



CITY OF PORTAGE LA PRAIRIE

ORGANIZATION AND PROCEDURE BY-LAW

BY-LAW NO. 15-8628

**City of Portage la Prairie
BY-LAW NO. 15-8628**

Table of Contents

1.0	Title	1
1.1	Interpretation.....	1
2.0	Definitions	1
3.0	Organization	
3.1	Role of Council	2
3.2	General Duties of Members	2
3.3	Committees	3
3.4	Council Committees	3
3.5	Council Committee Meetings	6
3.6	Council	7
3.7	Youth Member	7
3.8	Council Meetings.....	8
4.0	Procedures	
4.1	Council Inaugural/Organizational Meeting	9
4.2	Appointments	10
4.3	Quorum	12
4.4	Communication Facility	12
4.5	Agenda	13
4.6	Procedure for Council and Committee Meetings	13
4.7	Special Meetings of Council	15
4.8	Delegations	16
4.9	Community Question Period	16
4.10	Voting	16
4.11	Procedure at Public Hearings	17
4.12	By-Laws and Resolutions	17
4.13	Head of Council Taking Part in Debate	18
4.14	Conduct	18
5.0	Repeal of By-Laws	19

City of Portage la Prairie
BY-LAW NO. 15-8628

BEING A BY-LAW OF THE CITY OF PORTAGE LA PRAIRIE to govern the organization of the City of Portage la Prairie and the committees thereof and to regulate the proceedings and conduct of the Council and the committees thereof.

WHEREAS Section 148(1) of The Municipal Act provides that a Council must establish by by-law an organizational structure for the municipality and review the by-law at least once during its term of office;

AND WHEREAS Section 149(1) of The Municipal Act provides that a Council must establish by by-law rules of procedure and review the by-law at least once during the term of office;

AND WHEREAS the Council of the City of Portage la Prairie deems it advisable to repeal the present procedure by-law and to enact a new one, pursuant to the provisions of The Municipal Act;

NOW THEREFORE THE MAYOR AND COUNCIL OF THE CITY OF PORTAGE LA PRAIRIE IN OPEN SESSION ASSEMBLED, HEREBY ENACTS AS FOLLOWS:

1.0 TITLE

This by-law may be referred to as “The City of Portage la Prairie Organizational and Procedures By-Law”.

1.1 INTERPRETATION

In all parts of this by-law, any word importing the male gender shall include the female gender and vice versa, and any word importing the singular shall include the plural, and vice versa, as applicable and unless the context requires a different interpretation.

2.0 DEFINITIONS

In this by-law,

- a) “Agenda” means the agenda for a regular or special meeting of Council or committee of Council.
- b) “Act” means The Municipal Act S.M. 1996 c.58
- c) “Chair” means the person presiding at the meeting of Council or committee.
- d) “City” means City of Portage la Prairie.
- e) “Committee” or “Committees” means a committee or other body established by Council in accordance with this by-law and includes Council Committees.
- f) “Communication Facility” means a facility that enables the Members to hear and speak to each other and the public to hear the Members.

- g) “Council” means the duly elected mayor and councillors of The City of Portage la Prairie.
- h) “Council Committees” are comprised of two Members of Council and the Mayor and includes Finance, Legislative and Property Committee, Public Safety Committee, Waterworks Committee, Transportation Committee, City Planning and Economic Development Committee and Recreation and Community Services Committee.
- i) “Council Meeting” means a regular meeting or special meeting of the Council but does not include a public hearing held by the Council.
- j) “In Camera” means in private or to the exclusion of the public.
- k) “Members” means, when referring to the Council, the councillors and the mayor.
- l) “Youth Member” means a person appointed by council pursuant to section 81 of the Municipal Act.

3.0 **ORGANIZATION**

3.1 **ROLE OF COUNCIL** [Section 82 MA]

Council is responsible

- a) for developing and evaluating the policies and programs of the City;
- b) for ensuring that the powers, duties and functions of the City are appropriately carried out; and
- c) for carrying out the powers, duties and functions expressly given to the Council under this or any other Act.

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

Members of Council have the following duties:

- a) to consider the well-being and interests of the City as a whole and to bring to the Council’s attention anything that would promote the well-being or interests of the City;
- b) to participate generally in developing and evaluating the policies and programs of the City;
- 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.

3.2.1 The duty of the Youth Member is to participate in meetings of the Council and of Council Committees.

3.3 COMMITTEES

3.3.1 The general duties of Committees shall be as follows:

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

3.4 COUNCIL COMMITTEES

3.4.1 The special duties of the Council Committees, in addition to the aforesaid general duties, shall be as follows:

- a) **Finance, Legislative and Property Committee**
In addition to any other duties referred to the Council Committee on Finance, Legislative and Property by Council, its duties shall be to advise Council on:
 - all matters relating to the receipt or payment of money by the Director of Finance in accordance with all by-laws of the City and statutes of the Province;
 - all matters of finance including both operating and capital and make recommendations on the borrowing of funds for any aspect of the City operation;
 - policy development and review as it pertains to Finance , Administration, Council, Property ;
 - by-law development and review as it pertains to Finance , Administration, Council, Property ;
 - all matters of property acquisition or disposal.

b) **City Planning and Economic Development Committee**

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

- administration of the Zoning By-Law and the Provincial Planning Act as it affects the City;
- The Portage la Prairie Planning District;
- encouraging and promoting industrial growth and commercial growth within the City;
- liaising and working with other bodies with a view to encouraging industrial and commercial growth of the City;
- encouraging and promoting tourism development within the City.
- Policies and by-laws as it pertains to City Planning and Economic Development

c) **Public Safety Committee**

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

- prevention and suppression of fires;
- policies and by-laws relating to public safety
- the operations of the Animal Control Officer and the Animal Shelter within the City and to recommend such rules and regulations as may be from time to time required.

d) **Waterworks Committee**

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

- all matters relating to the Waterworks and Sewage System of the City and the distribution and collection systems connected therewith;
- all matters relating to the Assiniboine River and Conservation Districts.

e) **Transportation Committee**

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

- all matters pertaining to construction and maintenance of all facilities on any street, road and highway;
- all matters pertaining to garbage collection and recycling service of the City and maintenance of the waste disposal grounds under the control of the City;
- the street lighting in the City and to recommend to Council any changes to the street lighting system.

f) **Recreation and Community Services Committee**

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

- The Portage Regional Recreation Authority;
- the operation and control of all public parks and public recreation grounds and facilities and to recommend the establishment of such parks and recreation grounds and facilities deemed necessary to carry on a comprehensive parks and recreation program;
- encouraging and initiating programs which will include physical, social, artistic, group and intellectual recreation and audience entertainment while continually striving to meet parks and recreation needs of the community;
- co-operation with and encouragement of all organizations and institutions within the City that are engaged in recreational or cultural pursuits or activities whether such organizations and institutions are public, private, civic, social or religious and to co-operate with provincial and national groups or organizations that support and promote parks and recreation;

3.4.2 Where any Member appointed to a Council Committee is absent, the Deputy Mayor may attend in his place with full voting privileges.

3.4.3 A special Council Committee may be appointed by resolution of Council at any time specifying the business to be dealt with by the committee.

3.4.4 An appointment to any Council Committee may be repealed only by a resolution of Council.

3.5 COUNCIL COMMITTEE MEETINGS

3.5.1 All Council Committee meetings will be held in City Hall on the second and fourth Monday of each month following the Council meeting and shall be in the following order:

- Finance, Legislative and Property Committee
- City Planning and Economic Development Committee
- *Recreation and Community Services Committee [A.M. by BL 16-8644]*
- Waterworks Committee
- Transportation Committee
- *Public Safety Committee [A.M. by BL 16-8644]*

3.5.2 All Council Committee meetings are open to the public. Committee meetings may be In Camera: [Sec. 152(3) MA]

- a) if
 - Council decides during the meeting to meet as a Committee to discuss a matter, and
 - 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:
 - municipal assistance; [Repealed S.M. 2004c. 2, s.31]
 - an employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance;
 - a matter that is in its preliminary stages and respecting which discussion in public could prejudice the City's ability to carry out its activities or negotiations;
 - the conduct of existing or anticipated legal proceedings;
 - the conduct of an investigation under, or enforcement of, an Act or by-law;
 - the security of documents or premises, or
 - a report of the Ombudsman received by the head of the Council under clause 36(1)(e) of *The Ombudsman Act*.

3.5.3 If a regular meeting falls on a holiday, the meeting shall be held on the next following day not being a holiday.

3.5.4 All Members of Council including the Youth Member have the right to attend Council Committee meetings and participate in discussions regardless of whether or not they are a Member of the Committee.

3.5.5 Deleted [Res. 29/11]

3.5.6 All matters requiring the Council Committee to go in-camera will be placed on a separate agenda to be discussed prior to or following the Council meeting.

3.5.7 The Mayor or other presiding officer shall have the right to limit the time taken up by a delegation to 5 minutes. The delegation should be encouraged to appoint one spokesperson.

3.5.8 To allow Council Members to prepare for delegations, all presenters shall register with the Manager of Administration by the Wednesday prior to the Council meeting and advise her of the topic and scope of their presentation.

3.6 **COUNCIL**

3.6.1 **Head of Council**

- a) The head of Council for the City is to have the title of Mayor. [Section 80 MA]
- b) In addition to performing the duties of a Member of a Council, the Mayor has a duty [Sec. 83(2) MA]
 - to preside when in attendance at a Council meeting, except where this by-law or the Act or any other Act otherwise provides;
 - to provide leadership and direction to the Council; and
 - to perform any other duty or function assigned to a mayor by this by-law or the Act.
- c) Under authority of this by-law, at his discretion, the Mayor of the City of Portage la Prairie may grant the title of "Honorary Citizen" to special visitors.

3.7 **YOUTH MEMBER** [Sec. 81(1) MA]

- a) The council of The City of Portage la Prairie, may, by resolution, appoint a person with the title "youth member" to sit with the council and to participate in council deliberations.

- b) A youth member must be less than 18 years of age or enrolled as a full time student at Portage Collegiate Institute or WestPark School and must be a resident of The City of Portage la Prairie.
- c) 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.
- d) A youth member is not allowed to participate in committee of the whole deliberations that are closed to the public (in-camera.)
- e) A youth member is not counted for the purpose of determining a quorum or deciding a vote of the council.
- f) The term of office for a youth member is to be established with the appointment but shall not exceed 1 year.

3.8 COUNCIL MEETINGS

- 3.8.1 All Council meetings will be held the second and fourth Monday of each month at 6:00 p.m.;
- 3.8.2 If a regular meeting falls on a holiday, the meeting shall be held on the next following day, not being a holiday.
- 3.8.3 Delegations will be scheduled for all Council meetings at 6:00 p.m. unless otherwise directed by Council;
- 3.8.4 The Mayor or other presiding officer shall have the right to limit the time taken up by a delegation to 5 minutes. The delegation should be encouraged to appoint one spokesperson.
- 3.8.5 To allow Council Members to prepare for delegations, all presenters shall register with the Manager of Administration by the Wednesday prior to the Council meeting, and provide in writing the following information:
 - the date of the meeting at which they wish to appear
 - the subject to be discussed and any material that is to be distributed to City Council
 - the name and current mailing address of the person who will be addressing Council; and

- the telephone number where the representative of the delegation can be reached during normal business hours
- 3.8.6 The Mayor or other presiding Officer may deny any delegation the right to be heard at a meeting of the Council if, in his or her opinion;
The delegation:
- a) Uses offensive words in referring to any member of the Council, or to any official or employee of the municipality, or member of the public;
 - b) Shouts, immoderately raises his or her voice, uses profane, vulgar or offensive language;
- 3.8.7 All matters requiring the Council to go in-camera will be placed on a separate agenda to be discussed prior to or following the Council meeting.
- 3.8.8 There shall not be a limit to the number of delegations included on the agenda of a council meeting, but the City Manager is granted authority to schedule delegations as deemed appropriate.
- 3.8.9 The public shall not participate in discussion at council meetings unless in exceptional circumstances, by a majority vote of council, the public is asked for their participation.

4.0 PROCEDURES

4.1 COUNCIL INAUGURAL / ORGANIZATIONAL MEETING

- 4.1.1 Following a general election, the mayor must call the Inaugural Meeting of Council within thirty (30) days, and the meeting shall be held in the Council Chambers at City Hall in the City, 97 Saskatchewan Avenue E., Portage la Prairie, MB. [Sec. 100 MA]
- 4.1.2 Every Member of Council shall make and subscribe the official oath prescribed by The Municipal Act and shall conform with Section 10 of the Conflict of Interest Act before entering into their duties and shall deposit the oath and the list of assets, duly completed, with the Manager of Administration of the City. [Sec. 101(1) MA]

Failure to comply makes the position vacant and disqualifies the person until the next general election. [Sec. 101(2) MA]

- 4.1.3 In each subsequent year of that term, at the first Council meeting in November, the Council for the City shall hold an organizational meeting at which the Council shall be organized for the following twelve months.

4.2 APPOINTMENTS

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

At the Organizational Meeting of Council in each year, the Council must consider the recommendations for appointments to Council Committees and other bodies of Council submitted by the head of Council. All appointments to Council Committees and other bodies of Council, including naming of a chairperson must be approved by resolution of Council, and may be amended by resolution of Council at any time.

4.2.2 **Deputy Mayor** [Sec. 148(2)(b) MA]

At the Organizational Meeting of Council in each year, Council must by resolution, appoint a councillor as Deputy who shall act in place of the Mayor when the Mayor is unable to carry out the powers, duties and functions of that position.

4.2.3 **Youth Member** [Sec. 81(1) MA]

Council may, by resolution, appoint a person with the title “youth member” to sit with the council and to participate in council deliberations for a term not exceeding one year.

4.2.4 **Ad Hoc Committees** [Sec. 148(2)(c) MA]

At the Organizational Meeting of Council in each year, Council shall by resolution, make appointments to Ad Hoc Committees and Boards.

4.2.5 **Appointment of Officers**

- a) In addition to the above, the Council shall have the power to appoint such officers or personnel as in its discretion deems advisable.
- b) The Mayor or the City Manager or any person specifically appointed and assigned that duty shall have the right to suspend any employee at any time for neglect or dereliction of his or her duties pending an investigation by Council. Any suspension may be appealed to Council by a recognized grievance procedure.
- c) Notwithstanding anything contained herein, the City Manager shall have charge of all personnel matters.
- d) Appointment of Officers should include the following as “Officers” of the City for the purpose of enforcing the Traffic By-law:
 - Fire Chief and Deputy Fire Chief
 - Director of Operations and Manager of Public Works

- Any Company or individual that the City may hire from time to time to enforce municipal by-laws and Limited Time Parking

4.2.6 **Signing Authority** [Sec. 134(1) MA]

All agreements, contracts and by-laws of the City of Portage la Prairie shall be signed by the Mayor or Deputy Mayor and by the Manager of Administration or the City Manager or the Director of Finance. Without limiting the generality of the foregoing, signing authority for the following documents shall be as indicated below:

- a) All cheques of the City drawn on its Municipal and Utility account(s) shall be signed on its behalf by the Mayor, or the Deputy Mayor, and by the Director of Finance, or the City Manager.
- b) The Mayor or Deputy Mayor, and the City Manager or Director of Finance, of the City be and are authorized for and on behalf of the City to negotiate with, deposit with, or transfer to, a financial institution designated by Council for that purpose (but for the credit of the said City's account only) all or any Bills of Exchange, Promissory Notes, Cheques and Orders for Payment of money and other negotiable paper, and for the said purpose to endorse the same or any of them on behalf of the said City, either in writing or by rubber stamp.
- c) The City Manager, or Director of Finance, be and is hereby authorized for and on behalf of the said City from time to time to arrange, settle, balance, and certify all books and accounts between the said City and the said financial institution; and to receive all paid cheques and vouchers, unpaid and unaccepted bills of exchange, and other negotiable instruments.
- d) The City Manager, or Director of Finance, be and is hereby authorized for and on behalf of the said City to obtain delivery from the said financial institution of all or any stocks, bonds, and other securities held by the said financial institution in safekeeping or otherwise for the account of the City and to give valid and binding receipts therefore.
- e) This By-Law be communicated to the said financial institution and remain in force until written notice to the contrary shall have been given by the City for the time being at the branch of the financial institution at which the account of the said City is kept and receipts of such notice duly acknowledged in writing.
- f) The Department Head, or his/her designate, be and are hereby authorized for and on behalf of the City, to sign departmental agreements, provided those agreements have already been approved in the budget process. Such agreements would include, but not

be limited to, facility rentals, service agreements with financial institutions, and equipment maintenance agreements.

- g) The Director of Finance, or City Manager, be and are hereby authorized to invest funds on behalf of the City.
- h) The Development Officer and the Assistant Development Officer of the Portage la Prairie Planning District be and are hereby authorized to act as signing authority for and on behalf of the Portage la Prairie Planning District for planning related matters, including variations and conditional uses. [AM. BL 03-8200]
- i) The Director of Operations, or his designate, be and are hereby authorized to act as signing authority for cemetery deeds on behalf of the City.

4.3 QUORUM

- 4.3.1 Subject to the Conflict of Interest Act, a majority of the Members of Council constitutes a quorum. [Sec. 135(2) MA]
- 4.3.2 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 Members, or such lesser number as provided for in the Conflict of Interest Act. [Sec. 135(3) MA]
- 4.3.3 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 Manager of Administration shall enter into the minutes the names of the Members present at the meeting.
 - 4.3.3.1 Youth member – the appointed youth member is not counted for the purpose of determining a quorum

4.4 COMMUNICATION FACILITY [Sec. 150 MA]

- 4.4.1 Any Member and Youth 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 only if the facility enables the members to hear and speak to each other and the public to hear the members.
- 4.4.2 Members and Youth Member of Council participating in a meeting of Council by means of a communication facility are deemed to be present at the meeting.

4.5 AGENDA

4.5.1 An agenda of each regular meeting of Council and Council Committee, together with copies of supporting materials, shall be available to the Members and Youth Member of Council by 12:00 noon on the preceding Friday. The agenda is also posted on the City website by 1:00 p.m. on the day of the meeting.

4.5.2 In preparing the Council agenda, the City Manager shall state the business for consideration in accordance with the following order of business:

- a) Call to Order
- b) Adoption of Minutes
- c) Delegations and Hearings
- d) Reports of Committees
- e) Deferred Business
- f) Old Business
- g) New Business
- h) Community Question Period
- i) Adjournment

4.5.3 Additions to or deletions from the agenda, once distributed, may be done only with unanimous approval by Council.

4.5.4 Notwithstanding the provisions under 4.5.2, 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.

4.6 PROCEDURE FOR COUNCIL AND COUNCIL COMMITTEE MEETINGS

4.6.1 All meetings of Council shall be chaired by the Mayor or, in his absence, by the Deputy Mayor. If the Mayor or Deputy Mayor is not present at the time scheduled for a meeting, the Acting Deputy Mayor shall chair the meeting. If the Mayor or the Deputy Mayor or the Acting Deputy Mayor is not present at the time scheduled for a meeting, the Members of Council present shall appoint one of their Members by majority vote to chair the meeting.

4.6.2 All meetings of Council Committees shall be chaired by the Committee Chairman or, in his absence, by the Acting Chairman of that Committee, or in his absence by the Deputy Mayor.

4.6.3 All In Camera meetings of Council Committee shall be chaired by the Deputy Mayor or, in his absence, the Acting Deputy Mayor for that period.

- 4.6.4 Notice of any change of day or time of a regular meeting of Council or Council Committees must be advertised in The Graphic and on the City website, if time permits.
- 4.6.5 Minutes of the proceedings of Council meetings shall be taken and kept by the Manager of Administration. The Manager of Administration shall make available for each Member and Youth Member of the Council a copy of the minutes. The Manager of Administration shall post up a copy of the minutes of the Council meeting on the bulletin board in the City Hall at least four days before the next Council meeting. The minutes will also be posted on the City website.
- 4.6.6 Subject to the provisions of this by-law, all Council and Council Committee meetings shall be conducted in accordance with Bourinot's Rules of Order and where there is conflict between the provisions of this by-law and Bourinot's Rules of Order, the provisions of this by-law shall prevail. A copy of Bourinot's Rules of Order shall be made available to every Member and Youth Member of Council.
- 4.6.7 No rule or order contained herein shall be suspended except by a majority vote of the Members present at a meeting.
- 4.6.8 Members shall observe a curfew whereby the item on the agenda under discussion at 10:00 p.m. will be the last item dealt with on that day unless by majority vote the Members decide to extend the time of adjournment.
- 4.6.9 All Council meetings shall be held openly and no person shall be excluded, except for improper conduct.
- 4.6.10 Despite clause 4.6.9 of this by-law, Council Committees 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 matter are recorded in the minutes of the meeting; and
 - c) the matter to be discussed relates to: [Sec. 152(3) MA]
 - an employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance
 - 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

- the conduct of existing or anticipated legal proceedings
- the conduct of an investigation under, or enforcement of, an Act or by-law
- the security of documents or premises, or
- a report of the Ombudsman received by the head of the Council under clause 36(1)(e) of The Ombudsman Act.

4.6.11 No resolution or by-law may be passed at a meeting that is closed to the public.

4.7 SPECIAL MEETINGS OF COUNCIL

4.7.1 A special meeting of Council of the City 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 City Manager. [Sec. 151(1) MA]

4.7.2 Should the Mayor not call a special meeting within 48 hours of receiving written request by two Members of Council, the City Manager must call the meeting in accordance with section 4.7.3 of this by-law. [Sec. 151(3) MA]

4.7.3 Section 151(2) of the Municipal Act requires that notice of a special meeting must be given in accordance with the procedures by-law.

For the City of Portage la Prairie, the notice of the special meeting to all Members of Council and Youth Member 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 at least 24 hours before the scheduled time of the meeting. The requirement for 24 hours notice may be waived by unanimous consent of all Members of Council.

4.7.4 Should the Mayor be unavailable, the Deputy Mayor, or in his absence the Acting Deputy Mayor, may call a special meeting.

4.7.5 Any Member of Council may waive the right to be given notice by giving written notice to the City Manager and having done so shall be deemed to have been given notice of a special meeting of Council. [Sec. 151(5) MA]

4.7.6 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. [Sec. 151(6) MA]

4.8 DELEGATIONS

- 4.8.1 There shall not be a limit to the number of delegations included on the agenda of a Council meeting, but the City Manager is granted authority to schedule delegations as deemed appropriate.

4.9 COMMUNITY QUESTION PERIOD

- 4.9.1 The public shall be permitted to ask questions during the Community Question Period, where a person wishes to ask questions to Members of Council ~~that pertain to an item on the current agenda,~~ *[A.M. by BL 16-8644]* without prior notice. The entire question period will be limited to 15 minutes unless extended by a majority decision of the Members of City Council present at the meeting
- 4.9.2 *The Mayor may interrupt and deny any further question or comment from any person who, if in his or her opinion:*
- a) uses offensive words in referring to any member of Council, or to any official or employee of the municipality, or member of the public;*
 - b) shouts, immoderately raises his or her voice, uses profane, vulgar or offensive language;*
- 4.9.3 *The Community Question Period shall take place after the Committee meeting portion of the meeting. [A.M. by BL 16-8644]*

4.10 VOTING

- 4.10.1 A Member has one vote each time a vote is held at a Council meeting at which the Member is present. [Sec. 136 MA]
- 4.10.2 The minutes of a meeting at which Council votes on the third reading of a by-law must show the name of each Member present, the vote or abstention of each Member, and the reason given for any abstention. [Sec. 137 MA]
- 4.10.3 The Manager of Administration must record in the minutes the name of any Member who exercises his right to abstain from voting on any resolution.
- 4.10.4 If an equal number of Members vote for and against a resolution or by-law, the resolution or by-law is defeated. [Sec. 138 MA]
- 4.10.5 Council may not reconsider or reverse a decision within one year after it is made, **unless:**

[Sec. 139(1) MA]

- a) at the same meeting at which the decision is made, all the Members who voted on the original resolution are present and the majority 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.

4.10.6 When Council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration. [Sec. 139(2) MA]

4.10.7 Any Member of Council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The Manager of Administration must record in the minutes of the meeting of Council the names of the Members present, the vote or abstention of each Member.

4.10.8 A Youth Member will not be permitted to cast a vote each time a vote is taken at Council meeting.

4.11 PROCEDURE AT PUBLIC HEARINGS

4.11.1 Each Member of Council must attend a public hearing called by Council unless the Member:

- a) is excused by the other Members from attending the hearing;
- b) is unable to attend owing to illness;
- c) is required under *The Municipal Conflict of Interest Act* to withdraw from the hearing. [Sec. 160(2) MA]

4.11.2 The Chair of the public hearing has the right to limit the time taken by a person to ten minutes, after which Council may wish to ask questions of the person. All questions must be channeled through the Chair of the hearing. [Sec. 160(4)(a) MA]

4.11.3 The Chair of the public hearing may decline to hear further presentations, questions or objections where he is satisfied that the matter has been addressed at the public hearing. [Sec. 160(4)(b) MA]

4.11.4 The Chair of the public hearing may require any person, other than a Member of Council, who is in the opinion of the Chair conducting himself in a disorderly or improper conduct, to leave the public hearing and if that person fails to do so, may cause that person to be removed. [Sec. 160(4)(d) MA]

4.11.5 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. [Sec. 160(5) MA]

4.12 BY-LAWS AND RESOLUTIONS

4.12.1 Council may act only by resolution or by-law. [Sec. 140(1) MA]

4.12.2 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote. [Sec. 142(1) MA]

4.12.3 Council may not give a proposed by-law more than two readings at the same Council meeting. [Sec. 142(2) MA]

4.12.4 Only the title or an identifying number must be read at each reading of a proposed by-law. [Sec. 142(5) MA]

4.12.5 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 by-law before the by-law receives first reading. [Sec. 142(3) MA]

4.12.6 Each Member present at the meeting at which third reading is to take place must, before the proposed by-law receives third reading, be given, or have had, the opportunity to review the full text of the proposed by-law and any amendment passed after first reading. [Sec. 142(4) MA]

4.12.7 When a by-law has been read and finally passed, it shall be signed in accordance with clause 4.2.6 and sealed with the seal of the City and such signing and sealing shall not be later than the next regular Council meeting and the date of each reading shall be endorsed thereon by the Manager of Administration. [Sec. 145 MA]

4.12.8 The amendment or repeal of a by-law is subject to the same requirements that apply to passing the by-law. If a by-law requires approval of the Minister, so does an amendment or repeal. [Sec. 147(2) MA]

4.13 HEAD OF COUNCIL TAKING PART IN DEBATE OR PRESENTING/ SECONDING A MOTION

4.13.1 If the chair desires to present or second a motion, or participate in the debate, he must leave the chair, and call upon the Deputy Mayor, or in his absence the Acting Deputy Mayor to fill his place until the motion has been voted upon.

4.14 CONDUCT

- 4.14.1 Every Member and Youth Member speaking shall address the Chair.
- 4.14.2 When two or more Members address the Chair at the same time, the Chair shall name the Member who is to speak first.
- 4.14.3 When the Chair is called on to decide a point of order or practice, he shall do so without comment unless requested to do so.
- 4.14.4 When the Chair is putting a resolution for vote, no Member shall leave his chair.
- 4.14.5 Discussion shall be limited to the question in debate.
- 4.14.6 No Member or Youth Member shall speak to the question or in reply for longer than five (5) minutes without approval of Council.
- 4.14.7 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.
- 4.14.8 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 4.14.9 Where at a Council meeting, any person other than a Member of Council or Youth Member is, in the opinion of the Chair, conducting himself in a disorderly or improper manner, the Chair may require that person to leave the meeting and if that person fails to do so, may cause that person to be removed. [Sec. 152(2) MA]
- 4.14.10 Where at a Council meeting a Member of the Council or Youth Member is conducting himself in a disorderly or improper manner, the Council may, by a resolution passed by the majority of the other Members present, require the Member or Youth Member to leave the meeting, and if the Member fails to do so, may cause the Member to be removed.
- 4.14.11 Persons in the Council chambers are not permitted to display signs or placards to applaud participants in debate or to engage in conversation or other behaviors which may disrupt Council proceedings.
- 4.14.12 Council may limit the number of persons allowed in the Council Chambers.

4.14.13 The public and media may audio/video tape meeting proceedings, including public hearings providing that arrangements are made with the City Manager at least 24 hours prior to the meeting or public hearing.

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

5.0 REPEAL OF BY-LAWS

By-Law No. 11-8518 is hereby repealed.

DONE AND PASSED AS A BY-LAW OF THE CITY OF PORTAGE LA PRAIRIE BY THE COUNCIL THEREOF IN OPEN SESSION ASSEMBLED THIS _____ DAY OF _____, 2015.

Mayor

Manager of Administration

Read a first time this _____ day of _____, 2015

Read a second time this _____ day of _____, 2015

Read a third time this _____ day of _____, 2015

- Act
 - definition, 1
- Ad Hoc Committees, 9
- Agenda
 - additions to, 12
 - definition, 1
 - deletions from, 12
 - order of business, 11
 - to be picked up by Council, 11
- Appointments
 - of Deputy Mayor, 9
 - of officers, 9
 - to Ad Hoc Committees, 9
 - to Council Committees, 8
- By-Laws, 16, 18
- Chair
 - definition, 1
- Chairman
 - of Committee Meetings, 12
 - of Council Meetings, 12
 - of In Camera meetings, 12
- City
 - definition, 1
- City Planning and Economic Development Committee, 3
- Committee
 - definition, 1
 - general duties of, 3
- Committee Meetings
 - Bourinot's Rules of Order, 12
 - chairmanship, 12
 - delegations in, 6
 - if falls on holiday, 6
 - may be closed on conditions, 13
 - open to public, 6
 - when held, 5
- Communication Facility
 - definition, 1
 - participation in meeting, 11
- Community Services Committee, 5
- Conduct, 17
- Conflict of Interest, 8, 11, 15
- Council
 - definition, 2
 - head of, 7
 - role of, 2
- Council Committees
 - City Planning and Economic Development, 3
 - Community Services, 5
 - definition, 2
 - Finance, Legislative and Property, 3
 - meetings, 5
 - Public Safety, 4
 - special Committee, 5
 - special duties of, 3
 - Transportation, 4
 - Waterworks, 4
- Council Meetings
 - Bourinot's Rules of Order, 12
 - chairmanship, 12
 - definition, 2
 - delegations, 7
 - minutes, 12
 - to be held openly, 13
 - when falls on holiday, 7
 - when held, 7
- Delegations, 7
 - in Council, 7
 - no limit as to number of, 14
 - register with Mgr of Admin, 8
 - time limit, 7
 - to register with Mgr of Admin, 7
- Deputy Mayor, 9, 10, 12, 14
- Director of Finance, 3
- Finance, Legislative and Property Committee, 3
- Head of Council
 - duties of, 7
 - taking part in debate, 17
- Hearings
 - procedure, 15
- In Camera, 12
 - chairmanship, 12
 - conditions for going in camera, 6
 - definition, 2
 - no resolution or by-law to be passed, 13
 - separate agenda, 6, 8
- Inaugural Meeting. *See* Organizational Meeting
- legal proceedings, 6
- Members
 - definition, 2
 - general duties of, 2
 - municipal assistance, 6
 - Oath of Office, 8
 - Ombudsman, 6, 13
- Organizational Meeting
 - appointments, 8
 - following general election, 8
 - in subsequent years of term, 8
 - official oath, 8
 - where held, 8
- Public Hearings
 - procedure at, 15
- Public Safety Committee, 4
- Quorum, 11
- Resolutions, 16
- Signing Authority, 9
- Special Council Meeting, 13
- Suspension of employee, 9
- Transportation Committee, 4
- Voting, 14
- Waterworks Committee, 4