

CITY OF STEINBACH

By-Law No. 1809

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# CITY OF STEINBACH

## By-Law No. 1809

BEING A BY-LAW to regulate the proceedings and conduct of the City of Steinbach 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 City of Steinbach, in open meeting assembled, enacts as follows:

### **1. TITLE**

- 1.1 This by-law may be referred to as “The City of Steinbach Procedures By-Law”.
- 1.2 The following rules and regulations shall be observed in council, and in all committees thereof.

### **2. LEGISLATION**

- 2.1 All proceedings of Council shall be governed and conducted in accordance with The Municipal Act, being Chapter 58 of the Statutes of Manitoba S.M. 1996, as amended, which shall supersede all sections of this by-law inconsistent therewith.
- 2.2 The City Procedures By-Law shall at no time, set a lower standard of procedure or conduct than that provided for in The Municipal Act.

### **3. DEFINITIONS**

- 3.1 In this by-law,
  1. “Agenda” means the agenda for a regular or special meeting of council or Strategic Priorities committee, but does not include agendas for in-camera meetings.
  2. “Act” means The Municipal Act S.M. 1996 c.58.
  3. “Chair” means the person presiding at the meeting of council or committee.
  4. “Committee” means a committee or other body established under the City of Steinbach Organizational By-Law.
  5. “Strategic Priorities Committee” means all members of Council sitting as a committee.
  6. “Council” means the duly elected Mayor and councillors of the City of Steinbach.
  7. “Council Meeting” means a regular meeting or special meeting of the council but does not include a public hearing held by the council.
  8. “In Camera” means in private or to the exclusion of the public.
  9. “Members” means, when referring to the council, the councillors and the Mayor.
  10. “General Holiday” means each Saturday and Sunday, and includes such days as New Year’s 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 governments.

### **4. SUSPENSION**

- 4.1 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 by this by-law, some other vote is required.

## **5. COUNCIL ORGANIZATION MEETING**

5.1 Following a general election, the Mayor must call the first Organization meeting of an in-coming of Council within thirty (30) days, and the meeting shall be held at the City of Steinbach Council Chambers.

5.2 Council must within 30 days of its Organization Meeting review the Procedures By-Law and the Organizational By-Law, and must indicate so by resolution.

## **6. QUORUM**

6.1 A majority of the members of council constitutes a quorum. Subject to the Municipal Conflict of Interest Act, the minimum number for a quorum of council for the City of Steinbach shall be three (3) members.

For the purpose of a quorum, a member is not counted if the member is required to abstain under the Municipal Conflict of Interest Act.

6.2 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 four (4) members. In the case of a council committee, the minimum number for a quorum is two (2) members.

6.3 Lack of quorum - If no quorum is present within twenty (20) minutes after the time scheduled for a meeting, the council shall stand adjourned, and the City Secretary shall enter into the minutes the names of the members present at the meeting.

## **7. COMMUNICATION FACILITY**

7.1 A member of council may participate in a meeting of council by means of a communication facility only if it is impossible for a quorum to convene in a single location.

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

## **8. AGENDA**

8.1 An agenda of each regular meeting of council, as prepared by the City Secretary, 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 agenda shall be posted in the municipal office at the same time.

8.2 All items to be placed on the agenda of the next regular meeting of council must be provided to the City Secretary at least 120 hours prior to the scheduled time of the regular meeting.

8.3 Items may be added to the agenda at a regular meeting of council, with approval of majority of Council.

8.4 In preparing the council agenda, the City Secretary shall state the business for consideration in accordance with the following order of business, provided however that the Chair may, during a Council meeting, re-arrange items on the agenda to conduct the business before the Council more expeditiously:

- (1) Calling the Council to order
- (2) Opening
- (3) Adopting the agenda
- (4) Approving the minutes
- (5) Delegations

1. Subjects not on the current agenda. Any member of the public may request time to address the Council after first stating their name, address, and the subject of their comments. The Chair may then allow the comments subject to such time limitations as the Chair deems necessary, generally 5 minutes. Following such comments, the Chair may place the matter on a future agenda, or refer the matter to the City Manager for investigation and report.
2. Subjects on the current agenda. Any member of the public who wishes to address the Council on an item on the current agenda shall make such request to the Chair at the time when comments from the public are requested. The Chair shall rule on the appropriateness of public comments as the agenda item is reached. The Chair may change the order of speakers so that testimony is heard in the most logical groups, e.g., proponents, opponents, adjacent owners, vested interests, etc.

(6) Public Hearings at 7:35 p.m.

(7) Reports and recommendations of City Manager

(8) Administration

(9) Council member question period  
Intended to be an open session, allowing questions to the Mayor or any member of Council, which could be considered immediately or deferred to the next regular meeting of Council.

(10) Correspondence and petitions

(11) Unfinished Business

(12) Adjournment

## **9. FORMS OF ADDRESS**

9.1 The Mayor shall be addressed as “Mayor (surname)”, “Your Worship” or “Mr. / Mrs. / Ms. Mayor”. The Deputy Mayor, when acting for the Mayor, shall be addressed as “Deputy Mayor (surname)”. Members of the Council shall be addressed as “Council Member / Councillor (surname)”.

## **10. SEATING ARRANGEMENT**

10.1 Council Members shall occupy the respective seats in the Council Chamber assigned to them by the Mayor.

## **11. REGULAR MEETING**

11.1 Regular meetings of council shall be held on the first and third Tuesdays of each month, in the Council Chambers of the City of Steinbach at the hour of 7:30 p.m. 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.

11.2 All meetings of council shall be chaired by the Mayor, or in his/her absence, by the deputy Mayor. If the Mayor or deputy Mayor is not present at the time scheduled for a meeting, the council may appoint one of its members to chair the meeting.

11.3 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.

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

11.5 Notice of any change of day or time of a regular meeting of council must be posted in the municipal office at least seven (7) days before the regularly scheduled date of the meeting.

11.6 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.

11.7 The council shall observe a curfew 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.

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

11.9 Despite clause 11.8 of this by-law, council or council committees may close a meeting to the public, if

1. the members decide during the meeting to meet as a committee to discuss a matter, and
2. the decision and general nature of the matter are recorded in the minutes of the meeting; and
3. the matter to be discussed relates to
  - an employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance
  - 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;
  - the conduct of existing or anticipated legal proceedings;
  - the conduct of an investigation under, or enforcement of, an Act or by-law
  - the security of documents or premises, or
  - a report of the Ombudsman received by the Mayor under clause 36(1)(e) of *The Ombudsman Act*.

11.10 No resolution or by-law may be passed at a meeting that is closed to the public, except a resolution to re-open the meeting to the public.

## **12. STUDY SESSIONS OF COUNCIL**

12.1 Special study sessions, or other Council meetings, may be designated as Strategic Priorities sessions where no official action is contemplated. Study sessions shall have a formal agenda, however, may be conducted informally so long as such informality is not in conflict with these rules. The City Secretary, under the direction of the City Manager, and in consultation with the Mayor, shall arrange a Council study session agenda. The Council study session agenda shall, where ever possible, contain a detailed study item. A copy of the study session agenda along with any supporting material shall be prepared for members of Council, the City Manager and any support staff, seven (7) working days before the study session. A study session will be closed to the public as all matters are in preliminary stages and will eventually be decided upon at a public meeting.

## **13. SPECIAL MEETINGS OF COUNCIL**

13.1 A special meeting of council of the City of Steinbach may be called at any time by the Mayor and 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 City Manager.

13.2 Should the Mayor not call a special meeting within 48 hours of receiving written request by two members of council, the City Manager must call the meeting in accordance with section 13.3 of this by-law.

13.3 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 council and posted in the municipal office at least 48 hours before the scheduled time of the meeting.

13.4 Should the Mayor be unavailable, the deputy Mayor may call a special meeting only if requested in writing by two members in accordance with this part.

13.5 Members of Council automatically waive the right to be given notice of a special meeting when on vacation or on approved leave.

13.6 Only a matter stated in the notice of a special meeting may be transacted at the meeting, unless all members of the Council are present and unanimously agree to deal with the other matters.

## **14. DELEGATIONS**

14.1 The Chair may limit the time taken by a delegation to five minutes and may require the delegation to appoint a spokesperson.

14.2 To allow members of council to prepare for delegations, it is recommended that all presenters register with the City Secretary at least 120 hours before the council meeting and advise the City Secretary of the topic and scope of the presentation.

14.3 There shall not be a limit to the number of delegations included on the agenda of a council meeting, but the City Secretary is granted authority to schedule delegations as deemed appropriate.

## **15. VOTING**

15.1 A member, including the Mayor, is entitled to one vote each time a vote is held at a council meeting at which the member is present.

15.2 The City Secretary must record in the minutes of the meeting of council the vote or abstention of each member, except in the case of resolutions for the adoption of minutes and adjournments.

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

15.4 Council may not reconsider or reverse a decision within one year after it is made unless:

1. 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
2. a member gives written notice to the council, from at least one regular meeting to the next regular meeting, or a proposal to review and reverse the decision.

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

## **16. PROCEDURE AT PUBLIC HEARING**

16.1 Each member of council must attend a public hearing called by council unless the member is

1. excused by the other members from attending the hearing;
2. unable to attend due to illness

3. required under *The Municipal Council Conflict of Interest Act* to withdraw from the hearing.

16.2 The Chair of the public hearing has the right to limit the time taken by a person to five minutes, after which council may wish to ask questions of the person. All questions must be channelled through the Chair of the hearing.

16.3 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.

16.4 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.

16.5 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 him/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.

16.6 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.

## **17. RULES OF ORDER**

17.1 Rules of Order not specified by statute, by-law or resolution shall be governed by Roberts' Rules of Order. The Mayor shall serve as parliamentarian and may seek advice from the City Manager as to correct rules of procedure or questions of specific rule application.

## **18. BY-LAWS AND RESOLUTIONS**

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

18.2 No motion shall be debated unless the same is moved and seconded.

18.3 The minutes of a meeting at which council votes on any 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.

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

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

18.6 Only the title or an identifying number must be read at each reading of a proposed by-law.

18.7 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.

18.8 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.

18.9 Any Council Member shall have the right to express dissent from or protest against any by-law or resolution of the Council and have the reason therefore entered in the minutes.

## **19. HEAD OF COUNCIL (Mayor) TAKING PART IN DEBATE**

19.1 If the Chair desires to present or second a motion, he/she must leave the chair, and call upon one of the members to fill his/her place until he/she resumes the chair. The Chair does not need to leave the chair to discuss a motion, unless asked to by a member of Council.

## **20. CONDUCT**

20.1 Every member prior to his/her speaking shall address the Chair.

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

20.3 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.

20.4 When the Chair is putting a question, no member shall leave his/her chair.

20.5 Discussion shall be limited to the question in debate.

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

20.7 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.

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

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

20.10 Where at a council meeting a member of the council is conducting him/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.

20.11 Persons in the council chambers are not permitted to display signs or placards or engage in conversation or other behaviours which may disrupt council proceedings.

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

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

20.14 A member must keep in confidence a matter that is discussed at a meeting closed to the public under subsection 153(3) of the Act until the matter is discussed at a council meeting conducted in public.

20.15 A member who breaches the requirement of confidentiality under clause 20.14 becomes disqualified from council.

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

By-Law No. 1766 is hereby repealed.



DONE AND PASSED as a by-law of the City of Steinbach, at Steinbach, in Manitoba,  
this 5th day of December, 2006.

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Mayor

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City Manager

Read a first time this 14<sup>th</sup> day of November, 2006.  
Read a second time this 21<sup>st</sup> day of November, 2006.  
Read a third time this 5th day of December, 2006.