

**TOWN OF ALTONA  
BY-LAW 1808/2022**

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Being a by-law for the purpose of governing the organization of the Town of Altona and the committees thereof and to regulate the proceedings and conduct of the Council and the committees thereof.

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**WHEREAS** Section 148(1) of The Municipal Act provides that a Council must establish by bylaw an organizational structure for the municipality and review the by-law at least once during its term in office.

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

**AND WHEREAS** Section 125 (1) and (2) of the Municipal Act states that:

*125 (1) Every council must establish by by-law the position of chief administrative officer and must appoint a person to the position.*

*125 (2) The appointment of a person as chief administrative officer and any suspension or revocation of the appointment must be approved by a majority of the number of members comprising the council;*

**AND WHEREAS** Section 130 of the Municipal Act provides:

*130 A council may by by-law establish one or more positions to carry out the powers, duties and functions of a designated officer under a by-law or this or any other Act, and may give each such position any title the council considers appropriate.*

**THEREFORE BE IT RESOLVED** that the Council of the Town of Altona, in open meeting assembled, enacts as follows:

**TITLE**

- 1.0 This by-law may be referred to as "The Town of Altona Organizational and Procedural By-Law."

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**DEFINITIONS**

2.0 In this by-law,

- a) "Agenda" means the agenda for a regular or special meeting of Council or committee of Council.
- b) "Act" means The Municipal Act S.M. 1996 c.58.
- c) "CAO" means the Chief Administrative Officer of the Town of Altona or the individual so designated.
- d) "Chair" means the person presiding at the meeting of Council or committee.
- e) "Committee" means a committee or other body established under the Town of Altona Organizational and Procedural By-law, but does not include a Committee of the Whole or a Local Urban District Committee.
- f) "Committee of the Whole" means a committee of all members present at a Council meeting sitting as a committee.
- g) "Council" means the duly elected Mayor and Councillors of the Town of Altona.
- h) "Council Meeting" means a regular meeting or special meeting of the Council but does not include a public hearing held by the 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) "Members" means, when referring to the Council, the Councillors and the Mayor.

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**3.0 ORGANIZATION**

**3.1 ROLE OF COUNCIL**

Council is responsible

- a) for developing and evaluating the policies and programs of the municipality;
- b) for ensuring that the powers, duties and functions of the municipality are appropriately carried out; and
- c) for carrying out the powers, duties and functions expressly given to the Council under this or any other Act.

**3.2 GENERAL DUTIES OF MEMBERS**

Each member of the Council 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) 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; and
- e) to perform any other duty or function imposed on the member by the Council or this or any other Act.

**3.3 COMMITTEES**

3.3.1 The general duties of committees shall be as follows:

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- a) to report from time to time 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 as may be necessary to give effect to the recommendations that are adopted by Council; and
- c) to consider and report respectively on any and all matters referred to them by Council.

3.3.2 The following committees are hereby established as the Standing Committees of Council:

- a) Committee of the Whole
- b) Executive Committee

3.3.3 The Committee of the Whole is composed of the entire Council sitting as a committee. The Committee of the Whole shall review matters that require Council's attention and make recommendations related to those matters. The Committee of the Whole shall not take any official action while in Committee. Regular meetings of the Committee of the Whole may be held as determined by Council.

3.3.4 The Executive Committee shall be composed of the Mayor, Deputy Mayor and two Councillors as recommended for appointment by the Mayor. The special duties of the Executive Committee shall be to consider any business as assigned by Council on an ad hoc basis.

3.3.5 At the first regular Council meeting in November in each year, Council must consider the recommendations by the Mayor for appointments to other bodies of Council and bodies of organizations the municipality may appoint members of Council or citizens. All such appointments must be approved by resolution of Council and may be repealed only by a resolution of Council.

3.3.6 A special committee of Council may be appointed by a resolution of Council at any time specifying the structure of the committee and the business to be dealt with by the committee.

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**3.4 HEAD OF COUNCIL**

3.4.1 The head of Council for The Town of Altona is to have the title of Mayor.

3.4.2 At the first regular meeting of Council in November in each year, Council must by resolution, appoint a Councillor as Deputy Mayor, who shall act in place of the Mayor when they are unable to carry out the powers, duties and functions of the Mayor.

3.4.3 In addition to performing the duties of a member of a Council, the Mayor has a duty:

- a) to preside when in attendance at a Council meeting, except where the procedures by-law or this or any other Act otherwise provides;
- b) to provide leadership and direction to the Council;
- c) to act as the official spokesperson of the municipality, and may delegate this duty; and
- c) to perform any other duty or function assigned to a Mayor by this By-law, or by The Municipal Act, or any other Act.

**3.5 BOARD OF REVISION**

The Board of Revision shall consist of all members of the Town of Altona Council. The Mayor shall serve as presiding officer of the Board and the Finance Manager shall serve as secretary of the Board.

**3.6 SIGNING AUTHORITY**

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

- a) the Mayor, Deputy Mayor, or any member of Council; and
- b) the Chief Administrative Officer or Finance Manager.

**3.7 CAO AND DESIGNATED OFFICERS**

3.7.1 The position of Chief Administrative Officer is hereby established as a

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designated officer position of the Town of Altona.

3.7.2 The Chief Administrative Officer shall report to, be accountable to, and receive authority from the Town of Altona Town Council and:

- a) is the administrative head of the Town;
- b) is responsible for advising and informing Council on the operation and affairs of the Town;
- c) is responsible for the management and supervision of the employees of the Town;
- d) shall carry out the powers, duties and functions assigned by Council and must notify Council if Town funds are spent or invested contrary to a by-law or resolution or the Manitoba Municipal Act; and
- e) may, from time to time and in accordance with sound management practices, delegate to their subordinates such duties and responsibilities deemed appropriate or necessary provided that they shall continue to be responsible for all actions of the subordinates with respect to matters so delegated.

3.7.2 The appointment, suspension or revocation of a person to the Chief Administrative Officer position must be approved by resolution by a majority of the number of members comprising Altona Town Council.

3.7.3 The positions of Police Chief, Fire Chief, Finance Manager, Public Works Manager, Recreation Services Manager, Animal Control Officer, Building Inspector, Municipal Emergency Coordinator and Communications and Human Resources Officer are established as designated officer positions of the Town of Altona.

3.7.4 Appointments to the aforesaid designated officer positions as listed in Clause 3.7.3 shall be authorized by resolution of Council.

### **3.8 YOUTH MEMBER**

3.8.1 The Council of The Town of Altona, may, by resolution, appoint a person with the title "Youth Member" to sit with the Council and to participate in Council deliberations.

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- 3.8.2 A Youth Member must be less than 18 years of age or enrolled as a full-time student in a school within the Town of Altona.
- 3.8.3 A Youth Member may be elected by their school peers or appointed by the staff of the said school. A Youth Member should display a keen interest in politics.
- 3.8.4 There may only be one Youth Member serving on Council at any given time.
- 3.8.5 A Youth Member is invited to actively participate in meetings of Committee of the Whole or Council but is not permitted to move or second any resolution nor is the Youth Member counted for the purpose of deciding a vote of the Council. A Youth Member is not allowed to participate in Council deliberations that are closed to the public (in-camera).
- 3.8.6 The term of office for a Youth Member is to be established with the appointment but shall not exceed 2 years.

**4.0 PROCEDURES**

**4.1 COUNCIL INAUGURAL MEETING**

- 4.1.1 Following a general election, the Mayor must call the Inaugural Meeting of Council within fifteen (15) days, and the meeting shall be held in the Town of Altona Council Chambers located in the Altona Civic Centre at 111 Centre Avenue East, Altona, Manitoba.
- 4.1.2 Council shall, at its Inaugural Meeting, review the Organizational and Procedural By-law and propose amendments, if desired, within the next two regular meetings of Council.

**4.2 QUORUM**

- 4.2.1 A majority of the members of Council constitutes a quorum. A quorum of Council for the Town of Altona shall be four (4) members.
- 4.2.2 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

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quorum cannot be less than 3 members.

- 4.2.3 Lack of quorum - If no quorum is present within thirty (30) minutes after the time scheduled for a meeting, the Council shall stand adjourned, and the CAO shall enter into the minutes the names of the members present at the meeting.

**4.3 COMMUNICATION FACILITY**

- 4.3.1 Council meetings may be conducted electronically, such as over the phone or through video-conferencing. This provides an option for Council to accommodate Council members who are unable to attend a meeting in person. The Municipal Act requires that a meeting conducted electronically must allow members of Council to hear and speak to each other and enable the public to hear Council's discussions.
- 4.3.2 Any Member of Council participating in a meeting of Council by means of a communication facility shall do so only with approval of Council and on terms and conditions set by Council.
- 4.3.3 Members of Council participating in a meeting of Council by means of a communication facility are deemed to be present at the meeting.

**4.4 AGENDA**

- 4.4.1 A draft agenda of each regular meeting of Council, as prepared by the C.A.O., together with copies of supporting materials shall be available to the members of Council at least forty-eight (48) hours preceding the meeting of Council.
- 4.4.2 All items to be placed on the agenda of the next regular meeting of Council must be provided to the C.A.O. at least six (6) days prior to the scheduled time of the regular meeting.
- 4.4.3 Items may be added to 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. Such items may receive decisions at that Council meeting but shall be passed unanimously.
- 4.4.4 In preparing the Council agenda, the CAO shall state the business for consideration in accordance with the following order of business:



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1. Call to Order / Land Acknowledgement
  2. Review and Adoption of Agenda
  3. Review and Confirmation of Previous Minutes
  4. Declaration of Interests / Absences
  5. Delegations
  6. Hearings
  7. Unfinished Business
  8. New Business
  9. Council Committee Reports
  10. Correspondence
  11. In-Camera (if required)
  12. Adjournment
- 4.4.5 Notwithstanding the provisions under 4.4.4, it shall always be in order for the Council to vary the order in which business on the agenda shall be dealt with by a majority vote of the members present.
- 4.5 REGULAR MEETING**
- 4.5.1 Regular meetings of Council shall be held on the second (2nd) and fourth (4th) Tuesday of each month in the Council Chambers of the Town of Altona at the hour of 5:30 P.M.
- 4.5.2 All meetings of Council shall be Chaired by the Mayor, or in their 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.
- 4.5.3 Council may by resolution vary the date and time of a regular meeting as

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circumstances may require.

- 4.5.4 If the day fixed for a regular meeting of Council is a general holiday, the meeting shall be held on the date as chosen by Council as varied under clause 4.5.3.
- 4.5.5 Notice of any change of day or time of a regular meeting of Council must be posted in the municipal office and on the Town's website at least three (3) days before the regularly scheduled date of the meeting.
- 4.5.6 At the hour set for a meeting to commence, and providing that a quorum is present, the Mayor shall take the Chair and shall call the meeting to order.
- 4.5.7 The Council shall observe a curfew whereby the item on the agenda under discussion at 8:55 P.M. will be the last item dealt with on that day unless by majority vote the Council decide to extend the time of adjournment. In any case, only one quarter hour (15 minutes) extension is allowed.
- 4.5.8 Council shall hold its meetings openly and no person shall be excluded, except for improper conduct.
- 4.5.9 Despite clause 4.5.8 of this by-law, Council or Council committee may close a meeting to the public if:
- a) the members 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;
    - (ii) a matter that is in its preliminary stages and respecting which discussion in public could prejudice the municipality's ability to carry out its activities or negotiations;

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- (iii) the conduct of existing or anticipated legal proceedings;
- (iv) the conduct of an investigation under, or enforcement of, an Act or by-law;
- (v) the security of documents or premises; or
- (vi) a report of the Ombudsman received by the head of the Council under clause 36(1)(e) of The Ombudsman Act.

4.5.10 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.

**4.6 SPECIAL MEETINGS OF COUNCIL**

4.6.1 A special meeting of Council of the Town of Altona may be called at any time by the Mayor and must be called by the Mayor.

4.6.2 If the Mayor receives a written request from at least two members of Council stating the purpose, the Mayor must call a meeting of Council. A copy of which must be served to the CAO. Should the Mayor not call a special meeting within forty-eight (48) hours of receiving written request by two members of Council, the CAO must call the meeting in accordance with section 4.6.3 of this by-law.

4.6.3 The notice of the special meeting to all members of Council may be oral, in electronic or written form, and must state the purpose of the meeting, and must be provided to all members of Council and posted in the Municipal Office and on the Town's website at least twenty-four (24) hours before the scheduled time of the meeting.

4.6.4 Should the Mayor be unavailable, the Deputy Mayor may call a special meeting only if requested in writing by 2 members in accordance with clause 4.6.2.

4.6.5 Any member of Council may waive the right to be given notice by giving written notice to the CAO and having done so shall be deemed to have been given notice of a special meeting of Council.

4.6.6 At a special meeting, no subjects or matters, other than those mentioned in the notice calling the meeting, shall be taken into consideration, unless

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all members of Council are present, and the members unanimously agree by resolution to adding of items to the agenda.

**4.7 COMMITTEE OF THE WHOLE MEETINGS**

4.7.1 Committee of the Whole meetings shall be held on the second (2nd) and fourth (4th) Tuesday of each month in the Council Chambers of the Town of Altona at the hour of 3:30 P.M.

4.7.2 Committee of the Whole meetings shall be limited to a maximum length of two (2) hours to allow for the regular meeting of Council to begin in accordance with clause 4.5.1. Committee of the Whole may decide to extend the time, subject to clause 4.5.7, and reconvene the Committee of the Whole meeting following adjournment of the regular meeting of Council.

4.7.3 Agendas for Committee of the Whole meetings shall consist of the following:

1. Call to Order
2. Review and Adoption of Agenda
3. Review and Confirmation of Previous Minutes
4. Business Arising from the Minutes
5. Delegations
6. Administration Reports
7. Unfinished Business
8. New Business
9. Correspondence
10. In-Camera (if required)
11. Adjournment

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4.7.4 In all other respects, Committee of the Whole meetings shall be conducted in accordance with Part 4.5 of this by-law.

**4.8 DELEGATIONS**

4.8.1 Delegations will be received at the Regular Meetings of Council and Committee of the Whole.

4.8.2 The Chair may limit the time taken by a delegation to fifteen (15) minutes. The delegation must appoint a spokesperson.

4.8.3 To allow members of Council to prepare for delegations, all presenters shall register with the CAO at least forty-eight (48) hours before the Council meeting or Committee of the Whole meeting and advise the CAO of the topic and scope of the presentation.

4.8.4 There shall not be a limit to the number of delegations included on the agenda of a Council meeting or the agenda of a Committee meeting, but the CAO is granted authority to schedule delegations as deemed appropriate.

4.8.5 Delegations seeking to address Council or Committee of the Whole must be residents or representatives of an organization in the Town of Altona. All other presenters may be invited at Council's discretion.

**4.9 VOTING**

4.9.1 A member has one vote each time a vote is held at a Council meeting at which the member is present.

4.9.2 The minutes of a meeting at which Council votes on the third reading of a by-law must show the name of each member present, the vote or abstention of each member, and the reason given for any abstention.

4.9.3 The CAO must record in the minutes the name of any member who exercises their right to abstain from voting on any resolution.

4.9.4 If an equal number of members vote for and against a resolution or by-law, the resolution or by-law is defeated.

4.9.5 Council may not reconsider or reverse a decision within one year after it is

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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 and reverse the decision.

4.9.6 When Council reconsiders and reverses a decision, the minutes must show the original decision and the decision made on reconsideration.

4.9.7 Any member of Council may, prior to the taking of a vote on any question put, require a recorded vote to be taken. The CAO must record in the minutes of the meeting of Council the names of the members present, the vote or abstention of each member.

#### **4.10 PROCEDURE AT PUBLIC HEARING**

4.10.1 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 owing to illness; or
- c.) is required under The Municipal Council Conflict of Interest Act to withdraw from the hearing.

4.10.2 The Chair of the public hearing has the right to limit the time taken by a person to ten (10) minutes, after which Council may wish to ask questions of the person. All questions must be channeled through the Chair of the hearing.

4.10.3 The Chair of the public hearing may decline to hear further presentations, questions or objections where they are satisfied that the matter has been addressed at the public hearing.

4.10.4 The Chair of the public hearing may decide which presenters will be heard, if they are satisfied that presentations are the same or similar.

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- 4.10.5 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 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.
- 4.10.6 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.

**4.11 BY-LAWS AND RESOLUTIONS**

- 4.11.1 Council may act only by resolution or by-law.
- 4.11.2 No motion shall be debated or put unless it is in writing and is seconded.
- 4.11.3 Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
- 4.11.4 Council may not give a proposed by-law more than two readings at the same Council meeting.
- 4.11.5 Only the title or an identifying number must be read at each reading of a proposed by-law.
- 4.11.6 Each member 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.
- 4.11.7 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.

**4.12 HEAD OF COUNCIL TAKING PART IN DEBATE**

If the Chair desires to present or second a motion, or participate in the debate, they must leave the chair, and call upon one of the members to fill their place until they resume the chair.

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**4.13 CONDUCT**

- 4.13.1 Every member who wishes to speak shall be recognized by the Chair and then address the Chair.
- 4.13.2 When two or more members address the Chair at the same time, the Chair shall name the member who is to speak first.
- 4.13.3 When the Chair is called on to decide a point of order or practice, they shall do so without comment unless requested to do so.
- 4.13.4 When the Chair is putting a question, no member shall leave their chair.
- 4.13.5 Discussion shall be limited to the question in debate.
- 4.13.6 No member shall speak to the question or in reply for longer than five (5) minutes without approval of Council.
- 4.13.7 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 Council is engaged in voting.
- 4.13.8 Immediately before putting the question, the Chair shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 4.13.9 Where, at a Council meeting, any person other than a member of Council 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.
- 4.13.10 Where at a Council meeting a member of the Council is conducting themselves in a disorderly or improper manner, the Council may, by a 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.
- 4.13.11 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 behaviors which may disrupt Council proceedings.



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- 4.13.12 Council may limit the number of persons allowed in the Council Chambers.
- 4.13.13 The public and media may audio/video tape meeting proceedings including public hearings providing that arrangements are made with the CAO at least forty-eight (48) hours prior to the meeting or public hearing.
- 4.13.14 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.
- 4.13.15 A member who breaches the requirement of confidentiality under clause 4.13.14 becomes disqualified from Council.
- 4.13.16 All points of order and procedure not resolved by rules provided in this by-law shall be resolved by a majority decision of Council.

**4.14 SUSPENSION**

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

**5.0 REPEAL**

By-laws No. 1768/2019 and 1769/2019 and subsequent amendments are hereby repealed.

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**DONE AND PASSED** as a by-law of the Town of Altona at Altona in the Province of Manitoba this 13<sup>th</sup> day of December, 2022.

  
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Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

READ a first time this 29<sup>th</sup> day of November, A.D. 2022.  
READ a second time this 13<sup>th</sup> day of December, A.D. 2022.  
READ a third time this 13<sup>th</sup> day of December, A.D. 2022.