

## **Appendix H**

# **Sample Rules of Procedure (Unincorporated Communities)**

**Whereas** subsection 126(1) of The Northern Affairs Act requires that a council must adopt rules of procedure.

**Therefore Be It Resolved** that the council of the community of [Name of Community], in open meeting assembled, agree to the following:

### **Community Council of [Name of Community] Rules of Procedure**

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

### **Part 1 – Meetings and Attendance**

#### **First meeting of council**

**1(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).

**1(2)** Council must at its first meeting review the Rules of Procedure and Organizational Structure documents.

#### **Regular meetings of council**

**1(3)** The regular meetings of council shall be held on \_\_\_\_\_ in the council chambers. Council may by resolution vary the date and time of a regular meeting as circumstances may require.

#### **Chairing of meetings**

**1(4)** 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 may appoint one of its members to chair the meeting.

### **Calling the meeting to order**

**1(5)** At the hour set for a meeting to commence, and providing that quorum is present, the mayor shall take the chair and shall call the meeting to order.

### **Curfew**

**1(6)** The council shall observe a curfew whereby the item on the agenda under discussion at (10 p.m.) will be the last item dealt with on that day, unless by majority vote council decides to extend the adjournment time. In any case, one 30 minute extension is allowed.

### **Open meetings**

**1(7)** Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.

### **Matters discussed in-camera**

**1(8)** Except, at one of the public meetings required under section 130 of The Northern Affairs Act (the act), council may exclude the public from its meeting by motion to move to an in-camera meeting of committee of the whole. Such motion shall generally identify the matter to be discussed according to one of the following categories:

- a) one or more community employee's performance, duties, remuneration and benefits
- b) a matter in preliminary development stages in which general public knowledge could prejudice the community's ability to carry out the proposed activities, program or complete negotiations successfully
- c) discussion related to legal proceedings
- d) an investigation into a matter before council
- e) discussion of security of documents or premises
- f) discussion of a report from the Ombudsman to the head of council, subsection 36(1)(e) of The Ombudsman Act
- g) any matter that falls under The Freedom of Information and Protection of Privacy Act

### **Decisions made in-camera**

**1(9)** The committee of the whole shall report any proposed decisions made in the in-camera meetings as recommendations to council, and such recommendations shall be decided by a resolution of the council. The report to council does not require the details of discussions to be made. The only resolutions that may be made by committee in-camera are a resolution to:

- a) make a recommendation to council
- b) reopen the meeting to the public

### **Meeting falling on general holiday**

**1(10)** If the day scheduled for a regular meeting falls on a general holiday, the meeting shall be held at the same time and place on the next day following which is not a holiday.

**Special meetings**

**1(11)** Special meetings of council are subject to the requirements of section 128 of the act.

**Notice of special meetings**

**1(12)** Each member must be given at least three hours notice in writing, including a statement of the subjects to be considered, and the notice shall be delivered to the residence of each member of council and posted before the special meeting for at least three hours in the office of the council and in any community center located in the community.

**Matters on agenda**

**1(13)** 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.

**Council member's code of conduct**

**1(14)** Council has adopted a code of conduct which is attached to this document and posted in the council office. Each member of council has a duty to comply with the code.

**Part 2 – Public Participation in Meetings and Public Meetings****Public participation**

**2(1)** Each member of council shall attend any public meeting called by council in accordance with section 130 of the act, unless the council member is:

- a) excused by the other members, before the public meeting starts
- b) unable to attend due to illness
- c) required under The Municipal Council Conflict of Interest Act to withdraw from the meeting

**Limit on debate in public meeting**

**2(2)** The chair of a public meeting, under section 130 of the act, has the right to limit the time taken by a presenter. The chair will limit the time to 10 minutes after which council may ask the presenter questions. All questions will be directed through the chair. The chair may extend the amount of time taken by a presenter.

**Further limit on debate or presentation**

**2(3)** The chair may limit the presentation of other persons, which is the same as or similar to a presentation already made, to five minutes.

**Removal of persons from public meeting**

**2(4)** The chair of the public meeting may require any person, other than a council member, 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.

### **Continuation and adjournment to another date**

**2(5)** Council may adjourn a public meeting, under section 130 of the act, to another date and time, in order to complete the business of the public meeting, and shall provide a public notice of the date, time and place of the continuation of the public meeting in accordance to clause 4(3) of this document.

## **Part 3 – Quorum**

### **Quorum of council required for a council meeting**

**3(1)** The quorum required under section 121 of the act is a simple majority of the members of council, provided that this quorum may be reduced due to vacancies in which case is the majority of the remaining members of council. In the case of a member required to withdraw from the meeting due to a conflict of interest, the minimum number for a quorum of a council shall not be less than two.

### **Quorum of committees**

**3(2)** The quorum required for a committee meeting shall be the simple majority of the number of members of the committee.

### **When quorum not present**

**3(3)** If no quorum is present within 30 minutes of the time set for the start of a council or committee meeting, the person designated to take the minutes shall record in the minutes the names of those members present, and the meeting shall be adjourned.

### **Participation by electronic means**

**3(4)** Any member of council participating in a meeting of council by means of electronic communication shall do so with the prior approval of council on such terms and conditions as may be set by council, and such member shall be deemed to be present at the meeting and be part of the quorum required for the meeting.

## **Part 4 – Notice of Meetings**

### **Notice of change of day**

**4(1)** When a regularly scheduled council meeting is being changed to a different later day, notice shall be posted in the council office not less than one day before the regularly scheduled meeting. When moving the date earlier, this becomes a special meeting.

### **Change of location**

**4(2)** Council may, by resolution, change the location of a regular council meeting, in order to facilitate conduct of business, provided that notice is posted in the council office not less than three days prior to the scheduled meeting.

### **Notice of an adjourned public meeting**

**4(3)** If a public meeting is adjourned, and the notice of the adjournment date, time and place is provided at the public meeting, no further notice is required. If notice of the adjournment

date, time and place is not provided at the public meeting, notice of a public meeting shall be given by posting a notice of the date, time and place of the public meeting for not less than 14 consecutive days before the meeting in the office of the community of [Name of Community] and in any community center in the community of [Name of Community].

## **Part 5 – Voting**

### **One vote per member**

**5(1)** A council member has one vote each time a vote is held at a council meeting at which the member is present.

### **Putting the question**

**5(2)** When the chair puts the question, or calls for a vote, no member shall leave the member's place, or make a noise or create a disturbance until the vote has been completed.

### **Repeat the question or motion**

**5(3)** A member may, at any time, request the chair to repeat the question or motion before the council, but not so as to interrupt a member already speaking.

### **Request permission to abstain**

**5(4)** A member may, with the prior permission of council, abstain from voting in accordance with section 122 of the act, having identified the reason for abstaining, and the minutes shall show that the member abstained from voting. The minutes shall record all abstentions by members of council of the council meeting.

### **Question tied**

**5(5)** When all the members have voted, or abstained as the case may be, and the vote is tied, then the motion is deemed to be defeated and the minutes shall show the motion as defeated.

### **Recorded vote**

**5(6)** Where a member of council requests, immediately after a vote of the members, that the vote of each member be recorded, the community administrative officer (CAO) shall record in the minutes of the proceedings the names of members who vote in favour of, and those who vote against, the matter in question, and of any member who abstained from voting.

## **Part 6 – Minutes**

### **Reading of minutes**

**6(1)** Council may dispense with reading of minutes for each meeting where the minutes of the preceding meeting have been available to the members at least 24 hours prior to the start of the meeting.

## **Part 7 – Order of Business**

### **Preparation of agenda**

**7(1)** The CAO, in discussion with the chair of the meeting, shall prepare the agenda stating the business for consideration in accordance with the following order of business:

- Call to Order
- Approval of Minutes
- Adoption of Agenda
- Petitions and Delegations
- Reports of Committees
- Correspondence
- Accounts
- Bylaws
- Unfinished Business
- New Business
- Notice of Motion
- Adjournment

### **Availability of agenda**

**7(2)** A draft agenda of each regular council meeting, together with copies of supporting materials shall be available to council members at least 24 hours preceding the meeting. A copy of the draft agenda shall be posted in the council office at the same time.

### **Change order of business**

**7(3)** Council shall by resolution adopt the agenda, making such changes as it decides proper, and may, even after adopting the agenda, by unanimous consent of the members present, change the order of business to facilitate discussion.

## **Part 8 – Petitions and Delegations**

### **Delegations**

**8(1)** A delegation to council shall be limited to 10 minute presentation time, to be followed by time for questions from council. The chair may extend the presentation time.

### **Representative of delegation**

**8(2)** A delegation of two or more persons, shall select one person to be the representative for the delegation, and shall advise the CAO of the name of the representative. All questions and responses to the representative shall be addressed through the chair.

### **Registration of delegation**

**8(3)** To allow members of council to prepare for delegations, all presenters shall register in writing with the CAO not later than 12 noon two days before the scheduled council meeting and advise of the topic and scope of the presentation. The CAO shall not place on the agenda any request for presentation by a delegation, which is not in writing.

**Delegation with petition**

**8(4)** Where a delegation is presenting a petition to council in support of the topic of presentation, the petition and all related documents shall be submitted to the CAO by 12 noon two days before the scheduled council meeting to enable the CAO to verify the signatures and information of the petition prior to the presentation to council. Petitions shall comply in format with council requirements as outlined in council policies.

**Number of delegations**

**8(5)** There is no fixed limit to the number of delegations, but the CAO, based on direction from the mayor, may schedule delegations to a subsequent meeting as deemed appropriate in the circumstances.

**Conduct of delegation**

**8(6)** The chair may terminate a presentation if the representative or any member of the delegation displays inappropriate behavior or improper conduct. The chair may order the individual to leave or be removed from the meeting place, if required.

**Part 9 – Bylaws and Resolutions****Council may act**

**9(1)** Council may act only by resolution or bylaw.

**Enactment of bylaws**

**9(2)** Council shall give each bylaw three separate readings, and each reading is to be voted on separately.

**No more than two readings at one time**

**9(3)** Council may give no more than two readings of a bylaw at the same council meeting.

**Reading of bylaw**

**9(4)** Where council members are in receipt of a printed copy of the bylaw and have had time to review the bylaw in detail, only the title is required to be read aloud in calling for a vote.

**Full review at third reading**

**9(5)** Where council has given first and second reading of a bylaw, and has made a substantial amendment to the bylaw, after second reading, council members shall have the opportunity to give the bylaw a full review prior to calling for third reading.

**Part 10 – Motions and Rules of Debate****Head of council participating in debate**

**10(1)** If the chair desires to present or second a motion, or participate in debate, they can do so without leaving the chair.

**Limit time to speak**

**10(2)** No member shall speak to the question or in reply for longer than five minutes without approval of council.

**Motion to adjourn**

**10(3)** 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. A motion to adjourn a meeting requires a mover and a seconder.

**Chair to summarize debate**

**10(4)** Immediately before putting the question, the chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.

**Removal of member**

**10(5)** Where at a council meeting a member of 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.

**Display of signs**

**10(6)** Persons in the council chambers are not permitted to display signs or placard to applaud participants in debate or to engage in conversation or other behaviour, which may disrupt council proceedings.

**Limit number of persons**

**10(7)** Council may limit the number of persons allowed in the council chambers.

**Audio/video**

**10(8)** 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.

**Done and Passed** as rules of procedure for the community council of [Name of Community] in the Province of Manitoba this [day] of [month] [year].

Signed by:

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mayor

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community administrative officer