

**TOWN OF CARBERRY
BY-LAW NO. 17/2022**

BEING a by-law 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-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 Carberry, in open meeting assembled, enacts as follows:

TITLE

1.0 This by-law may be referred as The Town of Carberry 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 C.C.S.M c. M225
- (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 Carberry 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) "Council" means the duly elected Mayor and Councillors of the Town of Carberry.
- (g) "Council Meeting" means a regular meeting, or special meeting of the Council but does not include a public hearing held by Council.
- (h) "In Camera" 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, Louis Riel Day, Good Friday, Victoria Day, Canada Day, The first Monday in August, 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 this by-law indicate 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 in the Council Chambers of the Town Office in Carberry, Manitoba.

4.1 Council must, within the first three months of an election, review its organizational and procedures by-laws.

QUORUM

5.0 A majority of the members of Council constitutes a quorum. A quorum of Council for the Town of Carberry shall be three 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 15 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.

COMMUNICATION FACILITY

- 6.0 Any member of Council participating in a meeting of Council by means of a communication facility (conference call/ speaker phone/ virtual platform) shall do so only with prior approval of Council and on terms and conditions set by Council. If need for alternative means is due to illness, prior approval is not necessary.
- 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

- 7.1 In preparing the Council agenda, the Chief Administrative Officer shall state the business for consideration in accordance with the following order of business:
- Call to order
 - Roll Call
 - Approval of agenda
 - Adoption of Minutes
 - Delegations
 - Planning matters
 - Financial and Accounts
 - Public Hearings
 - By-laws
 - Unfinished Business
 - General business
 - Reports
 - Communications
 - Added to the Agenda
 - Around the Table
 - In Camera
 - Adjournment

- 7.2 Notwithstanding the provisions under 7.1, 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 The regular meeting of council shall be held on the second Tuesday of each month at 7:00 p.m. and a joint meeting with the Municipality of North Cypress-Langford shall be held on the fourth Monday of each month at 7:00 p.m. in the Council Chambers of either the Town of Carberry or Municipality of North Cypress-Langford.
- 8.1 All meetings of Council shall be chaired by the Mayor, or in their absence, by the Deputy-Mayor. If the Mayor and Deputy-Mayor 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 may be held on any day in the week prior to or after the regularly scheduled day at the same time and place.
- 8.3 Council may by resolution vary the date and time of a regular meeting as circumstances may require.
- 8.4 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.
- 8.5 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 decide to extend the time of adjournment. In any case, only one-half hour extension is allowed.

- 8.6 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 8.7 Despite clause 8.6 of this by-law, Council or Committee of Council may close a meeting (move “In Camera”) 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) 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.
- 8.8 All matters discussed “In Camera” are confidential.
- 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.
- 8.10 The minutes of a meeting shall be circulated prior to the next regular meeting and reading of the minutes will be waived.

SPECIAL MEETINGS OF COUNCIL

- 9.0 A special meeting of Council of the Town of Carberry may be called at any time by the Mayor. A special meeting 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 notifying the Chief Administrative Officer in writing. A member 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 members of Council are present, and the members unanimously agree by resolution to adding of items to the agenda.

DELEGATIONS

- 10.0 The Chair may limit the time taken by a delegation to 15 minutes. The delegation must appoint a spokesperson. The maximum number of people in a delegation shall be three (3).
- 10.1 There shall be a limit of up to three (3) delegations included on the agenda of a council meeting, but the Chief Administrative Officer is granted authority to schedule delegations as deemed appropriate.

VOTING

- 11.0 A member has one vote each time a vote is held at a Council meeting at which the member is present.
- 11.1 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.
- 11.2 The Chief Administrative Officer must record in the minutes the name of any member who exercises their right to abstain from voting on any resolution.
- 11.3 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 11.4 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.
- 11.5 When Council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 11.6 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 the names of the members present, the vote or abstention of each member.

PROCEDURE AT PUBLIC HEARING

- 12.0 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.
- 12.1 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 channelled through the Chair of the hearing.
- 12.2 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.
- 12.3 The Chair of the public hearing may decide which presenters will be heard, if they are satisfied that presentations are the same or similar
- 12.4 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.
- 12.5 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

- 13.0 Council may act only by resolution or by-law.
- 13.1 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.

- 13.2 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 13.3 Council may not give a proposed by-law more than two readings at the same Council meeting.
- 13.4 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 13.5 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 received first reading.

HEAD OF COUNCIL TAKING PART IN DEBATE

- 14.0 The head of Council is allowed to present or second a motion and participate in the debate from the Chair.

CONDUCT

- 15.0 Every member previous to their speaking shall address the Chair.
- 15.1 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 15.2 When the Chair is called on to decide a point of order or practise, they shall do so without comment unless requested to do so.
- 15.3 When the Chair is putting a question, no member shall leave their chair.
- 15.4 Discussion shall be limited to the question in debate.
- 15.5 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.
- 15.6 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 15.7 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.
- 15.8 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.
- 15.9 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.
- 15.10 A member must keep in confidence a matter that is discussed at a meeting closed to the public under subsection 152(3) of The Municipal Act until the matter is discussed at a Council meeting conducted in public.
- 15.11 A member who breaches the requirement of confidentiality under clause 15.10 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. 5/2018 and all other Procedures By-laws are hereby repealed.

DONE AND PASSED as a by-law of the Town of Carberry at Carberry in the Province of Manitoba this 10th day of January, 2023.

TOWN OF CARBERRY

Original signed by Ray Muirhead
Raymond Muirhead
Mayor

(S E A L)

Original signed by Grady Stephenson
Grady Stephenson
CAO

Read a first time this 13th day of December, 2023.
Read a second time this 10th day of January, 2023
Read a third time this 10th day of January, 2023