

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 11th 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 19th Day of April 2022

Michael LeMay
Mayor

Terry Lapierre
Chief Administrative Officer/Deputy Clerk