

THE RURAL MUNICIPALITY OF PINEY

BY-LAW NO. 105/2014

BEING A BY-LAW OF THE RURAL MUNICIPALITY OF PINEY 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 Rural Municipality of Piney, in open meeting assembled, enacts as follows:

TITLE

1.0 This by-law be referred as "The Rural Municipality of Piney 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) "Chief Administrative Officer (CAO)" means a person appointed as a chief administrative officer under subsection 125 (1) of The Municipal Act.
 - e) "Committee" means a Committee or other body established under The Rural Municipality of Piney Organizational By-law, but does not include a committee of the whole Council or Local Urban District.
 - f) "Committee of the Whole Council" means a committee of all members present at a Council meeting sitting as a Committee.
 - g) "Council" means the duly elected Reeve and Councillors of The Rural Municipality of Piney.
 - 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) "Elector" means an elector as defined in the Local Authorities Election Act of Manitoba.
 - 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.
 - k) "In Camera" means in private or to the exclusion of the public.
 - l) "Members" mean, when referring to the Council, the Councillors and the Reeve.
 - m) "Municipal Act" means The Municipal Act of Manitoba.
 - n) "Petition" means a formal request signed by the eligible or actual electors, or property owners, as may be required.
 - o) "Petitioner" means the person who signs the petition.

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 7:00 P.M. in the Council Chamber in Vassar, Manitoba.
- 4.1 Council must at its Inaugural Meeting review the Procedures and Organizational By-law.

QUORUM

- 5.0 A majority of the members of Council constitutes a quorum. A quorum of Council for The Rural Municipality of Piney shall be three (3) 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 into the minutes the names of the members present at the meeting.

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 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 CAO, together with copies of supporting materials shall be available to the members of Council at least 96 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 shall be in writing and submitted to the CAO no later than 4:30 P.M. of the Tuesday preceding the regular Council meeting.
- 7.2 Council members shall submit verbally and in writing items to be placed on the agenda, of a regular meeting, to the CAO no later than 4:30 P.M. of the Tuesday preceding the regular Council meeting.
- 7.3 Any matter before the Council may be referred to the next meeting or be tabled by a majority of the Council; and that when discussion is to be re-opened, any member of the Council may do so.
- 7.4 Items may be added to or deleted from the agenda at a regular meeting of Council by a majority vote of the members present, prior to adopting the final agenda for the regular meeting of Council.

- 7.5 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
 2. adoption of the agenda
 3. confirmation of the minutes
 4. delegations & hearings
 5. petitions
 6. finance reports
 7. by-laws, policies & agreements
 8. unfinished business
 9. new business
 10. correspondence
 11. informal correspondence
 12. committee reports
 13. in camera
 14. adjournment
- 7.6 Notwithstanding the provisions under 7.3, it shall 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 and 4th Tuesday of each month in the Council chamber of The Rural Municipality of Piney. Beginning on the second Sunday in March during Daylight Savings Time, the Regular Meeting Time will be at the hour 7:00 pm. On the first Sunday in November upon the return to Standard Time, the Regular Meeting Time will be at the hour of 6:00 P.M. A notice prior to the first Council meeting each year shall be posted in the Municipal Office outlining the regular meeting scheduled for that year.
- 8.1 All meetings of Council shall be chaired by the Reeve, or in his absence, by the Deputy Reeve. If the Reeve or Deputy Reeve are not present at the time scheduled for a meeting, the Council may appoint one of its members to chair the meeting.
- 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.
- 8.3 Council may by resolution vary the date and time of a 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 3 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 Reeve shall take the chair and shall call the meeting to order.
- 8.6 The Council shall observe a curfew during Standard Time whereby the item on the agenda under discussion at 9:30 P.M. will be the last item dealt with on that day unless by majority vote the Council decide to extend the time of adjournment. The Council shall observe a curfew during Daylight Saving Time whereby the item on the agenda under discussion at 10:30 P.M. will be the last item dealt with on that day unless by majority vote the Council decide to extend the time of adjournment. In any case, only one half hour extension is allowed.
- 8.7 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 related 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 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 the Council of The Rural Municipality of Piney may be called at any time by the Reeve, and must be called by the Reeve, 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.
- 9.1 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 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 48 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 2 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 CAO and having done so shall be deemed to have been given notice of a special meeting of Council.
- 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 member of Council are present, and the members unanimously agree by resolution to adding of items to the agenda.

MINUTES

- 10.0 Minutes of the meetings of Council shall be completed within five (5) working days of the meeting and posted in the municipal office.

COMMITTEE MEETINGS

- 11.0 Regular meetings of Committee of the Whole shall be held on the 1st Wednesday of each month in the Council chamber of The Rural

Municipality of Piney. The Committee of the Whole Meeting Time will be at the hour of 1:30 P.M. A notice prior to the first Council meeting each year shall be posted in the Municipal Office outlining the Committee of the Whole meeting scheduled for that year.

- 11.1 The rules of Council shall be observed in Committee Meetings so far as may be applicable, except that there shall be no motions or resolutions passed;
- 11.2 All motions or resolutions shall be forwarded to the next regularly scheduled Council Meeting for vote;
- 11.3 Questions of order arising in Committee Meetings shall be decided by the Chair, subject to an appeal by any member of the Committee.

DELEGATIONS

- 12.0 To allow members of Council to prepare for delegations, presenters shall register in writing with the C.A.O. by no later than 4:30 P.M. of the Tuesday preceding the regular Council Meeting, together with topic and scope of their presentation.
- 12.1 The approved delegation shall provide Council with a copy or outline of their presentation at the scheduled meeting.
- 12.2 There shall be a limit of four (4) delegations included on the agenda of a Council meeting; the C.A.O. is granted authority to schedule delegations as deemed appropriate.
- 12.3 Once a delegation is approved the delegation must appoint a spokesperson.
- 12.4 A delegation will have a maximum time of 15 minutes unless otherwise indicated by the Chair.
- 12.5 If a delegation cannot attend the scheduled meeting, Council has the option of rescheduling or canceling said delegation

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, the vote or abstention of each member, and the reason given for abstention.
- 13.2 The CAO must record in the minutes the name of any member who exercises his/her right to abstain from voting on any resolution.
- 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 members who voted on the original resolution are present and agree to reconsider vote against; 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 consideration.

- 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, the vote or abstention of each member.

PETITIONS IN GENERAL

- 14.0 Eligible petitioners shall be
- a) Only persons eligible are electors of the Municipality; and/or
 - b) Only those liable to pay the property tax of the municipality.
- 14.1 The requirements of a sufficient petition shall be
- a) a statement of purpose on every page;
 - b) required information for each petitions as per Schedule "A" attached:
 - i) the printed surname and given name or initials of the petitioner,
 - ii) the petitioner's signature,
 - iii) the date on which the petitioner signed the petition, which must be within 90 days of the petition being filed,
 - iv) the address of the petitioner's residence,
 - iv) the signature of an adult witness opposite the signature of the petitioner and where required, a statutory declaration of the witness;
 - c) signature of an adult witness opposite the signature of the petitioner with the required statutory declaration as per Schedule "B" attached;
 - d) signed statement of a representative of the petitioners, and the address of the representative as per Schedule "C" attached.
- 14.2 Petitions must be filed with the Chief Administrative Officer of the municipality no later than 4:30 P.M. of the Tuesday preceding the regular Council meeting.

PROCEDURE AT PUBLIC HEARING

- 15.0 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.
- 15.1 The Chair of the public hearing may provide a format to the audience of proceedings for making public representation.
- 15.2 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.
- 15.3 The Chair of the public hearing may decline to hear further presentations, questions or objections where he/she is satisfied that the matter has been addressed at the public hearing.
- 15.4 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.

- 15.5 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

- 16.0 Council may act only by resolution or by-law.
- 16.1 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.
- 16.2 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 16.3 Council may not give a proposed by-law more than two readings at the same Council meeting.
- 16.4 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 16.5 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.
- 16.6 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

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

CONDUCT

- 18.0 Every member previous to his speaking shall address the Chair.
- 18.1 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 18.2 When the Chair is called on to decide a point of order or practice, he shall do so without comment unless requested to do so.
- 18.3 When the Chair is putting a question, no member shall leave his chair.
- 18.4 Discussion shall be limited to the question in debate.
- 18.5 No member shall speak to the question or in reply for longer than 5 minutes without approval of Council.
- 18.6 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.
- 18.7 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 18.8 Where at a Council meeting a member of the Council is conducting himself 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.

- 18.9 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.
- 18.10 A member who breaches the requirement of confidentiality under clause 16.9 becomes disqualified from Council.

GALLERY

- 19.0 The gallery shall be restricted to the Council Chamber and its washrooms.
- 19.1 Persons in the Council Chamber are not permitted to display signs or placards, to applaud participants in debate or to engage in conversation or other behaviors which may disrupt Council proceedings.
- 19.2 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.

AUDIO/VIDEO TAPING

- 20.0 The public and media may audio/video tape meeting proceedings, including public hearings providing that arrangements are made with the CAO at least 24 hours prior to the meeting or public hearing.

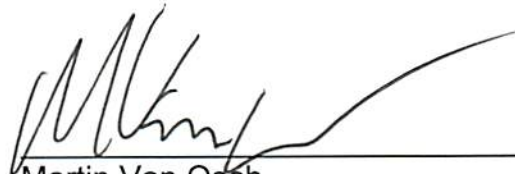
All points of order and procedure not resolved by rules provided in this by-law shall be resolved by a majority decision of Council.

By-law No. 64/2011 is hereby repealed.

DONE AND PASSED as a By-law of The Rural Municipality of Piney in the Province of Manitoba this 9th day of December, A.D., 2014.



Wayne Anderson
Reeve



Martin Van Osch
Chief Administrative Officer

Read a first time this 18th day of November A.D., 2014
Read a second time this 9th day of December A.D., 2014
Read a third time this 9th day of December A.D., 2014

Sample Petition

PETITION BY PROPERTY OWNERS

To: The Council of the Rural Municipality of Piney in the Province of Manitoba

The undersigned persons, being property owners of The Rural Municipality of Piney, in the Province of Manitoba, petition council for:

Accurately state purpose and objectives of petition in this space.

EACH PETITIONER by signing this petition certifies that he or she is liable to pay the Property tax in respect to the property at the address so noted, in the Rural Municipality of Piney.

Printed Name of Petitioner	Signature of Petitioner	Street Address or Legal Description of Land	Date	Signature of Adult Witness

Notes:

1. The format of the petition must be adapted to accommodate petitions by the general ratepayers or electors, as the case may be.
2. Each page of the petition must contain an accurate and identical statement of the purpose and objectives of the petition. As the wording of the petition is critical, legal advice should be sought.
3. In the absence of a municipal address, the legal description of property on which a petitioner resides may be provided.
4. Each person witnessing a signature on the petition is required to sign a statutory declaration that, to the best of the person's belief, the persons whose signatures they witnessed are eligible to sign the petition. The person collecting names or circulating the petition may act as a witness for each signatory.

Sample Statutory Declaration

STATUTORY DECLARATION

Pursuant to subsection 154(4) of The Municipal Act

I, _____, of The Rural Municipality of Piney, in the Province of Manitoba, MAKE OATH AND SAY:

1. THAT I was personally present and did witness those signatures on the attached petition where I have signed my name as an adult person.
2. THAT to the best of my belief the persons whose signatures I have witnessed are eligible to sign the petition, as property owners liable to pay the property tax, in The Rural Municipality of Piney.

Sworn (or affirmed) before me)
at the _____ of _____)
in the Province of Manitoba) _____
this (day) of (month), (year).) (Signature of person who witnessed
signatures on the petition)

A Commissioner for Oaths
(or as the case may be)

Sample Statement of Representative of Petitioners

STATEMENT OF REPRESENTATIVE OF PETITIONERS

pursuant to subsection 154(9) of The Municipal Act

I, _____, of The Rural Municipality of Piney, in the Province of Manitoba, state that I am one of the petitioners whose name appears on the petition attached and that I represent the petitioners and am the person to whom the municipality may direct inquiries with regard to the petition.

Dated at the _____ of _____ in the Province of Manitoba, this (day) of (month), (year).

(Signature of Representative)

(Printed Name)

(Address)

(Telephone Number)

(Witness)

Note: Use the "Statement of Representative of Petitioners" as the last page of the petition.