

THE RURAL MUNICIPALITY OF PINEY

BY-LAW NO. 130/2018

BEING A BY-LAW TO GOVERN THE ORGANIZATION OF THE RURAL MUNICIPALITY OF PINEY 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 Piney, in open meeting assembled, enacts as follows:

**TITLE**

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

**GUIDING PRINCIPLE OF ORGANIZATIONAL GOVERNANCE**

2.0 The responsibilities of Council are determined by the legislative framework outlined within The Municipal Act. In this by-law, the objective of Council is founded on the principle that the members of Council are stewards of the organization and, as such, the members of the Council have a responsibility to consider and adopt policies to direct the affairs of the organization, to oversee the conduct of the organization and to monitor the management of the organization whether through staff or volunteer committees. As such under normal circumstances the day-to-day functions of the organization should not be performed by the whole of Council or by the individual members of the Council.

**ROLE OF COUNCIL**

3.0 Council is responsible

- a) for development 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 or any other Act.

3.1 Each member of a Council has the following duties:

- a) to consider the well-being and interest 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.

**ROLE OF THE HEAD OF COUNCIL**

4.0 The Head of Council for The Rural Municipality of Piney is to have the title of Reeve.

4.1 At the first regular 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 he/she is unable to carry out the powers, duties and functions of the Reeve.

4.2 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 of the Council; and

- c) to perform any other duty or function assigned to a Reeve or by this or any other Act.

**ROLE OF THE DEPUTY HEAD OF COUNCIL**

- 5.0 In addition to performing the duties of a member of Council, the Deputy Reeve has a duty:
  - a) to act in the place of the Reeve when he or she is unable to carry out the powers, duties and functions of the head of Council as assigned within this Procedural By-law, this By-law, the Act or any other Act of the Legislature.

**FIRST REGULAR MEETING OF COUNCIL**

- 6.0 At the first regular meeting of council in each year the Reeve, with the approval of the majority of the members of council, may change the appointments to committees, legislated organizations and community organizations/groups.
- 6.1 At the first regular meeting of council in each year the Reeve, with the approval of the majority of the member of council, may change the appointment of Deputy Reeve

**ROLES AND RESPONSIBILITIES OF COMMITTEES OF COUNCIL**

- 7.0 The responsibilities of a Committee of Council are determined by the resolution, terms of reference or by-law as approved by the whole of Council. In this by-law, the objective of a Committee of Council is founded on the principle that the members of the Committee are stewards of their portfolio and, as such, the members of the Committee have a responsibility to consider and recommend to Council policies and by-laws to direct the affairs of their Portfolio, to oversee the conduct of their portfolio within the municipal organization and to monitor the management personnel responsible for the delivery of services within their portfolio within the organization whether through staff or volunteer committees. As such under normal circumstances the day-to-day functions within the committee's portfolio should not be performed by the Committee or by the individual members of the Committee.
- 7.1 Appointment
  - a) a committee of Council shall be appointed by resolution of Council at any time specifying the business to be dealt with by the Committee.
  - b) each committee of Council shall be composed of a minimum of two (2) members of Council.
  - c) a council committee, other than the committee of a local urban district may be composed:
    - i. entirely of members of council;
    - ii. of a combination of members and other persons.
    - iii. entirely of persons who are not members of the Council.
  - d) the Head of Council shall be ex-officio, non-voting member of all Council Committees.
  - e) any member of Council, not a member of a Committee of Council, has the right to attend a Committee meeting but shall not be allowed to vote. Only with the permission of the majority of the members of the committee, a visiting member of Council may be allowed to take part in the discussions of the Committee.
  - f) meetings of a Committee of Council shall be held as determined by each Committee.
  - g) an appointment to a Committee of Council may be repealed only by a resolution of Council.
  - h) the Chief Administrative Officer and respective Department Managers shall strive to keep the Chair of the portfolio abreast of developments, trends, conditions and issues in the various operational areas of the Town.
  - i) each Committee of Council shall have a minimum of one (1) member of staff assigned as an ex-officio representative who is responsible to assist the member of Council in the achievement of the assigned committee tasks.
- 7.2 Role of Council Committees

The general duties of Committees of Council shall be as follows:

  - a) to report, in writing, from time to time on all matters connected with the duties imposed on the committee through a resolution of Council and to recommend such actions as may be deemed necessary;
  - b) to prepare and introduce to Council all such by-laws or policies as the case may be;
  - c) to give effect to the reports of recommendation that are adopted by the Council;

- d) to consider and report respectively on any matters referred to them by the Council.

7.3 Appointment & Role of Council Committee Chair

- a) unless otherwise specified in the resolution, terms of reference or by-law creating a committee the member of Council first named to a Council Committee shall fill the position of Chair of the Committee.
- b) in addition to the duties of a member of the Committee the Chair shall be responsible to:
  - i. to preside when in attendance at a Committee meeting, except where the Procedure By-law, the Act or any other Act of the Legislature otherwise prohibits;
  - ii. to provide leadership and direction to the Committee;
  - iii. where necessary to seek membership from the public on the Committee.
  - iv. to report to the Council on behalf of the Committee.
  - v. to perform any other duty or function assigned by Council, the Act or any other Act of the Legislature.
- c) the rules for the conduct of all Committees of Council shall be pursuant to the Procedural By-law of the Council as far as may be applicable, except the rules limiting the number of times of speaking to a matter.
- d) an appointment of any Committee of Council may be repealed only by a resolution of the Council.

**COMMITTEES OF THE WHOLE**

8.0 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 of recommendations that are adopted by Council;
- c) to consider and report respectively on any and all matters referred to them by Council.

8.1 The following Committees are hereby established as Committee of the Whole of Council:

- a) General Government Services Committee
- b) Protective Services Committee
- c) Transportation Services Committee
- d) Environmental Health Services Committee
- e) Public Health and Welfare Services Committee
- f) Environmental Development Services Committee
- g) Economic Development Services Committee
- h) Recreation and Cultural Services Committee
- i) Fiscal Services Committee

8.2 Committee of the Whole is composed of all Council Members of the Municipality.

8.3 Regular meetings of Committee of the Whole shall be held on the 1<sup>st</sup> 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.

8.4 Special meeting of the Committee of the Whole may be called by the chairperson or by two members of the Committee in the same manner as provided in The Rural Municipality of Piney Procedures By-Law.

**BOARD OF REVISION**

9.0 The Board of Revision shall be all Council Members of the Municipality.

9.1 The Reeve of the Municipality shall be the chairperson of The Board of Revision.

9.2 The CAO or his/her designate shall serve as the Secretary of the Board.

**COMMUNITY ORGANIZATIONS**

10.0 Council, by resolution, may appoint members to community groups and organizations.

- 10.1 Council may enter into formal agreements only with those community groups and organizations registered as an incorporated body under Incorporation Act of the Province of Manitoba
- 10.2 The authority of a community group or organization shall be as established through the letters of incorporation and the constitution as set out by the membership of the Community Group or Organization.
- 10.3 The role of the appointed representative of Council is:
  - a) to represent, after discussion with Council, the position of the whole of Council on an issue before the Community Group or Organization.
  - b) to act as a knowledgeable participant on issues arising before Council from the Community Group or Organization.
  - c) To bring to the attention issues under discussion by a Community Group or Organization.

**SIGNING AUTHORITY**

- 11.0 Agreements and cheques and other negotiable instruments must be signed or authorized by
  - a) the Reeve, or the Appointed Council Member, and
  - b) the Chief Administrative Officer or an employee designated by Council resolution.

That on the passing of this By-Law, The Rural Municipality of Piney By-Law No. 104/2014 is rescinded.

DONE AND PASSED as a by-law of The Rural Municipality of Piney, Vassar in the Province of Manitoba, this 11<sup>th</sup> day of December, A.D., 2018.

The Rural Municipality of Piney

Originally Signed

\_\_\_\_\_  
Wayne Anderson,  
Reeve

Originally Signed

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Martin Van Osch,  
Chief Administrative Officer

Read a first time this 29<sup>th</sup> day of November, A.D., 2018.  
Read a second time this 11<sup>th</sup> day of December, A.D., 2018.  
Read a third time this 11<sup>th</sup> day of December, A.D., 2018.