

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 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, 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 7th Day of November 2023

Ron Gervais
Mayor

Heidi Martin
Clerk