

#3.

THE RURAL MUNICIPALITY OF ARMSTRONG

BY-LAW NO. 2-2023

Being a by-law to govern the organization of the Rural Municipality of Armstrong 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.

THEREFORE, BE IT RESOLVED that the Council of The Rural Municipality of Armstrong, in open meeting assembled, enacts as follows:

1.0 TITLE

- 1.1 This by-law may be referred to as “The Rural Municipality of Armstrong Organizational and Procedural By-Law.”

ORGANIZATION

2.0 ORGANIZATIONAL STRUCTURE

- 2.1 The Organizational Structure shall be as per Schedule “A” attached hereto and forming part of this by-law.

3.0 ROLE OF COUNCIL

- 3.1 Council is responsible for:

- a) developing and evaluating the policies and programs of the municipality
- b) ensuring that the powers, duties and functions of the municipality are appropriately carried out, and
- c) carrying out the powers, duties and functions expressly given to the council under this By-Law, or by The Municipal Act, or any other Act.

4.0 GENERAL DUTIES OF MEMBERS

- 4.1 Each member of a council has 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 council meetings and meetings of the Committee of the Whole and other meetings of committee or 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 The Municipal Act, subsection 152(3) and that the committee decides to keep confidential until the matter is discussed at a meeting of the council or a committee conducted in public
- e) to be reasonably informed on matters generally impacting the municipality, and more specifically on matters relevant to any specific category or committee the member of Council may be appointed to, and
- f) to perform any other duty or function imposed on the member by the council or this or any other Act.

5.0 HEAD OF COUNCIL

5.1 The head of council for the Rural Municipality of Armstrong is to have the title of Reeve.

5.2 The Reeve is the official spokesperson for the RM and may, under special circumstances, delegate the responsibility of spokesperson on a particular topic to another member of council or designated officer.

5.3 In addition to performing the duties of a member of a Council, the Reeve has a duty to:

- a) preside when in attendance at a Council meeting, including Committee of the Whole meetings, except where the Procedures By-Law or this By-Law or The Municipal Act, or any other Act provides
- b) provide leadership and direction to the Council
- c) act as the official spokesperson of the municipality, and may delegate this duty, and
- d) perform any other duty or function assigned to a Reeve by this By-Law, or by The Municipal Act, or any other Act.

5.4 On or about the first regular meeting of Council in November in each year, Council must by resolution, appoint a Councillor as Deputy Reeve, who shall act in place of the Reeve when such is unable to carry out the powers, duties and functions of the Reeve.

6.0 COMMITTEES

6.1 At the regular council meeting in November in each year, council must consider the recommendations for appointments to Standing Committees and other bodies and organizations of council as submitted by the Reeve. All appointments to Standing Committees and other bodies and organizations of council, including naming of a chairperson must be approved by resolution of council.

- 6.2 The general duties of committees shall be as follows:
- a) To report from time to time on all matters connected with the duties imposed on the committee and to recommend such action as may be deemed necessary
 - b) To prepare and introduce to council all such by-laws as may be necessary to give effect to the reports and recommendations that are adopted by council
 - c) To consider and report respectively on any and all matters referred to them by council.
- 6.3 The following committees are hereby established as the Standing Committees of council:
- a) Legislative and Finance
 - b) Roads
 - c) Drainage
 - d) Waste Management
 - e) Protective Services
 - f) Emergency Management
 - g) Personnel, Policies and By-Laws
 - h) Rural and Economic Development
 - i) Appointments to recognized and approved community services and affiliations, such as, but not limited to, watershed districts, health care providers, planning districts, Community Futures, weed control districts, and others involving recreation and tourism, and any others as approved by resolution.
- 6.4 Meetings of Committees will be held as determined by each Committee.
- 6.5 Special meetings of Committees may be called by the chairperson or by two members of the committee.
- 6.6 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.
- 6.7 An appointment to any committee may be repealed only by a resolution of the council.
- 6.8 The Reeve is ex officio member of all committees.
- 7.0 YOUTH MEMBER
- 7.1 The council of The Rural Municipality of Armstrong may, by resolution, appoint a person with the title “youth member” to sit with the council and to participate in council deliberations.
- 7.2 A youth member must be less than 18 years of age or enrolled as a full time student in a school, and must be a resident of The Rural Municipality of Armstrong.
- 7.3 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.

7.4 The term of office for a youth member is to be established with the appointment but shall not exceed one year.

8.0 BOARD OF REVISION

8.1 The Board of Revision shall consist of the Rural Municipality of Armstrong Council. The Reeve shall serve as presiding officer of the Board and the Chief Administrative Officer shall serve as secretary of the Board.

9.0 SIGNING AUTHORITY

9.1 By-laws, financial agreements and cheques and other legal or negotiable instruments must be signed or authorized by two signatures, but one must be from each of the following:

- a) One member of council; either the Reeve or a member of council who has been designated by resolution of council as a signatory of the municipality, and
- b) One member of the administration, being either the Chief Administrative Officer or the Assistant Chief Administrative Officer, or member of staff designated by resolution of council as a signatory of the municipality.

9.2 The CAO, or his or her designate, is authorized to sign agreements and letters, and approvals, as approved by the budget process or by resolution, or expected of the administrative process.

PROCEDURES

10.0 COUNCIL INAUGURAL MEETING

10.1 Following a general election, the Reeve must call the Inaugural Meeting of Council within 30 days, and the meeting shall be held at the Municipal Office located in Inwood, Manitoba, at 10:00 a.m. on a date chosen for such purposes.

10.2 Council must within 30 days of the general election review the Procedures By-Law and Organizational By-law.

11.0 QUORUM

11.1 A majority of the members of council constitutes a quorum. A quorum of council for the Rural Municipality of Armstrong shall be four members in the instance of a total of six elected members, and three in the instance of five elected members, as the case may be.

11.2 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 three (3) members.

11.3 Lack of quorum - If no quorum is present within 30 minutes after the time scheduled for a meeting, the council shall stand adjourned, and the CAO shall enter into the minutes the names of the members present at the meeting.

12.0 COMMUNICATION FACILITY

12.1 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.

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

13.0 AGENDA

13.1 A draft agenda of each regular meeting of council, as prepared by the CAO, or his/her designate, together with copies of supporting materials shall be available to the members of council at least 80 hours preceding the meeting of council. A copy of the draft agenda shall be posted on the municipal website and in the municipal office board at the same time.

13.2 All items to be placed on the agenda of the next regular meeting of council must be provided to the CAO by 11:00 a.m. on the Tuesday before the regular council meeting.

13.3 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. In preparing the council agenda, the CAO shall state the business for consideration in accordance with the following order of business:

- a) call the meeting to order
- b) adoption of the agenda
- c) confirmation of minutes
- d) accounts and finance
- e) reports
- f) delegations
- g) public hearings
- h) resolutions
- i) by-laws
- j) old/unfinished business
- k) general new business
- l) correspondence for action
- m) general correspondence
- n) notice of motions
- o) reception of petitions
- p) in-camera
- q) resolution from closed meeting
- r) adjournment

- 13.4 Notwithstanding the provisions above, council may vary the order in which business on the agenda shall be dealt with by a majority vote of the members present.
- 13.5 Notwithstanding the provisions above, Council may add items to the agenda, including new business items, prior to the adjournment of the meeting by a majority vote of the members present.
- 14.0 REGULAR MEETING
- 14.1 Regular meetings of council shall be held on the 2nd and 4th Tuesday of each month in the council chambers of the Rural Municipality of Armstrong at the hour of 10:00 a.m.
- 14.2 All meetings of Council shall be chaired by the Reeve or in his /her absence, by the Deputy Reeve. If the Reeve or Deputy Reeve is not present at the time scheduled for a meeting, the council may appoint one of its members to chair the meeting.
- 14.3 If the day fixed for a regular meeting of council is a general holiday or has conflict with an event or meeting where majority of council would be required to attend, the regular meeting shall be held on the next day or day agreed to by Council by majority.
- 14.4 Council may by resolution vary the date and time of a regular meeting as circumstances may require.
- 14.5 Notice of any change of day or time of a regular meeting of council must be posted in the municipal office and on the municipal website at least 96 hours before the regularly scheduled date of the meeting.
- 14.6 At the hour set for a meeting to commence, and providing that a quorum is present, the Reeve shall take the chair and shall call the meeting to order.
- 14.7 The council shall observe a curfew whereby the item on the agenda under discussion at 4:00 p.m. will be the last item dealt with on that day unless by majority vote the council decides to extend the time of adjournment. In any case, only one half hour extension is allowed.
- 14.8 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 14.9 Despite clauses above of this by-law, council or council committee may close a meeting to public if:
- a) in the case of a council, the council decides during the meeting to meet as a committee to discuss a matter; and
 - b) the decision and general nature of the matter are recorded in the minutes of the meeting; and
 - c) if 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 a municipality'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 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.

14.10 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.

15.0 SPECIAL MEETINGS OF COUNCIL

15.1 A special meeting of council of the Rural Municipality of Armstrong may be called at any time by the Reeve, and must be called by the Reeve, if the Reeve receives a written request from at least two members of council stating the purpose. A copy of the written request must also be served on the CAO.

15.2 Should the Reeve not call a special meeting within 48 hours of receiving written request by two members of council, the CAO must call the meeting in accordance with the clause above.

15.3 The notice of the 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 the council and posted in the Municipal Office and on the municipal website at least 48 hours before the scheduled time of the meeting.

15.4 Should the Reeve be unavailable, the Deputy Reeve may call a special meeting only if requested in writing by two members of council in accordance with this part.

15.5 Any member of council may waive the right to be given notice by giving written notice to the CAO and having done so shall be deemed to have been given notice of a special meeting of council.

15.6 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.

16.0 DELEGATIONS

16.1 The Chair may limit the time taken by a delegation to 10 minutes. The delegation must appoint a spokesperson.

- 16.2 To allow members of council to prepare for delegations, all presenters shall register with the CAO by 11:00 a.m. of the Tuesday before the regular council meeting and advise the CAO of the topic and scope of the presentation.
- 16.3 There shall not be a limit to the number of delegations included on the agenda of a council meeting, but the CAO is granted authority to schedule delegations as deemed appropriate.
- 16.4 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.

17.0 VOTING

- 17.1 A member has one vote each time a vote is held at a council meeting at which the member is present.
- 17.2 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.
- 17.3 The CAO must record in the minutes the name of any member who exercises his/her right to abstain from voting on any resolution.
- 17.4 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 17.5 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 so long as the original resolution has not already been put into action.
- 17.6 When council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 17.7 Any member of council may, prior to the taking of a vote on any question put forth, require a recorded vote to be taken. The CAO must record in the minutes of the meeting of council the names of the members present, the vote or abstention of each member.

18.0 PROCEDURE AT PUBLIC HEARING

- 18.1 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; or
- c) is required under The Municipal Council Conflict of Interest Act to withdraw from the hearing.

- 18.2 The Chair of the public hearing has the right to limit the time taken by a person to 10 minutes, after which council may wish to ask questions of the person. All questions must be channeled through the Chair of the hearing.
- 18.3 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.
- 18.4 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.
- 18.5 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 conduct, to leave the public hearing and if that person fails to do so, may cause that person to be removed.
- 18.6 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.
- 19.0 BY-LAWS AND RESOLUTIONS
- 19.1 Council may act only by resolution or by-law.
- 19.2 No motion shall be debated or put unless it is in writing and is seconded.
- 19.3 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 19.4 Council may not give a proposed by-law more than two readings at the same council meeting.
- 19.5 Only the title and the identifying number must be read at each reading of a proposed bylaw.
- 19.6 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.
- 19.7 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(s) passed after first reading.

19.8 When a by-law has been read and finally passed, it shall be signed and sealed with the seal of the municipality.

19.9 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.

20.0 GENERAL CONDUCT OF COUNCIL MEMBERS

20.1 Conduct of council member is subject to the Rural Municipality of Armstrong's By-Law 6-2020 or any amendments thereto.

21.0 CONDUCT DURING MEETINGS

21.1 Every member who wishes to speak shall be recognized by the Chair and then address the Chair.

21.2 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.

21.3 When the Chair is called on to decide a point of order or practice, the Chair shall do so without comment unless requested to do so.

21.4 When the Chair is putting a question, no member shall leave his/her chair or make any noise or disturbance, and when a member is speaking no other member shall hold discourse or interrupt him/her except to raise a point of order.

21.5 Discussion shall be limited to the question in debate.

21.6 No member shall speak to the question or in reply for longer than 10 minutes without approval of council.

21.7 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.

21.8 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.

21.9 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.

21.10 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.

- 21.11 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.
- 21.12 Council may limit the number of persons allowed in the council chambers.
- 21.13 The public and the media may audio/video tape meeting proceedings, including public hearings providing that arrangements are made with the CAO and Reeve at least 24 hours prior to the meeting or public hearing and that it is announced at the meeting that a recording is being made.
- 21.14 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.
- 21.15 A member who breaches the requirement of confidentiality under the above clauses becomes disqualified from council.
- 21.16 Cell phones are to be silenced during the course of any meeting.

22.0 RULES OF ORDER AND SUSPENSION


- 22.1 Rules of order not specified by statute, by-law or resolution shall be solved by Roberts Rules of Order.
- 22.2 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 this by-law, some other vote is required.

23.0 REPEAL


- 23.1 That By-laws 6-2021 and 7-2021 be repealed upon the passing of this By-Law.

DONE AND PASSED as a by-law of the Rural Municipality of Armstrong at Inwood, Manitoba, this 8th day of August, 2023.

THE RURAL MUNICIPALITY OF ARMSTRONG



Reeve



CAO

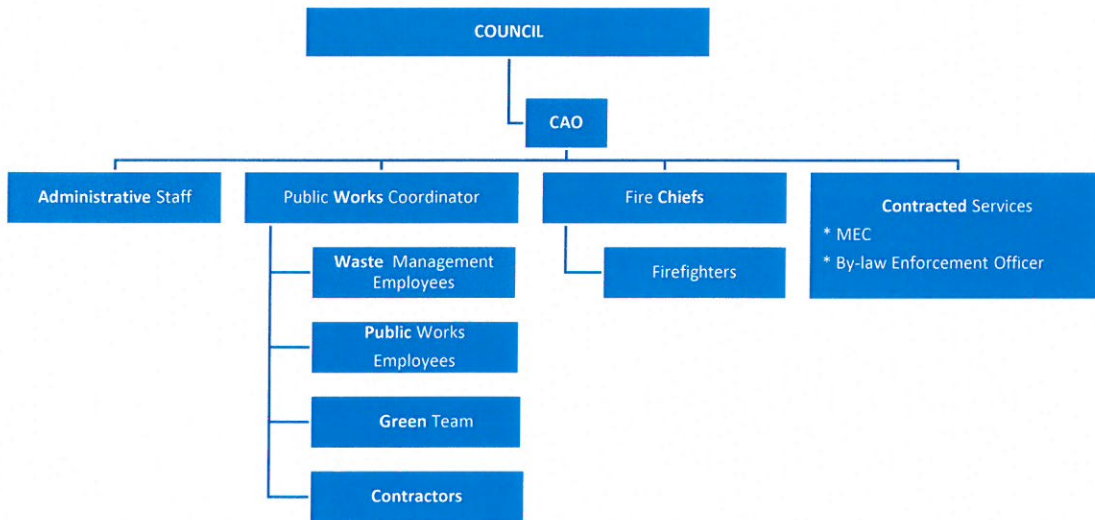
Read a first time on the 25th day of July, 2023

Read a second time on the 8th day of August, 2023

Read a third time on the 8th day of August, 2023

SCHEDULE A to By-law 2/2023
ORGANIZATION STRUCTURE

RURAL MUNICIPALITY OF ARMSTRONG



RURAL MUNICIPALITY OF ARMSTRONG

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August 8, 2023

RESOLUTION

Resolution # 278-2023

Agenda Item # 6.1.1 Organization and Procedures By-Law 2/2023 - 3rd Reading - RECORDED VOTE

Moved By : Brent Dziadek

Seconded By : Pat Stein

RESOLVED THAT By-Law No. 2/2023 being a By-Law to provide for the Organization and Procedures of Council be read a third time

Recorded Vote Requested By : _____

Name	Yes	No	Abstained	Absent
Allen Pfrimmer	✓			
Brent Dziadek	✓			
Hilda Zotter				
Kate Basford	✓			
Nancy Howell				
Pat Stein	✓			
Paul Humeny		✓		
Ted Sumka		✓		

Carried



Reeve

Rural Municipality of Armstrong