

# **TOWN OF BEAUSEJOUR**

## **BY-LAW NO. 1767/19**

**BEING A BY-LAW OF THE TOWN OF BEAUSEJOUR TO ESTABLISH THE LEGISLATIVE ORGANIZATIONAL STRUCTURE FOR THE MUNICIPALITY AND TO REPEAL BY-LAW 1749/18.**

**Whereas** Clause 148(1) of The Manitoba Municipal Act (TMA) provides that 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.

**And whereas** Clause 148(2) of the TMA requires that the 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.

**And whereas** Clause 107(1) to 109(2) of the TMA outlines some general rules for the composition of council committees;

**Now therefore** the Council of the Town of Beausejour, in open session assembled, enacts as follows:

### **SECTION 1 – TITLE**

- 1.0 This by-law may be referred to as “The Town of Beausejour Organizational By-law”

### **SECTION 2 – LIST OF SCHEDULES**

- 2.0 Attached to and forming part of this by-law are the following schedules:

- Schedule “A” – List of Council Committee and Legislated Body Appointments and List of Community Organization Appointments

### SECTION 3 – DEFINITIONS

3.0 Unless the context otherwise requires, where used in this by-law:

<b>The Act</b>	means The Manitoba Municipal Act
<b>Chair</b>	means the person presiding over a meeting of council or a meeting committee of council
<b>Chief Administrative Officer</b>	means the person appointed to that position
<b>Committee</b>	means a committee or other body, listed in Schedule “A” to this by-law, established under The Town of Beausejour Organizational By-law but does not include a committee of the whole of council, committees of a Local Urban District, Legislated Organizations to which Council must have representation or Incorporated Community Organizations/Groups.
<b>Committee of the Whole Council</b>	means a meeting of all members of Council or a quorum of Council sitting as a committee.
<b>Community Organization/Group</b>	means an organization or group within or outside of the Town of Beausejour, listed in Schedule “A” to this by-law to which the members of the Council of the Town of Beausejour are appointed through a resolution of the Council.
<b>Council</b>	means the duly elected mayor and councillors of The Town of Beausejour.
<b>Council Meeting</b>	means a regular meeting or special meeting of the council but does not include a public hearing held by the council.
<b>Deputy Head of Council</b>	means an elected official of the municipality appointed to the position of Deputy Head of Council through a resolution approved by the majority of the members of Council present at the Inaugural Meeting or a regular meeting of Council.
<b>Head of Council</b>	means the Mayor or the Deputy Mayor or an acting member of Council as the case may be;

<b>Legislated Organization</b>	means an organization, listed in Schedule “A” to this by-law, to which the Council of the Town of Beausejour through the act or any other act of the legislature has assigned municipal responsibilities, and therefore, must appoint a member of Council or an official representative of the Town.
<b>Mayor</b>	means the person elected as the Head of Council.
<b>Member</b>	means, when referring to the council, the councillors and the mayor, and when referring to the appointed participants on a council committees the individual so named in a Council Appointment Resolution.
<b>Procedural By-law</b>	means the Procedural By-law of the Town of Beausejour, as amended from time to time.
<b>Public Hearing</b>	means a meeting of the whole of Council, treated as a meeting separate from a regular meeting of Council, which has been called due to a requirement of the Act or another act of the legislature for the purposes of hearing the public with respect to a specific issue.
<b>Regional Committees</b>	means a Committee of Council, created through an inter-municipal partnership and reporting to the Councils of more than one municipality, as listed in Schedule “A” to this by-law. Unless otherwise stipulated Regional Committees shall report to the municipal members of the partnership as per the guidelines for Council Committees.
<b>Town</b>	means the Town of Beausejour.

**SECTION 4 – FIRST REGULAR MEETING OF COUNCIL**

- 4.0 The first regular meeting of council, for the purposes of this by-law, shall be held on the 2<sup>nd</sup> Tuesday of the month of January of each year.
- 4.1 At the first regular meeting of council in each year the Mayor, with the approval of the majority of the members of council, may change the appointments to committees, legislated organizations and community organizations/groups. The appointment of Council members and all citizen members to a Council Committee, legislated organizations and community organizations/groups shall be made by Council on or before its first regular meeting held in January of each year, unless otherwise required.

- 4.2 On or before the first regular meeting of council in each year, the Mayor, with the approval of the majority of the member of council, may change the appointment of Deputy Mayor.

## **SECTION 5 – SIGNING AUTHORITIES**

- 5.0 Agreements and cheques plus other negotiable instruments of the Town must be signed or authorized by one of the Mayor or Deputy Mayor and the CAO or the Executive Assistant.

## **SECTION 6 – ROLES AND RESPONSIBILITIES OF COUNCIL**

### **6.0 The Principle of Organizational Governance**

The responsibilities of Council are determined by the legislative framework outlined within The Municipal Act. In this by-law, the objective of Council is founded on the principle that the members of Council are stewards of the organization and, as such, the members of the Council have a responsibility to consider and adopt policies to direct the affairs of the organization, to oversee the conduct of the organization and to monitor the management of the organization whether through staff or volunteer committees. As such under normal circumstances the day-to-day functions of the organization should not be performed by the whole of Council or by the individual members of the Council.

### **6.1 The Role of Council**

The Council is responsible for:

- a) The development and evaluation of the policies and program offered by the municipality; and
- b) Ensuring that the powers, duties and functions of the municipality are appropriately carried out by personnel of the municipality or committees of the Council; and
- c) Carrying out the powers, duties and functions expressly given to the whole of Council by the Act or any other act of the legislature; and
- d) to know, understand and comply with the Council Conflict of Interest Act.

## 6.2 Duties of Members of Council

Each member of Council has the following duties:

- a) To consider the well-being and interests of the municipality as a whole and to bring to the attention of Council anything that would promote the well-being or interests of the municipality;
- b) To participate generally in developing and considering the policies and programs of the Town;
- c) To participate in Council Meetings and meetings of the committee of the whole, and other meetings of committee or other bodies to which he/she has been appointed to by the Council;
- d) To keep in confidence a matter that is discussed at a meeting closed to the public under Section 152 (3) of the Act, and that the Committee decides to keep confidential until the matter is discussed at a meeting of the Council or a committee conducted in public;
- e) To perform any other duty or function imposed on the member by the Council, under the Act or under any other Act of the Legislature;
- f) To keep him/her reasonably informed of the programs and project relevant to the portfolio that he/she has been appointed to by Council.

## 6.3 Role of the Head of Council

- a) The Head of Council for the Town of Beausejour is to have the title of "Mayor"

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

- b) To preside when in attendance at a Council meeting, except where the Procedure By-law, the Act or any other Act of the Legislature otherwise prohibits;
- c) To provide leadership and direction to the Council;

- d) To perform any other duty or function assigned by this or any other Act.

#### **6.4 Role of the Deputy Head of Council**

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

- a) To act in the place of the Mayor when he or she is unable to carry out the powers, duties and functions of the head of Council as assigned within this Procedural By-law, this By-law, the Act or any other Act of the Legislature.

#### **6.5 Role of Chief Administrative Officer**

The Chief Administrative Officer is the administrative head of the municipality and is responsible for:

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

### **SECTION 7 – ROLES AND RESPONSIBILITIES OF COMMITTEES OF COUNCIL**

#### **7.0 The Principle of Organizational Governance**

The responsibilities of a Committee of Council are determined by the resolution, terms of reference or by-law as approved by the whole of Council. In this by-law, the objective of a Committee of Council is founded on the principle that the members of the Committee are stewards of their portfolio and, as such, the members of the Committee have a responsibility to consider and recommend to

Council policies and by-laws to direct the affairs of their Portfolio, to oversee the conduct of their portfolio within the municipal organization and to monitor the management personnel responsible for the delivery of services within their portfolio within the organization whether through staff or volunteer committees. As such under normal circumstances the day-to-day functions within the committee's portfolio should not be performed by the Committee or by the individual members of the Committee.

## 7.1

### **Appointment**

- 7.1.1 A committee of Council shall be appointed by resolution of Council at any time specifying the business to be dealt with by the Committee.
- 7.1.2 Each committee of Council shall be composed of a minimum of two (2) members of Council.
- 7.1.3 A council committee, other than the committee of a local urban district may be composed:
  - a) Entirely of members of council;
  - b) Of a combination of members and other persons.
  - c) Entirely of persons who are not members of the Council.
- 7.1.3 The Head of Council shall be ex-officio, non-voting member of all Council Committees.
- 7.1.4 Any member of Council, not a member of a Committee of Council, has the right to attend a Committee meeting but shall not be allowed to vote. Only with the permission of the majority of the members of the committee, a visiting member of Council may be allowed to take part in the discussions of the Committee.
- 7.1.5 Meetings of a Committee of Council shall be held as determined by each Committee.
- 7.1.6 An appointment to a Committee of Council may be repealed only by a resolution of Council.
- 7.1.7 Council appointments to Council Committees shall be as listed within Schedule "A" to this By-law.
- 7.1.8 The Chief Administrative Officer and respective Department Managers shall strive to keep the Chair of the portfolio abreast of developments, trends, conditions and issues in the various operational areas of the Town.

7.1.9 Each Committee of Council shall have a minimum of one (1) member of staff assigned as an ex-officio representative who is responsible to assist the member of Council in the achievement of the assigned committee tasks.

## 7.2 **Role of Council Committees**

The general duties of Committees of Council shall be as follows:

- a) To report, in writing, from time to time on all matters connected with the duties imposed on the committee through a resolution of Council and to recommend such actions as may be deemed necessary;
- b) To prepare and introduce to Council all such by-laws or policies as the case may be;
- c) To give effect to the reports of recommendation that are adopted by the Council;
- d) To consider and report respectively on any matters referred to them by the Council.

## 7.3 **Appointment & Role of Council Committee Chair**

7.3.1 Unless otherwise specified in the resolution, terms of reference or by-law creating a committee the member of Council first named to a Council Committee shall fill the position of Chair of the Committee.

7.3.2 In addition to the duties of a member of the Committee the Chair shall be responsible:

- a) To preside when in attendance at a Committee meeting, except where the Procedure By-law, the Act or any other Act of the Legislature otherwise prohibits;
- b) To provide leadership and direction to the Committee;
- c) Where necessary to seek membership from the public on the Committee;
- d) To report to the Council on behalf of the Committee;



- e) To perform any other duty or function assigned by Council, the Act or any other Act of the Legislature.

7.3.3 The rules for the conduct of all Committees of Council shall be pursuant to the Procedural By-law of the Council as far as may be applicable, except the rules limiting the number of times of speaking to a matter.

7.3.4 In order to facilitate Council involvement in the various areas of the Town's operation, the Mayor shall, at the first regular meeting of Council each year, appoint two Council members to serve and to act as a primary contact to the Department Managers, in each of the following operational areas:

- a) Legislative and Finance Committee
- b) Personnel and Policy Committee
- c) Protective Services/Policing Committee
- d) Transportation Services/Works and Operations Committee
- e) Environmental Health/Utilities Committee
- f) Economic Development Services Committee
- g) Recreation and Culture Committee

## **SECTION 8 – COMMITTEE OF THE WHOLE**

- 8.1 The Committee of the whole of Council is composed of the entire council or a simple majority of the members of Council sitting as a committee to consider the affairs of the Town.
- 8.2 The Committee of the Whole may not pass resolutions or by-laws but can make recommendations which can be approved at a regular meeting of the Council.

## **SECTION 9 – BOARD OF REVISION**

- 9.0 Council shall by resolution appoint a Board of Revision to hear applications for the revision of assessment, classification of property or liability to taxation as set out in the Municipal Assessment Act S.M. 1989-90, c. 24 – Cap. M226.
- 9.1 Unless otherwise directed by resolution of Council the Board of Revision shall consist of the members of Council.
- 9.2 The Mayor shall serve as the Chair of the Board.
- 9.3 The CAO or his/her designate shall serve as the Secretary to the Board.

## **SECTION 10 – APPOINTMENTS TO REGIONAL SHARED SERVICES BODIES**

- 10.1 Council, by resolution, may enter into agreements to create regional shared services committees or corporate bodies and may appoint members to Regional Shared Services Committees or corporations, as per the partnership agreement.
- 10.2 Membership on regional shared services committees shall be as established through the Regional Shared Services Agreement.
- 10.3 The authority of a shared services committee shall be as established through an agreement, passed by all members of the Regional Shared Services Partnership, which creates the committee.
- 10.4 Membership on regional shared services corporations shall be as established through the Letter of Incorporation documents and the Constitution of the Regional Shared Services Corporation.
- 10.5 The authority of a shared services corporation shall be as established through the letters of incorporation and the constitution as set out by the membership of the Regional Shared Services Corporation.
- 10.6 The role of the appointed representative of Council is:
  - a) To represent the position of the whole of Council on an issue before the Regional Shared Services Body.
  - b) To act as a knowledgeable participant on issues arising before Council from the Regional Shared Services body.
  - c) To bring to the attention issues under discussion by a Regional Shared Services body.

## **SECTION 11 – COMMUNITY ORGANIZATIONS**

- 11.1 Council, by resolution, may appoint members to community groups and organizations.
- 11.2 Council may enter into formal agreements only with those community groups and organizations registered as an incorporated body under Incorporation Act of the Province of Manitoba

11.3 The authority of a community group or organization shall be as established through the letters of incorporation and the constitution as set out by the membership of the Community Group or Organization.

11.4 The role of the appointed representative of Council is:

- a. To represent, after discussion with Council, the position of the whole of Council on an issue before the Community Group or Organization.
- b. To act as a knowledgeable participant on issues arising before Council from the Community Group or Organization.
- c. To bring to the attention issues under discussion by a Community Group or Organization.

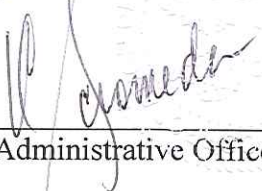
By-law No. 1749/18 is hereby repealed and any amendments thereto.

**DONE AND PASSED** as a by-law of The Town of Beausejour at Beausejour, in the Province of Manitoba this 28<sup>th</sup> day of May, A.D. 2019.



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Mayor



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Chief Administrative Officer

Read a first time this 14<sup>th</sup> day of May, A.D. 2019.

Read a second time this 28<sup>th</sup> day of May, A.D. 2019.

Read a third time this 28<sup>th</sup> day of May, A.D. 2019.

**SCHEDULE "A"**  
**COMMITTEES OF COUNCIL**

**Council Standing Committee Appointments**

Economic Development Services	(2 Members of Council)
Environmental Health/Utilities	(2 Members of Council)
Legislative and Finance	(2 Members of Council)
Personnel and Policy	(2 Members of Council)
Protective Services /Policing	(2 Members of Council)
Recreation and Culture	(2 Members of Council)
Transportation Services /Works and Operations	(2 Members of Council)

**Council Committees and Boards Appointments**

Active Transportation	(1 Member of Council and 1 Alternate) (6 Citizen Representatives)
AECL - Whiteshell Laboratories	(1 Member of Council)
Agassiz Weed Control District	(1 Member of Council and 1 Alternate)
Association for Community Living - Beausejour Branch Inc.	(1 Member of Council)
Beausejour Beautification	(1 Member of Council)
Beausejour-Brokenhead Development Corporation	(1 Member of Council and 1 Alternate) (2 Citizen Representatives)
Beausejour-Brokenhead Emergency Measures Organization	(2 Members of Council)
Beausejour-Brokenhead Fire	(2 Members of Council)
Beausejour Handivan Inc.	(1 Member of Council and 1 Alternate) (1 Citizen Representative)

Beausejour Citizens on Patrol Program	(1 Member of Council)
Beausejour Daylily Gardens	(1 Member of Council)
Broken-Beau Historical Society	(1 Member of Council)
Brokenhead River Community Hall Inc.	(1 Member of Council) (1 Citizen Representative)
Brokenhead River Planning District	(2 Members of Council and 1 Alternate)

**SCHEDULE "A"**  
**COMMITTEES OF COUNCIL**

**Council Committees and Boards Appointments (Continued)**

Brokenhead River Recreation District Commission	(1 Member of Council and 1 Alternate) (3 Citizen Representatives)
Brokenhead River Regional Library	(1 Member of Council) (2 Citizen Representatives)
Canadian Nuclear Laboratories Regional Stakeholder	(1 Member of Council)
Community Futures Winnipeg River	(1 Member of Council)
Eastern Manitoba Tourism Association	(1 Member of Council and 1 Alternate)
Eastern Regional Community Health	(1 Member of Council)
Eastern Regional Municipal Forum	(All Members of Council)
Eastern Regional Municipal Lobby	(1 Members of Council)
Eastman Region – Vocational School	(1 Member of Council)
Interlake Eastern Regional Health Authority Clinical Teaching Unit – Primary Care Centre Task Force	(1 Member of Council and 1 Alternate)
Nolan Thomas Playground	(1 Member of Council) (7 Citizen Representatives)
Red River North Trails Association Inc.	(1 Member of Council and 1 Alternate)