

**BY-LAW 2024-005**

**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 2023-003 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 deems it advisable to repeal and replace the by-law governing the internal management of council meetings;

**WHEREAS** a notice of motion was given at a regular meeting of this Council, on November 4<sup>th</sup>, 2024, to the effect that the present by-law would be submitted for adoption and that the present by-law was tabled at a regular meeting of this Council, on November 4<sup>th</sup>, 2024, the whole in accordance with the provisions of article 445 of the Quebec Municipal Code (L.R.Q., c. C-27.1);

**THEREFORE**, it is ordained and decreed by the Municipal Council of the Municipality of the Township of Low and the said Council ordains and decrees by the present by-law as follows, namely;

**ARTICLE 1 - PREAMBLE**

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

**ARTICLE 2 - PURPOSE**

The purpose of these by-laws is to establish rules and procedures for the conduct of business and the maintenance of good order and decorum at Council and committee meetings.

**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 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 - REGULAR MEETINGS**

**ARTICLE 4.1 - DATES AND LOCATION**

4.1.1 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 and may be modified by resolution.

- 4.1.2 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.
- 4.1.3 A Council member may, if he so wishes, participate remotely in a Council meeting by a means that enables all persons participating in or attending the meeting to see and hear each other in real time, in the following cases:
1. At a special meeting
  2. For reasons related to the member's safety or health or that of a loved one and, if a health reason is invoked, for a maximum of three (3) regular sessions per year or, as the case may be, for the duration indicated in a medical certificate attesting to the member's need to participate at a distance.
  3. By reason of an impairment resulting in a significant and persistent disability that constitutes an obstacle to his participation in person at Council meetings.
  4. Because of her pregnancy or the birth or adoption of her child, in which case her participation at a distance may not exceed the following number of consecutive weeks:
    - a) 50, if the person was not absent due to pregnancy or the birth or adoption of his child in accordance with section 317 of the Act respecting elections and referendums in municipalities.
    - b) The number resulting from the subtraction, from 50, of the number of weeks during which the person was absent for a reason referred to in subparagraph a).
- 4.1.3.1 Remote participation is permitted only if the member attends the session from a location in Quebec or an adjacent province.
- 4.1.3.2 The minutes of the meeting must mention the name of any Council member who participated remotely.
- 4.1.3.3 When the majority of Council members participate remotely in a meeting, the Municipality must make a video recording of the meeting and make it available to the public, on its website or on any other website it designates by resolution, as of the business day following the day on which the meeting ended.

#### **ARTICLE 4.2 – AGENDA**

- 4.2.1 The agenda is prepared by Director General, and regular Council business is normally conducted in the following order:

1. Opening of the session
2. Adoption of the agenda
3. 1<sup>st</sup> question period
4. Approval of minutes of previous meetings
5. Administration - Finance - Human Resources
6. Public Security
7. Public Works
8. Environment and hygiene
9. Health and welfare
10. Planning, urbanism and development
11. Recreation, culture and communication
12. Filing of documents, correspondence
13. 2<sup>nd</sup> question period
14. 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.

- 4.2.2 The Mayor may add to it, but not subtract from it, except with the consent of the Director General. The same applies to Councillors.

- 4.2.3 A Councillor may also submit to the Mayor or Director General any subject or document that may be placed on the agenda.
- 4.2.4 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.
- 4.2.5 The agenda shall be supplemented and amended as necessary, prior to its adoption, as requested by each member of Council.
- 4.2.6 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.
- 4.2.7 The agenda must be sent to council members before being shared with citizens and the media.
- 4.2.8 The agenda must be published on the Municipality's website and sent by newsletter within 8 hours of being sent to Council members, unless there is an exceptional situation.

#### **ARTICLE 5 – SPECIAL MEETINGS**

- 5.1 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)*.
- 5.2 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*).
- 5.3 The consultation meeting provided for in the Act respecting land use planning and development (ALUPD) may be held on the same day as a regular meeting, but must be the subject of a separate meeting, all in compliance with the ALUPD.

#### **ARTICLE 5.4 – NOTICE OF SPECIAL MEETING**

- 5.4.1 Notice of special meetings of the Council, as well as notice of adjournment (lack of quorum), must be given to Council members at least two (2) days before the day set for the meeting or adjourned meeting.
- 5.4.2 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.
- 5.4.3 If it appears that notice has not been given to all absent members, the meeting shall be closed immediately.
- 5.4.4 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 5.5 – WITHOUT NOTICE OF MEETING**

- 5.5.1 Special meetings of the Council may be held without notice if all members are present. The Council must then adopt, by unanimous consent of its members, the agenda for the meeting. Failing unanimous consent, the meeting cannot proceed.

## **ARTICLE 6 - DOCUMENTATION**

- 6.1 All documentation useful for decision-making is made available to Council members no later than seventy-two (72) hours before the time set for the start of the meeting, unless there are exceptional circumstances, or the Council deems that it has the information it needs to reach a decision.

## **ARTICLE 7 - SESSION**

- 7.1 Meetings of Council shall be open to the public. All proceedings shall be conducted in a loud and intelligible voice.

## **ARTICLE 8 - QUESTIONS PERIODS**

- 8.1 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.
- 8.2 Each question period shall not exceed twenty-five (25) minutes.
- 8.3 The chairperson of the meeting presides over the question period, granting the right to speak to those who request it.
- 8.4 All speakers must, prior to their question:
1. Identify themselves by their first and last name.
  2. In the case of a journalist, he shall identify him by his first name, last name and the media outlet he represents.
  3. Contact the Chairman of the meeting.
  4. State to whom your question is addressed.
  5. Ask only one question and one sub-question on the same subject. However, anyone may ask a new question and a new sub-question once all those wishing to ask a question have done so, and so on in turn until the question period expires.
  6. Use polite, non-abusive language.
- 8.5 Only questions will be accepted, and they must be phrased politely, concisely, and directly.
- 8.6 Speakers shall respect order and decorum (article 12).
- 8.7 The chairperson of the meeting may refuse any question from a speaker or interrupt the speaker and withdraw the right to speak:
1. If the speaker is in violation of the rules;
  2. If the question is of a frivolous or vexatious nature;
  3. If the question exceeds the time required;
  4. If the question is a personal attack on a member of Council or Municipal staff;
  5. Individual file and/or in legal process.
- 8.8 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.
- 8.9 The Chair or any member of Council or the Director general and Clerk-treasurer may answer the question at the meeting or indicate when the question will be answered.
- 8.10 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 seat.
- 8.11 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 9 – QUORUM – ABSENCE OF QUORUM**

- 9.1 The mayor or the person chairing the meeting states that quorum is present and the meeting is called to order. A majority of four (4) members of the Municipal Council constitutes quorum.
- 9.2 In accordance with article 155 of the *Municipal Code*, when a quorum is not present, two members of Council must adjourn the meeting one hour after the lack of quorum has been established. The time of adjournment and the names of Council members present must be recorded in the minutes of the meeting.

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

## **ARTICLE 10 – PRESENTATION OF SUBJECT**

- 10.1 Items for discussion are called in the order listed on the agenda, unless otherwise decided by a majority of Council members then present.

## **ARTICLE 11 – CHAIRING MEETINGS**

- 11.1 The Mayor, if present, or in his absence the Deputy Mayor, or in the latter's absence, the member chosen by the Council to preside by resolution duly moved and seconded, takes the chair and calls the members to order. Until such time as the Chairman is chosen, the Director General may act as Chairman, without the right to vote (article 158 CM).
- 11.2 The Chairman is responsible for the smooth running of Council meetings and ensures that each Council member's right to speak is respected.
- 11.3 The Chairman may ascertain or establish facts and give his opinion on questions of order. He may also take part in debate, propose and second resolutions and give notice of motions.

## **ARTICLE 12 – ORDER AND DECORUM**

- 12.1 The Mayor or the person chairing the meeting maintains order and decorum during Council meetings. He ensures that the by-law on internal management is applied during meetings. He may order the expulsion from the site of a meeting of any person disturbing the order and proper conduct of the meeting, in particular :
- 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 8.4;
  - By not limiting himself to the subject under discussion;
  - Not be under the influence of alcohol or drugs;
- 12.2 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.
- 12.3 If the Chairman is absent during the meeting, the procedure described in article 11.1 applies.

- 12.4 Any member of the public in attendance must show respect for Council members, municipal officials and members of the public present in the room.
- 12.5 Any member of the public present at a Council meeting must obey an order from the person presiding over the meeting concerning order and decorum during Council meetings.

#### **ARTICLE 13 - DEBATE PARTICIPATION**

- 13.1 The mayor or chairperson calls the items on the agenda, provides and ensures that the necessary explanations are given. The mayor or committee chairman sets out the proposals submitted, declares the debate closed, calls the vote and proclaims the result.
- 13.2 Only council members may take part in debates at any Council meeting, and any Council member wishing to speak must raise his or her hand to the Chairman, who then gives the floor to the councillors, respecting the order of requests.

#### **ARTICLE 14 - DIRECTOR GENERAL'S RIGHT TO SPEAK - READING OF THE RESOLUTION**

- 14.1 Any Councillor may at any time during the debate demand the reading of the original proposal or amendment and the President or the Director General and Clerk-Treasurer at the request of the President or the presiding Council member shall so read.
- 14.2 The Director general and Clerk-Treasurer may, at the request of the Chairman, give his opinion or make any observations or suggestions he deems appropriate with regard to the matters under discussion.

#### **ARTICLE 15 - MUNICIPAL COUNCIL DIVISION**

- 15.1 When the Chairman notes that there is a division within the Council for the adoption of a resolution or its amendments, he must call for a vote on the main resolution or its amendments after allowing each Council member the right to speak.
- 15.2 The Chairman is entitled to vote at a Council meeting, but is not obliged to do so. The other members of the Council present at the meeting are required, under penalty of the sanctions provided for by the Act, to vote, unless exempted or prevented from doing so by reason of their personal interest in accordance with the AERM (articles 161 and 164 CM and 361 AERM).
- 15.3 All votes must be taken orally, and upon request, votes are recorded in the Council's minute book. When votes are equally divided, the decision is considered to have been rendered in the negative. A member of the Council may at any time formally register his dissent at the meeting.
- 15.4 "Without limiting the generality of the foregoing", a member of the Council who is present at the time when a matter is to be considered in which he has a direct or indirect pecuniary interest must disclose the general nature of that interest before deliberations on that matter commence and refrain from participating in those deliberations and from voting or attempting to influence the vote on that matter.
- 15.5 When the matter is considered at a meeting at which the member is not present, he must disclose the general nature of his interest at the first subsequent meeting at which he is present, all in accordance with the AERM.
- 15.6 All decisions must be taken by a majority of members present, except where the law or a bylaw requires an absolute majority or a majority of elected members, in which case the majority required is a majority of elected members.
- 15.7 The first paragraph also applies during a meeting of any Council or Committee of which the member is a member within the Municipality or a municipal body.

- 15.8 If the meeting is not open to the public, the member must, in addition to the obligations imposed by the first paragraph, leave the meeting after disclosing the general nature of his interest, for the duration of the deliberations and vote on the matter.

#### **ARTICLE 16 - RESOLUTIONS AND BY-LAWS**

- 16.1 Draft resolutions and notices of motion to be placed on the Council's agenda shall be submitted in writing to the Director General at least three (3) working days prior to the Council meeting.
- 16.2 A draft resolution must be submitted to the Director General within the period specified in Article 16.1 in order to be considered by the Council.
- 16.3 Notwithstanding the provisions of Articles 16.1 and 16.2, the Council may, from time to time, add, in writing, a draft resolution to the agenda upon a vote of the majority of Council members present at a regular meeting.
- 16.4 A draft resolution, to be discussed and put to the vote, must first be proposed and seconded by a member of the Council.
- 16.5 The Council may depart from the rule set out in article 16.4 to express its unity and solidarity on a particular subject. In such a case, a resolution containing the following wording is in order and does not require a mover or seconder:
- "It is proposed, seconded and unanimously resolved"
- 16.6 A resolution may, with the consent of the mover and seconder, be withdrawn with the assent of the majority of Council members present.
- 16.7 A resolution to adjourn or adjourn the meeting is always in order unless:
1. When a board member has the floor.
  2. When a resolution is put to the vote.
- 16.7.1 The Mayor or the person chairing the meeting may request a suspension of the meeting to take a short break or to allow Council members to discuss a subject on the agenda in camera. This suspension must be recorded in the minutes, indicating the time of the pause and resumption, and after the quorum has been established.
- 16.7.2 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 being required to be given to members not present, except as provided in section 9.2 herein.
- No new business shall be submitted or considered at any adjournment of a special meeting unless all members of the Council are then present and consent thereto.
- 16.8 A resolution to adjourn the meeting takes precedence over other resolutions and is not subject to debate.
- 16.9 A resolution to adjourn the meeting to a later date is not subject to debate except with respect to the date of continuation of the meeting.
- 16.10 When a subject is discussed, no draft resolution will be received unless it is :
1. To amend it.
  2. To refer to a Committee.
  3. To tabled it.
  4. To defer.
  5. To postpone.
- 16.11 Any subject may be reconsidered at the following meeting or at any other Council meeting.
- 16.12 A resolution to defer or refer to a Committee excludes any discussion of the main resolution and is not subject to debate.

- 16.13 A resolution of amendment or subamendment may be moved and seconded except in the following cases, namely:
1. If it is foreign to the subject of the resolution.
  2. If the amendment is intended to, or has the effect of, changing the type of resolution.
  3. If the amendment has a purpose completely contrary or opposed to that of the resolution.
  4. If the adoption of the amendment has the effect of rejecting the main resolution.
- 16.14 Sub-amendments cannot be amended, and the above rules also apply to sub-amendments.
- 16.15 When an amendment is made to “delete” and “add”, the paragraph proposed for amendment must be read first as it stands, then the words proposed for deletion and those proposed for substitution, and finally the paragraph as it would read if amended.
- 16.16 When a request for amendment is made, the Council must first vote on the amendment submitted. If the amendment is adopted, the Council then votes on the original draft as amended. If the amendment is not adopted, the Council votes on the original draft. The rules for voting on the original draft apply to the rules for voting on amendments.
- 16.17 If one or more amendments are made to a resolution which has not yet been decided, the vote will first be taken on the amendment which has been made and presented last, and if this amendment is rejected, the vote will then be taken on the amendment immediately preceding the last, and finally on the main resolution.
- 16.18 When the roll is called prior to a division, discussion must cease. The names of those voting on a question are called and entered in the Council's minute book.

#### **ARTICLE 17 - MINUTES**

- 17.1 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.
- 17.2 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 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.
- 17.3 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.
- 17.4 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 18 – RECORDING OF MEETINGS**

18.1 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.

18.2 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 19 – INTERPRETATIVE PROVISIONS**

19.1 The masculine and singular genders are used in these rules without discrimination, and include the feminine and plural genders to avoid excessive text.

19.2 PARTIAL INVALIDITY OF REGULATIONS

Should any part or clause of this by-law be declared invalid by a recognized court, the validity of all other parts or clauses shall not be questioned. The Council hereby declares that it adopts the by-law part by part, regardless of the fact that one or more of these parts may be declared null and void by the Court.

**ARTICLE 20 – REPEAL AND COMING INTO FORCE**

20.1 The present by-law repeals and replaces by-law number 2023-003 and its amendments.

20.2 The present by-law will come into force once the formalities required by law have been completed.

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Myrian Nadon  
Director General and  
Clerk-Treasurer

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Carole Robert  
Mayor

Notice of motion:	November 4, 2024
Adoption of the by-law:	December 2, 2024
Publication (posting):	December 11, 2024
Coming into force:	December 11, 2024

Reference Municipal Code article 143 to 164.1.