

CONTINUING CONSOLIDATION

BY-LAW NO. 6634

AS AMENDED BY BY-LAW NO. 6840, 6950 AND 7106.

BEING a by-law of the City of Brandon 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 Brandon, 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) "Acting Deputy Mayor" means the member who is appointed by Council, pursuant to the provisions of the City's Organizational By-law, to act as Deputy Mayor in the absence of the Deputy Mayor.
  - (b) "Agenda" means the list of items and order of business for any meeting.
  - (c) "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.
  - (d) "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.
  - (e) "By-law" means a by-law of the City of Brandon, or a section, clause or provision of such by-law.
  - (f) "Challenge" means an appeal of a ruling of the Mayor.
  - (g) "Committee of the Whole" means members of Council present at a meeting of Council sitting in committee. It is a procedural device that permits Council greater freedom of debate.
  - (h) "Council" means the Council of the City of Brandon.
  - (i) "Council Committee" means a committee established by Council under the provisions of the City's Organizational By-law.
  - (j) "Deputy Mayor" means the member who is appointed by Council, pursuant to the provisions of the City's Organizational By-law, to act as Mayor in the absence or incapacity of the Mayor.
  - (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 Acting Deputy Mayor or in the absence of all three, any other member appointed by resolution of Council to be Acting Mayor.

2. (l) **“Inaugural Meeting”** means the organizational meeting of Council held immediately following a general election.
- (m) **“Members”** means, when referring to Council, the Mayor and Councillors.
- (n) **“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:
- (1) refer;
  - (2) amend;
  - (3) table; or
  - (4) adjourn.
- (o) **“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.
- (p) **“Organizational Meeting”** means a meeting that is held annually by Council in accordance with the provisions of the City’s Organizational By-law.
- (q) **“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.
- (r) **“Petition, Statutory”** means a statement and/or request submitted and signed by persons under the provisions of *The Municipal Act*.
- (s) **“Petition, Non Statutory”** means a written statement and/or request submitted and signed by persons other than under the provisions of *The Municipal Act*.
- (t) **“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.
- (u) **“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 affect of a motion.
- (v) **“Public Hearing”** means a meeting of Council or that portion of a meeting of Council, which is convened to hear matters required by:
- (1) *The Municipal Act*;
  - (2) *The Planning Act*;
  - (3) any other Act; or
  - (4) Council.
- (w) **“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.

2. (x) "**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.
- (y) "**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 PROVISIONS

### 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.  
[AM. B/L 7106]
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 Brandon is the Civic Administration Building, 410-9th Street, Brandon, Manitoba.

**Council Chamber**

- 12. Each inaugural meeting and all subsequent regular meetings of Council must be held in the Council Chamber of the Civic Administration Building, unless otherwise provided for by resolution of Council.

**Organizational Meetings**

**Annual Organizational Meeting**

- 13. Council must each year during its term 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 City's Organizational By-law.

**Inaugural Meeting**

- 14. 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**

- 15. 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 within the Civic Administration Building at least 48 hours prior to the meeting.

**Oath of Office**

- 16. No civic business can be proceeded with at the inaugural meeting until after the Oath of Office has been subscribed to by all members of Council who are present for that purpose.

**Other Organizational Meetings**

- 17. 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.

**Regular Meetings**

**Regular Meetings**

- 18. 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 the Civic Administration Building by the City Clerk within seven days of such organizational meeting.  
[AM. B/L 7106]

**Authority to Postpone Meeting**

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

**Change In Date, Hour, Place of Meeting**

- 20. 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**

- 21. Notice of any change of day, time or place of a regular meeting must be posted in the Civic Administration Building at least 24 hours before the new scheduled date for the regular meeting.

## Special Meetings

### Special Meetings

22. Subject to Section 24, 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.

23. 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 Manager must call the meeting in accordance with Section 24.

### Form of Notice

24. The notice of the special meeting to all members of Council may be either verbal, oral, in electronic or in written form and it must state the purpose and subjects to be taken into consideration at the meeting. Such notice must be provided to all members of Council and posted within the Civic Administration Building at least 24 hours before the scheduled time of the meeting.

### Manner of Written Notice

25. 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

26. Special meetings must be held in the Council Chamber at 7:00 p.m. unless otherwise stated in the notice of the meeting.  
[AM. B/L 7106]

### Reading of the Call

27. 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

28. 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

29. Notwithstanding Section 28 and in accordance with Schedule "D" of this by-law, 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

30. 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 of Emergency

31. 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**

32. 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**

33. 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 58. 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**

34. The agenda of each regular meeting that normally includes all communications, reports and other supporting materials, must be prepared under the direction of the City Manager and must be provided to all members by the City Clerk at least 48 hours prior to the meeting. The agenda for special meetings of Council must be provided at least 24 hours preceding the meeting in accordance with Section 24.

**Agenda Review Committee**

35. 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**

36. 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**

37. The minutes of all meetings must be posted in the Civic Administration Building and circulated to all members of Council prior to the meeting at which they are to be adopted.

**Audio Record of Meeting**

38. At all meetings of Council, the City Clerk may cause to be made an audio recording of the proceedings and such recordings if made must be retained for a period of 6 months from the date of the meeting.

**Meetings Generally****Quorum**

39. 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 (2) of its members plus one.

40. If a position on Council is vacant, a majority of the remaining members constitutes a quorum.
41. 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.

#### **Attendance Required**

42. Every member must attend all meetings of Council unless such absence is deemed to be necessary but, where a member fails to attend three consecutive regular meetings without being authorized to do so by statute or by a resolution passed by Council, such member thereby forfeits his or her seat on Council in accordance with the provisions of *The Municipal Act*.

#### **Conflict of Interest**

43. 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**

44. 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**

45. 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**

46. 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.
47. 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.
48. 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**

49. 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**

50. 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**

51. 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**

52. 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.

**Committee of the Whole in Private**

53. Notwithstanding Section 52 and in accordance with Part Six, Council may by resolution move into a Committee of the Whole meeting which:

- (a) may be closed to the public;
- (b) may exclude any person or persons from such meeting; and
- (c) may not have the power to make any decision by resolution, except motions of recommendation to Council and one to re-open the meeting to the public.

**Decorum of Members**

54. 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**

55. 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**

56. 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**

57. 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**

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

**Orders of the Day**

1. Roll Call
  2. Adoption of Agenda
  3. Presentations & Recognition of Guests
  4. Confirmation of Minutes
  5. Hearing of Delegations
  6. Public Hearings
  7. Communications & Petitions
  8. Community Question Period
  9. Committee Reports
  10. Enquiries
  11. Announcements
  12. General Business
  13. By-laws
  14. Giving of Notice
  15. Adjournment
- [A.M. B/L 6840, B/L 7106]

**Change in Order Paper**

59. With the exception of General Order No. 3, Presentations & Recognition of Guests, 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**

60. Subject to Sections 61 and 62, 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.

[A.M. B/L 6840]

**Matters of Privilege**

61. Nothing in Section 60 applies to motions concerning matters of privilege or to motions arising out of petitions, reports or communications directed to Council.

**Waiver of Section 60**

62. 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 60. 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.

**Presentations & Recognition of Guests**

**Giving or Receiving Presentations**

63. Presentations 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**

64. 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.

**Confirmation of Minutes**

**Motion to Confirm**

65. The minutes must be presented to Council for a motion to confirm the minutes as circulated.

**Motion to Amend**

66. 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 163 and 164 of this by-law.

**Public Delegations**

**Hearing of Delegations**

67. Persons desiring to present information verbally on matters of fact or to make a request of Council must:

- (a) inform the City Clerk, in writing, on a prescribed form, of their request to appear as a 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 mailing address of the person who will be addressing Council; and
  - (4) the telephone number where the representative of the delegation can be reached during normal business hours;
- (b) submit such requests not later than noon, three working days prior to a regular meeting or a special meeting where the receiving of delegations on a specific matter appears on the agenda for the special meeting.

**Improper Conduct by the Delegates**

68. The Mayor may interrupt and deny any further right of a delegation to be heard at a meeting of Council if, in his or her opinion, the delegation:

- (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;

68. (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

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

#### Procedure for Receiving Delegations

70. The procedure to be followed when Council receives and hears a delegation must be in accordance with the provisions set out in Schedule "A" to this by-law.

### Public Hearings

#### Public Hearings

71. Notwithstanding Section 67, 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.

#### Rules for Hearings

73. The rules of procedure to be followed when Council sits to receive written and verbal representations at a public hearing must be in accordance with the provisions set out in Schedule "B" to this by-law.

#### Attendance by all Members

74. 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, the City Manager 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, the City Manager 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

75. Section 57 applies to any person in the public gallery who conducts himself or herself improperly at a public hearing of Council.

## Written Submissions

### Petitions & Communications

76. 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

77. 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 the Mayor for direct reply, with a copy of such response 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

78. 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

79. 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.

## Community Question Period

### Community Question Period

- 79.1 Where a person wishes to ask questions of Council that pertain to an item on the agenda, without prior notice, they may do so under the Order of Community Question Period whereby the question period will be limited to 15 minutes unless extended by a majority decision of the members of City Council present at the meeting.

### Improper Conduct during Community Question Period

- 79.2 The Mayor may interrupt and deny any further right of a person to ask questions under Community Question Period 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;

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

[EN. B/L 7106]

### Committee Reports

#### Committee to Report

80. 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.

#### Method of Reporting

81. A report of a committee may be either in writing or verbal except when the report contains a recommendation for possible adoption by Council in which case the report must be in writing.

#### Receipt of Report

82. After a member has made a motion to receive a committee report, Council may ask questions on the substance of the report following which the motion must be voted on.

#### Adoption of Committee Recommendation

83. After a member has made a motion to adopt the recommendation contained in the committee report Council may debate and amend the motion following which any amendment to the motion and the motion must be voted on.

#### Effect of Committee Resolution

84. A resolution of a committee of Council is not binding upon Council unless:
- (a) it is passed by Council as a resolution of Council; or
  - (b) Council has by by-law delegated such power, duty or function to the Committee.

### By-laws & Proceedings Thereof

#### Introduction of By-laws

85. Every by-law being presented to Council for enactment must have a by-law number assigned to it and be given a concise title indicating the purpose of the by-law.

#### Separate Readings

86. Every proposed by-law must be given three separate readings by Council prior to it being finally passed and each reading must be put to a vote. Council may not give any proposed by-law more than two readings at the same meeting.

#### Text of By-law

87. Each member who is present at a meeting where a by-law is being introduced for first reading or where third reading is to take place, must be given or have had the opportunity to review the full text of the proposed by-law.

#### First Reading

88. All by-laws must be introduced for first reading by a motion that the by-law, specifying its number and short title be read a first time and Council must vote on the motion for first reading without amendment or debate.

**Questions by Member**

89. If at first reading of a by-law, a member does not elaborate on the subject matter of the by-law or phrase his or her question so as to indicate an opinion for or against the by-law, notwithstanding Section 88, he or she may ask a question or questions concerning the by-law.

**Second Reading**

90. After first reading has been given, any member of Council may move a motion that the by-law be read a second time and if second reading is not being 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.

**Debate & Amendment**

91. After a member has made a motion for second reading of a by-law, Council may:
- (a) debate the substance of the by-law; and
  - (b) propose and consider amendments to the by-law.

**Alteration of By-law**

92. A motion proposing that the by-law be amended may be made and put to a vote and if carried, is considered as having been read a first time and incorporated in the by-law.

**Referral to Committee**

93. Council may after first reading of a by-law go into Committee of the Whole if major changes or amendments are anticipated or required to be made in the text of the by-law.

**Second Reading as Amended**

94. 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**

95. 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**

96. Notwithstanding Sections 45 and 135, 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**

97. 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**

98. 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**

99. 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**

100. Subject to Section 101, 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**

101. If the provisions of *The Municipal Act* or any other Act requires a by-law to receive approval from the Minister of Municipal Government or some other provincial representative, the by-law does not come into full force and effect until such approval is given.  
[AM. B/L 7016]

**Repeal & Amendment**

102. 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.

**Council Enquiries & Responses****Oral Enquiry**

103. Questions may be directed to the Mayor or through such person to any other member of Council or to a member of the Administration, relating to business of Council or the affairs of the municipality but, no opinion or argument is to be offered, nor any facts stated except so far as may be necessary to explain the enquiry being made by such member.

**Time for Enquiries**

104. Enquiries may be presented by members of Council during that portion of a regular meeting for which such questions are allowed to be presented under the Orders of the Day.

**Form of Reply**

105. 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.

**Written Enquiry**

106. Any member of Council may submit a written enquiry directly to the City Manager about the administrative affairs of the City provided that a copy of same is provided to the City Clerk's Office. The City Clerk must circulate a copy of such enquiry to all other members of Council. The City Manager will respond in writing directly to the member making the enquiry but, any other member of Council may request a copy of the response from the City Manager.

**PART FIVE: PROCEEDINGS IN COUNCIL****Commencement of Meeting****Call to Order**

107. 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 or if absent, the Acting Deputy Mayor must chair the meeting.

**Roll Call**

108. 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.

**Meeting through Electronic Communication**

109. Council may conduct a meeting by means of an electronic or other communication facility providing the facility enables members of Council to hear and speak to each other and the public to hear the members.

**Special Approved Absence**

110. 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**

111. 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**

112. Subject to Section 41, 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**

113. 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**

114. In the absence of the Mayor, Deputy Mayor and the Acting Deputy Mayor, the City Manager must call the members to order and Council must by resolution appoint from among its members a chairperson who shall be the Acting 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**

115. 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**

116. 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**

117. 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**

118. 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.
119. 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.  
[A.M. B/L 6840]
120. The member raising a point of order or procedure during a meeting may be granted permission by the Mayor to explain the point.
121. 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.
122. The decision of the Mayor is final unless a challenge is made as provided for in Section 123.

**Challenge Ruling of the Mayor****Motion to Overrule**

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

124. 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**

125. 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.  
[A.M. B/L 6840]

**Naming of the Speaker**

126. 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**

127. 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**

128. 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**

129. 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.  
[A.M. B/L 6840]

**Limits on Speaking Times**

130. 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.  
[A.M. B/L 6840]

**Priority of Member to Speak**

131. 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**

132. 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**

133. 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**

134. 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**

135. 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**

136. 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 74 of this by-law.

**Conduct of Other Members**

137. 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.

[A.M. B/L 6840]

**Disciplinary Procedures****Calling to Order**

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

**Naming Member for an Offence**

139. 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**

140. 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**

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

**Removal of Member**

142. Any member of Council who has been expelled pursuant to Section 141 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**

143. 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**

144. 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**

145. 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**

146. 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**

147. A motion is not properly before Council and is not to be considered until it has been seconded, unless it is a motion made during a Committee of the Whole of Council.

**Withdrawal of Motion**

148. 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**

149. 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 concurrence in, rejection of or further consideration of a report to Council;
- (d) a motion for second reading of a by-law;
- (e) a motion for third reading of a by-law;
- (f) a motion to establish or dissolve a committee;
- (g) a motion for Council to go into Committee of the Whole;
- (h) a motion to amend any by-law before Council or any matter arising directly from any by-law before Council;
- (i) a motion to receive and file; and
- (j) such other motions made upon routine proceedings as may be determined necessary by Council.

**Privileged Motions**

150. 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**

151. 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**

152. 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**

153. 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**

154. 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**

155. 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**

156. 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**

157. 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**

158. 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**

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

**Limiting or Ending Debate**

160. 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**

161. 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.

162. 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**

163. Council may, subject to Section 164, 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.

[AM. B/L 6950]

**Limits of Reconsideration**

164. 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.

[AM. B/L 6950]

**PART SIX: COMMITTEE OF THE WHOLE****Committee of the Whole**

165. Council may, by passage of a resolution, go into a Committee of the Whole Council to facilitate discussion of any issue between members of Council and Administration.

**Chair of Committee**

166. The Mayor must be the Chairperson of the Committee of the Whole unless otherwise determined by Council and such person must maintain order during the meeting.

**Quorum**

167. Quorum of the Committee of the Whole is a majority of the members of Council.

**Rules of Procedure**

168. The rules of order for the conduct of a meeting of Council apply to a meeting of the Committee of the Whole except that:

- (a) a member shall not be required to stand when addressing the Chair;
- (b) it is not necessary for a motion to be seconded; and
- (c) a member may speak more than once to any question, provided that before the member speaks a subsequent time, all other members wishing to speak to the motion have been permitted to do so.

**Points of Procedure**

169. Questions of procedure arising in Committee of the Whole must be decided by the Mayor, subject to an appeal to the members of the committee that are present.

**Closed Meeting**

170. Whenever Council is of the opinion that a meeting of Council, sitting as a Committee of the Whole, is to be closed to the public, the motion which is passed must include the reason for closing the meeting, but such meeting can only be held if:

- (a) the decision and general nature of the matter dealt with in the closed meeting are included in the committee report to Council in order that it can be recorded in the proceedings of Council;

170. (b) the matter to be discussed relates to:
- (1) an employee, including an employee's salary, duties and benefits and any appraisal of the employee's performance;
  - (2) a matter that is in its preliminary stages and respecting which discussion in public could prejudice Council's ability to carry out its activities or negotiations;
  - (3) the conduct of existing or anticipated legal proceedings;
  - (4) the conduct of an investigation under or enforcement of an Act or by-law;
  - (5) the security of documents or premises; or
  - (6) a report of the Ombudsman received by the Mayor under subsection 36(1)(e) of The Ombudsman Act.
- [AM. B/L 7106]

171. 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.

#### Rise & Report

172. A member may at any time move that the committee rise and report and the question must be decided without debate.

173. A motion in Committee of the Whole to rise without reporting is not permitted.

#### Report of Committee Proceedings

174. When the committee has risen, the Mayor must report to Council the general nature of the proceedings along with any recommendation or indication of a subsequent report to Council at a later date.

#### Receipt of Report

175. After a member has made a motion to receive the report from the committee, Council may ask questions on the substance of the report following which the motion must be voted on.

#### Adoption of Committee Recommendation

176. After a member has made a motion to adopt the recommendation contained in the committee report, Council may debate and amend the motion following which any amendment to the motion and the motion must be voted on in that order.

## PART SEVEN: APPOINTMENT OF OTHER COMMITTEES AND BOARDS

#### Other Committees & Boards

177. 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

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

#### Ex-Officio Members

179. The Mayor, if not named to such other special committee or board, is an *ex officio* member of such committee or board, with the privilege of voting and must be counted to determine a quorum.

**PART EIGHT: REPEAL OR AMENDMENT**

**Repeal or Amendment**

180. By-law No. 6476 is hereby repealed.

**Effective Date**

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

**DONE AND PASSED** by the Council of the City of Brandon duly assembled this 4<sup>th</sup> day of December A.D. 2000.

“R.C. Atkinson”

MAYOR

“C.R. Arvisais”

CITY CLERK

Read a first time this 30<sup>th</sup> day of October A.D. 2000

Read a second time this 20<sup>th</sup> day of November A.D. 2000

Read a third time this 4<sup>th</sup> day of December A.D. 2000

I, Heather Coreen Ewasiuk, Clerk of the Municipality of the City of Brandon, DO HEREBY CERTIFY the within to be a true and correct copy of By-law No. 6634, as amended by By-law No. 6840, and 7106.

*Original Signed By*

*H. Ewasiuk*

H. Ewasiuk, City Clerk



**SCHEDULE "A" TO BY-LAW NO. 6634****PROCEDURE FOR RECEIVING PUBLIC DELEGATIONS**

1. **At the conclusion of the presentation, any member of Council may direct questions to the delegation ensuring that:**
  - (a) **questions are asked in a courteous and respectful manner;**
  - (b) **he/she does not engage in any debate or argument with the delegation; and**
  - (c) **he/she refrains from making any derogatory, accusatory and/or inflammatory remarks to the delegation and/or any other person.**
  
2. **After all questions have been exhausted, the Mayor must excuse the delegation from the speaker=s podium at the Council Table.**
  
3. **When members hear a delegation which is not related to some other item of business on the agenda, Council may by resolution:**
  - (a) **receive the presentation as information;**
  - (b) **refer the presentation to the Administration or any member or members of Council or to a Council Committee for any required action and/or report;**
  - (c) **refer the presentation to another meeting of Council;**
  - (d) **refer the presentation to the Order of General Business at the same meeting for further debate; or**
  - (e) **deny any or all requests of the delegation.**
  
4. **When members hear a delegation which is related to some other item of business on the agenda, Council may refer the presentation by resolution to that related item of business.**

**SCHEDULE "B" TO BY-LAW NO. 6634**

**RULES OF PROCEDURE FOR CONDUCTING PUBLIC HEARINGS**

The following rules of procedure must be followed when Council receives representations and verbal submissions at public hearings:

**Call to Order**

To begin a public hearing, the Mayor must call the hearing to order and ask if anyone is present in the Council Chamber to speak on the matter to be considered at the hearing.

**Procedure When Speaker Present at Hearing**

If a person indicates their presence to speak to the issue under consideration at the hearing, then the following procedures must apply:

1. The Administration, or the person if it is someone other than the Administration, introduces the matter and explains to the members of Council and others present in the Council Chamber the purpose of same.
2. If required, the Mayor reads into the record and for the information of those present in the Council Chamber, the receipt of any representations received by Council in writing on the issue under consideration.
3. All persons wishing to address Council on the issue is then allowed five minutes to speak; those in favour speak first, followed by those opposed unless the sequence is altered by the Mayor.
4. After a person has spoken, any member of Council may ask that speaker relevant questions concerning the issue ensuring that:
  - (a) questions are asked in a courteous and respectful manner;
  - (b) he/she does not engage in any debate or argument with the person;
  - (c) he/she refrains from making any derogatory, accusatory and/or inflammatory remarks to the person; and
  - (d) he/she does not make any statements, arguments or express an opinion that would disclose a bias and would be more appropriately dealt with subsequent to the public hearing.
5. Any member may ask the Administration relevant questions after all persons who wish to speak have been heard.
6. The Mayor then allows an opportunity for all persons to respond to any new information that has been introduced.
7. Following the conclusion of all questions and representations on the issue, any member of Council may move that:
 

"The public hearing on ..... be hereby concluded."
8. At times, Council may decide not to conclude the hearing until further information or representations are received. Any member may move a motion to recess the hearing to a future day and time.

**SCHEDULE "B" (con't) TO BY-LAW NO. 6634**  
**RULES OF PROCEDURE FOR CONDUCTING PUBLIC HEARINGS**

**Procedure When No Speaker is Present**

If no one is present to speak to a matter which requires a public hearing, Council may:

1. hear an introduction of the matter from the Administration, ask relevant questions on the issue, and then vote to conclude the public hearing.
2. decide not to conclude the public hearing due to the fact the person causing the hearing is not present. Any member may move a motion to recess the said hearing to a future day and time when such person can attend.

**Debate and Decision**

In the case of applications under The Planning Act such as variation and conditional use applications, the debate and decisions must occur under the Order of Public Hearings directly following the hearing being concluded. Council may then decide to:

- (1) reject or approve the application whereby the approval may be with or without conditions; or
- (2) refer the application to another meeting for further consideration and final decision.

In the case of the Financial Plan the debate and decision must occur under the Order of General Business without a referral motion to that order of business.

In the case of any matter to which a by-law applies, the debate and readings of the by-law must occur under the Order of By-laws without a referral motion to that order of business. Under the Order of By-laws, Council may refer the by-law to another meeting for further consideration and readings.

SCHEDULE "C" TO BY-LAW NO. 6634
RULES OF PROCEDURE FOR READING AND AMENDING BY-LAWS

The following motions will apply when Council passes motions for reading and amending by-laws:

- 1. FIRST READING ONLY: Mover/Second That By-law No. (and brief description) be read a first time. CARRIED.
2. SECOND READING ONLY: Mover/Second That By-law No. (and brief description) be read a second time. CARRIED.
3. THIRD READING ONLY: Mover/Second That By-law No. (and brief description) be read a third and final time. CARRIED.

Note: Pursuant to Section 96, a recorded vote must be taken at the time of third reading showing the names of each member present at the time of voting, the vote or abstention of each member, and the reason for any abstention.

- 4. FIRST AND SECOND READINGS AT SAME MEETING: Mover/Second That By-law No. (and brief description) be read a first time. CARRIED.
Mover/Second That this by-law be read a second time. CARRIED.

- 5. SECOND AND THIRD READINGS AT SAME MEETING: Mover/Second That By-law No. (and brief description) be read a second time. CARRIED.
Mover/Second That this by-law be read a third and final time. CARRIED.

Note: Pursuant to Section 96, a recorded vote must be taken at the time of third reading showing the names of each member present, the vote or abstention of each member and the reason for any abstentions.

- 6. FIRST READING, AMENDMENT AND SECOND READING: Mover/Second That By-law No. (and brief description) be read a first time. CARRIED.
Mover/Second That the by-law be amended as follows:..... CARRIED.
Mover/Second That the by-law, as amended, be read a second time. CARRIED.

**SCHEDULE A (cont) TO BY-LAW NO. 6634**

**RULES OF PROCEDURE FOR READING AND AMENDING BY-LAWS**

**7. AMENDMENT TO BY-LAW PRIOR TO SECOND READING (ZONING BY-LAWS ONLY)**

**Mover/Seconder**

That By-law No. \_\_\_\_\_ (and brief description) be amended as follows ..... CARRIED.

**Mover/Seconder**

That By-law No. \_\_\_\_\_, as amended, be held in abeyance pending further public notice and hearing on said amended by-law. CARRIED.

**8. AMENDMENT TO BY-LAW AT TIME OF SECOND READING:**

**Mover/Seconder**

That By-law No. \_\_\_\_\_ (and brief description) be amended as follows ..... CARRIED.

**Mover/Seconder**

That the by-law, as amended, be read a second time. CARRIED.

**9. AMENDMENT TO BY-LAW AT TIME OF SECOND AND THIRD READINGS:**

**Mover/Seconder**

That By-law No. \_\_\_\_\_ (and brief description) be amended as follows: ..... CARRIED.

**Mover/Seconder**

That the by-law, as amended, be read a second time. CARRIED.

**Mover/Seconder**

That the by-law be read a third and final time. CARRIED.

**Note:** Pursuant to Section 96, a recorded vote must be taken at the time of third reading showing the name of each member present at the time of voting, the vote or abstention of each member, and the reason for any abstention.

**10. NO FURTHER READINGS TO BY-LAW:**

**Mover/Seconder**

That By-law No. \_\_\_\_\_ (and brief description) be given no further readings. CARRIED.

**SCHEDULE "D" TO BY-LAW NO. 6634  
FORM OF WRITTEN WAIVER OF NOTICE**

**TO: His Worship the Mayor**

**I, ....., member of Brandon City Council, do hereby waive, pursuant to Section 29 of the Procedure By-law, my right to be given notice of any special or emergency meeting of the Council that may be held between the period ..... and .....**

**DATED this ..... day of ....., 20..... in the City of Brandon.**

\_\_\_\_\_