



CITY OF DAUPHIN

BYLAW 01/2019

BEING A BYLAW OF THE CITY OF DAUPHIN TO REGULATE THE PROCEEDINGS AND CONDUCT OF COUNCIL AND COMMITTEES THEREOF

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

THEREFORE BE IT RESOLVED that the Council of the City of Dauphin, in open meeting assembled, enacts as follows:

TITLE

- 1.0 This bylaw may be referred as the "Procedures Bylaw".
- 1.1 The following rules and regulations shall be observed in Council, and in all Committees thereof.

DEFINITIONS

- 2.0 In this bylaw,
 - a) **Act** means *The Municipal Act* S.M. 1996 c.58.
 - b) **Agenda** means the agenda for a Regular or Special Meeting of Council, or a Committee Meeting of Council.
 - c) **Chair** means the person presiding at the Meeting of Council or Committee.
 - d) **Committee** means a Committee or other body established under the City of Dauphin Organizational Bylaw, but does not include a Committee of the Whole of Council.
 - e) **Committee of the Whole** means a Committee of all Members usually present at a Council Meeting, sitting as a Committee.
 - f) **Consent Agenda** means a section of a Regular Scheduled Meeting Agenda that contains items considered by Council to be of a routine nature and will be enacted by one resolution.
 - g) **Council** means the duly elected Mayor and Councillors of the City of Dauphin.

- h) **Council Meeting** means a Regular Meeting or Special Meeting of Council, but does not include a Public Hearing held by Council.
- 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, 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.
- j) **In Camera** means in private or to the exclusion of the Public.
- k) **Majority** means more than half of the members present.
- l) **Members** means, when referring to the Council, the Councillors and the Mayor.

SUSPENSION

- 3.0 Any rule contained in this bylaw may be suspended by a vote of two thirds (2/3) of the Members present, except in cases where the *Act* or by this bylaw, some other vote is required.

COUNCIL INAUGURAL MEETING

- 4.0 Following a General Election, the Mayor must call the Inaugural Meeting of Council within 30 days. The Meeting may be held as part of the regular Schedule of Council Meetings, or may be at a time outside the regular schedule.
- 4.1 Council may, at its Inaugural Meeting or a meeting shortly thereafter, review the Procedures Bylaw and Organizational Bylaw.

QUORUM

- 5.0 A majority of the Members of Council constitutes a quorum.
- 5.1 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.
- 5.2 Lack of Quorum - If no quorum is present within 30 minutes after the time scheduled for a Meeting, then the Council shall stand adjourned, and the City Manager shall enter into the minutes the names of the Members present at the Meeting.

COMMUNICATION FACILITY

- 6.0 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.
- 6.1 Members of Council participating in a Meeting of Council by means of a communication facility are deemed to be present at the Meeting.

AGENDA

- 7.0 An agenda of each Regular Meeting of Council, together with copies of majority of the supporting materials, will be available to the Members of Council at least three days preceding the Meeting of Council. A copy of the agenda will be posted in the Municipal Office at the same time.
- 7.1 All items to be placed on the agenda of the next Regular Meeting of Council should be provided at least by noon, five days prior to the scheduled time of the Regular Meeting of Council.
- 7.2 Items may be added to or deleted from 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.
- 7.3 There will be no separate discussion of consent agenda items other than requesting clarification. However, if discussion is required, an individual Council Member may request that an item(s) be removed from the consent agenda and placed upon the regular agenda. That item(s) shall be so moved to the regular agenda without debate and through a resolution.

REGULAR COUNCIL MEETINGS

- 8.0 Regular Meetings of Council will generally be held on the 2nd and 4th Monday of each month in the Council Chambers of the City of Dauphin at 5:00 P.M. A notice prior to the first Council Meeting each year will be posted in the Municipal Office outlining the Regular Meeting schedule for that year.
- 8.1 All Meetings of Council will 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.
- 8.2 If the day fixed for a Regular Meeting of Council is a General Holiday, the Meeting may be held on the following day which is not a Holiday or on an alternate day at the same time and place, or cancelled in its entirety.
- 8.3 Council may, by Resolution, vary the date and time of a Regular Council Meeting as circumstances may require.
- 8.4 Notice of any change of day or time of a Regular Meeting of Council must be posted in the Municipal Office at least three days before the regular scheduled date of the Meeting.
- 8.5 At the hour set for the Meeting to commence, and providing that a quorum is present, the Mayor shall take the chair and shall call the Meeting to order.
- 8.6 The Council may observe a curfew, whereby the item on the agenda under discussion at 8:30 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 30-minute extension is allowed.
- 8.7 Council shall hold its Meetings openly and no person shall be excluded, except for improper conduct.

- 8.8 Despite clause 8.7 of this bylaw, and according to Clause 152(3) of *The Municipal Act*, 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, c2, s31;
 - 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 bylaw;
 - 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*.
- 8.9 No resolution or bylaw may be passed at a Meeting that is closed to the public, except a resolution to reopen the Meeting to the public.
- 8.10 Minutes of each Regular and Special Council Meeting shall be signed by the Council Member chairing the Meeting (Mayor, Deputy Mayor or other Council Member) and the City Manager or in his/her absence the Deputy City Manager.

SPECIAL MEETINGS OF COUNCIL

- 9.0 A Special Meeting of Council of the City of Dauphin 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.
- 9.1 Should the Mayor not call a Special Meeting of Council within forty-eight (48) hours of receiving written request by two Members of Council, the City Manager must call the Meeting in accordance with Section 9.2 of this bylaw.

- 9.2 The Notice of the Special Meeting of Council to all Members of Council may be oral or in electronic or written form, must state the purpose of the Meeting, must be provided to all Members of Council, and must be posted in the Municipal Office at least 48 hours before the scheduled time of the Meeting.
- 9.3 Should the Mayor be unavailable, the Deputy Mayor may call a Special Meeting only if requested in writing by two Members in accordance with this part.
- 9.4 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.
- 9.5 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 add items to the agenda.

DELEGATIONS

- 10.0 The Chair may limit the time taken by a delegation to 15 minutes. The delegation must appoint a spokesperson.
- 10.1 To allow Members of Council to prepare for delegations, all presenters should register with the City Manager at least five days before the Council Meeting and advise the City Manager in writing of the topic and scope of the presentation.
- 10.2 There will 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.

VOTING

- 11.0 A Member, including the Chair, has one vote each time a vote is held at a Council Meeting at which the Member is present.
- 11.1 The minutes of a Meeting at which Council votes on the Third Reading of a bylaw must show the name of each Member present, the vote or abstention of each Member, and the reason given for any abstention.
- 11.2 The record in the minutes must show the name of any Member who exercises his right to abstain from voting on any resolution.
- 11.3 If an equal number of Members vote for and against a resolution or bylaw, the resolution or bylaw is defeated.
- 11.4 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 the decision.
- 11.5 When Council reconsiders and changes a decision, the minutes must show the original decision and the decision made on reconsideration.
- 11.6 Any Member of Council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The Record in the minutes of the Meeting of Council must show the names of the Members present and the vote or abstention of each Member.

PROCEDURE AT PUBLIC HEARINGS

- 12.0 According to Section 160(2) of *The Municipal Act*, 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 due to illness; or
 - c) is required under *The Municipal Council Conflict of Interest Act* to withdraw from the Hearing.
- 12.1 The Chair of the Public Hearing has the right to limit the time taken by a person to 15 minutes, after which Council may ask questions of the person. All questions must be channelled through the Chair of the Hearing.
- 12.2 The Chair of the Public Hearing may decline to hear further presentations, questions, or objections where the Chair is satisfied that the matter has been addressed at the Public Hearing.
- 12.3 The Chair of the Public Hearing may decide which presenters will be heard, if the Chair is satisfied that presentations are the same or similar.
- 12.4 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 conduct, to leave the Public Hearing and if that person fails to do so, may cause that person to be removed.
- 12.5 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.

BYLAWS AND RESOLUTIONS

- 13.0 Council may act only by Resolution or bylaw.
- 13.1 Items included in the Consent Agenda shall be enacted by one resolution summarizing the decisions made on each individual item.
- 13.2 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.

- 13.3 Every proposed bylaw must be given three separate readings, and each reading must be put to a separate vote.
- 13.4 Council may not give a proposed bylaw more than two readings at the same Council Meeting.
- 13.5 Only the title or an identifying number needs to be read at each reading of a proposed bylaw.
- 13.6 Each Member present at the Meeting at which first reading of a bylaw is to take place must be given, or have had, the opportunity to review the full text of the proposed bylaw before the bylaw receives first reading.
- 13.7 Each Member present at the Meeting at which third reading of a bylaw is to take place must, before the proposed bylaw receives third reading, be given, or have had, the opportunity to review the full text of the proposed bylaw and any amendment(s) passed after first reading.

HEAD OF COUNCIL TAKING PART IN DEBATE

- 14.0 If the Chair desires to present or second a motion, or participate in the debate, the Chair may call upon the Deputy Mayor to “figuratively” assume the Chair position of the Meeting.

CONDUCT


- 15.0 Every Member previous to their speaking should address the Chair.
- 15.1 When two or more Members address the chair at the same time, the Chair will name the Member who is to speak first.
- 15.2 When the Chair is called on to decide a point or order or practise, the Chair shall do so without comment unless requested to do so.
- 15.3 When the Chair is putting a question, no Member shall leave his or her chair.
- 15.4 Discussion shall be limited to the question in debate.
- 15.5 No Member should speak to the question or in reply for longer than five minutes without approval of Council.
- 15.6 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.
- 15.7 Immediately before putting the question, the Chair has the privilege of summarizing the debate, but no new matter shall be introduced.
- 15.8 Where at a Council Meeting, any person other than a Member of Council 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.


- 15.9 Where at a Council Meeting a Member of Council is conducting himself in a disorderly or improper manner or contrary to Council Members' Code of Conduct or equivalent, the Council may, by 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.
- 15.10 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.
- 15.11 Council may limit the number of persons allowed in the Council Chambers.
- 15.12 The media may audio/video tape and broadcast Meeting proceedings, including Public Hearings, providing that arrangements are made with the City Manager at least one day prior to the Meeting or Public Hearing.
- 15.13 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.
- 15.14 A Member who breaches the requirement of confidentiality under clause 15.13 becomes disqualified from Council.

FURTHER BE IT RESOLVED THAT all points of order and procedure not resolved by rules provided in this bylaw shall be resolved by a majority decision of Council.

FURTHER BE IT RESOLVED THAT Bylaw 01/2015 is hereby repealed.

DONE AND PASSED IN COUNCIL DULY ASSEMBLED as a bylaw of the City of Dauphin in Dauphin in the Province of Manitoba this 28th day of January 2019.


for _____
Allen Dowhan, Mayor


for _____
Sharla Griffiths, City Manager

READ A FIRST TIME this 14th day of January 2019.
READ A SECOND TIME this 28th day of January 2019.
READ A THIRD TIME this 28th day of January 2019.