

The Corporation of the Township of Howick

By-law No. 24–2018

Being a by-law to adopt a procedure for governing the calling, place and proceedings of meetings of Council, Boards and Committees of the Corporation of the Township of Howick

Whereas, Section 238 of the [Municipal Act, S.O. 2001](#), c. 25, as amended, provides that a Council shall pass a procedure by-law for governing the calling, location and proceedings of meetings; and

Whereas, the Council of the Corporation of the Township of Howick deems it necessary to set rules and regulations with regards to Council and Committee proceedings; and

Whereas, all points of order or procedure not provided for in this by-law shall be decided in accordance with Robert's Rules of Order and the Chair shall submit the ruling without debate;

Now therefore, be it resolved that the Council of the Corporation of the Township of Howick hereby enacts as follows:

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1.0 Definitions

- a) **“Act”** shall mean the [Municipal Act, S.O. 2001, c. 25](#), as amended from time to time;
- b) **“Acting Chair”** shall mean the Presiding Officer of a Committee or Council to act in the place of the Reeve or Deputy Reeve when both are absent from a meeting of Council or Committee for any cause and who shall exercise all the rights, powers and authority of the Reeve;
- c) **“Addition to Agenda”** means any addition to a completed published agenda or addition to an item on the agenda. Changes in motions or resolutions following discussion on an agenda item are not considered an Addition;
- d) **“Adoption of Minutes”** shall mean a heading on the agenda where Council approves previous Council meeting minutes by resolution;
- e) **“Business Arising”** shall mean a heading on the agenda that is used for updates resulting from requests from the previous meeting;
- f) **“Call to Order”** shall mean the time when the members and the public are notified that the meeting is commencing;
- g) **“Chair”** means the Presiding Officer of a Committee or Council meeting;
- h) **“Clerk”** means the Clerk of the Township of Howick or his/her designate;
- i) **“Closed Session”** means a meeting or part of a meeting which is closed to the public as permitted by the Act, also referred to as an "in-camera meeting";
- j) **“Code of Conduct”** means a by-law to establish a Council Code of Conduct, as amended from time to time;
- k) **“Committee”** means a Committee, Board, Task Force or other body constituted and appointed by Council;
- l) **“Committee Chair”** means the Chair of a Committee;
- m) **“Committee Vice Chair”** means the Vice Chair of a Committee;
- n) **“Confirmation of Agenda”** shall mean a heading on the Council agenda that relates to a resolution of Council required to confirm the items on the agenda as presented. Any additions to the agenda shall be included as a resolution to confirm the agenda as amended;

- o) **“Confirming By-law”** shall mean a by-law to confirm all the actions of Council during the meeting as intended to be legal and binding;
- p) **“Council”** means the Council of the Township of Howick;
- q) **“Declaration of Pecuniary Interest”** shall mean a declaration by a member in advance of an item on the agenda that the member has a pecuniary interest as per the Municipal Conflict of Interest Act and shall be provided to the Clerk in writing prior to the adjournment of the meeting;
- r) **“Delegation”** means a person or group of persons who are not members of Council or Howick staff who have requested and are permitted to address Council, individually or on behalf of a group;
- s) **“Deputy Reeve”** is the position that fulfills the responsibilities of the Reeve in his/her absence;
- t) **“Division of Question”** means a request by a member to have a motion containing separate questions, recommendations or amendments, voted on in sections or parts;
- u) **“Ex-officio Member”** shall refer to the Reeve’s membership on all internal committees, sub-committees and working groups. Ex-officio means by virtue of office and therefore this member may attend any Howick committee meetings and take part in discussion. The ex-officio member shall be a non-voting member and shall not be included when determining the number of members required for quorum or counted when determining if a quorum is present;
- v) **“Friendly Amendment”** means the motion under debate is amended with the consent of the mover and seconder and without the requirement for an amending motion to be made;
- w) **“In Writing”** shall mean handwritten or typewritten;
- x) **“Local Board”** means a local board defined by the Municipal Act;
- y) **“Majority Vote”** shall mean an affirmative vote of more than one-half of the members present and voting;
- z) **“Meetings”** are defined as follows:
“Council Meeting” shall mean meetings set out in this by-law to be held on a regular basis. A quorum is required;

“Committee Meeting” shall mean a meeting held for the purpose of preparing information for presentation to Council and shall not involve enactment of legislation;

“Closed Session” shall mean a meeting or portion thereof which is closed to the public. This may be done only in the very specific circumstances defined in Section 6 of this by-law;

“Emergency Meeting” shall mean a meeting summoned under Section 240 (a) or (b) of the Act to deal with an emergency or extraordinary situation only. A quorum is required;

“Open Meeting” shall mean any meeting or portion thereof which is not closed to the public for appropriate reasons as defined in Section 6 of this by-law. All meetings shall be open unless there is a valid reason for the meeting to be closed. The public may not address Council without delegation or presentation status;

“Statutory Public Meeting” shall mean a meeting called to fulfill a statutory requirement of an Act. Information is presented and public input is encouraged. A quorum is not required. Separate minutes shall be kept if a public meeting is included within a regular Council meeting. Minutes are to be received for information at the next available regular meeting of Council and signed by the Chair and the Clerk;

“Public Meeting” or **“Public Information Meeting”** means a meeting of staff and Council where members of the public may attend and may be invited to make submissions to staff and is not a statutory public meeting under the purposes outlined in the [Planning Act](#) or the Municipal Act. Non-statutory public meetings do not require quorum and are for the purpose of staff to obtain comments from the public and to provide input based on the application. Minutes are to be received for information at the next available regular meeting of Council and signed by the Chair and the Clerk;

“Special Meeting” shall mean meetings summoned under Section 240 (a) or (b) of the Act having the same privileges as a regular Council meeting. A quorum is required;

- aa) **“Member”** as it relates to Council means the Reeve, Deputy Reeve or Councillor of the Township of Howick and for other Committees as defined in this by-law shall mean a person elected or appointed to the committee;
- bb) **“Member’s Privilege”** shall mean the announcement of good news stories, reminders of upcoming events or acknowledgement of recent events or training attended;
- cc) **“Motion to Defer”** means a motion to delay the consideration of a matter to a future meeting of Council;
- dd) **“Motion to Receive”** means a motion to acknowledge the particular item, report or recommendation under consideration and to have it placed in the records of Council with no additional action being taken;
- ee) **“Motion to Refer”** means a motion to dispose of a question under consideration, with or without any proposed amendment, in order to seek consideration by and if deemed desirable, one or more reports from any designated Committee, body or official;
- ff) **“Motion to Table”** means a motion to postpone without setting a definite date as to when the matter will be considered again;
- gg) **“New Business”** shall mean a heading on an agenda to be used for additions to the agenda as passed under confirmation of agenda;
- hh) **“Notice of Motion”** means a motion by any member of Council that is not scheduled for an agenda which is presented to the Clerk in writing prior to the agenda deadline for inclusion on the current agenda;
- ii) **“Open House”** means an opportunity for the public to drop in to review display boards and discuss the study with Township staff or the Township’s consultant;
- jj) **“Order of Business”** means the sequence of activities and/or discussions and decisions to be introduced and considered and shall be altered by 2/3 majority vote;
- kk) **“Point of Clarification”** means when a member wants to clear up something that was stated. This is a statement and not a question;
- ll) **“Point of Information”** or **“Point of Parliamentary Inquiry”** means a question asked about a motion or about the process taking place;

- mm) **“Point of Order”** means a question by a member with the view to calling attention to any issue relating to the Procedure By-law or the conduct of Council’s business or in order to assist the member in understanding Council’s procedures, making an appropriate motion, or understanding the effect of a motion;
- nn) **“Point of Privilege” or “Personal Privilege”** means a question by a member who believes that another member has spoken disrespectfully towards that member or another member or who considers that his or her integrity or that of a member or Howick official has been impugned or questioned by the member. Can also be used when a member requires something relating to personal comfort such as temperature, noise level etc.;
- oo) **“Present”** means physically in attendance at the meeting;
- pp) **“Presentation”** means an address to Council or Committee by a consultant or associated body or at the request of Council, a committee or staff;
- qq) **“Quorum”** as it relates to Council and its Committees shall consist of more than 50% of the applicable membership;
- rr) **“Recorded Vote”** means a written record of the name and vote of every member voting on any matter or question. A request by a member for a recorded vote shall be made immediately prior to the commencement of the vote being taken or immediately thereafter, prior to proceeding to the next item on the agenda. When a recorded vote is requested or is otherwise required, the Clerk shall call the names and record the vote in random order;
- ss) **“Reeve”** means the Head of Council of the Corporation of the Township of Howick;
- tt) **“Resolution”** means the decision of Council or its Committees on any motion;
- uu) **“Special Committee”** shall mean a Committee appointed by Council for a specific function which may be comprised of members of Council with staff support;
- vv) **“Staff Reports”** shall mean a heading on an agenda to allow for the presentation of Department Head reports;
- ww) **“Sub-Committee”** shall mean a Committee established by Council to work on and report on a specific function within the mandate of the standing committee. Sub-committees may or may not contain members of Council;

- xx) **“Task Force”** shall mean a group appointed by Council that has a defined purpose and mandate to allow residents with experience, interest and/or opinions in a particular subject area to provide input on a specific issue through a balanced public process. The mandate of a task force will be community based fact-finding missions related to an important matter in Howick. A task force will find and deal with factual information to find common ground or majority agreement on issues of a potentially controversial nature in the Township and shall not have Council member representation as voting members but may have representation in a supporting role;
- yy) **“Township”** means the Township of Howick;
- zz) **“Two-Third Vote”** shall mean an affirmative vote of at least 2/3 of the members present;
- aaa) **“Working Group”** shall mean a group appointed by Council who have a defined purpose and mandate to allow residents with knowledge and experience in a particular subject area to provide input on a specific issue. The mandate of a working group will be related to an important matter in the community that is of a minimally controversial nature in the Township and shall have at least one (1) member of Council representation as a voting member.

2.0	Application	
2.1	General	The rules of procedure set out in this by-law shall govern all proceedings of Council and Committees;
2.2	Statutory Requirements	Notwithstanding anything in this by-law, where Council or a Committee convenes for the purpose of holding a hearing as required by any statute, the provisions of the statute and the Statutory Powers Procedure Act , as applicable, shall govern the proceedings;
2.3	Rules of Order Not Covered	To the extent that a matter is not dealt with in the Act or this by-law, Council and Committees shall have regard to Robert’s Rules of Order;
2.4	Use of Pronouns	Throughout this by-law, the words “he” and “his” shall, where appropriate be deemed to read “she” and “her”.
3.0	Suspension of the Rules	
3.1	General	Any motion to suspend any provisions of this by-law shall be used only when necessary and shall always require a 2/3 vote.

4.0	Electronic Media	
4.1	Audio and Video Recording	Open meetings may not be electronically or mechanically recorded by any member of the public without prior consent of Council through resolution and by written request by the requestor. Any recordings conducted during a Council or Committee meeting after obtaining consent shall be for personal use only and are not to be made public or distributed in any way without the prior consent by resolution of Council or Committee for the public use of the recording;
4.2	Recordings under Agreement	Council reserves the right to enter into agreements for the audio and/or video recording of Council meetings which may or may not be used for distribution to the public;
4.3	Electronic Devices in Council Chambers	Electronic devices are permitted in Council chambers provided that they are turned to silent or vibrate during the meeting and are not used to record any aspect of the Council or Committee meeting unless consent has been obtained as per Section 3.1.

5.0	Meeting Locations, Times and Notice	
5.1	Inaugural Meeting of Council	The Inaugural meeting of Council shall be held in the Howick Council Chambers at 7 pm on the first Tuesday in December following a regular municipal election, except when the day is a public holiday, in which case the meeting shall be held on the following business day;
5.2	Inaugural Meeting of Council Agenda	The Clerk shall have prepared for the members of Council at the Inaugural meeting a "Declaration of Office Ceremony" as follows to also include other ceremonial proceedings as deemed necessary and/or desirable: (a) Welcome and Introductions (b) Declaration/Oath of Office (c) Dedication (d) Reeve's Inaugural Address (e) Reception;
5.3	Meeting Schedule	At the first December meeting, Council shall adopt a regular meeting schedule for its meetings to be held in the following year including the dates, times and locations for such meetings and the Clerk shall publish the schedule on the Township website;

- 5.4 **July/August Meetings** Notwithstanding the provisions of this by-law, there shall be only one regularly scheduled meeting during the months of July and August;
- 5.5 **Cancellation due to Weather** In the event of inclement weather, the Chair or designate has the authority to cancel a Council meeting;
- 5.6 **Notice of Cancellations** In the event of a meeting cancellation, staff will post notice of the meeting cancellation on Howick's website, and will notify the members by email or by telephone. If the cancellation occurs at the last minute or after regular business hours and staff is unable to post the cancellation as noted, notice shall be posted as soon as it is practical to do so;
- 5.7 **Three (3) Hour Limit** For all meetings, no item of business shall be dealt with after 3 hours from the start time unless authorized by resolution of the members present. The extension of time after the initial three (3) hours shall only be permitted for only one (1) additional hour for evening meetings. No meeting shall exceed 11 pm on an evening meeting and shall not be extended by waiving the Procedural By-law. Should the agenda not be completed on the day of a regular meeting, all items left over shall be carried over to the following meeting;
- 5.8 **Notice to the Members** Notice of meetings including agendas, minutes and supporting documentation to the members shall be via electronic mail. Notice may also be provided by telephone or personal contact in case of an emergency;
- 5.9 **Notice to the Public** Agenda information distributed by the Clerk to members shall be made available to the public through posting to Howick's website;
- 5.10 **Invalidation of Notice of Meeting** If a meeting notice is substantially given but varies from the form and manner provided in this Procedure By-law, the ability to hold the meeting and the actions taken at the meeting are not invalidated.

6.0 Closed Session of Council

- 6.1 **Exceptions to Open Meeting Requirements** All regular and special meetings of Council shall be open to the public unless the subject matters to be considered relate to:
- 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 by the municipality or local board;
- d) labour relations or employee negotiations;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- g) a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- h) the meeting is held for the purpose of educating or training the members and at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the council, local board or committee; and
- i) Council shall by resolution close a meeting or part of a meeting to members of the public where the subject matter to be considered is an ongoing investigation respecting the municipality, a local board, or a municipally-controlled corporation by the Ontario Ombudsman appointed under the Ombudsman Act or municipally-appointed Ombudsman; and
- j) As per Bill 68:
 - a. Information explicitly supplied in confidence to the municipality by Canada, a province or territory, or Crown agency;
 - b. A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality;
 - c. A trade secret or scientific, technical, commercial or financial information that belongs to the municipality and has monetary (or potential) value;
 - d. A position, plan, procedure, criteria or instruction to be applied to any negotiations;

6.2 Closed Session Procedure

A motion outlining the general nature of the subject matter is required before going into closed session. No vote will be taken at a closed meeting except for a procedural matter;

6.3 Notice of Closed Session

Notice of closed session of Council shall be included on the regular Council agenda;

- 6.4 **Reporting Out and Confidentiality of Closed Session Discussions** A summary of any discussion held in closed session and any required vote will occur following the closed session discussion of Council or a Committee Meeting. No Member shall disclose or discuss through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter or any part of the matter can be made public subject to review by the Head or designate under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) or if directed to do so by a court;
- 6.5 **Application of Open and Closed Session Provisions to all Committees** The provisions of Section 239 of the Municipal Act and Sections 6 a), b) and c) of this Procedure By-law apply to all Committees despite Section 238 of the Municipal Act;
- 6.6 **Closed Meeting Investigation** A person may request that an investigation be undertaken to determine whether Council or other Committee complied with the requirements of the Municipal Act and this Procedure By-law in respect of a meeting or part of a meeting closed to the public. A person may initiate such a request by completing and submitting a form which is available on the Township's website or at the municipal office.

7.0 Special Meetings of Council

- 7.1 **Reeve May Request** The Reeve may at any time summon a special meeting of Council as per the Municipal Act S.240 (a) and include a clear statement of the purpose of the Special Council meeting;
- 7.2 **Members Request** The Clerk shall, upon receipt of a written request of the majority of the members, call a special meeting for the purpose and time mentioned in the request as per the Municipal Act S.240 (b) and include the following:
a) Original signatures of Members; and
b) A clear statement of the purpose of the special meeting;

- 7.3 **Clerk Request** The Clerk may at any time request a special meeting of Council when required to deal with items specifically outlined on the agenda. Special meetings may be called for the purposes of training, workshops, items which may need immediate attention or items which are required for the purposes of the continuity of municipal business;
- 7.4 **Special Meeting Notice Timing** The Clerk shall provide all members with at least forty-eight (48) hours notice of a special meeting;
- 7.5 **Special Meeting Minimum Notice Requirements to Members** Minimum notice shall consist of electronic notice followed by a telephone message to all members if required. If members accept the electronic meeting request, telephone communication will be deemed unnecessary;
- 7.6 **Special Meeting Business** The only business to be dealt with at a special meeting is that which is identified in the notice of the meeting;
- 7.7 **Special Meeting Validity** The Clerk will attempt to contact every member in relation to a special meeting as outlined under Section 7.4. The lack of receipt of a notice or of an agenda for a special meeting by any member shall not affect the validity of the meeting or any action taken thereat;
- 7.8 **Special Meeting Notice to the Public** Notice for special meetings of Council shall be posted as soon as practical after being established on Howick's website. Agendas and supporting documentation shall be posted as soon as practical prior to the special meeting as per section 5.8;
- 7.9 **Special Meetings under the Emergency Management and Civil Protection Act** A special meeting may be held without notice to deal with an emergency situation as defined under the [Emergency Management and Civil Protection Act](#) provided that an attempt has been made to reach the members by telephone and/or e-mail at their respective residence and/or place of business. No business, except business dealing directly with the emergency situation shall be transacted at that meeting. The forty-eight (48) hour notice required may be waived in the case of emergency as may be determined by the Reeve (or alternate) and/or CEMC (or alternate) and documented in writing (memo or e-mail) to the Clerk.

8.0 Calling of Workshop Meetings

- 8.1 **Training and/or Workshop Meetings** The Reeve and/or Clerk may convene a training and/or workshop meeting for members of Council to discuss issues in an informal venue.

- i. With the exception of procedural matters, no motions are passed and no matter is discussed which advances the business of the municipality; and
- ii. A record describing in general terms the proceedings and the subject matter discussed is made at all workshop meetings and placed on a future Council agenda to be received only for the purposes of information;

8.2 Notice of Workshop Meetings (posting of the agenda)

The Clerk gives notice of workshop meetings of Council by:

- i. Providing at least 48 hours in advance, notice to Council in person, by telephone, by mail or electronic mail that indicates the date and time of the workshop meeting and the general nature of the matters to be discussed;
- ii. Posting a notice on the Township’s website and time permitting on the Township’s regular advertising page in the local newspaper that indicates the date and time of the workshop meeting and general nature of the matters to be discussed.
- iii. Where ii) cannot be achieved, posting a notice at the main entrance to the municipal office that indicates the date and time of the workshop meeting and general nature of the matters to be discussed.

9.0 Emergency Meetings of Council

9.1 Authority to Call Emergency Meeting

Notwithstanding any other provision of this by-law, an emergency meeting may be summoned by the Reeve without written notice or upon receipt of a written request of the majority of the members to deal with an emergency or extraordinary situation provided that an attempt has been made by the Clerk to notify the members about the meeting as soon as possible and in the most expedient manner available;

9.2 Emergency Meeting Business

No business except business dealing directly with the emergency or extraordinary situation shall be transacted at the emergency meeting;

9.3 Emergency Meeting Validity

Lack of receipt of a notice or of an agenda for an emergency meeting by any member shall not affect the validity of the meeting or any action taken thereat;

9.4 Emergency Meeting Notice

Notice and supporting documentation shall be posted on Howick’s website as soon as practical.

10.0	Quorum for Council	
10.1	Majority for Quorum	A quorum shall consist of not less than a majority of Council members as established by Section 237(1) of the Municipal Act, 2001. For a Council composition of 5, 3 members are required for a quorum to be present;
10.2	No Quorum Present at Beginning	If a quorum is not present at a scheduled meeting thirty (30) minutes after the scheduled commencement time, the meeting shall stand adjourned until the date of the next regular meeting and the Clerk shall record the names of the members present;
10.3	Loss of Quorum During Meeting	If a quorum is lost during a meeting, the meeting shall stand adjourned and all unfinished business shall be carried forward to the next meeting;
10.4	Quorum and the Municipal Conflict of Interest Act	Where the number of members who by reason of the provisions of the Municipal Conflict of Interest Act are prohibited from participating in a meeting is such that at that meeting, the remaining members are not of sufficient number to constitute a quorum, the remaining number of members shall be deemed to constitute a quorum.

11.0	Agenda Preparation	
11.1	Agenda Timing and Composition	<p>The final agenda along with copies of any supporting documentation shall be prepared by the Clerk and made available to members and posted on the Township website by 4:30 pm on the Friday preceding any regular Tuesday Council meeting. Supporting documentation may be added to items listed on the addition to the agenda. The agenda will consist of the following headings as required:</p> <ol style="list-style-type: none"> a) Call to Order b) Public Meeting(s) c) Acceptance of Agenda d) Declaration of Pecuniary e) Delegations and/or Presentations f) Approval of Minutes g) Staff Reports h) Committee and Board Reports i) Councillor Reports j) Economic Development k) Correspondence l) Members Privilege m) By-laws and Motions n) Closed Session o) Confirming Bylaw

- p) Adjournment;
- 11.2 **Addition to the Agenda** Items or matters will not be added to the agenda after its publication by inclusion on the addition to the agenda unless directed by the Clerk and only if the matter is of an urgent nature and requires a decision prior to the next Council meeting. For matters of urgent nature, the agenda will be re-published to provide adequate notice to the public;
- 11.3 **Electronic System Failure** In the case of an electronic system failure, power interruption or any other extenuating circumstance that hinders the posting of the agenda, it shall be posted as soon as possible. Council members shall be notified.

12.0 Order of Business

- 12.1 **Agenda Order** The business of Council shall be taken in the order in which it stands upon the agenda as prepared;
- 12.2 **Items Left Undisposed** When any agenda item or items are left undisposed of at the time of adjournment either for want of a quorum or otherwise, such agenda item or items shall be taken up in succession under the heading Unfinished Business or as the first order of business of each respective heading at the next meeting or special meeting called for that purpose of Council;
- 12.3 **Moving Items Forward on the Agenda** The order of items may be prioritized by a majority vote of Council to address identified issues for those in attendance.

13.0 Council Minutes

- 13.1 **Content of Minutes** The minutes of Council as taken by the Clerk shall consist of:
 (a) the place, date and time of the meeting;
 (b) the name of the Chair and the attendance of the members and staff;
 (c) each item considered by Council and the decisions without note or comment;
 (d) the results of any recorded vote;
 (e) the adoption of minutes of prior meetings.
 Pursuant to the Municipal Act, the minutes shall be without note or comment;
- 13.2 **Minutes Presented to Members** Minutes of Council shall be prepared by the Clerk and presented to the members within three (3) business days following the meeting;

13.3 **Changes to the Minutes** All changes made to minutes at a consecutive meeting shall be recorded by the Clerk and noted in the minutes of the current meeting.

14.0 Duties of the Reeve and/or Chair

14.1 **Per Municipal Act s. 226.1** As chief executive officer of a municipality, the Head of Council shall:

- a) uphold and promote the purposes of the municipality;
- b) promote public involvement in the municipality's activities;
- c) act as the representative of the municipality both within and outside the municipality and promote the municipality locally, nationally and internationally; and
- d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents;

14.2 **Responsibilities of the Reeve**

It shall be the duty of the Reeve to:

- a) Authenticate by signature all by-laws and minutes of the Council;
- b) Represent and support Council declaring its will and implicitly obey its decisions in all things;
- c) Be an ex-officio member on all Howick initiated committees, sub-committees or working groups;

14.3 **Responsibilities of the Chair**

In addition to the responsibilities of the Head of Council as set out in the Municipal Act 2001, as amended, it shall be the duty of the Chair to ensure an efficient meeting by:

- a) Maintaining order and decorum;
- b) Deciding on all questions of order subject to an appeal by Council;
- c) Receiving and submitting in the proper manner, all motions presented to the members of Council;
- d) Putting to vote all questions which are properly brought before Council or that necessarily arise in the course of proceedings and announcing the results;
- e) Ruling on all procedural matters without debate or comment;
- f) Declining to put to a vote motions which do not comply with the rules of procedure or which are not within the jurisdiction of Council;
- g) Restraining the members within the rules of order when engaged in debate;
- h) Calling by name any member persisting in breaching the rules of order of Council and may order the member to vacate the Council Chamber;

- i) Adjourning or suspending the meeting if he/she considers it necessary because of grave disorder;
- j) Must remain neutral and must not enter into debate or discussions while in the Chair;
- k) The Chair shall vacate the chair in order to move or second a motion and shall resume the chair following the vote on the matter;

- 14.4 **Right to Expel** The Chair may expel or exclude from any meeting any person or member whom he feels has exhibited improper conduct at the meeting as per the Municipal Act S.241(2);
- 14.5 **Chair Moving a Resolution or Debating** When the Chair wishes to move or second a resolution before Council or enter into debate on a specific topic, he/she may call the Deputy Reeve to the Chair, present his/her resolution or comments from the floor and remain out of the Chair until the motion, all amendments and the main motion to it have been disposed of. In the event that the Deputy Reeve is unable to assume the Chair, the Reeve shall call for an alternate member to assume the Chair;
- 14.6 **Absence of Reeve and Deputy Reeve** In the absence of the Reeve and Deputy Reeve, the Clerk shall convene the meeting and call for a motion to fill the role of Chair. The member chosen shall preside during such absence and shall while in the chair, have vested in him/her all the powers as given by this by-law to the Reeve.

15.0 Duties of the Members

- 15.1 **Role of Council** It is the role of Council
- a) to represent the public and to consider the well-being and interests of the municipality;
 - b) to develop and evaluate the policies and programs of the municipality;
 - c) to determine which services the municipality provides;
 - d) to ensure that administrative policies, practices and procedures are in place to implement the decisions of Council;
 - e) to ensure the accountability and transparency of the operations of the municipality including the activities of the Department Heads of the municipality;
 - f) to maintain the financial integrity of the municipality; and
 - g) to carry out the duties of Council under the Municipal Act or other Act;

- 15.2 **Conduct of Members** No member shall:
- a) speak disrespectfully of any member of Federal or Provincial parliaments, Council or employee of Howick;
 - b) use offensive words or un-parliamentary language;
 - c) engage in private conversation while in a Council meeting or use electronic devices (including cellular phones and pagers) in a manner which interrupts the proceedings of Council;
 - d) leave his/her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
 - e) speak on any subject other than the subject under debate;
 - f) where a matter has been discussed in closed session and where the matter remains confidential, disclose the content of the matter or the substance of deliberations of the closed session;
 - g) criticize any decision of Council except for the purpose of moving that the question be reconsidered;
 - h) disobey the rules of Council or a decision of the Chair or of Council on questions of order or practice or upon the interpretation of the rules of Council. In case a member persists in any such disobedience after having been called to order by the Chair, the Chair shall not recognize that member except for the purpose of receiving an apology from the member tendered at that meeting or any subsequent meeting;
- 15.3 **Addressing the Chair** Should more than one member indicate the intent to address the Chair, the Chair shall determine who is entitled to the floor and the order of the remaining members for speaking. If a member disobeys a rule in this Procedure By-law or a Chair's ruling:
- i) After the first occurrence, the Chair calls the member to order;
 - ii) After the second occurrence, if the member continues to disobey this Procedure By-law or the Chair's ruling, the Chair will immediately order the member to leave his/her seat and observe the meeting from the audience for the remainder of the meeting;
 - iii) Any member other than the offending member may appeal the Chair's ruling in ii) and Council may overturn or uphold the Chair's ruling. Should the Chair's ruling be overturned, the offending member may return to his/her seat;

- iv) If the offending member informs the Clerk that he/she wishes to apologize, the Clerk will inform the Chair of the member's request;
- v) At the next available opportunity in the meeting, the Chair will allow the offending member to return to his/her seat to apologize to Council. The apology will not include additional comments or debate by the offending member or by Council;
- vi) After an apology is made by the offending member, Council may consent to allow the offending member to return to the meeting;
- vii) Should at any point the offending member create a disturbance while seated in the audience in ii), the Chair will order the offending member to leave the Council chamber or meeting room;
- viii) Council cannot appeal and the offending member cannot seek an apology from Council for the Chair's ruling in vii);
- ix) If the offending member refuses to leave his/her seat or leave the Council chamber or meeting room in vii), the Chair may request the Clerk to contact security or Police for assistance.

16.0	Duties of the Clerk	
16.1	Role of the Clerk as per the Municipal Act	As per the Municipal Act S.228(1), it is the role of the Clerk, <ul style="list-style-type: none"> a) to 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 original copies of all by-laws and all minutes of the proceedings of Council;
16.2	Role of the Clerk Assigned by the Municipality related to Council	Other duties of the Clerk as assigned by the municipality include: <ul style="list-style-type: none"> a) to sign every by-law approved at Council; b) to call the meetings to order and preside until the election of a Chair in the absence of the Reeve or Deputy Reeve; c) to advise the Chair on procedural matters; d) to prepare and circulate the agenda and supporting information; e) to prepare the minutes and distribute to members within three (3) days of the Council meeting; f) to advise all departments of decisions by Council;

g) to schedule delegations and presentations for Council meetings;

16.3 Delegation of Powers

The Clerk may delegate in writing to any person other than a member of Council, any of the Clerk's powers and duties, but may continue to exercise the delegated powers and duties despite the delegation.

17.0 Declarations of Pecuniary and/or Conflict of Interest

17.1 Member's Responsibility

As per the [Municipal Conflict of Interest Act](#) S.5(1) where a member, either on his/her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the member shall, in accordance with the Municipal Conflict of Interest Act:

- a) prior to any consideration of the matter at the meeting, disclose the member's interest and the general nature thereof; and
- b) not take part in the discussion of or vote on any question in respect of the matter, and
- c) not attempt in any way whether before, during or after the meeting to influence the voting on the matter;

17.2 Closed Meeting Declarations

Where a meeting is not open to the public, in addition to complying with the requirements of the Municipal Conflict of Interest Act, the member shall forthwith leave the meeting or the part of the meeting during which the matter is under consideration per the Municipal Conflict of Interest Act S.5(2);

17.3 Non-Disclosure Due to Absence

Where the interest of a member has not been disclosed by reason of the member's absence from a particular meeting, the member shall disclose his/her interest and otherwise comply at the first meeting of the Council as the case may be, attended by the member after the particular meeting per the Municipal Conflict of Interest Act S.5(3);

17.4 Clerk's Duty to Record

The Clerk shall record in reasonable detail the particulars of any disclosure of pecuniary interest made by a member and this record shall appear in the minutes of that meeting as per the Municipal Conflict of Interest Act S.6(1)

18.0 Delegations		
18.1	Responsibility of Clerk	Any person desiring to present information on matters of fact or to make a request of Council shall give notice and disclose the subject matter to the Clerk by 12 noon on the Wednesday preceding the Council meeting at which such person desires to be heard. It is the responsibility of the Clerk to determine whether a proposed delegation is unduly repetitious of a previous delegation;
18.2	Documentation Required	Any person who is scheduled to appear as a delegation before Council is required to submit to the Clerk a written and/or electronic documentation "Request to Appear as a Delegation". If the delegate wishes to present a presentation; it must be included with the original request;
18.3	Time Limit	Each delegation shall be limited in speaking to not more than fifteen (15) minutes. Extensions to these limits will be at the discretion of Council. The Chair shall notify the delegate when the time has elapsed. Council members shall limit their comments to questions for clarification purposes only. In the event that an extension of time is required or requested, a 2/3 vote would be required;
18.4	Delegate Address	All delegates shall address the Chair from the podium and shall state their name and whom they represent;
18.5	Conduct of Delegates	No delegates shall: <ul style="list-style-type: none"> a) speak disrespectfully of any person; b) use offensive language; c) speak on any subject other than the subject for which he has received approval to address Council; d) disobey the rules of procedure or any decision of the Chair or Council on any other procedural matters;
18.6	Delegation Curtailment	The Chair may curtail any delegation, any questions of a delegate or debate during a delegation for disorder or any other breach of this by-law and if the Chair rules that the delegation is concluded, the person or persons appearing shall withdraw;
18.7	Delegation Content	Every communication including petitions designed to be presented to Council must be legibly written, typed or printed and shall not contain any obscene matter or language and shall be signed by at least one person and filed with the Clerk. Email, faxed or photocopied petitions are not admissible.

19.0	Presentations	
19.1	Time Limit	Presentations that are requested by Council, a committee or staff shall be held to the 15 minute time limit of delegations unless otherwise indicated on the Council agenda;
19.2	Presentation Content	Presentations can include training for Council, information from contractors, presentations of study findings by consultants or other such requests;
19.3	Supporting Documentation Required	Any supporting documentation shall be provided to the Clerk by 12 noon on the Wednesday preceding the Council meeting for inclusion on the Council agenda;
19.4	Form Required	A cover sheet shall accompany all presentations on the Council agenda. Every effort will be made to schedule presentations in a timely manner. The Clerk will provide appropriate meeting dates to the presenter.

20.0	Members of the Public	
20.1	Conduct of Audience at a Meeting	Members of the public who constitute the audience at a meeting shall refrain from any activity or behavior that would affect Council deliberations and shall not: <ul style="list-style-type: none"> a) Address Council without permission; b) Bring signage, placards or banners into meetings; c) Interfere with the conduct of the Council meeting in any way.

21.0	Rules of Debate	
21.1	Addressing Council	To address Council, a member shall request to speak, be recognized by the Chair and direct all comments through the Chair;
21.2	Address the Chair	Prior to speaking to any question or motion, each member shall address the Chair;
21.3	Order of Speakers	When two or more members indicate their desire to speak at the same time, the Chair shall designate the order of speakers;
21.4	Interruptions	When a member is speaking, no other member shall interrupt the member speaking except to raise a point of order, privilege or personal privilege;
21.5	Motion to be Repeated	Any member may require a motion or question under discussion to be read at any time during the debate but not so as to interrupt the member speaking;
21.6	Speaking to a Question	Members must indicate their intention to speak to a question through the Chair.

No member shall speak more than twice to the same question without Council's permission, except that a reply shall be permitted only from the member who has presented the main motion. The total time a member may take to speak and obtain any necessary clarification shall not be more than five minutes regardless if they speak one or two times. The mover and seconder of a motion have the opportunity to speak first to a motion. Members' comments are relevant to the matter of business before Council. Members express themselves succinctly without repetition;

21.7 Content of Questions Permitted

A member may ask a question only for the purpose of obtaining information relating to the matter under discussion and the question shall be stated briefly and asked only of the Chair, the previous speaker, the Department Heads or their designates. A member may also state a point to the matter under discussion without asking a question;

21.8 Point of Order

When a member rises on a point of order, point of privilege or point of personal privilege, the member shall ask leave of the Chair to explain the point. After leave is granted, the member shall state the point to the Chair and then remain silent until the Chair has ruled upon the point. Subject to being overruled by Council on a vote which shall be taken immediately and without debate, the Chair shall rule on the point. Any member may challenge the ruling of the Chair immediately following the ruling. The Chair's ruling is final unless it is challenged. Council's decision, by vote, is final if the Chair is challenged.

22.0 Motions

22.1 Motions outside Jurisdiction of Council

A motion or notice of motion in respect of a matter which is not within the jurisdiction of the Council shall not be in order and shall not be considered by the Council;

22.2 Notice of Motion

Members who give advanced notice of a Notice of Motion during a Council meeting shall disclose the subject matter of the motion and provide the Clerk with a full copy of the motion prior to 4 pm on the Wednesday preceding the next Council meeting. Members who do not give advance notice at a previous meeting must provide the Clerk with a full copy of the motion prior to 4 pm on the Wednesday preceding the next Council meeting for inclusion.

- A Council member shall only request one Notice of Motion per Council meeting;
- 22.3 **Withdrawn Motion** After a motion has been proposed and seconded, and placed in the hands of the Chair, it shall be considered to be in the possession of the Council but may be withdrawn by the mover and seconder if there are no objections from any members. If any member objects, the motion may only be withdrawn by a vote of the members present to grant the request for withdrawal. Withdrawn motions are treated as if they had never been presented;
- 22.4 **Motions Permitted Without Written Notice** The following may be introduced orally without written notice and without leave of Council:
- a) a point of order, privilege or personal privilege;
 - b) a motion to waive or suspend the rules of procedure;
 - c) a motion to recess;
 - d) a motion to adjourn;
 - e) a motion to call the question;
 - f) a motion to separate the question;
 - g) a motion to receive an item;
 - h) a motion to table an item;
 - i) a motion to lift from the table;
 - j) a motion to refer;
 - k) a motion to defer;
 - l) a simple amendment to a main motion;
- 22.5 **Motions to be Moved and Seconded** A motion shall be moved and seconded before being open for discussion and consideration;
- 22.6 **Members May Vote Against** A member may move a motion in order to initiate discussion and debate and that member may vote in opposition to the motion. A seconder of a motion may vote against the motion.

23.0 Specific Motions

- 23.1 **Motion to Recess** A motion to recess is not debatable;
- 23.2 **Motion to Adjourn** A motion to adjourn the Council meeting is not debatable and shall always be in order except:
- a) when another member is in possession of the floor;
 - b) when a vote has been called;
 - c) when the members are voting, or
 - d) when a member has indicated to the Chair his/her desire to speak on the matter before Council;

- A motion to adjourn and amendments thereto shall take precedence over any other motion and shall be put immediately without debate, except for the Chair to indicate any remaining pressing needs, in which case the member shall have the option to withdraw the motion to adjourn;
- 23.3 **Call the Question** A motion to call the question is not debatable. A member who moved the motion to call the question shall not be allowed to speak to the question again if the motion is decided in the negative. A motion to call the question shall be put immediately without debate. If the motion passes, those members who had indicated their request to speak before the motion was presented shall be heard prior to closing debate;
- 23.4 **Hijacking or Contrary Motions** Any motion that can, in essence, hijack or is contrary to any motion currently on the floor shall not be in order;
- 23.5 **Motion to Table** A motion to table is not amendable or debatable and shall apply to the motion and any amendments under debate when the motion to table is made. If the motion to table carries, in the absence of any direction from Council, the matter may not be discussed until a member, through a Notice of Motion, brings it forward to a subsequent meeting;
- 23.6 **Motion to Defer** A motion to defer, and any amendment to it, is debatable and shall include:
a) the time to or period within which, consideration of the matter is to be deferred; and
b) whatever explanation is necessary to demonstrate the purpose of the motion to defer;
- 23.7 **Motion to Refer** A motion to refer, and any amendment to it, is debatable and shall include:
a) the name of the committee or official to whom the motion or amendment is to be referred;
b) the terms upon which it is to be referred and the time or period, if any, on or within which the matter is to be returned;
- 23.8 **Amendments** A motion to amend is debatable. Only one motion to amend a main motion shall be on the floor at any one time. An amendment shall be relevant to the question in order to be received. An amendment shall not be received if proposing a direct negative to the question. An amendment shall be out of order if it is ruled by the Chair to be a substantive motion and not an amendment.

An amendment which, in effect, is nothing more than a rejection of the main motion shall not be in order. After the motion to amend has been voted on, the main motion, as amended, shall be put to a vote if no other amendments are pending;

23.9 **Consideration of Matter Previously Deferred**

A motion that Council consider a matter previously deferred indefinitely or to a time or eventuality which has not yet been reached or occurred, is debatable and shall be presented only if the Council so decides, by a 2/3 majority vote;

23.10 **Motion to Reconsider**

A motion to reconsider can only be made in the same meeting that the motion has been voted on. Only a member who voted on the prevailing side can move to reconsider a vote. A motion to reconsider is debatable if the motion to be reconsidered is debatable. The debate can go into the merits of the motion to be reconsidered. The motion is not amendable. No motion can be reconsidered if any provisions relating to the motion have been carried out. A motion to reconsider places an item back on the table for further discussion and another vote on the main question including any and all amendments that were passed with it. No discussion of the main question shall be allowed until the motion for reconsideration is carried. Once the question is reopened, it is reopened in its entirety. If the question is reopened, all previous decisions of the Council remain in force unless the Council decides otherwise. No motion to reconsider may, itself, be the subject of a motion to reconsider;

23.11 **Motion to Rescind**

A motion to rescind is a main motion that requires notice through a notice of motion and a 2/3 vote to pass. The motion to rescind is the motion by which a previous action or order can be cancelled. The effect of this motion is to strike out an entire main motion that had been adopted at some previous time. The motion to rescind is debatable and is not amendable and requires 2/3 vote. This motion is not in order when something has been done that is impossible to undo or notification has been provided when it affects a specific person;

23.12 **Motion to Amend Something Previously Adopted**

A motion to amend something previously adopted is a main motion that requires notice through a notice of motion and a 2/3 majority vote to pass. This motion is used to change only a part of the text or to substitute a different version to what was adopted previously.

The motion to amend something previously adopted is debatable and is amendable and requires 2/3 majority vote. This motion is not in order when something has been done that is impossible to undo or notification has been provided when it affects a specific person and cannot be used to amend the motion in a way that is contrary;

23.13 Renewal Motion

A motion to renew is not in itself a main motion, but an act of bringing forward a motion, or a motion substantially the same as, a motion that had been disposed of at a previous meeting. The motion requires notice through a notice of motion and a 2/3 vote to pass if within the twelve month period from which it was originally considered. A motion that was lost previously is not required to obtain a 2/3 majority vote to pass. The member bringing forward the renewal motion must indicate the date that the original motion was entered upon the minutes;

23.14 Dilatory or Improper Motions

Dilatory Motions:

- a) misused with the purpose of obstructing business (such as a series of points of order, appeals, motions to table when used frivolously so as to not allow a decision to be made in an efficient manner);
- b) absurd in substance;
- c) frivolous; or
- d) unwarranted;

Improper Motions are those that:

- a) are outside of the scope of jurisdiction;
- b) conflict with a previously adopted motion;
- c) present essentially the same question that has been defeated earlier in the same meeting without a motion to reconsider; or
- d) present a question that Council still has within its reach (such as an item that had been referred to committee or staff to come back to Council).

24.0 Voting

24.1 Order of Voting

Motions relating to an item under consideration (main motions) shall be voted on in the following order:

- a) a motion to adjourn;
- b) a motion to recess;
- c) a motion to call the question;
- d) a motion to table an item;
- e) a motion to defer;
- f) a motion to refer;

- g) a motion to amend, in reverse order of its being placed;
 - h) the main motion;
- 24.2 **Members Shall Vote** Every member present at a meeting of Council where a question is put shall vote on the question, unless prohibited by statute, in which case the Clerk shall so record. If any member present does not vote at a meeting of the Council where a question is put, he/she shall be deemed to vote in the negative except where the member is prohibited from voting by statute;
- 24.3 **Chair to State the Question** Immediately preceding the taking of a vote, the Chair shall state the question in the precise form in which it will be recorded in the minutes;
- 24.4 **Indication of Vote** A member shall vote by raising a hand or otherwise indicating the member's vote, except where a recorded vote is requested;
- 24.5 **Conduct During a Vote** When the Chair calls for the vote on a question:
- a) each member shall occupy his/her seat and shall remain in place until the result of the vote has been declared by the Chair, and
 - b) during this time no member shall walk across the room or make any other noise or disturbance;
- 24.6 **Separate the Vote** Upon the request of any member, and when the Chair is satisfied that a matter under consideration contains distinct proposals, the vote upon each proposal shall be taken separately;
- 24.7 **Majority Vote Required** All decisions of Council shall require a majority vote except as otherwise set out in this by-law;
- 24.8 **Tie Votes** Any motion that receives a tie vote shall be deemed to have been decided in the negative;
- 24.9 **Decisions requiring Two-Thirds Vote** The following decisions of Council require a two thirds vote:
- a) A motion to consider a report or by-law that does not relate to a matter listed on the agenda – amending the agenda;
 - b) A motion to consider a matter previously tabled or deferred to a time of eventuality that has not been reached or occurred;
 - c) A motion to revisit any question passed within the previous 12 months;

- 24.10 **Recorded Votes** A request by a member present at the meeting for a recorded vote shall be made prior to, or immediately after, the vote and must be requested prior to any consideration of another matter. When a recorded vote is requested by a member, the Clerk shall record the name and vote of every member on any question in the order taken;
- 24.11 **Announcing the Results** The Chair shall announce the result of the vote, with the exception of the recorded vote where the Clerk will announce the result.

25.0 By-laws

- 25.1 **Introduced by Motion** Every by-law shall be introduced by motion, specifying the title thereof;
- 25.2 **Three Readings** Every by-law shall have three readings prior to being passed. By-laws shall be taken as read for the first, second and third readings. A by-law may be passed through all its stages and be finally passed at one meeting with a majority of members present;
- 25.3 **Confirmatory By-law** The proceedings of every meeting of Council shall be confirmed by by-law so that every decision 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;
- 25.4 **Amendments to By-laws** All amendments to any by-laws approved by Council shall be deemed to be incorporated into the by-law and if the by-law is enacted by Council, the amendments shall be recorded by the Clerk;
- 25.5 **Duty to Sign** Every by-law once passed shall be dated and duly signed by the Reeve and the Clerk or their Deputies.

26.0 Committees

- 26.1 **Composition** Council shall determine the appropriate number of committees, their membership, mandates and reporting practices;
- 26.2 **Other Appointments** Appointments and nominees to other bodies shall be recommended by Council;
- 26.3 **Task Forces, Working Groups and Special Committees** Council may, from time to time, appoint task forces, working groups or special committees which will report directly to Council. The establishment of such committees should include a specific mandate, terms of reference and term of appointment.

- Special committees, task forces and working groups shall report to Council with a recommendation with regard to their continuation, assumption of responsibilities by Council, or abolishment;
- 26.4 **Duty of the Chair** A Chair and Vice-Chair shall be appointed by the members at the first regular scheduled meeting. Each Chair and/or Vice Chair shall preside at every meeting of their committee, may vote on every question submitted for consideration and may require that resolutions be in writing;
- 26.5 **Ex-Officio Membership** The Reeve shall be an ex-officio member of all Howick committees, sub committees and working groups. He/she shall not be included to make up quorum, shall have the right to take part in discussion, but shall not have the right to vote;
- 26.6 **Date & Time** Committees shall establish regular meetings dates, times and location at the beginning of each term or appointment. Meetings will generally be held in the Howick municipal office but may be moved to alternate locations on the recommendation of the Chair. Additional or emergency meetings may be held at the call of the Chair;
- 26.7 **Notice to Members** Notice of meetings including agendas, minutes and supporting documentation to the members shall be via electronic mail. Notice may also be provided by telephone or personal contact in case of an emergency. In the event of a meeting cancellation, staff will notify the members by email or by telephone as soon as possible;
- 26.8 **Notice to the Public** Notice of meetings shall be given as per sections 5.8 and 5.9. Notice of meetings shall be posted as soon as practical after being established by committees. Agendas shall be posted a minimum of two business days prior to the meeting. In the case of emergency meetings, notice of the agenda shall be posted as soon as practical. In the event of a meeting cancellation, staff will post notice of the meeting cancellation on Howick's website. If the cancellation occurs at the last minute or after regular business hours and staff is unable to post the cancellation as noted, notice shall be posted as soon as it is practical to do so;
- 26.9 **Role of Committees** The role of committees shall generally be to:
a) make recommendations to Council on matters which are in their jurisdiction;

- b) guide and request staff to provide reports on the direction and nature of policy development, fact finding, analysis and generation of public policy matters;
- 26.10 **Action on Committee Recommendations** No action shall be taken on committee recommendations until they are subsequently approved by resolution at Council;
- 26.11 **Governing Rules of Procedure** The rules governing the procedure of the Council and the conduct of members at Council shall be observed by committees as far as they are applicable, with specific exceptions of the rules for committees set out in this section including:
- a) the number of times of speaking on any question shall not be limited;
 - b) a majority vote shall be required to decide any matter before the committee;
 - c) recorded votes shall be called to vote by name in alphabetic order;
- 26.12 **Council Attendance at Committee Meetings** Members of Council who are not members of a specific committee may attend meetings of that committee as members of the public and may, with consent of the Chair of that committee, take part in the discussion, but shall not be counted in quorum, shall not be entitled to make motions or vote and shall not be reimbursed for attendance at those meetings;
- 26.13 **Absence of Chair** In the event of the Chair of a committee not attending the committee at which he/she is to preside within fifteen (15) minutes after the time appointed for the commencement of the meeting, the committee Vice-Chair shall call the meeting to order and preside until the arrival of the committee Chair. Should the committee Vice-Chair not be in attendance at the meeting, the recording secretary shall call the meeting to order and ask those members in attendance to appoint one of the members to act in the place of the committee Chair for that meeting. Such member shall then preside until the arrival of the committee Chair or the committee Vice-Chair. The meeting must have a quorum to commence;
- 26.14 **Amendment of a Committee Agenda** Any matter, which is within the committee's mandate and which is not on the committee agenda or does not relate to a matter on the current agenda, may be considered by the committee if it agrees to consider it by a majority vote.

- The committee may amend the agenda to include time-sensitive matters or other such matters as deemed necessary by a majority vote. In this case, the amended agenda notification shall be included in the minutes for the meeting and the open agenda shall be republished to note the changes;
- 26.15 **Committee Delegations** Any person desiring to present information to a committee may do so subject to the following:
- a) requests shall be in writing and the information to be presented shall be on matters of fact or to make a request of the committee;
 - b) requests shall be made not less than five days preceding the committee meeting at which such person desires to be heard;
 - c) exceptions to the five (5) business days' notice requirement required in (b) above may be approved by the committee Chair;
 - d) any person who is scheduled to appear as a delegation before a committee is requested to submit written documentation for the committee's consideration to the appropriate Committee Secretary not less than five (5) business days preceding the committee meeting;
 - e) rules relating to time limits, behaviour, curtailment of time and conduct shall be as set out in Section 18;
- 26.16 **Closed Session** No meeting of a committee shall be held in closed session except in accordance with Section 6;
- 26.17 **Declarations of Pecuniary Interest** Members of committees shall adhere to Section 17 with respect to declarations of pecuniary interest in committees;
- 26.18 **Quorum** A quorum shall consist of more than 50% of the membership of the committee. Where the number of members, who by reason of the provisions of the Municipal Conflict of Interest Act, are prohibited from participating in a meeting is such that, at that meeting, the remaining members are not of sufficient number to constitute a quorum, then the remaining number of members shall be deemed to constitute a quorum;
- 26.19 **Chair Right to Expel** The Chair has the right to expel or exclude any person from any meeting for improper conduct;

- 26.20 **Reconsideration** No committee shall reconsider any question decided by Council within a year after the Council decision nor consider any other matter which could involve a decision inconsistent with a Council decision;
- 26.21 **Committee Minutes** Committee minutes shall be directed as follows:
 a) Committee minutes shall be forwarded directly to Council for its information;
 b) Special committee, task force and working group minutes shall be forwarded Council in accordance with the direction of Council;
 c) All minutes are to be prepared and forwarded to the members within five (5) business days.

27.0 Amendments to By-laws

- 27.1 **Public Notice** No amendment or repeal of this by-law shall be considered unless notice is given as required under Notice Requirement Policy, being Howick’s policy to establish standards for the giving of reasonable notice, unless directed under amendments to the Municipal Act, as amended.

28.0 Conflict

- 28.1 **Severability** If a court or tribunal of competent jurisdiction declares any portion of this by-law to be illegal or unenforceable, that portion of this by-law will be considered severed from the remainder of this by-law, which shall continue to be in full force and effect;
- 28.2 **By-law Versus Statute** If there is any conflict between this by-law and any statute, the provisions of the statute prevail.

29.0 Principles of the Procedure By-law

- 29.1 **Guiding Principles** The principles of openness, transparency and accountability to the public guide the Townships decision-making process. In the context of Council and other Committee proceedings, this is accomplished by:
 a) Ensuring the decision-making process is understood by the public and other stakeholders;
 i. Providing access to information and opportunities for input by the public and other stakeholders consistent with the requirements of this by-law and other statutory requirements;
 ii. Exercising and respecting individual and collective roles and responsibilities provided for in this Procedure By-law and other statutory requirements;

- b) The protection of basic rights by recognizing the right of the majority to decide, the minority to be heard and individuals to have the opportunity to participate;
- c) The principles of parliamentary law governing Council Meetings include:
 - i. The majority of Members have the right to decide;
 - ii. The minority of Members have the right to be heard;
 - iii. All members have the right to information to help make decisions, unless otherwise prevented by law;
 - iv. All members have a right to an efficient meeting;
 - v. All members have the right to be treated with respect and courtesy; and
 - vi. All members have equal rights, privileges and obligations;

29.2 Interpreting the Procedure By-law

- a) In the event of conflict between this Procedure By-law and legislation, the provisions of the legislation prevail;
- b) A specific statement or rule in this Procedure By-law has greater authority than a general one; and
- c) If there is a conflict between two or more rules in this Procedure By-law, or if there is no specific rule on a matter, the Chair will rule. In making a ruling, the Chair may consult the Clerk, rely on previous rulings and practices, or refer to Robert's Rules of Order.

30.0 Motions From Other Municipalities

30.1 Motions from Other Municipalities & Organizations Requesting Endorsement

- a) Motions from other Huron County area municipalities are placed on the agenda for a regular meeting of Council;
- b) Staff may prepare recommendations related to the matter for Council's consideration;
- c) The Council's receipt of motions from other Huron County municipalities does not constitute endorsement by the Township of any recommendations or actions they may contain;
- d) Motions from municipalities outside of Huron County and requests for endorsement or action from other organizations will be dealt with by direction from Council members.

31.0 Accountability and Transparency

31.1 Open Government

Township Council is responsible to provide good government for its stakeholders in an accountable and transparent manner by:

a. Encouraging public access and participation to ensure that decision making is responsive to the needs of its constituents and receptive to their opinions;
b. Delivering high quality services to its citizens; and
c. Promoting the efficient use of public resources;
Accountability, transparency and openness are standards of good government that enhance public trust. They are achieved through the Township of Howick adopting measures ensuring, to the best of its ability, that all activities and services are undertaken using processes that are open and accessible to stakeholders. Wherever possible, the Township of Howick will engage stakeholders throughout the decision-making process which will be open, visible and transparent to the public. The principles of accountability and transparency apply equally to the Township's political process and decision-making and to its administrative management;

31.2 Internal Governance

The Township of Howick's administrative practices and policies ensure specific accountability on the part of its employees through initiatives that include:

- a) Council Code of Conduct;
- b) Staff Code of Conduct;
- c) Individual performance management;
- d) employment policies;
- e) health and safety policies and programs;

31.3 Public Participation and Information Sharing

The Township of Howick ensures that it is open and accountable to its stakeholders and encourages public awareness of, and participation in, its activities and decision-making processes by providing appropriate notice of when and where meetings of Council and committees take place.

These meetings will be open to the public except in the limited situations specifically authorized by the Act. The Township provides transparency in the conduct of its business as outlined in this Procedure By-law. The Township of Howick ensures that participation by the public can be meaningful and effective, through timely disclosure of information by various means including, but not limited to social media, the Township website, and print media.

32.0 Filling Vacancies on Council

- 32.1 **Absence** The office of a member of Council becomes vacant if the member is absent from meetings of Council for three successive months without being authorized to do so by a resolution of Council;
- 32.2 **Pregnancy and Parental Leave for Council Members** The offices of Council members will not become vacant because of an absence related to pregnancy or parental leave for 20 consecutive weeks or less;
- 32.3 **Temporary Replacement of Huron County Council Member** Council may appoint the Deputy Reeve as an alternate member of Huron County Council to act in place of the Reeve when the Reeve is unable to attend a meeting of Huron County Council for any reason;
- 32.4 **By-Elections** No by-election shall be held to fill an office that becomes vacant after March 31 in the year of a regular election and no by-election shall be held with respect to a question or by-law after March 31 in the year of a regular election unless it is held in conjunction with a by-election for an office. By-elections shall be conducted as far as possible in the same way as regular elections.

33.0 Enactment

- 33.1 **Repealed** By-law No. 46-2014 and any amendments thereto are hereby repealed.
- 33.2 **Force & Effect** This by-law shall come into force on the date of passing.

Read a first and second time this 15 day of May, 2018.

Read a third time and finally passed this 15 day of May, 2018.

Art Versteeg

Clerk Carol Watson