

**THE MUNICIPALITY OF HARRISON PARK  
BY-LAW NO. 45**

**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 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 Municipality of Harrison Park, in open meeting assembled, enacts as follows:

**TITLE**

1.0 This by-law may be referred as “The Municipality of Harrison Park 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 Municipality of Harrison Park 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 Reeve and Councillors of The Municipality of Harrison Park.
  - 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 Reeve.
  - j) “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.

**SUSPENSION**

3.0 Any rule contained in this by-law may be suspended by 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 the Council Chambers in the Municipal Office of the Municipality of Harrison Park on Gateway Street, in Onanole, Manitoba.

- 4.1 Council shall review the Organizational, Procedures, and Indemnity by-laws, once during every term.
- 4.2 The Council hereby delegates the Chief Administrative Officer the authority to handle routine business of the municipality for the period after a general election and before the new council is sworn in.

#### **QUORUM**

- 5.0 A majority of the members of council constitutes a quorum. A quorum of council for The Municipality of Harrison Park shall be a majority of the members of council (50% plus 1).
- 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 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 the 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.
- 6.2 The following communications facilities are automatically approved for use by members of council:
  - a) telephone
  - b) Skype or similar voice over internet protocol (VOIP)

#### **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 (4 days) 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 must be provided to the CAO at least (120) hours (5 days) prior to the scheduled time of the regular meeting.
  - 7.1.1 All reports from standing committees, other committees/organizations, meetings, conferences, and seminars shall be made in writing and filed with the CAO by noon on the Thursday 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 for the members present, prior to adopting the final agenda for the regular meeting of council.
- 7.3 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
  - Adoption of the agenda

- Confirmation of the minutes
- Conduct public hearings
- Reception of delegations
- Reception of petitions
- Unfinished Business
  - Development Officer Report
  - Resolutions from public hearings
  - All other unfinished business
- Reports of committees
  - LUD of Newdale
  - LUD of Sandy Lake
  - Other Committees
- Communications
- New business
- Notice of motion
- Councillor's privilege
- Committee of the Whole (In Camera)
- Tabled items for next regular meeting
- 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 unanimous consensus of the members present, or if necessary a majority vote of the members present.

#### **REGULAR MEETING**

- 8.0 Regular meetings of council shall be held on Tuesdays at 9:00 A.M. every three (3) weeks commencing with the first meeting being on the second Tuesday of January in the calendar year, subject to clause 8.1, in the council chambers of The Municipality of Harrison Park. 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 If the day fixed for a regular meeting 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.
- 8.2 All meetings of Council shall be chaired by the Reeve, or in his 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.
- 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 3 days before the regularly scheduled date of 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.
- 8.7 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 8.8 Despite clause 8.6 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) 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 proceeding,
  - iv) the conduct of an investigation under, or enforcement of, an Act or by-law,
  - v) the security of documents or premises,
  - vi) 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 Municipality of Harrison Park 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.
- 9.3 Should the Reeve be unavailable, the deputy Reeve of council may call a special meeting only if requested in writing by 2 members in accordance with this By-law.
- 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 public 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/PUBLIC PARTICIPATION AT COUNCIL MEETINGS**

- 10.0 The Chair may limit the time taken by a delegation to (10) minutes. The delegation must appoint a spokesperson.
- 10.1 To allow members of council to prepare for delegations, all presenters shall register with the CAO at least (120) hours (5 days) before the council meeting and advise the CAO of the topic and scope of the presentation.

- 10.2 Persons wishing to appear as a delegation in regards to an item placed on the agenda provided to the public 4 days prior to the scheduled meeting, shall register with the CAO a minimum of two (2) hours before the council meeting and advise the CAO of the topic of the presentation. In any case, registration of a delegation must occur prior to the commencement of a council meeting.
- 10.3 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.
- 10.4 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.

### **VOTING**

- 11.0 A member has one vote each time a vote is held at a council meeting at which the member is present, and all members of council present must vote at the same time.
- 11.1 The minutes of a meeting shall record the name any member of council abstaining from voting each time a vote is held at a council meeting at which the member is present.
- 11.2 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.
- 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.
- 11.4 When council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 11.5 Any member of council may, prior to the question being put and taking of a vote on any question put, request 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.

### **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 channeled through the Chair of the hearing.

- 12.2 The Chair of the public hearing may decline to hear further presentations, questions or objections where he is 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 he is satisfied that the matter has been addressed at the Public Hearing.
- 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 himself is 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.

#### **BOARD OF REVISION**

- 12.6 The Chairman of the Board of Revision shall be a member of council and shall be appointed by resolution of council for the entirety of their term of office or until such time as they wish to resign from Chair of the Board of Revision or are removed by resolution of council.
- 12.7 The quorum for the Board of Revision of The Municipality of Harrison Park shall be 3.
- 12.8 The Secretary of the Board of Revision shall swear in the assessor, appellants, and witnesses that are present, prior to evidence being given.
- 12.9 Every member previous to his speaking shall address the Chair.

#### **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, moved, and is seconded.
- 13.2 A motion to adjourn shall include the next regular meeting date and time.
- 13.3 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 13.4 Council may not give a proposed by-law more than two readings at the same council meeting.
- 13.5 Only the title or an identifying number, and a brief description must be read at each reading of a proposed by-law.
- 13.6 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 to the proposed by-law before the by-law receives first reading.
- 13.7 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 passed after first reading.

#### **HEAD OF COUNCIL**

- 14.0 If the Chair desires to present or second a motion, or participate in debate, he can do so without leaving the chair.
- 14.1 If the head of council is unable to act or the office is vacant, the deputy head of council shall act as head of council.
- 14.2 If both the head of council and the deputy head of council are unable to act, the acting deputy head of council shall act as head of council.
- 14.3 If both the head of council and the deputy head of council are vacant, the remaining members of council, shall by resolution, appoint one councillor as acting head of council, and one councillor as deputy head of council.

#### **CONDUCT**

- 15.0 Every member previous to his 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 practice, he shall do so without comment unless requested to do so.
- 15.3 When the Chair is putting a question, no member shall leave his chair.
- 15.4 Discussion shall be limited to the question in debate.
- 15.5 No member shall speak to the question or in reply for longer than (5) minutes without approval of council.
- 15.6 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.
- 15.7 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 15.8 Where at a council meeting, any person other than a member of council is, in the opinion of the Chair, conducting himself 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.
- 15.9 Where at a council meeting a member of 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.
- 15.10 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 behaviors which may disrupt council proceedings.

- 15.11 Council may limit the number of persons allowed in the council chambers.
- 15.12 The public and media may audio/video tape meeting proceedings, including public hearings providing that arrangements are made with the CAO at least twenty-four (24) hours prior to the meeting conducted in public.
- 15.13 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 or committee meeting conducted in public.
- 15.14 A member who breaches the requirement of confidentiality under clause 15.13 becomes disqualified from council.

#### **GENERAL PROVISIONS**

- 16.0 All points of order and procedure not resolved by rules provided in this by-law shall be resolved by unanimous consensus of the members present, or if necessary a majority vote of council.
- 16.1 Wherever the masculine gender is used herein, it shall be deemed to include the feminine gender or the neuter gender, and wherever the singular is used herein, it shall be deemed to include the plural.
- 16.2 That all Procedure By-laws and amendments thereto, enacted prior to the effective date of this By-law shall be repealed.
- 16.3 This By-law shall come into force and effect on the date of passage.

**DONE AND PASSED AS A BY-LAW OF THE MUNICIPALITY OF HARRISON PARK, IN COUNCIL DULY ASSEMBLED, AT ONANOLE, THIS 10<sup>th</sup> DAY OF JANUARY, A.D. 2017.**

**THE MUNICIPALITY OF HARRISON PARK**

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Lloyd Ewashko  
Reeve

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Chad Davies  
Chief Administrative Officer

Read a first time this 13<sup>th</sup> day of December, A.D. 2016  
Read a second time this 10<sup>th</sup> day of January, A.D. 2017  
Read a third time this 10<sup>th</sup> day of January, A.D. 2017