

**THE CITY OF THOMPSON
BY-LAW NUMBER 1998-2020**

BEING A BY-LAW OF THE CITY OF THOMPSON TO ESTABLISH AN ORGANIZATIONAL STRUCTURE FOR THE COUNCIL OF THE CITY OF THOMPSON AND COMMITTEES THEREOF TO BE KNOWN AS THE "ORGANIZATIONAL BY-LAW".

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.

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:

TITLE

1. This By-law may be referred to as "The City of Thompson Organizational By-law".

PURPOSE AND DEFINITIONS

2. The purpose of this By-law is to establish rules to follow in governing the organizational structure of Council.
3. In this By-law,
 - a) **"Agenda"** means the agenda for a Regular or Special Meeting of Council or Committee of Council.

- b) **"Chair"** means the person presiding at the meeting of Council or committee.
- c) **"City"** means the corporation of The City of Thompson and where the context so requires, means the area included within the boundaries of the City.
- d) **"City Manager"** means the Chief Administrative Officer of the City of Thompson who holds the title of "City Manager".
- e) **"Council"** means the duly elected Mayor and Councillors of The City of Thompson
- f) **"Council Committee"** means a committee established by Council under the provisions of this by-law.
- g) **Deputy Mayor"** means the member who is appointed by the Mayor, pursuant to Subsection 15(a) of this by-law, to act as Mayor in his/her absence or incapacity.
- h) **"Mayor"** means the member of Council duly elected as Mayor of the City of Thompson and continuing to hold office.
- i) **"Members"** means, when referring to Council, the Mayor and Councillors.
- j) **"Municipality"** means the City of Thompson.
- k) **"Organizational Meeting"** means the meetings held as described in Section 15 of this by-law.
- l) **"Seek"** to try to acquire or gain.
- m) **"Youth Member"** means a person (ages 16 - 18) interested in becoming leaders and decision-makers in municipal government.

CORPORATE ROLE OF THE CITY OF THOMPSON

- 4. The City of Thompson is responsible for the following governmental functions:
 - (a) to provide good civic government;
 - (b) to provide services, facilities or other things that are necessary or desirable for all or part of the municipality; and
 - (c) to develop and maintain for all of its residents a safe and viable community.

5. The powers, authority and access to resources needed to achieve these purposes are confirmed in provincial legislation and may be carried out in cooperation with the Federal and Provincial Governments, other municipal governments, other public agencies or institutions and private organizations or groups.
6. The powers and authority of the municipality are vested in the Council that is elected by and responsible to the residents of this community.

ROLE OF COUNCIL

7. The Council of The City of Thompson is responsible:
 - a) for the overall development and evaluation of policies and programs of the municipality;
 - b) for ensuring that all powers, duties and functions of the municipality are appropriately carried out; and
 - c) for carrying out the powers, duties and functions expressly given to Council under the provisions of The Municipal Act or any other Act of the Manitoba Legislature.
8. Subject to Section 9, Council may, by by-law, delegate any of its powers, duties or functions that are provided under the provisions of any act, or civic by-law, to the Mayor, any committee of Council, the City Manager or other designated officer of the municipality, unless the said Act or by-law otherwise provides.
9. Council shall not delegate the following powers or duties:
 - a) its power or duty to pass a resolution or by-law;
 - b) its power to make, suspend or revoke the appointment of a person to the position of City Manager;
 - c) its duty to hold a public hearing under the provisions of any Act of the Manitoba Legislature; or
 - d) a duty to decide appeals imposed on it by a by-law or any Act, whether generally or on a case by case basis, unless the delegation of this authority is to a committee of Council and is authorized by by-law.

Mayor

10. In addition to performing the duties of a member of Council, the Mayor has a duty:
 - a) to preside when in attendance at a Council Meeting, except where the Organizational By-law and Procedures By-law or the Municipal Act or any other Act otherwise provides;
 - b) to provide leadership and direction to the Council; and
 - c) to perform any other duty or function assigned to the Mayor by the Municipal Act or Council.

Deputy Mayor

11. In addition to performing the duties of a member of Council, the Deputy-Mayor has a duty:
 - a) in the absence of the Mayor, preside at a Council Meeting, except where the Organizational By-law and Procedures By-law or The Municipal Act or any other Act otherwise prohibits;
 - b) to serve at the will of the Mayor;
 - c) to act as Chairperson of the Legislative and Finance Committee.

General Duties of Council Members

12. Each member of a Council has the following duties:
 - a) to consider the well-being and interests of the City as a whole and to bring to the Council's attention anything that would promote the well-being or interests of the City;
 - b) to participate generally in developing and evaluating the policies and programs of the Municipality;
 - c) to participate in meetings of the Council and of Council Committees and other bodies to which the member is appointed by the Council;
 - d) to keep in confidence a matter that is discussed at a meeting closed to the public under subsection 152(3) of the Municipal Act and Section 37 of this by-law and that the Committee decides to keep confidential until the matter is discussed at a meeting of the Council or of a Committee conducted in public;
 - e) to perform any other duty or function imposed on the member by the Council or The Municipal Act or any other Act.
13. Notwithstanding the provisions of Subsection 12(d) above, a member of Council may discuss with the, City Manager, City Clerk or Administrative Liaison any confidential matter that has been previously dealt with at a closed meeting and before the matter is made public at an open meeting.

ORGANIZATIONAL MEETINGS OF COUNCIL

14. Council must each year during its tenure of public office hold a meeting for the purpose of organizing itself for the following twelve months and such meeting must be held in accordance with the provisions of the Procedure By-law.
15. Council must at its organizational meeting do the following:
 - a) The Mayor shall appoint a Deputy Mayor who shall hold office for the following twelve months and the person so appointed shall:
 - (i) preside at all meetings of Council in the absence of the Mayor; and
 - (ii) while acting as Mayor, perform and exercise all duties and functions of that public office;

- b) appointment to all Standing Committees including naming of a Chairperson, shall be carried out as follows:
 - (i) The Mayor shall appoint the Chair of the Committee;
 - (ii) Council shall by consensus or where required, elect the subsequent committee member(s).
- c) appoint those members who are required to sit on all other committees, boards and public agencies to which Council may cause such appointments to be made; and
- d) establish a schedule of dates on which all regular meetings of Council will be held for the following twelve months.
- e) appoint Youth Members to the Standing Committees of Council.

Board of Revision

- 16. At the Annual Organizational Meeting in each year, Council must appoint by resolution a Board of Revision to hear assessment appeals during the year.
- 17. The Board of Revision shall consist of not less than three (3) members, consisting of Citizen Representatives and a minimum of one (1) Member of the Council. Council must appoint by resolution, a member of the Board of Revision to serve as presiding officer of the Board and a Secretary to the Board.

ESTABLISHMENT AND DUTIES OF COUNCIL COMMITTEES

- 18. Council may establish such Council Committees or other committees as necessary or deemed expedient for the orderly and efficient handling of the business affairs of the municipality and the membership of such committees may be composed:
 - a) entirely of members of Council;
 - b) of a combination of Council members and other persons;
 - c) entirely of persons who are not members of Council.
- 19. A Council Committee, whose membership is composed of members of Council and other persons, must have as its Chairperson, a member of Council and a majority of the Council Committee must be comprised of members of Council unless Council expressly provides otherwise herein or separately, by resolution or other by-law.
- 20. An appointment to any Council Committee may only be repealed by a resolution of Council.
- 21. The general duties of all Council Committees shall be as follows:

- a) to report from time to time on all matters connected with the duties imposed on the committee and to recommend such action as may be deemed necessary;
- b) to introduce to Council all such by-laws as may be necessary to give effect to the recommendations contained in the committee reports that are adopted by Council; and
- c) to consider and report respectively on any and all matters referred to them by Council.

22. All Council Committees established under the provisions of this by-law must cause minutes of its proceedings to be made and retained in accordance with all statutory provisions of any Act of the Manitoba Legislature and in preparing such minutes of the meetings, the secretary or committee clerk shall include:

- a) the names of all members present at and absent from the meeting;
- b) all decisions and other proceedings as deemed necessary;
- c) if required, the names of all members voting for or against all motions (the appointed Council members have voting rights)
- d) any declarations of pecuniary interest made under The Municipal Council Conflict of Interest Act ; and
- e) the signature of the Committee Chairperson and Administrator.

23. The following Committees are established as the Standing Committees of Council:

- a) Human Resources Committee;
- b) Public Works and Infrastructure Committee;
- c) Recreation and Community Services Committee;
- d) Legislative and Finance Committee;
- e) Development Review Committee

24. The special duties of the Standing Committees, in addition to the aforesaid general duties, be as follows:

a) Human Resources Committee

All items discussed at the Human Resources Committee are in camera issues as per section 64 of the Procedural By-law and remain confidential.

- i. to annually review and recommend updates to personnel policies;
- ii. to consider salary and wage negotiations and requests for benefits;
- iii. to assist with interviewing new employees;
- iv. to research trends and needs regarding human resource issues;
- v. to hear a grievance appeal at the 3rd stage grievance proceedings and render a decision, only the Council appointed to the Human Resource Committee are able to attend.

The Administrative Liaison to the Human Resources Committee is the City Manager and the Director of Corporate Services.

b) Public Works and Infrastructure Committee:

- i. to develop and recommend a plan for upgrading maintaining and replacing the community's transportation and utility infrastructure;
- ii. to consider and report on all matters relating to municipal properties, buildings and equipment, including their acquisition, maintenance and disposal;
- iii. to consider and report on all matters relating to municipal roads and their opening, closing, altering, diverting and maintenance;
- iv. to recommend to Council at the beginning of each year such projects, works and matters under its control as it considers essential to be carried out during the year, together with their detailed cost;
- v. to consider and report on all matters relating to water and sewer services, environmental health services.
- vi. To administer the Master Parks Plan.

The Administrative Liaison to the Public Works & Infrastructure Committee is the Director of Operations and the City Clerk

c) Recreation and Community Services Committee:

- i. to review the needs for recreation, sport and special events within the City, and recommend amendments to the recreation plans of the City;
- ii. to review the needs for upgrading and/or replacement of recreational facilities of the City;
- iii. to encourage, promote & develop Thompson arts, culture and heritage in the city;
- iv. to liaise with community organizations that lead to an enhanced quality of life within Thompson;
- v. to make recommendations to Council on available grants or funding opportunities that could be accessed by community groups;
- vi. to oversee and review periodically the contracts for provision of transit and handi-van services;
- vii. to recommend to Council initiatives and plans to enhance the safety of the residents of the City;
- viii. to consider and report to Council on matters respecting fire and ambulance services;
- ix. to consider and report to Council on matters respecting policing services;
- x. to consider and report to Council on matters respecting emergency services;
- xi. to consider and report to Council on matters respecting By-law enforcement services;

- xii. to review regulatory by-laws of the City of Thompson and recommend changes to Council;
- xiii. to sit as a Taxi Commission regarding appeals as outlined in Part IX of The Taxicab By-law 1920-2014;
- xiv. Members of the Taxi Commission shall be appointed by a resolution of Council.

The Administrative Liaison for the Recreation and Community Services Committee is the Director of Recreation and Community Services and the City Clerk

d) Legislative and Finance Committee:

- i. to research the programs and priorities of other governments in search of opportunities for the City to partner;
- ii. to coordinate the City of Thompson's lobby efforts;
- iii. to oversee all contracts, orders, reports, accounts payable, recommendations and proceedings involving the expenditure of municipal funds;
- i. to oversee all accounts, accounts receivable, expenditures and outlay of all sums payable under contract; and
- ii. to ensure that no account, claim or demand not expressly authorized to be paid by a statute, by-law, or resolution of Council, shall be paid by the City Clerk until it has been authorized by this Committee in consultation with the appropriate Standing Committees, where applicable, and approved by Council; and
- iii. to annually review and recommend to Council the types, rates and conditions of payments to be made to members of the Council and Council Committees, as compensation and for expenses incurred while attending business that the Council considers appropriate; and
- iv. to lead Council in the annual budgeting process; and
- iv. to initiate the Organizational & Procedural By-law review process

The Administrative Liaison to the Legislative and Finance Committee is the City Manager, Chief Financial Officer and the City Clerk.

e) Development Review Committee:

- i. make recommendations to Council on all land development issues including:
 - Propose Development Plan and/or Zoning By-law amendments;
 - Subdivision applications;
 - Variation applications;
 - Conditional Use applications;
 - Proposals for development that deviate from existing development controls.

- ii. to review and report to Council on all matters respecting the sale and development of municipal land including issues related to zoning;
- iii. to consider and report on all matters relating to building inspection services;
- iv. to sit as a Building Standards Committee regarding appeals as outlined in Part V of the Building Safety and Property Standards By-law 1482-1994, as amended. Members of the Building Standards Committee shall be appointed by a resolution of Council;
- v. to review and report to Council on all matters respecting economic development matters.

The Administrative Liaison to the Development Review Committee is the Development Services Coordinator, City Manager and the City Clerk.

25. Each Standing Committee shall be composed of two (2) members of Council with the exception of Legislative and Finance Committee which will be composed of three (3) members of Council.

26. The Mayor is a voting member of all committees.

27. Mayor and Council may, by December 31st in each year, appoint by resolution Citizen and Organizational Representatives with relevant skill, knowledge and experience to sit as members of any Standing Committees, excluding the Human Resources Committee.

- a) Citizen Representatives should be on one (1) committee per year;
- b) The maximum number of Citizen and Organizational Representatives appointed to a Standing Committee of Council will be five (5);
- c) Selection process of Citizen and Organizational Representatives will be conducted at an In-Camera meeting of Council with a recommendation to Council endorsed by the Committee Chair of the relevant Standing Committees of Council;
- d) Confidentiality Agreements must be signed prior to the participation in committee meetings.
- e) If a Citizen Representative or Organizational Representative misses three consecutive meetings without prior approval, that Representative will lose their seat on the Committee.
- f) If a vacancy happens throughout the year for, the Citizen Representative or Organizational Representative can be filled.

Role of Committee Chair

28. The general duties and expectations of the committee chair will be as follows:
- a) to Chair meetings of the Standing Committee;
 - b) to report to Council and accurately reflect the recommendations originating from the Committee meeting;
 - c) to accurately present the agenda item before Council, for resolution should there be failure by the Committee to reach a consensus.
 - d) to recommend to Council for approval the names of citizen representative(s) to their respective Standing Committee for one year.
 - e) Meet with the City Clerk two (2) working days prior to the Committee Meeting to review the agenda.

Role of Committees

29. The general duties and expectations of the Committees will be as follows:
- a) to report from time to time on all matters connected with the duties assigned to the committee and to recommend such action as may be deemed necessary;
 - b) to prepare and introduce to Council all such by-laws as may be necessary to give effect to the reports of recommendation that are adopted by Council;
 - c) to consider and report on any and all matters referred to them by Council;
 - d) to develop and recommend plans and policies related to the Committee's responsibilities.

City Manager

30. The City Manager is an Administrative Liaison to all Standing Committees. Administrative Liaison appointments to committees may be amended from time to time to accommodate specific projects; staff vacancies or restructuring. All such appointments shall be made on the recommendation of the City Manager in consultation with the Mayor and the Committee Chair.

MEETINGS OF COUNCIL COMMITTEES

31. Regular meeting of the Standing Committees will be set by Council. The schedule may be adjusted by the Chair to accommodate the needs of members.
32. Special Meetings of Standing Committees may be called by the Chairperson or by two members of the committee in the same manner as provided for special meetings of Council in the Procedure By-law.

33. Every meeting of a Council Committee established under the provisions of this by-law must be conducted in public
34. 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.
35. Everyone has a right to be present at a meeting of a Council Committee unless the person who is presiding at the meeting expels a person for improper conduct.
36. An appointment to any committee of Council may be made or repealed only by a resolution of the Council.
 - a) committee shall have the power to invite participation from members of Council or other persons to the Committee in order to enable it to perform the tasks assigned to it and such additions shall be ratified by resolution of Council;
 - b) Any committee or member thereof shall have full access to any records of the City that may be required to permit them to perform the purpose of their duties;
 - c) Confidentiality Agreements must be signed prior to the participation in committee meetings.
37. Notwithstanding the provisions of Section 35 of this by-law, a Council Committee may close a meeting to the public if the decision and general nature of the matter are recorded in the minutes of the meeting and if the matter to be discussed relates to:
 - a) municipal assistance;
 - b) an employee, including the employees salary, duties and benefits and any appraisal of the employees performance;
 - c) 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;
 - d) the conduct of existing or anticipated legal proceedings;
 - e) the conduct of an investigation under or enforcement of an Act of the Manitoba Legislature or civic by-law;
 - f) the security of documents or premises; or
 - g) a report of the Provincial Ombudsman received by the Mayor under clause 36(1)(e) of The Ombudsmen Act;and no resolution may be passed at a meeting that is closed to the public, except a resolution to re-open the meeting to the public.
38. A member of a Council Committee has one vote each time a vote is held at a committee meeting at which the member is present.

39. If an equal number of members vote for or against a resolution, the resolution is defeated.
40. A resolution of a Council Committee is not binding upon Council.
41. A quorum is required for and during each meeting of a Council Committee and shall consist of:
- a) the majority of members comprising the committee; or
 - b) if a position is vacant, a majority of the remaining members;
- but, the minimum number required for a quorum may be reduced in accordance with the statutory provisions set out in The Municipal Council Conflict of Interest Act.
42. A Citizen Representative and Organizational Representative is disqualified from the Committee if he or she is absent for the full duration of three consecutive committee meetings unless the absences are approved by the Committee at a prior meeting or the next meeting following the third absence.

CONTROLLED ENTITIES OF COUNCIL

Role of Committee Representatives

43. Role of Committee Representatives to Controlled Entities and External Committees.
- a) to represent Thompson City Council on the Committee as a liaison. The intention is not to have the City Representative sit as a Board Member.
 - b) if necessary, to seek clarification from Council of its position with respect to the Committee;
 - c) to report quarterly to Council on activities and decisions originating from the Committee meeting.
44. By December 31st of each year, Council may appoint a Primary and Alternate member of Council to the following Controlled Entities for the following year:
- a) Thompson Library Board
 - b) Boreal Discovery Centre (Thompson Zoological Society)
 - c) Thompson Recycling Centre
 - d) Thompson's Economic Development Corporation (Thompson Unlimited)
 - e) Thompson Housing Agency

Special and External Committees of Council

45. Council by resolution may appoint at any time a member of Council to sit on an External Committee.

46. A Special Committee of Council may be appointed by resolution at any time specifying the business to be dealt with by the committee.
47. Council may consider the establishment of an Aboriginal Advisory Committee.

Board Membership

48. If a member of Council seeks a position representing the City as a member of a Board of Directors, Council must pass a resolution endorsing that member of Council prior to a member of Council submitting their name for consideration to a Board of Directors. Unsolicited nominations, nominations from the floor do not apply.

Signing Authority

49. Agreements and cheques and other negotiable instruments must be signed or authorized by:
- a) the head of Council or the deputy Head of Council or a member of the Legislative and Finance Committee; and
 - b) the City Manager or a designated Officer appointed by resolution of Council at the Annual Organizational Meeting.

Repeal or Amendment

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

Effective Date

51. 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