

Appendix H

Sample Procedures Bylaw

The Council of the Incorporated Community of _____.
Bylaw Number _____.

Being a bylaw to regulate the proceedings and conduct of the council and the committees thereof.

WHEREAS subsection 126(1) of The Northern Affairs Act provides that a council must adopt rules of procedure and must review its procedures at least once every four years.

AND WHEREAS subsection 126(3) of The Northern Affairs Act states:

The procedures adopted by council must provide for:

- (a) regular meetings of the council, and the day, time and place of meetings
- (b) the type and amount of notice to be given of regular meetings of the council
- (c) the procedure to be followed and the type and amount of notice to be given to change the day, time or place of a regular council meeting
- (d) rules respecting the conduct of council meetings
- (e) rules respecting public participation at council meetings
- (f) the type and amount of notice to be given of a special meeting of the council
- (g) the time within which a special meeting of the council requested under clause 128(1)(b) must be called by the mayor and must take place

AND WHEREAS subsection 126(5) of The Northern Affairs Act provides that the council of an incorporated community must adopt its procedures by bylaw.

THEREFORE BE IT RESOLVED that the council of the incorporated community of _____ in open meeting assembled enacts as follows:

1. Title

- 1.1. This bylaw may be referred to as “The Incorporated Community of _____ Procedures Bylaw”.
- 1.2. The following rules and regulations shall be observed in council and in all committees thereof.

2. Definitions

In this bylaw:

- (a) **Agenda** means the agenda for a regular or special meeting of council or committee of council.
- (b) **Act** means The Northern Affairs Act.
- (c) **Chair** means the person presiding at the meeting of council or committee.

- (d) **Committee** means a committee or other body established under The Incorporated Community of _____ Organizational Bylaw, but does not include a committee of the whole council.
- (e) **Committee of the Whole of 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 Incorporated Community of _____.
- (g) **Council Meeting** means a regular or special meeting of the council, but does not include a public meeting held by the 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, Easter Monday, Victoria Day, Canada Day, Terry Fox Day, Labour Day, Orange Shirt Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day and any other day declared a holiday by the provincial or federal government.

3. Suspension

Any rule contained in this bylaw may be suspended by a vote of the majority of the members present, except in cases where the act or by this bylaw, some other vote is required.

4. First Meeting of Council

- 4.1. Following a regular election, the mayor must hold the first meeting of council within 30 days and the meeting shall be held at (time) and (place).
- 4.2. Council must at its first meeting review the Procedures and Organizational Bylaws.

5. Quorum

- 5.1. A majority of the members of council constitutes a quorum. A quorum of council for the Incorporated Community of _____ shall be ____ members.
- 5.2. 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 __ members. In the case of a member abstaining due to a conflict of interest, the minimum number for a quorum is two. In the case of a council committee, the minimum number for a quorum is two.
- 5.3. 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 community administrative officer (CAO) shall enter into the minutes the names of the members present at the meeting.

6. Agenda

- 6.1. 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 preceding the meeting of council. A copy of the draft agenda shall be posted in the council office and on the community website at the same time.
- 6.2. 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 prior to the scheduled time of the regular meeting.
- 6.3. 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.
- 6.4. In preparing the council agenda, the CAO shall state the business for consideration with the following order of business:
 1. Meeting Called to Order
 2. Approval of Agenda
 3. Reading and Approval of Minutes of Last Meeting
 4. Delegation or Guests
 5. Reading and Approval of Financial Statements
 6. Approval of Bills
 7. Correspondence
 8. Reports from Committees
 - (i) Public Works
 - (ii) Recreation and Wellness
 9. Bylaws
 10. Unfinished Business
 11. New Business
 12. Adjournment

7. Regular Meetings of Council

- 7.1. Regular meetings of council shall be held on the _____ of each month in the council chambers at the hour of _____. A notice prior to the first council meeting each year shall be posted in the council office and on the community website outlining the regular meeting schedule for that year.
- 7.2. All meetings of council shall be chaired by the mayor or in the absence of the mayor, by the deputy mayor. If the mayor or deputy mayor is not present at the time scheduled for a meeting, the council shall appoint one of its members to chair the meeting.
- 7.3. 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.

- 7.4. Council, by resolution, may vary the date and time of a regular meeting as circumstances may require.
- 7.5. Notice of any change of day or time of a regular meeting of council must be posted in the council office and on the community website at least ____ days before the regularly scheduled date of the meeting.
- 7.6. 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.
- 7.7. Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 7.8. Despite clause 7.7 of this bylaw, council or a council committee may close a meeting (in-camera) to the public, if:
- a) in the case of a council, the council decides during the meeting to meet as a committee to discuss a matter
 - b) the decision and general nature of the matter are recorded in the minutes of the meeting
 - c) the matter to be discussed relates to:
 - i) a community 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 community'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 bylaw
 - v) the security of documents or premises
 - vi) a report of the Ombudsman received by the head of the council under subsection 36(1)(e) of The Ombudsman Act
- 7.9. No resolution or bylaw may be passed at a meeting closed (in-camera) to the public, except a resolution to reopen the meeting to the public.

8. Special Meetings of Council

- 8.1. A special meeting of council 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 CAO.
- 8.2. Unless deemed to be an emergency situation, all members of council must receive ____ hours notice of a special meeting request.

- 8.3. Should the mayor not call a special meeting within 24 hours of receiving a written request by two members of council, the CAO must call the meeting in accordance with clause 8.4 of this bylaw.
- 8.4. The notice of the special meeting to all members of council may be verbal, in electronic or written form and must state the purpose of the meeting and must be provided to all members of council.
- 8.5. 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.
- 8.6. 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.

9. Public Meetings

- 9.1. Each member of council must attend a public meeting called by council, unless the member is:
 - a) excused by the other members from attending the meeting
 - b) unable to attend owing to illness
 - c) required under section 105 (conflict provisions) of the act, to withdraw from the meeting
- 9.2. Chair of the public meeting has the right to:
 - a) limit the time taken by the person to 10 minutes
 - b) decline to hear further presentations, questions or objections where they are satisfied that the matter has been addressed at the public meeting unless an objection is registered by a majority of members of council present
 - c) decide which presenters will be heard, if they are satisfied that the presenters are the same or similar, unless an objection is registered by a majority of members of council present
 - d) 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 meeting and if that person fails to do so, may cause that person to be removed
- 9.3. If a public meeting is adjourned, the council shall provide public notice of the date, time and place of the continuation of the meeting, unless information is announced at the adjournment of the meeting.

10. Delegations

- 10.1. The chair may limit the time taken by a delegation to (10) minutes. The delegation must appoint a spokesperson.

- 10.2. To allow members of council to prepare for delegations, all presenters shall register with the CAO at least (120) hours before the council meeting and advise the CAO of the topic and scope of the presentation.
- 10.3. Persons wishing to appear as a delegation, in regards to an item placed on the agenda provided to the public 96 hours prior to the scheduled meeting, shall register with the CAO a minimum of two 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.
- 10.4. 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.
- 10.5. 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.

11. Voting

- 11.1. A member has one vote each time a vote is held at a council meeting at which the member is present.
- 11.2. At a meeting of council, a question or motion on which there is a tie vote is deemed to be defeated.
- 11.3. Every vote at a meeting of council or committee of council must be taken by open voting, and, if requested by a member, the vote of each member present must be recorded in the minutes of the meeting.

12. Conduct

- 12.1. The chair shall maintain order and decorum at all times. The chair shall decide the questions of order subject to an appeal to the council. The decision of the chair shall be final, unless reversed by a vote of the majority of the members present.
- 12.2. Discussion shall be limited to the question in debate.
- 12.3. The chair has the right to limit:
 - a) a member of council for time spent on an issue
 - b) total time spent on any issue by council as a whole, subject to an objection being registered by a majority of members of council present
- 12.4. Where at a council meeting a council member 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.

- 12.5. Persons in the council chambers are not permitted to engage in conversation or other behaviours, which may disrupt council proceedings.
- 12.6. The public and media may audio/video tape meeting proceedings, including public meetings providing that arrangements are made with the CAO at least (24) hours prior to the meeting or public meeting.
- 12.7. A member must keep in confidence a matter that is discussed at a meeting closed (in-camera) to the public under subsection 129(3) of the act until the matter is discussed at a council meeting conducted in public.
- 12.8. A member who breaches the requirement of confidentiality under clause 12.7 becomes disqualified from council.
- 12.9. Council has adopted a council member's code of conduct as attached to this bylaw and posted in council chambers. Each council member has a duty to comply with the code.

13. Bylaws And Resolutions

- 13.1. Council may act only by resolution or bylaw.
- 13.2. Every proposed bylaw must be given three separate readings, and each reading must be put to a separate vote.
- 13.3. Council may not give a proposed bylaw more than two readings at the same council meeting.
- 13.4. Only the title, an identifying number and the definition of the bylaw must be read at each reading of a proposed bylaw.
- 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 bylaw before the bylaw receives first reading.
- 13.6. Each member present at the meeting at which third reading is to take place must, before the proposed bylaw receives third reading, be given or have had the opportunity to review the full text of the proposed bylaw and any amendment passed after first reading.

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

Bylaw No. ____ is hereby repealed.

COMING INTO FORCE

This bylaw shall come into full force and effect on the day following the date of final passage.

DONE AND PASSED as a bylaw of the incorporated community of

_____ in the Province of Manitoba this ____ day of _____ 20__.

(corporate
seal)

mayor's signature

community administrative officer's signature

Read a first time this ____ day of _____, 20__.

Read a second time this ____ day of _____, 20__.

Read a third time this ____ day of _____, 20__.