



THE RURAL MUNICIPALITY OF PORTAGE LA PRAIRIE

BY-LAW NO. 3130

Being a by-law to govern the organization of the Rural Municipality of Portage la Prairie and the committees thereof and to regulate the proceedings and conduct of the council 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.

AND 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 Portage la Prairie, in open meeting assembled, enacts as follows:

TITLE

1.0 This by-law may be referred to as "The Rural Municipality of Portage la Prairie Organizational and Procedural By-law."

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) "CAO" means the Chief Administrative Officer of the Rural Municipality of Portage la Prairie.
 - d) "Chair" means the person presiding at the meeting of council or committee.
 - e) "Committee" means a committee or other body established under The Rural Municipality of Portage la Prairie 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 Portage la Prairie.
 - 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) "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, 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.
 - j) "In Camera" means in private or to the exclusion of the public.
 - k) "Members" means, when referring to the council, the councillors and the reeve.

3. ORGANIZATION

3.1 ROLE OF COUNCIL

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 By-Law, or by The Municipal Act, or any other Act.

3.2 GENERAL DUTIES OF MEMBERS

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 be reasonably informed on matters generally impacting the municipality, and more specifically on matters relevant to any specific category the member of Council may be appointed to Chair at Committee of Whole; and
- f) to perform any other duty or function imposed on the member by the Council or this By-Law, or by The Municipal Act, or any other Act.

3.3 COMMITTEES

3.3.1 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; and
- c) to consider and report respectively on any and all matters referred to them by Council.

3.3.2 The following committee is hereby established as the Standing Committee of Council:

- a) Committee of the Whole.

3.3.3 The Committee of the Whole is composed of the entire Council sitting as a committee. The Committee of the Whole shall review matters that require Council's attention and make recommendations related to those matters. The Committee of the Whole shall not take any official action while in Committee. Regular meetings of the Committee of the Whole may be held as determined by Council.

3.3.4 At the first regular meeting of Council in November in each year, Council must consider the recommendations by the Head of Council for appointments to chair and alternate of the different categories noted below at Committee of the Whole meetings. All such appointments must be approved by a resolution of Council, and may be repealed only by a resolution of Council.

- Finance/Economic Development
- Equipment
- Roads/ Routing Gravel
- Drainage
- Planning//Municipal Buildings/Land/Utility
- Human Resources

3.3.5 At the first regular meeting of Council in November in each year, Council must consider the recommendations by the Head of Council for appointments to other bodies of Council and bodies or organizations the municipality may appoint members of Council or citizens to. All such appointments must be approved by a resolution of Council, and may be repealed only by a resolution of Council.

3.3.6 A special committee of Council may be appointed by a resolution of Council at any time specifying the structure of the committee and the business to be dealt with by the committee.

3.4. HEAD OF COUNCIL

3.4.1 The head of council for the Rural Municipality of Portage la Prairie is to have the title of Reeve.

3.4.2 At the first regular meeting of Council in November in each year, Council must by resolution, appoint a Councillor as Deputy Reeve, who shall act in place of the Reeve when he is unable to carry out the powers, duties and functions of the Reeve.

3.4.3 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, including Committee of the Whole meetings, except where the Procedures By-Law or this By-Law or The Municipal Act, or any other Act provides;
- b) to provide leadership and direction to the Council;
- c) to act as the official spokesperson of the municipality, and may delegate this duty; and
- c) to perform any other duty or function assigned to a Reeve by this By-Law, or by The Municipal Act, or any other Act.

3.5.0 BOARD OF REVISION

The Board of Revision shall consist of the Rural Municipality of Portage la Prairie Council. The Reeve shall serve as presiding officer of the Board and the Chief Administrative Officer shall serve as secretary of the Board.

3.6.0 SIGNING AUTHORITY

3.6.1 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) the chief administrative officer or the assistant chief administrative officer.

3.6.2 The Head of council or Deputy Head of council, and the CAO of the RM be and are authorized for and on behalf of the RM to negotiate with, deposit with, or transfer to, a financial institution designated by Council for that purpose (but for the credit of the said RM's account only) all or any Bills of Exchange, Promissory Notes, Cheques and Orders for Payment of money and other negotiable paper, and for the said purpose to endorse the same or any of them on behalf of the said RM, either in writing or by rubber stamp.

3.6.3 The CAO be and is hereby authorized for and on behalf of the said RM from time to time to arrange, settle, balance, and certify all books and accounts between the said RM and the said financial institution; and to receive all paid cheques and vouchers, unpaid and unaccepted bills of exchange, and other negotiable instruments.

3.6.4 The CAO be and is hereby authorized for and on behalf of the said RM to obtain delivery from the said financial institution of all or any stocks, bonds, and other securities held by the said financial institution in safekeeping or otherwise for the account of the RM and to give valid and binding receipts therefore.

3.6.5 This By-Law be communicated to the said financial institution and remain in force until written notice to the contrary shall have been given by the RM for the time being at the branch of the financial institution at which the account of the said RM is kept and receipts of such notice duly acknowledged in writing.

3.6.6 The CAO, Department Head, or his/her designate, be and are hereby authorized for and on behalf of the RM, to sign departmental agreements, provided those agreements have already been approved in the budget process. Such agreements would include, but not be limited to, facility rentals, service agreements with financial institutions, and equipment maintenance agreements.

- 3.6.7 The CAO be and is hereby authorized to invest funds on behalf of the RM. The Development Officer and Assistant Development Officer of the Portage la Prairie Planning District be and are hereby authorized to act as signing authority for and on behalf of the Portage la Prairie Planning District for the Rural Municipality of Portage la Prairie planning related matters, including variations and conditional uses.

4.0 PROCEDURES

4.1 COUNCIL INAUGURAL MEETING

- 4.1.1 Following a general election, the reeve must call the Inaugural Meeting of Council within 30 days, and the meeting shall be held at the Municipal Office located at 35 Tupper Street South, in the City of Portage la Prairie at 9:00 A.M.
- 4.1.2 Council must within 30 days of its Inaugural Meeting review the Procedures By-Law and Organizational By-law, and must indicate so by resolution.
- 4.1.3 Every Member of Council shall make and subscribe the official oath prescribed by The Municipal Act and shall conform with Section 10 of the Conflict of Interest Act before entering into their duties and shall deposit the oath and the list of assets, duly completed, with the Assistant Chief Administrative Officer.
- 4.1.4 Failure to comply makes the position vacant and disqualifies the person until the next general election.

4.2 QUORUM

- 4.2.1 A majority of the members of council constitutes a quorum. A quorum of council for the Rural Municipality of Portage la Prairie shall be five members.
- 4.2.2 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 (3) members. In the case of a council committee, the minimum number for a quorum is two (2) members.
- 4.2.3 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.

4.3 COMMUNICATION FACILITY

- 4.3.1 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.
- 4.3.2 Members of council participating in a meeting of council by means of a communication facility are deemed to be present at the meeting.

4.4 AGENDA

- 4.4.1 A draft agenda of each regular meeting of council, as prepared by the CAO, and/or his/her designate, together with copies of supporting materials shall be available to the members of council at least 87 hours (Friday 5:00 p.m.) preceding the meeting of council. A copy of the draft agenda shall be posted in the municipal office at the same time.
- 4.4.2 All items to be placed on the agenda of the next regular meeting of council must be provided to the CAO at least 117 hours (Thursday 11:00 a.m.) prior to the scheduled time of the regular meeting.
- 4.4.3 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.
- 4.4.4 In preparing the council agenda, the CAO shall state the business for consideration in accordance with the following order of business:

- call the meeting to order
- in-camera
- confirmation of the minutes
- adoption of the agenda
- delegations and hearings
- resolutions
- by-laws
- public works
- finance
- standing committee reports
- special committee reports
- unfinished business
- new business
- notice of motions
- planning
- reception of petitions
- in-camera
- adjournment

4.4.5 Notwithstanding the provisions under 4.4.4, 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.

4.4.6 Notwithstanding the provisions under 4.4.4, Council may add items to the agenda, including new business items, prior to the adjournment of the meeting by a majority vote of the members present.

4.5 REGULAR MEETING

4.5.1 Regular meetings of council shall be held on the 2nd and 4th Tuesday of each month in the council chambers of the Rural Municipality of Portage la Prairie at the hour of 10:00 A.M. for the public portion of the meeting. 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.

4.5.2 All meetings of Council shall be chaired by the Reeve or in his /her 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.

4.5.3 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.

4.5.4 Council may by resolution vary the date and time of a regular meeting as circumstances may require.

4.5.5 Notice of any change of day or time of a regular meeting of council must be posted in the municipal office at least 96 hours (Friday 9:00 a.m.) before the regularly scheduled date of the meeting.

4.5.6 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.

4.5.7 The council shall observe a curfew whereby the item on the agenda under discussion at 4:00 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.

4.5.8 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.

4.5.9 Despite clause 4.5.8 of this by-law, council or council committee may close a meeting to public if:

- (a) in the case of a council, the council decides 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) if 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 a 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.

4.5.10 All matters requiring the Council to go in-camera will be discussed prior to or following the public portion of the Council meeting. However, Council may wish to adjourn the public portion of the meet to go in-camera and then resume the public portion of the council meeting thereafter.

4.5.11 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.

4.6 SPECIAL MEETINGS OF COUNCIL

4.6.1 A special meeting of council of the Rural Municipality of Portage la Prairie 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.

4.6.2 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 section 9.2 of this by-law.

4.6.3 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 the council and posted in the Municipal Office at least 24 hours before the scheduled time of the meeting.

4.6.4 Should the Reeve be unavailable, the Deputy Reeve may call a special meeting only if requested in writing by two members of council in accordance with this part.

4.6.5 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.

4.6.6 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 adding of items to the agenda.

4.7 DELEGATIONS

4.7.1 The Chair may limit the time taken by a delegation to 10 minutes. The delegation must appoint a spokesperson.

4.7.2 To allow members of council to prepare for delegations, all presenters shall register with the CAO at least 117 hours (Thursday 11:00 a.m.) before the regular council meeting and advise the CAO of the topic and scope of the presentation. For a special meeting of council delegations must register with the CAO at least 2 hours prior to the commencement of the special meeting of council and advise the CAO of the topic and scope of the presentation.

4.7.3 There shall not be a limit to the number of delegations included on the agenda of a

council meeting, but the CAO is granted authority to schedule delegations as deemed appropriate.

4.7.4 The public shall not participate in discussion at a council meeting, unless by unanimous consensus of the members present, or if necessary a majority vote of council, the public is asked for their participation.

4.8 VOTING

4.8.1 A member has one vote each time a vote is held at a council meeting at which the member is present.

4.8.2 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.

4.8.3 The CAO must record in the minutes the name of any member who exercises his/her right to abstain from voting on any resolution.

4.8.4 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.

4.8.5 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.

4.8.6 When council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.

4.8.7 Any member of council may, prior to the taking of a vote on any question put forth, 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.

4.9 PROCEDURE AT PUBLIC HEARING

4.9.1 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.

4.9.2 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.

4.9.3 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.

4.9.4 The Chair of the public hearing may decide which presenters will be heard, if he/she is satisfied that presentations are the same or similar.

4.9.5 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 himself/herself 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.

4.9.6 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.

4.10 RULES OF ORDER

4.10.1 Rules of order not specified by statute, by-law or resolution shall be solved by Roberts Rules of Order. The Reeve shall serve as parliamentarian and may seek advice from the CAO as to correct rules of procedure or questions of specific rule application.

4.10.2 That the Reeve be specified as the Official Spokesperson of the Municipality.

4.10.3 That all cell phones be turned to silent during all council meetings.

4.11 BY-LAWS AND RESOLUTIONS

4.11.1 Council may act only by resolution or by-law.

4.11.2 No motion shall be debated or put unless it is in writing and is seconded.

4.11.3 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.

4.11.4 Council may not give a proposed by-law more than two readings at the same council meeting.

4.11.5 Only the title and the identifying number must be read at each reading of a proposed by-law.

4.11.6 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.

4.11.7 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(s) passed after first reading.

4.11.8 When a by-law has been read and finally passed, it shall be signed in accordance with clause 3.6.1 and sealed with the seal of the RM and such signing and sealing shall not be later than the next regular Council meeting.

4.11.9 The amendment or repeal of a by-law is subject to the same requirements that apply to passing the by-law. If a by-law requires approval of the Minister, so does an amendment or repeal.

4.12 HEAD OF COUNCIL TAKING PART IN DEBATE

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

4.13 CONDUCT

4.13.1 Every member who wishes to speak shall be recognized by the Chair and then address the Chair.

4.13.2 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.

4.13.3 When the Chair is called on to decide a point of order or practice, he/she shall do so without comment unless requested to do so.

4.13.4 When the Chair is putting a question, no member shall leave his/her chair or make any noise or disturbance, and when a member is speaking no other member shall hold discourse or interrupt him/her except to raise a point of order.

4.13.5 Discussion shall be limited to the question in debate.

4.13.6 No member shall speak to the question or in reply for longer than 10 minutes without approval of council.

4.13.7 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.

4.13.8 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.

4.13.9 Where at a council meeting, any person other than a member of council is, in the opinion of the Chair, conducting himself/herself 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.

4.13.10 Where at a council meeting a member of the council is conducting himself/herself 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.

4.13.11 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.

4.13.12 Council may limit the number of persons allowed in the council chambers.

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

4.13.14 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.

4.13.15 A member who breaches the requirement of confidentiality under clause 3.2 d) and/or clause 4.5.9 becomes disqualified from council.

4.13.16 All points of order and procedure not resolved by rules provided in this by-law shall, subject to the appeal and reversal by a majority decision of council, be ruled by the Chair.

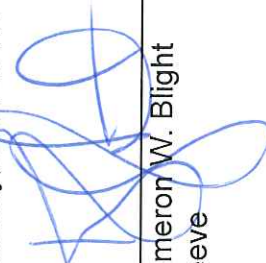
4.14 SUSPENSION

4.14.1 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, some other vote is required.

5.0 REPEAL

That By-laws No. 3098 and 3099 be repealed upon the passing of this By-Law.

DONE AND PASSED by the Council of The Rural Municipality of Portage la Prairie at Portage la Prairie, duly assembled at Portage la Prairie, in the Province of Manitoba this 14th day of February, A.D. 2017.


Kameron W. Blight
Reeve


Nettie Neudorf, CPA, CGA, CMMMA
Chief Administrative Officer

Given First Reading the 24th day of January, 2017

Given Second Reading the 14th day of February, 2017.

Read a third time this 14th day of February, 2017