

RURAL MUNICIPALITY OF GIMLI

BY-LAW NO. 16-0012

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BEING A BY-LAW OF THE RURAL MUNICIPALITY OF GIMLI to govern the organization of the Rural Municipality of Gimli 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;

AND WHEREAS the Council of the Rural Municipality of Gimli deems it advisable to repeal the present Organizational and Procedures By-law in order to enact a new one, pursuant to the provisions of The Municipal Act;

NOW THEREFORE the Mayor and Council of the Rural Municipality of Gimli in council duly assembled hereby enact the following:

1.0 TITLE

This by-law may be referred to as the "Organizational and Procedures By-Law".

2.0 DEFINITIONS

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) "Municipality" means Rural Municipality of Gimli.
- e) "Council Portfolio Committee" or "Council Portfolio Committees" means a Committee of the Council established by Council in accordance with this by-law and includes the Finance & Administration Committee, Public Safety Committee, Public Works Committee, Economic Development & Planning Committee and Community Services Committee and all said Committees are comprised of all of the Members of Council.
- f) "Committee of the Council" means a committee of all Council members present at a meeting sitting as a committee but does not include the Council Portfolio Committee(s) of Council.



- g) "Communication Facility" means a device that enables the Members to hear and speak to each other and for the public to hear the Members.
- h) "Council" means the duly elected Mayor and Councillors of the Rural Municipality of Gimli.
- i) "Council Committees, Community Committees and Boards" includes but is not limited to and may include a member of Council, staff and/or citizen appointees when appointed by resolution of Council.
- j) "Council Meeting" means a regular meeting or special meeting of the Council but does not include a public hearing held by the Council.
- k) "In Camera" means in private or to the exclusion of the public.
- l) "Members" means, when referring to the Council; the Councillors and the Mayor.

3.0 ORGANIZATION

3.1 ROLE OF COUNCIL [Section 82 MA]

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 or any other Act.

3.2 GENERAL DUTIES OF MEMBERS [Section 83(1) MA]

Members of Council have 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 perform any other duty or function imposed on the Member by the Council or this By-Law or any other Act.

3.3 COUNCIL COMMITTEES

3.3.1 The general duties of Council Committees shall be as follows:

- a) to report regularly on all matters connected with the duties imposed on the Committee and to recommend such action as may be deemed necessary;
- b) to introduce to Council all such by-laws and resolutions as may be necessary to give effect to the reports of recommendations that are adopted by Council;
- c) to consider and report respectively on any and all matters referred to them by Council.

3.3.2 The following Council Portfolio Committees are hereby established as the Standing Committees of Council:

- a) Finance Administration and Recreation Committee
- b) Economic Development and Planning Committee
- c) Public Safety Committee
- d) Public Works Committee
- e) Community Services Committee.

3.3.3 Finance Administration and Recreation Portfolio

In addition to any other duties referred to the Council Portfolio Committee on Finance and Administration by Council, its duties shall be to advise Council on:

- a) to direct all contracts, orders, reports, recommendations and proceedings involving the expenditure of Municipal Funds;
- b) to review and recommend the approval of all accounts, expenditures, outlays and all sums payable under contract before any monies are paid; and no account, claim or demand not expressly authorized to be paid by a statute, by-law or resolution of council, shall be paid by the Chief Administrative Officer until the same has been authorized by the Finance Committee and approved by Council;
- c) to annually review and recommend to council the types, rates and conditions of payments to be made to or on behalf of members of the council and council committees, as compensation and for expense incurred while attending to municipal business, and for any other purpose relating to municipal business that the council considers appropriate;
- d) to initiate the yearly budgetary process and introduce the final draft of the yearly Financial Plan at a public hearing;
- e) to recommend the appointment of auditors and provide the final yearly audit report to council;
- f) to provide a financial statement to council monthly;



- g) all matters relating to the receipt or payment of money by the Administration in accordance with all by-laws of the Municipality and statutes of the Province;
- h) all matters of finance including both operating and capital and make recommendations on the borrowing of funds for any aspect of the Municipal administration; and to consider source and process for grant applications and other revenue services;
- i) Financial and Administrative By-law development and review;
- j) Review and set policy to enhance transparency and accountability;
- k) all matters of property acquisition or disposal;
- l) Recreation facilities and programs including the operation, maintenance and control of public parks and public recreation grounds and facilities and to recommend the establishment of such parks and recreation grounds and facilities deemed necessary to carry on a comprehensive parks and recreation program;

-encouraging, initiating and /or supervising programs which will include physical, social, artistic, group and intellectual recreation and audience entertainment while continually striving to meet parks, cultural, and recreation needs of the community;
- m) all matters of concern regarding Personnel including:
 - i) salary and wage negotiations
 - ii) requests for benefits
 - iii) assist with interviewing of new employees
 - iv) review and draft personnel policy
 - v) review and draft job descriptions
 - vi) review and consider grievances of employees as required under the existing Union Contracts.

3.3.4 Economic Development and Planning Committee

In addition to any other duties specifically referred to the Council Portfolio Committee on Economic Development & Planning by Council, its duties shall be to advise Council on:

- a) Development, management and review of the 5 year Development Plan, the Zoning By-Law, the Building By-Law;
- b) Review and monitoring of Capital Contribution policies;
- c) Negotiate with Developers;
- d) Develop and monitor development agreements;
- e) Initiate livable communities strategies including pedestrian corridors and green space development, public reserves and the management thereof;
- f) land use policy development and review;
- g) encouraging and promoting retail, industrial and commercial growth and business retention within the Municipality;
- h) liaising and working with provincial, local and regional bodies with a view to encouraging economic, industrial and commercial growth of the Municipality;
- i) encouraging and promoting tourism development within the Municipality;
- j) Serve as a Director for the Gimli Community Development Corporation.

3.3.5 Public Safety Committee

In addition to any other duties referred to the Council Portfolio Committee on Public Safety by Council, its duties shall be to advise Council on:

- a) Annual fire operations budget including a capital equipment replacement plan;
- b) Policies & By-Laws concerning the prevention, permitting and suppression of fires;
- c) Policies relating to the provision of Municipal activities required under the Emergency Measures Act;
- d) Negotiate inter- municipal public safety service sharing agreements
- e) Policies relating to the enforcement of By-Laws and reduction in crime in co-operation with the established police force in the Municipality;

- f) The operations of the Animal Control Officer and the Pound/ Animal Shelter within the Municipality and to recommend such rules and regulations as may be from time to time required.

3.3.6 Public Works Committee

In addition to any other duties referred to the Council Portfolio Committee on Public Works by Council, its duties shall be to advise Council on:

- a) all matters relating to the Waterworks and Sewage System of the Municipality and the hydrant, treatment, distribution and collection systems connected therewith;
- b) develop practices and policies that protect aquifer and ground water quality;
- c) all matters pertaining to construction and maintenance of all amenities on any street, road and highway;
- d) all matters pertaining to garbage collection and recycling service of the Municipality and maintenance of the waste disposal grounds under the control of the Municipality;
- e) all matters pertaining to the street lighting in the Municipality and to recommend to Council any changes to the street lighting system;
- f) make recommendations on all public works matters relating to municipal land, buildings and equipment including acquisition, maintenance and disposal;
- g) consider and report recommendations on all matters relating to municipal roads and side walks and their opening, closing, altering, diverting, and maintenance;
- h) recommend on the need for the maintenance of an efficient drainage system through the development and ongoing maintenance of a master drainage plan for the Municipality;
- i) supervise and maintain effective pest control;
- j) recommend to council for each budget year such public works projects, works and matters under its control as it considers essential to be carried out during the year, together with their detailed cost;

k) Develop & Monitor;

- i) Annual Work Plan for the department
- ii) 20 year road maintenance plan
- iii) 10 year road construction plan
- iv) Capital equipment replacement plan
- v) Monitor road design and specifications
- vi) 20 year landfill cell replacement plan.
- vii) Policies to encourage waste reduction including recycling / composting
- viii) Initiate green policies on matters related to energy efficiency, air quality and greenhouse gases
- ix) Service & maintenance standards throughout the Municipality.

3.3.7 Community Services Committee

In addition to any other duties specifically referred to the Council Portfolio Committee on Community Services by Council, its duties shall be to advise Council on:

- a) Encouraging and initiating projects and programs which will include, social services groups, affordable housing, heritage, Senior's issues, artistic and environmental initiatives while continually striving to meet needs of the community;
- b) Co-operation with and encouragement of all organizations and institutions within the Municipality that are engaged in social service, cultural or heritage pursuits or activities whether such organizations and institutions are public, private, civic, social or religious and to co-operate with provincial and national groups or organizations that support and promote these organizations and institutions;
- c) Initiating processes that that will provide effective and timely communication and community promotion of community services groups and organizations with the general public and all stakeholders.

3.4 A special Council Committee , Sub Committee or Board may be created at any time and shall be appointed by resolution of Council specifying the business to be dealt with by the committee and any appointments there to.

4.0 APPOINTMENTS

4.1 Council Committees [Sec. 148(2) (a) MA]

- a) At the Organizational Meeting of Council in each year, the Council must consider the nominations and recommendations for appointments to Council Portfolio Committees and other bodies of Council.
- b) Appointments to all Council Portfolio Committees and their sub committees and other bodies of Council, including naming of a chairperson shall be approved by resolution of Council, and may be amended by resolution of Council at any time.
- c) Where any Member appointed to a Council Portfolio Committee, Sub-committee or Board is absent, the Mayor or Deputy Mayor may attend in their place with full voting privileges.

5.0 HEAD OF COUNCIL

- 5.1 The head of Council for the Municipality is to have the title of Mayor
[Section 80 MA]
- 5.2 In addition to performing the duties of a Member of a Council, the Mayor has a duty: [Sec. 83(2) MA]
 - a) to preside when in attendance at a Council meeting, except where this by-law or the Act or any other Act otherwise provides;
 - b) to provide leadership and direction to the Council; and
 - c) to perform any other duty or function assigned to a Mayor by this by-law or the Act.
- 5.3 Under authority of this by-law, at his or her discretion, the Mayor of the Municipality of Gimli may grant the title of "Honorary Citizen" to special visitors.
- 5.4 Deputy Mayor [Sec. 148(2)(b) MA] at the initial Organizational Meeting of Council following the regular election, Council must by resolution, appoint a council member to serve as Deputy Mayor for the term of Council and who shall act in place of the Mayor when the Mayor is unable to carry out the powers, duties and functions of that position. The position of Deputy Mayor shall be offered to the Council Member, other than the Mayor, that obtained the highest number of votes in the Municipal Election.

6.0 YOUTH MEMBER

- 6.1 The Council, may, by resolution, appoint a person with the title "Youth Member" to sit with the Council and participate in Council deliberations.
- 6.2 A Youth Member must be 18 years of age or younger and enrolled as a full time student at Gimli High School and must be a resident of the Municipality.

- 6.3 A Youth Member is not permitted to move or second any resolution nor is the Youth Member counted for the purpose of deciding a vote of the Council or the establishment of a legal quorum at a Council/Council Committee meeting. A Youth Member is not allowed to participate in Committee of the Whole Council deliberations that are closed to the public.

7.0 BOARD OF REVISION

- 7.1 At the inaugural/organizational meeting of Council in each year, Council shall by resolution appoint a Board of Revision to hear assessment appeals during the year.
- 7.2 The Board of Revision shall consist of a minimum of three members of Council and may have a maximum of 2 citizen members.
- 7.3 The Council shall appoint a member of the Board of Revision to serve as the presiding officer of the Board.

8.0 SIGNING AUTHORITY

- 8.1 All agreements, contracts and by-laws of the Municipality of Gimli shall be signed by the Mayor or Deputy Mayor and by the Chief Administrative Officer, or the Chief Administrative Officer and the Chair of Finance, or the Chief Administrative Officer and the Chair of Public Works. Without limiting the generality of the foregoing, signing authority for the following documents shall be as indicated below.
- a) All cheques of the Corporation drawn on its Municipal and Utility account(s) shall be signed on its behalf by the Mayor, the Chair of Finance, or the Chair of Public Works and the Chief Administrative Officer or Manager of Finance and in the absence of the Chief Administrative Officer an administrative personnel as approved by resolution of Council.
 - b) The Mayor or the Chair of Finance and the Chief Administrative Officer of the Corporation be and are authorized for and on behalf of the Corporation to negotiate with, deposit with, or transfer to, the appointed Municipal banking institution (but for the credit of the said Corporation 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 Corporation, either in writing or by rubber stamp.

- c) The Mayor or the Chair of Finance, and the Chief Administrative Officer, be and are hereby authorized for and on behalf of the said Corporation from time to time to arrange, settle, balance, and certify all books and accounts between the said Corporation and the Bank; and to receive all paid cheques and vouchers, unpaid and unaccepted bills of exchange, and other negotiable instruments.
- d) The Chair of Finance and Chief Administrative Officer, be and are hereby authorized for and on behalf of the said Corporation to obtain delivery from the said Bank of all or any stocks, bonds, and other securities held by the said Bank in safekeeping or otherwise for the account of the Corporation and to give valid and binding receipts therefore.
- e) This By-Law be communicated to the said Bank and remain in force until written notice to the contrary shall have been given to the Bank Manager for the time being at the branch of the bank at which the account of the said Corporation is kept and receipts of such notice duly acknowledged in writing.
- f) The Chief Administrative Officer or their designate, be and are hereby authorized for and on behalf of the Corporation, to sign departmental agreements, provided those agreements have already been approved in the budget process or by resolution of Council. Such agreements would include, but not be limited to, facility rentals, service agreements with financial institutions, and equipment maintenance agreements.

8.2 The Mayor or Chair of Finance, and the Chief Administrative Officer, be and are hereby authorized to invest funds on behalf of the Corporation.

9.0 PROCEDURES

9.1 COUNCIL INAUGURAL / ORGANIZATIONAL MEETING

Following a general election, the Inaugural Meeting of Council must be held within thirty (30) days of the election, and the meeting shall be held in the Council Chambers at Municipal Hall in the Municipality, 62 2nd Avenue, Gimli, MB.
[Sec. 100 MA]

9.2 Every Member of Council shall make and subscribe the official oath prescribed by The Municipal Act and shall conform with Section 9 and 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 Chief Administrative Officer of the Municipality. [Sec. 101(1) MA]

9.3 Failure to comply with 9.2 within 30 days of being elected makes the position vacant and disqualifies the person until the next general election. [Sec. 101(2) MA]

- 9.4 In each subsequent year of that term, by the last day in November, the Council for the Municipality shall conform to Section 9 and 10 of the Conflict of Interest Act and shall deposit the list of assets, duly completed, with the Chief Administrative Officer of the Municipality.
- 9.5 Committees: [Sec. 148(2)(c) MA] At the Inaugural Organizational Meeting of Council, Council shall by resolution, make appointments to any existing or proposed Committees, Organizations and Boards.
- 9.6 In each subsequent year of that term, at the last Council meeting in November, the Council for the Municipality shall hold an organizational meeting at which the Council may review and change by resolution the appointments for the following twelve months.
- 9.7 In addition to the above, the Council shall have the power to change by resolution appointments to any existing or proposed Portfolios, Committees, Organizations and Boards at any regular or special meeting of Council, as in its discretion deems advisable.
- 9.8 Appointment of Officers: In addition to the above, the Council shall have the power to appoint such officers or personnel as in its discretion deems advisable.
- 9.9 The Mayor or the Chief Administrative Officer or any person specifically appointed and assigned that duty shall have the right to suspend any employee at any time for neglect or dereliction of his or her duties pending an investigation by Council. Any suspension may be appealed to Council by recognized grievance procedures.
- 9.10 Notwithstanding anything contained herein, the Chief Administrative officer shall have charge of all personnel matters.

10.0 QUORUM

- 10.1 A quorum is required for and during each Council meeting. [Sec. 135 MA]
- 10.2 Subject to the Conflict of Interest Act, a majority of the Members of Council constitutes a quorum. [Sec. 135(2) MA]
- 10.3 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, or such lesser number as provided for in the Conflict of Interest Act. [Sec. 135(3) MA]

- 10.4 Lack of quorum – if no quorum is present within thirty (30) minutes after the time scheduled for a meeting, the Council shall stand adjourned, and the Chief Administrative Officer shall enter into the minutes the names of the Members present at the meeting.

11.0 COMMUNICATION FACILITY [Sec. 150 MA]

- 11.1 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.
- 11.2 Members of Council participating in a meeting of Council by means of a communication facility are deemed to be present at the meeting.

12.0 AGENDA

- 12.1 A draft agenda of each regular meeting of Council and Council Portfolio Committee, together with copies of supporting materials, shall be available to the Members of Council by 4:00 pm on the preceding Monday for Council Meetings and Council Portfolio Committee.
- 12.2 In preparing the Council Regular Meeting Agenda, the Chief Administrative Officer shall state the business for consideration in accordance with the following order of business:

- 1) Call to Order
- 2) Adoption of Agenda
- 3) Adoption of Minutes
- Standing Committee Reports
- 4) Committee of the Whole Council In Camera
- 5) Public Works
- 6) Finance and Administration
- 7) Public Safety and Recreation
- 8) Economic Development and Planning
- 9) Community Services
- 10) Public Hearings
 - (i) Planning Hearings
 - (ii) Other Planning
- 11) Delegations
- 12) By-Laws and Policies
- 13) Correspondence
- 14) Correspondence Filed
- 15) Notice of Motion
- 16) AMM/FCM Reports
- 17) Question Period

18) Adjournment

- 12.3 Additions to or deletions from the agenda of the Regular Meetings, once distributed, may be done only with unanimous approval of those members of the Council or Council Portfolio Committee present.
- 12.4 Notwithstanding the provisions under 12.3, it shall always be in order for the Council or Committee Members to vary the order in which business on the agenda shall be dealt with by agreement of the Members present.

13.0 PROCEDURE FOR COUNCIL AND COUNCIL PORTFOLIO COMMITTEE MEETINGS

- 13.1 All Council meetings will be held on the second and fourth Wednesday of each month at 6:30 p.m.
- 13.2 All Council Portfolio Committee meetings will be scheduled at the call of the Chair.
- 13.3 If a Regular Council meeting falls on a holiday, the meeting shall be held on the following Tuesday, not being a holiday.
- 13.4 A maximum of 2 Delegations will be scheduled for all Council meetings at 7:30 p.m. unless otherwise directed by the Council.
- 13.5 The Mayor or other presiding officer shall have the right to limit the time taken up by a delegation to 10 minutes. The delegation should be encouraged to appoint one spokesperson.
- 13.6 To allow Council Members to prepare for delegations, all presenters shall register with the Chief Administrative Officer by Noon on the Thursday prior to the Council meeting and provide detailed written documentation concerning the topic and scope of their presentation.
- 13.7 All matters requiring the Council to go in-camera will be placed on a separate agenda to be discussed prior to the Council Meeting at a meeting of the Committee of the Whole Council starting at 6:00 pm.
- 13.8 All meetings of Council or Council Portfolio Committees shall be chaired by the Portfolio Chair or Mayor or, in the Mayors absence, by the Deputy Mayor. If the Portfolio Chair or Mayor or Deputy Mayor is not present at the time scheduled for a meeting, the Members of Council present shall appoint one of their Members by majority vote to chair the meeting.

- 13.9 All In Camera meetings of the Committee of the Whole Council In Camera shall be chaired by the Deputy Mayor or, in his or her absence the Mayor, or a member of Council appointed by a majority vote of the members present.
- 13.10 Council may, by resolution vary the date and time and frequency of regular meetings of the Council and Council Portfolio Committees as circumstances may require.
- 13.11 Notice of any change of day or time of a regular meeting of Council may be advertised in a local paper, if time permits, and must be posted in the Municipal Office.
- 13.12 Minutes of the proceedings of Council and Council Portfolio Committee meetings shall be taken and kept by the Chief Administrative Officer or their delegate and the Chief Administrative Officer shall make available for each Member of the Council a copy of the minutes in designated files in the Municipal Hall, and the Chief Administrative Officer shall post a copy of the draft minutes of the Council and Council Portfolio Committee meetings on the following meeting agenda and the approved minutes will be posted on the website within 5 business days following approval.
- 13.13 Subject to the provisions of this by-law, all Council and Council Portfolio Committee meetings shall be conducted in accordance with Roberts Rules of Order and where there is conflict between the provisions of this by-law and Roberts Rules of Order, the provisions of this by-law shall prevail. A copy of Roberts Rules of Order may be made available to every Member of Council upon request.
- 13.14 At the hour set for a meeting to commence, and providing that a quorum is present, the Mayor or Chairperson shall take the chair and call the meeting to order.
- 13.15 Members shall observe a curfew whereby the item on the Council Meeting agenda under discussion at 9:30 p.m. will be the last item dealt with on that day unless by majority vote the Members decide to extend the time of adjournment by a maximum of 30 minutes.
- 13.16 Council and Council Portfolio Committee meetings shall be held openly and no person shall be excluded, except for improper conduct. [Sec.152 MA]
- 13.17 Despite clause 13.16 of this by-law, Council and Council Portfolio Committees may close a meeting to the public if:
- a) the Members decide during the meeting to meet as a committee of the whole Council In Camera to discuss a matter as allowed under the Municipal Act; or the Council Portfolio Committee decides during a meeting to meet as a Committee in Camera; and

- b) the decision and general nature of the matter are recorded in the minutes of the open Council or Council Portfolio Committee meeting; and
- c) the matter to be discussed relates to: [Sec. 152(3) MA]
 - 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 (such as, agreements, contracts and the development of proposals or tenders)
 - 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.

13.18 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.

14.0 SPECIAL MEETINGS OF COUNCIL AND COUNCIL PORTFOLIO COMMITTEES

- 14.1 A special meeting of Council or Council Portfolio Committees may be called at any time by the Mayor and must be called by the Mayor, if the Mayor receives a verbal or written request from at least two (2) Members of Council or Council Portfolio Committee Members stating the purpose. A copy of the written request or the verbal request must also be served on the Chief Administrative Officer. [Sec. 151(1) MA]
- 14.2 Should the Mayor not call a special meeting within forty-eight (48) hours of receiving written or verbal request by two Members of Council or the Council Portfolio Committee, the Chief Administrative Officer must call the meeting in accordance with section 14.1 of this by-law. [Sec. 51(3) MA]
- 14.3 Should the Mayor be unavailable, the Deputy Mayor may call a special meeting.



- 14.4 The notice of the special meeting to all the Members of Council or the Council Portfolio Committee 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 or Council Portfolio Committee at least twenty-four (24) hours before the scheduled time of the meeting. The requirement for twenty-four (24) hours notice may be waived by the majority consent of all Members of Council or the Council Portfolio Committee [Sec. 151(2) MA]
- 14.5 Any Member of Council or Council Portfolio Committee may waive the right to be given notice by providing written or verbal notice of the waiver to the Chief Administrative Officer and having done so shall be deemed to have been given notice of a special meeting of Council. [Sec. 151(5) MA]
- 14.6 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 or the Council Portfolio Committee are present, and the Members unanimously agree to adding of items to the agenda. [Sec. 151(6) MA]

15.0 VOTING

- 15.1 A Member has one vote each time a vote is held at a Council or Council Portfolio Committee meeting at which the Member is present. [Sec. 136 MA]
- 15.2 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. [Sec. 137 MA]
- 15.3 If an equal number of Members vote for and against a resolution or by-law, the resolution or by-law is defeated. [Sec. 138 MA]
- 15.4 Council may not reconsider or reverse a decision within one year after it is made, unless: [Sec. 139(1) MA]
- 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.

- 15.5 When Council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration. [Sec. 139(2) MA]
- 15.6 Any Member of Council may, prior to the taking of a vote on any motion, require a recorded vote to be taken. The vote shall record in the minutes of the meeting the names of the members present, the vote or abstention of each member.

16.0 PROCEDURE AT PUBLIC HEARINGS

- 16.1 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;
 - c) is required under *The Municipal Conflict of Interest Act* to withdraw from the hearing. [Sec. 160(2) MA]
- 16.2 The Public Hearing will proceed in the following order:
- a) Applicant
 - b) Proponents
 - c) Objectors
 - d) Comments from members of Council
 - e) Closing comments from chair
- 16.3 The Chair of the public hearing has the right to limit the time taken by a person presenting to Council to five (5) minutes, after which Council may wish to ask questions of the person. All questions must be channeled through the Chair of the hearing. [Sec. 160(4) (a) MA] The time limit does not apply to formal Planning Hearings.
- 16.4 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. [Sec. 160(4) (b) MA]
- 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 himself in a disorderly or improper manner, to leave the public hearing and if that person fails to do so, may cause that person to be removed. [Sec. 160(4) (d) MA]
- 16.6 If a public hearing is adjourned to reconvene, the Council shall provide a public notice of the date, time and place of the continuation of the hearing, unless information is announced to all present at the adjournment of the hearing. [Sec. 160(5) MA]

- 16.7 When a public hearing is closed or adjourned to reconvene, members of council cannot discuss the matter with any person other than the CAO and required professional experts, until a decision is made.

17.0 BY-LAWS AND RESOLUTIONS

- 17.1 Council may act only by resolution or by-law. [Sec. 140(1) MA]
- 17.2 No motion shall be debated or put unless it is in writing and is seconded, except only a motion to adjourn that need not be in writing.
- 17.3 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote. [Sec. 142(1) MA]
- 17.4 Council may not give a proposed by-law more than two readings at the same Council meeting. [Sec. 142(2) MA]
- 17.5 Only the title or an identifying number must be read at each reading of a proposed by-law. [Sec. 142(5) MA]
- 17.6 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. [Sec. 142(3) MA]
- 17.7 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. [Sec. 142(4) MA]
- 17.8 When a by-law has been read and finally passed, it shall be signed by the Mayor and Chief Administrative Officer and sealed with the seal of the Municipality and such signing and sealing shall not be later than the next regular Council meeting and the date of each reading shall be endorsed thereon by the Chief Administrative Officer. [Sec. 145 MA]
- 17.9 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. [Sec. 147(2) MA]

18.0 HEAD OF COUNCIL TAKING PART IN DEBATE

- 18.1 If the Chair desires to present or second a motion, or participate in the debate, he need not leave the chair.

19.0 CONDUCT

- 19.1 Every Member speaking shall address the Chair.
- 19.2 When two or more Members address the Chair at the same time, the Chair shall name the Member who is to speak first.
- 19.3 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.
- 19.4 When the Chair is calling for the vote on a motion, no Member shall leave his chair.
- 19.5 Discussion shall be limited to the motion in debate.
- 19.6 No Member shall speak to the motion or in reply for longer than five (5) minutes without approval of Council.
- 19.7 A motion to adjourn takes precedence over all others and may be moved at any time, but the motion cannot be made after another motion has already been made and/or while Council is engaged in voting.
- 19.8 Immediately before calling for the vote, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 19.9 Where at a Council meeting or Council Portfolio Committee 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.
[Sec. 152(2) MA]
- 19.10 Where at a Council meeting or Council Portfolio Committee Meeting a Member of the Council or Committee is conducting himself in a disorderly or improper manner, the Council or Committee 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.
- 19.11 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 behaviors which may disrupt Council or Committee proceedings.
- 19.12 Council may limit the number of persons allowed in the Council Chambers.

- 19.13 The public and media may audio/video tape meeting proceedings; including public hearings providing that arrangements are made with the Chief Administrative Officer at least 48 hours prior to the meeting or public hearing.
- 19.14 A Council 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.
- 19.15 A member who breaches the requirement of confidentiality under clause 19.14 becomes disqualified from Council.

20.0 INDEMNIFICATION OF MEMBERS OF COUNCIL, MUNICIPAL EMPLOYEES, AND VOLUNTEERS

- 20.1 A member of a council or council committee, or a municipal officer or volunteer worker is not liable for any loss or damage suffered by a person by reason of anything said or done or omitted to be done by the member, officer or volunteer worker in good faith in the performance or intended performance of powers, duties or functions under this or any other Act. [Sec. 403(1) MA]
- 20.2 Subsection (1) is not a defence to an action in defamation. [Sec. 403(2) MA]
- 20.3 Subsection (1) does not relieve a municipality of liability to which it would otherwise be subject in respect of the actions of the persons referred to in subsection (1). [Sec. 403(3) MA]
- 20.4 Subject to subsection (3), a municipality must indemnify a current or former member of a council or council committee, or a municipal officer or volunteer worker, or the heirs and legal representatives of such a person, for reasonable costs incurred in a civil, criminal or administrative action or proceeding commenced as a result of anything said or done or omitted to be done in the performance or intended performance of their functions, duties or powers if the person was substantially successful on the merits of the defence of the action or proceedings. [Sec. 404(1) MA]
- 20.5 Subject to subsection (3), the municipality may indemnify a current or former member of a council or council committee, or a municipal officer or volunteer worker, or the heirs and legal representatives of such a person, in whole or in part, for reasonable costs incurred in a civil, criminal or administrative action or proceeding commenced as a result of anything said or done or omitted to be done in the performance or intended performance of their functions, duties or powers if

(a) the person acted in good faith; and

(b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, the person had reasonable grounds for believing the conduct in question was lawful. [Sec. 404(2) MA]

20.6 A municipality may indemnify a current or former member of a council or council committee, a municipal officer or volunteer worker, or the heirs and legal representatives of such a person, in whole or in part, for costs incurred in defending an application by or on behalf of the municipality under *The Municipal Council Conflict of Interest Act* only if the person, on making an application to the court, satisfies the court that he or she acted in good faith. [Sec. 404(3) MA]

21.0 SUSPENSION

21.1 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 as defined in this By-law requires another vote.

21.2 All points of order and procedure not resolved by rules provided in this by-law shall be resolved by a majority decision of Council or the Council Portfolio Committee.

22.0 REPEAL OF BY-LAWS

22.1 By-Law No. 14-0018 and any amendment thereof be hereby repealed

DONE AND PASSED in Council duly assembled at the Rural Municipality of Gimli Council Chamber in Gimli, in the Province of Manitoba this 10th day of August, 2016.

RURAL MUNICIPALITY OF GIMLI


Mayor


Chief Administrative Officer

Read a first time this 4th day of August, 2016

Read a second time this 4th day of August, 2016

Read a third time this 10th day of August, 2016

