

## The Corporation of the City of Pembroke

### By-law Number 2020-61 (Procedural By-law)

**A by-law to establish the rules governing the order and proceedings of council and committees of the Corporation of the City of Pembroke (Procedural By-law)**

**Whereas** pursuant to the *Municipal Act, 2001*, as amended, every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of meetings;

**And Whereas** the Council of the Corporation of the City of Pembroke deems it advisable to adopt a procedure by-law

**Now therefore be it resolved that the Council of the Corporation of the City of Pembroke enacts as follows:**

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## 1. Definitions

For the purpose of this By-law:

"Act" - means the *Municipal Act*, as amended from time to time

"Acting Chair" - shall mean the Member who is temporarily appointed to serve in the Chair's place.

"Ad Hoc Committee" - shall mean a committee established by Council to review a specific matter and once the committee has completed the assigned tasks and reported its findings and recommendations, the committee is automatically dissolved. (this definition is synonymous with the definition for Sub-Committee)

"Agenda" - The order in which business is conducted at a meeting. Also, referred to as "Orders of the Day".

"Attendee" - Shall mean a person, other than a Member or Staff, who is present at a meeting.

"Boards/Committees" - shall mean local Boards and Committee's established and at the discretion of Council or as required by any Act or in conjunction with another party.

"By-law" - shall mean a local law that has been enacted by Council in order to exercise a power provided in an Act.

"CAO/Clerk" - Shall mean the Chief Administrative Officer/Clerk of the City of Pembroke.

"Chair (Presiding Officer)" - shall mean the member who presides at a Council or Committee meeting.

"City" - shall mean the Corporation of the City of Pembroke.

"Closed Meeting" - A meeting which is not open for public attendance.

"Combined Committee" - shall be deemed a Committee of Council that addresses items that require a decision from Operations, Finance & Administration, Planning & Development, and/or Parks & Recreation. The Combined Committee meets once per month during the "Summer Schedule" (July & August) or more often as required.

"Communication Device" - Includes a cellular phone, pager, smart phone, computer with a link to the internet, or any other similar piece of technological equipment used for communication purposes

"Committee" - means a Committee of Council and includes Standing Committees, Joint Committees, Combined Committee, Ad Hoc Committees, Committees and Sub-Committees

"Community Events" - shall be deemed any event that requests the presence of the Mayor. These may include but are not limited to opening ceremonies, fund raisers/charity events, community celebrations and local fairs.

"Confidential Item" - shall include the following:

- a. Any matter marked "confidential" by Staff or item of a confidential nature which has not been lawfully published, disclosed or provided to the public by the City, or introduced, received or made available to the public at a public meeting or information session/centre;
- b. A record of any matter in respect of which a meeting or part of a meeting may or shall be closed to the public pursuant to the *Municipal Act, 2001*, S.O. 2001, c.25, as amended or under this By-law;

- c. Any matter which could form the subject matter of an exemption from disclosure or a prohibition against disclosure, pursuant to the provisions of the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56;
- d. Any matter which the City is prohibited from disclosing pursuant to any contract, legislation or other lawful authority.

"Corporation" - shall mean The Corporation of the City of Pembroke.

"Correspondence" - shall include, but is not limited to, letters, memos, notices, emails, faxes, petitions, brochures, newspaper/magazine articles, etc.

"Council" - shall mean the municipal Council of the Corporation of the City of Pembroke, as established by statute and comprising as its Members the Mayor, the Deputy Mayor and the Councillors.

"Council Meeting(s)" - include Regular, Special and Emergency Meetings of the Council of the Corporation of the City of Pembroke.

"Councillor" - shall mean a person elected or lawfully appointed to the Council of the Corporation of the City of Pembroke.

"Debate" - shall mean discussion on the merits of the question/motion and whether the proposed action should or should not be taken.

"Delegation" - shall mean a person or group of persons who are not Members of Council or City staff who have requested and are permitted to address Council or Committee, individually or on behalf of a group, on a matter on the agenda for that meeting in accordance with the provisions of this By-law.

"Department Head" - shall mean the person or designate in charge of a City department and/or service area.

"Deputy Mayor" - shall mean the Deputy Head of Council acting in the absence of the Mayor.

"Electronic Participation" – shall mean participation in a meeting by means of any video or audio device such as telephone, video or audio conferencing or other interactive method.

"Emergency" - shall mean a situation that poses, in the opinion of Council, an immediate threat to the municipality.

"Executive Committee" - shall be comprised of the Mayor, Deputy-Mayor and CAO/Clerk established to ensure coordination of policy and administrative functions of the Municipality.

"Ex-Officio" - shall mean the Mayor who by virtue of office shall be a member of all Committees of Council and shall have the same rights and privileges as other members of the respective Committee, who is entitled to vote but does not form part of the quorum.

"Inaugural Meeting" - shall mean the first meeting of Council held after a municipal election in a regular year.

"Majority" - Greater than 50% of the members present.

"Mayor" - shall mean the Member of Council elected by general vote as the Mayor and is the Head of Council, the Ex-Officio and who normally presides at all Council meetings.

"Meeting" means a gathering of a quorum of Council members or Committee members to advance the business of Council or a Committee, respectively, which includes discussions that take place via telephone, email or other means involving a quorum of Members.

"Meeting Schedule" - shall be deemed the Council/Committee Calendar containing the dates of Council meetings, including other reserved dates confirmed each year by resolution of Council.

"Member" - shall mean a Member of Council, including the Mayor and Deputy Mayor, or a Member of Committee. Members for consideration of Sub Committees, Boards and Ad Hoc Committees must be and remain a resident or ratepayer of the City during appointment period unless otherwise approved by Council.

"Member-Elect" - shall mean a person who has been elected to be a Member but whose term of office has not commenced.

"Minutes" - shall mean a record of the proceedings of a meeting, and shall be made by the CAO/Clerk or designate without note or comment.

"Motion" - shall mean a recommendation made to Council for consideration.

"Municipal Act" - shall mean the Ontario *Municipal Act*, S.O. 2001, c.25, as amended and any successor legislation thereto.

"Notice" - shall mean an announcement by the CAO/Clerk under this by-law.

"Order of Business" - shall mean the sequence of business under consideration at a meeting.

"Pecuniary Interest" - shall mean a direct or indirect pecuniary (monetary) interest within the meaning of the Municipal Conflict of Interest act, R.S.O. 1990, c. M.50, as amended.

"Point of Order" - shall mean the calling of the attention to a violation of the rules, an omission, a mistake, or an error in procedure, and to secure a ruling from the Chair on the question raised.

"Point of Privilege" - shall mean the ability of a Member to secure immediate decision and action by the Chair on a request that concerns the comfort, convenience, rights, or privileges of the Council or of the Member, or permission to present a motion of an urgent nature, even though other business is pending.

"Presentation" - shall mean the occurrence when, staff, an individual or group have been invited to present information to Council or Committee. A presentation means:

- a. A ceremonial presentation to or from the City of Pembroke and
- b. Presentation made by City staff and/or by consultants retained by the City, providing information related to municipal operations
- c. Presentations from senior levels of government or other municipal governments
- d. Presentations that in the opinion of the CAO are most beneficial for all involved if heard at a Committee and/or Council Meeting

"Proceedings" - shall mean the business conducted at a meeting.

"Public Information Session/Town Hall Meeting" - shall be deemed a meeting held for the purpose of presenting proposals and issues, educating and informing and/or receiving input.

"Public Meeting (Statutory)" - shall be deemed a meeting held for the purpose required under an Act or Regulation.

"Quorum" - shall mean the number of Members required to be physically present or through electronic participation be present in the meeting room, in order that business may be conducted.

"Recess" - shall mean a break from a meeting.

"Recorded Vote" - shall mean documenting in the minutes of a Meeting the name of each Member and the Members' vote on a matter or question.

"Resolution" - shall mean a motion that has been passed by Council.

"Special Meeting" - shall be deemed a Council Meeting which is in addition to the Meeting Schedule.

"Standing Committee" - shall be deemed a Committee of Council comprised of all members of Council constituted to perform a continuing function and which has a continuous existence. For the purpose of this by-law the Operations Committee, Finance and Administration Committee, Planning and Development Committee, Parks & Recreation Committee shall be a Standing Committee of Council. The Striking Committee is also deemed to be a Standing Committee.

"Striking Committee" - shall mean a Committee of all members of Council established to recommend appropriate individuals to local boards and committees.

"Sub-Committee" - shall mean a committee established by Council to review or deal with a specific matter which could be of an ongoing nature, and once the committee has completed the assigned tasks and reported its findings and recommendations, the committee is automatically dissolved. (this definition is synonymous with the definition for Ad Hoc Committee)

"Summer Schedule" - shall include the months of July and August each year when only one Council Meeting is held each month. Special and/or Emergency Meetings may be held during the Summer Schedule.

"Ultra Vires" - shall mean beyond the legal power or authority of the municipality.

## **2. Interpretation**

- 2.1 The rules and procedures contained in this By-law shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council, and, where applicable, will apply to Standing Committees.
- 2.2 Where procedural matters of Council or Committees of Council are not provided for in this by-law and are not governed by the *Municipal Act, 2001* and/or the *Municipal Conflict of Interest Act*, the most recent edition of Robert's Rules of Order shall apply.
- 2.3 All reference to the Mayor shall, in the absence of the Mayor, refer to the Deputy Mayor or to the person so named in accordance with the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended.
- 2.4 Subject to the requirements of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, the rules and regulations contained herein may be suspended by resolution for a single occasion by a vote of at least two-thirds of the entire Council, unless otherwise provided by law.
- 2.5 A Committee may not pass a motion to suspend the rules of this By-law.
- 2.6 Subject to the right of appeal by a Member, the Chair shall be responsible to interpret the rules of procedure under this By-law with the advice and assistance of the CAO/Clerk.
- 2.7 The CAO/Clerk shall be secretary of Council and Committees of Council and may assign his/her duties as Secretary of any Committee to any municipal employee. It shall be the duty of the Secretary of every Committee:
  - 2.7.1 to cause notice of each Regular and Special Meeting of such Committee, together with the Agenda and all matters so far as are known that are to be brought before the Said Committee as such

Meeting, to be sent to each Member of the Said Committee, so that he/she will receive the same at least on the day preceding the Meeting of such Committee and the Mayor shall be similarly notified of such Meeting;

2.7.2 to attend all Meetings of the Committee and to record the Minutes, orders and requests of all Meetings.

### **3. Establishment/Appointment to Committees**

3.1 In the first year of a new term, the Mayor shall, at its first Meeting, or as soon thereafter as is practical, recommend the appointment of the members of the Standing and/or Sub/Ad Hoc Committees of Council. Should the Mayor, in consultation with Council, believe that there is a need to re-appoint members of the Standing committees in subsequent years in the same term; these appointments shall be made so that the Standing Committees of Council are constituted and are able to hold Regular Meetings.

3.2 The Mayor shall be the ex-officio member of all Committees of Council.

3.3 The dates and times of all Committee meetings shall be determined by the Members thereof immediately after organization.

3.4 Special Meetings of Standing Committees may be called by the Chair through the CAO/Clerk's Department, whenever he/she shall consider them necessary; and it shall be the duty of the Chair, or in the case of his/her absence from the City, it shall be the duty of the CAO/Clerk to summon a Special Meeting of the Standing Committee, whenever requested to do so by at least two Members.

3.5 The general duties of all Standing and/or Sub Committees of Council shall be as follows:

3.5.1 to report to Council, whenever desired by the Council, as often as the interest of the Corporation may require, on all matters connected with the duties imposed on them respectively, and to recommend such action by Council in relation thereto as may be deemed necessary;

3.5.2 To consider and report on any and all matters referred to them by Council;

3.5.3 To adhere in the transactions of all business to the rules prescribed by the By-Laws of the Council;

3.5.4 Council may refer back to any Committee any report in whole or in part of any question or matter for reconsideration.

3.6 When Council or a Standing Committee approves the formation of an Advisory Committee or Task Force the following procedures, if applicable will be followed:

a. The CAO/Clerk may invite citizens to serve as members and such invitations shall include the Advisory Committee or Task Force's mandate including any membership expertise requirements and the time needed to complete the mandate;

b. Applications received for membership shall be forwarded by the CAO/Clerk to the Striking Committee;

3.7 Boards, Commissions & Other Special Purposes Bodies

3.7.1 Council may, from time to time, request Council Members, ratepayers, staff, professionals or others to serve on external Boards, Commissions, or other Special Purpose Bodies and report back to Council.

- 3.7.2 When Council decides to include members of the public on Special Purpose Bodies, Boards, or Commissions, the CAO/Clerk will advertise inviting local residents or ratepayers to apply to be a member of the committee. The term of appointment for members at large shall coincide with the term of council.
- 3.7.3 The Striking Committee will review all applications and shall recommend to Council the appointment(s) to Boards, Commissions and Other Special Purpose Bodies. These appointments may be made by resolution unless specifically required by law to be passed by by-law.
- 3.7.4 From time to time, Council may be required to replace committee or board members. At that time, the CAO/Clerk shall advertise, if required, on the City's website or by other means deemed appropriate by the CAO/Clerk outlining the various positions to be filled on the Municipality's committees and inviting applications from interested citizens. All applications will be reviewed by the Executive Committee and recommendations will be approved by Council.

#### 3.8 Member Absent from Committee Meetings

- 3.8.1 The appointment of a member of Council to a Committee may be terminated if the Member has been absent from meetings of the Committee for three consecutive months without being authorized to do so by a resolution of the Committee entered upon its minutes.
- 3.8.2 The appointment of a citizen member to a Special/Ad Hoc committee, Board, Commission or Special Purpose Body may be terminated if the citizen is absent from Meetings of the Committee for three consecutive meeting without being authorized to do so by a Resolution of the Committee entered upon its minutes.

### 4. Role of Chair

#### 4.1 A Chair shall:

- open the meeting by taking the Chair and calling the Members to order;
- provide order and decorum;
- be the political liaison with other members of Council and Committee Members
- review and understand the Agenda with the CAO/Clerk or municipal Manager/Department Head assigned to the Committee
- provide the Committee direction when required regarding meeting conduct and procedures;
- represent Council initiatives and decisions to the public, where appropriate;
- consult with the CAO/Clerk on matters of operational concerns and complaints;
- have the authority to remove a person from a meeting;
- not have the authority to direct Department Heads, Managers or staff.

### 5. Rules of Conduct for Members, Staff and Attendees

#### 5.1 Chair at Meetings

##### 5.1.1 It shall be the duty of the Chair of a meeting to:

- a. open the meeting by calling meeting to order;

- b. ensure that a quorum is established and is maintained throughout the course of the meeting;
- c. announce the business in the order in which it is to be considered;
- d. direct discussion in such a manner that all questions and comments shall be presented through the Chair;
- e. receive and submit, in the proper manner, all motions presented by the Members;
- f. ensure that no Member interrupts a Member who has the floor except to raise a point of order;
- g. put to vote all motions which are moved, and seconded when necessary, or all motions that arise in the course of the proceedings, and to announce the result of each vote;
- h. decline to put to vote motions that infringe upon the rules under this By-law or the *Municipal Act, 2001, S.O. 2001, c.25*, as amended;
- i. Ensures that no Member reflects upon, reviews, discusses, recounts, or criticizes any decision of the Council or Board/Committee except for the purpose of moving that the question be reconsidered.
- j. ensure the Members, Staff and Attendees, conform to the rules of order under this By-law;
- k. maintain an appearance of impartiality on matters concerning public presentations and affording all Councillors an equal opportunity to speak;
- l. undertake all matters required to ensure the meeting proceeds in an orderly and efficient manner;
- m. authenticate by signature, when necessary, all applicable by-laws and resolutions;
- n. adjourn the meeting when the business is concluded, or at the designated time.

5.1.2 The Mayor shall wear the Chain of Office at all Council meetings. The Deputy Mayor shall not wear the Chain of Office when chairing Council meetings.

5.1.3 The Chair shall vote on all motions.

5.1.4 When the Chair wishes to speak to an item on the agenda, they shall vacate the Chair's seat and hand over control of the meeting to the Committee Vice-Chair or Deputy Mayor in the case of a Council meeting, prior to speaking on the matter. Once the Chair has made his/her points, they retake their Chair and continue presiding over the meeting.

5.1.5 If the Mayor is not available at the time appointed for a Meeting of Council, the Deputy Mayor will conduct the meeting until the arrival of the Mayor.

5.1.6 In the absence of the Mayor, or if the Mayor's office is vacant or the Mayor refuses to act, the Deputy Mayor shall assume all the duties of the Head of Council.

5.1.7 In the absence of both the Mayor and Deputy Mayor, or if their offices are vacant, or if they refuse to act, Council may appoint from among the Members, an Acting Chair who, during such absence or vacancy or refusal to act, has all the powers of the Head of Council.

5.1.8 In the absence of a Committee Chair or when the Chair steps down, the Committee shall appoint an Acting Chair to conduct the meeting.

5.2 Questions

5.2.1 All Members, Staff and Delegations shall address their questions and comment through the Chairs.

5.2.3 A member, while asking questions through the Chair, shall at no time put into question the personal or professional integrity of a Staff member of the City or another Member of Council.

5.3 Speaking at Meetings

5.3.1 When two or more Members wish to speak, the Chair shall name the Member who is to speak first.

5.3.2 When a Member is recognized by the Chair, the Member shall confine his/her remarks to the motion under consideration.

5.3.3 When a motion is under debate, a Member may ask a question through the Chair of another Member, CAO/Clerk, Department Head or other employee of the City.

5.3.4 Any Member may require the motion under debate to be read at any time during the debate, but in doing so shall not interrupt a Member while speaking.

5.3.5 When addressing Council members, staff and presenters will stand once recognized by the Mayor. At Standing Committees, members, staff and presenters are not required to stand but must be recognized by the Chair prior to speaking.

5.3.6 No member, without the leave of Council/Committee, shall speak to the same question or reply for longer than five (5) minutes.

5.4 Materials

5.4.1 All materials shall be distributed through the CAO/Clerk.

5.5 Rules of Order

5.5.1 No person shall:

- a. Disturb a meeting by any disruptive or distracting conduct, including private conversations among Members, Staff or Attendees at a meeting;
- b. Use profane or offensive words or insulting expressions;
- c. Disobey the rules of procedure;
- d. Rise from their seat or make any noise or disturbance while a vote is being taken;
- e. Speak until they have been recognized by the Chair;
- f. Speak on any subject other than the subject under debate;
- g. Display signs, placards, applaud, heckle or engage in telephone or other conversation or any behavior which may be considered disruptive to members or staff.

5.5.2 An attendee shall not participate in a meeting, unless listed on the Agenda as a Delegation or Presentation and shall be subject to the rules and procedures of this By-law.

5.5.3 No Member shall use cell phones and electronic devices. The device shall be either turned off or otherwise set so as not to emit any audible sound during a meeting. The use of laptops and other similar electronic devices will be permitted for the sole purpose of following the agenda and associated documentation during the meeting.

#### 5.6 Content of Minutes of Council and Standing Committees

5.6.1 The minutes of each Council and Standing Committee meeting shall record:

- a. The place, date, and time of Meeting;
- b. The name of the Chair and the attendance of the Members, senior Staff and Recording Secretary;
- c. The time when the Chair opened the meeting;
- d. Each item considered by Council and the decisions of the Meeting without note or comment.
- e. Minutes of a Meeting shall be reviewed and/or amended and approved at the next regular Meeting of Council/Committee.
- f. It shall be the duty of the CAO/Clerk to ensure that the minutes of each regular Meeting, Public Meeting and Special Council Meeting are made available to each Member within a reasonable amount of time after the holding of such Meeting.
- g. As soon as possible following the meeting, once reviewed by staff, minutes shall be posted as "draft" on the City's website.
- h. After the Council minutes have been approved by Council, they shall be signed by the Mayor and CAO/Clerk and posted on the City's website.

### 6. Scheduling/Calling/Notice of Council and Committee Meetings

#### 6.1 Inaugural Meeting

6.1.1 After a general election, the inaugural meeting of Council shall be held on the first Tuesday in December at 7:00 p.m. or at such time as determined by CAO/Clerk in consultation with the Mayor-Elect.

6.1.2 A Member of Council shall not take his/her seat until he/she has filed with the Clerk a certificate under the hand of the Clerk of the municipality and the seal of the corporation for with he/she was elected.

6.1.3 The Mayor-elect and the CAO/Clerk shall be responsible for the content of the Agenda and the arrangements for the Inaugural Proceeding. The Order of Business shall be as follows:

- a. Call to Order – CAO/Clerk
- b. Swearing in Ceremony – Declaration of Office, Oath/Affirmation of Allegiance, Signing of Code of Conduct
- c. By-laws/Motions, Confirming By-law
- d. Inaugural Address – Mayor
- e. Adjournment

#### 6.1.4 Council Meetings

- 6.2.1 City Council meetings shall generally be held in the Council Chambers at City of Pembroke Municipal Office, 1 Pembroke Street East, on the first and third Tuesday of each month following the Standing Committee meetings which begin at 6:00 p.m. as outlined in the Meeting Schedule.
- 6.2.2 Notwithstanding the provisions of this By-law, during the months of July and August there shall be one (1) Regular Meeting of Council in each month unless additional meetings are called by the Mayor.
- 6.2.3 Council may, by motion, alter the date and/or the time and/or location of a Regular Meeting provided that required notice of the change is published or broadcast in a manner deemed appropriate by the CAO/Clerk. Publishing means posting notice on the Municipal website, City Hall bulletin board and **may** also include advertising in a local newspaper.
- 6.2.4 The CAO/Clerk or designate shall be in attendance at all Regular, Closed and Special Council Meetings.

#### 6.1.5 Standing Committee Meetings

- 6.3.1 Standing Committee meetings shall generally be held in the Council Chambers of the City of Pembroke Municipal Office, 1 Pembroke Street East, on the first and third Tuesday of each month commencing at 6:00 p.m. as outlined in the Meeting Schedule with the CAO/Clerk or designate present.
- 6.3.2 Standing Committees shall be comprised as outlined below:
  - a. First Tuesday – Planning & Development Committee and Finance & Administration Committee
  - b. Third Tuesday – Parks & Recreation Committee and Operations Committee
  - c. The order of the Standing Committees may be altered at the discretion of the CAO/Clerk
- 6.3.3 Notwithstanding the provisions of this By-law, during the months of July and August there shall be one (1) Regular Standing Committee Meeting (Combined Committee) in each month unless additional meetings are called by the Chair or petitioned by Members.
- 6.3.4 During the “Summer Schedule”, any matters that require a decision will be dealt with in the Combined Committee meeting which will be held prior to the Council meeting.

#### 6.1.6 Election of Committee Chairs

##### 6.4.1 Standing Committees

The Striking Committee shall recommend the appointment of the Chair and Vice Chair for each of the Standing Committees to Council based on the recommendation of the Mayor. Council shall appoint the Chairs and Vice Chairs by resolution. The appointments may be amended by resolution of Council.

##### 6.4.2 Steering, Ad Hoc, Sub-Committees and Boards/Committees

Each Steering, Ad Hoc, Sub-Committee or Board/Committee shall appoint a Member of the respective committee to act as Chair.

#### 6.1.7 Special Meetings

- 6.5.1 Any Council Meeting that is not on the Meeting Schedule shall be deemed to be a "Special" Council Meeting. The Mayor at any time may call a special meeting of council that is in addition to the published Meeting Schedule.
- 6.5.2 A special Council meeting may be called by the CAO/Clerk once a resolution to do so has been adopted by Council or upon receiving a petition from a majority of Council members.
  - 6.5.2.1 A resolution or petition shall clearly state the purpose, place, date and time of the special meeting. The petition shall be signed, by those Members calling the special meeting, and delivered to the CAO/Clerk.
- 6.5.3 The only business to be dealt with at a special meeting shall be that stated on the Agenda of the meeting.
- 6.5.4 A minimum of twenty four (24) hours' notice of all special meetings of Council shall be given to the Members and the Public by posting the meeting on the municipal website and City Hall bulletin board. If time permits, notice may also be posted in the local newspaper. Oral or electronic notice to Council and media representatives of a special meeting is also sufficient.
- 6.5.5 A rescheduled meeting shall not be considered a "Special" Council Meeting.

#### 6.1.8 Emergency Meetings

- 6.6.1 The Mayor at any time may, in the event of an emergency, call an emergency meeting of Council without giving twenty-four (24) hours' notice of the meeting, provided that the CAO/Clerk has diligently attempted to advise all members immediately upon being advised of the intention of the Mayor to hold an emergency meeting.
- 6.6.2 The only business to be dealt with at an emergency meeting of Council shall be with respect to that emergency.
- 6.6.3 In case of an emergency meeting, Council may hold its meetings(s) and keep its public office at any convenient location within or outside the Municipality.
- 6.6.4 Notice of all emergency meetings of Council shall be given to the Members and the Public by posting the meeting on the municipal website. Notice may be given after the meeting.
- 6.6.5 No vote shall be taken in Council by ballot or any other method of secret voting. Telephone and/or email polls of Members of Council shall be permitted only upon authorization by the Mayor or CAO, in emergency situations requiring Council direction where time does not permit holding a special meeting of Council and/or a quorum of Council cannot physically convene to consider a matter. The results of a poll must be confirmed and ratified at the next public meeting of Council.

#### 6.1.9 Ad Hoc, Sub-Committees and Boards/Committees

- 6.7.1 Ad Hoc, Sub-Committees and Board/Committee meetings shall meet at such time and location as fixed by the Chair with consensus of the committee members for attendance purposes. Such meetings shall be coordinated by the staff resource person assigned to the committee.
- 6.7.2 Every Ad Hoc, Sub-Committee and Board/Committee shall have a Terms of Reference approved by Council. The Terms of Reference shall contain a mandate and purpose, committee structure, number of

meetings, number of members required for quorum, reporting process, staff and support services, budget (if applicable), and completion date if applicable.

6.7.3 Minutes of Ad Hoc, Sub-Committee and Board/Committees shall be included in the Council agenda as information once received. Any action items requiring Council approval will be presented in the form of a motion to Council for recommendation.

6.7.4 An Ad Hoc, Sub-Committee and Board/Committees shall be deemed to be dissolved at the completion of its mandate based on the Terms of Reference or by a resolution of Council. The term of any Ad Hoc, Sub-Committee and Board/Committee shall not extend beyond the term of Council making the appointment.

6.7.5 Public Members shall be appointed by Council.

#### 6.1.10 Closed Session

6.8.1. Except as provided in this By-law, all meetings of Council and its Committees shall be open to the public.

6.8.2. No person shall be excluded from a meeting except for:

- a. Improper conduct determined by the Mayor/Chair or;
- b. Where a meeting or portion of a meeting is closed to all persons other than the Members of that body and those identified to remain in the room.

6.8.3. The CAO/Clerk or designate shall remain in the room for all closed sessions.

6.8.4. In accordance with the *Municipal Act* a meeting or part of a meeting may be closed to the public.

6.8.5. Before holding a part of a Meeting that is to be closed to the public, the Council, Committee or local board shall state by resolution:

- a. the fact of holding of a part of a Meeting will be held in-camera, and;
- b. the general nature of the matter(s) to be considered during the part of the meeting of the Meeting to be in-camera.

6.8.6. Closed meetings are to be listed on the agenda in such a way as to provide the most information possible without compromising confidentiality or adversely affecting the municipal position.

6.8.7. A meeting shall not be closed to the public during the taking of a vote except:

- a. when the *Municipal Act* permits or requires a Meeting to be in-camera is closed to the public; and
- b. The vote is for approving closed session minutes, for a procedural matter, or for giving directions or instructions to officers, employees or agents of the municipality or person retained by or under contract with the municipality.

6.8.8. Confidential discussion during a closed session shall be limited to the issues described in the authorizing public resolution and

nothing in this by-law confers the power or any Member or Members of Council to make any decisions or take any action unless, or until action is decided upon a duly called and constituted open meeting of Council.

- 6.8.9. No Member, Staff or other person present shall in any way, notify, distribute or make available to any person or other body, by any means, any reports or items, or disclose the nature or content of any documents or of discussions regarding any matters that are confidential without approval of such release by Council. The response of members to inquiries about any matter dealt with by Council at a closed meeting, prior to it being reported publicly, must be "no comment", or words to that effect.
- 6.8.10. Any member who violates the closed meeting provisions of this by-law may be excluded from future closed meetings of Council and may no longer be provided with correspondence, materials, or information to be dealt with by Council at a closed meeting;
  - 6.8.10.1 Council decides when a violation of the closed meeting provisions of this by-law has occurred and the duration of a member's exclusion from closed meetings and from receiving materials related to those meetings. Council must decide the matter before the affected Member is excluded from any closed meeting. The affected member may be present for the discussion but is not allowed to vote on any matter relating to the exclusion. The results of Council's deliberations will be reported out publicly.
- 6.8.10. A separate resolution of Council is required with respect to each member who is found to have violated the closed meeting provisions of this by-law.
- 6.8.11. No member, Staff or other person present other than the CAO/Clerk or his/her designate, shall take notes during a closed session.
- 6.8.12. A motion to adjourn the closed session is required prior to the return to the open session. Upon returning to open session, the Chair shall rise and report the following:
  - a. A statement resulting from the closed session;
  - b. Declarations of pecuniary interest during the closed session.
- 6.8.13. The CAO/Clerk shall be responsible to secure and maintain a confidential record of all original documentation distributed or presented, relating to closed sessions.
- 6.8.14. The CAO/Clerk may distribute confidential reports and materials for closed meetings in sealed envelopes or by electronic means indicating confidential to members of Council forty-eight (48) hours prior to the closed meeting or at the meeting. All copies of any confidential documents, including minutes, circulated prior to or during the meeting shall be returned to the CAO/Clerk at the end of the closed session and destroyed.
- 6.8.15. Where practical, closed sessions shall be scheduled at the end of the meeting.
- 6.8.16. Any complaints made in relation to closed meetings made under the *Municipal Act*, must be directed to the CAO/Clerk who will forward

them to the Investigator appointed by Council to undertake those duties or the complainant will be advised of their right to forward their complaint to the Office of the Provincial Ombudsman if no such investigator is appointed. All complaints will be treated as confidential at all times and will be forwarded directly to the appointed investigator without review by the staff of the City of Pembroke.

6.8.17. Complaints must be submitted on the established complaint form ("Schedule E"). The complaint form may be printed from the website or can be obtained from the CAO/Clerk Department. All complaints must be submitted in a sealed envelope marked 'Closed Meeting Matter, Private and Confidential' and should contain the following information:

- i. Name of municipality
- ii. Complainant's name, mailing address, telephone number and e-mail address (if applicable)
- iii. Date of closed meeting under consideration
- iv. Nature and background of the particular occurrence
- v. Any activities undertaken (if any) to resolve the concern
- vi. Any other relevant information
- vii. Original signature

6.8.18. Complaints may be submitted in a sealed envelope clearly indicating "Closed Meeting Matter Private and Confidential" by mail or delivered directly to the CAO/Clerks Department, City of Pembroke, 1 Pembroke Street East, Pembroke, ON K8A 3J5 Attention: City CAO/Clerk

#### 6.1.11 Public Information Sessions/Centres (Open Houses)

- 6.9.1. Public Information Session/Centres (Open Houses) may be scheduled from time to time as warranted.
- 6.9.2. A Public Information Session/Centre (Open Houses) shall be called by the CAO/Clerk once direction to do so has been given by Council. The notice shall clearly state the purpose, date, and time of the meeting, and the person who will act as Chair of the session.

#### 6.1.12 Town Hall Meetings

- 6.10.1. The purpose of a Town Hall meeting is to allow members of the public an opportunity to provide comment and input to Council as a whole.
- 6.10.2. A majority of members of Council may petition the CAO/Clerk to hold a Town Hall meeting.
- 6.10.3. The Mayor or Deputy Mayor chairs the meeting.
- 6.10.4. The Chair may ask a staff member to provide information to the public or to answer a question raised by a member of the public.
- 6.10.5. No member of the public may debate with staff or make derogatory comments to staff.
- 6.10.6. Each member of the public may speak for up to three minutes and may not speak a second time until after everyone present has had an opportunity to speak, time permitting.

- 6.10.7. At least two weeks' notice must be provided on the City's website and in local media, if time permits, prior to the Town Hall meeting being held.
- 6.10.8. As a general rule, meetings will be scheduled for no more than two hours and all attendees will be given at least one opportunity to speak
- 6.10.9. At the call of the majority of Council present the meeting may be adjourned after the time allotted for the meeting has passed or after everyone present has had at least one opportunity to speak.

#### 6.1.13 Statutory Public Meetings

- 6.11.1. Unless notice is provided otherwise, Statutory Public Meetings shall be held at 6:00 p.m. on the first and third Tuesday of the month (July and August excepted), as required and shall be held in Council Chambers.
- 6.11.2. Appropriate advertising shall be undertaken as required by applicable legislation, by-law, or according to City policy, to advise interested persons.
- 6.11.3. Planning matters heard at a Public Meeting shall proceed through the normal process, that being reintroduction of the item at the next Council Meeting.

#### 6.1.14 Notice of Meetings

- 6.12.1. The agenda of regular or special meetings of Council or its Standing Committees will be posted on the City website and posted on the City Hall Bulletin Board as soon as possible after its delivery to members of council.
- 6.12.2. Lack of proper notice of a meeting will not affect the validity of holding a meeting or of any action taken at the meeting provided that all members attend the meeting or members who are not in attendance individually inform the Clerk that they consent to the holding of the meeting even though they cannot be present.

#### 6.1.15 Minutes

- 6.13.1. The CAO/Clerk or designate shall record minutes of all Regular and Special Council Meetings, all Standing Committees, and Ad Hoc Committees and shall record:
  - The place, date and time of the Meeting
  - The time the Mayor/Chair called the meeting to order
  - The name of the Presiding Officer and of the Members, parties to public hearings, delegations, presentations/awards and staff present
  - The name(s) of any member declaring a Pecuniary Interest and nature thereof
  - The correction and adoption of the Minutes of prior Meetings
  - All motions, resolutions, decision and other statutory proceedings of the Council/Committee without note or comment

### 7. Order of Business and General Rules

#### 7.1 Format of Agenda

Meeting agendas shall contain the following headings in the order shown below, however the CAO/Clerk and Chair of the meeting may exclude any headings deemed not relevant, except declarations of pecuniary interest.

7.1.1. Council Meeting Agenda

7.1.1.1 The CAO/Clerk shall have prepared for the use of the Members at all meetings, an agenda as follows:

- a. Call to order
- b. Opening Prayer or reflection
- c. Disclosure of Pecuniary Interest and General Nature Thereof
- d. Minutes
  - i. Approve minutes from Council
  - ii. Adopt minutes from Committee
  - iii. Receive minutes from Local Boards
- e. By-laws
- f. Delegations & Presentations
- g. Business Arising from Previous Delegations & Presentations
- h. Staff and Committee Reports
- i. Proclamations
- j. By-laws
- k. Motions for which prior notice has been given
- l. Correspondence
- m. Mayor's Report
- n. Notices of Motion
- o. Councillor Updates
- p. Closed Session (if required)
- q. Business Arising from Closed Session
  - Pecuniary interests declared
  - Statement resulting from closed session
- r. Confirming By-law
- s. Adjournment

7.1.2. Standing Committee Agenda

7.1.1.2 The CAO/Clerk shall have prepared for the use of the Members at all meetings, an agenda as follows:

- Call to Order
- Disclosure of Pecuniary Interest and General Nature Thereof

- Approval/Amendment of Meeting Agenda
- Approval of Minutes
- Business Arising from Minutes
- Delegations & Presentations
- Business Arising from Previous Delegations & Presentations
- New Business
- Closed Session
- Business Arising from Closed Session
- Adjournment

#### 7.1.3. "Special" and "Emergency" Meeting Agendas

7.1.1.3 The CAO/Clerk shall have prepared for the use of the Members at special and emergency meetings, an agenda as follows:

- a. Call to Order
- b. Disclosure of Pecuniary Interest and General Nature Thereof
- c. Business
- d. Adjournment

### 7.2 General

7.2.1 The business of each meeting shall be taken up in the order in which it stands on the agenda unless, by a majority vote, the Members decide otherwise.

7.2.2 The CAO/Clerk shall determine the appropriate meeting at which items of business shall be considered in accordance with the By-law

7.2.3 Where further information or reports are necessary for Council or Committees to review an item of business, the CAO/Clerk may postpone the placement of an item on the Agenda.

7.2.4 Where employees of the City have been directed by Council to carry out a specific action and it is determined subsequently that the action cannot be carried out in accordance with Council's directions, the CAO/Clerk will notify Council as soon as possible of these findings and further direction shall be requested of Council.

7.2.5 The CAO/Clerk or designate shall attend Council meetings (both open and closed session).

7.2.6 No item of business shall be considered at a Meeting of Council or General Committee after 10:00 p.m. local time unless a majority of the Members present enact a resolution to extend the hour.

7.2.7 The Agenda and reports for Regular Council and Committee Meetings shall be distributed (as much as feasibly possible) to Members by 4:00 p.m. on the Friday before the meeting date and will be made available to the media 24 hours before the scheduled meeting date with the exception of any In-Camera Agendas or items. Agendas will be posted on the Municipal Website by 4:00 p.m. on the Friday before the meeting date where feasible.

7.2.8 Subject to the Notice By-law, once Agendas are distributed to Members, additions to the Agenda may be authorized by consent of Council/Standing Committee or with consent of the CAO/Clerk. The CAO/Clerk shall endeavor to forward additional agenda material to the Members prior to the Meeting. The revised agenda may be presented at the Meeting and is not subject to the Notice requirements set out in section 7.2.8 of this By-law.

7.3 Declaration of Pecuniary Interest

7.3.1 When a member, either on his/her own behalf or while acting for, by, with or through another, has a pecuniary interest in a matter on the agenda, the member must not attempt in any way, either before, during, or after the meeting, to influence the voting on the matter.

7.3.2 At a meeting where a matter is considered and where a member is of the opinion that they have a pecuniary interest, the member must, prior to any consideration of the matter at the meeting, disclose the interest and its general nature and complete the Disclosure of Pecuniary Interest and General Nature Thereof Form "Appendix A". The member shall leave the table and must not take part in the discussion of, or vote on, any question in respect of the matter.

7.3.3 If the declared pecuniary interest under Section 7.3.2 above is with respect to an item on a closed session agenda, in addition to complying with the requirements of Section 7.3.2 above, the member shall forthwith leave the closed session, or that part of the closed session during which the matter is under consideration. The Chair in their Business Arising from Closed Session shall state the declaration of the pecuniary interest disclosed during the closed session.

7.3.4 Where the interest of a Member has not been disclosed as required by Section 7.3.2 above, by reason of the Members' absence from the meeting, the Member shall disclose the interest at the first subsequent meeting thereafter.

7.3.5 Each member of council has an individual responsibility to satisfy himself or herself as to whether he or she has a pecuniary interest in accordance with the legislation. No member of council shall seek specific advice with regards to a potential conflict of interest from any member of the municipal administration, fellow Council member, or the municipal solicitor of record.

7.3.6 When a meeting is open to the public, every declaration of interest and its general nature made under section 8.1 must be recorded on the Declaration of a Pecuniary Interest Form (Schedule A) in the minutes of the meeting.

7.3.7 When a meeting is closed to the public, every declaration of interest made, but not the general nature of that interest, must be recorded in the minutes of the next meeting that is open to the public.

7.3.8 No member after declaring a pecuniary interest on any matter may move, second or vote on the Confirmatory By-Law; however the Member is not required to leave the meeting.

7.4 Delegations and Presentations

7.4.1 Delegations

Delegations to Regular or Special Council meetings as well as Standing Committees must follow the procedures as outlined in Appendix "C" and Appendix "D" as attached to this by-law. The CAO/Clerk shall determine whether a delegation is considered under Appendix "C" or Appendix "D".

7.4.1.1 For matter which are more properly within the responsibility of City Staff, the CAO/Clerk shall notify the proposed delegate that the

Delegation shall not be listed on the agenda, and shall direct the proposed delegate to the appropriate City Department. The delegate shall not be listed on an agenda for Delegation until Staff has had an opportunity to address the matter.

- 7.4.1.2 Delegations shall be encouraged to appear at the appropriate Committee first rather than Council.
- 7.4.1.3 No Delegations shall be made to Council or Committee on matters relating to litigation or potential, including those matters which are before and under the jurisdiction of any court or administrative tribunals affecting the City unless such matter is referred to Council by the said administrative tribunal or court or, in the alternative, Council deems this matter to be sufficiently important to allow the delegate to be heard. Matters raised or questions asked by Delegations shall be considered referred to the appropriate Committee and staff for consideration and response.
- 7.4.1.4 No Delegations shall be made to Council or Committee where the matter falls outside of the scope and responsibility of Council/Committee.
- 7.4.1.5 Members of the public who constitute the audience in the Council Chamber during a Council meeting shall maintain order and quiet and may not:
  - a. Address the Council except upon request of the Mayor with Council approval and with the restriction of five (5) minutes
  - b. Interrupt any speech or action of the Members of Council, or any other person addressing Council;
  - c. Display or have in their possession, picket signs or placards in the Council Chamber or meeting rooms or City property.
- 7.4.1.6 Delegations are limited to a maximum of **fifteen minutes** plus discussion and questions to/from Council or Committee members.
- 7.4.1.7 The Executive Committee may refuse a delegation. Once a community delegation has been heard, subsequent presentations by the same delegation on substantially the same matter shall not be permitted within a twelve month period.

#### 7.4.2 Presentations

Presentations to Regular or Special Council meetings as well as Standing Committees must follow the procedures as outlined in Schedule "C" as attached to this by-law.

- 7.4.2.1 The purpose of the presentations shall be when staff, an individual or group have been invited to present information to Council or Committee.
- 7.4.2.2 Presentations are limited to a maximum of **fifteen minutes** plus discussion and questions to/from Council or Committee members.
- 7.4.2.3 The role of the presenter is to provide information and not enter into debate with Council or Committee Members or Staff.
- 7.4.2.4 Verbal reports will be accepted; however, written and electronic reports are preferred and shall be retained by the CAO/Clerk as an official record. All reports received are considered part of the public record and may be released by the CAO/Clerk to third parties.

7.4.2.5 Questions directed to Council or to staff by any presenter shall be received through the Chair and considered referred for consideration and response.

## 7.5 Petitions

7.5.1 Petitions within the jurisdiction of Council from residents/ratepayers requesting Council to consider the introduction, expansion, enhancement, restoration, reduction, alteration or cessation of a service or program of the City of Pembroke, shall be delivered to the CAO/Clerk by 12:00 noon on the Wednesday proceeding the day upon which the Agenda for the meeting is distributed. All communications or petitions received after 12:00 noon on the Wednesday preceding the distribution of the Council or Standing Committee Meeting Agenda and not pertaining to the matters listed on the Agenda for the meeting shall be held over for consideration at the next Meeting of Council or Committee unless otherwise approved by the Chief Administrative Officer/Clerk.

7.5.2 A public petition must:

- Be in legible handwriting, in printed form, or in printable form;
- Contain a telephone number of the organizer for confirmation;
- Contain the signature, unless delivered by e-mail, and the printed name and address of all signatures
- Contain the fax number of the sender, if the petition is sent by fax;
- Contains an explanation of the petitioners' cause or position
- Not contain any improper matter; and
- Be appropriate, respectful and temperate in its language

7.5.3 A public petition is considered to be a communication related to the matter on the agenda, and the CAO/Clerk will add it to the agenda.

7.5.4 After a member has introduced a public petition, Council or Committee may, without debate

- a. receive the public petition
- b. refer the public petition to the appropriate Council Committee, agency, or City official

## 7.6 Proclamations

The Council of the City of Pembroke recognizes the symbolic gesture of endorsing special days, weeks, or a month in support of various community groups and their causes.

7.6.1 Requests for proclamations shall be processed by the CAO/Clerk on the condition the request is made by a local organization (being defined as a group having an official presence in Renfrew County). The CAO/Clerk shall review the request and make any appropriate amendments to the proclamation, which in the Clerk's view improves the structure and/or intent of the requested proclamation. The CAO/Clerk, shall present the proclamation to the Mayor for review.

7.6.2 If deemed appropriate by the Mayor, the proclamation shall be noted on the appropriate Council Agenda.

7.6.3 Once the proclamation has been signed and read at the appropriate Council meeting, the proclamation will be posted on the City's website for one (1) week.

**7.7 Correspondence**

7.7.1 Correspondence addressed directly to Council of a general nature that relates to City matters shall be informally circulated to Council or appropriate Standing Committee members.

7.7.2 Correspondence that is not legible or that contains any defamatory allegations, or impertinent or improper matter, will not be circulated to Council. All correspondence shall be signed by at least one person giving their name and mailing address. Any correspondence that is not signed or is signed "anonymous" will not be circulated to Council.

7.7.3 Correspondence delivered by electronic mail shall contain the electronic mail address of the sender as well as a name and mailing address (for verification purposes), and have attached to it only those documents which are in a printable format. Emails which cannot be verified will not be circulated to Council.

7.7.4 Correspondence delivered by facsimile transmission shall contain the facsimile number as well as the name and mailing address of the sender in order to be circulated to Council.

**7.8 Reports**

**7.8.1 Staff Reports to Council**

7.8.1.1 Staff shall provide an overview of the report at the meeting and speak to the recommendations.

7.8.1.2 Reports are due to the CAO/Clerk for approval by 12:00 noon on the Wednesday prior to the meeting.

7.8.1.3 If the report deadlines are not met, the report may be placed on the subsequent agenda at the discretion of the CAO/Clerk.

**7.8.2 Confidential Reports**

7.8.2.1 Staff reports that are "confidential" will be marked with "Confidential"

**7.8.3 Information reports**

7.8.3.1 Information reports can be submitted from members of Council, who have been appointed or elected to attend conference, board or committee meetings at the City's expense, to communicate information to other Members of Council and the public. The CAO/Clerk shall only list information reports submitted by 12:00 noon on the Wednesday preceding the regular council meeting

**8. Commencement and Adjournment of Meetings**

**8.1 Quorum**

8.1.1. If no quorum is present fifteen (15) minutes after the time appointed for a Meeting Council or Committee, the CAO/Clerk shall record the names of the Members and announce the meeting will not take place and record it as such.

- 8.1.2. When quorum is lost as a result of declarations of pecuniary interest by one or more Members, the remaining Members shall be deemed to constitute quorum, provided the number is not fewer than two.
- 8.1.3. The Chair shall call the meeting to order as soon after the hour fixed for the holding of the meeting that a quorum is present.
- 8.1.4. Members shall notify the CAO/Clerk when intending to be absent from a Council, Committee, Special or Emergency meeting for the purpose of ensuring a quorum.
- 8.1.5. When a quorum is lost, the meeting shall stand recessed and no further action shall be taken. If a quorum is regained within ten minutes the meeting shall proceed. However, if quorum is not regained within ten minutes, the meeting shall stand adjourned and the remaining business on the Agenda for that meeting shall be placed on the Agenda for the next scheduled meeting of that body.

## 8.2 Recess

- 8.2.1. At a Council or Committee meeting, the Council/Committee shall recess by majority consent and shall set a time (ex. Recess for five minutes) or state "until called to order by the Chair". Such motion shall form part of the minutes.

## 8.3 Adjournment

- 8.3.1. All meetings shall be adjourned automatically at 10:30 p.m. unless a majority of the Members present enact a resolution to extend the hour. A similar motion shall be required each half hour thereafter.

## 8.4 Electronic Participation at Meetings

- 8.4.1. Committee members wishing to attend a meeting electronically shall submit an application to the CAO/Clerk's office no less than five (5) working days prior to the scheduled meeting.
- 8.4.2. No more than two Members may participate in the same meeting by Electronic means. Where more than two Members request to participate in the same meeting by electronic means, the request will be granted to the first two Members that made the request in writing. During a declared emergency, there shall be no restriction on how often each Member shall be allowed to participate electronically.
- 8.4.3. The method of participation may be telephone conference calling, or other technology to facilitate electronic participation. The City shall pay the cost of the conference calling or technology option should there be any long distance calling associated with facilitating the call.
- 8.4.4. Members must connect electronically with the Municipality no later than 15 minutes prior to the commencement of the Committee meeting.
- 8.4.5. A Member may participate in a maximum of two (2) meetings per calendar year by electronic means. During a declared emergency or as recommended by Public Health there shall be no restriction on how often Members participate by electronic means.
- 8.4.6. The Chair will be required to attend the meeting in person. If the Chair is unable to attend the meeting, the Vice-Chair will chair the meeting. During an emergency or under the advice of Public Health the Chair may attend the meeting remotely.

- 8.4.7. Should a Member be permitted to attend a meeting remotely, the Member shall have the same rights and responsibilities as if he or she were in physical attendance, including the right to vote.
- 8.4.8. A Member of Council, of a Committee or a local board who is participating electronically in a meeting will be counted to determine whether or not a quorum of Members is present at any point in time.
- 8.4.9. Appendix F attached to this By-law has additional operational protocols for electronic meeting participation

## 8.5 Local Meetings During an Emergency

- 8.5.1. In the event of a local or provincial emergency declaration under the *Emergency Management and Civil Protection Act*, those members of council, local boards and committees who wish to participate in open and closed meetings remotely, may be counted for purposes of quorum.

## 9. Motions

### 9.1 Motion Process (Refer to the Motion Table in Appendix "B")

- 9.1.1. Where members of the public are to be heard on a matter, no motion shall be received until they have been heard, and no further public participation shall be allowed at that meeting after the motion has been duly moved and seconded.
- 9.1.2. For Council and Standing Committee meetings, a motion shall be formally moved and seconded before a debate can take place; the Chair can put the question; or a motion can be recorded in the minutes. The Chair may allow a brief discussion prior to a motion for introductory purposes.
- 9.1.3. A Motion for Council meetings shall be reduced to writing and shall contain the signatures of the mover and seconder.
- 9.1.4. Every Member present is entitled to vote on every motion, unless the Member has declared a pecuniary interest.
- 9.1.5. Every Member present, shall be deemed to vote against the motion if they decline or abstain from voting, unless disqualified from voting by reason of a declared pecuniary interest.
- 9.1.6. The Chair shall vote on all motions.
- 9.1.7. After a motion has been duly moved, seconded, and read, it shall immediately be open to debate.
- 9.1.8. No Member shall speak more than once until every Member has had an opportunity to speak towards the motion.
- 9.1.9. Any Member may request that any motion under debate be repeated by the CAO/Clerk or Recording Secretary for the benefit of clarification but not so far as to interrupt a Member while speaking.
- 9.1.10. A motion on which the voting results in a tie shall be considered lost.
- 9.1.11. When the motion under consideration contains distinct recommendations, a Member may request that the vote be taken separately on each proposal. (See the motion to "Divide" in the Motion Table).

- 9.1.12. The Chair shall call the vote immediately after all Members desiring to speak to the motion have spoken.
- 9.1.13. Upon the Chair calling for a vote, no further speakers shall be permitted.
- 9.1.14. The manner of determining the vote on a motion shall be by show of hands.
- 9.1.15. When routine items are being decided upon, or when it is obvious to the chair that there is no objection to a proposal being discussed, the chair can dispense with the formal vote and simply say "If there is no objection...." And assume general assent. Should someone object to this assumption, a vote must be taken.
- 9.1.16. If a Member disagrees with the announcement of the result of any vote, the Member may object immediately to the announcement and require that the vote be retaken.

## 9.2 Reconsideration of a Motion

### 9.2.1. Motion to Reconsider

- 9.2.1.1 Any proposal to reconsider a decision of Council must be made within its current term and within 6 months following the decision and shall require a motion of reconsideration.
- 9.2.1.2 A motion for reconsideration of a decided matter is not in order when any part of the motion has been substantially implemented, or legally binding commitments are in place on the date on which the motion to reconsider is to be debated.
- 9.2.1.3 Anytime a Notice of Motion to Reconsider is made, all action authorized by the motion being reconsidered is suspended until the decision whether to reconsider is made. Furthermore, if the motion to Reconsider is adopted, the suspension continues until the result of the reconsideration is decided, as long as it's decided within some specified time limits.
- 9.2.1.4 A motion to reconsider a resolution, bylaw, question, or decided matter must be introduced by a member who voted with the majority on the original motion and shall require a two-thirds (2/3) majority vote of Members present.
- 9.2.1.5 If a member is absent during the vote on the original motion or resolution, the member shall not request that a motion be reconsidered at a subsequent meeting.
- 9.2.1.6 A motion to reconsider a decided matter shall be introduced by way of a Notice of Motion to Council and shall be printed on the agenda.
- 9.2.1.7 During the term of Council, a motion to reconsider shall not be permitted more than once nor shall a vote to reconsider be reconsidered.
- 9.2.1.8 A motion of reconsideration applies only to a matter previously decided by the current Council. A new Council may review any matter decided by a previous Council, provided contractual agreements or obligations have not been completed.
- 9.2.1.9 No debate on a motion to reconsider is permitted. However, the mover and seconder of a motion to reconsider may

9.2.1.10 If a motion to reconsider carries, reconsideration of the decided matter is the next order of business. Debate on the matter being reconsidered proceeds as though it had never previously been considered. Debate shall be confined to reasons for or against reconsideration or to such matters as new information which has come forward, an error in documentation presented or incorrect statements made during the original debate.

9.2.1.11 No delegations shall be permitted to speak on a Notice of Motion to reconsider.

9.2.1.12 A motion to reconsider shall not be amended, but may be debated.

9.2.1.13 Should a motion to reconsider be defeated, the original motion shall not be debated or voted upon until the next term of Council.

#### 9.2.2. Original Motion

9.2.2.1 The original motion being reconsidered shall be stated in the exact manner in which it was first presented and voted on.

9.2.2.2 The debate on the original motion being reconsidered as a result of an affirmative motion of reconsideration shall proceed as though it had never previously been voted on.

### 9.3 Notice of Motion

9.3.1. A Notice of Motion shall:

- a. Be in writing;
- b. Include the name of the mover.

9.3.2. A member of Council may file a Notice of Motion with the CAO/Clerk, to be noted on the Council meeting agenda, of which will be deliberated at the next regular Council meeting unless stipulated for an alternate date.

9.3.3. When a Member's notice of motion has been called from the Chair and it is not proceeded with, it shall be dropped from the agenda and it shall be deemed to have been withdrawn.

### 9.4 Recorded Votes

9.4.1. A recorded vote shall be taken when called for by any Member or when required by law.

9.4.2. A Member may call for a recorded vote prior or immediately subsequent to the taking of the vote. Should the next item of business begin, a recorded vote on the previous matter is no longer in order.

9.4.3. All Members, including the Mayor, shall be required to vote when a recorded vote is called for, except when absent or disqualified by a declared pecuniary interest.

9.4.4. When a recorded vote is permitted and required, the Chair will pose the question and the CAO/Clerk will call upon the Member requesting the recorded vote first for their vote in favour or in opposition, with all Members present voting in alphabetical order thereafter, at which time the CAO/Clerk will also record the number of Members absent and/or abstained.

9.4.5. On a recorded vote, failure to vote by a Member who is present at the meeting at the time of the vote, has not declared a pecuniary interest and who is qualified to vote shall be deemed a negative vote.

9.4.6. When a recorded vote is taken, the names of those who voted for and those who voted against the motion and those absent shall be entered in the minutes.

9.4.7. The CAO/Clerk shall tabulate and announce the results of the vote.

9.5 Voting by Telephone/Email Poll

9.5.1. Telephone/email polls are permitted only in the event of an emergency, on the recommendation of the CAO/Clerk with the approval of the Mayor.

9.5.2. When conducting a telephone/email poll, the CAO/Clerk must:

- a. Contact all members of Council by telephone or email, alphabetically, if possible;
- b. Clearly and concisely outline the purpose of the poll, including information as to the reason for urgency;
- c. If there is no answer, a message must be left that indicates a deadline for a return call;
- d. When conducting the poll, provide the same information to all members, without comment, or sharing the results of how others have voted.

9.5.3. Poll outcomes are to be shared in an appropriate manner

9.5.4. At the next regular meeting of Council, the item that was the subject of the telephone poll must be included on the agenda so that the decision of the poll may be confirmed.

9.6 Point of Privilege

9.6.1. A member may raise a point of privilege directing attention to a matter that affects the rights of the Member or Members.

9.6.2. A point of privilege shall take precedence over any other matter except during verification of a vote.

9.6.3. A Member shall state the point of privilege to the Chair at the time of occurrence.

9.6.4. A Member shall not be permitted to enter into any argument or introduce any motion not related to the point of privilege.

9.6.5. The Chair shall decide upon the point of privilege and advise the Members of the decision.

9.6.6. Unless a Member immediately appeals the Chair's decision, the decision of the Chair shall be final.

9.6.7. If the decision of the Chair is appealed, the question "Shall the ruling of the Chair be upheld?" a vote shall be called without debate, and its results shall be final. A Recorded Vote shall not be permitted.

9.6.8. When the matter has been determined to be a point of privilege, the Member shall be afforded an opportunity to propose a motion in relation to that point of privilege.

- 9.6.9. When the integrity of the CAO/Clerk or other employee of the Corporation has been questioned, the CAO/Clerk shall be permitted to make a statement to the Members.

#### 9.7 Point of Order

- 9.7.1. A Member may raise a point of order to a perceived violation of the rules of procedure, except during verification of a vote.
- 9.7.2. A Member shall state the point of order to the Chair at the time of the occurrence and shall quote the appropriate section of this By-law.
- 9.7.3. The Chair shall decide upon the point of order conferring with the CAO/Clerk if need be, and advise the Members of the decision.
- 9.7.4. Unless a Member immediately appeals the Chair's Decision, the decision of the Chair shall be final.
- 9.7.5. If the decision of the Chair is appealed, the question "Shall the ruling of the Chair be upheld?" a vote shall be called without debate, and its results shall be final. A Recorded Vote shall not be permitted.

### 10. By-laws

#### 10.1 By-law Approval Process

- 10.1.1. Every by-law shall be listed on the agenda by identifying number, followed by a brief description of the intent of the by-law. A copy of the proposed by-law shall be included in the agenda.
- 10.1.2. No by-law shall be presented to Council unless the subject matter thereof has been introduced in the form of a Staff Report and recommendation or explanatory note. Such report/note may be introduced verbally given the nature of the subject, at the discretion of the CAO/Clerk.
- 10.1.3. Notwithstanding Subsection 10.1.2 above, new by-laws of an urgent nature, requiring an immediate decision may be considered.
- 10.1.4. Every by-law shall be introduced by a motion specifying the title of the by-law and the by-law shall be in typewritten form and all agreements and schedules shall be attached thereto.
- 10.1.5. All By-Laws shall be given first, second and third reading in a single consolidated motion unless provincial legislation requires individual readings.
- 10.1.6. In the event a majority of Members of Council wish to further review a proposed by-law or additional public comment is desired, the approval shall be deferred to a subsequent meeting by motion at the time of consideration of the by-law prior to a vote being taken.
- 10.1.7. Any proposed by-law may be referred to the CAO/Clerk or other Officer of the Corporation, a Committee or the Solicitor for review and comment.
- 10.1.8. Every by-law enacted by Council shall be numbered and dated and shall be sealed with the seal of the Corporation and signed by the Clerk and the Presiding Officer and shall be deposited by the Clerk in his/her office for safekeeping.
- 10.1.9. The CAO/Clerk shall be authorized to make minor corrections to any by-law resulting from technical, or typographical errors prior to the by-law being signed.

10.1.10. The proceedings at every Meeting of Council shall be confirmed by by-law so that every decision of Council at the Meeting of Council and every resolution thereof shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.

#### 10.2 By-law Versus Resolution

10.2.1. A resolution is a less permanent rule and shall express the decision of a council in respect of a temporary or distinct matter. A resolution shall be passed to give direction to staff. A resolution shall not prescribe a permanent rule of local government. A resolution expresses the will of the governing body on a special occasion which is not likely to recur. A resolution shall not replace a by-law where required.

10.2.2. A by-law shall be used, but not limited to, implement policy, memorandums of understanding, agreements and permanent rules. Whether an authorizing by-law is required depends on the subject matter of the item of business transacted by a municipal corporation and whether it is being transacted under the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, or any other Act.

### 11. Roles of Members and Staff

#### 11.1 Role of Council

The role of Council is to develop policies.

#### 11.2 Limits on role of individual members of Council.

No member of Council or committee member has the authority to direct or interfere with the performance of any work being done for the City by a member of City staff, a temporary worker, or a consultant. Reporting relationships are set out in the City's formal organization structure.

#### 11.3 Role of Management

Senior appointed staff, under the direction of the Chief Administrative Officer/Clerk, fulfill the role of management of the City. They develop strategies to implement policies established by Council.

### 12. Procedural By-laws for other Boards, Committees or Commissions

Where a board, committee or commission of the City has not adopted a procedural by-law, such board, committee or commission shall be deemed to have adopted this Procedural By-law with necessary modifications including the requirement that all meetings be open to the public, subject to the same exceptions applicable to Council Meetings as set out herein.

### 13. Severability

If a court or tribunal or competent jurisdiction declares any portion of this By-law to be illegal or unenforceable, that portion of this By-law shall be considered to be severed from the balance of the By-law, which shall continue to operate in full force and effect.

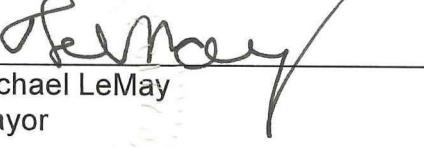
### 14. Previous By-law Rescinded

That By-law 2016-44, By-law 2020-23 and any other by-law inconsistent with the provisions contained in this by-law are hereby repealed.

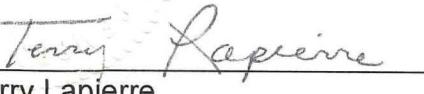
**15. Effective Date**

That this By-law shall come into force and take effect upon the date of the final passing thereof.

**Passed and Enacted**  
**This 11<sup>th</sup> Day of August 2020**

  
\_\_\_\_\_  
Michael LeMay

Mayor

  
\_\_\_\_\_  
Terry Lapierre  
Chief Administrative Officer / Clerk

**Appendix “A” to By-law 2020-61 - Disclosure of Pecuniary Interest and General Nature Thereof Form**

**Disclosure of Pecuniary Interest**

**1. Instructions:**

A member shall, as soon as possible prior to, during, or after the meeting complete and file this declaration with the municipal clerk or appropriate local board/committee official.

**2. Declaration of member:**

Name of Member:

Name of Municipal Council/Board:

In accordance with the *Local Government Disclosure of Interest Act*, I disclose a pecuniary interest in the following matter considered by the above body at its meeting on

Date:

Provide a brief description of matter:

The general nature of the pecuniary interest is as follows:

I certify that the above information is true, complete and accurate.

Signature:

Date received by clerk or official/initial:

The information contained on this form will be available to the public in accordance with Section 15(3) of the Act.

## Appendix "B" To By-law 2020-61 - Motions

Motion Ranking	Moved & Seconded	Debatable	Disposition Priority	If Affirmative	If Negative	Amendable	Conditions
Recess	Yes	No	Shall be resolved prior to any other motion being moved	The meeting shall recess	The meeting shall not recess	Time Only	Shall be in order if no question is pending
Withdraw	Yes Mover & Seconder of the main motion	No	Shall receive disposition prior to any other motion being presented	The motion is withdrawn	Debate on the main motion continues	No	Majority vote Shall be in order if decision has not been made
Close Debate (Call the question)	Yes	No	Shall apply to the motion or amendment under debate	Council shall immediately vote on the question without further debate or comment	Debate shall continue	No	Shall require two-thirds vote of the Members present
Defer (Postpone/Table)	Yes	Yes Date And Time Only	Shall be resolved prior to the main motion  Shall be resolved prior to the preceding motion	No further debate until motion returns to the agenda	Debate on the main motion continues	Yes Date And Time Only	Shall not include qualifications or additional statements  Shall preclude amendment, but not debate, to the preceding motion until the motion to

Motion Ranking	Moved & Seconded	Debatable	Disposition Priority	If Affirmative	If Negative	Amendable	Conditions
							defer to a certain date and/or time is resolved

Motion Ranking	Moved & Seconded	Debatable	Disposition Priority	If Affirmative	If Negative	Amendable	Conditions
Adjourn	Yes	No	Shall be resolved prior to any other motion being moved	Council shall immediately rise and no further proceedings shall take place  All unfinished business on the agenda shall be included on the agenda of the next meeting	Shall not include qualifications or additional statements  Shall always be in order except when a member is speaking or the Members are voting	No	Shall not include qualifications or additional statements  Shall always be in order except when a Member is speaking or the Members are voting
Extend Curfew	Yes	No	Shall be resolved prior to any other motion being moved	The meeting shall continue past 10:30 p.m. with a similar motion required to be passed each half hour thereafter	The Chair shall immediately declare the meeting adjourned	No	Shall always be in order except when a Member is speaking or the Members are voting  Shall require a unanimous vote to extend curfew

Motion Ranking	Moved & Seconded	Debatable	Disposition Priority	If Affirmative	If Negative	Amendable	Conditions
<b>Refer (Commit)</b>	Yes	Yes	Shall preclude any amendment or debate to any previous motion unless resolved in the negative	Council shall vote on the main motion as amended	Vote on the main motion or Secondary amendment may be proposed	Yes	<p>Shall not propose a negative to the main motion</p> <p>Shall not propose two distinct proposals of amendment to the main motion</p> <p>Shall not change the intent of the main motion</p> <p>Shall have only one motion to amend the main motion at one time</p>

Motion Ranking	Moved & Seconded	Debatable	Disposition Priority	If Affirmative	If Negative	Amendable	Conditions
<b>Amend Amendment (Secondary Amendment)</b>	Yes	Yes	Shall receive disposition prior to the primary amending motion	Council shall vote on the primary amending motion as amended	Debate continues on the primary amending motion  Propose a secondary amendment	No	Shall not propose a direct negative to the primary amending motion  Shall not propose two distinct proposals of amendment to the primary amending motion  Shall not change the intent of the primary amending motion  Shall have only one motion to amend the primary amending motion at one time  An amendment of the third degree is not permitted

Motion Ranking	Moved & Seconded	Debatable	Disposition Priority	If Affirmative	If Negative	Amendable	Conditions
<b>Defer Indefinitely (Postpone/Table Indefinitely)</b>	Yes	Yes	Shall be resolved prior to the main motion Shall be resolved prior to any preceding motion	The preceding motion and any amendments thereto shall be removed from Council's consideration indefinitely The motion to defer indefinitely may be reconsidered	Disposition of the main motion Cannot put forward another motion to defer indefinitely regarding the main motion	No	Shall not include qualifications or additional statements Shall preclude amendment, but not debate, to the proceeding motion until the motion to defer indefinitely is resolved
<b>Divide</b>	Yes	Yes	Shall receive disposition prior to the main motion	The debate and vote shall be on separate and distinct proposals from the main motion	Disposition of the main motion in its entirety	Yes	Shall only be in order when the main motion to be divided contains two or more separate and distinct proposals Divide when pecuniary interest declared
<b>Main</b>	Yes	Yes	N/A	The motion is carried	The motion is defeated	Yes	Majority vote unless otherwise provided

## **Appendix "C" To By-law 2020-61 - Procedures for Delegations of Individual Ratepayers to Be Heard At Regular or Special Council Meetings and/or Standing Committees**

The following procedures must be followed when making a presentation to Council or Standing Committees.

1. Anyone wishing to appear before Standing Committee or Council shall advise the CAO/Clerk by 4:00 p.m. on the Friday prior to a Regular Council or Standing Committees meeting. The request to appear shall be ideally in writing (letter or email) and shall state the nature of the matter to be presented.
2. Delegations shall be encouraged to raise any concern they may have with staff or appear at the appropriate Committee first rather than Council.
3. The CAO/Clerk shall give due consideration to the length of the agenda and the number of Delegations and shall advise to the requester the earliest possible date when their Delegation may be accommodated. A maximum of three (3) delegations and presenters shall be allowed to address Council per Meeting. The CAO/Clerk has the authority to refer the delegation to a Standing Committee as appropriate.
4. No Delegations shall be made to Council or Committee on matters relating to litigation or potential, including those matters which are before and under the jurisdiction of any court or administrative tribunals affecting the City unless such matter is referred to Council by the said administrative tribunal or court or, in the alternative, Council deems this matter to be sufficiently important to allow the delegate to be heard.
5. No delegate shall speak on a matter that is not within the jurisdiction of Council/Committee. The CAO/Clerk will determine if a matter is within the jurisdiction of the Committee or Council.
6. A Delegation not on the agenda shall not be heard.
7. Delegations are limited to a maximum of **Fifteen (15) minutes** for their presentation plus discussion and questions from Council/Committee.
8. Council/Committee will not make decisions on the issue being raised by the delegation at the Council/Committee meeting. Presentations requiring Council/Committee action or motions will be forwarded to the next regular meeting or a Standing Committee or Local Board/Committee for a decision.
9. Delegations who have previously appeared on the same subject matter, shall be limited to providing **new information only** in their subsequent appearances.

## **Appendix “D” To By-law 2020-61 - Procedures for Delegations to Appear and Present at Regular or Special Council Meetings and/or Standing Committees**

The following procedures must be followed when making a presentation to a Council Meeting (Regular or Special) or Standing Committee:

1. For matters which are more properly within the responsibility of City Staff, the CAO/Clerk shall notify the proposed delegate that the Delegation shall not be listed on the agenda, and shall direct the proposed delegate to the appropriate City Department. The delegate shall not be listed on an agenda for Delegation until Staff has had the opportunity to address the matter.
2. Delegations shall be encouraged to appear at the appropriate Committee first rather than Council.
3. Anyone wishing to appear before Standing Committee or Council respecting an item on the agenda shall advise the CAO/Clerk by 12:00 noon on the Wednesday prior to a Regular Council or Standing Committees meeting. The request to appear shall be in writing (letter or email) and shall state in detail the nature of the matter to be presented by the spokesperson.
4. Delegations will be accepted on a “first come, first scheduled” basis.
5. The CAO/Clerk shall give due consideration to the length of the agenda and the number of Delegations and shall advise to the requester the earliest possible date when their Delegation may be accommodated. A maximum of three (3) delegations and presenters shall be allowed to address Council per Meeting. The CAO/Clerk has the authority to refer the delegation to a Standing Committee as appropriate.
6. No Delegations shall be made to Council or Committee on matters relating to litigation or potential, including those matters which are before and under the jurisdiction of any court or administrative tribunals affecting the City unless such matter is referred to Council by the said administrative tribunal or court or, in the alternative, Council deems this matter to be sufficiently important to allow the delegate to be heard.
7. No delegate shall speak on a matter that is not within the jurisdiction of Council/Committee. The CAO/Clerk will determine if a matter is within the jurisdiction of the Committee or Council.
8. A Delegation not on the agenda shall not be heard.
9. Delegations may be comprised of any number of people (subject to the occupancy requirements of the meeting room). Regardless of the number of people comprising the delegation, only ONE (1) person may be the spokesperson for the delegation.
10. The spokesperson addressing Council/Committee shall rise, state his/her name and address and make his/her presentation from the podium provided.
11. Delegations must provide eleven (11) written copies of their presentation and supporting documentation to the CAO/Clerk by 12:00 noon on the Wednesday prior to a regular Council or Standing Committee meeting, for distribution to members of Council, staff and media immediately prior to the commencement of the meeting. All information provided to Council will become a public record and as such available to the public and media without restriction.
12. Delegations are limited to a maximum of **Fifteen (15) minutes** for their presentation plus discussion and questions from Council/Committee. The Mayor/Chair may move to the next agenda item at the end of the **Fifteen (15) minute** time. Delegations may only speak at a meeting on the subject matter of the presentation as set out in the request to appear as a

delegation. Questions directed to Staff by any delegate shall be received through the Chair.

13. Council/Committee will not make decisions on the issue being raised by the delegation at the Council/Committee meeting. Presentations requiring Council/Committee action or motions will be forwarded to the next regular meeting or a Standing Committee or Local Board/Committee for a decision.
14. All members of delegations and observers will be expected to respect the decorum of Council by removing hats while in chambers, refraining from speaking during the meeting, and not entering into individual debates with specific Council members. No delegate shall speak disrespectfully of any person, use offensive words or unparliamentary language, or disobey the rules of procedure or a decision of the Chair or Council. The use of display signs and/or placards, applause and/or heckling will be considered disruptive and the individual(s) will be ordered to leave the meeting.
15. Delegations who have previously appeared on the same subject matter, shall be limited to providing ***new information only*** in their subsequent appearances.
16. Delegations requesting to appear at a meeting may be declined if they have failed to follow established by-laws, policy, procedure or protocol, or as prescribed in an applicable governing statute or regulation.
17. Delegations are not permitted to address Council on a policy matter upon which Council has already made a decision within the last 12 months, if it is in regard to a policy matter, or unless Council has decided to reconsider the matter.
18. Delegations are bound by the Rules of Procedures as outlined in Procedural By-law 2020-61 and any subsequent revisions.

## **Appendix “E” TO By-law 2020-61 - Closed Meeting Complaint Form**

Complaints made in relation to closed meetings made under the *Municipal Act, 2001* must be directed to the CAO/Clerk who will forward them to the Investigator appointed by Council to undertake those duties or the complainant will be advised of their right to forward their complaint to the Office of the Provincial Ombudsman if no such investigator is appointed. All complaints will be treated as confidential at all times and will be forwarded directly to the appointed investigator without review by the staff of the City of Pembroke.

**Please provide us with your contact information.**

First Name:

Last Name:

Address Number & Street Name:

P.O. Box Number:

City:

Postal Code:

Home Phone Number:

Cell Phone Number:

Email Address:

Date of Closed Meeting under consideration:

### **What is your complaint?**

Nature and back ground of the particular occurrence:

Activities undertaken (if any) to resolve the concern:

Any other relevant information:

**Signature:**

**Date:**

**Please return your completed Form in a sealed envelope clearly indicating “Closed Meeting Matter Private and Confidential” by mail or delivered directly to:**

CAO/Clerk’s Department, City of Pembroke,

1 Pembroke Street East, Pembroke, ON, K8A 3J5

Telephone: 613-735-6821

Fax: 613-735-3660

## **Appendix “F” to By-law 2020-61 – Operational Protocols for Electronic Meeting Participation**

### **Commencing the Meeting**

1. The Chair shall call the meeting to order at the prescribed start time as indicated on the agenda.
2. The Clerk will conduct a roll call by taking attendance of the members present and confirm a quorum of members is present.
3. The Chair will introduce those in attendance.

### **Procedural Matters**

1. The Chair shall be cognizant of all members whether attending in person or electronically and ensure that all members are given the same opportunity to speak to each question, as they would have been given if participating in person.
2. The Chair shall announce each agenda item and indicate the mover of each motion.
3. The mover of the motion will then indicate the seconder of the motion and read the motion into the record.
4. Each Member speaks to Council through the Chair.
5. Once the speakers have concluded, the discussion on an agenda item is deemed complete and the Chair shall call the vote.
6. When participating by telephone, a Member may call a point of order or move an amendment verbally. The Chair shall ensure that Members participating electronically are given the same opportunity to speak to each question as they would have been given if participating in person.
7. A Member who is participating electronically may declare a conflict of interest by emailing the declaration form to the CAO/Clerk’s office in advance of the meeting and shall verbally state their conflict when the Chair calls for declarations.
8. A Member participating by Electronic means shall inform the Chair about his or her intention to leave the meeting either on a temporary or permanent basis.
9. A Member participating by Electronic means will be deemed to have left the meeting when they are no longer electronically connected to the meeting.
10. An electronic meeting may include a Closed Session, which shall be conducted in the absence of the public and in accordance with the *Municipal Act, 2001*.
11. The City offers live streaming of Council Meetings open to the public to facilitate openness and transparency for those who wish to view proceedings but cannot attend in person.

### **Voting**

1. All Members participating via video conference will vote by a show of hands. Members participating by telephone may state verbally whether they are for or against, rather than by a show of hands.
2. A participant, after declaring a conflict of interest pursuant to the Municipal Conflict of Interest Act, will leave the video or telephone conference and not participate in any way regarding the matter in question.

## **Technical Matters**

1. Members are required to use their City issued devices, if provided, to ensure proper connectivity.
2. For video conferencing, the Municipality shall provide the means to receive the transmission for Members participating electronically.
3. If there is a question as to the performance of the meeting technology affecting the proceedings of a meeting, the meeting may be recessed at the direction of the Chair to confirm that the electronic format is performing effectively before proceeding further with the agenda.
4. If electronic connection is lost during a meeting, the member is responsible to try to reconnect to the meeting. No effort will be made by the Municipality to reconnect and the member attending electronically shall be considered to have left the meeting at the point of disconnection.
5. In the event of a service disruption in the meeting, the Chair may recess the meeting to allow for attempts to reconnect.
6. Members are responsible, when participating by video conference to have webcams turned on.
7. Members are responsible, when participating via video or telephone conference, to ensure there is no background noise at their location that would interfere with the meeting and for muting their device when they are not speaking.
8. Members must connect electronically no later than 15 minutes prior to the commencement of the meeting.
9. Members attending electronically may not be able to see all other members, presentations by delegations, etc. and the Municipality is not responsible for trying to accommodate this.
10. The Municipality's conference phone system will be used for those attending via telephone.

## **Responsibilities**

1. Participants shall not share any electronic meeting access information unless directed to do so by the CAO/Clerk or their appointee.
2. Participants shall use headsets, headphones or earphones, during a video or telephone conference when these have been provided:
  - a. When participating in a closed session via online video conference, all participants shall use headphones.
  - b. When participating in a closed session via telephone conference, no participant shall use speakerphone.
3. Participants shall provide to the CAO/Clerk's Office, prior to the commencement of the meeting, a phone number to join the conference in the event of a disruption of the video conference.
4. Participants should dress (If video conferencing) and act as though in attendance in person at the meeting.

## **CAO/Clerk's Office**

1. The CAO/Clerk's Office will be responsible for administering online video and telephone conferences.
2. The CAO/Clerk's Office will be responsible for calling those who have submitted a request to delegate.

3. The CAO/Clerk's Office will be responsible for stopping the recording, broadcasting, and/or distribution of audio and/or video prior to the commencement of a closed meeting. A break may be requested by the Chair, CAO/Clerk or appointee to ensure closed meeting confidentiality.
4. The CAO/Clerk's Office will oversee the number of online and in-person participants to ensure quorum throughout the video or telephone conference.
5. The CAO/Clerk's Office shall ensure that the video conference or meetings open to the public is available to members of the public and other stakeholders via the City's website.

#### **Delegations**

1. Depending on circumstances, an electronic meeting may not permit in-person delegations. Delegations wishing to be considered shall apply to the CAO/Clerk's office as per Appendix "C" or Appendix "D" of the Procedural By-law.
2. Public attendance to electronic meetings during the course of an Emergency may not be allowed or be restricted to electronic means and will be indicated on the meeting agenda.
3. The CAO/Clerk's Office will ensure that information on how the public may access the meeting will be provided on the meeting agenda.

**Application to attend Council/Committee meetings electronically**

Application must be submitted to the Clerk's Department no less than five (5) working days prior to the scheduled meeting. For special meetings called less than a week from the planned meeting date, application must be submitted once the special meeting is confirmed.

Name of Committee Member:

Name of Committee:

Date of Meeting:

Time of Meeting:

Type of Electronic Attendance:  Telephone  Video Conference (software program to be used )

If planning to leave meeting early, estimate time of departure:

Signature:

Date:

Approval of Clerk:

Date:

Personal information is collected under the authority of the *Municipal Act*, for the purpose of creating a record to be used for attending a Committee meeting electronically. Questions about the collection of the personal information may be addressed to the Clerk of the City of Pembroke, 1 Pembroke Street East, Pembroke, ON K8A 3J5. Phone 613-735-6821.

**The Corporation of the City of Pembroke**

**By-Law Number 2022-31**

**A By-law to amend By-law 2020-61, a By-law to establish the rules governing the order and proceedings of Council and Committees of the Corporation of the City of Pembroke (Procedural By-law)**

**Whereas**, under Section 238 (2), the *Municipal Act 2001*, as amended, requires every municipality and local board to pass a procedure by-law governing the calling, place and proceedings of meetings; and

**Whereas** the Municipal Council of the Corporation of the City of Pembroke passed Procedure By-law 2020-61 on the 11<sup>th</sup> day of August 2020; and

**Whereas**, the Council of the Corporation of the City of Pembroke deems it expedient to amend By-law 2020-61, being a by-law to establish the rules governing the order and proceedings of Council and Committees of the Corporation of the City of Pembroke (Procedural By-law);

**Now Therefore** the Municipal Council of the Corporation of the City of Pembroke enacts as follows:

1. That Section 6. Scheduling/Calling/Notice of Council and Committee Meetings, subsection 6.1 Inaugural Meeting, sub-subsection 6.1.1 is hereby amended by deleting the following:
  - 6.1.1 After a general election, the inaugural meeting of Council shall be held on the first Tuesday in December at 7:00 p.m. or at such time as determined by the CAO/Clerk in consultation with the Mayor-Elect.
2. That Section 6. Scheduling/Calling/Notice of Council and Committee Meetings subsection 6.1 Inaugural Meeting, sub-subsection 6.1.1 is hereby amended by adding thereto the following:
  - 6.1.1 After a general election, the inaugural meeting of Council shall be held on the last Tuesday in November at 6:00 p.m. or at such time as determined by the CAO and Clerk in consultation with the Mayor Elect.
3. That Section 6 Scheduling/Calling/Notice of Council and Committee Meetings, subsection 6.2 Council Meetings, sub-subsection 6.2.2 is hereby amended by deleting the following:
  - 6.2.2 Notwithstanding the provisions of this By-law, during the months of July and August there shall be one (1) Regular Meeting of Council in each month unless additional meetings are called by the Mayor.
4. That Section 6. Scheduling/Calling/Notice of Council and Committee Meetings, subsection 6.2 Council Meetings, sub-subsection 6.2.2 is hereby amended by adding thereto the following:
  - 6.2.2 Notwithstanding the provisions of this By-law, during the months of July and August, as well as during the month of December in the year of a regular municipal election, there shall be one (1) Regular Meeting of Council in each month unless additional meetings are called by the Mayor or petitioned by Members.
5. That Section 6. Scheduling/Calling/Notice of Council and Committee Meetings, subsection 6.3 Standing Committee Meetings, sub-subsection 6.3.3 is hereby amended by deleting the following:
  - 6.3.3 Notwithstanding the provisions of this By-law, during the months of July and August there shall be one (1) Regular Standing Committee Meeting (Combined Committee) in each month unless additional meetings are called by the Chair or petitioned by Members.

6. That Section 6. Scheduling/Calling/Notice of Council and Committee Meetings, subsection 6.3 Standing Committee Meetings, sub-subsection 6.3.3 be amended by adding thereto the following:

6.3.3 Notwithstanding the provisions of this By-law, during the months of July and August, as well as during the month of December in the year of a regular municipal election, there shall be one (1) Regular Standing Committee Meeting (Combined Committee) in each month unless additional meetings are called by the Chair or petitioned by Members.

7. That Section 7 Order of Business and General Rules, subsection 7.1 Format of Agenda be amended by adding thereto the following:

A land acknowledgement will be incorporated prior to the beginning of Council and/or Committee/Public meetings. Where meetings are scheduled consecutively, the land acknowledgement will only be incorporated once prior to the beginning of the first meeting.

8. That Section 8. Commencement and Adjournment of Meetings, subsection 8.4 Electronic Participation at Meetings, sub-subsection 8.4.5 be amended by deleting thereto the following:

8.4.5 A Member may participate in a maximum of two (2) meetings per calendar year by electronic means. During a declared emergency or as recommended by Public Health, there shall be no restrictions on how often Members participate by electronic means.

9. That Section 8. Commencement and Adjournment of Meetings, subsection 8.4 Electronic Participation at Meetings, sub-subsection 8.4.5 be amended by adding thereto the following:

8.4.5 All Members are encouraged to attend meetings in person, however, will be permitted to attend up to two (2) meetings per year by electronic means. A Member chairing a meeting must be physically present at the meeting. When deemed beneficial by the CAO and Clerk, public delegations or third-party presentations and reports may be heard virtually.

10. That Section 11. Roles of Members and Staff, subsection 11.1 Role of Council be amended by deleting thereto the following:

#### 11.1 Role of Council

The role of Council is to develop policies.

#### 11.2 Limits on role of individual members of Council

No Member of Council or committee members has the authority to direct or interfere with the performance of any work being done for the City by a member of City staff, a temporary worker, or a consultant. Reporting relationships are set out in the City's formal organization structure.

11. That Section 11. Roles of Members and Staff, subsection 11.1 Role of Council be amended by adding thereto the following:

#### 11.1 Role of Council

11.1.1 As per the Municipal Act, the role of Council is to:

- a. Represent the public and to consider the well-being and interests of the Municipality.
- b. Develop and evaluate the policies and programs of the municipality;
- c. Determine which services the municipalities provides;
- d. Ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of Council;

- e. Ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
- f. Maintain the financial integrity of the municipality;
- g. Carry out the duties of Council under the *Municipal Act* or any other Act.

11.1.2 No member of Council or committee members has the authority to direct or interfere with the performance of any work being done for the City by a member of City staff, a temporary worker, or a consultant. Reporting relationships are set out in the City's formal organization structure.

12. That Section 11. Roles of Members and Staff, subsection 11.3 Role of Management be amended by deleting thereto the following:

#### 11.3 Role of Management

Senior appointed staff, under the direction of the Chief Administrative Officer/Clerk, fulfill the role of management of the City. They develop strategies to implement policies established by Council.

13. That Section 11. Roles of Members and staff be amended by adding thereto the following:

#### 11.2 Role of Mayor

11.2.1 as per the *Municipal Act*, it is the role of the head of Council:

- a. To act as Chief Executive Officer of the municipality
- b. To preside over Council meetings so that its business can be carried out efficiently and effectively;
- c. To provide leadership to the Council;
- d. Without limiting subsection 11.2 c. to provide information and recommendations to the Council with respect to the role of Council described in subsections 11.1.d. and 11.1.1 e;
- e. To represent the municipality at official functions; and
- f. To carry out the duties of the head of Council under the *Municipal Act* and any other Act.

11.2.2 To act as Council's representative when dealing with other levels of government, their agencies, and the private sector.

11.2.3 To serve as an ex-officio member of all municipalities authorities, committees, and boards established or appointed by Council (the Mayor may vote and otherwise participate, unless prohibited by law, in the business of the municipality authority, committee or board on the same basis as any other committee member).

#### 11.3 Role of the Chief Administrative Officer (CAO)

The role of the Chief Administrative Officer is as follows:

- a. To exercise general control and management of the affairs of the Municipality for the purpose of ensuring the efficient and effective operations of the Municipality;
- b. To ensure implementation of Council's decisions and establishment of administrative practices and procedures to carry out Council's decisions.
- c. To ensure undertaking of research and provision of advice to Council on the policies and programs of the Municipality;
- d. To carry out such other duties required under the *Municipal Act* or any other Act and other duties assigned by Council.

#### 11.4 Role of Clerk

The Role of the Clerk is as follows:

- a. Record without note or comment, all resolutions, decisions, and other proceedings of Council;
- b. If required by any member present at a vote, to record the name and vote of every member voting on any matter or question;
- c. To keep the originals or copies of all by-laws and of all minutes of the proceedings of Council;
- d. To make such minor modifications or corrections of an administrative, numerical, grammatical, or descriptive nature or kind to any by-law, motion, or resolution and/or minutes as they may be required for the purpose of ensuring correct and complete implementation of the actions of Council and where such modifications or corrections do not alter the intent;
- e. To perform any other duties required under the *Municipal Act* or under any other Act;
- f. To perform such other duties as are assigned by the Municipality.

14. This By-law shall take effect and become in full force and effect upon the date of the final passage thereof.

**Passed and enacted this 19<sup>th</sup> Day of April 2022**

Michael LeMay  
Mayor

Terry Lapierre  
Chief Administrative Officer/Deputy Clerk

**The Corporation of the City of Pembroke**

**By-Law Number 2023-79**

**A By-law to amend By-law 2020-61, as amended, a By-law to establish the rules governing the order and proceedings of Council and Committees of the Corporation of the City of Pembroke (Procedural By-law)**

**Whereas**, under Section 238 (2), the *Municipal Act 2001*, as amended, requires every municipality and local board to pass a procedure by-law governing the calling, place, and proceedings of meetings; and

**Whereas** the Municipal Council of the Corporation of the City of Pembroke passed Procedure By-law 2020-61 on the 11<sup>th</sup> day of August 2020; and

**Whereas** the Council of the Corporation of the City of Pembroke deems it expedient to amend By-law 2020-61, as amended, being a by-law to establish the rules governing the order and proceedings of Council and Committees of the Corporation of the City of Pembroke (Procedural By-law);

**Now Therefore** the Municipal Council of the Corporation of the City of Pembroke enacts as follows:

1. That Appendix "F" to By-law 2020-61 - Operational Protocols for Electronic Meeting Participation be deleted in its entirety.
2. That Section 8.4 Electronic Participation at Meetings of By-law 2020-61 is hereby deleted in its entirety and replaced with the following:

**8.4 Electronic Participation at Meetings**

- 8.4.1 Any member of City Council may participate in any open or closed City Council, Special Council or Committee meeting electronically, in the event that:
  - i. The City is in a declared emergency as defined by the Emergency Management and Civil Protection Act, R.S.O., 1990.
  - ii. The City has a significant weather event declared.
  - iii. A member is ill or injured or has other health-related concerns.
  - iv. A scheduling conflict that would not allow a member to attend at the meeting location.
- 8.4.2 Members participating electronically in a meeting shall have all the same rights and responsibilities as if they were in physical attendance including the right to vote and be counted in determining whether a quorum of members is present at any point in time.
- 8.4.3 Any member of City Council intending to participate electronically in a meeting shall send a request to do so by email to the CAO and Clerk before noon on the day of the meeting. A conference call and/or videoconferencing shall be set up by the CAO/Clerk's office.
- 8.4.4 Any member of an advisory committee, standing committee, or local board may participate in meetings electronically up to four times per year and be counted for the purpose of establishing quorum.

Members wishing to participate electronically in a meeting shall send an email request to the chair and committee staff resource before noon on the day of the meeting.

The chair and committee staff resource shall have the discretion to allow additional electronic participation to the member if it is deemed appropriate.

- 8.4.5 A member who is participating electronically in a meeting who, for any reason, will no longer be attending the meeting prior to adjournment, shall advise the Chair and Clerk of their absence and fully disconnect from the electronic meeting software.
- 8.4.6 In accordance with the Municipal Conflict of Interest Act, R.S.O. 1990, c.M.50, as amended, members who have declared a pecuniary interest regarding a matter being discussed, and are participating electronically, shall disconnect and leave the electronic meeting and not participate in any way with respect to the matter in question.
- 8.4.7 A member participating electronically must be able to be heard and place themselves on mute and unmute. The raised hand feature can only be utilized to be added to the speakers list. The chat function will not be used for the purposes of debate.
- 8.4.8 If participating in a closed session, the participant must ensure they are in a private location where others cannot hear or participate in the meeting and wear headphones or earbuds. When participating in a closed session via telephone conferencing, no participant shall use speakerphone.
- 8.4.9 In the event of an interruption in connectivity for a member that is participating electronically, the meeting will resume without the participant and their absence will be noted in the minutes.
- 8.4.10 Should the Presiding Officer lose connectivity; the Clerk shall ask the members to appoint a Presiding Officer from among the members that remain present.
- 8.4.11 Members of council/committee shall identify themselves:
  - a. At the beginning of the meeting for the purposes of determining quorum; and
  - b. Upon the call of the vote of each motion to determine the vote.
- 8.4.12 Efforts will be made towards ensuring the continuation of public access through live streaming. Public attendance during the course of an Emergency may be restricted to electronic means which will be indicated on the meeting agenda.
- 8.4.13 Delegations may participate in an electronic meeting via telephone, videoconferencing and/or other technology methods deemed appropriate by the CAO/Clerk's Office.

3. This By-law shall take effect and become in full force and effect upon the date of the final passage thereof.

**Passed and enacted this 7<sup>th</sup> Day of November 2023**

Ron Gervais  
Mayor

Heidi Martin  
Clerk