

**THE CITY OF THOMPSON
BY-LAW NUMBER 1999-2020**

BEING A BY-LAW OF THE CITY OF THOMPSON TO REGULATE THE PROCEEDINGS AND CONDUCT OF COUNCIL AND ITS COMMITTEES TO BE KNOWN AS THE "PROCEDURE BY-LAW".

WHEREAS Council is required under Section 149 of The Municipal Act to establish by by-law, rules and provisions for governing the proceedings of its meetings;

AND WHEREAS it is deemed necessary to establish rules of procedure to regulate the conduct of business in meetings of Council and its committees, to control and maintain order in Council for the enactment of municipal legislation and to provide for the receiving of petitions, public delegations and written submissions at its meetings;

NOW THEREFORE the Council of The City of Thompson, in open session duly assembled enacts as follows:

PART ONE: PURPOSE AND DEFINITIONS

Purpose

1. The purpose of this by-law is to establish rules of procedure to follow in governing the business and affairs of Council and its committees.

Definitions

2. In this by-law, unless the context otherwise requires:
 - (a) "Agenda" means the list of items and order of business for any meeting.
 - (b) "Amendment" means an alteration of a main motion by adding, deleting or substituting a word or words without materially altering the basic intent of the motion.
 - (c) "Amendment to an Amendment" means an alteration of an amending motion by substituting, adding or deleting a word or words without changing the basic intent of the motion.
 - (d) "By-law" means a by-law of the City of Thompson, or a section, clause or provision of such by-law.
 - (e) "Challenge" means an appeal of a ruling of the Mayor.
 - (f) "Council" means the Council of the City of Thompson.
 - (g) "Council Committee" means a committee established by Council under the provisions of the City's Organizational By-law.

- (h) "Council Meeting" means a regular meeting or special meeting of the Council but does not include a Public Hearing held by Council.
- (i) "Deputy Mayor" means the member who is appointed by the Mayor, pursuant to the provisions of the City's Organizational By-law, to act as Mayor in the absence or incapacity of the Mayor.
- (j) "General Holiday" means each Saturday and Sunday and includes such days as New Year's Day, Louis Riel Day, Good Friday, Easter Monday, Victoria Day, Canada Day, King Miner Day, Civic Holiday, Labour Day, Thanks Giving Day, Remembrance Day, Christmas Day, Boxing Day and any other day declared a holiday by the Provincial or Federal Government.
- (k) "Head of Council" means, as referred to in The Municipal Act and for the purpose of this by-law, the Mayor, Deputy Mayor or in the absence of all three, any other member appointed by resolution of Council to be Acting Mayor.
- (l) "Inaugural Meeting" means the organizational meeting of Council held immediately following a general election.
- (m) "In Camera" means in private or to the exclusion of the public
- (n) "Members" means, when referring to Council, the Mayor and Councillors.
- (o) "Motion (substantive or main)" means a formal proposal placed before a meeting in order that it may be debated to a conclusion and is any motion, except a motion to:
 - i. refer;
 - ii. amend;
 - iii. table; or
 - iv. adjourn.
- (p) "Motion (subsidiary)" means one which affects the disposition of a substantive or main motion, by bringing it to an immediate vote, or by delaying or deferring a decision thereon.
- (q) "Organizational Meeting" means a meeting that is held annually by Council in accordance with the provisions of the City's Organizational By-law.
- (r) "Other Committees, Boards and Public Agencies" means a committee, board or public agency not established by Council under the provisions of the City's Organizational By-law.
- (s) "Petition, Statutory" means a statement and/or request submitted and signed by persons under the provisions of The Municipal Act.

- (t) "Petition, Non Statutory" means a written statement and/or request submitted and signed by persons other than under the provisions of The Municipal Act.
- (u) "Point of Order" means the raising of a question by a member, with the view of calling attention to any departure from the rules of procedure or the customary modes of proceedings in debate, or in the conduct of Council's business.
- (v) "Point of Procedure" means a question to the Mayor to obtain information on a matter of parliamentary law or the rules of Council bearing on the business at hand, in order to assist a member to make an appropriate motion, raise a point of order, understand the parliamentary situation or the effect of a motion.
- (w) "Public Hearing" means a meeting of Council or that portion of a meeting of Council, which is convened to hear matters required by:
 - i. The Municipal Act;
 - ii. The Planning Act;
 - iii. any other Act; or
 - iv. Council.
- (x) "Question of Privilege" is the raising of a matter by a member:
 - 1) which occurs while Council is in session, where:
 - i. the rights, privileges, decorum or dignity of Council collectively or the rights and privileges of a member individually have been affected;
 - ii. a member believes that another member has spoken disrespectfully toward him/her or Council;
 - iii. a member believes his/her comments have been misunderstood or misinterpreted by another member or members; or
 - 2) when a member believes that comments made by the member outside of the Council Chamber have been misrepresented or misunderstood by the community, the public or the news media in order to clarify his/her position.
- (y) "Resolution" means a formal determination made by Council or a committee on the basis of a motion, duly placed before a regularly constituted meeting of Council or committee, and is duly passed.
- (z) "Special Meeting" means a meeting other than a regular scheduled meeting of Council called pursuant to the provisions of this by-law.

PART TWO: GENERAL PROVISION

General Rule

3. In all proceedings coming before Council and any established committee of Council, the rules set out herein must be observed subject to any Act of the Manitoba Legislature and in particular The Municipal Act.

Reference Source

4. When any matter relating to proceedings arises which is not covered by a provision of this by-law, the matter must be decided by reference to the current edition of Robert's Rules of Order, where applicable.
5. In the event of any conflict between the provisions set out in this by-law and those contained in the reference source set out in Section 4, the provisions of this by-law will apply.
6. Subject to Section 3 of this by-law, procedure is a matter of internal regulation and any ruling of the Mayor or Committee Chairperson will prevail subject to the appellate jurisdiction of Council or the committee.

Suspension of Rules

7. In the absence of any statutory obligation, any provision of this by-law may be altered or suspended by resolution of Council to deal with a matter under consideration, provided the majority of all members present at a meeting vote in favour of such alteration or suspension.

Review of Rules

8. Each Council must at least once during its term of office review the rules of procedure contained and set out in this by-law.

PART THREE: MEETINGS OF COUNCIL

General Powers of the Council

General Powers

9. The general powers of Council must be exercised by a resolution passed by the Council except where such public business is specifically required to be exercised by the passage of a civic by-law.

Validity of Action

10. A by-law or resolution that is inconsistent with any Act of the Manitoba Legislature, or with any regulations made pursuant to such an Act, has no validity.

Place of Meetings

Corporate Office

11. The corporate office of the City of Thompson is City Hall, 226 Mystery Lake Road, Thompson, Manitoba.

Council Chamber

12. Each inaugural meeting and all subsequent regular meetings of Council must be held in the Council Chamber at City Hall, unless otherwise provided for by resolution of Council.

Organizational Meetings

Annual Organizational Meeting

13. The business of Council at the Annual Organizational Meeting shall be limited to the appointment of Council Committees, appointment of Youth Members, the naming of the City's signing officers for banking purposes, and where necessary swearing in of new council, such other actions in accordance with the provisions of the City's Organizational By-law,
14. The Annual Organizational Meeting shall be held on the first Wednesday in November of each year.

Inaugural Meeting

15. The first meeting of the new Council following a general election must be held within 30 days of such election, on a day and at a time to be determined by the Mayor or by not fewer than one-fourth (1/4) of the Council members if the Office of the Mayor is vacant. The members must at this inaugural session organize themselves in accordance with Section 13.

Notice of Inaugural Meeting

16. Every member of Council must be given written notice of the day and time of the inaugural meeting and such notice must include a statement of the subjects to be taken into consideration at the meeting and be posted at City Hall at least 48 hours prior to the meeting.

Oath of Office

17. Every member of council shall make and subscribe the official oath prescribed by The Municipal Act and shall conform with Section 10 of the Conflict of Interest Act before entering into their duties and shall deposit the oath and the list of assets, duly, completed, with the City Manager of the City. Failure to comply will make the position vacant and disqualifies the person until the next general election.

Other Organizational Meetings

18. Council must each year thereafter hold its annual organizational meeting as part of a regular meeting that is scheduled to be held in November of that year, unless otherwise provided for by resolution of Council.

Council Committees

19. A schedule of regular meetings of the Standing Committees will be set by Council. The schedule may be adjusted by the Chair to accommodate the needs of member.
20. Special Meetings of Standing Committees may be called at any time by the Chairperson or by two (2) members of the Committee, and must be called by the Chairperson, if the Chairperson receives a written request from at least two (2) members of the Committee stating the purpose. A copy of the written request must also be served on the City Clerk .
21. Should the Chairperson not call a special meeting within forty-eight (48) hours of receiving a written request by two members of the Committee, the City Clerk must call the meeting in accordance with Section 20 of this By-Law.
22. Any member of Council not a member of a Committee has the right, and is encouraged to attend and participate in discussions in Committee Meetings.

Preparation and the Distribution of the Committee Agenda

23. All material for inclusion for a Committee meeting shall be in the possession of the City Clerk not later than 12:00 p.m. two working days prior to the Committee Meeting,

Regular Meetings

Regular Meetings

24. Regular meetings of Council must be held at 7:00 p.m. on the dates established annually by Council at its organizational meeting. A public notice setting out the adopted schedule of regular meetings must be posted within City Hall by the City Clerk within seven days of such organizational meeting.

Authority to Postpone Meeting

25. The Mayor may, on two days written notice through the City Clerks' Office, postpone any regular meeting to another day or to another hour.

Change in Date, Hour, Place of Meeting

26. Notwithstanding any of the foregoing, the date or hour or place of any regular meeting of Council may be altered, or any such meeting may be cancelled, by a resolution passed at any previous regular or special meeting, by vote of a majority of the members who are present.

Notice of Meeting Change

27. Notice of any changes of day or time of a regular meeting of Council must be posted in the municipal office at least forty-eight (48) hours before the regularly scheduled date of the meeting.

Curfew

28. The Council shall observe a curfew for the Regular Meeting of Council whereby discussion of an Agenda item that concludes after 10:30 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 or Special Meeting of Council.

Special Meetings

Special Meetings

29. Subject to Section 31, the Mayor:
 - (a) may call a special meeting of Council whenever he or she considers it appropriate to do so; and
 - (b) must call a special meeting of Council if he or she receives a written request for the meeting, stating its purpose, from at least two members of Council. A copy of the written request must also be served on the City Clerk.
30. If the Mayor does not call a special meeting within 48 hours of receiving a written request from at least two members of Council, the City Clerk must call the meeting in accordance with Section 31.

Form of Notice

31. Section 151(2) of the Municipal Act requires that notice of a special meeting must be given in accordance with the procedures by-law. For the City of Thompson, the notice of the special meeting to all members of Council may be oral, in electronic or written form and must state the purpose of the meeting, and must be provided to all members of Council at least forty-eight (48) hours notice before the scheduled time of the meeting. The requirement for forty-eight (48) hours notice may be waived by unanimous consent of all Members of Council.

Manner of Written Notice

32. When the notice of the special meeting is given in writing, the City Clerk must cause it to be delivered or mailed to an address specified previously by each member of the Council.

Place and Time of Meeting

33. Special meetings must be held in the Council Chamber at 7:00 p.m. unless otherwise stated in the notice of the meeting.

Reading of the Call

34. Upon the meeting being called to order by the Mayor, the City Clerk must confirm a quorum is present and if such is the fact, that proper notice of the meeting has been given to all members of Council. This confirmation must be recorded in the minutes of the meeting.

Lack of Notice

35. Where, on the opening of a special meeting, it appears that proper notice has not been given to all absent members of Council, no business may be transacted by the members present and the meeting must stand adjourned.

Waiver of Notice

36. Notwithstanding Section 35, any member of Council may waive the right to be given notice of a special meeting by giving such written notice to the City Clerk previous to such meeting and, in doing so, must be deemed to have been given notice of the meeting. Confirmation of the written notice from the member must be recorded in the minutes of the meeting.

Items of Business

37. Only those subjects stated in the notice of a special meeting may be considered at the meeting unless all members of the Council are present and unanimously agree by resolution to deal with other matters.

Special Emergency Meetings

Civil Disaster or Emergency

38. Where a state of emergency is declared under an Act of the Legislature or an Act of Parliament or, where in the opinion of the Mayor, a disaster or emergency exists or is imminent, a special emergency meeting of Council may be called by the Mayor after giving such notice as is considered reasonable in the circumstances.

Items of Business

39. Only such business as arises out of, or is incidental to, the emergency or disaster may be transacted at this meeting and, Council must cause to be recorded in the minutes of the proceedings, the manner in which notice of the meeting is given.

Agenda and Record of Proceedings

Agenda Format

40. The agenda orders the business for a meeting and, for regular meetings of Council must follow the Orders of the Day set out in Section 69. The agenda format for other meetings of Council must follow such rule as may be deemed necessary by the Mayor.

Preparation and the Distribution of Agenda

41. Items may be added or removed from the agenda at a Regular Meeting of Council by a majority vote of the members present, prior to adopting the final agenda for the Regular Meeting.
42. All material for inclusion in the Agenda shall be in the possession of the City Clerk not later than 12:00 p.m. of the Wednesday immediately preceding the Monday on which the Council Meeting is to be held.
43. A draft agenda of each Regular Meeting of Council, together with copies of supporting materials shall be provided to the members of Council by 4:30 p.m. Friday preceding the Regular Meeting of Council. A copy of the draft Agenda shall also be posted at City Hall and on the City of Thompson Website not later than 4:30 p.m. Friday preceding the meeting in a location accessible for viewing by the Public.

Agenda Review Committee

44. The City Manager may cause to be established a special administrative committee to assist in the preparation of the agenda material, the membership of which may be the City Manager, City Clerk and such other departmental staff as may be necessary. The Mayor may attend the meetings of this administrative committee at the request of the City Manager.

Record of Proceedings

45. The City Clerk must cause minutes of all meetings of Council to be made and retained in accordance with the statutory provisions of any Act of the Legislature and, in preparing such minutes of the meetings, the City Clerk must include:
 - (a) the names of all members present at and absent from the meeting;
 - (b) all decisions and other proceedings;
 - (c) if required, the name of all members voting for or against all motions;
 - (d) any declarations of pecuniary interest made under The Municipal Council Conflict of Interest Act;
 - (e) if required under any statute or this by-law, the names of those members abstaining from voting and the reasons given; and
 - (f) the signatures of the Mayor and City Clerk.

Posting & Circulation of Minutes

46. The minutes of all meetings must be posted at City Hall and on the City of Thompson's website and circulated to all members of Council prior to the meeting at which they are to be adopted.

Audio and Video Record of Meeting

47. 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 within forty eight hours (48) and such recordings must be retained for a period of one (1) year from the date of the meeting.

Meetings Generally

Quorum

48. At all meetings, a majority of the members required to constitute Council is necessary to form a quorum. A quorum of Council consists of one half (1/2) of its members plus one.
49. If a position on council is vacant, the quorum will be the majority of the remaining members of Council provided that the minimum number for a quorum cannot be less than three (3) members.
50. In the case of a Council Committee, the minimum number for a quorum is a majority of the Council Committee Members.
51. Where, by reason of withdrawals from a meeting under the provisions of The Municipal Council Conflict of Interest Act, the number of members remaining is not sufficient to constitute a quorum, the said Act provides that the number of members still remaining, if not fewer than two, is deemed to constitute a quorum of Council.
52. 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 City Clerk shall enter into the minutes the names of members present at the meeting.

Attendance Required

53. A member of a council is disqualified from council if he or she 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, a prior meeting or the next meeting following the third absence.

Conflict of Interest

54. In all matters and under all circumstances every member of Council must be guided by and have regard to the statutory provisions of The Municipal Council Conflict of Interest Act.

Majority to Decide

55. Every disputed question must be decided by a majority of the votes of the members of Council present at the meeting, except in cases where, under this by-law or by any Act of the Legislature, another number of votes is required to decide the matter.

Voting is Obligatory

56. Every member of Council present when a question is put must vote on the question, unless a majority of the other members present excuse him or her from so doing or if such member is prohibited from voting or allowed to abstain from voting by this by-law or any Act of the Legislature. If any member persists in refusing to vote for other than the reasons stated, he or she must be recorded as voting in the negative on the question before Council.

Recess

57. Council may decide to recess at any time during the meeting and a motion to recess must be seconded, state the time of duration of the recess and be passed by a majority of the members present.
58. Council may reconvene sooner than the time mentioned in the motion of recess, but must not reconvene later than 30 minutes after the time specified for reconvening or the meeting must be deemed to be adjourned due to a lack of quorum.
59. Upon reconvening the meeting, Council must deal with the next listed agenda item following that item considered prior to the recess unless a motion to alter the agenda is passed.

Adjournment of Meeting

60. A motion to adjourn the meeting may be made at any time and if seconded, the motion must be put immediately without debate. If the motion is passed by a majority of the members present, the meeting must stand adjourned.

Referral of Unfinished Business

61. Any business which appears on the agenda for the meeting and which has not been dealt with at the time of the adjournment, must be tabled until the next regular meeting or until a special meeting is called for the purpose of dealing with the unfinished items of business.

Respect of the Mayor

62. When Council adjourns or recesses, the Mayor has full precedence in the Council Chamber, and no other member may leave their place until the Mayor leaves the Chair, or otherwise indicates that the meeting is adjourned or recessed.

Open Meetings

63. All meetings of Council must be open to the public and no person may be excluded or removed from any meeting, except for improper conduct.

Closed Meetings

64. Despite Section 63 of this By-Law, Council or a Council Committee may close a meeting to the public if:
- (a) the members decide during the meeting to meet as a committee to discuss a matter, and
 - (b) the decision and general nature of the matter are recorded in the minutes of the meeting and;
 - (c) the matter to be discussed relates to:
 - i. an employee, including the employee's salary, duties and benefits and any appraisal of the employee's performance;
 - ii. a matter that is in its preliminary stages and respecting which discussion in public could prejudice the municipality's ability to carry out its activities or negotiations;
 - iii. the conduct of existing or anticipated legal proceedings;
 - iv. the conduct of an investigation under, or enforcement of, an Act or by-law;
 - v. the security of documents or premises, or
 - vi. A report of the Ombudsman received by the head of the Council under clause 36(1) (e) of The Ombudsman Act.

Decorum of Members

65. In the Council Chamber:
- (a) all members must dress appropriate to the public office of a member of Council; and
 - (b) any member or members of Council and the Administration may have a non-alcoholic beverage in a cup or glass at his or her desk, but no food is permitted in the Council Chamber during the proceedings of a regular meeting.

Disruption of the Proceedings

66. Without the prior approval of the Mayor, no member of Council, the Administration or the public may bring into the Council Chamber a cellular device unless the phone is programmed and remains programmed so as to prevent an audible tone or ring.

Visitors in the Public Gallery

67. Members of the public who constitute the audience in the Council Chamber during a meeting of Council:

- (a) may not address Council without permission from Council;
- (b) must maintain order and quiet during the proceedings of Council;
- (c) may not interrupt any person or action of the members of Council or any other person who may be addressing Council; and
- (d) may not bring into the Council Chamber any food or drink.

Disturbance by Members of the Public

68. Any public person who conducts himself or herself improperly while in the Council Chamber and who disturbs the proceedings of Council by words or actions and who, when requested to do so by the Mayor, refuses to stop and end such improper conduct or leave the Council Chamber if so requested, is guilty of disorderly and improper conduct and the Mayor may cause such person to be removed from the Council Chamber.

PART IV: GENERAL ORDER OF BUSINESS

Orders of the Day

69. The general order of business at every regular meeting of Council must be as follows:

Orders of the Day

1. In-Camera
2. Public Hearings
3. Regular Meeting of Council
 - a. Roll Call
 - b. Call to Order
 - c. Recognition of Treaty 5
 - d. Approval of Agenda
 - e. Recognitions
 - f. Presentation/Delegations
 - g. Community Comments Feedback
 - h. Adoption of Minutes
 - i. Committee and External Committee Reports
 - j. Correspondence
 - k. Resolutions
 - l. By-Laws
 - m. Mayor's Report
 - n. Adjournment

In-Camera

70. All matters requiring the Council to go in-camera will be placed on a separate agenda to be discussed prior to or following the Council Meeting. Matters that will be discussed are identified in Section 64.

Public Hearings

Public Hearings

71. Notwithstanding Section 81, Council may hold public hearings for the purpose of receiving representations on matters it deems necessary and, subject to any statutory provisions of any Act of the Legislature, such public hearings must be held upon such terms and conditions as Council may decide.

Representation at Hearings

72. Any person representing himself or herself or an owner of land, the public-at-large, or any local group of residents or property owners, may address Council at any public hearing held pursuant to the provisions of any Act of the Legislature, subject to the limitations of time and manner for receiving such representations and any verbal presentations as may have been established by the Council.

Attendance by all Members

73. Each member of Council must attend all public hearings held under the provisions of The Municipal Act, unless the member:
- a) after giving notice to the Mayor or the City Clerk, is excused from attending the hearing by a motion passed at the commencement of the hearing by the other members who are present;
 - b) is unable to attend owing to illness and whereby he or she has advised the Mayor, or the City Clerk of such absence; or
 - c) is required under The Municipal Council Conflict of Interest Act to withdraw from the hearing.

Disturbance at Hearings

74. Section 68 applies to any person in the public gallery who conducts himself or herself improperly at a public hearing of Council.

Regular Agenda

Change in Order Paper

75. With the exception of General Order No. 3 e), Recognitions, the business of Council must in all cases be taken up in the order in which it stands upon the general orders of the day unless otherwise determined upon a vote of the majority of the members present and without debate. General Order No. 3 is referred to and followed if there is an item of such business to be dealt with at the meeting.

No New Business

76. Subject to Sections 77 and 78, Council may not receive nor discuss any motion that pertains to any new business submitted by a member of Council unless:

- a) Notice of Intent to Introduce same has been given at a previous regular meeting; or
- b) the new business is set-out in a report by a member of Council and submitted to Administration six (6) working days prior to the next regular meeting of Council.

Matters of Privilege

77. Nothing in Section 76 applies to motions concerning matters of privilege or to motions arising out of petitions, reports or communications directed to Council.

Waiver of Section 76

78. Council may, under the Order of Adoption of Agenda and by a resolution supported by not less than a two-thirds (2/3) majority of its members, waive the provisions of Section 76. Such waiver will only apply to:

- a) any item of business under the Order of Presentations and Recognition of Guests or the Order of Delegations where it is sufficient and/or intended that the presentation is either received as information or is referred to the Administration for study and report; or
- b) any urgent item of business brought forward by the Administration that requires immediate discussion and decision by Council.

The member of Council or the City Manager wishing to add the item of business under the Order of Adoption of Agenda, must consult with the Mayor prior to the commencement of the meeting on whether or not Council should be requested to add the item of business.

Recognitions

Giving or Receiving Recognitions

79. Recognitions are to allow an opportunity for an individual or group to make to or receive from Council any form of presentation relating to a gift, award or similar honour.

Recognition of Guests

80. Recognition of guests is an opportunity for any member of Council to give recognition to certain special guests (either individuals or groups) who are seated in the public gallery. A member of Council wishing to recognize any visitor in the Council Chamber should, if possible, advise the Mayor of such guests prior to the meeting being called to order.

Presentations and Delegations

Hearing of Presentations

81. A person, group or organization desiring to provide an informational presentation to City Council without requesting any action of Council to address an issue, may make a request of Council to appear under the Order of Presentations.

Hearing of Delegations

82. A person, group or organization desiring to make a formal request of City Council to address an issue, may make a request of Council to appear under the Order of Delegations. Delegates would provide all relevant material, clearly indicate the issue to be addressed, along with possible solutions or options for Council's consideration.

83. Persons desiring to present to Council either as a Presentation or Delegation must:

- a) inform the City Clerk, in writing, or via electronic format, on a prescribed form, of their request to appear as a presentation or delegation, including:
 - 1) the date of the meeting at which they wish to appear;
 - 2) the subject to be discussed and any material that is to be distributed to Council;
 - 3) the name and current contact information of the person who will be addressing Council; and
 - 4) the telephone number where the representative of the presentation or delegation can be reached during normal business hours;
- b) submit such requests not later than 12:00 p.m. , five (5) working days prior to a regular meeting.

Discretionary Control

84. Scheduling of presentations or delegations will be at the discretion of the City Clerk, in consultation with the Mayor. Depending on the nature of the topic/issue, requests to appear as a presentation or delegation may be denied if not under the jurisdiction of the municipality. Requests may also be referred to the appropriate City department for review. However the City Clerk is granted the authority to Schedule delegations as deemed appropriate.

Limit on Maximum Number of Presentations and Delegations

85. A maximum of three (3) presentations and three (3) delegations will be permitted at each meeting. This limit may be exceeded for urgent matters, at the discretion of the City Clerk. Presenters or delegates requesting to appear before Council who have previously appeared before Council on the same subject will be limited to providing only new information in their second or subsequent appearances.

Improper Conduct by Presenters/ Delegates

86. The Mayor may interrupt and deny any further right of a presentation or delegation to be heard at a meeting of Council if, in his or her opinion, the presenter:
- (a) does not speak respectfully of Her Majesty the Queen or the official representatives of her government;
 - (b) uses offensive words in referring to any member of Council or to any official or employee of the municipality or member of the public;
 - (c) shouts, immoderately raises his or her voice, uses profane, vulgar or offensive language; or
 - (d) speaks on a subject which is not within Council's jurisdiction.

Limits on Time

87. Every person being heard before Council as a presentation or delegation may be heard in person or through another person acting on their behalf but, the Mayor may limit the time taken by a presentation or delegation to ten (10) minutes and the presenter or delegation may be directed to appoint a spokesperson.

Community Comments/Feedback

Community Comments/Feedback

88. 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 unless extended by a majority decision of the members of City Council present at the meeting.

Improper Conduct during Community Comments/Feedback

89. 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:
- (a) does not speak respectfully of Her Majesty the Queen or the official representatives of her government;
 - (b) uses offensive words in referring to any member of Council or to any official or employee of the municipality or member of the public;

- (c) shouts, immoderately raises his or her voice, uses profane, vulgar or offensive language; or
- (d) raises a subject which is not included as an item of business on that meetings agenda.

Form of Reply

90. The elected or appointed official receiving an enquiry under this order of business may answer it verbally at the meeting or the Mayor may take it under advisement for the purpose of providing a written response to the question being asked.

Confirmation of Minutes

Motion to Confirm

91. The minutes must be presented to Council for a motion to approve the minutes as circulated.

Motion to Amend

92. Any member may make a motion requesting that the text of the minutes be amended to correct any inaccuracy or omission, and if such motion is passed, Council must adopt the minutes as amended. The reconsideration, alteration or rescinding of any motion passed at a previous meeting of Council shall be in accordance with Sections 172 and 173 of this by-law.

Written Submissions

Petitions and Communications

93. Where a person or a group of persons wishes to bring any matter to the attention of Council or to have any matter considered by Council, a written letter, a non-statutory petition or other communication may be submitted to the City Clerk at any time and such communication or non-statutory petition must:
- a) be printed, typewritten or legibly written;
 - b) clearly set out the matter at issue and the request made of Council;
 - c) be temperate and respectful;
 - d) be signed (facsimile signature acceptable); and
 - e) provide the name and mailing address of the writer or spokesperson for the group submitting the petition

Receipt of Communications

94. On the receipt of a communication intended for Council, the City Clerk may do the following:
- a) include it as an item on the agenda for the next regular meeting of Council in full or in summary form; or
 - b) refer it to the City Manager for a report to Council or the appropriate committee; or
 - c) refer it to the City Manager for action and/or reply, with a copy of such response being sent to Council; or

- d) refer it to Administration for direct reply, with a copy of such responses being sent to Council; or
- e) circulate it to the members of Council individually as information if it does not require any further action by Council.

Validity of Petition

95. Any matter required to be brought to Council by way of statutory petition must be supported by a petition that meets the statutory provisions of The Municipal Act or other applicable legislation.

Response to all Submissions

96. The City Clerk must make reasonable effort to respond to the person submitting the communication or petition and advise that person of any action being taken on the subject of the written submission to Council.

Committee and External Committee Reports

Committee to Report

97. Each committee established by Council must, at least annually, render an account of its labour by reporting to Council. Such reporting must be done by the Chairperson of the committee or a member thereof authorized by the committee for that purpose.
98. A member of Council appointed to an External Committee must, at least annually, render an account of its labour by reporting to Council.

By-laws & Proceedings Thereof

99. Council may act only by resolution or by-law.
100. No motion shall be debated or put forward unless it is in writing and is seconded, excepting only a motion to adjourn which need not be in writing.
101. Every proposed by-law must be given three separate readings, and each reading must be put to a separate vote.
102. Council may not give a proposed by-law more than two readings at the same Council meeting.
103. After first reading only the title or an identifying number must be read at each reading of a proposed by-law.
104. Each member present at the meeting at which first reading is to take place must be given, or have had, the opportunity to review the full text of the proposed by-law before the by-law receives first reading.

105. Each member present at the meeting at which third reading is to take place must, before the proposed by-law receives third reading, be given, or have had, the opportunity to review the full text of the proposed by-law and any amendment passed after first reading.

Second Reading as Amended

106. If any amendment is made to the by-law, a motion for second reading, as amended, must be made and put to a vote except when the by-law is amending the City's Zoning By-law in which case, second reading of the by-law may be deferred.

Third Reading

107. After second reading has been given to the by-law, any member of Council may move a motion that the by-law be read a third time. If third reading is not given at the same meeting, the member must specify the number and title of the by-law at the time it is being re-introduced and if no amendment is made to the by-law, this motion must then be put to a vote.

Recorded Vote on Third Reading

108. Notwithstanding Sections 56 and 144, the minutes of a meeting at which Council votes on third reading to a by-law must show the name of each member present, the vote or abstention of each member and the reason for any abstention.

Public Hearings

109. When any Act of the Legislature requires Council to hold a public hearing on a proposed by-law, the public hearing must be held and be concluded before the by-law is given third and final reading.

Rescission of Previous Readings

110. The previous readings of a proposed by-law are deemed to be rescinded by Council if the proposed by-law:

- (a) does not receive third reading within two years after first reading; or
- (b) is defeated on second or third reading.

Signature and Seal

111. A by-law is passed when it receives third reading, is signed by the Mayor and the City Clerk and is sealed with the Corporate Seal of the municipality. Such by-law must then be deposited with the City Clerk for safekeeping as part of the records of Council.

Effective Date

112. Subject to Section 113, a by-law comes into full force and effect on the day after the day it is passed, unless a later date is specified in the text of the by-law. No by-law may come into force and effect on a day before it was passed unless any Act of the Legislature authorizes it to come into force and effect on a day before it is passed.

Where Approval Required

113. If the provisions of The Municipal Act or any other Act requires a by-law to receive approval from the Minister of Municipal Relations or some other provincial representative, the by-law does not come into full force and effect until such approval is given.

Repeal & Amendment

114. Once a by-law has been enacted by Council, it may only be amended or repealed by the enactment of another by-law which is subject to the same requirements that applied to the passing of the by-law being amended or repealed unless The Municipal Act or any other Act expressly provides otherwise.

PART FIVE: PROCEEDINGS IN COUNCIL

Commencement of Meeting

Call to Order

115. As soon as there is a quorum present and the commencement time for the meeting has arrived, the Mayor must enter the Council Chamber to preside over the meeting and upon taking the Chair will call the members to order. In his or her absence, the Deputy Mayor must chair the meeting.

Roll Call

116. Upon the meeting being called to order, the City Clerk must confirm that a quorum is present in the Council Chamber and the names of the members absent from the meeting will be read aloud.

Recognition of Treaty 5

117. 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.

Meeting through Electronic Communication

118. Any member of council participating in a meeting of Council by means of a communications facility shall do so only with prior approval of Council and only if 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.

Special Approved Absence

119. Members participating in a meeting of Council by means of a special communications facility and who are not physically present in the Council Chamber are deemed to be present at the meeting. But, any member that is participating by means of such communication facility may do so only with prior approval and on such terms and conditions as may be set by Council.

Absence of Quorum

Lack of Quorum

120. If no quorum is present 30 minutes after the time fixed for the meeting, the City Clerk must record in the minute book the names of the members who are present in the Council Chamber and the meeting must stand adjourned until the date of the next regular meeting, unless a special meeting is called for that purpose.

Loss of Quorum

121. Subject to Section 51, if at any meeting the number of members present is reduced to less than the number required for a quorum, the meeting of Council must stand adjourned. Any unfinished business remaining at the time of the adjournment, due to the loss of the quorum, must be considered at the next regular meeting or it may be on the agenda for a special meeting called for that purpose.

Mayor

Duties of Mayor

122. The Mayor must preserve order and decorum in the meeting and decide questions of order subject to an appeal to Council. The decision of the Mayor is final unless reversed by a vote of the majority of the members present and such vote must be without debate.

Absence of Mayor

123. In the absence of the Mayor and Deputy Mayor, the City Clerk must call the members to order and Council must by resolution appoint from among its members a chairperson who shall be the Acting Deputy Mayor. That person has the same authority in presiding at the meeting and must exercise the same functions as the Mayor.

Directions on Questions of Order

124. When the Mayor is called upon to decide a point of order or practice, he or she must do so without unnecessary comment and must state the rule or authority applicable to the case if requested to do so.

Points of Order, Procedure & Questions of Privilege

Ruling by the Mayor

125. Whenever any point of order, point of procedure or question of privilege arises during a meeting, it must be taken into consideration immediately and dealt with by the Mayor.

Question of Privilege

126. Whenever a question of privilege arises, the Mayor must rule upon the admissibility of the question and if the Mayor rules favourably, the member who raised the question of privilege is permitted to pursue the said question.

Point of Order or Procedure

127. When the Mayor is called upon to decide a point of order or to answer a point of procedure, the point must be stated by the member without unnecessary comment and the Mayor must state the rule or authority applicable in the case.
128. When a point of order is raised, the member who is speaking must immediately stop speaking until the Mayor has decided on the point that has been raised.
129. The member raising a point of order or procedure during a meeting may be granted permission by the Mayor to explain the point.
130. Whenever the Mayor is of the opinion that any motion is contrary to the rules of procedure, he or she must advise the members of such immediately and quote the rule or authority applicable and no argument or comment will be permitted.
131. The decision of the Mayor is final unless a challenge is made as provided for in Section 132.

Challenge Ruling of the Mayor

Motion to Overrule

132. Whenever a member wishes to challenge the ruling of the Mayor, the member must make the following motion of appeal:

That the decision of the Mayor be overruled then:

- (a) the member may offer a brief reason for the challenge to the ruling;
- (b) the Mayor may state the reasons for the decision; and

- (c) following which the question must be put immediately without further debate.

Decision of the Members

- 133. The Mayor is governed by the vote of the majority of the members present and the names of the members voting for or against the motion of appeal must be recorded in the minutes.

Rules of Debate

Addressing the Mayor

- 134. Every member, in introducing a motion and in speaking to every question at a meeting of Council shall respectfully address the Mayor as His/Her Worship or Your Worship first, and then Mayor (name).

Naming of the Speaker

- 135. When two or more members address the Mayor at the same time, the Mayor must name the member who is to speak first but, in the case of any dissatisfaction with such ruling, the other members may put the question as to which member will be first heard.

Conduct of the Speaker

- 136. When a member is addressing the Mayor, he or she must:
 - (a) not speak disrespectfully of Her Majesty the Queen or official representatives of her government;
 - (b) not use offensive words in referring to any member of Council or to any officer or employee of the municipality or to any member of the public;
 - (c) not indulge in personalities in the cause of debate nor reflect on the motives of any member or members who have voted for or against a particular motion;
 - (d) not shout or immoderately raise their voice or use profane, vulgar or offensive language.

Interruption of Speaker

- 137. Any member who has been assigned their turn to speak by the Mayor may only be interrupted by other members including the Mayor:
 - (a) when a member is discussing a subject and no motion is on the floor;
 - (b) when a member has exceeded the time to speak;
 - (c) by a question of privilege;
 - (d) by a point of order or privilege;
 - (e) by an objection to the consideration of a motion; or
 - (f) by a challenge.

Calling a Member to Order

138. A member who is called to order by the Mayor must immediately stop talking but must be given an opportunity to challenge the ruling of the Mayor before debate is closed and Council must decide the member's challenge without debate

Limits on Speaking Times

139. No member, other than the one proposing a question or motion, may speak more than twice to the same question without leave of the Mayor except in explanation of a material part of his or her speech which may have been misunderstood. No member, without leave of the Mayor, may speak to the same question or in reply for longer than a total of 5 minutes.

Priority of Member to Speak

140. When a question is before Council, the mover of the question must be given the opportunity of speaking before any other member is permitted to do so and before any other motion is made with respect to it.

Right to Reply

141. A member who has made a substantive motion or an amendment to that motion, has the right to reply and to close debate on the motion or its amendment.

Right to be Heard

142. Each member must be given an opportunity to speak to a motion before it is put to a vote unless a motion is made and passed to limit or end debate.

Reading of the Motion

143. If requested by any member, a motion must be read aloud by the Mayor or the City Clerk after it has been seconded.

Recorded Vote

144. Any member may, prior to a vote being taken on any question put, require the vote to be recorded. The City Clerk must record in the minutes of the proceedings the names of those members who voted in favour of, of those who voted against and in the case of voting on third reading to a by-law, the names of those who abstained from voting and the reason given for such abstention.

Permission to Leave a Council Meeting

145. When members wish to leave a Council meeting for an extended period or for the remainder of the meeting, they must rise and be acknowledged by the Mayor before leaving their seat. No member may leave the Council Chamber:
- (a) after a question is put and before the vote is taken; or
 - (b) during a public hearing held under the provisions of The Municipal Act unless excused under Section 73 of this by-law.

Conduct of Other Members

146. When a member is addressing the Mayor, every other member of Council must:

- (a) remain quiet;
- (b) not interrupt the speaker except, on a point of order; and
- (c) not carry on a private conversation which disturbs the member who is speaking.

Disciplinary Procedures

Calling to Order

147. The Mayor may call to order any member who is out of order during the proceedings of the meeting.

Naming Member for an Offence

148. When a member has been warned about breaches of order but continues to engage in them, the Mayor may name the member by stating his or her name and declaring the offence. The City Clerk must note the offence committed by the member in the minutes of the proceedings.

Effect of Naming Member

149. If a member who has been named for an offence:

- (a) apologizes and withdraws any objectionable statements then:
 - 1) that member may remain and continue participating in the meeting; and
 - 2) the Mayor may direct that the notation of the offence be removed from the minutes;
- (b) fails or refuses to apologize, the other members who are present must vote on a motion to expel the member so named for the balance of the meeting and the member must leave the Council Chamber.

Motion to Expel

150. A motion to expel any member from the Council Chamber for breaches of order must be decided without debate.

Removal of Member

151. Any member of Council who has been expelled pursuant to Section 150 must leave the Council Chamber immediately. The Mayor may cause him or her to be removed if that person does not leave voluntarily.

Motions

Form of Motion

152. All motions must express fully and clearly the intent of the mover and should be worded in the affirmative. Such motion should not be preceded by any preamble clauses unless it is to be dealt with formally by Council for special external reasons.

Ultra Vires

153. A motion in respect of a matter which is beyond the jurisdiction of Council is not in order and must be withdrawn by the mover and seconder if ordered by the Mayor.

Motion Lost

154. A question or motion must be declared lost when it:

- (a) does not receive a majority vote;
- (b) does not receive the required number of votes; or
- (c) receives an equal division of votes.

Agenda Items & Reports

155. A motion must be made on any agenda item before it is discussed at a meeting of Council and a recommendation included on the agenda or in a report does not constitute a motion until a member has expressly moved it.

Motion to be Seconded

156. A motion is not properly before Council and is not to be considered until it has been seconded.

Withdrawal of Motion.

157. After a motion has been moved and seconded, it is the property of Council and may not be withdrawn without the consent of the majority of members who are present.

Debatable Motions

158. Except as specifically provided elsewhere in this by-law, the following motions are debatable by Council:

- (a) a motion arising out of any matter included on the agenda for the meeting at which it is debated;
- (b) a motion concerning any question, matter or subject tabled indefinitely from a previous meeting of Council or tabled for a meeting at which it is discussed;
- (c) a motion for second reading of a by-law;
- (d) a motion for third reading of a by-law;
- (e) a motion to establish or dissolve a committee;

- (f) a motion to amend any by-law before Council or any matter arising directly from any by-law before Council;
- (g) a motion to receive and file; and
- (h) such other motions made upon routine proceedings as may be determined necessary by Council.

Privileged Motions

159. When a motion has been introduced and is before Council, no member may make any other motion except a motion to:

- (a) amend the motion;
- (b) refer the main question to some other person or group for consideration;
- (c) table the main question; or
- (d) adjourn the meeting.

Motion to Table

160. A member moving a motion to table any matter, whether the matter is contained in a petition, motion or other matter before Council, must include in the tabling motion the time at the present meeting or the date of a future regular or special meeting to which the matter is to be tabled. A motion to table may not be debated except as to the time when Council will again consider the matter. A matter which has been tabled to a particular date may not be again considered by Council before the date set, except on a majority vote of all members.

Referral Motion

161. A motion to refer a matter may not be amended or debated except with respect to the conditions of the referral or the time required to carry out the review. The substantive issue of the item being referred may not be debated and a member making a referral motion generally should include in the motion:

- (a) the terms on which the motion is being referred; and
- (b) the time when the matter is to be returned.

Ruling by Mayor

162. The Mayor may refuse to accept a motion to refer that would have the effect of defeating the motion to which it applies.

Referral to City Manager

163. If a referral motion to the City Manager does not contain the terms on which the motion is being referred and the time when the matter is to be returned, the motion of referral is then deemed to be for appropriate action by the City Manager.

Division of Motion

164.A motion containing several distinct propositions is not out of order for that reason alone and where a member so requires or the Mayor so orders, Council must vote on each proposition separately.

Repeating Motions

165.A motion which has been superseded, withdrawn, or not seconded, has not been in the possession of Council and may be repeated unless it has been ruled out of order because it is improper.

Amendment to Motion

166.An amendment proposed to a motion must be relevant to its subject matter and must not propose a direct negative of the motion.

Amendment to an Amendment

167.Only one amendment to a motion may be before Council at any time, but an amendment to the amendment may be before Council at the same time. An amendment to an amendment must be relevant to the amending motion and must be voted on before the amendment to the main motion.

Debate on Amendments

168.A member may only debate the merits of the amendment and not the merits of the motion it is amending.

Limiting or Ending Debate

169.Any motion to limit or end debate, including a motion for the previous question:

- (a) cannot be debated;
- (b) must be passed by a two-thirds (2/3) vote; and
- (c) may only be amended as to the limit to be placed on debate.

Motion for the previous Question

170.If the previous question is moved, the Mayor must state that the previous question has been moved and immediately take the vote on the motion for the previous question.

171.Unless a motion to table is made, when a motion for the previous question is carried the motion to which it applies must be put without further debate or amendment.

Reconsideration of Decision

172. Council may, subject to Section 173, reconsider a decision after it is made providing:

- (a) at the same meeting at which the decision is made, all members who voted on the decision are present; or
- (b) a member give written notice to Council from at least one regular meeting to the next regular meeting of the intent to move a motion of reconsideration.

Limits of Reconsideration

173. A decision of Council may not be reconsidered more than once during its term of office unless a further reconsideration is supported by not less than a two-thirds (2/3) majority of its members present at the meeting at which the reconsideration is being put forward.

Points of Procedure

174. No resolution may be passed at a meeting or a portion of such meeting that is closed to the public, except a resolution to re-open the meeting to the public.

PART SEVEN: APPOINTMENT OF OTHER COMMITTEES AND BOARDS

Other Committees & Boards

175. Notwithstanding the provisions of the City's Organizational By-law, Council may by resolution, or by-law, establish other special committees or boards, which may be comprised of members of Council, civic employees and/or other persons.

Quorum

176. A majority of the number of members appointed to such other special committees or boards constitutes a quorum.

PART EIGHT: REPEAL OR AMENDMENT

Repeal or Amendment

177. By-law No. 1931-2015, 1946-2016 and 1957-2017 are hereby repealed.

Effective Date

178. This by-law shall come into force and effect the day following passage hereof.

DONE AND PASSED as a By-Law of the City of Thompson in the Province of Manitoba this 19th day of October 2020 A.D.

Read a first time this 5th day of October , 2020 A.D.

Read a second time this 19th day of October , 2020 A.D.

Read a third time this 19th day of October , 2020 A.D.

The City of Thompson

Per:


Mayor

Per:


City Manager