

**CONTINUING CONSOLIDATION  
ORGANIZATIONAL BY-LAW NO. 6650**

**AS AMENDED BY BY-LAW NOS. 6710, 6927, 7174, 7376 and 7394.**

**BEING A BY-LAW OF THE CITY OF BRANDON to establish an organizational structure for the Council of the City of Brandon and committees thereof to be known as the “Organizational By-law”.**

**WHEREAS the Council of the City of Brandon is required under Section 148 of The Municipal Act , S.M. 1996, c.58, Cap.M225 to establish by by-law an organizational structure for the municipality and review the by-law at least once during its term of office;**

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

**PURPOSE AND DEFINITIONS**

- 1. The purpose of this by-law is to establish rules to follow in governing the organizational structure of Council. It may be cited as the “Organizational By-law” of The City of Brandon.**
- 2. In this by-law, unless the context otherwise requires:**
  - (a) ‘Acting Deputy Mayor’ means the member who is appointed by Council, pursuant to Subsection 15(b) of this by-law, to act as Deputy Mayor in his/her absence or incapacity.**
  - (b) ‘Civic Proclamation’ means an official public announcement issued under the authority of this by-law.**
  - (c) ‘Council’ means the Council of the City of Brandon.**
  - (d) ‘Council Committee’ means a committee established by Council under the provisions of this by-law.**
  - (e) ‘Deputy Mayor’ means the member who is appointed by Council, pursuant to Subsection 15(a) of this by-law, to act as Mayor in his/her absence or incapacity.**
  - (f) ‘Mayor’ means the member of Council duly elected as Mayor of the City of Brandon and continuing to hold office.**
  - (g) ‘Members’ means, when referring to Council, the Mayor and Councillors.**
  - (h) ‘Municipality’ means the City of Brandon.**
  - (i) ‘Organizational Meeting’ means the meetings held as described in Section 14 of this by-law.**
  - (j) ‘Other Committees, Boards and Public Agencies’ means a committee, board or public agency not established by Council under the provisions of this by-law.**
- 3. Council must review the rules and provisions of this by-law at least once during its term of public office.**

**CORPORATE ROLE OF THE CITY OF BRANDON**

- 4. The City of Brandon 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 Brandon 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 statutory responsibility:
  - (a) to preside when in attendance at a meeting of Council, except where the procedure by-law or any Act of the Manitoba Legislature otherwise provides;
  - (b) to provide civic leadership and direction to Council, the City Manager, other designated officers and the employees of the municipality; and
  - (c) to perform any other duty or function assigned to the Mayor by Council or by any Act of the Manitoba Legislature.
11. The Mayor shall be responsible for the issuance of all civic proclamations. The proclamations of the municipality are to be issued in accordance with the provisions set out in Schedule 'A' to this by-law.

If not named as a member of a Council Committee, the Mayor shall be an 'ex officio' member of such committees with the privilege of voting and if present at a committee meeting, shall be counted to determine a quorum.

#### **GENERAL DUTIES OF COUNCIL MEMBERS**

12. Each member of Council has the following civic duties and responsibilities:

- (a) to consider the well-being and interests of the municipality as a whole and to bring to Council=s attention anything that would promote the well-being or interests of the City and its citizens;
  - (b) to participate generally in the development and evaluation of the various policies and programs of the municipality;
  - (c) to participate in meetings of Council and its committees and other civic bodies to which the member has been appointed;
  - (d) to keep in confidence any matter that is discussed at a meeting closed to the public and where the respective committee has decided to keep such business confidential until the matter is discussed at an open meeting of Council or at a later committee meeting held in open session;
  - (e) to perform any other duty or function imposed on the member by Council or by any Act of the Manitoba Legislature.
13. Notwithstanding the provisions of Subsection 12(d) above, a member of Council may discuss with the City Manager or any other designated officer 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) 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) appoint an Acting Deputy Mayor who may hold office for the following twelve months and the member so appointed shall perform all the duties and functions of the Deputy Mayor, if such person is incapable for any reason of performing such duties;
  - (c) appoint those members who are required to sit on Council Committees that have been established by Council under the provisions of this by-law;
  - (d) 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
  - (e) establish a schedule of dates on which all regular meetings of Council will be held for the following twelve months.
16. The appointment of all citizen members to a Council Committee or any other committee, board and public agency shall be made by Council on or before its first regular meeting held in January of each year, unless otherwise required.

#### **ESTABLISHMENT AND DUTIES OF COUNCIL COMMITTEES**

17. Council may establish such Council Committees or other committees as are 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.
18. 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.
  19. An appointment to any Council Committee may only be repealed by a resolution of Council.
  20. 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.
  21. 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;
    - (d) any declarations of pecuniary interest made under The Municipal Council Conflict of Interest Act ; and
    - (e) the signature of the Committee Chairperson.
  22. The following committees are hereby established as Council Committees whereby the membership and purpose of these committees shall be as outlined hereunder:
    - (a) the 'Audit and Finance Committee' which shall:
      - (1) be comprised of the Mayor and three (3) Councillors;
      - (2) serve as an informed voice to Council on the financial and accounting policies of the City;
      - (3) act as an internal and external liaison body in dealing with matters of an audit or financial nature;
      - (4) review significant accounting policies and the suitability of any changes;
      - (5) recommend to Council on the selection of the City's audit firm;
      - (6) review the annual audited financial statements and audit reports, along with any management letters, with the auditors and make recommendation to Council;
      - (7) ensure that a satisfactory working relationship exists between the auditors and management;
      - (8) provide the auditors with an open access to the Audit & Finance Committee;
    - (a) (9) deal with any other matters relating to the audit firm or the audit function, that may arise from time to time and to make recommendations to Council;
    - (10) recommend to Council that special audits of various departments or divisions be performed from time to time, such recommendations to include the terms of reference and the framework within which the special audit and resulting changes will be carried out and to make recommendations to Council on the selection of an audit firm to conduct the special audit;
    - (11) make recommendations to Council on the selection of the City's investment

advisor;

- (12) review the City's investment policy within the requirements of The Municipal Act and to recommend same to Council; and
- (13) act as an advisory body to the City Treasurer in regard to investment activities and other matters related to managing the City's investment portfolio.

(b) the **'Brandon Municipal Heritage Advisory Committee'** which shall:

- (1) be comprised of members in accordance with the Heritage Conservation By-law;  
[AM. B/L 6927, B/L 7174]
- (2) consider and advise Council on any matter related to local and regional heritage resources in accordance with the powers afforded to the City under the terms of The Heritage Resources Act as a result of either a referral from Council or on its own initiative;
- (3) make recommendations to Council respecting the preservation and protection of local heritage resources including the designation of heritage buildings, structures and lands as Municipal Heritage Sites and the demolition, preservation, alteration or renovation of those buildings, structures and lands;
- (4) cause the development of civic policies, programs and other initiatives that will encourage, support, educate and promote the management and sustainability of the heritage resources within the community and region in a manner which represents architectural, historical, cultural, and contextual integrity; and
- (5) prepare for the consideration of Council a heritage resource management plan and to recommend to Council such amendments to the plan as should from time to time be required.

(c) the **'Environment and Climate Change Committee'** which shall:

- (1) be comprised of two (2) members of Council and five (5) citizens members with experience and expertise in environmental matters;
- (2) provide guidance to council and staff on environmental initiatives outlined in the Climate Change Action Plan or referred directly by Council to the Environment and Climate Change Committee;
- (3) receive and comment on opportunities or challenges related to the natural and built environment of the City of Brandon that are brought to the attention of the Committee by the citizens of Brandon and bring such issues to Council's attention;
- (4) promote public education and awareness of environmental initiatives and Climate Change Action Plan implementation;
- (5) liaise with other civic committees to avoid duplication and to have a free flow of communication; and
- (6) with support of staff, make recommendations to Council on Climate Change Action Plan implementation or other environmental initiatives."

[A.M. B/L 7376]

(d) the **'Grants Review Committee'** which shall:

- (1) be comprised of three (3) members of Council;
- (2) review all financial grant requests being submitted by various organizations in the City;
- (3) meet with selected organizations and review their financial statement, budget and grant request; and
- (4) make recommendations regarding each request to Council for its consideration during budget deliberations.

- (e) the **'Personnel Committee'** which shall:
  - (1) be comprised of the Mayor, three (3) Councillors and the City Manager;
  - (2) review the City's union contract proposals submitted by the Director of Human Resources and the City Manager;
  - (3) review the parameters proposed by the Director of Human Resources and the City Manager for settlement of City union contracts;
  - (4) review for consideration, tentative City union contract settlements and to make recommendations to Council;
  - (5) review proposed compensation and benefit changes submitted by the Director of Human Resources and the City Manager for the non-union employee group and to make recommendations to Council; and
  - (6) consider any personnel matter of a sensitive nature referred to the Committee by the City Manager.
- (f) [REP. B/L 7394]

#### MEETINGS OF COUNCIL COMMITTEES

- 23. Regular meetings of the Council Committees may be held as determined by the membership of each Council Committee. Public notice of such meetings must be posted within the Civic Administration Building.
- 24. Special Meetings of the Council Committees may be called by the Chairperson or by two of its members, in the same manner as provided for special meetings of Council in the Procedure By-law.
- 25. Every meeting of a Council Committee established under the provisions of this by-law must be conducted in public.
- 26. 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.
- 27. Notwithstanding the provisions of Section 25 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 employee's salary, duties and benefits and any appraisal of the employee's 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.
- 28. 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.
- 29. If an equal number of members vote for or against a resolution, the resolution is defeated.

30.

A resolution of a Council Committee is not binding upon Council unless it is passed by Council in conjunction with the adoption of the committee report which sets out and includes such resolution.
31.

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.
32.

By-law No. 6475 is hereby repealed.
33.

This by-law shall come into full force and effect on the date following its final passage.

DONE AND PASSED by the Council of the City of Brandon this 7<sup>th</sup> day of May A.D. 2001.

"R.C. Chrest"

DEPUTY MAYOR

"C.R. Arvisais"

CITY CLERK

Read a first time this

23<sup>rd</sup>

day of

April

A.D. 2001

Read a second time this

23<sup>rd</sup>

day of

April

A.D. 2001

Read a third time this

7<sup>th</sup>

day of

May

A.D. 2001

I, Renee Sigurdson, Clerk of the City of Brandon, DO HEREBY CERTIFY the above by-law to be a true and correct copy of By-law No. 6650, as amended by By-law Nos. 6710, 6927, 7174, 7376 and 7394.

Original Signed by

R. Sigurdson

R. Sigurdson, City Clerk



## **SCHEDULE "A" TO BY-LAW NO. 6650**

### **STATEMENT OF POLICY ON CIVIC PROCLAMATIONS**

The Council of the City of Brandon recognizes the need for charitable and other non-profit agencies to cause public awareness of certain issues, special events and other occasions. It is also aware that the issuance of civic proclamations can assist those agencies achieve the type of public support that is needed from the residents of this community. It is therefore the established policy of Council that:

1. all requests for proclamations shall be submitted to the Mayor for his or her approval at least one month prior to the proposed date for the proclamation;
2. the Mayor may approve the request for proclamation provided that, in his or her judgement, the proclamation does not:
  - (a) promote any commercial business;
  - (b) involve any person or organization which promotes hatred of any person or class of persons or otherwise involves illegal activity;
  - (c) contain any inflammatory, obscene or libelous statement; and/or
  - (d) concern any sexual, religious or politically sensitive subject or issue.
3. the City of Brandon shall not be responsible for any costs associated with a proclamation by the Mayor, including publication of the proclamation;
4. the local print media is requested:
  - (a) not to publish any proclamation purporting to be proclaimed by the Mayor unless it bears his or her original signature;
  - (b) when publishing a proclamation by the Mayor, to ensure that the proclamation contains only:
    - (1) the civic crest of the City of Brandon;
    - (2) the name of the City of Brandon;
    - (3) the text of the proclamation; and
    - (4) if requested by the sponsoring group, a photograph of the Mayor signing the proclamation.