THE CORPORATION OF THE CITY OF PETERBOROUGH

BY-LAW NUMBER 11-127

BEING A BY-LAW TO AMEND CHAPTER 16 OF THE CITY OF PETERBOROUGH MUNICIPAL CODE (PROCEDURAL BY-LAW)

THE CORPORATION OF THE CITY OF PETERBOROUGH BY THE COUNCIL THEREOF HEREBY ENACTS AS FOLLOWS:

That Chapter 16 of the City of Peterborough Municipal Code is hereby amended as follows:

1. Article 2 – INTERPRETATION is hereby deleted and the following substituted therefor:

   "Article 2
   INTERPRETATION

   16.2.1 Advisory Committee - defined
   “Advisory Committee” means any advisory committee established by Council.

   16.2.2 Chair - defined
   “Chair” means the Mayor or Acting Mayor or Chairman at the meeting.

   16.2.3 Clerk - defined
   “Clerk” means the Clerk of the Corporation of the City of Peterborough.

   16.2.4 Council - defined
   “Council” means the Council of the Corporation of the City of Peterborough.

   16.2.5 Member - defined
   “Member” means a member of Council.

   16.2.6 Municipal Corporation - defined
   “Municipal Corporation” means the Corporation of the City of Peterborough.

   16.2.7 Rules of Procedure - defined
   “Rules of Procedure” means the rules and regulations of the Council of the City of Peterborough as provided in this Chapter.

   16.2.8 Standing Committee - defined
   “Standing Committee” means the standing committees of the Council of the City of Peterborough, which are:

   (a) Planning Committee - to hold public meetings pursuant to the Planning Act, R.S.O. 1990, and to discuss and make recommendations to Council on all community planning matters and concerns.

   (b) Committee of the Whole - to review and discuss and make recommendations to Council on all general municipal matters other than planning, budget or audit matters and concerns.

   (c) Audit Committee - to review and make recommendations to Council on matters of financial reporting, control and risk.

   (d) Budget Committee - to review and make recommendations to Council on matters related to the annual budget and long term financial matters.
(e) Emergency Governance Committee - to carry out the duties and responsibilities of the Council, only under the following circumstances:

i) for the duration of an emergency which has been declared by the Mayor and/or his/her designate, in accordance with the City’s Emergency Plan; and

ii) at such times during which at least six members of Council have died, or are otherwise not able, for valid reasons, to attend a properly scheduled meeting of Council.

16.2.9 Time - defined
"Time" in this by-law shall be governed by the Time Act.”

2. Section 16.3.1 is hereby deleted and the following substituted therefor:

“16.3.1 Regulations - applicable-suspension - two thirds vote
The rules and regulations contained in this chapter shall be observed in all proceedings of the Council, and, with necessary modifications, of its Standing and Advisory Committees, unless suspended by a two-thirds (2/3) vote of all Members present in any case for which provision is not made herein.”

3. Section 16.4.1 is hereby amended by deleting the following:

“at three (3:00) p.m. local time”

4. Section 16.4.3 is hereby deleted and the following substituted therefor:

“16.4.3 Other - on holidays - by resolution
All regular meetings shall be held on Mondays at the time prescribed by resolution of the Council and Standing Committees or unless such a day shall be a public or civic holiday, in which case the Council shall meet at the same hour on the next following day which is not a public or civic holiday, unless otherwise provided by resolution of the Council.”

5. Section 16.4.4 is hereby deleted and the following substituted therefor:

“16.4.4 July and August - no meetings scheduled - exception
Notwithstanding the provisions of Section 16.4.2 and 16.4.3 of this Chapter, where practicable, there shall be no regularly scheduled meetings of Council or its Committees for at least a two week period during each of July and August.”

6. Section 16.4.8 is hereby deleted and the following substituted therefor:

“16.4.8 Special meeting - place
Special meetings may be held at any place within the City of Peterborough. The Emergency Governance Committee is exempt from this provision.”

7. Section 16.4.9 is hereby deleted and the following substituted therefor:

“16.4.9 Special Meeting - without notice
With the consent of two-thirds (2/3) of all of the Members, a meeting of the Council may be held without notice. The Emergency Governance Committee is exempt from this provision.”

8. Section 16.4.10 is hereby deleted and the following substituted therefor:

“16.4.10 Open - to public - Council - Committees - exception
Meetings shall be open to the public except as provided in Sections 16.4.11 and 16.4.12.”
9. Section 16.4.11 is hereby deleted and the following substituted therefor:

"16.4.11 Closed - to public - subject matters
A meeting, or part of a meeting, of the Council or its standing committees may be closed to the public if the subject matter being considered is:

(a) the security of the property of the municipality or local board
(b) personal matters about an identifiable individual, including municipal or local board employees
(c) a proposed or pending acquisition or disposition of land for municipal or local board purposes
(d) labour relations or employee negotiations
(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board
(f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for this purpose
(g) a matter in respect of which a Council, board, committee or other body has authorized a meeting to be closed under another act
(h) a matter relating to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act, if Council is designated as head of the institution for the purposes of the Act
(i) a meeting held for the purpose of educating and training the members at which no member discusses or deals with any matter in a way that materially advances the business or decision making of the Council."

10. Section 16.4.12 is hereby deleted and the following substituted therefor:

"16.4.12 Closed - to public - resolution
Prior to holding a meeting, or part of a meeting, which is closed to the public, Council or the Committee shall pass a resolution stating the fact of the holding of the closed meeting and including the general nature of the matter to be considered at the closed meeting."

11. Section 16.5.9 is hereby deleted and the following substituted therefor:

"16.5.9 Disorder - adjourn - suspend - recess - meeting
It shall be the duty of the Chair to adjourn the meeting without the question being put, or to suspend or recess the sitting for a time to be named if considered necessary because of grave disorder or emergency in the meeting."

12. Section 16.8.1, subsection (d) is hereby deleted and the following substituted therefor:

"(d) Reports of Standing Committees"

13. Section 16.8.5 is hereby deleted and the following substituted therefor:

"16.8.5 Deputy Mayor - to take chair
In the case of the Mayor not attending within fifteen (15) minutes after the hour fixed for holding the meeting of the Council, and provided that a quorum is present, the first or second Deputy Mayor shall take the chair and call the Members to order; and he/she shall preside until the arrival of the Mayor."
14. Section 16.8.7 is hereby deleted and the following substituted therefor:

"16.8.7 Prayer - National Anthem - commencement of meeting
The Council meeting shall commence with The Lord's Prayer led by the Chair, followed by 30 seconds of silent reflection. Following silent reflection, the National Anthem will be sung."

15. Section 16.10.2 is hereby deleted and the following substituted therefor:

"16.10.2 Material - written - submitted - for Council - deadline
A delegation wishing to have written material distributed to Council prior to the meeting shall submit such material to the Clerk by 12:00 noon on the Wednesday preceding the meeting of the council at which the material is to be presented."

16. Section 16.10.3 is hereby deleted and the following substituted therefor:

"16.10.3 Presentation of delegations - time limit
Persons desiring to address Council as a delegation at a meeting of Council shall be limited in their presentations to seven (7) minutes with respect to any item. Persons (other than the Applicant) desiring to address Council at a Public Meeting pursuant to the provisions of the Planning Act shall be limited in their presentations to ten (10) minutes. Any delegation that would like to use a PowerPoint presentation at the meeting must provide the presentation to the Clerk by 12:00 noon on the Thursday preceding the meeting in order to ensure compatibility with City technology."

17. Section 16.11.2 is hereby deleted and the following substituted therefor:

"16.11.2 Deadline - material - submitted - to Clerk
Every communication which deals with a matter on the Council agenda shall be delivered to the Clerk not later than 12:00 noon of the Tuesday preceding the meeting of the Council in order to be circulated with the agenda."

18. Section 16.11.3 is hereby deleted and the following substituted therefor:

"16.11.3 Matters not on the Agenda
Any other communication will be forwarded to Council by the Clerk with their regular electronic mail and will not be placed on the Council or Committee agenda. If a member wishes to address an item of correspondence, this matter shall be brought forward under Other Business at the appropriate Committee."

19. Section 16.11.4 is hereby deleted and the following substituted therefor:

"16.11.4 Language - improper - inclusion - Clerk's discretion
Notwithstanding Section 16.11.2, the Clerk may decide not to include any communication on a Council or Committee agenda if, in the opinion of the Clerk, the communication contains inappropriate language, or deals with a matter not within the jurisdiction of the Council or has already been dealt with by Council. Any such communication shall be circulated to the members under separate cover."

20. Section 16.12.1 is hereby deleted and the following substituted therefor:

"16.12.1 Main - introduced - Notice of Motion
A Member may introduce a motion, other than a motion to reconsider, at a meeting regarding a matter that would not otherwise be considered by Council at such meeting, by delivering a written copy of the motion, signed by the mover and seconder, to the Clerk, not later than 12:00 noon of the Wednesday preceding the meeting."
21. Section 16.13.1 is hereby deleted and the following substituted therefor:

"16.13.1 Urgent - introduced - majority consent - required
A Member may, with the consent of two-thirds (2/3) of the Members present, make a motion under Other Business, which due to its nature cannot be properly presented at an appropriate Standing Committee meeting."

22. Section 16.14.8 is hereby deleted and the following substituted therefor:

"16.14.8 Passed - numbered - dated - signed - seal affixed
Every by-law passed by the Council shall be numbered and dated, and shall be sealed with the Seal of the Municipal Corporation and signed by the Mayor and the Clerk and shall be kept by the Clerk in his/her office or any other place appointed for that purpose."

23. Section 16.15.2 is hereby deleted and the following substituted therefor:

"16.15.2 Meeting - continuation - after 10:00 p.m.
No item of business other than the Confirmatory By-law shall be considered at a meeting of the Council after ten (10:00) p.m. local time unless otherwise decided by a majority vote of the Members present."


25. Article 19 - MOTION TO RECESS is hereby amended by adding the following Section.

"16.19.1 Recess - Motion - Discretion of Chair
A recess shall be convened either by motion or at the discretion of the Chair."

26. Section 16.29.1 is hereby deleted and the following substituted therefor:

"16.29.1 Composition - All Members
The Standing Committees shall be comprised of all the members of Council with the exception of the Audit Committee that is composed of five members of Council.

There shall be four Standing Committees of Council, as follows:

(a) Planning Committee;
(b) Committee of the Whole;
(c) Audit Committee; and
(d) Budget Committee."

27. Section 16.30.1 is hereby deleted and the following substituted therefor:

"16.30.1 Committee - time - place - specified
Meetings of the Standing Committees shall be held at such time and place as specified on the schedule of meetings of Council and the Committees of Council prepared by the Clerk. Notwithstanding, meetings of the Audit Committee shall be called by the Chair of the Audit Committee and shall require forty-eight (48) hours notice. Advisory Committee meetings shall be held at such time and place as specified on the schedule developed by the Advisory Committees and in conformance with the Standing Committees' Terms of Reference."
28. Section 16.30.3 is hereby deleted and the following substituted therefor:

“16.30.3 Minutes - agenda - supplied to members - deadline
It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting of the Planning Committee and the Committee of the Whole, together with an agenda containing reports to be considered by the respective Committees, be made available to each member on the Thursday preceding the day of the holding of such Committee meeting.”

29. Section 16.30.4 is hereby deleted and the following substituted therefor:

“16.30.4 Minutes - adoption - without reading - permitted
The minutes of the Standing and Advisory Committees may be adopted by the respective Committees without being read.”

30. Section 16.31.1 is hereby deleted and the following substituted therefor:

“16.31.1 Observed - in all meetings - exception
The rules governing the procedure of the Council and the conduct of its Members shall be observed in meetings of the Standing Committees and Advisory Committees, with necessary modifications, and except as provided in this Section.”

31. Section 16.31.7 is hereby deleted and the following substituted therefor:

“16.31.7 Unprovided - cases - Robert’s Rules of Order
In all unprovided cases in the proceedings of any meeting, resort shall be had to the Robert’s Rules of Order as a rule for guidance on the question, and in such cases, the decision of the Chair shall be final.”

32. Section 16.31.8 is hereby deleted and the following substituted therefor:

“16.31.8 Agenda items - separate consideration - Consent Agenda
Prior to the consideration of Reports and Recommendations, the Committee shall determine which such items require separate consideration. All items not requiring separate consideration shall be disposed of by one motion prior to consideration of individual Reports.”

By-law read a first, second and third time this 3rd day of October, 2011.

(Sgd.) Daryl Bennett, Mayor

(Sgd.) Nancy Wright-Laking, City Clerk