

Lac du Bonnet Planning District

By-law No. 95-09

Being a by-law to regulate the proceedings and conduct of the board and the committees thereof.

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 Lac du Bonnet Planning District, in open meeting assembled, enacts as follows:

TITLE

- 1.0 This by-law may be referred as "The Lac du Bonnet Planning District Procedures By-law".
- 1.1 The following rules and regulations shall be observed in the board, and in all committees thereof.

DEFINITIONS

- 2.0 In this by-law,
 - a) "Agenda" means the agenda for a regular or special meeting of the board or committee of the board.
 - b) "Act" means *The Planning Act*.
 - c) "Chair" means the person presiding at the meeting of the board or committee.
 - d) "Committee" means a committee or other body established under the Organizational By-law, but does not include a committee of the whole board.
 - (e) "Committee of the Whole Board" means a committee of all directors present at a board meeting sitting as a committee.
 - (f) "Board" means the board of directors of the planning district.
 - (g) "Board Meeting" means a regular meeting or special meeting of the board but does not include a public hearing held by the board.
 - (h) "*In Camera*" means in private or to the exclusion of the public.
 - (i) "Director" means a person appointed to be a director of the planning district in accordance with the Organizational By-law.
 - (j) "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.

SUSPENSION

- 3.0 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

- 4.0 A majority of the directors constitutes a quorum. A quorum of the board shall be 3 directors.
- 4.1 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 three directors. In the case of a board committee, the minimum number for a quorum is two.
- 4.2 Lack of quorum - If no quorum is present within 20 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

- 5.0 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.
- 5.1 Directors participating in a meeting of the board by means of a communication facility are deemed to be present at the meeting.

AGENDA

- 6.0 A draft agenda of each regular meeting of the board, as prepared by the secretary, together with copies of supporting materials shall be available to the directors at least 96 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.

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- 6.1 All items to be placed on the agenda of the next regular meeting of the board must be provided to the secretary at least 120 hours prior to the scheduled time of the regular meeting.
- 6.2 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.
- 6.3 In preparing the board agenda, the secretary shall state the business for consideration in accordance with the following order of business:
- 1) Call the Meeting to Order
 - 2) Adoption of the Agenda
 - 3) Confirmation of the Minutes
 - 4) Reception of Delegations & Hearings
 - 5) Report of Development Officer and Administrator
 - 6) Accounts
 - 7) Financial Statement
 - 8) Subdivisions
 - 9) By-Laws
 - 10) Additions
 - 11) Unfinished Business
 - 12) New Business
 - 13) Communications
 - 14) In Camera
 - 15) Adjournment
- 6.4 Notwithstanding the provisions under 6.3, 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

- 7.0 Regular meetings of the board shall be held on the 4th Monday of each month in the board chambers at the hour of 4:00 p.m.. A notice prior to the first board meeting each year shall be posted in the planning district office outlining the regular meeting schedule for that year.
- 7.1 All meetings of the board shall be chaired by the Chairperson, or in his or her absence, by the deputy Chairperson. If the Chairperson or deputy Chairperson is not present at the time scheduled for a meeting, the board may appoint one of its members to chair the meeting.
- 7.2 If the day fixed for a regular meeting of the board is a general holiday, the meeting shall be held on the next Monday following which is not a holiday at the same time and place.
- 7.3 The board may by resolution vary the date and time of a regular meeting as circumstances may require.
- 7.4 Notice of any change of day or time of a regular meeting of the board must be posted in the municipal office at least 7 days before the regularly scheduled date of the meeting.
- 7.5 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.
- 7.6 The board shall observe a curfew whereby the item on the agenda under discussion at 8:00 p.m. will be the last item dealt with on that day unless by majority vote the board decide to extend the time of adjournment. In any case, only one half hour extension is allowed.
- 7.7 The board shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 7.8 Despite clause 7.7 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) 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 the planning district's ability to carry out its activities or negotiations,
- (iv) the conduct of existing or anticipated legal proceedings,
- (v) the conduct of an investigation under, or enforcement of, an Act or by-law,
- (vi) the security of documents or premises, or
- (vii) a report of the Ombudsman received by the Chairperson under *The Ombudsman Act*.

7.9 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

- 8.0 A special meeting of the board of the Lac du Bonnet Planning District may be called at any time by the Chairperson, and must be called by the Chairperson, 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 on the secretary.
- 8.1 Should the Chairperson not call a special meeting within 48 hours of receiving written request by two directors of the board, the secretary must call the meeting in accordance with section 9.2 of this by-law.
- 8.2 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 and posted in the planning district office at least (48) hours before the scheduled time of the meeting.
- 8.3 Should the Chairperson be unavailable, the Deputy Chairperson may call a special meeting only if requested in writing by two directors in accordance with this part.
- 8.4 Any member of the board may waive the right to be given notice by giving written notice to the secretary and having done so shall be deemed to have been given notice of a special meeting of the board.
- 8.5 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

- 9.0 The chair may limit the time taken by a delegation to 10 minutes. The delegation must appoint a spokesperson.
- 9.1 To allow directors to prepare for delegations, all presenters shall register with the secretary at least 120 hours before the board meeting and advise the secretary of the topic and scope of the presentation.
- 9.2 There shall not be a limit to the number of delegations included on the agenda of a board meeting, but the secretary is granted authority to schedule delegations as deemed appropriate.

VOTING

- 10.0 A director has one vote each time a vote is held at a board meeting at which the member is present.
- 10.1 The minutes of a meeting at which the board votes on the third reading of a by-law must show the name of each director present, the vote or abstention of each director, and the reason given for any abstention.
- 10.2 The secretary must record in the minutes the name of any director who exercises his right to abstain from voting on any resolution.
- 10.3 If an equal number of directors vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 10.4 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 written notice to the board, from at least one regular meeting to the next regular meeting, of a proposal to review and reverse the decision.

- 10.5 When the board reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.
- 10.6 Any member of the board may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The secretary 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

- 11.0 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.
- 11.1 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.
- 11.2 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.
- 11.3 The Chair of the public hearing may decide which presenters will be heard, if he is satisfied that presentations are the same or similar.
- 11.4 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 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.
- 11.5 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

- 12.0 The board may act only by resolution or by-law.
- 12.1 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.
- 12.2 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 12.3 The board may not give a proposed by-law more than two readings at the same board meeting.
- 12.4 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 12.5 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.
- 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.

HEAD OF THE BOARD TAKING PART IN DEBATE

- 13.0 If the Chair desires to present or second a motion, or participate in the debate, he must leave the chair, and call upon one of the directors to fill his place until he resumes the chair.

or

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

CONDUCT

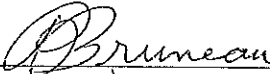
- 14.0 Every member prior to speaking shall address the Chair.
- 14.1 When two or more directors address the Chair at the same time, the Chair shall name the member who is to speak first.

- 14.2 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.
- 14.3 When the Chair is putting a question, no member shall leave his chair.
- 14.4 Discussion shall be limited to the question in debate.
- 14.5 No member shall speak to the question or in reply for longer than 5 minutes without approval of the board.
- 14.6 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 the board is engaged in voting.
- 14.7 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 14.8 Where at a board meeting, any person other than a director is, in the opinion of the Chair, conducting himself/herself in a disorderly or improper manner, the Chair may require that person to leave the meeting and if that person fails to do so, may cause that person to be removed.
- 14.9 Where at a board meeting a director is conducting himself/herself 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.
- 14.10 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 behavior which may disrupt the board proceedings.
- 14.11 The board may limit the number of persons allowed in the board chambers.
- 14.12 The public and media may audio/video tape meeting proceedings, including public hearings providing that arrangements are made with the secretary at least 24 hours prior to the meeting or public hearing.
- 14.13 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.
- 14.14 A director who breaches the requirement of confidentiality under clause 14.13 becomes disqualified from the board.


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.

AND BE IT FURTHER RESOLVED that By-Law #86-06 be hereby repealed.

DONE AND PASSED as a by-law of The Lac du Bonnet Planning District at in the Council Chambers of the Rural Municipality of Lac du Bonnet in the Province of Manitoba this ^{23rd} day of *March*, A.D., 2009.



Bob Bruneau, CHAIRMAN



Marilyn Scheirich, ADMINISTRATOR

READ A FIRST TIME THIS 23 rd Day of February, A.D., 2009	Resolution #19/09
READ A SECOND TIME THIS 23 rd Day of March, A.D. 2009	Resolution #35/09
READ A THIRD TIME THIS 23 rd Day of March, A.D. 2009	Resolution #36/09