

RURAL MUNICIPALITY OF LAC DU BONNET

COUNCIL ORGANIZATIONAL BY-LAW

BY-LAW NO. 14-18

BEING a By-law of The Rural Municipality of Lac du Bonnet to govern and establish the legislative organizational structure for the Municipality of Lac du Bonnet and the committees thereof, and to repeal By-Law 11-17

WHEREAS Section 148 of the Municipal Act provides for the following;
Council to pass an organizational by-law

148(1) 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.

Content of organizational by-law

148(2) An organizational by-law must provide for the following:

- (a) the establishment of council committees, other than committees of local urban districts, and other bodies of the council, including their duties and functions;
- (b) the appointment of a deputy head of the council to act in place of the head of council when he or she is unable to carry out the powers, duties and functions of the head; and
- (c) the manner of appointment of persons to council committees and other bodies.

NOW THEREFORE BE IT RESOLVED that the Council of the Rural Municipality of Lac du Bonnet, in open meeting assembled, enact as follows:

1.0 TITLE This by-law may be referred to as "The Rural Municipality of Lac du Bonnet Organizational By-law.

2.0 DEFINITIONS

2.1 In this by-law:

- a) "Agenda" means the agenda for a regular or special meeting of council, but does not include agendas for in-camera meetings.
- b) "Ad hoc committee" means a committee formed for a specific task or objective, and is dissolved after the completion of the task or achievement of the objective.
- c) "Act" or "MA" means The Municipal Act S.M. 1996 c.58.
- d) "C.A.O." means the Chief Administrative Officer of the Rural Municipality of Lac du Bonnet, or a designated officer delegated to perform duties as the C.A.O. by the C.A.O. in their absence.
- e) "Chair" means person presiding at the meeting of council or committee.
- f) "Committee" means a committee or other body established under the Rural Municipality of Lac du Bonnet Organizational By-Law.
- g) "Committee of the whole council" means a committee of all members present at a Council meeting sitting as a committee or a meeting of the whole council outside a regular council meeting.
- h) "Council" means the duly elected Reeve and Councillors of the Rural Municipality of Lac du Bonnet.
- i) "Council meeting" means a regular 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 Reeve and the Councillors.
- l) "MB-CMG" means the Manitoba "Council Members Guide 2014-2018"
- m) "Shall" or "must" means the obligation is imperative.

3.0 COUNCIL

- 3.1 The Rural Municipality of Lac du Bonnet is governed by a council. The council is a continuing body. *[Sec. 77 MA]*
- 3.2 Council of the Rural Municipality of Lac du Bonnet is composed of: *[Sec. 78 MA]*
 - a) Reeve, and
 - b) Four Councillors

4.0 COUNCIL DUTIES AND RESPONSIBILITIES

- 4.1 General Duties of Council: *[MB-CMG p.10]*
 - a) Council is elected to make decisions for the municipality about services, policies and programs.
 - b) Council members have an equal voice at the council table – every council member has one vote. A majority vote is required to make a council decision.
 - c) A Council decision is the decision of the municipality. Once a decision is made, all members should respect that decision.
 - d) Council is required by *The Municipal Act* to make decisions that are in the best interests of the municipality as a whole.
 - e) Council may delegate certain powers, duties or functions to the head of council, a council committee, the Chief Administrative Officer or another designated officer for the municipality; but not to an individual council member.
 - f) Individual council members have no authority to make a decision on behalf of the municipality. If they do make such a decision, they may be held financially or legally liable.
- 4.2 Council's Responsibilities: *[Sec. 82 MA]*
 - a. Developing and evaluating the policies and programs of the municipality
 - b. Ensuring that the powers, duties and functions of the municipality are appropriately carried out; and
 - c. Carrying out the powers, duties and functions expressly given to the council under the Act or any other legislation
 - d. to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality
 - e. to maintain the financial integrity of the municipality
 - f. uphold and promote the purposes of the municipality
 - g. promote public involvement in the municipality's activities

- h. act as the representative of the municipality both within and outside the municipality and,
- i. participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents

5.0 HEAD OF COUNCIL [Sec. 80 MA]

5.1 The head of council for the Rural Municipality of Lac du Bonnet is the Reeve.

5.2 In addition to performing the duties of a member of a council, the Reeve has a duty [Sec. 83(2) MA]

- a) to preside when in attendance at a council meeting, except where the procedures by-law or *The Municipal Act* or any other Act otherwise provides; [Sec. 83(2)(a) MA]
- b) to provide leadership and direction for all meetings of council when chairing.
- c) to perform any other duty or function assigned to a head of council by council or by *The Municipal Act* or any other Act [Sec. 83(2)(c) MA];
- d) to act as communications spokesperson for the municipality when expressing the municipality's position to the media or the public, and when attending community events; [MB-CMG p. 12]
- e) to act as the signing authority for the municipality [Sec. 134(1) MA];
- f) to call a special council meeting; [Sec. 151 MA] and
- g) is responsible for all municipal decisions and actions under *The Freedom of Information and Protection of Privacy Act (FIPPA)*. [MB-CMG p. 12]

6.0 GENERAL DUTIES OF MEMBERS [Sec. 83(1) MA]

6.1 Each member of a council, including the Reeve, 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) of *The Municipal Act* 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 comply with the code of conduct for members of council;
- f) to perform any other duty or function imposed on the member by the council of this or any other Act.
- h) to collectively provide direction through strategic planning on all municipal matters.
- i) to ensure that administrative policies, practices and procedures are in place to implement the decision of council.

7.0 DEPUTY REEVE [Sec. 148(2) MA]

- 7.1 At the first regular council meeting after each term following any election, council must by resolution, appoint a Deputy Reeve to act in place of the Reeve when the Reeve is unable to carry out the powers, duties and functions of the Reeve.
At the first regular meeting of council in each year the Reeve, with the approval of the majority of the members of council, may change the appointment of Deputy Reeve.

8.0 CHIEF ADMINISTRATIVE OFFICER – C.A.O.

- 8.1 The appointment of the C.A.O. will be by Bylaw, any suspension or revocation of the appointment, must be approved by a majority of the number of members comprising the council. [Sec. 125(2) MA]

- 8.2 The C.A.O.'s responsibilities: [Sec. 127(1)MA]

- a) is the administrative head of the municipality;
- b) is responsible for ensuring that the policies and programs of the municipality are implemented;
- c) is responsible for advising and informing the council on the operation and affairs of the municipality;
- d) except as the council may decide otherwise, is responsible for the management and supervision of the employees of the municipality;
- e) carries out the powers, duties and functions assigned to a Chief Administrative Officer by the council or by this or any other Act; and
- f) must notify the council if money of the municipality is spent or invested contrary to a by-law or resolution or this or any other Act.

- 8.3 The C.A.O. must ensure that: [Sec. 127(2) MA]

- a) the minutes of every council meeting are made without note or comment;
- b) the by-laws and minutes of council meetings and all other records and books of account of the municipality are kept safe and in accordance with Division 1 Retention and Disposition of Municipal Records of Part 9; and
- c) that prior to destruction of any records, the CAO submits the listing of all the records subject to the disposition for Council's approval by resolution;
- d) the revenues of the municipality are collected;
- e) money belonging to or held by the municipality is deposited in the bank, credit union, caisse populaire, or trust corporation designated by the council;
- f) the accounts for authorized expenditures of the municipality are paid;
- g) accurate records and books of account are kept of the financial affairs of the municipality; and
- h) any information requested of the municipality by the Minister is provided within a reasonable time.

- 8.4 Except as the council may otherwise decide, the C.A.O. must carry out, with necessary modifications, the duties referred to in 8.3 in respect of council committees. [Sec. 127(3) MA]

- 8.5 If the C.A.O. gives notice to council under section 8.2(f) and the council does not within a reasonable time rectify the matter, the officer must give the Minister written notice of the matter as soon as is reasonably possible. *[Sec. 128(1) MA]*

9.0 COUNCIL COMMITTEES *[Sec. 148(2)(a) MA]*

- 9.1 At the first regular council meeting each year the Reeve, with the approval of the majority of the members of council, may change the appointments to committees, legislated organizations and community organizations/groups. The appointments shall be made by Council on or before its first regular meeting held in January of each year, unless otherwise required.
- 9.2 A council committee may be composed: *[Sec. 107(1) MA]*
- a) entirely of members of the council;
 - b) of a combination of members and other persons; or
 - c) entirely of persons who are not members of the council.
- 9.3 The Reeve is a member of all council committees. *[Sec. 107(2) MA]*
- 9.4 A resolution of a council committee is not binding upon the council unless it is passed by the council as a resolution of the council. *[Sec. 108 MA]*
- 9.5 The general duties of council 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 prepare and introduce to council all such by-laws and resolutions as may be necessary to give effect to the reports or recommendations that are adopted by council; and
 - c) to consider and report on any and all matters referred to them by council
- 9.6 Any member of council not a member of a council committee has the right to attend committee meetings but shall not be allowed to vote. With the permission of the majority of the members of the committee, a visiting member of council may be allowed to take part in any discussions.
- 9.7 A special council committee may be appointed by resolution of council at any time specifying the business to be dealt with by the committee.
- 9.8 An appointment to any council committee may be repealed only by a resolution of council.
- 9.9 The terms of reference, duties, responsibilities and/or number of assigned members or citizens, of Standing Committees and Council Committees for the RM of Lac du Bonnet, are outlined in the attached **Schedule "A"**.
- 9.10 Council committees are open to the public. Council committee meetings may only be closed to the public as outlined in the Procedures By-Law of the RM of Lac du Bonnet.
- 9.11 All Council committee appointments shall be documented in a format approved by Council, and can be amended by resolution of the whole of council as required.
- 9.12 All members appointed to council committees shall notify the CAO of all upcoming meetings of council committees, including time, date and place.
- 9.13 The CAO shall place the council committees' appointments on the municipal website

for reference by ratepayers.

- 9.14 Minutes must be made of each council committee meeting and be signed by the person presiding at the meeting and a designated officer. [Sec. 109(1)(a) MA]. A copy of the minutes must be forwarded to the CAO of the RM of Lac du Bonnet.
- 9.15 Members appointed to council committees must file a written report to council after each council committee meeting. The report will be placed on the municipal website for reference by ratepayers forming part of the meeting minutes.

10.0 STANDING COMMITTEES OF COUNCIL

- 10.1 The following committees are hereby established as the Standing Committees of Council:
- a) Workplace Safety and Health Committee
 - b) Finance Committee
 - c) Human Resources Committee
 - d) Public Works Committee
 - e) Board of Revision
 - f) Economic Development and Community Planning
 - g) Joint Meetings
 - h) Emergency Response Control Group
 - i) Municipal Heritage (MHAC)
 - j) Personal Care Home Steering Committee
- 10.2 Standing Committees are delegated certain powers and duties by Council to make recommendations on internal municipal policies.
- 10.3 Regular meetings of the Standing committees may be held as determined by each Standing Committee.
- 10.4 Special meetings of Standing Committees may be called by the Chair or by two members on the committee in the same manner as provided in the Rural Municipality of Lac du Bonnet Procedures By-Law and shall apply to all Standing Committee meetings.
- 10.5 A Standing Committee shall not take any official action while sitting in Committee.
- 10.6 The rules for the conduct of Council pursuant to the Rural Municipality of Lac du Bonnet Procedures By-Law shall be observed in a Standing Committee.
- 10.7 Meetings of a Standing Committee may be closed to the public pursuant to Subsection 152(3) of *The Municipal Act*.

11.0 COMMITTEE OF THE WHOLE OF COUNCIL

- 11.1 The committee of the Whole of Council is composed of the entire Council sitting as a Committee to consider the affairs of the Municipality.
- 11.2 The Committee of the Whole shall not take any official action while sitting in Committee.
- 11.3 The rules for the conduct of Council pursuant to the Rural Municipality of Lac du Bonnet Procedures By-Law shall be observed in the Committee of the Whole.
- 11.4 Meetings of the Committee of the Whole may be closed to the public pursuant to Subsection 152(3) of *The Municipal Act*.

12.0 AD HOC COMMITTEES

- 12.1 Council may, by resolution, create operational ad hoc committees to review operational items, or future issues in programs or service delivery.
- 12.2 Ad Hoc committees shall have written terms of reference, including a sunset or

termination clause, approved by resolution.

12.3 The appointment of members to an ad hoc committee shall be done by resolution.

13.0 YOUTH MEMBER [Sec. 81 MA]

13.1 Council may, by resolution, appoint a person with the title "youth member" to sit with the council and to participate in council deliberations, on conditions that the council may decide, including, but not limited to, the youth member:

- a) must be a resident of the municipality, and less than 18 yrs of age;
- b) must be enrolled as a full-time student in a school and have approval from the school to participate;
- c) shall not be permitted to move or second a resolution, nor participate in a vote of council;
- d) shall not be counted for the purpose of determining a quorum;
- e) shall not be allowed to participate in any council meeting that is closed to the public; and
- f) shall not have a term of appointment exceeding 1 year.

14.0 BOARD OF REVISION

14.1 Council shall, by resolution each year, appoint a Board of Revision to hear assessment appeals. (Subsection 35(1) *The Assessment Act*)

14.2 Unless otherwise directed by resolution of Council the Board of Revision shall consist of the members of Council. {The Board of Revision shall consist of not less than three members, some or all of whom may be members of the council}
The Reeve shall serve as the Chair of the Board unless otherwise directed by resolution of Council in his absence.

14.3 Council shall appoint a member of a board to serve as the presiding officer of the board.

14.4 Council may provide for the payment of compensation to members of a board who do not receive remuneration as members of the council.

14.5 The CAO or designate shall serve as the Secretary to the Board unless otherwise directed and appointed by resolution of Council.

15.0 Newly elected council members will receive an orientation, introductory information meeting providing newly elected council members on municipal government. A professional consultant will be hired to provide insight on what to expect as an elected municipal government official.


A meeting will be arranged by the CAO to review municipal activities, events, issues, documentation, goals, objectives, review of Strategic Plan, Financials, Training

16.0 SIGNING AUTHORITY [Sec. 134(1) MA]

16.1 Agreements and cheques and other negotiable instruments must be signed or authorized by:

- a) the head of council, or the deputy head of council, and any other member of council authorized by resolution
- b) the Chief Administrative Officer or other administrative staff member so designated by the Chief Administrative Officer and authorized by resolution

DONE, PASSED AND ENACTED by Council duly assembled in the Council Chambers of the Rural Municipality of Lac du Bonnet, in the Province of Manitoba, this 20th (day) of Nov (month), 2018.



Loren Schinkel, Reeve



Cameron Bell, Chief Administrative Officer

Read a First Time: November 7, 2018 Resolution No. 2018 0452
Read a Second Time: November 7, 2018 Resolution No. 2018 0453
Read a Third Time: November 20, 2018 Resolution No. 2018 0481

SCHEDULE A

RURAL MUNICIPALITY OF LAC DU BONNET ORGANIZATIONAL BY-LAW 14-18

A. COUNCIL STANDING COMMITTEES – TERMS OF REFERENCE

A.1 Emergency Response Control Group

A.1.1 Committee: All Council members, CAO, Public Works Manager or designates, Emergency Coordinator, Fire Chief, Bylaw Enforcement Officer

A.1.2 In addition to any duties referred to the committee by Council, the Public Safety Committee shall be responsible for reviewing and advising Council on issues relating to coordinated public safety in the RM of Lac du Bonnet as it applies to the following:

- a) Policies relating to the provision of Municipal activities required under the Emergency Measures Act managed by the Emergency Coordinator;
- b) Bylaws relating to the provision of Municipal activities required under The Municipal Act and enforced by the Municipal Bylaw Enforcement Officer;
- c) Policies, By-laws and contracts relating to the local Fire Department
- d) Policies, By-laws and contracts relating to the general enforcement of municipal by-laws;
- e) Policies, By-laws, agreements and/or cost sharing of public safety services with other municipal governments; provincial, or federal departments;
- f) Coordination and liaison with the R.C.M.P. on enforcement of all Acts, Statutes and By-laws;
- g) Policies, By-laws and agreements as required to address seasonal activities in the municipality, including but not limited to boating, hunting and snowmobiling; and liaison and coordination with organizations and clubs who promote such activities;
- h) Education for Council members on any and all new or amended legislation that may impact the delivery of public safety services in the municipality.

A.2 FINANCE STANDING COMMITTEE

A.2.1 Committee: Reeve, 1 member of Council, CAO and / or Director of Corporate Services

A.2.2 In addition to any duties referred to the committee by Council, and working through close coordination and cooperation with the CAO and/or Director of Corporate Services, the Finance Committee shall report to council on any financial issues:

- a) Ensure that all matters relating to the receipt or payment of money by the Administration is in accordance with all by-laws of the municipality and statutes of the Province;
- b) Regular and timely review of all contracts, orders, reports, recommendations and proceedings involving the expenditure of municipal funds.
- c) Review and recommend the approval of all accounts, expenditures and all sums payable under contract before any monies are paid; and no account, claim or demand not expressly authorized to be paid by a statute, by-law or resolution of council, shall be paid by the CAO until the same has been authorized by the Finance Committee and approved by council resolution.
- d) Provide annual review and recommendations to council the types, rates and conditions of payments to be made to or on behalf of members of the council and council committees, as compensation and for expenses incurred while attending to municipal business, and for any other purpose relating to municipal business

that the council considers appropriate.

- e) To initiate the yearly budgetary process and introduce the final draft of the yearly Financial Plan at a public hearing.
- f) Recommend the appointment of auditors and provide the final yearly audit report to council.
- g) To provide a financial statement to council monthly including a summary report of highlighted areas
- h) To provide for a policy on criteria, timing and review of all grants requested of council, whether in the form of payment of money or supply of "work in kind".
- i) To provide policy and develop agreements relative to joint cost sharing with other municipalities or government agencies.

A.3 HUMAN RESOURCES STANDING COMMITTEE

A.3.1 Committee: Reeve, Deputy Reeve, CAO and Public Works Manager

A.3.2 In addition to any duties referred to the committee by Council, and working through close coordination and cooperation with the CAO and/or Designate and Public Works Manager, the Human Resources Committee shall report on the following

- a) Selection process, interviewing and hiring of the Chief Administrative Officer
- b) To review and consider grievances of employees;
- c) To participate in Grievance Hearings
- d) To provide CAO with annual performance appraisals;
- e) To consider salary, wage and benefits negotiations;
- f) To consider all matters with respect to union collective agreement issues;
- g) To review and recommend to council training programs to benefit the municipality by improving the skill set of employees;
- h) To review and recommend to council all by-laws and policies relevant to ensure a healthy respectful workplace to comply with all Acts.

A.4 PUBLIC WORKS STANDING COMMITTEE

A.4.1 Committee: All Council members, CAO and Public Works Manager or designates

A.4.2 In addition to any duties referred to the committee by Council, and working through close coordination and cooperation with the CAO and/or Designate and Public Works Manager and/or Designate, the Public Works Committee shall report to council on the following duties:

- a) To consider and report on all matters relating to municipal land, buildings and equipment, including acquisition, maintenance and disposal.
- b) To consider and report on all matters relating to all roads in the municipality, including but not limited to – road design, specifications, control, building, construction contracts, materials contracts, road maintenance, public safety, signage issues and public use.
- c) To consider and report on all matters relating to the development, operation and maintenance of sewage lagoons in the municipality;
- d) To recommend to council for each budget year such public works projects, works and matters under its control as it considers essential to be carried out during the year, together with their detailed costs;

- e) To recommend on the need for the development and maintenance of a master drainage plan for the municipality, including the protection of aquifer and ground water;
- f) To recommend on all matter relating to the development and maintenance of public spaces and boat launches in the municipality;
- g) Review and recommend on all matters pertaining to refuse collection, including development, operation and maintenance of transfer stations and waste disposal grounds; and policies encouraging recycling, waste reduction, and cost recovery;
- h) Review and recommend on multi-year plans for road construction and maintenance, capital equipment purchase and building construction and/or replacement;
- i) Establish and maintain close liaison with other municipalities, provincial and federal governments, land use groups and special interest groups, with a view to possible cost sharing opportunities on any and all matters related to public works;
- j) Review and advise on all matters related to proposed water projects within the municipality,
- k) Review and advise on all public works projects as to their compliance with, but not limited to, The Municipal Act, Public Utilities Board and the municipal Policy on Publicly Driven Infrastructure Requests.

A.5 WORKPLACE, SAFETY AND HEALTH STANDING COMMITTEE

A.5.1 Committee: Two Council members, CAO and Public Works Manager

A.5.2 In addition to any duties referred to the committee by Council, and working through close coordination and cooperation with the CAO and/or Designate and Public Works Manager and/or Designate, the Workplace, Safety and Health Committee shall report to council on the following duties:

- a) To conduct regular evaluations on safety matters;
- b) To meet as required to discuss any and all matters with regards to safety concerns;
- c) To address matters and report on incidences arising from safety concerns
- d) **To provide the workplace and/or workplace safety and health committee a written incident report on all incidents.**

A.6 ECONOMIC DEVELOPMENT AND COMMUNITY PLANNING STANDING COMMITTEE

A.6.1 Committee: All Council members, CAO and Public Works Manager or designates

A.6.2 In addition to any duties referred to the committee by Council, the Economic Development & Community Planning Committee shall report to council on the following duties:

- a) Review and advise on the operation and effectiveness of the Lac du Bonnet Planning District as it applies to the municipality;
- b) Review and provide for clear communications to ratepayers of the municipality on matters of development, zoning and building;
- c) Review and advise on the Zoning By-law, the Building By-Law, the Lot Grading By-Law and the enforcement of these by-laws, with a view to land use and development;
- d) Review and advise on land use policy development;

- e) Encouraging and promoting retail, industrial and commercial growth and business retention within the municipality;
- f) Encouraging and promoting tourism development within the municipality, liaising with other municipal governments where necessary;
- g) Liaising and working with provincial, local and regional bodies with a view to encouraging sustainable yet healthy economic, industrial and commercial growth of the municipality;
- h) Review and advise on the operation of all historical and heritage groups within the community to ensure a coordinated effort on their goals and efforts;
- i) Research and education for council on the effects of development within the municipality;

A.7 COMMITTEES – BOARDS – OTHER BODIES: COUNCIL REPRESENTATION

A.7.1 The following committees, boards, organizations and other bodies are recognized under this by-law, because of other legislation, by agreement, or they have requested representation from council. Their mandate, duties, responsibilities and functions support the role of council and the various municipal purposes. These groups will be referred to as council committees and must comply with this by-law.

A.7.2 Council has authorized by resolution, the appointment of council members and/or citizen representation to the following council committees:

- a) AECL / CNL Decommission Liaison (1 member)
- b) Agassiz Weed Control District (2 members)
- c) Community Futures Winnipeg River (1 member)
- d) Eastern Region Community Health Committee (1 member)
- e) Eastern Regional Lobby Committee (1 member)
- f) Regional Airport (1 member)
- g) Historical Society Committee (1 member)
- h) Arena Board (1 member)
- i) Cemetery Committee – (1 member)
- j) Chamber of Commerce (1 member)
- k) Community Centre (1 member)
- l) Fire Department (2 members)
- m) Planning District (3 members)
- n) Regional Library (1 member, 1 citizen)
- o) Youth Recreational Centre (1 member)
- p) North East Agassiz Watershed Committee (1 member)
- q) Stead Glenmoor Drain Committee (2 members)
- r) Winnipeg River Recreation District (1 member)
- s) Two-Rivers Handivan / Two-Rivers Senior Resource (1 member)
- t) Community Development Corporation (1 member)