

**Portage la Prairie Planning District  
Procedural  
By-law No. 04-2014**

Being a by-law to regulate the proceedings and conduct of the board and the committees thereof and to repeal By-Law No. 3-2006 and amendment 02-2013.

**WHEREAS** section 21(1) of *The Planning Act* provides that a board must adopt a by-law respecting the procedures of the board and the conduct of its affairs;

**THEREFORE BE IT RESOLVED** that the board of the Portage la Prairie Planning District, in open meeting assembled, enacts as follows:

**TITLE**

- 1.1 This by-law may be referred as the “Portage la Prairie Planning District Procedural By-law”.
- 1.2 The following rules and regulations shall be observed in the board, and in all committees thereof.

**SUSPENSION**

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

**QUORUM**

- 3.1 A majority of the directors constitutes a quorum.
- 3.2 If a position on the board is vacant, the quorum will be the majority of the remaining directors provided that the minimum number for a quorum cannot be less than 4 directors.
- 3.3 Lack of quorum - If no quorum is present within 15 minutes after the time scheduled for a meeting, the board shall stand adjourned, and the secretary shall enter into the minutes the names of the directors present at the meeting.

**COMMUNICATION FACILITY**

- 4.1 Any director participating in a meeting of the board by means of a communication facility shall do so only with prior approval of the board and on terms and conditions set by the board.
- 4.2 Directors participating in a meeting of the board by means of a communication facility are deemed to be present at the meeting.

**AGENDA**

- 5.1 A draft agenda of each regular meeting of the board, together with copies of supporting materials, shall be available to the directors at least 48 hours preceding the meeting of the board. A copy of the draft agenda shall be posted in the planning district office at the same time.
- 5.2 All items to be placed on the agenda of the next regular meeting of the board must be provided to the Office Manager at least 72 hours prior to the scheduled time of the regular meeting.

- 5.3 Items may be added to the agenda at a regular meeting of the board by a majority vote of the directors present, prior to adopting the final agenda for the regular meeting of the board.
- 5.4 In preparing the board agenda, the Office Manager shall state the business for consideration in accordance with the following order of business:
1. Call to order
  2. Adoption of agenda
  3. Delegations/Petitions
  4. Approval of Minutes
  5. Business Arising
  6. New Business
    - 6.1 Reports
      - a) Financial
      - b) Statistics
      - c) Updates
      - d) Other
    - 6.2 By-laws
  7. Other Business
  8. Next Meeting
  9. Adjournment
- 5.5 Notwithstanding the provisions under 5.4, it shall always be in order for the board to vary the order in which business on the agenda shall be dealt with by a majority vote of the directors present.

## **REGULAR MEETING**

- 6.1 Regular meetings of the board shall normally be held on the third Thursday of each month in the board chambers at the hour of 10:00 a.m. With the exception of the December meeting to be held on the second Thursday of the month.
- 6.2 Notice of any change of day or time of a regular meeting of the board will normally be posted in the municipal office at least 1 day before the regularly scheduled date of the meeting.
- 6.3 All meetings of the board shall be chaired by the Chairperson, or in his or her absence, by the Vice-Chairperson. If the Chairperson or Vice-Chairperson is not present at the time scheduled for a meeting, the board may appoint one of its members to chair the meeting.
- 6.4 At the hour set for a meeting to commence, and providing that a quorum is present, the Chairperson shall take the chair and shall call the meeting to order.
- 6.5 The board shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 6.6 Despite clause 6.5 of this by-law, the board or board committee may close a meeting to the public if:
- (a) the directors 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

- (i) human resources
- (ii) financial matters
- (iii) a matter that is in its preliminary stages and respecting which discussion in public could prejudice the planning district's ability to carry out its activities or negotiations,
- (iv) 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 Chairperson under *The Ombudsman Act*.

6.7 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.

### **SPECIAL MEETINGS OF THE BOARD**

- 7.1 A special meeting of the board may be called at any time by the Chairperson. The Chairperson must call a special meeting if the Chairperson receives a written request from at least two directors stating the purpose. A copy of the written request must also be served to the Planning District Administration.
- 7.2 Should the Chairperson not call a special meeting within 48 hours of receiving written request by two directors of the board, the Vice-Chairperson must call the meeting in accordance with section 7.3 of this by-law.
- 7.3 The notice of the special meeting to all directors may be oral, in electronic or written form, and must state the purpose of the meeting, and must be provided to all directors at least 48 hours before the scheduled time of the meeting.
- 7.4 Should the Chairperson be unavailable, the Vice-Chairperson may call a special meeting only if requested in writing by two directors in accordance with this Section 7.
- 7.5 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 the board are present, and the directors unanimously agree by resolution to adding of items to the agenda.

### **DELEGATIONS**

- 8.1 The chair may limit the time taken by a delegation to 10 minutes. The delegation must appoint a spokesperson.
- 8.2 To allow directors to prepare for delegations, all presenters shall register with the Office Manager at least 2 days before the board meeting and advise the topic and scope of the presentation.
- 8.3 There shall not be a limit to the number of delegations included on the agenda of a board meeting, but the Office Manager is granted authority to schedule delegations as deemed appropriate.

## **VOTING**

- 9.1 All directors, including the chairperson, has one vote each time a vote is held at a board meeting at which the member is present.
- 9.2 The secretary shall record in the minutes, the name of any director who exercises his right to abstain from voting on any resolution based upon conflict of interest prior to discussion and leaves.
- 9.3 If an equal number of directors vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 9.4 The board 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 directors who voted on the original resolution are present and agree to reconsider and vote again; or
  - b) a member gives minuted notice to the board, from at least one regular meeting to the next regular meeting, of a proposal to review and reverse the decision.
- 9.5 When the board reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 9.6 Any member of the board may, prior to the taking of a vote on any question put, request a recorded vote to be taken. The secretary then must record in the minutes of the meeting of the board the names of the directors present, the vote or abstention of each member.

## **PROCEDURE AT A PUBLIC HEARING**

- 10.1 Each director must attend a public hearing called by the board unless the director:
  - (a) is excused by the other directors from attending the hearing;
  - (b) is unable to attend owing to illness,
  - (c) is required under *The Municipal Council Conflict of Interest Act* to withdraw from the hearing,
  - (d) is required under *The Planning Act* to withdraw from the hearing.
- 10.2 The Chair of the public hearing has the right to limit the time taken by a person to 10 minutes, after which the board may wish to ask questions of the person. All questions must be directed to the chair of the hearing.
- 10.3 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.
- 10.4 The Chair of the public hearing may decide which presenters will be heard, if he is satisfied that presentations are the same or similar.
- 10.5 The Chair of the public hearing may require any person, other than a member of the board, 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.
- 10.6 If a public hearing is adjourned, the board 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.

## **BY-LAWS AND RESOLUTIONS**

- 11.1 The board may act only by resolution or by-law.
- 11.2 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 11.3 The board may not give a proposed by-law more than two readings at the same board meeting.
- 11.4 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 11.5 Each director 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.
- 11.6 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.
- 11.7 This by-law together with all other by-laws which may, from time to time, be enacted by this Board are enacted pursuant to the provisions of The Planning Act and are, therefore subordinate to it, and in the event that any of these by-laws shall disagree or be in conflict with any of the provisions of the said Planning Act, The Planning Act shall govern.
- 11.8 Every By-law which has been passed by the Board shall immediately be signed by two signing officers, shall be sealed with the corporate seal and shall be deposited in a place of security within the office.

## **HEAD OF THE BOARD TAKING PART IN DEBATE**

- 12.1 If the chair desires to participate in debate, he can do so without leaving the chair.
- 12.2 If the chair desires to present or second a motion, he must leave the chair.

## **CONDUCT**

- 13.1 Every member prior to speaking shall address the Chair.
- 13.2 When two or more directors address the Chair at the same time, the Chair shall name the member who is to speak first.
- 13.3 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.
- 13.4 When the Chair is putting a question, no member shall leave his chair.
- 13.5 Discussion shall be limited to the question in debate.
- 13.6 No member shall speak to the question or in reply for longer than 5 minutes without approval of the chairperson.
- 13.7 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 the board is engaged in voting.
- 13.8 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.

- 13.9 Where at a board meeting, any person other than a director 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.
- 13.10 Where at a board meeting a director is conducting himself in a disorderly or improper manner, the board may, by a resolution passed by the majority of the other directors present, require the director to leave the meeting, and if the director fails to do so, may cause the director to be removed.
- 13.11 Persons in the board chambers are not permitted to display signs or placards to applaud participants in debate or to engage in conversation or other behaviour which may disrupt the board proceedings.
- 13.12 The board may limit the number of persons allowed in the board chambers.
- 13.13 The public and media may audio/video tape meeting proceedings, including public hearings, providing that arrangements are made with the Office Manager at least 24 hours prior to the meeting or public hearing.
- 13.14 A director must keep in confidence a matter that is discussed at a meeting closed to the public until the matter is discussed at a board meeting conducted in public.
- 13.15 If a director breaches the requirement of confidentiality under clause 13.14, the appointing council will be notified.
- 13.16 Where any member of the Board does not attend three consecutive regular meetings of the Board, without being authorized to do so by a resolution of the Board passed at any one of the three meetings, a prior meeting, or the next meeting following the third absence, the respective council is advised of said member's absence and the seat may be filled by a member of the appointing Council.
- 13.17 Robert's Rules apply if not indicated.

#### **APPOINTMENT OF STAFF**

- 14.1 The Board may employ such officers and employees as it deems necessary and may fix their terms of office, their powers, and their remuneration by resolutions of the Board.

#### **APPOINTMENT OF THE AUDITOR, FISCAL YEAR END AND REPORTING**

- 15.1 The fiscal year end of the Board shall be the 31<sup>st</sup> day of December in each year of the Board's existence. The Board shall appoint an auditor annually.
- 15.2 The board will produce and submit to member municipalities an annual activity report and operating budget on dates agreed upon by the member municipalities.

## **GENERAL PROVISIONS**

16.1 Unless otherwise provided for herein or within the provisions of the Planning Act, the procedures of the Board shall be governed by the provisions of the Municipal Act.

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

**DONE AND PASSED** as a by-law of the Portage la Prairie Planning District at Portage la Prairie in the Province of Manitoba this 15<sup>th</sup> day of January, 2015.

(Original signed by Liz Driedger)  
Liz Driedger  
Chairperson

(Original signed by Kinelm Brookes)  
Kinelm Brookes  
Development Officer/Building Inspector

Read a first time this 11<sup>th</sup> day of December, 2014.

Read a second time this 15<sup>th</sup> day of January, 2015.

Read a third time this 15<sup>th</sup> day of January, 2015.