the vote or abstention of each member.

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PROCEDURE AT PUBLIC HEARING

- 13.0 Each member of Council must attend a public hearing called by Council unless the member:
- (a) Is excused by the other members from attending the hearing;
 - (b) Is unable to attend owing to illness;
 - (c) Is required under The Municipal Council Conflict of Interest Act to withdraw from the hearing.
- 13.1 The Chair of the public hearing has the right to limit the time taken by a person to 10 minutes, after which Council may wish to ask questions of the person. All questions must be channeled through the Chair of the hearing.
- 13.2 The Chair of the public hearing may decline to hear further presentations, questions or objections where the Chair is satisfied that the matter has been addressed at the public hearing.
- 13.3 The Chair of the public hearing may decide which presenters will be heard if the Chair is satisfied that presentations are the same or similar.
- 13.4 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 oneself 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.
- 13.5 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

- 14.0 Council may act only by resolution or by-law.
- 14.1 No motion shall be debated or put unless it is in writing and is seconded, excepting only a motion to adjourn, which need not be in writing.
- 14.2 Every proposed by-law must be given three separate readings and each reading must be put to a separate vote.
- 14.3 Council may not give a proposed by-law more than two readings at the same Council meeting.
- 14.4 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 14.5 Each member present at the meeting at which first reading is to take place must be given, or have had the opportunity to review the full text of the proposed by-law before the by-law receives first reading.
- 14.6 Each member present at the meeting at which third reading is to take place must, before the proposed by-law receives third reading, be given, or have had, the opportunity to review the full text of the proposed by-law and any amendment passed after first reading.

HEAD OF COUNCIL TAKING PART IN DEBATE

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

CONDUCT

- 16.0 Every member previous to his speaking 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, the Chair shall do so without comment unless requested to do so.

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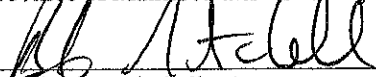
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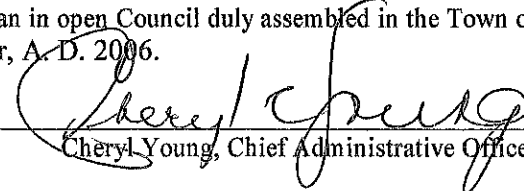
- 16.3 When the Chair is putting a question, no member shall leave their chair.
- 16.4 Discussion shall be limited to the question in debate.
- 16.5 No member shall speak to the question or in reply for longer than five minutes without approval of Council.
- 16.6 A motion to adjourn takes precedence over all others and may be moved at any time, but the question cannot be received after another question is actually 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, but 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 oneself 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 oneself 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 The public and media may audio/video tape meeting proceedings, including public hearings providing the arrangements are made with the Chief Administrative Officer at least 24 hours prior to the meeting or public hearing.
- 16.13 A member must keep in confidence a matter that is discussed at a meeting closed to the public under Subsection 152(3) of the Act until the matter is discussed at a Council meeting conducted in public.
- 16.14 A member who breaches the requirement of confidentiality under clause 16.13 becomes disqualified from Council.

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. 03/1857 is hereby repealed.

DONE AND PASSED as a by-law of the Town of Carman in open Council duly assembled in the Town of Carman in the Province of Manitoba this 23rd day of November, A. D. 2006.


Robert J. Mitchell, Mayor


Cheryl Young, Chief Administrative Officer

Read a first time this 9th day of November, A.D. 2006.

Read a second time this 23rd day of November, A. D. 2006.

Read a third time this 23rd day of November, A. D. 2006.