

**THE CITY OF THOMPSON  
BY-LAW NUMBER 2017-2022  
[AM B/L 2020-2022]**

**BEING A BY-LAW OF THE CITY OF THOMPSON TO GOVERN THE  
ORGANIZATION OF THE CITY OF THOMPSON AND THE COMMITTEES  
THEREOF AND TO REGULATE THE PROCEEDINGS AND CONDUCT OF THE  
COUNCIL AND THE COMMITTEES THEREOF**

**WHEREAS** Section 148(1) of The Municipal Act, 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** Section 148(2) of the Act states 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 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;
- c) the manner of appointment of persons to Council Committees and other bodies.

**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** the Council of the City of Thompson deems it advisable to repeal the present procedure and organization by-law and to enact a new one, pursuant to the provisions of The Municipal Act;

**NOW THEREFORE** the Mayor and Council of the City of Thompson in open session assembled, hereby enacts as follows:

**OBJECTIVES**

The objectives of this By-law are to:

- establish the organizational structure and proceedings of Council and Council committees that are in compliance with The Municipal Act.
- establish meeting rules of order that are fair, clear and consistent for Council and Council committees.
- provide for governance that is fair, efficient, effective, open and transparent.
- provide for public presence and participation at meetings that is effective and appropriate.

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The Council of the City of Thompson enacts as follows:

**1. BY-LAW TITLE**

This By-law shall be known as the City of Thompson Organization and Procedures By-law.

**2. DEFINITIONS**

“City” means the City of Thompson.

“City Manager” means the City Manager of the City of Thompson as designated by By-law.

“Clerk of the Meeting” means the individual staff person assigned to record the meeting.

“Communications Facility” means any form of communication device or application that enables the member of Council to participate in the meeting, being able to hear and speak/or see the content of the meeting; and allows members of the public in attendance to hear the proceedings.

"Council" means the Council of the City of Thompson.

"Council Committee" means a committee, or other body established by council under *The Municipal Act*.

"Council Meeting" means a regular meeting or special meeting of a council but does not include a Public Hearing held by Council.

"Dependent" means the spouse of common-law spouse, and any child, natural or adopted of a councillor.

"Designated Officers" means any employee appointed as a designated officer within the City.

"Direct pecuniary Interest" means a fee, commission or other compensation paid or payable for representing the interests of another person or a corporation, partnership, or organization in a matter, excluding exceptions under The Municipal Council Conflict of Interest Act (MCCIA).

"In Camera" means to close a meeting or portion of a meeting to the Public and the matters discussed are to remain confidential until the matter is discussed at a meeting of council conducted in public.

"Indirect Pecuniary Interest" means to have an interest in a matter where a member or his Dependents holds a beneficial interest in, or a share or purchase option of 5 % or more of the values of the issued capital stock; or is a director or officer, of a corporation which, or a subsidiary of which, has a direct pecuniary interest in the matter or the member is a partner of or employed by, or a guarantor or surety for, or 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, excluding exceptions under The Municipal Council Conflict of Interest Act (MCCIA).

"Member(s)" means the City of Thompson Councillors and Mayor.

"Municipality" means the City of Thompson.

"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.

"The Municipal Board" means The Municipal Board established under The Municipal Board Act.

"Motion" means a proposal to be considered by council at a meeting. It is a request to do something or to express an opinion about something. A motion formally puts the subject of the motion as an item of business before the council.

"Non-voting Member" means a member appointed to a council committee, board or commission, and who attends and participates but does not have a vote.

"Proponent" means an owner, applicant or representative who advocates for a proposal on a matter for which the public hearing is being held.

"Public" means any person that is not a member of Council of the City of Thompson.

"Public Hearing" means a forum to hear any person who wishes to make representation, ask questions, or register an objection as provided for in The Municipal Act or The Planning Act, or any other Act.

"Resolution" means a motion that has been formally adopted by a majority of elected members at a council meeting.

"Task Force" means a council committee, with specific terms of reference including a sunset clause, which is assigned to study a specific issue by the council.

"Website" means the City of Thompson Website, its collection of pages including accounts with third party service providers.

Notation: Use of "they" in this By-law is to be interpreted in the context of a singular gender-neutral pronoun; or plural, as the case may be.

### **3. ORGANIZATION OF THE CITY**

#### **3.1. COUNCIL COMPOSITION**

The Council of the City of Thompson shall be composed of the Mayor and eight Councillors.

#### **3.2. HEAD OF COUNCIL**

The Head of Council for the City of Thompson is to have the title of Mayor.

#### **3.3. DEPUTY MAYOR**

**3.3.1.** The Mayor will appoint the 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.

**3.3.2.** The duration of the appointment during the term in office for the Deputy Mayor is twelve months.

### **3.4. INAUGURAL MEETING**

**3.4.1.** The first meeting of an incoming council after a general election must be held within 30 days of the election.

**3.4.2. TIME**

The date, location and time for the Inaugural meeting shall be established by the City Manager in consultation with the Mayor elect.

**3.4.3. NOTICE TO PUBLIC**

3.4.3.1. A notice of an Inaugural meeting shall be posted on the Website as soon as practicable.

3.4.3.2. A notice will be posted on the Website as soon as practicable, of the cancellation, postponement, change to location or time of an Inaugural meeting.

**3.4.4. AGENDA**

3.4.4.1. The agenda for the Inaugural meeting shall include the appointment to council committees and other bodies of the Council, the appointment of a deputy mayor; and any addition item the Council deems appropriate.

3.4.4.2. The agenda of an Inaugural meeting of Council, together with support material, will be provided to the Members of Council elect at least two (2) full days prior to the meeting.

3.4.4.3. The agenda of an Inaugural meeting of Council will be posted on the Website once distributed to the Members of Council elect.

**3.4.5. QUORUM**

3.4.5.1. Five (5) duly elected Members constitute a quorum for the City, subject to a reduced quorum as provided for under The Municipal Council Conflict of Interest Act.

3.4.5.2. If there is not a quorum present at the time fixed in the notice the Inaugural meeting may be held on the same day at any later time when a quorum is present.

3.4.5.3. If no quorum is present on the day fixed in the notice the Inaugural meeting shall be held on the earliest day thereafter when a quorum is present.

**3.4.6. CHAIR THE MEETING**

- 3.4.6.1. The Mayor shall be the chair for the Inaugural meeting of the Council.
- 3.4.6.2. In the event the Mayor may be absent in an Election Year, the City Manager, acting in a non voting capacity, shall call the meeting to order and the first item of business shall be the appointment of the Deputy Mayor. Members, by Resolution, shall appoint the Deputy Mayor, who shall then chair the meeting.

**3.4.7. CALLING THE MEETING TO ORDER**

At the set time of the meeting, with a quorum present, the chair shall call the Members to order.

**3.4.8. RECOGNITION OF TREATY 5**

Once the meeting of Council is called to order, the Mayor will acknowledge that the City of Thompson is on Treaty 5 Territory and that we are all Treaty People.

[AM B/L 2020-2022]

**3.4.9. MINUTES**

The City Manager shall cause the minutes of the meeting to be recorded.

**3.5. APPOINTMENT OF COMMITTEES**

- 3.5.1.** Council, by Resolution, may from time to time, establish Council committees as it deems appropriate and expedient, and which may be composed
- 3.5.1.1. entirely of Members of Council; or
  - 3.5.1.2. a combination of Members of Council and other persons; or
  - 3.5.1.3. entirely of persons who are not Members of Council
- 3.5.2.** The Mayor is a voting member of all committees
- 3.5.3.** Council, by Resolution, may appoint Members of Council to community organizations, from time to time.
- 3.5.4.** Council, by Resolution, shall appoint Members of Council to legislated organizations as required by the applicable legislation.
- 3.5.5.** In addition to the Inaugural meeting, Council, by Resolution, may attend to any appointments or changes to appointments which may occur from time to time at a Regular or Special meeting of Council.

### **3.6. ADMINISTRATIVE CONSULTATION**

- 3.6.1.** As per Section 14.2, the Council may meet as a committee at its discretion to discuss matters that, in the opinion of Council, are necessary and desirable to provide good government for all or part of the city and its citizens, including for the purpose of administrative presentations and consultation to provide Members of Council with briefing or debriefing information; or to ask questions of Council to gather insight. The meeting shall be deemed to be closed as provided for in Section 152(3) of The Municipal Act if the matter to be discussed relates to
- 3.6.1.1. an employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance.
  - 3.6.1.2. 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.
  - 3.6.1.3. the conduct of existing or anticipated legal proceedings.
  - 3.6.1.4. the conduct of an investigation under, or enforcement of, an Act or By-law.
  - 3.6.1.5. the security of documents or premises.
  - 3.6.1.6. a report of the Ombudsman received by the head of the council under clause 36(l)(e) of The Ombudsman Act.
- 3.6.2.** The City Manager shall schedule Administrative Consultation meetings as deemed appropriate to attend to the business of the City.
- 3.6.3.** A quorum does not apply to Administrative Consultation meetings.
- 3.6.4.** The Council Code of Conduct By-law shall apply to Administrative Consultation meetings.

### **3.7. BOARD OF REVISION**

- 3.7.1.** Council, by Resolution, shall each year appoint a Board of Revision to hear assessment appeals.
- 3.7.2.** The Council may appoint a Board of Revision, being a minimum three persons, which may be composed of all members of council, a combination of councillors and citizen members or all citizen members.
- 3.7.3.** A simple majority of the members of the Board makes up a quorum.
- 3.7.4.** All appointments are for one year terms commencing on the Resolution date or such other date as indicated in the Resolution.

### **3.8. SIGNING AGREEMENTS, CHEQUES AND INSTRUMENTS**

Agreements, cheques and other negotiable instruments must be signed as follows:

- 3.8.1.** General Account cheques are to be signed by the Mayor or Deputy Mayor; and the City Manager, or Acting City Manager, or the Chief Financial Officer or the Assistant Financial Officer.
- 3.8.2.** Agreements with a term over 5 years are to be signed by the Mayor or Deputy Mayor; and the City Manager or Acting City Manager, or his or her designate.
- 3.8.3.** For agreements with a term of five years or less, the City Manager is authorized to establish signing authorities to attend to the business affairs of the City, by policy, in compliance with Sections 129 and 134(1) of The Municipal Act.
- 3.8.4.** Council, by Resolution, may authorize a signature to be printed, lithographed or otherwise reproduced.



## **4. REGULAR COUNCIL MEETING**

### **4.1. LOCATION**

Council shall hold its Regular meetings of Council in the Council Chambers of the City of Thompson located 226 Mystery Lake Road, Thompson, Manitoba.

### **4.2. DAY**

- 4.2.1.** The Regular meetings of Council shall be held on the second and fourth Monday of each month.
- 4.2.2.** If a Regular meeting of Council falls on a Monday that is a holiday as established in The Interpretation Act; a civic holiday or any other legislative closure, the Regular meeting of Council shall be the next day, being Tuesday.

### **4.3. TIME**

- 4.3.1.** The regular time for the Regular meetings of Council will be between the hours of 7:00 pm to 10:00 pm.  
[AM B/L 2020-2022]
- 4.3.2.** The Council shall observe a curfew for the Regular Meeting of Council whereby discussion of an Agenda item that concludes after 10:00 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 half hour extension is allowed. All matters of business which appear on the Council Agenda which have not been dealt with shall be deemed to be deferred and are carried forth to the next Regular Meeting of Council.  
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### **4.4. CHANGES TO MEETING**

- 4.4.1.** Council, by Resolution, may change the location, time, date or cancel a Regular meeting of Council at their discretion.
- 4.4.2.** The City Manager is delegated the authority to cancel or change a location or time of a Regular Meeting of Council, in the event that circumstances arise, between Regular meetings of Council, that there will not be a quorum of Council.

#### **4.5. NOTICE TO PUBLIC**

- 4.5.1.** The notice for the Regular meetings of Council will be posted on the Website.
- 4.5.2.** A notice will be posted on the Website as soon as practicable, of the cancellation, postponement, change to location or time of a Regular Meeting of Council.

#### **4.6. AGENDA**

- 4.6.1.** The placement of items on the agenda for a Regular meeting of Council shall be determined by the City Manager.
- 4.6.2.** The Mayor or two councillors may request the placement of items on any agenda for a Regular meeting of Council, and the City Manager will cause the items to be placed on the requested agenda.
- 4.6.3.** For a Notice of Motion, one Member of Council, may give written notice to the City Manager, to have Council reconsider or reverse a Resolution passed within the past year, and the City Manager will cause the Notice of Motion to be placed on the requested agenda. For clarity, Section 8.6 further provides for this written notice as a notice not a motion.
- 4.6.4.** All material for inclusion in the Agenda shall be in the possession of the City Manager not later than 12:00 p.m. of the Wednesday immediately preceding the Monday on which the Council Meeting is to be held.  
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- 4.6.5.** The agenda of each Regular meeting of Council, together with support material, will be provided to the Members of Council at least two (2) full days prior to the meeting.
- 4.6.6.** Additional items or information deemed to be appropriate or necessary, by the City Manager, may be added electronically to the agenda in advance of the meeting; or may be placed on the Council table at any time during the meeting for Council discretion to add to the agenda.
- 4.6.7.** The agenda of each Regular meeting of Council will be posted on the Website once distributed to the Members of Council.

#### **4.7. QUORUM**

- 4.7.1.** Five (5) duly elected Members constitute a quorum for the City, subject to a reduced quorum as provided for under The Municipal Council Conflict of Interest Act.
- 4.7.2.** Lack of quorum – If no quorum is present within thirty (30) minutes after the time scheduled for a meeting, the Council will stand adjourned and the Committee Clerk shall enter into the minutes the names of members present at the meeting.

#### **4.8. CHAIR THE MEETING**

- 4.8.1.** The Mayor shall chair all Regular meetings of Council whenever they are present. The Deputy Mayor shall chair all Regular meetings of the Council in the absence of the Mayor.
- 4.8.2.** In the absence of the Mayor and Deputy Mayor the City Manager, acting in a non voting capacity, shall call the meeting to order and the first item of business shall be appointing of a chair. Members, by Resolution, shall appoint a chair from among themselves, who shall chair the meeting until the Mayor or Deputy Mayor is present.

#### **4.9. CALLING THE MEETING TO ORDER**

- 4.9.1.** At the set time of the meeting, with a quorum present, the chair shall call the Members to order.

#### **4.10. RECOGNITION OF TREATY 5**

Once the meeting of Council is called to order, the Mayor will acknowledge that the City of Thompson is on Treaty 5 Territory and that we are all Treaty People.

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#### **4.11. COMMUNITY COMMENTS/FEEDBACK**

- 4.11.1.** Where a person wishes to comment or provide input to Council on an item on the agenda, without prior notice, they may do so under the Order of Community Comments/Feedback whereby the comments/feedback will be limited to 10 minutes.

**4.11.2.** The Mayor may interrupt and deny any further right of a person to ask questions/or comments under Community Comments/Feedback during a meeting of Council if, in his or her opinion, the person:

- 4.11.2.1. does not speak respectfully of Her Majesty the Queen or the official representatives of her government;
- 4.11.2.2. uses offensive words in referring to any member of Council or to any official or employee of the municipality or member of the public;
- 4.11.2.3. shouts, immoderately raises his or her voice, uses profane, vulgar or offensive language; or
- 4.11.2.4. raises a subject which is not included as an item of business on that meetings agenda.

[AM B/L 2020-2022]

**4.12. MINUTES**

The City Manager shall cause minutes of the meeting to be recorded.

## **5. SPECIAL MEETING**

### **5.1. LOCATION**

Council shall hold its Special meetings in the Council Chambers of the City of Thompson located at 226 Mystery Lake Road.

### **5.2. DAY**

A Special meeting of Council shall be scheduled as required to meet the needs of the City.

### **5.3. TIME**

**5.3.1.** A Special meeting of the Council may be called at any time by the Mayor. A written copy of the request to be provided to the City Manager.

**5.3.2.** The Mayor must call a Special meeting of the Council if they receive a written request for the meeting, stating the purpose, from at least two Members of Council. A written copy of the request must, at the same time, be provided to the City Manager.

**5.3.3.** The Special meeting shall be scheduled no later than seven days after the request is submitted.

**5.3.4.** If the Mayor does not call a Special meeting, as requested by Members of Council, the Members shall notify the City Manager in writing and the City Manager must call the Special meeting.

### **5.4. NOTICE TO PUBLIC**

**5.4.1.** A notice of a Special meeting of Council may be posted on the Website, as practicable.

**5.4.2.** A notice will be posted on the Website as soon as practicable, of the cancellation, postponement, change to location or time of a Special Meeting of Council which has been posted on the Website.

## **5.5. NOTICE TO COUNCIL**

- 5.5.1.** The notice to Members of Council may be verbal or in writing; and shall include a statement of the matters to be taken into consideration at the meeting.
- 5.5.2.** The notice may be delivered to the home of the Members; or the Members may be contacted by email or some other electronic means to give notice of the date and time of a meeting.
- 5.5.3.** A Member of Council who waives the right to be given notice of a Special meeting is considered to have been given notice of the meeting.
- 5.5.4.** The minutes shall reflect how the notice was given, verbal or written; and when the notice was given.

## **5.6. LACK OF NOTICE TO COUNCIL**

Where, on the convening of the Special meeting, it appears that the notice of the Special meeting has not been given to all the absent Members of Council no business shall take place at the meeting.

## **5.7. AGENDA**

- 5.7.1.** At a Special meeting only those matters on the agenda shall be considered.
- 5.7.2.** Additional items may be added to an agenda of a Special meeting during the meeting only if all Members of Council are present at the meeting and unanimously agree.
- 5.7.3.** A Member of Council may give notice in advance that they will be unavailable, and therefore considered to have been given notification.
- 5.7.4.** If a Member has provided notice in advance that they are unavailable to attend the Special meeting, additional items will not be added to the agenda during the meeting.

## **5.8. QUORUM**

- 5.8.1.** Five (5) duly elected Members constitute a quorum for the City, subject to a reduced quorum as provided for under The Municipal Council Conflict of Interest Act.
- 5.8.2.** Lack of quorum – If no quorum is present within thirty (30) minutes after the time scheduled for a meeting, the Council will stand adjourned and the Committee Clerk shall enter into the minutes the names of members present at the meeting.

## **5.9. CHAIR THE MEETING**

- 5.9.1.** The Mayor shall chair all Special meetings of Council whenever they are present. The Deputy Mayor shall chair all Special meetings of the Council in the absence of the Mayor.
- 5.9.2.** In the absence of the Mayor and the Deputy Mayor the City Manager, acting in a non voting capacity, shall call the meeting to order and the first item of business shall be appointing of a chair. Members, by Resolution, shall appoint a chair from among themselves, who shall chair the meeting until the Mayor or Deputy Mayor is present.

## **5.10. CALLING THE MEETING TO ORDER**

- 5.10.1.** At the set time of the meeting, with a quorum present, the chair shall call the Members to order.

## **5.11. RECOGNITION OF TREATY 5**

Once the meeting of Council is called to order, the Mayor will acknowledge that the City of Thompson is on Treaty 5 Territory and that we are all Treaty People.

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## **5.12. MINUTES**

The City Manager shall cause minutes of the meeting to be recorded.

## **6. PROCEDURES AND RULES OF DEBATE FOR REGULAR AND SPECIAL MEETINGS OF COUNCIL [AM B/L 2020-2022]**

- 6.1.** When the Council decides to form a view on a specific issue it does so by formally debating and adopting a 'Motion' that expresses the majority view of the elected Members. To arrive at a decision (resolution), first a 'Motion' or proposition is placed before Council inviting the Members to determine their position with regard to the issue.
- 6.2.** The following shall apply to Inaugural, Regular and Special meetings of Council and outlines the procedures and rules for proposing, amending, approving and defeating legislative Motions for the purpose of guiding debate in the making of Council decisions.

### **6.3. PUTTING A MOTION**

#### **6.3.1. MEMBER TO ADDRESS THE CHAIR**

Before any subject is open to debate or speaking to any Motion on the agenda a Member shall address the chair, either by raising her or his hand or respectful verbal indication and shall wait to be recognized by the chair.

#### **6.3.2. CHAIR TO RECOGNIZE MEMBER**

The chair shall recognize a Member requesting to speak.

#### **6.3.3. MEMBER MAKING MOTION**

6.3.3.1. A Member recognized to speak may put forward a Motion to be considered by the Council.

6.3.3.2. No discussion is to take place before stating the Motion.

6.3.3.3. If the Mayor desires to leave the chair for the purpose of moving a Motion, the Deputy Mayor shall chair the meeting; or in the event the Deputy Mayor is not at the meeting, the Mayor shall designate another Member to chair the meeting until such time as the Motion is disposed of.



- 6.3.3.4. For interpretation, if a Motion is put forward in the form of a negative Motion, the adoption of such a Motion would enable the Council to give an official and public response to the question. If a negative Motion is defeated, it shall not mean that the request or application is approved. A separate positively framed Motion would be needed to achieve this outcome.

#### **6.3.4. MEMBER SECONDING A MOTION**

- 6.3.4.1. A Motion shall be seconded before it is debated or voted on.
- 6.3.4.2. Seconding a Motion does not imply agreement with the Motion, but does indicate support for debate of the Motion.
- 6.3.4.3. Without a second, the Motion shall not be debated and shall be considered lost for lack of a second.

#### **6.3.5. RESTATING THE MOTION**

The chair may restate the Motion to ensure clarity of the Motion being dealt with.

#### **6.3.6. DEBATING THE MOTION**

The role of the chair during debate is to maintain order; ensure all who wish to speak can speak, and ensure speaking rules are followed.

#### **6.3.7. SPEAKING**

- 6.3.7.1. Upon being recognized by the chair, on any Motion the mover shall be entitled to speak on opening the debate.
- 6.3.7.2. The Member who seconds the Motion is given an opportunity to speak after the mover.
- 6.3.7.3. In an attempt to give balance to the debate, at his or her discretion, the chair will generally recognize opposing and arguments in favour, being guided by the premise that all Members will be given an opportunity to participate in the debate.

- 6.3.7.4. The chair should not recognize a Member to speak for a second time on the subject before any other Member, who wishes to, has had the opportunity speak for the first time.
- 6.3.7.5. No member may speak more than twice to the same question without permission of the chair. No member, without permission of the chair, may speak to the same question or in reply for longer than a total of 5 minutes.  
[AM B/L 2020-2022]
- 6.3.7.6. A Member should indicate their interest in speaking to the Motion by raising his or her hand or verbally requesting recognition from the chair.
- 6.3.7.7. The chair may take part in any debate without leaving the chair.
- 6.3.7.8. When a Member is speaking, no Member shall interrupt the speaker except for
  - 6.3.7.8.1. a question of privilege as set out in Section 8.2.3.
  - 6.3.7.8.2. a point of order as set out in Section 8.3.2.
  - 6.3.7.8.3. an appeal from the decision of the chair as set out in Section 8.3.1.
- 6.3.7.9. Any Member may require a Motion under discussion to be read at any time during the debate but not so as to interrupt a Member while speaking.
- 6.3.7.10. Prior to the Motion being put to a vote the chair may summarize the key points of debate.
- 6.3.7.11. The Member moving the Motion shall have the right to conclude the debate.

### **6.3.8. AMENDMENTS**

- 6.3.8.1. A main Motion may be amended by a Member, even if contrary to the intent of its mover.

- 6.3.8.2. Only two criteria govern the use of an amendment
  - 6.3.8.2.1. an amendment may not convert a Motion to its direct negative; and
  - 6.3.8.2.2. an amendment must be pertinent to the topic in the main Motion.
  
- 6.3.8.3. There are only two kinds of amendments
  - 6.3.8.3.1. those pertaining to the proposed Motion called "first rank"; and those pertaining to a proposed amendment called "second rank" (amendment to the amendment)
  - 6.3.8.3.2. only one amendment of each rank may be on the floor at one time.
  
- 6.3.8.4. Any number of amendments may be made to most Motions, but no "second rank" amendments may be amended. For further clarity an amendment to the amendment to the amendment is not allowed and is considered out of order.
  
- 6.3.8.5. A Motion to amend is a subsidiary Motion and is subject to Section 8.4.2 of this By-law.
  
- 6.3.8.6. A Motion to amend a Motion or to amend an amendment, after being moved and seconded, shall be regarded for purposes of debate, as a separate question.

### **6.3.9. FRIENDLY AMENDMENT**

While a Motion is being debated, a Member may offer a "friendly amendment" to the Motion without having a vote. The mover and seconder must be agreeable to the amendment otherwise the amendment must be voted on.

### **6.3.10. QUESTIONS WHILE MOTION UNDER DISCUSSION**

- 6.3.10.1. A Member may ask a question through the chair only for the purpose of obtaining information relating to the Motion under discussion.
- 6.3.10.2. Questions may be asked only of a) the previous speaker b) the mover of the Motion, or c) the City Manager or designate.

**6.3.11. NOT SPEAKING TO A MOTION**

The following shall not be regarded as speaking to a Motion

- 6.3.11.1. moving, without comment or debate, any main Motion,
- 6.3.11.2. moving, without comment or debate, an amendment to a main Motion or an amendment to an amendment,
- 6.3.11.3. seconding, without comment or debate, any main or amending Motion.

**6.3.12. ENDING DEBATE**

Upon the chair determining debate has ended, that further debate is not adding to the matter being considered; or is repeating what has already been said, the chair may put the question and call the vote.

**7. VOTING**

- 7.1. The vote required to pass a Motion shall be a majority except as otherwise provided in any applicable Act.
- 7.2. In the case of a tie number of votes on a Motion, the Motion shall be deemed to have been defeated.
- 7.3. Each Member attending the meeting may vote in favour, opposed or abstain; except a Member who is disqualified from voting. Any failure to vote by a Member who is not disqualified shall be considered abstaining from the vote.
- 7.4. **CHAIR TAKES THE VOTE**
  - 7.4.1. The vote shall be taken by each Member raising her or his hand when the question is called by the chair.
  - 7.4.2. If there is any doubt as to the results of the vote, the chair may immediately request the Members to reaffirm their vote by another raising of hands, to signify being in favor or opposed to the Motion being voted upon.
  - 7.4.3. At the request of a Member, the chair shall decide if a Motion containing distinct proposals may be divided into two or more separate proposals.
    - 7.4.3.1. A separate vote shall then be taken on each proposed Motion.

**7.4.4. ABSTAINING FROM A VOTE**

- 7.4.4.1. Where during any meeting a) a matter arises in which a councillor or any of his or her Dependants has a Direct or Indirect Pecuniary Interest; or b) a matter involving the Direct or Indirect Pecuniary Interest of any person, corporation, subsidiary or a corporation, partnership, or organization to whom or which a councillor or any of his or her Dependants has a direct or indirect pecuniary liability, the councillor shall disclose the general nature of the Direct or Indirect Pecuniary Interest or liability; withdraw from the meeting without voting or participating in the discussion; and refrain at all times from attempting to influence the matter.
- 7.4.4.2. For further clarity, this applies to all official meetings, which includes a council meeting, a meeting of any committee or subcommittee of a council, or any subcommittee of a committee, on which the councillor sits, a meeting of any commission, board or agency on which the councillor serves in his official capacity as a councillor; and a meeting of any Board of Revision on which the councillor sits, subject to provisions under The Municipal Council Conflict of Interest Act.
- 7.4.4.3. The City Manager shall cause the disclosure to be recorded in the minutes of the meeting.
- 7.4.4.4. A Member of Council may abstain from a vote, subject to the provisions under The Municipal Council Conflict of Interest Act.

**7.4.5. RECORDED VOTE**

- 7.4.5.1. When a vote is to be taken for any purpose, a Member may request that the vote be recorded, including during debate, immediately prior to the vote or at any time during the vote. Prior to the chair declaring the result of the vote, each Member, except a Member who is disqualified from voting, shall announce her or his vote openly by a show of hands. Failure to vote by a Member, who is not disqualified, shall be considered to have abstained.
- 7.4.5.2. The minutes of the meeting shall indicate a recorded vote and how each Member voted.

**7.4.6. RESULTS OF THE VOTE**

The chair shall state the result of the vote, ie. carried or defeated.

**7.4.7. OUT OF ORDER**

Where an action of Council is not within the jurisdiction of the Council, is contrary to a By-law or legislation, the outcome of the Resolution may be out of order and deemed to be invalid.

**8. TYPES OF MOTIONS AND THEIR ORDER**

**8.1.** The order of precedence of Motions shall be as set out below. The lowest ranking Motion is at the bottom of the list. A Motion shall not be in order if a Motion having higher precedence is pending:

**8.1.1. Privileged Motions**

(i) Adjourn (ii) Recess (iii) Question of Privilege

**8.1.2. Incidental Motions**

(i) Appeal (ii) Point of Order (iii) Withdrawal of Motion (iv) Suspension of Rules

**8.1.3. Subsidiary Motions**

(i) Table (ii) Amend

**8.1.4. Main Motions**

(i) Main Motion (ii) Reconsider

**8.2. PRIVILEGE MOTIONS****8.2.1. ADJOURN**

8.2.1.1. A Motion to adjourn provides for the meeting to end.

8.2.1.2. A Motion to adjourn requires a seconder, debate or amendment is not permitted. A Motion to adjourn requires a majority vote.

8.2.1.3. A Motion to adjourn shall always be in order except as otherwise provided in this By-law.

8.2.1.4. A Motion to adjourn, when defeated, shall not be presented again immediately. A subsequent Motion to adjourn during the meeting proceedings may be put forward for the question at the discretion of the Chair.

- 8.2.1.5. A Motion to adjourn shall not be in order when a Member is speaking or during the verification of a vote on a Motion.

### **8.2.2. RECESS**

- 8.2.2.1. A Motion to recess provides for a break in the meeting.
- 8.2.2.2. A Motion to recess may not interrupt the speaker, requires a seconder, debate is not permitted, and only amended with respect to the length of the recess. A Motion to recess requires a majority vote.
- 8.2.2.3. A Motion to recess when other business is before the meeting shall specify the length of time of the recess.
- 8.2.2.4. A Motion to recess that is proposing a future time shall have no privilege and shall be treated as a main Motion.

### **8.2.3. QUESTION OF PRIVILEGE**

- 8.2.3.1. Any Member who feels that his or her rights have been infringed upon or violated may raise this point by simply stating their problem. Privilege involves the comfort or accessibility of the meeting and can include such things as unable to hear, too noisy, unclear copies, etc., or for more personal actions such as misquotes, misinterpretations or insults to a Member or Council.
- 8.2.3.2. A Member may bring forward a Motion from a question of privilege for the purpose of drawing the attention of Council to the question.
- 8.2.3.3. A question of privilege may interrupt a speaker, does not require a seconder, debate or amendment is not permitted. Ruling is made by the chair and the ruling may be appealed to the Council.
- 8.2.3.4. Following the decision, the Motion which was interrupted shall be immediately considered at the point where it was suspended.

**8.3. INCIDENTAL MOTIONS****8.3.1. APPEAL THE DECISION OF THE CHAIR**

- 8.3.1.1. If a Member feels that his/her point of order or question of privilege was ruled on unfairly by the chair, a challenge can be made to the chair. The chair then can ask for a Motion to uphold the chair's decision and a vote is taken. The vote by all meeting participants will decide whether the chair's action on the point was valid or not.
- 8.3.1.2. A Motion to appeal from the decision of the chair shall be made only at the time the ruling is made by the chair.
- 8.3.1.3. A Motion to appeal does not require a seconder, debate or amendment is not permitted.
- 8.3.1.4. A Motion to appeal shall yield to a privileged Motion.
- 8.3.1.5. A Member shall only address the chair for the purpose of appealing the chair's decision to the Council.
- 8.3.1.6. If no Member appeals, the decision of the chair shall be final.
- 8.3.1.7. If a Member appeals to the Council, the Member shall have the right to state a case, the chair shall have the right to reply.
- 8.3.1.8. The Council shall decide the question without debate, and its decision shall be final.

**8.3.2. POINT OF ORDER**

- 8.3.2.1. If a Member believes that the meeting is progressing outside of the rules of order, the Member can raise a point of order. When raising a point of order, the Member states what rule or order has been violated or not enforced by the chair.



- 8.3.2.2. A point of order may be called by a Member to bring attention to
- 8.3.2.2.1. any breach of the rules of procedure of the Council.
  - 8.3.2.2.2. any defect in the constitution of any meeting of the Council.
  - 8.3.2.2.3. the use of improper, offensive or abusive language.
  - 8.3.2.2.4. the fact that the matter under discussion is not within the scope of the proposed Motion.
  - 8.3.2.2.5. any other informality or irregularity in the proceedings of the Council.
- 8.3.2.3. A Motion for a point of order may interrupt the proceedings.
- 8.3.2.4. A Motion for a point of order does not require a seconder, debate or amendment are not permitted. Ruling is made by the chair and the ruling may be appealed to the Council.
- 8.3.2.5. A Member may raise a point of order, and upon being recognized by the chair, the Member shall state the point of order to the chair.
- 8.3.2.6. No further business shall be conducted until the chair has decided and ruled on the point of order.

### **8.3.3. WITHDRAWAL**

- 8.3.3.1. A Member may put forward a Motion to withdraw a previously decided Motion during the meeting.
- 8.3.3.2. The withdrawing Motion is subject to objections. If there are no objections, the Motion may be withdrawn. If there is an objection a vote on the Motion is required. It requires a seconder, may be debated and amended. It requires a majority vote.

#### **8.3.4. SUSPENSION OF THE RULES OF DEBATE**

A Member may put forward a Motion to suspend the rules of debate for all or part of a meeting. A Motion to suspend the rules of debate may not interrupt the speaker. It requires a seconder. Debate or amendment is not permitted. A Motion to suspend the rules of debate requires a majority vote.

### **8.4. SUBSIDIARY MOTIONS**

#### **8.4.1. TABLE**

If a Member feels that the decision and vote on a Motion needs to be delayed for whatever reason, that Member can move to "table" the Motion. A Member must be recognized by the chair in order to table a Motion and cannot request this action at the end of a speech. Generally a specific time limit is mentioned when tabling the Motion. The discussion allowed after a vote to table is only about the length of the tabling. A Motion to table a vote may not interrupt a speaker. It requires a seconder. Debate is only allowed in the length of the tabling. A Motion to table requires a majority vote.

#### **8.4.2. AMEND**

A Member may make a Motion to amend a Motion or an amendment to an amendment. A Motion to amend a Motion may not interrupt the speaker. It requires a seconder, may be debated and amended. A Motion to amend requires a majority vote.

### **8.5. MAIN MOTIONS**

#### **8.5.1. MAIN MOTION**

A Member may put forward a Motion for consideration by the Council. A Motion to consider a main Motion may not interrupt the speaker. It requires a seconder, may be debated and amended. The Motion requires a majority vote.

#### **8.5.2. RECONSIDER**

8.5.2.1. Council may reconsider or reverse a decision, at the same meeting at which the decision is made, if all the Members who voted are present.

- 8.5.2.2. A Motion to reconsider a previously decided Motion may not interrupt the speaker. It requires a seconder, may be debated and amended. A Motion to reconsider requires a majority vote.
- 8.5.2.3. When Council votes on a Motion to reconsider a decision during the same meeting as the decision is made, and the Motion is passed, the original Motion is considered nullified. If the Motion to reconsider is defeated, the original Motion stands.
- 8.5.2.4. If the Motion is nullified, Council will then reconsider the matter.
- 8.5.2.5. If Council reconsiders and reverses a decision only the decision made when reconsidered will be recorded in the minutes, unless Council, by Resolution, directs that the original decision and the decision made on reconsideration is recorded.

## **8.6. NOTICE OF MOTION**

- 8.6.1. If a Member of the Council wishes to have the Council reconsider or reverse a Resolution passed within the past year, the Member will give written notice from at least one Regular meeting to the next Regular meeting of the proposal to review and reverse the decision. This is a notice, it is not voted on.
- 8.6.2. The minutes will record the notice by the Member to bring forward the Motion to be reconsidered to a Regular meeting and will include the Resolution to be reconsidered.
- 8.6.3. The Motion being reconsidered requires a seconder, it may be debated, and amended. The Motion being reconsidered requires a majority vote.

## **8.7. CALL THE QUESTION**

When debate has been exhausted or when the chair believes there is no new information, they he shall call the question to determine the decision of the majority of the Members being "In Favour" and then "Against" or similar phrases.

## **9. REGULAR COMMITTEE OF THE WHOLE MEETING**

### **9.1. LOCATION**

Council shall hold its Regular Committee of the Whole meetings in the Council Chambers of the City of Thompson located at 226 Mystery Lake Road within the City of Thompson, Manitoba.

### **9.2. DAY**

**9.2.1.** A Regular Committee of the Whole meeting shall be held on the first and third Monday of each month.

**9.2.2.** If a Regular Committee of the Whole meeting falls on a Monday that is a holiday as established in The Interpretation Act; a civic holiday or any other legislative closure, the Regular Committee of the Whole meeting shall be the next day, being Tuesday.

### **9.3. TIME**

**9.3.1.** The regular time for a Regular Committee of the Whole meeting will be between the hours of 7:00 pm to 10:00 pm.

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**9.3.2.** The Council shall observe a curfew for the Regular Meeting of Council whereby discussion of an Agenda item that concludes after 10:00 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 half hour extension is allowed. All matters of business which appear on the Council Agenda which have not been dealt with shall be deemed to be deferred and are carried forth to the next Regular Committee of the Whole meeting.

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### **9.4. CHANGES TO MEETING**

**9.4.1.** Council, by Resolution, may change the location, time, date or cancel a Regular Committee of the Whole meeting at their discretion; or

**9.4.2.** The City Manager is delegated the authority to cancel or change a location or time of a Regular Committee of the Whole meeting in the event that circumstances arise, between Regular meetings of Council, that there will not be a quorum of Council.

**9.5. NOTICE TO PUBLIC**

- 9.5.1. The notice for the Regular Committee of the Whole meetings will be posted on the Website.
- 9.5.2. A notice will be posted on the Website as soon as practicable, of the cancellation, postponement, change to location or time of a Regular Committee of the Whole meeting.

**9.6. COMMITTEE COMPOSITION**

The Regular Committee of the Whole shall be comprised of the Mayor and all Members of Council.

**9.7. DECISION BY CONSENSUS**

- 9.7.1. The recommendations of the Committee of the Whole Members shall be by consensus, where consensus is understood to be the absence of major disagreement and not necessarily unanimous support of a proposal.
- 9.7.2. For greater clarity, the consensus decisions of the Committee of the Whole is as determined by the Chair.
- 9.7.3. Consensus decisions shall not be deemed resolutions, but recommendations which shall be forwarded to Council for formal resolutions.

**9.8. AGENDA**

- 9.8.1. The agenda of each Regular Committee of the Whole meeting, together with support material, will be provided to the Members of Council at least two (2) full days prior to the meeting.
- 9.8.2. All material for inclusion in the Agenda shall be in the possession of the City Manager not later than 12:00 p.m. of the Wednesday immediately preceding the Monday on which the Council Meeting is to be held.  
[AM B/L 2020-2022]
- 9.8.3. Additional items or information deemed to be appropriate or necessary, by the City Manager, may be added electronically to the agenda in advance of the meeting; or may be placed on the Council table at any time during the meeting for Council discretion to add to the agenda.

- 9.8.4.** The agenda of each Regular Committee of the Whole meeting will be posted on the Website after it has been distributed to the Members of Council.

**9.9. QUORUM**

- 9.9.1.** Five (5) duly elected Members constitute a quorum for the City, subject to a reduced quorum as provided for under The Municipal Council Conflict of Interest Act.
- 9.9.2.** Lack of quorum – If no quorum is present within thirty (30) minutes after the time scheduled for a meeting, the Council will stand adjourned and the Committee Clerk shall enter into the minutes the names of members present at the meeting.

**9.10. CHAIR THE MEETING**

- 9.10.1.** The Mayor shall chair all Regular Committee of the Whole meetings whenever they are present. In the absence of the Mayor, the Deputy Mayor shall be the chair.
- 9.10.2.** In the absence of the Mayor or the Deputy Mayor, the Chief Administrative Officer, in a non voting capacity, shall call the meeting to order and the first item of business shall be the appointing of a chair. Members, by consensus, shall appoint a chair from among themselves, who shall chair the meeting until the Mayor or Deputy Mayor is present.

**9.11. CALLING THE MEETING TO ORDER**

At the set time of the meeting, with a quorum present, the chair shall call the Members to order.

**9.12. RECOGNITION OF TREATY 5**

Once the meeting of Council is called to order, the Mayor will acknowledge that the City of Thompson is on Treaty 5 Territory and that we are all Treaty People.  
[AM B/L 2020-2022]

**9.13. COMMUNITY COMMENTS/FEEDBACK**

- 9.13.1.** Where a person wishes to comment or provide input to Council on an item on the agenda, without prior notice, they may do so under the Order of Community Comments/Feedback whereby the comments/feedback will be limited to 10 minutes.

**9.13.2.** The Mayor may interrupt and deny any further right of a person to ask questions/or comments under Community Comments/Feedback during a meeting of Council if, in his or her opinion, the person:

- 9.13.2.1. does not speak respectfully of Her Majesty the Queen or the official representatives of her government;
- 9.13.2.2. uses offensive words in referring to any member of Council or to any official or employee of the municipality or member of the public;
- 9.13.2.3. shouts, immoderately raises his or her voice, uses profane, vulgar or offensive language; or
- 9.13.2.4. raises a subject which is not included as an item of business on that meetings agenda.

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**9.14. LIMITS ON SPEAKING TIMES**

No member may speak more than twice to the same question without permission of the chair. No member, without permission of the chair, may speak to the same question or in reply for longer than a total of 5 minutes.

[AM B/L 2020-2022]

**9.15. MINUTES**

The City Manager shall cause minutes of the meeting to be recorded.

## **10. STANDING COMMITTEES OF COUNCIL**

### **10.1. ESTABLISHING STANDING COMMITTEES**

- 10.1.1.** Standing Committees of Council may be established or discontinued from time to time, by Resolution, at the discretion of Council.
- 10.1.2.** The Council, by Resolution, may appointment Members of Council and or citizen members to a Standing Committee from time to time.

### **10.2. TERMS OF REFERENCE**

- 10.2.1.** Council, by Resolution, shall approve the Terms of Reference for each Standing Committee of Council and by Resolution, may amend the Terms of Reference at the discretion of Council.
- 10.2.2.** Terms of Reference shall include:
  - 10.2.2.1. Location - where the meetings shall take place
  - 10.2.2.2. Day - when the meetings shall be scheduled
  - 10.2.2.3. Time - the meetings are to be held
  - 10.2.2.4. Changes to meeting location - day - time
  - 10.2.2.5. Notice to Public - what notice is given to the public, if any
  - 10.2.2.6. Agenda - how the agenda is created
  - 10.2.2.7. Quorum - what constitutes a quorum
  - 10.2.2.8. Chair - who shall be the chair
  - 10.2.2.9. Membership - what is the composition of council and/or citizens
  - 10.2.2.10. Authority - what authority is delegated to the committee
  - 10.2.2.11. Purpose - what is the purpose of the committee
  - 10.2.2.12. Resources - what resources are being provided to committee - le staffing, budget
  - 10.2.2.13. Process - how decisions of the committee are made
  - 10.2.2.14. Minutes - how a record of the meeting shall be recorded and approved

### **10.3. AGENDA**

- 10.3.1.** The agenda of a Standing Committee of Council, together with support material, shall be provided to the Members of the Committee at least two (2) full days prior to the meeting, unless an alternate timeline is provided in the Terms or Reference.
- 10.3.2.** Additional items or information deemed to be appropriate or necessary by the chair, may be added electronically to the agenda in advance of the meeting; or may be placed on the meeting table at any time during the meeting to be added to the agenda by consensus of the Committee members as determined by the chair.



**10.4. QUORUM**

50% plus one of the eligible Members comprising a Standing Committee shall constitute a quorum subject to a reduced quorum as provided for under The Municipal Council Conflict of Interest Act.

**10.5. CHAIR THE MEETING**

The chair of a Standing Committee of Council shall be as appointed by Council, by Resolution, or as provided for in the Terms of Reference.

**10.6. CONFIDENTIALITY**

A citizen member of a Standing Committee of Council who breaches the requirement of confidentiality may be disqualified from the Committee as determined by Council and shall be subject to penalties deemed appropriate by the Council. A confidentiality agreement must be signed prior to the start of the Committee.

**10.7. DECISION BY CONSENSUS**

**10.7.1.** Unless set out in the Terms of Reference, the decisions of the Standing Committee Members shall be by consensus, where consensus is understood to be the absence of major disagreement and not necessarily unanimous support of a proposal.

**10.7.2.** For greater clarity, the consensus decision of the Standing Committee is as interpreted by the chair.

**10.8. MINUTES**

The City Manager Officer shall cause minutes of the meeting to be recorded.

## **11. TASK FORCE COMMITTEES**

### **11.1. ESTABLISHING TASK FORCE COMMITTEES**

- 11.1.1.** Council, by Resolution, may establish a Task Force committee and its composition from time to time.
- 11.1.2.** Council, by Resolution, may appointment Members of Council and or citizen members to a Task Force Committee from time to time.

### **11.2. TERMS OF REFERENCE**

- 11.2.1.** Council, by Resolution, shall approve Terms of Reference for each Task Force committee and by Resolution, may amend the Terms of Reference at the discretion of Council.
- 11.2.2.** Terms of Reference shall include
  - 11.2.2.1. Location - where the meetings shall take place
  - 11.2.2.2. Day - when the meetings shall be scheduled
  - 11.2.2.3. Time - the meetings are to be held
  - 11.2.2.4. Changes to meeting location - day - time
  - 11.2.2.5. Notice to Public - what notice is given to the public, if any
  - 11.2.2.6. Agenda - how the agenda is created
  - 11.2.2.7. Quorum - what constitutes a quorum
  - 11.2.2.8. Chair - who shall be the chair
  - 11.2.2.9. Membership - what is the composition of council and/or citizens
  - 11.2.2.10. Authority - what authority is delegated to the committee
  - 11.2.2.11. Purpose - what is the purpose of the committee
  - 11.2.2.12. Resources - what resources are being provided to committee - ie staffing, budget
  - 11.2.2.13. Process - how decisions of the committee are made
  - 11.2.2.14. Minutes - how a record of the meeting shall be recorded and approved
  - 11.2.2.15. Sunset clause -the end date for the task force committee.

### **11.3. AGENDA**

- 11.3.1.** The agenda of each Task Force committee, together with support material, shall be provided to the Members of the Committee at least two (2) full days prior to the meeting, unless an alternate timeline is provided in the Terms or Reference.
- 11.3.2.** Additional items or information deemed to be appropriate or necessary by the chair, may be added electronically to the agenda in advance of the meeting; or may be placed on the meeting table at any time during the meeting to be added to the agenda by consensus of the Committee members as determined by the chair.

**11.4. QUORUM**

50% plus one of the eligible Members comprising a Task Force Committee shall constitute a quorum subject to a reduced quorum as provided for under The Municipal Council Conflict of Interest Act.

**11.5. CHAIR THE MEETING**

The chair of the Task Force Committee shall be appointed by Council, by Resolution, or as provided for in the Terms of Reference.

**11.6. CONFIDENTIALITY**

A citizen member of the Task Force committee who breaches the requirement of confidentiality may be disqualified from the Task Force committee as determined by Council and shall be subject to penalties deemed appropriate by the Council.

**12. PUBLIC HEARINGS****12.1. LOCATION**

Public Hearings shall be held in the Council Chambers of the City of Thomson located at 226 Mystery Lake Road; or the City Manager may make a determination to change the location of a Public Hearing within the City of Thompson, to best meet the needs of the matter for which the Public Hearing is scheduled.

**12.2. DAY**

A Public Hearing may be held on any day deemed appropriate by the City Manager, having the appropriate notice being given as required by the applicable legislation.

**12.3. TIME**

The time for a Public Hearing will be at the discretion of City Manager to best meet the needs of the matter for which the Public Hearing is scheduled.

**12.4. CHANGE MEETING**

**12.4.1.** Council, by Resolution, may change the location, time, date, cancel or adjourn Public Hearing at their discretion; or

**12.4.2.** The City Manager may cancel a meeting, if it is known in advance of the Public Hearing that there will not be a quorum of Council.

**12.5. PUBLIC HEARING NOTICE**

- 12.5.1.** Notice for a Public Hearing shall be given as prescribed for in The Municipal Act, The Planning Act or any other applicable legislation.
- 12.5.2.** A notice will be posted on the Website as soon as practicable, of the cancellation, postponement, and change to location or time of a Public Hearing.

**12.6. PUBLIC'S RIGHT TO BE PRESENT AT HEARINGS**

Public Hearings are open to the public and are the forum to hear any person who wishes to make representation, ask questions, or register an objection to the matter before the Public Hearing as provided for in The Municipal Act or The Planning Act, or any other Act that provides for or requires a Public Hearing.

**12.7. AGENDA**

- 12.7.1.** The agenda of each Public Hearing, together with support material, shall be provided to the Members of Council at least two (2) full days prior to the Public Hearing.
- 12.7.2.** Additional items or information deemed to be appropriate or necessary, by the City Manager, may be added electronically to the agenda in advance of the Public Hearing; or may be placed on the Council table at any time during the Public Hearing for Council consideration.

**12.8. PUBLIC HEARING REPRESENTATIONS**

- 12.8.1.** A person seeking to address a Public Hearing on any matter before the Public Hearing may provide a written submission to the City in advance of the Public Hearing or at the Public Hearing, either in favour or opposed to the matter, which will form part of the Public Hearing record.
- 12.8.2.** Representation at a Public Hearing shall be limited to not more than ten (10) minutes to complete their presentation. Council may, at its discretion, ask questions of the individual or representative during or following the presentation.

**12.9. CHAIR THE PUBLIC HEARING**

**12.9.1.** The Mayor shall chair all Public Hearings whenever he/she is present. In the absence of the Mayor, the Deputy Mayor shall be the chair.

**12.9.2.** In the absence of the Mayor or Deputy Mayor, the City Manager, acting in a non voting capacity, shall call the Public Hearing to order and the first order of business shall be appointing of a chair. Members, by consensus, shall appoint a chair from among themselves, who shall chair the Public Hearing until the Mayor or Deputy Mayor is present.

**12.10. ATTENDANCE AT PUBLIC HEARINGS**

Each Member of the Council must attend the Public Hearing unless the Member (a) is excused by the other Members from attending the Public 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 Public Hearing.

**12.11. CALLING THE MEETING TO ORDER**

At the established time of the Public Hearing, with a quorum present, the chair shall call the Public Hearing to order.

**12.12. NO DEBATE DURING A PUBLIC HEARING**

There shall be no debate amongst the Members of Council during a Public Hearing.

**12.13. ADDRESS THE CHAIR**

Persons speaking during the Public Hearing must address the chair and ask questions through the chair.

**12.14. PUBLIC HEARING PROCEDURE**

**12.14.1.** A Public Hearing is a forum to receive representations from any persons who wish to provide comment on the matter for which the Public Hearing is being held.

**12.14.2.** The staff responsible for the matter requiring a Public Hearing shall provide an overview of the matter at the Public Hearing.

**12.14.3.** The Proponent may speak to the matter at the Public Hearing.

**12.14.4.** Anyone who wants to speak in favor of the matter shall be heard first.

- 12.14.5.** Anyone who wants to speak in opposition to the matter shall then be heard.
- 12.14.6.** Anyone who wants to speak for further information on the matter shall then be heard.
- 12.14.7.** At the end of each presentation, the Members of Council may ask for clarification from the speaker on any fact or issue, but will not enter into a debate.
- 12.14.8.** The Proponent will have an opportunity to respond to questions when all presentations are finished.
- 12.14.9.** When all presentations have been completed, the chair will close the Public Hearing.
- 12.14.10.** If the Public Hearing is not completed, due to insufficient time or further information is to be provided, the Public Hearing will be adjourned.
- 12.14.11.** If the Public Hearing is adjourned, the date for the Public Hearing to be continued, if known, will be announced by the chair at the Public Hearing. No other notice will be given of the date.
- 12.14.12.** Until the decision is made, there can be no further communication of any kind with Council by the Proponent or a member of the Public about the matter for which the Public Hearing is being held.
- 12.14.13.** Subject to the type of Public Hearing, when Council makes its decision, as required by the applicable legislation, ie The Municipal Act, The Planning Act, all persons who made a representation at the Public Hearing will be notified.

**13. PUBLIC AT MEETINGS [AM B/L 2020-2022]**

- 13.1.** Everyone has the right to be present at a Regular or Special meeting of Council or Regular Committee of the Whole meeting, except as provided for in The Municipal Act or this By-law.
- 13.2.** A member of the Public shall not interrupt the proceedings of any meeting of Council or Council Committee, including but not limited to visual, audible, or any other form of activity that may cause a distraction or disruption of the meeting.
- 13.3.** Where at a meeting of Council or Council Committee any member of the Public, in the opinion of the chair, is guilty of disorderly or improper conduct the chair may require that person to leave the meeting.
- 13.4.** If the member of the Public fails to leave the meeting when required to do so, the chair may cause that person to be removed.
- 13.5.** A limit may be set on the number of persons safely allowed in the meeting location.

**14. MAY CLOSE A MEETING (In Camera)**

- 14.1.** Council may, by Resolution, close a meeting to the Public to discuss a matter as provided for in The Municipal Act.
- 14.2.** A meeting may be closed if the matter to be discussed relates to
  - 14.2.1.** an employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance.
  - 14.2.2.** 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.
  - 14.2.3.** the conduct of existing or anticipated legal proceedings.
  - 14.2.4.** the conduct of an investigation under, or enforcement of, an Act or By-law.
  - 14.2.5.** the security of documents or premises.
  - 14.2.6.** a report of the Ombudsman received by the head of the council under clause 36(l)(e) of The Ombudsman Act.

- 14.3.** While in a closed meeting, Council may not pass a Resolution other than to re-open the meeting.
- 14.4.** While in a closed meeting, Council, by Resolution, may use Motions relating to standard rules in order to conduct the meeting such as point of order, point of privilege; or to address the disorderly or improper conduct by a Member.
- 14.5.** The general nature of the matter discussed while in a closed meeting will be recorded in the minutes of the meeting.
- 14.6.** A Council Committee may, by consensus, close a meeting to the Public to discuss a matter provided for in The Municipal Act.

## **15. DUTIES OF MEMBERS**

- 15.1.** Each Member of Council has a duty to
  - 15.1.1.** 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.
  - 15.1.2.** participate generally in guiding/informing programs and services through by-laws and resolutions.
  - 15.1.3.** participate in meetings of the Council and of Council committees and other bodies to which the Member is appointed by the Council.
  - 15.1.4.** keep in confidence a matter that is discussed at a meeting closed to the Public under The Municipal 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.
  - 15.1.5.** perform any other duty or function imposed on the Member of Council or The Municipal Act or any other Act.
- 15.2.** Any Member of Council may discuss a confidential matter with the City Manager or a Designated Officer before the matter is made public.
- 15.3.** A Member of Council who breaches the requirement of confidentiality may become disqualified from Council as set out in The Municipal Act.



## **16. DELEGATIONS AND PRESENTATIONS**

- 16.1.** A delegation seeking to address a Regular or Special meeting of Council or a Regular Committee meeting shall submit a written request to the City Manager, outlining the particulars of the delegation.
- 16.2.** The City Manager has the authority to determine if any request to appear as a delegation is more appropriately dealt with by Administration or a delegation before Council.
- 16.3.** All material to be presented by the delegation at the meeting must be provided a minimum of two (2) business days prior to the meeting.
- 16.4.** Delegations to a meeting of Council shall be limited to not more than ten (10) minutes to complete their presentation after which Council may wish to ask questions of the spokesperson of the delegation.
- 16.5.** All questions shall be channeled through the chair of the meeting.
- 16.6.** Council may receive the information presented by the delegation or defer consideration of a decision on any matter brought before it by a delegation.
- 16.7.** The Council shall not hear any delegation or representation with respect to a matter which has been or is required to be considered at a Public Hearing except at the Public Hearing.
- 16.8.** Council may limit the number of persons safely allowed in the Council Chambers.
- 16.9.** Presentations to a meeting of Council may be arranged by Administration, and as such are not considered a delegation and not subject to the criteria applicable to a delegation.

## **17. AUDIO AND VIDEO RECORD OF MEETING**

At all meetings of Council, the City Manager shall cause to be made an audio and/or video recording of the proceedings, which shall be posted on Thompson.ca and such recordings must be retained for a period of one (1) year from the date of the meeting.

[AM B/L 2020-2022]

**18. PARTICIPATE IN A MEETING USING COMMUNICATION FACILITIES**

Any member of council participating in a meeting of Council by means of a communications facility must ensure that the facility enables the members to hear and speak to each other and the public to hear the members. If a member of council participates by a virtual platform, and the meeting goes In-Camera, the member of council must ensure that their video camera is on and that they use headphones.

[AM B/L 2020-2022]

**19. CODE OF CONDUCT**

Council shall, by by-law, establish a code of conduct to set guidelines that define the standards and values that will apply to every Member of Council in their dealings with each other, employees and the Public.

**20. BY-LAW REVIEW**

This By-law shall be reviewed at least once during the term of the elected Council.

**21. SEVERABILITY**

The invalidity of any provision of this By-law with an Act or Regulation in force in the Province of Manitoba or a decision of Court, shall not affect the validity or enforceability of any other provisions of this By-law, which shall remain in full force and effect.

**22. SUNSET** This By-law shall continue in force and effect until repealed.

**23. REPEALING** By-law 1998-2020, being a By-law of the City of Thompson to Govern the organization of the City of Thompson and Committees Thereof, is hereby repealed. By-law 1999-2020, being a By-law of the City of Thompson to Regulate the Proceedings of the Council and the Committees Thereof, is hereby repealed.

**24. EFFECTIVE DATE**

The effective date of this By-law shall be the day after it is passed.

**DONE AND PASSED as a By-law of the City of Thompson in the Province of Manitoba this 31<sup>st</sup> day of January, 2022 . A.D.**

**Read a first time this 27<sup>th</sup> day of January , 2022 A.D.**

**Read a second time this 31<sup>st</sup> day of January , 2022 A.D.**

**Read a third time this 31<sup>st</sup> day of January , 2022 A.D.**

**The City of Thompson**

**Per:** \_\_\_\_\_  
**Mayor**

**Per:** \_\_\_\_\_  
**City Manager**