

CARMAN DUFFERIN GREY PLANNING DISTRICT

BY-LAW NO. 21-2022

**BEING A BY-LAW OF THE CARMAN DUFFERIN GREY PLANNING
DISTRICT BOARD to establish procedures for the
meetings of the board and committees**

WHEREAS Section 21(1) of The Planning Act, being S.M. 2005, c. 30 of the Statutes of Manitoba provides as follows:

Organizational and procedural by-laws

21(1) The board of a planning district must adopt by-laws, not inconsistent with this Act, that deal with

- (a) the organization of the board,
- (b) procedures of the board and the conduct of its affairs, including
 - (i) the calling of meetings, including notice of meetings,
 - (ii) the conduct of meetings and hearings, including rules of procedure,
 - (iii) the recording of by-laws, and
 - (iv) voting.

AND WHEREAS it is deemed necessary and expedient to make and establish procedures of the Board;

NOW THEREFORE, the Board of the Carman Dufferin Grey Planning District in session duly assembled enacts as follows:

TITLE

- 1.1 This by-law may be referred as "The Carman Dufferin Grey Planning District Procedures By-law".
- 1.2 The following rules and regulations shall be observed in the board, and in all committees thereof.

DEFINITIONS

- 2.1 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) "Coordinator" means the person who holds the position of Coordinator of Planning services for the planning district or other administrative staff person appointed by the Coordinator of Planning services.
- (f) "Board" means the board of directors of the planning district.
- (g) "Board Meeting" means a regular meeting or special meetings 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, Truth and Reconciliation Day, Thanksgiving Day, Remembrance Day, Christmas Day, Boxing Day, and any other day declared a holiday by the Provincial or Federal Government.

SUSPENSION

- 3.1 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

- 4.1 A majority of the directors constitutes a quorum. A quorum of the board shall be four (4) directors.
- 4.2 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 four directors. In the case of a board committee, the minimum number for a quorum is two.
- 4.3 Lack of quorum - If no quorum is present within (30) minutes after the time scheduled for a meeting, the board shall stand adjourned, and the coordinator shall enter into the minutes the names of the directors present at the meeting.

COMMUNICATION FACILITY

- 5.1 Any director participating in a meeting of the board by means of a communication facility shall do so only with prior arrangements with the coordinator.
- 5.2 Directors participating in a meeting of the board by means of a communication facility are deemed to be present at the meeting.
- 5.3 Any Director cannot act as chair while participating in a meeting by means of a communication facility.

AGENDA

- 6.1 A draft agenda of each regular meeting of the board, as prepared by the Coordinator together with copies of supporting materials shall be available to the directors at least (48) hours preceding the meeting of the board.
- 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 coordinator shall state the business for consideration in accordance with the following order of business:
 - call the meeting to order
 - adoption of the agenda
 - confirmation of the minutes
 - reception of delegations
 - reports of committees
 - reception of petitions
 - communications
 - accounts
 - by-laws
 - unfinished business
 - general business
 - notice of motion
 - 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

- 7.1 Regular meetings of the board shall be held monthly at a date and time as determined by resolution of the board.
- 7.2 Regular meeting of the board shall be held in the Memorial Hall Council Chambers located at 12 2nd Avenue SW in Carman, MB unless otherwise directed by the coordinator in the agenda.

- 7.3 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.
- 7.4 If the day fixed for a regular meeting of the board is a general holiday, the meeting may be held on the next day following which is not a holiday at the same time and place.
- 7.5 The board may by resolution vary the date and time of a regular meeting as circumstances may require.
- 7.6 Notice of any change of day or time of a regular meeting of the board must be given by email or telephone at least one day before the regularly scheduled date of the meeting.
- 7.7 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.
- 7.8 The board 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 board decide to extend the time of adjournment. In any case, only one half hour extension is allowed.
- 7.9 The board shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 7.10 Despite clause 7.9 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.

- 7.10 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

- 8.1 A special meeting of the board 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 coordinator. A Special meeting may also be called at the request of the coordinator.
- 8.2 Should the Chairperson not call a special meeting within (48) hours of receiving written request by two directors of the board, the coordinator must call the meeting in accordance with section 8.3 of this by-law.
- 8.3 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 and posted in the planning district office at least 24 hours before the scheduled time of the meeting.
- 8.4 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.
- 8.5 Any member of the board may waive the right to be given notice by giving written notice to the coordinator and having done so shall be deemed to have been given notice of a special meeting of the board.
- 8.6 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 the board are present, and the directors unanimously agree by resolution to adding of items to the agenda.

DELEGATIONS

- 9.1 The chair may limit the time taken by a delegation to (10) minutes. The delegation must appoint a spokesperson.
- 9.2 To allow directors to prepare for delegations, all presenters shall register with the coordinator at least (5) days before the board meeting and advise the coordinator of the topic and scope of the presentation.
- 9.3 There shall not be a limit to the number of delegations included on the agenda of a board meeting, but the coordinator is granted authority to schedule delegations as deemed appropriate.

VOTING

- 10.1 A director has one vote each time a vote is held at a board meeting at which the member is present.

- 10.2 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.
- 10.3 The coordinator must record in the minutes the name of any director who exercises his right to abstain from voting on any resolution.
- 10.4 If an equal number of directors vote for and against a resolution or by-law, the resolution or by-law is defeated.
- 10.5 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.
- 10.6 When the board reconsiders and reverses a decision at the same meeting, the board may direct that the minutes show the original decision and the decision made on reconsideration or the board may direct that the minutes show only the decision made on reconsideration.
- 10.7 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 coordinator 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

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

- 11.5 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 themselves 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.
- 11.6 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

- 12.1 The board may act only by resolution or by-law.
- 12.2 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.
- 12.3 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 12.4 The board may not give a proposed by-law more than two readings at the same board meeting.
- 12.5 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 12.6 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.
- 12.7 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

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

CONDUCT

- 14.1 Every member prior to speaking shall address the Chair.
- 14.2 When two or more directors address the Chair at the same time, the Chair shall name the member who is to speak first.
- 14.3 When the Chair is called on to decide a point of order or practice, the chair shall do so without comment unless requested to do so.
- 14.4 When the Chair is putting a question, no member shall leave their chair.

- 14.5 Discussion shall be limited to the question in debate.
- 14.6 No member shall speak to the question or in reply for longer than (5) minutes without approval of the board.
- 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 the board is engaged in voting.
- 14.8 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 14.9 Where at a board meeting, any person other than a director is, in the opinion of the Chair, conducting themselves 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.
- 14.10 Where at a board meeting a director is conducting themselves 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.
- 14.11 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.
- 14.12 The board may limit the number of persons allowed in the board chambers.
- 14.13 The public and media may audio/video tape meeting proceedings, including public hearings providing that arrangements are made with the coordinator at least (24) hours prior to the meeting or public hearing.
- 14.14 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.
- 14.15 A director who breaches the requirement of confidentiality under clause 14.14 becomes disqualified from the board.

APPOINTMENT OF STAFF

- 15.1 The Board may employ such officers and employees as it deems necessary and may fix their term of office, their powers and their remuneration by by-law or resolution of the Board.

OTHER MATTERS

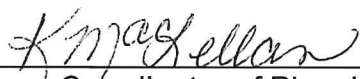
- 17.1 All points of order and procedure not resolved by rules provided in this by-law shall be resolved by a majority decision of the board.

That By-law No. 02/13 as amended is hereby repealed.

DONE AND PASSED by the Board of the Carman Dufferin Grey Planning District in open session assembled in the Town of Carman, in the Province of Manitoba, this 13th day of December A.D., 2022

THE CARMAN DUFFERIN GREY PLANNING DISTRICT


Chairperson


Coordinator of Planning Services

Read a First time this 8th day of November A.D., 2022

Read a Second time this 13th day of December A.D., 2022

Read a Third time this 13th day of December A.D., 2022