

**RURAL MUNICIPALITY OF ARMSTRONG  
BY-LAW NO. 3-2020**

**BEING A BY-LAW OF THE RURAL MUNICIPALITY OF ARMSTRONG TO REGULATE  
THE PROCEEDINGS AND CONDUCT OF THE COUNCIL AND THE COMMITTEES  
THEREOF.**

**WHEREAS** Section 149 of The Municipal Act, S.M. 1996, c.58 provides that a council must establish by by-law rules of procedure and review the by-law at least once during its term of office.

**NOW THEREFORE** the council of The Rural Municipality of Armstrong duly assembled enacts as follows:

**TITLE**

1. This by-law may be referred as "The Rural Municipality of Armstrong Procedures By-Law".
2. The following rules and regulations shall be observed in council, and in all committees thereof.

**DEFINITIONS**

3. In this by-law,
  - (a) "the Act" means The Municipal Act S.M., 1996, c.58.
  - (b) "CAO" shall mean the Chief Administrative Officer of the Rural Municipality of Armstrong.
  - (c) "Chair" means the person presiding at the Council Meeting or a meeting of a Committee.
  - (d) "Committee of the Whole Council" means a committee of all Members present at a meeting sitting as a Committee.
  - (e) "Council" means the duly elected reeve and councillors of The Rural Municipality of Armstrong.
  - (f) "Council Committee" means a committee or other body established under The Rural Municipality of Armstrong Organizational By-law, but does not include a Committee of the Whole Council or Local Urban District.
  - (g) "Council Meeting" means a regular meeting or special meeting of the Council but does not include a public hearing held by the council.
  - (h) "In Camera" means in private or to the exclusion of the public.
  - (i) "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, August Civic Holiday, Labour Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any other day declared a holiday by the Provincial or Federal Government.
  - (j) "Members" means members of the Council.

**SUSPENSION**

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

**COUNCIL INAUGURAL MEETING**

5. Following a general election, the reeve shall call the Inaugural Meeting of Council within thirty (30) days, and the meeting shall be held in the council chambers.
6. Council shall during each term of office review the Procedures By-law of the Rural Municipality of Armstrong.

**QUORUM**

7. Whereas Section 135 of the Act provides for a quorum for each Council Meeting, it is recited here for ease of reference:

135(1) A quorum is required for and during each council meeting.  
135(2) Subject to subsection (3), the quorum of a council is

(a) a majority of the number of members comprising the council; or

(b) if a position is vacant, a majority of the remaining members of the council.

135(3) Subject to *The Municipal Council Conflict of Interest Act*, the minimum number for a quorum of a council is four.

135(4) For the purpose of a quorum, a member is not counted if the member is required to abstain from voting under *The Municipal Council Conflict of Interest Act*.

8. If no quorum is present within 30 minutes after the time scheduled for a Council Meeting, the Council shall stand adjourned, and the CAO shall enter into the minutes the names of the Members present at the meeting.

### ELECTRONIC PARTICIPATION FOR MEETINGS

9. Whereas Section 150 of the Act provides for electronic communications, it is recited here for ease of reference:

150(1) A council may conduct a meeting by means of an electronic or other communication facility if the facility enables the members to hear and speak to each other and the public to hear the members.

150(2) A member participating in a meeting conducted by means of a communication facility is deemed to be present at the meeting.

10. With approval of the majority of vote of Members present, Council shall conduct a meeting as provided in Section 150 of the Act. Any cost relating to this communication shall be borne by the member, unless prior resolution of Council determines otherwise.

### AGENDA

11. A draft agenda of each regular Council Meeting, as prepared under the supervision of the CAO, together with copies of supporting materials shall be available to the Members by 4:30 p.m., on the Wednesday preceding the meeting of council. A copy of the draft agenda shall be posted in the municipal office at the same time.
12. All items to be placed on the agenda of the next regular Council Meeting must be provided to the CAO by 4:30 pm the Tuesday prior to the scheduled regular meeting.
13. 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 Council Meeting.
14. Where a person, or a group of persons, wishes to bring any matter to the attention of Council, or to have any matter considered by the Council, a written letter, a non-statutory petition or other communication may be submitted to the Chief Administrative Officer at any time; and such communication or non-statutory petition must:
- (a) Be printed, typewritten or legibly written;
  - (b) Clearly set out the matter at issue and the request made of Council in respect thereof;
  - (c) Be temperate and respectful (as determined by the CAO, with the approval of the Head of Council);
  - (d) Be signed (except when it is submitted by facsimile or email where there is reasonable confirmation of who the facsimile or email came from); and
  - (e) Provide the mailing address of the writer or spokesperson for the group submitting the petition.
15. In preparing the agenda for the Council Meeting, the CAO shall state the business for consideration in accordance with the following order of business:
- call the meeting to order
  - adoption of the agenda
  - confirmation of the minutes
  - business from previous minutes
  - accounts for approval
  - financial report
  - by-laws
  - ward reports
  - reeve report
  - cao report

- building permit report
  - delegations
  - public hearings
  - reception of petitions
  - general business
  - notice of motion
  - committee reports
  - unfinished business
  - communications/correspondance
  - in camera
  - adjournment
16. Notwithstanding the provisions under the previous section, it shall always be in order for the Council vary the order in which business on the agenda shall be dealt with by a consensus of the Members present.
  17. Regular Council Meetings shall be held on the 2<sup>nd</sup> Tuesday of each month in the council chambers of the Rural Municipality of Armstrong at the hour of 10:00 a.m... A notice prior to the first Council Meeting each year shall be posted in the municipal office outlining the schedule for each regular Council Meeting for that year.
  18. Each Council Meeting shall be chaired by the reeve, or in his or 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 the other Members present to be the Chair of the meeting.
  19. If the day fixed for a regular Council Meeting 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. .
  20. Council may by resolution vary the date and time of a regular Council Meeting as circumstances may require.
  21. Notice of any change of day or time of a regular Council Meeting must be advertised and posted in the municipal office at least seven (7) days before the regularly scheduled date of the meeting.
  22. 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.
  23. The Council shall observe a curfew at all the regular Council Meetings and Committee of the Whole Council meetings whereby the item on the agenda under discussion at the start of the sixth hour in session 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. The council meeting shall reconvene at the earliest date and time that is agreed upon.

#### **MEETINGS IN GENERAL**

24. Whereas Section 152 of the Act provides for meetings to be held in public, it is recited here for ease of reference:
  - 152(1) Every meeting of a council or council committee must be conducted in public.
  - 152(2) Everyone has a right to be present at a meeting of a council or council committee unless the person chairing the meeting expels a person for improper conduct.
  - 152(3) Despite subsections (1) and (2), a council or council committee may close a meeting to the public
    - (a) if
      - (i) in the case of a council, the council decides during the meeting to meet as a committee to discuss a matter, and
      - (ii) the decision and general nature of the matter are recorded in the minutes of the meeting; and
    - (b) if the matter to be discussed relates to
      - (i) repealed, S.M. 2004, c. 2, s. 31,
      - (ii) an employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance,

- (iii) 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,
- (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*.

152(4) No resolution or by-law may be passed at a meeting that is closed to the public, except a resolution to re-open the meeting to the public.

- 25. 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.
- 26. A member who breaches the requirement of confidentiality under clause 16.13 becomes disqualified from Council.

### **DUTIES OF MEMBERS OF COUNCIL AND HEAD OF COUNCIL**

- 27. Whereas Section 83 of the Act provides for the duties of Members of Council, it is recited here for ease of reference:

83(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 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 or any other Act.

83(2) In addition to performing the duties of a member of a council, the head of council 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 head of council by the council or by this or any other Act.

### **SPECIAL MEETINGS OF COUNCIL**

- 28. Whereas Section 151 of the Act provides for special Council Meetings, it is recited here for ease of reference:

151(1) The head of a council

- (a) may call a special meeting of the council whenever he or she considers it appropriate to do so; and
- (b) must call a special meeting of the council if the head receives a written request for the meeting, stating its purpose, from at least two councillors.

151(2) Notice of a special meeting must be given in accordance with the procedures by-law.

151(3) If the head of council does not call a special meeting as requested under clause (1)(b) within the time required under the procedures by-law, the chief administrative officer must call the meeting in the manner provided in the by-law.

151(4) A special meeting must not be held in the absence of a member unless the member has been given notice of the meeting in accordance with the procedures by-law.

151(5) A member who waives the right to be given notice of a special meeting is deemed to have been given notice of the meeting.

151(6) Only a matter stated in the notice of a special meeting may be transacted at the meeting unless all members of the council are present and unanimously agree to deal with other matters.

29. 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.
30. 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.
31. All Members must be given 48 hours prior notice of a special Council Meeting. The notice of the special Council Meeting to all Members may be oral, in electronic or written form, and must state the purpose of the meeting, and must be provided to all Members and posted in the municipal office at least forty eight (48) hours before the schedule time of the meeting.
32. Should the reeve not call a special meeting within 48 hours of receiving a request by two members of council, the CAO must call it in accordance with section 30 of this by-law.
33. 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.

#### **SPECIAL EMERGENCY MEETINGS**

34. Where a state of emergency is declared under an Act of the Legislature or an Act of Parliament, or where, in the opinion of the Head of Council, an emergency exists owing to a civil disaster, or an apprehended civil disaster, a special emergency meeting may be called by the Head of Council after giving such notice as is considered reasonable in the circumstances.

#### **DELEGATIONS**

35. Delegation times are to begin at 11:00 AM and the time taken by each delegation will be limited to 10 minutes. The delegation is requested to appoint a spokesperson.
36. To allow Members to prepare for delegations, all presenters shall register with the CAO by 4:30 pm the Tuesday prior to the Council Meeting at which the delegation wishes to appear and advise the CAO of the topic and scope of the presentation.
37. Delegations must fully complete the delegation application form and are to speak only on the topic that is presented in their delegation. The delegation application form is as set out in Schedule "A" attached hereto and forming a part of this By-law. Council is not obligated to make a decision after any delegation presentation and may need time to look into the matter and discuss further.
38. There shall be a limit to the number of delegations to a maximum of four (4) included on the agenda of a Council meeting, but the Chief Administrative Officer is granted authority to schedule delegations as deemed appropriate.

#### **VOTING**

39. Whereas Sections 136, 137 and 138 of the Act provides for recording of decisions and votes, it is recited here for ease of reference:

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

137 The minutes of a meeting at which a 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.

138 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.

139(1) A 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 are present; 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.

139(2) A council that reconsiders and reverses a decision under clause (1)(a) may direct that the minutes show

(a) the original decision and the decision made on reconsideration; or

(b) only the decision made on reconsideration.

40. When Council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
41. The CAO must record in the minutes the name of any member who exercises his right to abstain from voting on any resolution.

#### **RECORDED VOTE**

42. Any Member may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The minutes of the Council Meeting shall record the names of the Members present, the vote or abstention of each Member.

#### **PUBLIC HEARING ATTENDANCE**

43. Whereas Section 160 of the Act provides for attendance at public hearings, it is recited here for ease of reference:

160(2) Each member of the council must attend the public hearing 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.

#### **CONDUCT AT PUBLIC HEARING**

44. The Chair of the public hearing has the right to limit the time taken by a person to ten (10) minutes, after which Council may wish to ask questions of the person. All questions must be channeled through the Chair of the public hearing. Public hearings are scheduled to start at 1:00 PM.
45. The Chair of the public hearing may decline to hear further presentations, questions or objections where he or she is satisfied that the matter has been addressed at the public hearing.
46. All presenters shall register prior to a Public Hearing commencing and the Chair of the public hearing may decide which presenters will be heard, if he or she is satisfied that presentations are the same or similar.
47. The Chair of the public hearing may require any person, other than a Member, who is in the opinion of the Chair conducting himself or 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.
48. If a public hearing is adjourned, the Council shall provide a public notice of the date, time and place of the continuation of the public hearing, unless information is announced at the adjournment of the hearing.

#### **BY-LAWS AND RESOLUTIONS**

49. Whereas Section 141 and 142 of the Act provides for the passing of by-laws and resolutions, it is recited here for ease of reference:

141 A resolution of a council is not valid unless it is passed at a council meeting.



- 142(1) Every proposed by-law must be given three separate readings at meetings of the council, and each reading must be put to a vote.
- 142(2) A council may not give a proposed by-law more than two readings at the same council meeting.
- 142(3) 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.
- 142(4) 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.
- 142(5) Only the title or an identifying number must be read at each reading of a proposed by-law.

### CONDUCT OF COUNCIL

- 50. Every Member shall address the Chair and shall only speak when recognized by the Chair.
- 51. When two or more Members address the Chair at the same time, the Chair shall name the Member who is to speak first.
- 52. 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.
- 53. When the Chair is proposing a question or motion for debate, the Chair shall relinquish his or her position as Chair and appoint a Chair during the question or motion and while the question or motion is on the floor.
- 54. When the Chair is putting a question to vote, no Member shall leave their chair.
- 55. Discussion shall be limited to the question in debate and no Member other than the one proposing a question or motion shall speak more than once on the same question without the permission of Council, except by leave of the Chair, in explanation of a material part of his or her speech which may have been misconceived, but he or she must not introduce a new matter.
- 56. No Member shall speak to the question or in reply for longer than five (5) minutes without approval of Council.
- 57. 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.
- 58. Immediately before putting the question, the Member proposing the question or motion shall have the privilege of speaking to it last and the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 59. Council may limit the number of persons allowed in the Council Chambers to 15 visitors. At Council's discretion Council may relocate the meeting to another location to accommodate a large number of visitors.
- 60. Where at a Council Meeting, any person other than a Member is, in the opinion of the Chair, conducting himself or 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.
- 61. Persons in the council chambers are not permitted to display signs or placards, to applaud participants in debate or to engage in conversation or display other behaviors which may disrupt Council proceedings.
- 62. At all Council Meetings which are held in the council chambers, including meetings of a Committee, the Reeve shall assign each of the Members to a seat in the council chambers. The assignment of seats, once made, shall be fixed unless and until the Reeve alters the seating assignments.

63. The public and media may audio/video tape meeting proceedings, including public hearings providing that arrangements are made with the CAO at least 24 hours prior to the meeting conducted in public. Council is to be notified of any audio/video proceedings arrangements prior to the meeting.
64. All points of order and procedure not resolved by rules provided in this by-law shall be resolved by a majority decision of Council which may include deference to the latest version of Roberts Rules of Order.
65. That By-law No. 2-2015 of the Rural Municipality of Armstrong be hereby repealed.

**DONE AND PASSED** in Council at The Rural Municipality of Armstrong, in the Province of Manitoba, this 17<sup>th</sup> day of April, 2020.

  
REEVE

  
CHIEF ADMINISTRATIVE OFFICER

Read a first time this 10<sup>th</sup> day of March, 2020.  
Read a second time this 17<sup>th</sup> day of April, 2020.  
Read a third time this 17<sup>th</sup> day of April, 2020.



**R.M. of Armstrong**  
**Delegation Application Form**  
**Schedule "A" of Procedures By-law 3/2020**

All delegations are subject to By-law 3/2020: To allow members of council to prepare for delegations, all presenters shall register with the C.A.O., by 4:30 pm the Tuesday prior to the Council Meeting and advise the C.A.O. of the topic and scope of the presentation in writing. This delegation form must be completed in all sections to be accepted. Delegation time is limited to 10 minutes starting at 11:00 am. There is a limit of 4 delegation times set per meeting. The delegation is requested to appoint a spokesperson. Delegations are to speak only on the topic presented in this form. Council is not obligated to make a decision after any delegation presentation and may need time to look into the matter and discuss further.

Name of Delegate/Spokesperson:

\_\_\_\_\_

Address: \_\_\_\_\_ Work #: \_\_\_\_\_  
Home #: \_\_\_\_\_ Cell #: \_\_\_\_\_  
Email: \_\_\_\_\_

In detail, Explain the topic and purpose of your delegation:

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
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What would you like to achieve with your presentation?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List all legal description of lands or road numbers that will be discussed as part of your delegation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Designated delegation time: \_\_\_\_\_ AM/PM  
Council Meeting date: \_\_\_\_\_

\*Attach additional information if necessary.\*