

**CANADA
PROVINCE OF QUEBEC
MUNICIPALITY OF THE TOWNSHIP OF LOW**

BY-LAW 2023-003

**BY-LAW RESPECTING THE INTERNAL MANAGEMENT OF COUNCIL
MEETINGS**

Whereas section 491 of the Quebec Municipal Code allows council to adopt by-laws to regulate the conduct of council proceedings and the maintenance of good order and decorum during council or committee meetings;

Whereas the Municipality of the Township of Low wishes to replace its By-law 08-2018 and its amendments in order to maintain order and decorum during council meetings.

Whereas Members of Council recognize that the public has a right to open government and transparent decision-making;

Whereas this Council believes it is expedient and necessary to adopt said by-law;

Whereas notice of motion and introduction of this by-law was duly given at a previous meeting of this council held on February 6th, 2023.

Be it resolved that the Council of the Municipality of the Township of Low, by this by-law, ordain and enact the following.

ARTICLE 1 - PREAMBLE

The preamble to this by-law forms part of this by-law.

ARTICLE 2 - REPEAL

This by-law replaces by-law number 08-2018 and its amendments.

ARTICLE 3 - THE MUNICIPAL COUNCIL / ROLE, FUNCTIONS AND RESPONSIBILITIES

3.1 The elected officials meeting in Council represent the population; they make decisions on the orientations and priorities of the municipality.

3.2 The municipal council is composed of a mayor and six councillors.

The Council oversees the quality of life in its community. Elected officials must always make decisions in the interest of the citizens they represent and only at Council meetings, in the form of a by-law or resolution. Individually and outside of Council meetings, elected officials may not make decisions or take positions on behalf of the Municipality, except for the mayor in the exercise of his or her emergency powers.

3.3 The primary role of Council is to ensure that the services offered meet the needs of the community. At the first meeting following the election, Council, shall proceed with the assignment of files to the elected officials who will be their bearers, as well as the appointment of the Deputy Mayor. The assignment of these responsibilities may be modified during the current mandate.

ARTICLE 4 - COUNCIL MEETINGS AND PROCEDURES

4.1 Regular meetings of Council shall be held in accordance with a schedule established by resolution, prior to the commencement of each calendar year, on the days and at the times fixed therein.

4.2 Council shall meet in the Heritage Hall, 4C D'Amour Road, Low, or at such other place as may be fixed by resolution or public notice.

- 4.3 Meetings of Council shall be open to the public. All proceedings shall be conducted in a loud and intelligible voice.
- 4.4 The Mayor or the person presiding at the meeting shall declare a quorum of Council to be present and the meeting to be in session. A majority of the members of Council of the Municipality shall be four (4) and shall constitute a quorum.
- 4.5 Pursuant to Section 155 of the Municipal Code, where a quorum is not present, any two members of Council shall adjourn the meeting within one hour of the failure to establish a quorum. The time of adjournment and the names of the members of Council present shall be entered in the minutes of the meeting.

In such case, written notice of the adjournment shall be given by the Director general and Clerk-Treasurer to those members of Council who were not present at the time of the adjournment. Service of such notice shall be recorded at the adjourned meeting in the same manner as notice of a special meeting.

- 4.6 The Mayor or the person presiding shall call the items of business to order and shall provide and ensure that the necessary explanations are given. He/she gives the floor. He/she ensures that the rules of procedure are applied during the meetings. The mayor or chairman of the committee states the proposals submitted, the mayor declares the debate closed, calls for the vote and announces the result.
- 4.7 Only members of Council may speak at any meeting of Council and a member of Council who wishes to speak shall make a request to the Chair by raising his or her hand and the Chair shall recognize Councillors in the order of their requests.
- 4.8 The Mayor or the person presiding over the meeting may request a recess for the purpose of taking a short break or to allow members of Council to discuss an item of business in camera, such recess shall be noted in the minutes indicating the time of the recess and resumption and after a quorum has been established.
- 4.9 Any regular or special meeting may be adjourned by the Council to another time on the same day or to another day thereafter, without notice of the adjournment to the members who were not present, except as provided in Section 4.5 herein.

No new business shall be brought before or considered at any adjournment of a special meeting unless all members of Council are then present and consent.

- 4.10 A proposed resolution or by-law that has been moved and seconded may be amended.

When a motion is under consideration, no other motion may be made except:

- To amend the proposal under consideration;
- To suspend or defer discussion of the proposal;
- To refer to a committee or to the Executive Committee;
- To adjourn the meeting

A motion may be withdrawn before it has been amended or acted upon by the council.

- 4.11 Any Councillor may at any time during the debate demand the reading of the original proposal or amendment and the President or the Executive Director and Clerk-Treasurer at the request of the President or the presiding Council member shall so read.
- 4.12 The Director general and Clerk-Treasurer may, at the request of the Chair, give such advice, comment, or suggestion on any matter under consideration.

- 4.13 A member of Council who is present at the time a matter is to be considered in which he or she has a direct or indirect interest shall disclose the general nature of that interest prior to the commencement of deliberations on the matter and shall refrain from participating in the deliberations and from voting or attempting to influence the voting on the matter. (C.M. 164)
- 4.14 Where the matter is considered at a meeting at which the member is not present, the member shall disclose the general nature of his or her interest at the first subsequent meeting at which he or she is present, all-in accordance with the Act respecting elections and referendums in municipalities (R.S.Q., c. E-2.2).
- 4.15 Votes shall be given orally and shall be recorded in the book of proceedings. The chairperson of the meeting may vote but is not required to do so.
- 4.16 All decisions must be made by a majority of the members present, except where the law requires an absolute majority (a majority of the elected members) and in that case the majority required is a majority of the elected members.
- 4.17 Where the votes are equally divided, the decision shall be deemed to be in the negative.

ARTICLE 5 - ORDER OF BUSINESS

- 5.1 The members of the Municipal Council shall transmit to the Director general and Clerk-Treasurer the subjects they wish to include on the agenda of the meeting, accompanied by the relevant documentation.

The Director general and Clerk-Treasurer shall forward, for the use of the members of Council, a draft agenda for any regular meeting, which shall be forwarded, with the related documents available to the members of Council at the working meeting preceding the regular meeting and in accordance with the provisions set out in the Municipal Code.

- 5.2 Any documents or requests submitted between the business meeting and the council meeting shall not be dealt with until the following month unless a majority of the council members present at the regular meeting agree to add the item to the agenda.

- 5.3 The agenda shall normally follow the following format:

1. Opening of the session
2. Adoption of the agenda
3. Approval of minutes of previous meetings
4. Administration - Finance - Human Resources
5. Public Security
6. Public Works
7. Environment and hygiene
8. Health and welfare
9. Planning, urbanism and development
10. Recreation, culture and communication
11. Filing of documents, correspondence
12. Adjournment of the meeting

The titles of these items may differ, but the essence should remain similar. This template does not apply to special meetings of Council.

- 5.4 The agenda shall be supplemented and amended as necessary, prior to its adoption, as requested by each member of Council.
- 5.5 The agenda may be amended at any time after its adoption, but only with the consent of a majority of the members of Council present.
- 5.6 All documentation required for decision-making shall be made available to

members of Council no later than seventy-two (72) hours prior to the time set for the start of the meeting, unless an exceptional situation arises, or the council determines that it has the information necessary to make a decision.

ARTICLE 6 – SPECIAL MEETING

- 6.1 A special meeting of Council may be called at any time by the Mayor, the Director general and Clerk-Treasurer, or any two members of Council, by giving special written notice to all members of Council other than those calling the meeting (M.C. Section 152). Notice of meetings shall be given in accordance with the requirements of the Municipal Code (M.C. s. 156).
- 6.2 Special meetings of council shall be held on the days and at the times specified in the notice of meeting. Only business specified in the notice of meeting shall be considered unless all members of Council are present and consent (M.C. Section 153).
- 6.2.1 Council, before proceeding with any business at such meeting, shall as certain and record in the minutes of the meeting that notice of the meeting was served as required by law upon those members of council who are not present at the opening of the meeting.
- 6.2.2 If it appears that notice has not been given to all absent members, the meeting shall be closed immediately.
- 6.2.3 Failure to comply with the formalities prescribed for the convening of a Council meeting shall not be invoked when all members of Council present in the municipality have attended.

ARTICLE 7 - MINUTES

- 7.1 A copy of the minutes of the previous meeting, when ready, shall be made available to each member of Council no later than 72 hours prior to the meeting at which they are to be ratified. The Director general and Clerk-Treasurer shall then be excused from reading the minutes prior to their ratification.
- 7.2 The minutes shall be signed by the person who presided at the Council meeting. The signing of the minutes by the person presiding over the meeting confirms the agreement of the presiding officer that the contents of the minutes adequately reflect the actions and deliberations of Council at the meeting in question.
- If the person presiding over the meeting (only the mayor has the right of veto and must be present) refuses to sign a resolution or by-law, and thus exercises his or her right of veto, the Director General and Clerk-Treasurer shall resubmit the resolution or by-law concerned to the next meeting of Council. If Council re-approves the said resolution or by-law (absolute majority), then the decision of Council shall be legal and valid as if it had been signed by the person presiding at the meeting with effect from the original date of adoption.
- 7.3 Any motion for a resolution of Council or the passing of a by-law must be moved by a member of Council and seconded by another member of Council before being debated or voted upon. If there is no debate or if no one requests a vote, the Chair shall declare the motion carried unanimously. (code Morin)
- The minutes of the proceedings of the Council shall not record the reasons given by the members of the Council for their vote on any proposal unless a special request is made by a member of Council to have the reasons for the decision recorded in the minutes.
- 7.4 The minutes of the proceedings of the council shall not record comments or questions (unless requested at the meeting). Only motions shall be recorded, whether in the negative or in the positive, and information

concerning the departure, arrival of a member, suspension, adjournment or any other information required by law.

ARTICLE 8 – ORDER AND DECORUM

- 8.1 The Mayor or presiding officer shall maintain order and decorum during meetings of Municipal Council. The mayor or the presiding officer may order the removal of any person from the place where a meeting is being held who disrupts the order and decorum of the meeting, including but not limited to:
- Using foul, abusive, violent or offensive language or defaming any person.
 - Shouting, heckling;
 - Making noise;
 - Speaking without prior permission;
 - Making a vulgar gesture;
 - Interrupting someone who is already speaking;
 - Initiating debate with the public;
 - Not following the procedure mentioned in 10.4;
 - By not limiting himself to the subject under discussion;
 - Not be under the influence of alcohol or drugs;
- 8.2 Councillors shall speak from their seats. They shall confine themselves to the subject matter of the debate and avoid personal allusions and insinuations, hurtful words and unparliamentary expressions. They shall maintain respect for other members of Council and to the public. They must also respect the Code of Ethics and Deontology in force.

ARTICLE 9 – RECORDING OF MEETINGS

- 9.1 The Director General and Clerk-Treasurer has the obligation to proceed with the recording of the deliberations of Council for the needs of the Municipality and to make them available to the public as soon as possible after the meeting.
- 9.2 At the beginning of the meeting, a media representative shall publicly identify himself or herself as a media representative for the purpose of informing the citizens present.

Only members of Council and officers assisting them and, during question period only, persons asking questions to members of council, may be captured by a photographic, video or television camera or any other image recording device in order to preserve the image rights of other citizens present.

The use of the camera must be done without disturbing the holding and the proper conduct of the meeting.

ARTICLE 10 – QUESTION PERIOD

- 10.1 Council meetings shall include at least two question periods, one following the adoption of the agenda and the second at the end of the meeting, when the items on the agenda are exhausted. During these periods, those present may ask questions orally to the members of Council of a public nature, on the agenda and concerning the affairs of the Municipality.
- 10.2 Each question period shall not exceed twenty-five (25) minutes.
- 10.3 The chairperson of the meeting shall conduct the question period by granting the right to speak to those who request it.
- 10.4 All speakers must, prior to their question:
- a) Identify themselves by their first and last name.
 - b) In the case of a journalist, he/she shall identify him/herself by his/her first name, last name and the media outlet he/she represents.

- 10.5 All speakers must address themselves to the president of the meeting.
- 10.6 Only questions will be accepted, and they must be phrased politely, concisely, and directly.
- 10.7 Speakers shall respect order and decorum (article 8).
- 10.8 The chairperson of the meeting may refuse any question from a speaker or interrupt the speaker and withdraw the right to speak:
- a) If the speaker is in violation of the rules;
 - b) If the question is of a frivolous or vexatious nature;
 - c) If the question exceeds the time required;
 - d) If the question is a personal attack on a member of Council or Municipal staff;
 - e) Individual file and/or in legal process
- 10.9 If a speaker is making a presentation rather than asking a question or making a comment, the Chair of the meeting may intervene and ask the speaker to put the question. Refusal to do so shall be considered a breach of the rules.
- 10.10 The Chair or any member of Council to whom the question has been directed by the Chair may answer the question at the meeting or indicate when the question will be answered.
- 10.11 The maximum time allowed to each speaker is three (3) minutes. Any speaker who, in the judgment of the chairperson of the meeting, clearly abuses the question period, either by the length of the questions and/or the number of questions asked, may be ordered to end his or her intervention and return to his or her seat.
- 10.12 The question period may be extended if two members of Council present agree to such extension, at the rate of fifteen (15) minute blocks at a time.

ARTICLE 11 – FINAL PROVISIONS

This by-law shall come into force in accordance with the law.

Carole Robert
Maire

Sandra Martineau
Directrice générale et
Greffière-trésorière

Notice of motion:

February 6,2023

Adoption of the by-law:

April 3,2023

Publication (posting):

April 11,2023

Coming into force:

April 11,2023

Reference Municipal Code article 143 to 164.1.