

Appendix H Sample Procedures Bylaw

Incorporated Community of _____
ByLaw Number _____

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

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

This bylaw may be referred to as “The Incorporated Community of _____ Procedures Bylaw”.

The following rules and regulations shall be observed in council, and in all committees.

2. Agenda

2.1 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.

2.2 In preparing the council agenda, the community administrative officer 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. Unfinished Business
10. New Business
11. Adjournment

3. Regular Meetings of Council

- 3.1 Regular meetings of council shall be held on the _____ of each month in the council chambers at the hour of _____.
- 3.2 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.
- 3.3 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.
- 3.4 Council, by resolution, may vary the date and time of a regular meeting as circumstances may require with _____ (__) hours notice to the public for a regular meeting.
- 3.5 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 3.6 Despite clause 3.5 of this bylaw, council or a council committee may close a meeting 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

3.7 No resolution or bylaw may be passed at a meeting closed to the public, except a resolution to reopen the meeting to the public.

4. Special Meetings of Council

4.1 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 community administrative officer.

4.2 Unless deemed to be an emergency situation, all members of council must receive _____ hours notice of a special meeting request.

4.3 Should the mayor not call a special meeting within 24 hours of receiving a written request by two members of council, the community administrative officer must call the meeting in accordance with clause 4.4 of this bylaw.

4.4 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.

4.5 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.

4.6 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.

5. Public Meetings

5.1 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

5.2 Chair of the public meeting has the right to:

- a) limit the time taken by the person to ten 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

5.3 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.

6. Voting

6.1 A member has one vote each time a vote is held at a council meeting at which the member is present.

6.2 At a meeting of council, a question or motion on which there is a tie vote is deemed to be defeated.

6.3 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.

7. Conduct

7.1 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.

7.2 Discussion shall be limited to the question in debate.

7.3 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

7.4 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.

7.5 Persons in the council chambers are not permitted to engage in conversation or other behaviours, which may disrupt council proceedings.

7.6 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.

8. Bylaws And Resolutions

8.1 Council may act only by resolution or bylaw.

8.2 Every proposed bylaw must be given three separate readings, and each reading must be put to a separate vote.

8.3 Council may not give a proposed bylaw more than two readings at the same council meeting.

8.4 Only the title, an identifying number and the definition of the bylaw must be read at each reading of a proposed bylaw.

8.5 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.

8.6 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.

9. COMING INTO FORCE

9.1 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__ A.D.

mayor’s signature

community administrative officer’s signature

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

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

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

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 of [Name of Community] Rules of Procedure

Contents:

Part 1 - Meetings and Attendance

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Part 7 - Order of Business

Part 8 - Petitions and Delegations

Part 9 - Bylaws and Resolutions

Part 10 - Motions and Rules of Debate

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

Regular meetings of council

1(1) 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(2) All meetings of council shall be chaired by the mayor, or in his or 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.

Calling the meeting to order

1(3) 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(4) 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(5) Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.

Matters discussed in camera

1(6) Except, at one of the public meetings required under section 130 of 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, clause 36 of The Ombudsman Act
- g) any matter that falls under The Freedom of Information and Protection of Privacy Act

Decisions made in camera

1(7) 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(8) 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(9) Special meetings of council are subject to the requirements of section 128 of the act.

Notice of special meetings

1(10) 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(11) 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(12) Council has adopted a code 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 ten 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 on council or conflict of interest in which case the minimum shall not be less than two members of council.

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 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 community administrative officer, 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 community administrative officer 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 community administrative officer not later than 12 noon two days before the scheduled council meeting and advise of the topic and scope of the presentation. The community administrative officer 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 community administrative officer by 12 noon two days before the scheduled council meeting to enable the community administrative officer 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 community

administrative officer, 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 and bylaw number are 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, he or she 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 meeting proceedings, including public meetings providing that arrangements are made with the community administrative officer at least 24 hours prior to the meeting or public meeting.

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

Signed by:

mayor

community administrative officer

Sample Council Member's Code of Conduct

Community or Incorporated Community of _____

Council Member's Code of Conduct

Public confidence and public trust are essential to good governance. To promote public confidence and public trust, members of the council of _____ strive to govern in a fair, objective and transparent manner and in the best interests of the community at all times. In carrying out their duties, it is essential that the conduct of members of the council of _____ reflect the standards and values of the community.

This code operates in addition to the existing legislation governing the conduct of council members, including The Northern Affairs Act, Conflict of Interest regulation, The Municipal Council Conflict of Interest Act and The Freedom of Information and Protection of Privacy Act. The Criminal Code of Canada also governs the conduct of members of council and applies to all members of council.

Members of the council of the community or incorporated community of _____ have a duty to consider the well being and interests of the community as a whole and to appropriately carry out the powers, duties and functions of the community. In carrying out their duties, members of the council are expected to conduct themselves in such a way as to promote public trust and confidence in the council and community.

The purpose of this code is to establish clear conduct rules for members of council, so misconduct may be avoided and clear standards exist against which to assess potential misconduct of those members.

Rules of Conduct

Respectful Conduct

Every member of council is expected to conduct themselves in public, and in respect to the public, in such a way as to reflect the decorum and dignity of the office they hold. No member of council shall intimidate or threaten colleagues, members of the public, community employees or volunteers of the community.

Members of council, while on official travel, shall conduct themselves in a professional and dignified manner and be 100 per cent in attendance.

Respect for Decision Making Process

Every member of council is expected to respect the decision making processes of the community. While members may hold different views on any given matter, once council has made its decision, all members must uphold the decision.

Preferential Treatment

No member of council shall, in the exercise of official power, duty or function, give preferential treatment to any person or organization based solely on the identity of the person or organization.

Respect for Administration

Community employees are responsible for providing professional advice, are bound by decisions of council, and shall not be requested to take any action contrary to such decision. No member of council shall attempt to require a community employee to undertake personal or private work on behalf of the member.

Consequences of Misconduct

A member of council who is alleged to be in conflict with this code, as a result of council receiving in writing the details of the misconduct, will be addressed at the next regular council meeting following notification. Every member of council who fails to meet his or her obligations under this code is subject to censure by council.

Review and Revisions of the Code

Council will review the code annually to ensure it continues to be appropriate and relevant for the community. Council may, at its discretion and by resolution, amend the code.