TOWN OF THE PAS

BY-LAW NO. 4643

BEING A BY-LAW OF THE TOWN OF THE PAS TO GOVERN THE ORGANIZATION OF THE TOWN OF THE PAS AND THE COMMITTEES THEREOF AND TO REGULATE THE PROCEEDINGS AND CONDUCT OF COUNCIL AND THE COMMITTEES THEREOF AND TO REPEAL TOWN OF THE PAS BY-LAW NO. 4600 AND 4631

WHEREAS Section 148 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 procedures and review the by-law at least once during the term of office;

AND WHEREAS the Council of the Town of The Pas deems it advisable to repeal the present organizational and procedures by-laws and to enact a new one, pursuant to the provisions of The Municipal Act;

NOW THEREFORE THE COUNCIL OF THE TOWN OF THE PAS IN COUNCIL ASSEMBLED ENACTS AS FOLLOWS:

A. TITLE

This By-Law may be referred to as "The Town of The Pas Organizational and Procedures By-Law".

B. DEFINITIONS

In this by-law,

(1) "Agenda" means the agenda for a regular or special meeting of council or committee of council.

(2) "Act" means The Manitoba Municipal Act.

(3) "Chair" means the person presiding at the meeting of council or committee.

(4) "Committee" means a committee or other body established under The Town of The Pas Organizational and Procedures By-Law, but does not include a committee of the whole council.

(5) "Committee of the Whole Council" means a committee of all members present at a council meeting sitting as a committee.

(6) "Council" means the duly elected mayor and councillors of The Town of The Pas.

(7) "Council Meeting" means a regular meeting or special meeting of the council but does not include a public hearing held by the council.

(8) "In Camera" means in private or to the exclusion of the public.

(9) "Members" means, when referring to the council, the councillors and the mayor.

(10) "General Holiday" means each Saturday and Sunday, and includes such days as New Year's Day, Louis Riel Day, Good Friday, Easter Monday, Victoria Day, Canada Day, The First Monday in August, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any other day declared a holiday by the Provincial or Federal Government.

C. ROLE OF COUNCIL

Council is responsible for:

1. developing and evaluating the policies and programs of the municipality;
2. ensuring that the powers, duties and functions of the municipality are appropriately carried out; and
3. carrying out the powers, duties and functions expressly given to the council under this or any other Act.

D. GENERAL DUTIES OF MEMBERS

Each member of Council has the following duties:

1. to consider the well-being and interests of the municipality as a whole and to bring to Council's attention anything that would promote/harm the well-being or interests of the municipality;
2. to participate generally in developing and evaluating the policies and programs of the municipality;
3. to participate in meetings of Council and Council committees and other bodies to which the member is appointed by Council;
4. 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 Council or of a committee meeting conducted in public;
5. to perform any other duty or function assigned to the member by Council of this or any other Act.

E. ROLE OF CHIEF ADMINISTRATIVE OFFICER

The Chief Administrative Officer is responsible for the following:

1. is the administrative head of the municipality;
2. is responsible for ensuring that the policies and programs of the municipality are implemented;
3. is responsible for advising and informing the council on the operation and affairs of the municipality;
4. except as the council may decide otherwise, is responsible for the management and supervision of the employees of the municipality;
5. carries out the powers, duties and functions assigned to a chief administrative officer by the council or by this or any other Act; and
6. must notify the council if money of the municipality is spent or invested contrary to a by-law or resolution or this or any other Act.

The Chief Administrative Officer must ensure that:

1. the minutes of every council meeting are made without note or comment;
2. the by-laws and minutes of council meetings and all other records and books of account of the municipality are kept safe and in accordance with Division 1 (Retention and Disposition of Municipal Records) of Part 9;
3. the revenues of the municipality are collected;
4. money belonging to or held by the municipality is deposited in the bank, credit union, caisse populaire, or trust corporation designated by the council;
5. the accounts for authorized expenditures of the municipality are paid;

6. accurate records and books of account are kept of the financial affairs of the municipality; and
7. any information requested of the municipality by the minister is provided within a reasonable time.

Chief Administrative Officers Duties Re Council Committees

Except as the council may otherwise decide, the Chief Administrative Officer must carry out, with necessary modifications, the duties referred to under Section E in respect of council committees.

F. COMMITTEES

1. The general duty of a committee shall be to report from time to time on all matters connected with the duties assigned to the committee and to recommend such action as may be deemed necessary;

2. Committees may be established as a Standing Committee of Council when Council deems it necessary through a resolution of Council.

3. Each Standing Committee shall be composed three members of council.

4. The Mayor shall be "ex official" a member of all Standing Committees with the privilege of participating in the discussion but with no voting privileges thereon.

5. At the first meeting of each newly elected Council and annually thereafter, the council must consider the appointments to Standing Committees, Special Committees and other bodies of council. All appointments to Standing Committees, Special Committee and other bodies of council, including naming of a chairperson, must be approved by a resolution of Council.

6. Regular meetings of Standing Committees may be held as determined by each Standing Committee.

8. Special meetings of Standing Committees may be called by the chairperson or by two members of the committee in the same manner as provided in The Town of The Pas Procedures By-Law.

9. Any member of council not a member of a Standing Committee has the right to attend committee meetings but shall not be allowed to vote. With the permission of the majority of the members of the committee, visiting members of council may be allowed to take part in any discussions.

10. The following committees are hereby established as Special Committees of Council and shall be governed by separate by-laws of Council:

    (i) Sam Waller Museum Board

    - As governed under Town of The Pas By-Law No. 4590

    (ii) The Pas Public Library Board

    - As governed under Town of The Pas By-Law No. 4313

11. A special committee of council may be appointed by resolution of council at any time specifying the business to be dealt with by the committee.

12. An appointment to any committee of council may be repealed only by a resolution of the council.

G. HEAD OF COUNCIL

1. The head of council for The Town of The Pas is to have the title of Mayor.

2. At the first meeting of each newly elected Council, and as Council deems necessary thereafter, Council must by resolution, appoint a councillor as Deputy Mayor, who shall act in place of the Mayor when he/she is unable to carry out the powers, duties and functions of the Mayor.

3. In addition to performing the duties of a member of a council, the mayor has a duty
   a) to preside when in attendance at a council meeting, except where the procedures by-law or this 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 or any other Act.

H. YOUTH MEMBER

1. The council of The Town of The Pas may, by resolution, appoint a person with the title "Youth Member" to sit with the council and to participate in council deliberations.
2. A youth member must be less than 18 years of age at the time of appointment, enrolled as a full-time student at Margaret Barbour Collegiate Institute and a resident of the Town of The Pas.
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. A youth member is not allowed to participate in committee of the whole deliberations that are closed to the public.
4. The term of office for a Youth Member is to be established with the appointment but shall not exceed one year.

I. BOARD OF REVISION

1. Council shall sit as a Board of Revision to hear assessment appeals during the year.
2. The Mayor of The Town of The Pas shall serve as presiding officer of The Board of Revision.

J. SIGNING AUTHORITY

1. Agreements, legal documents and other negotiable instruments must be signed or authorized by:
   a) the Mayor, or, in his/her absence, the Deputy Mayor, and
   b) the Controller, Chief Administrative Office or Assistant Chief Administrative Officer.

2. Cheques in the amount not exceeding $100,000.00 will be electronically signed by:

   a) the Mayor or the Deputy Mayor, and

   b) hand signed by either the Chief Administrative Officer, Assistant Chief Administrative Officer or Controller.

   In the event that an emergency payment is required electronic signature will not be used or will only be used after approval in writing (including e-mail) of the Mayor or the Deputy Mayor and such approval will be affixed to the file.

   This does not apply to EFT transactions which includes items such as payroll, automatic withdrawals or source deductions payments.

K. SUSPENSION

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

L. COUNCIL INAUGURAL MEETING

1. Following a general election, the mayor must call the Inaugural Meeting of Council within (30) days, and the meeting shall be held on or before the first Tuesday in the month of November at 6:00 p.m. in the Town of The Pas Council Chamber.

2. Council must, at least once during its term of office, review the Procedures and Organizational by-laws.

M. QUORUM

1. A majority of the members of council constitutes a quorum. A quorum of council for The Town of The Pas shall be four (4) members.
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 3 members. In the case of a council committee, the minimum number for a quorum is 2.
3. Lack of quorum - If no quorum is present within fifteen (15) minutes after the time scheduled for a meeting, the council shall stand adjourned and the Assistant Chief Administrative Officer shall enter into the minutes the names of the members present at the meeting.

N. COMMUNICATION FACILITY

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

O. AGENDA

1. The agenda for each regular meeting of Council, as prepared by the Assistant Chief Administrative Officer, together with copies of supporting materials shall be available to the members of council through All-Net by 4:30 pm on the Thursday before the meeting of Council. A copy of the agenda will also be accessible through the Town of The Pas website.
2. All items to be placed on the agenda of the next regular Council meeting must be provided to the Chief Administrative Officer by 12 noon on the Wednesday before the Council meeting. All items to be added to the agenda must be accompanied by an Issue Sheet.
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 of council.
4. In preparing the Council agenda, the Assistant Chief Administrative Officer shall state the business for consideration in accordance with the following order of business:

Treaty Territory Acknowledgement
Call The Meeting to Order
Attendance
Adoption of the Agenda
Confirmation of the Minutes
Recognition Period
Citizens Period
(hearing individual citizens, delegations and/or petitions)
By-Laws
Resolutions

Reports of Committees
Unfinished Business
General Business
Citizens Period
Committee of the Whole
Adjournment

5. Notwithstanding the provisions under O.4, it shall always be in order for the council to vary the order in which business on the agenda shall be dealt with by a majority vote of the members present.

P. REGULAR MEETINGS

1. Regular meetings of Council shall be held on the 2nd and 4th Monday of each month in the Council Chambers of The Town of The Pas commencing at the hour of 6:00 p.m. A notice prior to the first council meeting each year shall be posted in the Municipal Office outlining the regular meeting schedule for that year unless, by resolution of Council, an alternate date and or time is set. Any such change shall be posted on the doors of the municipal building and on the Town of The Pas website.

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

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.

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

5. Notice of any change of day or time of a regular meeting of council must be posted in the municipal office at least three (3) days before the regularly scheduled date of the meeting. Any such change shall be advertised on the radio and posted on the Town electronic media no less than three days (3) prior to the change.

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. The council shall observe a curfew whereby the item on the agenda under discussion at ten o'clock (10:00) p.m. will be the last item dealt with on that day unless by majority vote the council decide to extend the time of adjournment. In any case, only one-half hour extension is allowed.

8. Council shall be bound to receive any petition sent or presented to them and have the same read in Council as submitted.

9. The rules of the Council shall be observed during Committee of the Whole as far as may be applicable, except the rules limiting the number of times of speaking.

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

11. Despite clause H.9 of this by-law, council or council committee may close a meeting to the public if:

    (a) the members decide during the meeting to meet as a committee to discuss a matter, and

(b) the decision and general nature of the matters are recorded in the minutes of the meeting; and

(c) the matter to be discussed relates to

(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

(iv) the conduct of existing or anticipated legal proceedings,

(v) the conduct of an investigation under, or enforcement of, an Act or by-law,

(vi) the security of documents or premises, or

(vii) a report of the Ombudsman received by the head of the council under clause 36(1)(e) of The Ombudsman Act.

12. 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.

Q. SPECIAL MEETINGS OF COUNCIL

1. A special meeting of council of The Town of The Pas 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 Chief Administrative Officer.
2. Should the mayor not call a special meeting within twenty-four (24) hours of receiving written request by two members of council, the Chief Administrative Officer must call the meeting in accordance with section I.3 of this by-law.
3. The notice of a special meeting to all members of council may be oral, in electronic or written form, and must state the purpose of the meeting, and must be provided to all members of council and posted in the municipal office at least twenty-four (24) hours before the scheduled time of the meeting. In the case of an emergency, notice of a special meeting must be made at least 2 hours before the meeting. The notice whether it be written, oral or electronic shall be considered as notice and should a Council Member not confirm their attendance, they shall be considered to have waived their right of notice. Emergency shall consist of health and safety and or risks which are detrimental to the immediate wellbeing of residents.
4. Should the head of council be unavailable, the deputy head of council may call a special meeting only, if requested in writing, by two members in accordance with this part.
5. Any member of council may waive the right to be given notice by giving written notice to the Assistant Chief Administrative Officer and having done so shall be deemed to have been given notice of a special meeting of council.
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.

R. DELEGATIONS

1. All delegations will have a fifteen (15) minute time limit unless otherwise requested and approved by Council. If there is more than one person representing a group/organization, the delegation must appoint a spokesperson.
2. To allow members of council to prepare for delegations, all presenters are encouraged to register with the Assistant Chief Administrative Officer by 12 noon on the Wednesday before the Council meeting and advise the Assistant Chief

Administrative Officer of the topic and scope of the presentation. They are also to be advised that they will have a fifteen (15) minute time limit.

3. There shall not be a limit to the number of delegations included on the agenda of a council meeting but the Assistant Chief Administrative Officer is granted authority to schedule delegations as deemed appropriate.

4. 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.

S. VOTING

1. A member has one vote each time a vote is held at a council meeting at which the member is present.
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.
3. The Assistant Chief Administrative Officer must record in the minutes the name of any member who exercises his right to abstain from voting on any resolution, and the reason given for any abstention.
4. If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
5. Council may not reconsider or reverse a decision within one year after it is made unless:

   (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.
6. Where a decision is reversed at the same meeting, the Council may direct that no record shall appear in the minutes of the making of the original decision and reversal thereof; or such record thereof shall be made as the Council directs.
7. Any member of council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The Assistant Chief Administrative Officer must record in the minutes of the meeting of council the names of the members present, the vote or abstention of each member and the reason given for any abstention.
8. No Member of the Council shall take part in the discussion of any question in which the Member has a personal and pecuniary interest beyond the Member's interest as an ordinary ratepayer, nor shall the member vote on the same; but this section shall not apply to the appointment of a chairperson or acting Head of the Council or to the naming of committees.

T. PROCEDURE AT PUBLIC HEARING

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 Council Conflict of Interest Act to withdraw from the hearing.
2. The Chair of the public hearing has the right to limit the time taken by a person, after which council may wish to ask questions of the person. All questions must be channelled through the Chair of the hearing.
3. The Chair of the public hearing may decline to hear further presentations, questions or objections where he/she is satisfied that the matter has been addressed at the public hearing.

4. The Chair of the public hearing may decide which presenters will be heard, if he/she is satisfied that presentations are the same or similar.
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/herself 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 or the meeting may be adjourned.
6. If a public hearing is adjourned, the council shall provide a public notice of the date, time and place of the continuation of the hearing, unless information is announced at the adjournment of the hearing.

U. BY-LAWS AND RESOLUTIONS

1. Council may act only by resolution or by-law.
2. No motion shall be debated or put unless it is in writing and is seconded, excepting only a motion to adjourn which need not be in writing.
3. Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
4. Council may not give a proposed by-law more than two readings at the same council meeting.
5. Only the title or an identifying number must be read at each reading of a proposed by-law.
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.
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.
8. When a by-law is passed in Council, the Assistant Chief Administrative Officer shall certify the readings on the back thereof.
9. Every by-law which has been passed by the Council shall be signed by the Mayor or, in his/her absence the Deputy Mayor, and the Chief Administrative Officer or Assistant Chief Administrative Officer and be sealed with the municipal seal, and shall be deposited by the Assistant Chief Administrative Officer in a place of security being the vault located at the Civic Centre.

V. HEAD OF COUNCIL TAKING PART IN DEBATE

1. If the Chair desires to present or second a motion, or participate in the debate, he/she can do so without leaving the chair.

W. CONDUCT

1. Every member previous to his speaking shall address the Chair.
2. When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
3. When the Chair is called on to decide a point of order or practice, he/she shall rule on the point without supporting comment unless requested to do so.
4. When the Chair is putting a question, no member shall leave his/her chair.
5. Discussion shall be limited to the question in debate.
6. No member shall speak to the question or in reply for longer than 5 minutes without approval of council.

7. A motion to adjourn takes precedence over all others and may be moved at any time, but the question cannot be received after another question is actually put and while council is engaged in voting.
8. Immediately before putting the question, the Chair shall have the privilege of summarising the debate, but no new matter shall be introduced.
9. Where at a council meeting any person other than a member of council is, in the opinion of the Chair, conducting himself/herself in a disorderly or improper manner, the Chair may require that person to leave the meeting and if that person fails to do so, may cause that person to be removed.
10. Where at a council meeting a member of the council is conducting himself/herself in a disorderly or improper manner, the council may, by a resolution passed by the majority of the other members present, require the member to leave the meeting, and if the member fails to do so, may cause the member to be removed.
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 behaviours which may disrupt council proceedings.
12. Council may limit the number of persons allowed in the council chambers.
13. The public and media may audio/video tape meeting proceedings; including public hearings providing that arrangements are made with the Chief Administrative Officer or Assistant Chief Administrative Officer at least twenty-four (24) hours prior to the meeting or public hearing.
14. A 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.

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

X. **REPEAL**

By-Law No. 4631 is hereby repealed.

DONE AND PASSED IN COUNCIL ASSEMBLED THIS 10 **DAY OF** JUN **A.D. 2024.**

Mayor

Assistant C.A.O.

CERTIFIED THAT BY-LAW NO. 4643

Read a first time this May 21 day of May A.D. 2024

Read a second time this 10 day of JUN A.D. 2024

Read a third time this 10 day of JUN A.D. 2024

Assistant C.A.O.