

CITY OF SELKIRK

BY-LAW NO. 5095

BEING A BY-LAW OF THE CITY OF SELKIRK TO REGULATE THE PROCEEDINGS OF THE COUNCIL AND THE COMMITTEES THEREOF.

WHEREAS Part 5 of the Province of Manitoba Municipal Act [S.M. 1996, c. 58] provides some regulations for the conduct of the business before a Municipal Council;

AND WHEREAS Clause 149 of the Province of Manitoba Municipal Act [S.M. 1996, c. 58] requires a Municipal Council to establish and review, at least once during their term in office, the procedures for the conduct of a meeting of Council;

AND WHEREAS the Province of Manitoba Conflict of Interest Act [L.R.M. 1987, c. M225] contains specific requirements with regard to the regulation of members of Council and the conduct of Council Meetings;

AND WHEREAS it is deemed necessary and expedient to make and establish rules and regulations according to which the proceedings of the Council and the Committees of the Council of the City of Selkirk shall be governed and conducted;

NOW THEREFORE the Council of the City of Selkirk in an open meeting duly assembled, enacts the following:

1. Title

This by-law, plus all Schedules attached thereto, may be referred to as "The City of Selkirk Procedural By-Law".

2. Definitions

Unless the context otherwise requires, wherever used in this by-law or the schedules appended to this by-law the definitions, as amended from time to time shall be as set in Section 1 of the attached Schedule "A".

3. Application

3.1 In all proceedings that are taken within the meetings of the Council of the City of Selkirk the rules, as attached as Schedule "A" to this by-law, shall be observed and shall be the rules for the order and dispatch of business in the Council.

3.2 All proceedings of Council and its Committees shall be conducted in accordance with the provision as outlined in Schedule "A" to this by-law and the provision of the Act and if there is a discrepancy between the provisions of Schedule "A" and the provisions of the Act, then the provisions of the Act shall prevail.

3.3 Any provision contained within Schedule "A" to this by-law may be suspended by a vote of the majority of the members present, except in cases where by the Act or a provision within Schedule "A" some other proportion of votes is required.

3.4 Where the singular and the masculine are used throughout this by-law or Schedule "A" to this by-law the same shall be construed as meaning the plural or feminine or neuter where the context so requires.

4. Repeal of Previous By-Law

By-law No. 4875 is hereby repealed.

DONE AND PASSED as a by-law of the City of Selkirk in the Province of Manitoba, this 24th day of January, A.D. 2005.

Original signed by D. Bell

Mayor

Original signed by E. Henrichsen

Director of Corporate Services

READ A FIRST TIME this 20th day of December, 2004.

READ A SECOND TIME this 24th day of January, 2005.

READ A THIRD TIME this 24th day of January, 2005.

THE CITY OF SELKIRK

By-law No. 5095

SCHEDULE "A"

COUNCIL/COMMITTEE LEGISLATIVE PROCEDURES

THE CITY OF SELKIRK

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COUNCIL/COMMITTEE LEGISLATIVE PROCEDURES
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THE CITY OF SELKIRK

COUNCIL /COMMITTEE LEGISLATIVE PROCEDURES

1. Definitions

Act	Means the Manitoba Municipal Act S. M. 1996, c. 58.
C.A.O.	Means a person appointed as a Chief Administrative Officer under Subsection 125(1) of the Act.
Clerk of the Meeting	Means the individual Staff person assigned to record the meeting.
Council	Means the duly elected Council of the City of Selkirk.
Council Committee	Means a committee, or other body established by a Council under Subsection 148(2) of the Act.
Council Meeting	Means a Regular Meeting or Special Meeting of a Council but does not include a Public Hearing held by a Council.
Designated Officer	Means a person appointed to a position established under Section 130 of the Act.
Dependent	Means: <ul style="list-style-type: none">a) the spouse of a Councillor, including a person who is not married to the Councillor but whom the Councillor represents as his spouse; andb) any child, natural or adopted, of the Councillor who resides with the Councillor.
Direct Pecuniary Interest	Means an interest which includes a fee, commission or other compensation paid or payable to any person for representing the interests of another person or a corporation, partnership, or organization in a matter.
Ex-Officio Member	Means a member, with full rights and privileges, of a Council Committee, Board or Commission appointed by virtue of their Office within the Corporation.
Indirect Pecuniary Interest	Means the person is presumed to have an indirect pecuniary interest in a matter where: <ul style="list-style-type: none">a) the person, or a nominee of the person:<ul style="list-style-type: none">i) holds a beneficial interest in, or a share warrant or purchase option in respect of, 5% or more of the value of the issued capital stock, orii) is a director or officer, of a corporation which, or a subsidiary or which, has a direct pecuniary interest in the matter; orb) the person is:<ul style="list-style-type: none">i) a partner of or employed by, orii) a guarantor or surety for, oriii) a creditor of, a person, corporation, partnership, or organization who or which, or (in the case of a corporation) a subsidiary of which, has a direct pecuniary interest in the matter.

Members	Means, when referring to Council, the Councillors and the head of Council.
Municipal Record	Means any kind of recorded information that is created or received by, or is in the custody or control of a Municipality regardless of physical form or characteristics, and includes: a) information recorded on paper, photographic film, microfilm, sound or video tape or disk, and in a computer system; and b) a copy of the record, and c) a part of the record.
Municipality	Means a Municipality that is continued or formed under the Act.
The Municipal Board	Means The Municipal Board established under "The Municipal Board Act".
Meaning of "must" and "shall"	Whenever this schedule provides that a thing "shall" be done or "must" be done, the obligation is imperative
Task Force or Special Committee	Means a Committee of Council, with specified Terms of Reference including a Sunset Clause, assigned to study a specific issue before Council.

2. Location

Location of Meetings	2.1	The Council shall hold its meetings in the Council Chambers of the City of Selkirk located at 200 Eaton Avenue within the City of Selkirk, Manitoba.
Change in Meeting Location	2.2	A change in the location of a Council Meeting, as outlined in Clause 1.1, shall be approved by resolution passed at a meeting of Council.

3. Organizational Meeting

Procedural By-Law	3.1	Within 30 days of the date of the General Election, the members of the incoming Council shall hold a meeting at which the Council shall be organized for the following 48 months.
Organizational Meeting	3.2	Each year, within 21 days of the first day of January, the council of the municipality shall hold a meeting at which the council shall be organised for the following 12 months.
Notice of Organizational Meeting	3.3	The Clerk of the Meeting shall give to each member of Council written notice of the day, time and place of the Organizational Meeting.
Order of Business	3.4	Council shall, at the Organizational Meeting or upon a majority vote thereafter, establish the order of business for a regular meeting of Council plus make appointments to standing committees and other bodies.

- If no quorum
- 3.5a) If there is not a quorum present at the time fixed in the notice the meeting may be held on the same day at any later time when a quorum is present.
 - 3.5b) If no quorum is present on the day fixed in the notice the organizational meeting shall be held on the earliest day thereafter when a quorum is present.

4. Regular Meeting

- Times of Meetings
- 4.1 The Council shall, in addition to the Organizational Meeting, meet between the hours of 7:30 to 10:00 o'clock in the evening on the second and fourth Monday of each month.
- Extending Time Limit
- 4.2 Council may by majority vote, extend the time limit to a time as outlined in the resolution.
- Monday as a Holiday
- 4.3 If any Monday, of a Regular Meeting date, shall be a legal holiday the Regular Council Meeting shall be held upon the next following day which is not a legal holiday at the same time.
- July & August
- 4.4 The Council shall meet during the months of July and August between the hours of 7:30 to 10:00 o'clock in the evening on the third Monday of each month.

5. Special Meeting

- Convening
- 5.1 A Special Meeting of the City Council may be convened at any time by the Mayor or by not fewer than two of its members by giving, before any such meeting, a reasonable notice thereof to all the members of the Council.
- Form of Notice
- 5.2 The notice may be oral or in writing and it shall include a statement of the subjects to be taken into consideration at the meeting.
- Manner of Giving Notice
- 5.3 Where the notice is in writing is shall be delivered to the permanent home address of the members. Members may also be telephoned by the Clerk of the Meeting regarding the date and time of such a meeting.
- Effect of want of Notice
- 5.4 Where, on the opening of the Special Meeting, it appears that the notice of the meeting has not been given to all the absent members no business shall be transacted at the meeting but the presence of any members of the Council at the meeting waives the necessity of notice so far as he is concerned.
- Business at Special Meeting
- 5.5 At a special Meeting no subjects or matters, other than those mentioned in the notice calling the meeting, shall be taken into consideration.

6. Meeting of Council

- Open Meetings 6.1 City Council shall hold its meetings openly including its sittings as a Board of Revision and no person shall be excluded or removed from any meeting except for improper conduct or upon Council, by a majority vote, deciding to hold a portion of the meeting in-camera.
- In-Camera Meeting 6.2 Council shall move into an In-camera Meeting by affirmative vote by the majority of those members present.
- In-Camera Meeting 6.3 Council shall, after meeting in-camera, rise and report on the discussions of the In-camera meeting prior to continuing on any other business of the Meeting.

7. Conflict of Interest

- Disclosure 7.1 Where during any meeting there arises
- a) a matter in which a member or any of his dependants has a direct or indirect pecuniary interest; or
 - b) a matter involving the direct or indirect pecuniary interest of any person, corporation, subsidiary of a corporation, partnership, or organization to whom or which a member or any of his dependants has a direct or indirect pecuniary liability:
- the Member shall:
- c) disclose the general nature of the direct or indirect pecuniary interest or liability;
 - d) withdraw from the meeting without voting or participating in the discussion; and
 - e) refrain at all times from attempting to influence the matter.
- Meetings Included 7.2 For the purposes of Clause 7.1 "meetings" includes:
- a) Council meeting; and
 - b) a meeting of any Committee or Sub-committee of a Council, or any Sub-committee of a Committee, on which the Member sits; and
 - c) a meeting of any commission, Board or Agency on which the member serves in his official capacity as a Representative of the City; and
 - d) a meeting of any Board of Revision on which the Member sits.
- Absence from Meeting 7.3 Where a Member fails to comply with Clause 7.1 by reason of the absence of the Member from a meeting referred to therein, the Member shall:
- a) disclose the general nature of his direct or indirect pecuniary interest or liability at the next meeting of the same body before which the matter arose; and
 - b) refrain at all times from attempting to influence the matter.

- Record of Compliance 7.4 Where a Member has complied with Clause 7.1 the Clerk of the meeting shall record:
- a) the disclosure;
 - b) the general nature of the direct or indirect pecuniary interest or liability disclosed; and
 - c) the withdrawal of the Member from the meeting;
- and the Clerk of the meeting shall subsequently file with the Director of Corporate Services:
- d) the information recorded under Clauses 7.4 a), b) and c); and
 - e) a notation indicating whether the meeting in question was open to the public, or was a closed meeting or a meeting the minutes of which are not open to the public.
- Open Meeting 7.5 Where the meeting referred to in Clause 6.1 was open to the public, the Clerk of the Meeting shall record:
- a) the disclosure;
 - b) the general nature of the direct or indirect pecuniary interest of liability disclosed; and
 - c) the withdrawal of the Member from the meeting in the Central Record.
- Exception to Conflict 7.6 Article 7 does not apply to the appointment of a chairman or Acting Head of Council or to the naming of the members of Committee.
- Closed Meeting 7.7 Where the meeting referred to in Clause 7.1 was a closed meeting, or a meeting the minutes of which are not open to the public, the Clerk of the Meeting shall record:
- a) the disclosure;
 - b) the withdrawal of the Member from the meeting; in the Central Record
- Absence From Meeting 7.8 Where a Member fails to declare a Conflict of Interest at a closed meeting by reason of the absence of the member from a meeting, the member shall;
- a) Disclose the general nature of his direct or indirect pecuniary interest or Liability at the next meeting of the same body before which the matter arose; and
 - b) Refrain at all times from attempting to influence the matter.
- Failure To Comply 7.9 Where it is alleged that a Member has violated a provision of the Conflict of Interest Act R.S.M. 1987, C. M255 the Council shall, by resolution, direct the Clerk to prepare a report regarding Council's action with regard to the allegation.

8. Quorum

- Quorum 8.1 At all meetings a majority of the whole number of members required to constitute the Council is necessary to form a quorum.

- Adjournment if no Quorum 8.2 Subject to Clause 3.5, where at any meeting of the Council no quorum is present at the end of one-half hour, the Council shall stand adjourned and the Clerk of the Meeting shall enter in the minute book the names of the members present.
- Reduce Quorum due to Conflict of Interest 8.3 Where reasons of withdrawals from the meeting are due to an issue of conflict of interest the number of Members remaining at the meeting is not sufficient to constitute a quorum, then, notwithstanding the provision of any Act of the legislature or any procedure of by-law of the Council, the number of Members remaining, if not fewer than two, shall be deemed to constitute a quorum for the purposes of discussing and voting on the matter before Council.

9. Duties of Council/Councillor

- Duties of Council 9.1 The duties of Council shall be:
- a) To develop and evaluate the policies and programs of the Municipality; and
 - b) To ensure that the powers, duties and functions of the Municipality are appropriately carried out; and
 - c) To carry out the powers, duties and functions expressly given to the Council under the Act.
- Councillor 9.2 The members, elected to the Council of the City of Selkirk in the Province of Manitoba, shall carry the title of Councillor.
- Duties of a Councillor 9.3 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 Council's attention anything that would promote the well-being or interests of the Municipality; and
 - b) To participate generally in developing and evaluating the policies and programs of the Municipality; and
 - c) To participate in meetings of the Council, the Committees of Council and other bodies to which the member is appointed by the Council; and
 - d) To keep in confidence any matter that is discussed at the meeting closed to the public or 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 the Act.
- Discussion of Confidential Matters with the C.A.O./Designated Officer 9.4 Despite Clause 9.3 d) a member of Council may discuss with the C.A.O. or any Designated Officer of the Municipality a matter deemed to be confidential prior to the matter being discussed at a meeting open to the public.

10. Mayor/Chair

- Chairman 10.1 The Mayor shall preside at all meetings of the Council whenever he is present. The Deputy-Mayor shall preside at all meetings of the Council in the absence of the Mayor and shall perform and exercise the duties and powers of Mayor.
- Election of a Chair 10.2a) Where at any meeting of the Council the Mayor and the Deputy-Mayor are absent the members present may, if they constitute a quorum of the Council, five (5) minutes after the hour fixed for the meeting appoint a Chairman from among themselves who shall preside until the Mayor or Deputy-Mayor is present.
- 10.2b) Where at any meeting of Council, when it is known in advance that the Mayor and the Deputy-Mayor will not be in attendance, the Members present may if they constitute a quorum immediately after the meeting is called to order by the C.A.O., appoint a Chairman from among themselves who shall preside over the meeting.
- Powers of the Chair 10.3 A Chairman, appointed as in Clause 10.2, shall have the same authority and shall exercise the same functions, in presiding at the meeting, as the Mayor might have had or exercised if present.
- Maintaining Order by Conduct and Deciding Question 10.4 At all meetings of the Council the Mayor or other Chairman shall:
- a) maintain the order and proper conduct and decorum of the meeting; and
 - b) decide questions of order, subject to an appeal to Council.
- Removal of Persons 10.5 Where at a meeting of Council any person other than a member of the Council is, in the opinion of the Mayor or other Chairman, guilty of disorderly or improper conduct the Mayor or other Chairman may require that person to leave the meeting and if he fails to do so may cause him to be removed.
- Removal of Councillor 10.6 Where at a meeting of the Council a member of the Council is guilty of disorderly or improper conduct the Council may, by a resolution passed by majority of the other members present, require him to leave the meeting and if he fails to do so may cause him to be removed.
- Disqualification from Council 10.7 A member of Council becomes disqualified from Council if he or she:
- a) is absent for the full duration of three consecutive regular Council meetings unless the absences are with the leave of the Council, granted by a resolution passed at any of the three meetings, at a prior meeting or the next meeting following the third absence; or
 - b) when nominated or elected, was not eligible as a candidate under the Act; or
 - c) is liable to the municipality under a judgement in an action under Section 171 of the Act; or

- d) is convicted of an offence under the Manitoba Municipal Act or any other Act and has not paid a fine imposed on conviction within one hundred and twenty (120) days after the fine was imposed or such time as the court has permitted for payment; or
- e) is convicted of:
 - i) an offence punishable by imprisonment for five (5) or more years; or
 - ii) an offence under Section 122 (breach of trust by public officer, 123 (municipal corruption), 124 (selling or purchasing office), or 125 (influencing or negotiating appointments or dealing in offence) of the Criminal Code of Canada; or
- f) ceases to be qualified as an elector; or
- g) breaches the requirement of confidentiality under Clause 83(1)(d) of the Act.

11. Agenda

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| Circulation | 11.1 The agenda of each regular meeting of Council together with copies of previous Council meetings Committee Reports and a synopsis of communications, as hereinafter described, and all supporting materials shall be provided to the members of Council by the Clerk of the Meeting at least three (3) full days prior to the meeting. |
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12. Calling the Meeting to Order

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|---|--|
| Call to Order | 12.1 As soon after the hour of meeting as there is a quorum present the Mayor, or in his absence the Deputy-Mayor, shall take the Chair and call the members to order. |
| Clerk of the Meeting to call the meeting to order | 12.2 In case the Mayor and/or Deputy-Mayor shall not be present the Clerk of the Meeting shall call the meeting to order and a Chairman shall be chosen, as per Clause 10.2, who shall preside until the arrival of the Mayor or the Deputy-Mayor. |
| Prayer | 12.3 Upon the meeting being called to order the Deputy-Mayor, or his designate, shall read the Municipal Prayer. |

13. Minutes

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|-----------------|---|
| Reading of | 13.1 Upon the meeting being called to order, as soon as the Mayor or the chairman has taken the Chair, the minutes of the last preceding meeting shall be read by the Clerk of the Meeting in order that any errors or omissions therein may be corrected by the Council. |
| Confirmation of | 13.2 After the reading and correction of the minutes, or during the next day following, the Mayor or Chairman and the Clerk of the Meeting shall confirm and sign the minutes. |

Waive Reading 13.3 The reading of the minutes of the last preceding meeting shall be waived if a copy thereof has been delivered by the Clerk of the Meeting to reach each member of the Council in the ordinary course of mail at least twenty-four (24) hours before the next succeeding meeting and a copy thereof has been posted in the Municipal Offices for at least four days prior to the meeting at which the minutes are confirmed.

14. Referral of Communications

Referral 14.1 The C.A.O., in consultation with the Mayor, shall refer all appropriate communications to the proper Committee, Department and/or to the Council.

Synopsis 14.2 All communications so referred or received as information shall be set out on the synopsis of communications which shall be in the following order:

- a) received as information; or
- b) referred to the Committee on _____.

Exception to "Taken as Read" 14.3 During "communications" any member may require a communication to be referred to a specific Committee or to the City Manager and excepting such specific request, if approved by the Council, the synopsis shall be taken as read.

15. Appointment of Committees

Establishment of Committees 15.1 At the first meeting of each newly elected Council and at the Annual Meetings of that Council, Council may establish such Standing Committees as it deems advisable to establish.

Appointment to Committees 15.2 The City Council may appoint Committees composed of:

- a) entirely members of Council; or
- b) a combination of members of Council and other persons; or
- c) entirely persons who are not members of Council as it deems expedient.

Delegation of Authority 15.3 Council may by by-law delegate any of its powers, duties or functions under a by-law or this or any other Act to the Mayor, a Council Committee, the C.A.O. or a Designated Officer, unless the by-law or Act otherwise provides including

- a) the examination of any question; and
- b) the management of any business; and
- c) the execution of specified duties.

Limits to the Delegation of Authority	15.4 Council shall not delegate <ul style="list-style-type: none">a) the powers to revise the assessment role; orb) the powers to execute any contract on behalf of the City, unless otherwise permitted under the legislation of the Province of Manitoba; orc) the power or duty to pass a resolution or by-law; ord) the power to make, suspend or revoke the appointment of a person to the position of C.A.O.; ore) the duty to hold a public hearing under the Act; orf) the duty to decide appeals imposed on it by a by-law or the Act or other Act, whether generally or on a case by case basis, unless the delegation is to a Council Committee and authorized by by-law.
Report of Committee	15.5 Each Committee shall render an account of its labours and decisions by reporting thereon to the council, in writing, at the next scheduled meeting of Council.
Effect of Reports and Orders of Committee	15.6 No report or order of a Committee, except such orders as have been authorized by by-law or by a resolution of the Council, has any effect unless it has been adopted by the Council at regular or special meeting.
Mayor Member	15.7 The Mayor shall be “ex-officio” a member of all standing, task forces and Special Committees.
Quorum	15.8 Of the number of members appointed to compose any Standing or Special Committee a majority shall constitute a quorum competent to proceed to business.
Chairman	15.9 The first named in the Council Appointment Resolution or By-law, unless otherwise stated in a By-law establishing the Committee, shall chair meetings of the committee.
Committee Organisational Meeting	15.10 The Chairman of each standing and Special Committee shall call the Members of the Committee together as soon as convenient after they are so appointed for the purpose of Organisation including a review of the Committees mandate and Terms of Reference.
Terms of Reference	15.11 All Standing, Special Committees and Task Forces shall have written Terms of Reference, approved by Council, which shall define the Responsibility, Power and Authority of the Committee. In the case of a Special Committees and Task Forces, the Terms of Reference shall include a Sunset Clause.
Election of Committee Chairman	15.12 In the absence of the Chairman of a Standing Committee from any meeting of the Committee the members present, if there is a quorum, shall elect a Chairman for that meeting.
Regular Meetings	15.13 Regular meeting of the Standing or Special Committees shall be held as each Committee may resolve.

Location of Committee Meetings	15.14 The location of meetings of Standing, Special and Ad Hoc Committees shall be as each Committee shall resolve, within The City of Selkirk.
Committee Meetings	15.15a) Meetings or portions of meetings, of Committee may be Held in-camera if the Committee so decides. b) Unless otherwise Stated Committee meetings shall be held in Public. c) Committee Meetings held in Public may, Prior to adjournment, move in-camera as outlined in Clauses 6.2 and 6.3.
Special Meetings	15.16 Special meetings of Committees may be called by the Chairman or by a majority of the members of the Committee in the same manner as Special meetings of Council.
Council Members Attendance	15.17 The meetings of any of the Committees of Council may be attended by other members of Council.
Duties of the Chair	15.18 The Committee Chairman shall preside at every meeting and shall ensure that any members of the Committee, including the staff advising such a Committee, shall be given the opportunity to be heard.
Motions at Committee	15.19 Motions are not necessary at Committee meetings. The Chairman shall bring forward the consensus views of the Committee in the form of a written report or a recommendation contained in the minutes of the committee meeting.
Signing Reports	15.20 The Committee Chairman shall sign all such reports and documents as the Committee may legally order.
Minutes	15.21 Minutes of the transactions of the Committee shall be kept, including all reports and recommendations to Council.
Presentation to Council	15.22 All reports or recommendations from Committee shall be presented to Council, in writing, by the Chairman or an authorized member of the Committee.
Duties of Committees	15.23 The general duties of Committees shall be as follows: a) to report from time to time on all matters connected with the duties imposed on the Committee; and b) to recommend such action as may be deemed necessary.
Term of Members	15.24 Subject to terms outlined in other by-laws and legislation each Council member of a Standing Committee shall serve for the current term of one year so long as he remains a member of the Council, but he ceases to be a member of the Standing Committee if he resigns or is removed by the Council.
Vacancy	15.25 In the event that a vacancy in the membership of a Standing Committee occurs, the Council shall forthwith appoint another member of Council to fill the vacancy for the balance of the unexpired term.

16. Consideration of Committee reports

- Consideration 16.1 With respect to each Committee the following order shall be followed:
- a) consideration of the Committee's report.
 - b) Motions to receive the report "for information".
 - c) Discussion of any "action" items.
 - d) Consideration of any "action" items requiring a Council Resolution.

Items a) to d) of Clause 15.1 shall pertain only to the Committee Report being considered.

- Questions to Chair 16.2 Questions may be put to the Chairman or any member of a Committee when its report is being considered with respect to the business of the said Committee.

17. Notice of Motion

- Notice 17.1 Subject to Clause 16.5, notice in writing at a regular meeting of the Council, may be given regarding a motion previously before Council or new items to be addressed by Council.

- Notice to
Clerk of the Meeting 17.2 A notice of motion handed to the Clerk of the Meeting in time to be read at a meeting of Council shall be deemed to be given to the Council but if due to adjournment the notice is not read the Clerk of the Meeting shall mail a copy thereof to each members of Council within three (3) days after the meeting.

- Possession 17.3 After a motion introducing a new motion is read by the Mayor or Clerk of the Meeting it shall be deemed to be before the Council but may be withdrawn at any time by the Mover before decision or amendment with permission of a majority of the members of the Council present.

- Lapse of Motion 17.4 If any Notice of Motion is not brought up at the next meeting at which it may be brought up, the Notice of Motion shall lapse unless the time is extended by the Council or unless failure to bring up the matter at such meeting be due to adjournment. In either of which cases it shall be placed on the agenda of each succeeding regular meeting as Unfinished Business until a decision is reached or it is otherwise disposed of.

- Exception 17.5 The requirements for previous notice with respect to motions shall not apply to a motion to authorize the absence of a member from a meeting of the Council nor to a matter of privilege, order, petitions, committee reports and communications or by-laws.

Absence Authorized 17.6 If the copy of a motion to authorize the absence of a member of Council is in the hands of the Clerk of the Meeting before the adjournment of the meeting but is not put to a vote due to the meeting adjourning, the meeting in such case shall stand adjourned to the next regular day and hour of meeting and such motion shall be deemed to be part of the previous meeting but only insofar as such a motion is concerned.

18. Motions

Making a Motion 18.1 No motion shall be made or seconded except by a member, excluding the Mayor.

Distinct Propositions
The Original Intent 18.2 A motion shall not be out of order merely because it contains a number of distinct propositions but upon the request of any member of Council the individual propositions shall be voted on separately.

Precedence of Motion
to refer 18.3 A motion to refer a question to a Committee or to a Municipal Official shall take precedence over all other motions except motions to adjourn, to adjourn the debate or to continue in session and if the motion to refer be without instruction it shall not be debated except as provided in Clause 17.14.

Mover's priority to Speak 18.4 When a question is before the Council the mover thereof shall have an opportunity of speaking thereto before any other member is permitted to do so and before any decision is made with respect to it.

Adjournment 18.5 A motion to adjourn the council or to adjourn the debate shall always be in order, except:

a) when a member has the floor;
b) when the vote has been called;
c) when the previous question has been moved, but no second motion to the same effect shall be made until after some intermediary proceedings shall have been had.

No Amendment to
Motion to Adjourn 18.6 A motion to adjourn the Council cannot be amended and except as provided in Clause 17.14 of this Schedule is not open to debate but a motion to adjourn to a given day may be amended and is open to debate regarding the Time and Place of the meeting.

Additional Motions Permitted 18.7 When a motion has been made and seconded and it is Being considered by Council no member may make any other motion except:

a) A motion to refer the main question to some other person or group for consideration;
b) A motion to amend the main question or an amendment to it;
c) A motion to table the main question;

- Tabling Motion 18.8a) A member moving a motion to table any matter whether the matter is contained in a petition, inquiry, motion or other matter before the Council shall include in the motion to be tabled:
- a) the time at the present meeting, or the date of the future regular or special meeting, to which the motion is to be tabled; or
 - b) a provision that the matter is to be tabled indefinitely.
- Debate a Tabling Motion 18.8b) A motion to table a matter shall not be debated except as provided in Clause 21.17 or except as to the date and time when Council will again consider the motion.
- Take From The Table 18.9 A table motion may only be taken from the table through a positive vote of Council.
- Consideration of Tabled Item 18.10 A matter which has been tabled to a particular date shall not be considered again by council before the date set unless by 2/3 majority of the Whole of Council the tabled item is taken from the table.
- Amendment 18.11 Where an amendment has been moved to a motion which is under discussion, an amendment to the amendment may be moved but no further amendments may be moved to the amendment or to the principal question until after the amendment to the amendment is voted upon.
- Moving an Amendment 18.12 A member who moved or seconded a motion may move or second an amendment to it.
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- Prohibited Amendment 18.13 While a motion is under discussion by Council a member may not move:
- a) an amendment which does not relate to the subject matter of the principal motion;
 - b) an amendment directly contrary to the principal motion.
- Motion Contrary to Act 18.14 Whenever the Mayor or other Chairman is of the opinion that a motion offered to the Council is contrary to the Act or to the rules and privileges of the Council, he shall apprise the members thereof and quote the rule or authority applicable to the case, without argument or comment, subject to an appeal by any member.
- IDEM 18.15 A motion which is in Conflict with an Act of the Legislature or calls for Council to exercise powers or discharge duties not conferred or charged upon the City shall be out of order.

19. Calling the Question

- voting on Motions 19.1 The Mayor or other Chairman shall not put the principal motion under debate until all amendments to it have been put and voted upon.
- voting on Amendments 19.2 The Mayor or other Chairman shall put amendments in the reverse order to that in which they have been moved.

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| Principal Motions as Amended | 19.3 | When all amendments are voted upon the Mayor or other Chairman shall put the principal motion incorporating therein any amendments already adopted. |
| Required Majority to Amend | 19.4 | When the Act or this Schedule determine the majority which must be obtained for the adoption of a report, by-law or motion the same majority shall be required to amend such report, by-law or motion. |
| Previous Question | 19.5 | A motion that the vote be now taken on the immediately preceding question, shall always be in order, shall take precedence over any other motion and shall be put immediately, without debate, except that a Councillor may not immediately after he has spoken, move that the vote be taken immediately thereafter. |
| IDEM | 19.6 | If the motion "That the vote be now taken" is resolved in the affirmative all debate shall cease and all further motions shall be precluded and the propositions before Council shall be put forthwith in the matter provided by Clauses 18.2, 18.3 and 18.4. |
| Putting the Question | 19.7 | When the Mayor or other Chairman has called for a vote of those in favour of a question, the question shall be deemed to have been put, unless challenged by any member. |
| IDEM | 19.8 | After any question is put no member shall speak to the question, nor shall any other motion be made until after the result is declared. |
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20. Point of Order | | |
| Raising a Point of Order | 20.1 | When a member raises a point of order, he shall state the point or order to the Mayor or other Chairman and remain silent until the Mayor or other Chairman shall have stated and decided the point of order. |
| Appeal | 20.2 | Upon hearing the decision of the Mayor or other Chairman on the point of order a member shall only address the Chair for the purpose of appealing to the Council from the Mayor's decision. If no member appeals, the decision of the Mayor shall be final. |
| Appeal to Council | 20.3 | If, however, a member wishes to appeal from the decision of the Mayor, he shall as soon as the decision is made, even though another has the floor and without waiting to be recognized by the Mayor, say "Mr. Mayor, I appeal from the decision of the Chair (for a specified reason)". |
| Mayor's Statement | 20.4 | In the event of an appeal the Mayor states clearly the question at issue and his reasons for the decision, if he thinks it necessary, and then states the question thus: "Shall the decision of the Chair be sustained?". |
| Council Decision Final | 20.5 | The Council, if appealed to, shall decide the question, by vote of the majority, without debate and its decision shall be final. |

21. Point of Privilege

- Dealing with 21.1 Notwithstanding anything else contained in this Schedule whenever a matter of privilege arises, that this to say, a matter relating solely to the honour or to the rights and prerogatives and privileges of the Council or of any individual member thereof, it shall be taken into consideration and dealt with immediately.
- Introduction 21.2 Any action, relating solely to the matter of privilege raised, may be introduced immediately in the form of a motion, if in writing, and seconded and shall be dealt with by the Council forthwith.

22. Rules for Debate

- Mayor taking part 22.1 The Mayor shall chair the meeting and may, prior to the motion being put, summarise the key points of debate and indicate his preference in the matter. The Councillor moving the motion shall then have the right to conclude the debate.
- Mayor to take part 22.2 If the Mayor desires to leave the Chair for the purpose of taking part in the debate, or for any other reason, he shall call the Deputy-Mayor or in his absence one of the Councillors to fill his place until he resumes the Chair.
- Address the Mayor 22.3 Every member in speaking to every question and motion shall address himself solely to the Mayor or other Chairman.
- Priority of Speaking 22.4 When two or more members address the Mayor or other Chairman, at the same time, the Mayor or other Chairman shall name the member who is to speak first.
- Clarification from Member 22.5 The Mayor or other Chairman may call upon any member to clarify or explain any matter then before Council and such member shall thereupon reply without offering any argument or opinion stating only those facts as may be necessary to clarify or explain the matter.
- Putting the Question 22.6 When the Mayor or other Chairman is putting the question no member shall walk across or out of the room or make any noise or disturbance.
- Disrespect 22.7 When a member is addressing the Council he:
- a) shall not speak disrespectfully of Her Majesty the Queen or her official representative;
 - b) shall not use offensive words in referring to any member of the council, or to any official or any employee of the City;
 - c) shall not indulge in personalities in the course of debate or reflect on the motive of members who may have voted for a particular motion;
 - d) shall not use profane, vulgar or offensive language.

- Question to be Read 22.8 Any member may require the question, motion or document under discussion to be read at any time during the debate but not so as to interrupt a member while speaking.
- Opportunity to speak 22.9 Subject to any specific provision of this Schedule no member shall speak more than twice to the same question without leave of the Council.
- Limit to Speaking Time 22.10 On any motion the mover shall be entitled to speak for a maximum of five (5) minutes on opening the debate and three minutes on closing the debate and any other member of council shall be entitled a maximum of three (3) minutes at any one time.
- Extension of Speaking Time 22.11 Council may by resolution, without debate, permit a member to speak for a further period not exceeding three (3) minutes in addition to the regular time allowed.
- Moving a Motion Without Comment 22.12 The following shall not be regarded as speaking to a question;
a) moving, without comment or debate, any main motion;
b) moving, without comment or debate, an amendment to a main motion or an amendment to an amendment.
c) seconding, without comment or debate, any main or amending motion.
- Separate Question 22.13 A motion to amend a motion or to amend an amendment thereto, after being moved and seconded, shall be regarded for purposes of debate as a separate question.
- Point of Information 22.14 Immediately after the mover has spoken to a motion any member may, through the chair and prior to debate, put questions to the mover regarding the motion and the mover may reply prior debate.
- Permitted on the Floor Of the Meeting Place 22.15 No persons, except members and officers of the Council, shall be allowed to enter the floor of a meeting of the Council without the permission of the Mayor.
- Members to Leave 22.16 No member shall leave a meeting of Council before it is over unless he receives the permission of the Mayor.
- Ruling of the Chair On points not covered 22.17 In any proceedings of Council or Committee when any point of order is raised which is not covered by these rules the ruling of the Chair, subject to appeal to the Council, as herein provided, shall be conclusive.

23. Voting

- Voting 23.1 Every member, shall indicate their vote by raising their hand.
- Majority to Decide 23.2 Every question shall be decided by a majority of the votes of the members of Council present, except in cases where under the Act or any other Act of Legislature, another number of votes is required to decide the matter.

- Reversal by Unanimous Consent at same Meeting 23.3 A decision of the Council may
- a) at the same meeting at which it was made; and
 - b) by unanimous consent of all members who were present when the decision was made be reversed, as long as no action has been taken.
- Voting Obligatory 23.4 Every member of the Council present when a question is put, shall vote thereon unless he is prohibited from doing so by legislation.
- Voting to be Open 23.5 The vote on each question put to the Council shall, in all cases, be taken by open voting.
- Recorded Vote 23.6 Any member of the Council, may prior to the taking of a vote on any question put, require a recorded vote to be taken and thereupon the Clerk of the meeting shall record in the minutes of the proceedings of the Council the names of the members who voted in favour of and those who voted against the proposal to which the question was put.
- Debate when Vote Called 23.7 When any vote is called no further debate shall be permitted.
- Member absent when Question Put 23.8 When a question is put no member shall enter or leave the Council room before the result of the vote has been proclaimed by the Mayor or other Chairman.
- Member Changing Vote 23.9 No member shall change his vote after the vote is recorded by the Chair except with the consent of the majority of the members present.
- Mover and Seconder May vote against motion 23.10 The mover or seconder of any motion may vote against it, and the Chairman of a Committee, having moved the adoption of the whole or part of a report of the Committee may also speak against it.
- Unanimous Vote 23.11 When any matter before Council requires more than a mere majority vote, to be approved, an approval is declared to be given without a recorded vote. When no poll of the members is taken thereon the vote shall be deemed to be a unanimous vote of the members present.

24. Order and Proceeding in Committee of the Whole

- Meeting as Committee 24.1 The Council may decide to meet as a Committee of the Whole to discuss matters pertaining to the governing of the City.
- Location 24.2 Committee of the Whole shall hold its meeting in a location as outlined in Section 1.
- Times of Meeting 24.3 Committee of the Whole shall meet between the hours of 7:30 to 10:00 o'clock in the evening on the first, and third Monday of each month.
- July & August 24.4 Committee of the Whole shall meet during the months of July and August between the hours of 6:00 to 7:30 o'clock in the evening on the third Monday of each month.

- Monday as a Holiday 24.5 If any Monday, of a Regular Meeting Date, shall be held upon a Legal Holiday the regular meeting of the Committee of the Whole shall be held on the next following day which is not a Legal Holiday at the same time.
- 5th Monday of The Month 24.6 In those months where there are Five Mondays the meeting of the Committee of the Whole shall not take place unless the Business of Committee requires such a meeting.
- General Rules For 24.7 With the exceptions as indicated above Committee of The Whole shall function as a Standing Committee.
- Rules of Order In Committee 24.8 The rules of the Council shall be observed in Committee of the Whole, as far as may be applicable, except that no motions will be entertained.
- Questions of Order 24.9 Questions of order arising in Committee of the Whole shall be decided by the Chairman subject to an appeal to the Committee.

25. By-laws

- Appearance on Agenda 25.1 Where a by-law is presented to Council for enactment the Director of Corporate Services shall cause the number and the short title of the by-law to appear in the agenda in the appropriate place.
- Number of Readings 25.2 Subject as herein provided every proposed by-law of the City shall receive three (3) separate readings before it is finally passed and become a by-law and a proposed by-law may be amended on any reading thereof.
- Readings per Meeting 25.3 No more than two readings of any by-law shall be given at any one meeting.
- Procedure for the Reading Of Proposed By-laws 25.4 Each proposed by-law shall be read aloud in full to the Council, at each reading thereof, by the Clerk of the Meeting with such amendments thereto as have been made at any previous reading thereof.
- Exception to Reading of 25.5 Clause 25.4 shall be considered suspended if the original by-law at first reading has been previously circulated to all members of Council at least three (3) full days in advance of such a meeting, or if the rules are suspended by an affirmative vote of 2/3 of the Council members present.
- Debate on By-laws 25.6 After a member has made the motion for any reading of a by-law the Council may:
- a) debate the substance of the by-law; and
 - b) propose and consider amendments to the by-law

- Amendments to by-laws 25.7 a) A proposed amendment to a by-law shall be put to a vote and if carried at any of the readings thereof shall be considered as having been read the required number Of times and to be incorporated in the by-law.
- b) When all amendments to a by-law have been accepted or rejected the reading at hand shall be voted on.
- Required Majority 25.8 Unless the Act, some other Provincial Statute or any existing by-law requires a greater majority, a by-law shall be done and finally passed when a majority of the members present and voting on third reading vote in favour of the by-law.
- Record Vote 25.9 The Clerk of the Meeting shall record in the minutes the vote of each member of Council on 3rd reading of every by-law.
- After 3rd Reading Passed 25.10 a) After Council votes affirmatively for a third reading of a by-law it:
i) becomes a municipal By-law of the City; and
ii) is effective immediately unless the by-law requires otherwise.
- b) After passage or during the next day following a by-law shall be signed by Mayor and the Director of Corporate Services and shall be impressed with the common seal of the City.
- Amendment To Existing By-laws Approved By Municipal Board and Electors 25.11 An existing By-law may be amended or repealed by another By-law that has been approved by the Municipal Board or has been to and approved by a vote of the Electors shall not be amended or repealed unless the proposed amending or repealing By-law is approved by the Municipal Board or by the Electors as required in the Act.

26. Delegations

- Hearing Delegations on Agenda Items 26.1 A delegation seeking permission to address a meeting of Council on a subject, the matter of which appears on the agenda of that meeting, shall inform the Director of Corporate Services no later than 12:00 noon on the Wednesday prior to the meeting.
- Hearing Delegations on On Non-Agenda Items 26.2 A delegation seeking permission to address a meeting of the Council on a subject, the matter of which does not appear on the agenda, shall provide to the Director of Corporate Services no later than 12:00 noon on the Wednesday prior to the meeting a written submission outlying the topic and desire of the delegation.
- Hearing Delegation Council Consent 26.3 A delegation seeking permission to address Council which has not advised the Director of Corporate Services four (4) days prior to the meeting shall, subject to the approval of the majority of Council members present, be permitted to address Council.

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| Hearing Parties | 26.4 | Every person being heard before Council or any Committee may be heard in person or through another person acting on his behalf. |
| Deferral of Questions | 26.5 | Council may decide to defer consideration of a decision on any matter brought before it by a delegation so as to seek further information/advice from administration. |
| Jurisdiction | 26.6 | No delegation shall be given permission to address the Council on any subject which is not within the jurisdiction of the Council as outlined in the Act or other Legislation. |
| Delegation Spokesperson | 26.7 | Delegations shall be limited to not more than fifteen (15) minutes to complete their presentation after which Council may wish to ask questions of the spokesperson of the delegation. All questions shall be channelled through the Chairman of the Meeting. |
| Same Subject not heard
Within 4 weeks | 26.8 | If a subject be not on the Agenda at a meeting of Council no person or body may be heard if such person or body has been heard by Council on the same subject within the proceeding four (4) weeks. |
| Representation Restricted | 26.9 | Notwithstanding the provision of this Schedule, the Act or any other Act, neither the Council, a Committee of Council or a sub-committee thereof, shall hear any delegation or representation with respect to a matter which has been or is required to be considered at a Public Meeting except at the Public Meeting. |