

THE CORPORATION OF THE TOWNSHIP OF HOWICK

BY-LAW NO. 05 – 2006

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**A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND COMMITTEES OF THE TOWNSHIP OF HOWICK, THE CONDUCT OF THE MEMBERS THEREOF, AND THE CALLING AND CONDUCT OF MEETINGS.**

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

AND WHEREAS Council of the Township of Howick desires to establish procedures and rules for maintaining order, and ensuring openness and fairness in the conduct of the business of the Township,

NOW THEREFORE Council of the Corporation of the Township of Howick enacts as follows:

1. **DEFINITIONS**

THAT for the purposes of this by-law, the following definitions are applicable:

- 1.1 “**Clerk**” refers to the Clerk of the Township of Howick;
- 1.2 “**Council**” refers to the Council of the Township of Howick;
- 1.3 “**Head of Council**” means the Reeve of the Township of Howick;
- 1.4 “**Main Motion**” refers to a motion that introduces new business to a meeting;
- 1.5 “**Meeting**” means any regular, special, committee, or other meeting of Council;
- 1.6 “**Presiding Officer**” refers to the person chairing a meeting of Council;
- 1.7 “**Quorum**” means a majority of the total of five members of Council, which shall be **three members**.

2. **CONSTITUTION OF MEETINGS**

THAT the following defines the constitution and calling of meetings of the Council:

- 2.1 “**Regular Meetings**” of Council shall be held in the Council Chamber at the Howick Municipal Office at 7:00 o'clock p.m.. An annual schedule of meeting dates for the upcoming year will be approved by a resolution of Council on or before the last Council meeting in December of each year. The approved schedule will be posted at the Municipal Office and on the Township web site.
- 2.2 “**Inaugural Meeting**” of Council, after a regular election, shall be held not later than 31 days after Council’s term commences. In accordance with the *Municipal Elections Act, Section 6(1)*, the term of all offices is **four years**, beginning on December 1<sup>st</sup> in the year of a regular election. The new Council shall be deemed to be organized when declarations of office have been taken by a sufficient number of members to form a quorum (*Municipal Act, 2001, Section 231*).
- 2.3 “**Special Meetings**” of Council may be called by the Head of Council at any time, or, upon receipt of a petition of a majority of members of Council, and the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition. At least forty-eight hours advance notice of a special meeting shall be given to members of Council through the Clerk’s office. The only business to be dealt with at a special meeting is that which is listed in the notice of the meeting.
- 2.4 “**Emergency Meeting**” may be held in the event of a bona fide emergency as soon as is practicable following receipt of the summons or petition for same, notwithstanding notice requirements set out in Section 2.3 above. Notice may be given by telephone or personal contact as determined by the Clerk in consultation with the Reeve and/or the Emergency Management Co-ordinator.
- 2.5 “**Committee of the Whole Meeting**” is a meeting where the whole of Council meets in a less formal manner to discuss and make recommendations on a particular matter, such recommendations to be presented at a regular meeting for Council’s decision or action.

\*\* Amended by Resolution #292/06 passed December 12<sup>th</sup>, 2006

- 2.6 **“In Camera or Closed Meeting”** is a meeting held with only members of Council and invited support staff in attendance, with all others excluded. Council may go into a closed meeting only for those reasons specified in *Section 239 (2) and (3)* of the *Municipal Act, 2001*, said reasons outlined below in Section 4 of this by-law.
- 2.7 **“Public Hearing”** is a meeting required by law to be held for the purpose of hearing or giving interested individuals and agencies an opportunity to be heard regarding a specific matter, before a decision is made or action taken regarding the matter. Notification of and the times for holding such meetings must be in accordance with prescribed regulations.
- 2.8 **“Public Meeting”** is a meeting held at the discretion of Council, inviting the public at-large or a particular segment thereof to attend and provide comment regarding an issue of public interest.
- 2.9 **Change of Meeting:** Any deviation from a date prescribed in the approved schedule of meetings, or change in the location of a regular Council meeting, must be approved by resolution of Council within sufficient time to provide notice to the public for a minimum of seven days prior to the intended meeting date.
- 2.10 **Curfew for Meetings:** Council and Committee meetings shall stand adjourned at **11:00 p.m.**, but business may be continued beyond that time by the passing of a resolution with a majority vote.

### 3. **MEETINGS OPEN TO THE PUBLIC**

THAT, in accordance with *Section 239(1)* of the *Municipal Act, 2001*, all meetings of Council shall be open to the public, except as otherwise provided in paragraphs (2) and (3) of *Section 239*, as outlined in Section 4 hereunder of this by-law.

- 3.1 **Not a “Public Meeting”:** Although all meetings of Council are open to the public, Council meetings are not public meetings (as defined in paragraph 2.8 above).
- 3.2 **Request Delegation:** Any person or group desiring to bring a matter to a Council meeting may do so by contacting the Clerk, in advance of the setting of an agenda for that meeting, requesting to be placed as a delegation on the agenda, and providing information or documentation outlining the purpose of the delegation.

### 4. **MEETINGS CLOSED TO THE PUBLIC**

THAT, in accordance with *Section 239(2) and (3)* of the *Municipal Act, 2001*, a meeting or part meeting may be closed to the public if certain subject matter is being considered as outlined hereunder:

- 4.1 The security of the property of the municipality or local boards;
- 4.2 Personal matters about an identifiable individual, including municipal or local board employees;
- 4.3 A proposed or pending acquisition or disposition of land by the municipality or local board;
- 4.4 Labour relations or employee negotiations;
- 4.5 Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- 4.6 Advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- 4.7 A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- 4.8 A matter relating to consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Council, board, committee or other body is the head of an institution for the purposes of that Act.
- 4.9 **Closing a Meeting:** Before holding a meeting or part of a meeting that is to be closed to the public, it shall be stated by resolution: (*Municipal Act, 2001, Sec.239(4)*)
- a) that a closed meeting is to be held,
  - b) the general nature of the matter to be considered at the closed meeting.
- 4.10 **Open Voting:** No vote on a main motion shall be taken during a closed meeting. In accordance with *Section 239(6)* of the *Municipal Act, 2001*, the meeting may be closed during a vote only if,
- a) an Act requires or permits the meeting to be closed, **and**

- b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the municipality, or persons retained by or under contract with the municipality.

## 5. **CONDUCT OF PROCEEDINGS**

THAT the conduct of meetings of the Council of the Township of Howick shall be governed by the following criteria:

- 5.1 **Agenda:** The Clerk shall prepare and print an agenda for all regular and special council meetings, outlining the order of business for the meeting. The business shall be taken up in the order in which it stands on the agenda, unless otherwise decided by Council.
- 5.2 **Presiding Officer:** The Head of Council (Reeve) shall preside at all regular and special meetings of Howick Council. When the Reeve is absent, or refuses to act, or if the office of Head of Council is vacant, the Deputy Reeve shall act in place of the Reeve, and while so acting has and may exercise all the rights, powers and authority of the Reeve. Notwithstanding the foregoing, members of Council may appoint another presiding officer from among themselves for the purpose of chairing a particular meeting.
- 5.3 **Duties of the Presiding Officer:** It shall be the duty of the Presiding Officer to:
  - a) open the meeting by taking the Chair and calling the members to order;
  - b) determine that a quorum is present before proceeding with business;
  - c) announce the business before Council, in the order it is to be acted upon;
  - d) receive and submit all motions properly presented by the members of Council;
  - e) put to vote all questions which are moved and seconded, or which necessarily arise in the course of proceedings, and announce the results;
  - f) decline to put to vote motions which infringe rules of procedure;
  - g) restrain members within rules of order when engaged in debate;
  - h) enforce the observance of order and decorum among the members;
  - i) call by name any member persisting in breach of rules or order, and put the question that the member be ordered to vacate the Council Chamber;
  - j) receive all messages / communications and announce them to Council;
  - k) authenticate all by-laws, minutes and resolutions by signature;
  - l) inform Council on a point of order, when necessary or when referred to for that purpose;
  - m) ensure that decisions of Council are in conformity with laws and by-laws governing the activities of municipal Council;
  - n) represent and support Council, declaring its will and implicitly obeying its decisions;
  - o) ensure that no person, other than Council members and Officers of the Corporation, take a seat at the Council table during a sitting of Council, except with the permission of the Presiding Officer or Council;
  - p) adjourn the meeting without question in the case of grave disorder arising in the Council Chamber, or when the health or safety of members is in danger;
  - q) adjourn the meeting when the business has been concluded.
- 5.4 **Call to Order:** At the hour fixed for holding the meeting, the Presiding Officer shall, upon determining that a quorum is present, take the Chair and call the meeting to order.
- 5.5 **Quorum:** Before any business can be transacted, a quorum must be present. In accordance with *Section 237(1) of the Municipal Act, 2001*, a **majority** of the members of a municipal council is necessary to form a quorum. **Three** members constitutes a quorum for Howick Township Council. If a member is unable to vote on an issue, by virtue of a conflict of interest, that member must be excluded from the quorum. If this results in lack of a quorum, then no vote can be taken.
- 5.6 **Minutes of the Meeting:** It is the duty of the Clerk to record, without note or comment, all resolutions, decisions and other proceedings of the Council [per *Municipal Act, 2001, Section 228(1)(a)*]. The minutes shall reflect:
  - a) the place, date and time of the meeting;
  - b) the names of the Presiding Officer and members attending;
  - c) the names of others in attendance;
  - d) consideration, correction and adoption of minutes of prior meetings;
  - e) all other proceedings of and actions taken at the meeting.

5.7 **Delegations to Council:** Persons listed on the agenda, or otherwise approved to appear before Council, shall be allowed up to fifteen minutes to speak regarding the issue. A group wishing to present, shall be permitted two designated speakers, each of whom will be limited to not more than ten minutes each.

5.8 **Petitions and Communications:** Every communication or petition intended to be presented to Council shall be legibly written or printed, and must not contain obscene or improper language or subject, and shall be signed by at least one person, and shall be filed with the Clerk to be placed on the agenda.

## 6. **MOTIONS and RESOLUTIONS**

THAT the actions and decisions of Council shall be presented and decided by way of motions or resolutions, duly introduced, seconded, debated, and voted upon. The basic guidelines listed hereunder shall be followed for presenting motions.

### 6.1 **Types of Motions:**

a) **Main Motion** – introduces a matter or item of business requiring Council's consideration. It may be debated, amended, and requires the vote of a majority to be adopted.

b) **Subsidiary Motion** – may be used to dispatch a main motion, such as:  
i. Lay on the Table (set aside temporarily)  
ii. Postpone to another specified time  
iii. Postpone indefinitely (kill the motion)

The subsidiary motion must be dealt with before the main motion.

c) **Incidental Motion** – used to deal with a question of procedure or breach of rules. Such a motion is not debated, and is voted on immediately.

d) **Privileged Motion** – used to deal with special or urgent matters which may affect the meeting, such as a motion to adjourn, or recess, or address the welfare or comfort of the members. This motion is voted on immediately without discussion.

6.2 **Resolution:** A resolution is a formal way of presenting a main motion, and may include preamble providing background information and reasons for the motion.

6.3 **Presentation of a Motion:** All proposed main motions must be presented in writing, and passed to the Presiding Officer, who shall state the motion verbatim before debate.

6.4 **Second the Motion:** A motion must be formally seconded in order for it to be considered. A second means that another member feels the matter should be discussed. If a motion is not seconded it cannot be discussed, and will not be recorded in the minutes.

6.5 **Amending a Motion:** A motion to amend the main motion:

- must be germane to the main motion;
- may be amended;
- can be debated, but debate addresses only the amendment;
- can be reconsidered;
- cannot propose a direct negative to the main motion;
- requires a majority vote to be adopted;
- must be dealt with before the main motion;
- if adopted, becomes part of the main motion;

6.6 **Ratification of Motions:** The signatures of the mover and second must be affixed to all motions, and upon decision, the motion will be ratified with the signature of the Presiding Officer.

6.7 **Notice of Motion:** A member may wish to propose a main motion introducing a new matter of significance to be considered by council. A Notice of Motion must be delivered in writing to the Clerk at least 6 calendar days prior to the date of the meeting at which the motion is to be presented. The complete motion shall be submitted to the Clerk in writing with the signatures of the mover and second affixed thereto, and the Clerk shall ensure that the motion in its entirety is printed on the agenda for that meeting, and for each succeeding meeting until it is dealt with by Council.

- 6.8 **Notice Waived:** A motion may be introduced without prior notice, if Council agrees to dispense with the notice requirement with an affirmative vote of a simple majority of members present and eligible to vote.

## 7. **RULES OF DEBATE**

THAT the following rules shall govern the conduct of members regarding debate and discussion of motions:

- 7.1 After the Presiding Officer presents the motion for discussion, the member making the motion has first right to speak to the motion, and may do so by rising and taking the floor, and be recognized by the Chair.
- 7.2 Each member wishing to speak must obtain the floor and be recognized by the Chair. If two members rise simultaneously, the Presiding Officer shall designate who has the floor first.
- 7.3 Each member may speak twice to the motion, but the second turn will be allowed after everyone wishing to speak has had a first chance.
- 7.4 Debate must be germane to the motion.
- 7.5 Speakers will at all times be courteous, addressing remarks to the Chair and not to each other. Interrupting a speaker, causing disturbance or distraction, making inflammatory comments, and using profane language are prohibited.
- 7.6 If the Presiding Officer (Reeve) wishes to speak to an issue, he/she must relinquish the Chair to the Deputy Reeve if the Deputy Reeve has not and does not wish to speak, or to another member who has not spoken and has been approved by the assembly to preside during the debate. The Reeve shall resume the Chair after the motion has been decided.
- 7.7 Any member may require the question or motion under discussion to be read at any time during the debate.
- 7.8 Each member may speak for up to 10 minutes during each of two allowed turns. Debate can be extended or limited by a motion to "limit" or "extend" debate, or can be closed by a motion to "close debate". These motions must have a second, are not debated, and require a majority vote to be adopted.
- 7.9 The Presiding Officer shall preserve order, and decide questions of order. Appeal of a decision may be made to Council by a motion on "Point of Order". Council shall decide the question without debate, and its decision thereon is final.

## 8. **VOTING ON MOTIONS**

THAT the following rules shall be observed for voting on motions and resolutions:

- 8.1 **Vote Entitlement:** Every member of Council shall have one vote. (*Municipal Act, 2001, Section 243*)
- 8.2 **Open Voting:** No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken is of no effect. (*Municipal Act, 2001, Section 244*) All votes on questions before Council shall be taken by show of hands.
- 8.3 **Tied Votes:** Any question on which there is a tie vote shall be deemed to be lost, except where otherwise provided by any Act (*Municipal Act, 2001, Section 245*). If the Presiding Officer has not voted and is a member of the assembly, he/she can vote to break the tie.
- 8.4 **Question Stated:** Immediately preceding the taking of the vote, after discussion and debate have concluded, the Presiding Officer shall state the question in the precise form in which it is to be recorded in the minutes.
- 8.5 **No Interruption After Question Put:** After the question is finally stated, all members will occupy and remain in their seats without further comment, noise or disturbance until the vote is taken and results declared by the Presiding Officer.
- 8.6 **Call for the Vote:** Upon stating the question, the Presiding Officer calls for the vote, requesting the affirmative first, and then the negative, and announces the result thereafter.

8.7 **Recorded Vote:** If a member present at a meeting at the time of a vote requests immediately before or after the taking of the vote that the vote be recorded, each member present, except a member who is disqualified from voting by any Act, shall announce his or her vote openly and the Clerk shall record each vote.

*(Municipal Act, 2001, Section 246(1))*

8.8 **Failure to Vote:** A failure to vote by a member who is present at the meeting at the time of the vote and who is qualified to vote shall be deemed to be a negative vote. *(Municipal Act, 2001, Section 246(2))*

## 9. **CONSIDERATION OF BY-LAWS**

THAT the following procedures shall govern the consideration and enacting of By-Laws:

9.1 No by-law shall be presented for enactment by Council unless the subject matter thereof was given prior consideration by Council with instructions to draft such a by-law.

9.2 Every by-law must be formulated under the authority of and containing reference to the appropriate authorizing Act or Regulation.

9.3 Every by-law shall be presented in a properly printed form and format.

9.4 Every by-law shall receive three readings by Council before being finally passed.

9.5 The first reading of a by-law shall proceed without amendment or debate.

9.6 At Council's determination, a by-law may be enacted as read.

9.7 If Council determines that a by-law will be considered in closed session, it may only be done so prior to the third reading thereof.

9.8 Council must ensure that, when required, proper notice is given or prior approval obtained before final passing of a by-law.

9.9 The Clerk shall ensure that every by-law enacted during the calendar year is numbered consecutively, reflects the dates of the readings thereof, is signed by the Clerk and the Presiding Officer, and is sealed with the seal of the Corporation, and is properly bound and stored securely

## 10. **CONDUCT OF MEMBERS OF COUNCIL**

THAT the members of Howick Township Council shall abide by the following code of conduct during meetings of Council:

### 10.1 ***No Member of Council will:***

- speak disrespectfully of the Reigning Sovereign, or of any member of the Royal Family, or of the Governor General of Canada, or of the Lieutenant Governor of any Province, or of any member of the Senate, the House of Commons of Canada or the Legislative Assembly of the Province of Ontario;
- use offensive words in or against Council, or against any member of Council;
- speak during debate on any subject other than the matter being discussed;
- criticize any decision of Council, except by way of a motion to reconsider;
- disobey or dispute a decision of the Presiding Officer or of the Council on a question of order, practice or procedure or interpretation of the rules;
- disregard or disobey any provision of this procedural by-law.

10.2 ***Remedy for Misconduct:*** If, after having been called to order by the Presiding Officer, a member should persist in any disobedience, the Presiding Officer may forthwith put the question, with no amendment, adjournment or debate allowed, "that the member be ordered to leave his seat for the duration of the meeting of the Council". If said member apologizes, he/she may be permitted to remain, upon an affirmative vote of Council.

11. **SUSPENSION OF RULES OF PROCEDURE**

THAT any procedure required by this by-law may be suspended, upon consent of a majority of the members of Council present.

12. **REFERENCE**

THAT, where any question or dispute of a matter of parliamentary procedure should arise that is not otherwise provided for in this by-law, reference shall be made to the publication "*Robert's Rules of Order*" for a determination on such matter.

13. **AMENDMENT OF THIS BY-LAW**

THAT no amendment or repeal of this by-law or any part thereof may be considered at any meeting of Council unless notice of the proposed amendment or repeal has been given at a prior regular meeting of Council. Waiving of this notice requirement is prohibited.

14. **ENACTMENT**

THAT By-Law No. 35-2002 previously enacted for this purpose shall be and is hereby repealed, and shall be replaced by this by-law, which shall come into force and effect upon the final reading thereof.

**READ A FIRST AND SECOND TIME AND PASSED THIS 7th DAY OF FEBRUARY, 2006.**

**READ A THIRD TIME AND FINALLY PASSED THIS 7th DAY OF FEBRUARY, 2006.**

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REEVE

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CLERK