

THE RURAL MUNICIPALITY OF EAST ST. PAUL

BY-LAW NO. 2021-03

BEING A BY-LAW to establish the organizational structure of The Rural Municipality of East St. Paul and to define clearly the roles of Council, its committees, and the Municipality's administrative team.

WHEREAS subsection 148(1) of The Municipal Act, R.S.M. 1988, c. M225 provides that a Council must establish by by-law an organizational structure for the municipality, and review the by-law at least once during each term of office;

AND WHEREAS subsection 148(2) of The Municipal Act provides that an organizational by-law must provide for the following:

- (a) the establishment of Council committees, and other bodies of the Council, including their duties and functions;
- (b) the appointment of a deputy head of 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 Council of The Rural Municipality of East St. Paul duly assembled enacts as follows:

Short Title and Purpose

- 1 This By-Law may be referred to as The Rural Municipality of East St. Paul Organizational By-Law. The purpose of this By-law is to provide for the process of open and effective government by establishing the organizational structure of the Municipality and clearly defining the roles of Council, its committees, and the Municipality's administrative team.

Definitions and Application

- 2(1) In this By-Law, unless the context otherwise requires:
 - (a) "Act" means The Municipal Act, as restated or amended from time to time;
 - (b) "Ad Hoc Committee" means a committee formed by Council for a specific task or objective which is dissolved after the completion of the task or achievement of the objective:

- (c) "Chair" means the Mayor, or other person(s) appointed by resolution of Council to preside at a regular or special meeting of Council or a Committee or a public hearing under the Act;
 - (d) "Chief Administrative Officer" means the person appointed as the Municipality's Chief Administrative Officer by Council pursuant to the Act;
 - (e) "Committee" means a committee of Council established under this by-law including an Ad Hoc Committee;
 - (f) "Council" means the council, made up of the duly elected Mayor and Councillors, of the Municipality;
 - (g) "Councillor" means the elected representative of an electoral ward on the Council of the Municipality;
 - (h) "Deputy Mayor" means the deputy head of Council;
 - (i) "External Organization" means an organization that is not part of the governance structure of the Municipality but to which the Municipality is entitled to appoint one or more board members;
 - (j) "Governance and Priorities Committee" means the committee established pursuant to Section 6 of this by-law;
 - (k) "Mayor" means the head of Council;
 - (l) "Members" means the Mayor and Councillors, and each is a "Member";
 - (m) "Members at Large" means a member of the public appointed by Council to a Committee;
 - (n) "Municipality" means the Rural Municipality of East St. Paul; and
 - (o) "Standing Committee" means a committee established under to this by-law to which Council has delegated specific authority related to such committee's mandate.
- 2(2) Council must review this By-law and any proposed amendments within each term of Council.
- 2(3) The municipal office of the Municipality shall be located at 3021 Birds Hill Road in East St. Paul, Manitoba.

Role of Council

- 3(1) Council is responsible for:
- (a) developing and evaluating the policies, strategic plan 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 Council under Act, or any other provincial legislation.
- 3(2) The role of Council is to develop policies and does not include the development of strategies to implement those policies.
- 3(3) No Member or Member at Large has the authority to direct or interfere with the performance of any work being done for the Municipality by a member of the staff of the Municipality, a temporary worker, or a consultant. Any concerns that the Member or Member at Large may have shall be discussed directly with the Chief Administrative Officer.
- 3(4) No Committee has authority over an administrative department of the Municipality.
- 3(5) As specified in section 85 of the Act, Council may by by-law delegate any of its powers, duties or functions under the Act or any other provincial legislation to the Mayor, a Committee, the Chief Administrative Officer or a designated officer, unless the by-law or Act or provincial legislation otherwise provides.

Head of Council

- 4(1) The head of Council is to have the title of Mayor.
- 4(2) On or prior to the first regular Council meeting in each calendar year, the Mayor shall submit a recommendation to Council for appointment of a Councillor as Deputy Mayor. The appointment of a Councillor as Deputy Mayor must be approved by a resolution of Council.
- 4(3) The Deputy Mayor shall act in place of the Mayor when the Mayor is unable to carry out the powers, duties and functions of the Mayor.
- 4(4) In addition to performing the duties of a Member, the Mayor has a duty:
- (a) to preside as Chair when in attendance at a Council meeting, except where the Municipality's Procedure By-law or the Act or any other provincial legislation otherwise provides;

- (b) to foster teamwork, provide leadership and direction to Council; and
- (c) to perform any other duty or function assigned to the Mayor by this by-law, the Act of Manitoba, or any other provincial legislation.

General Duties of Members

5 Each Member has the following duties:

- (a) to consider the well-being and interests of the Municipality as a whole and to bring to Council's attention anything that would promote the well-being or interests of the Municipality or matters that may be derogative to the Municipality;
- (b) to participate generally in developing and evaluating the policies and programs of the Municipality;
- (c) to participate in meetings of Council and Committees and other bodies to which the Member is appointed by Council;
- (d) to keep in confidence a matter that is discussed at a meeting closed to the public under subsection 152(3) of the Act or section 8 of the Municipality's Procedure By-law in accordance with the provisions of such by-law;
- (e) to perform any other duty or function imposed on the Member by Council or the Act, or any other provincial legislation; and
- (f) to keep themselves reasonably informed of the programs and projects relevant to the portfolio that they have been appointed to by Council.

Governance and Priorities Committee

6(1) A Governance and Priorities Committee is established, which shall have jurisdiction in the following areas:

- (a) act as the first point of review for all new policy matters and make recommendations to Council;
- (b) review matters forwarded to it by Council or the Chief Administrative Officer and make recommendations to Council;
- (c) review reports and recommendations from external boards or committees and make recommendations to Council;

- (d) refer matters to the Chief Administrative Officer for more information or clarification;
- (e) hear from delegations with respect to matters on its agenda.

but shall not have final jurisdiction or be entitled to make decisions with respect to any matters that come before it.

- 6(2) The Governance and Priorities Committee shall consist of all Members and shall be chaired by the Mayor.

Ad Hoc Committees

- 7(1) Ad Hoc Committees will be established by resolution as required for a specific task or objective as determined by Council, which resolution shall set forth:

- (a) the mandate of the Ad Hoc Committee;
- (b) the number of members, including Members at Large;
- (c) the composition of membership, including Members at Large and members of the Municipality's staff, if applicable, provided that a majority of the membership must consist of Members;
- (d) reporting relationships;
- (e) staff and other resources to be made available; and
- (f) a start and end date.

- 7(2) Council shall appoint all Ad Hoc Committee Members and Members at Large by resolution. The first Member named to the Committee shall serve as the Chair. An appointment to any Committee may be repealed only by a resolution of Council.

- 7(3) Ad hoc Committees will be dissolved by a resolution of Council upon completion of the Committee's assigned task or meeting of the Committee's assigned objective.

Representatives to External Organizations

- 8(1) On or prior to the first regular Council meeting in each calendar year, the Mayor shall submit a recommendation to Council for appointments to External Organizations. All appointments must be approved by a resolution of Council.

- 8(2) All appointees shall be Members.

8(3) Members who wish to attend meetings or events of External Organizations to which they have not been appointed require a Council resolution authorizing their attendance.

8(4) The responsibility of a Member appointed pursuant to subsection 8(1) shall include:

- (a) as requested by Council, to report the actions of Council to the External Organization;
- (b) to participate as a member of the External Organization as set forth in the by-laws of such External Organization;
- (c) where appropriate, to report to Council on the activities of the External Organization; and
- (d) where appropriate, to provide Council with information concerning issues arising with respect to the External Organization.

Board of Revision

9(1) Council shall by resolution appoint a Board of Revision consisting of three (3) Members at Large and two (2) Members.

9(2) The Board of Revision shall have responsibility for hearing assessment appeals.

9(3) Council shall appoint:

- (a) a member of the Board of Revision to serve as Chair of the Board of Revision; and
- (b) Assistant Chief Administrative Officer to act as Secretary of the Board of Revision.
 - i. Should the Assistant Chief Administrative Officer be unavailable for the date of the Board of Revision, the Chief Administrative Officer has the authority to designate a replacement Secretary and or fill the vacancy.

Role of Staff

10(1) The organization of the staff of the Municipality shall be as per the current Organizational Chart Policy. Senior appointed staff of the Municipality, under the direction of the Chief Administrative Officer, fulfil the role of management of the Municipality including the development of strategies to implement policies established by Council.

10(2) The Chief Administrative Officer is the principal administrative link between the administrative team and Council and shall:

- (a) ensure that the policies and programs of the Municipality are implemented;

- (b) advise and inform Council on the operation and affairs of the Municipality; and
- (c) perform the duties and functions and exercise the powers assigned to a Chief Administrative Officer under the Act and any other provincial legislation or as assigned or delegated by Council.

10(3) The Chief Administrative Officer is authorized to:

- (a) in accordance with all relevant policies of the Municipality, coordinate, direct, supervise and review the performance of the staff of the Municipality;
- (b) establish and implement all policies, procedures, standards and guidelines for all matters within the power of the Chief Administrative Officer;
- (c) in accordance with all relevant policies of the Municipality, hire, appoint, transfer or promote any staff of the Municipality;
- (d) in accordance with all relevant policies of the Municipality, evaluate, discipline, suspend, demote or remove any staff of the Municipality;
- (e) in accordance with all relevant policies of the Municipality, determine salaries, benefits, hours of work and other working conditions;
- (f) prepare and submit to Council such reports and recommendations as may be required by Council;
- (g) respond to inquiries and requests for information on behalf of the Municipality, including stating the Municipality's position, subject to any Council approved policy, procedure, standard or guideline or as otherwise directed by Council;
- (h) prepare and submit operating and capital budgets as directed by Council; and
- (i) enter into provincial and federal grant funding agreements.

Signing Authority

11(1) Agreements and cheques and other negotiable instruments in an amount of Ten Thousand (\$10,000.00) or greater must be signed or authorized by:

- (a) the Mayor or Deputy Mayor, or as otherwise established by resolution of Council; and
- (b) one of the Chief Administrative Officer, the Assistant Chief Administrative Officer, or the Finance Manager.

11(2) Agreements and cheques and other negotiable instruments in an amount less than Ten Thousand (\$10,000.00) Dollars must be signed or authorized by:

(a) the Chief Administrative Officer; and

(b) one of the Assistant Chief Administrative Officer or the Finance Manager.

Accountability

12(1) Council is accountable to the Municipality as a whole.

12(2) The Chief Administrative Officer is accountable to Council for the exercise of all powers, duties and functions assigned to the Chief Administrative Officer under the Act or delegated to the Chief Administrative Officer by Council.

12(3) Members of the administrative team are accountable to the Chief Administrative Officer.

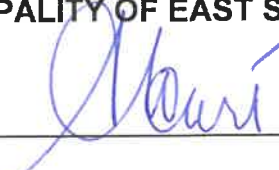
Repeal of By-laws and Effective Date

13(1) By-Law No. 2012-16 of the Municipality and any amendments thereto are hereby repealed and shall hereafter cease to have effect.

13(2) This By-Law shall come into force and effect on the day it receives third and final reading by Council.

DONE AND PASSED by the Council of the Rural Municipality of East St. Paul, in Council duly assembled, at East St. Paul, Manitoba, this **27th** day of **April, 2021**.

RURAL MUNICIPALITY OF EAST ST. PAUL



Mayor



Chief Administrative Officer

Read a first time this	13th	day of	April	A.D. 2021
Read a second time this	27th	day of	April	A.D. 2021
Read a third time this	27th	day of	April	A.D. 2021