

CONSOLIDATION OF BY-LAW NO. 1438 CONCERNING THE INTERNAL GOVERNANCE OF COUNCIL

Amended by by-law: 1438-1

Updated to: May 2020

CHAPTER I GENERAL AND INTERPRETIVE CLAUSES

1. This by-law repeals By-law No. 1401.

1. When this by-law refers to another by-law by number, the reference includes all related amending by-laws adopted subsequently, if applicable.

3. In this by-law, the following terms are defined as follows:
 - Council:** the Mayor and the Town councillors sitting together at a public meeting;
 - Act:** the Cities and Towns Act, C.Q.L.R. c. C-19;
 - Meeting:** the unmodified noun “meeting” refers equally to regular meetings and special meetings but not to preparatory meetings;
 - Regular meeting:** sitting of Council whose date is set in advance in the calendar of meetings by resolution;
 - Special meeting:** special sitting of Council held on a date other than one entered on the calendar of meetings;
 - Preparatory meeting:** private meeting to which all members of Council are invited in order to prepare for a meeting;
 - Point of order:** a brief and clear intervention by a Council member to bring up an instance of non-compliance with a rule established under this by-law and to ask the chair to apply the by-law;
 - Main motion:** motion by a Council member that directly concerns an item on the agenda and on which Council is called to vote;
 - Proposed amendment:** proposal by a Council member whose purpose is to propose a specific amendment to the main motion.

4. This by-law adds to the rules set out in the Cities and Towns Act, in Division IX, titled “Sittings of the Council”.

Although the standards of this division of the Act are not repeated in full in this by-law, they nonetheless form an integral part of it.

5. No provision of this by-law shall be interpreted in a manner that restricts the powers conferred by the various laws and regulations upon the Council members, Mayor and various authorized public servants.

6. This by-law shall not have the effect of limiting the emergency power or the right of supervision, investigation or control of the Mayor over all of the Town’s departments and officers or employees.

CHAPTER II POWER TO BIND THE TOWN

7. Subject to By-law No. 1402 Concerning the Delegation of Powers from Council to Employees and to any special powers provided under the Act:
 - (1) only Council, at a meeting, may bind the Town;
 - (2) no public servant, employee or Council member may individually bind the Town without having received prior authorization by Council to do so, in compliance with this by-law.
8. To bind the Town, Council shall adopt a by-law, resolution or, in cases provided for by the Act, an ordinance.
9. Persons who wish to do business with the Town are required to ensure that the public servant, employee or Council member with whom they are dealing has been duly authorized by Council to bind the Town and, in such cases, that he is acting within the limits of this authorization.

CHAPTER III
INTERACTIONS BETWEEN COUNCIL MEMBERS AND CERTAIN PUBLIC
SERVANTS AND EMPLOYEES

10. The Town Manager is the Town's main public servant and has jurisdiction over all the other Town public servants and employees.
11. The Town Manager shall follow the directives, by-laws and resolutions of Council.
12. No Council member may give a directive, order or reprimand or require any information or document from employees or public servants, nor ask them to make or prepare a report or study without having been duly authorized by Council to do so.

Council members can instead forward their requests as specified in the first paragraph directly to the Town Manager, who nonetheless remains subject to the sole authority of council.
13. If a public servant or employee of the Town directly receives an order or other request from a Council member, he shall inform the Town Manager, who is responsible for communication between Council and, on the one hand, the commissions and, on the other hand, the Town's public servants and employees.

CHAPTER IV
COUNCIL MEMBERS' RIGHT OF ACCESS TO INFORMATION

14. In addition to the rights provided under the Act respecting Access to Documents Held by Public Bodies and the Protection of Personal Information, C.Q.L.R., C.Q.L.R., c. A-2.1, Council members have access to the documents used for decision-making by Council.
15. Council members who request access shall specify whether they are submitting their request under the Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information or by virtue of their right to access documents used in decision-making by Council.

16. An access request formulated by a Council member under his right of access to documents used in decision-making by Council shall:
 - (1) Be addressed to the Town Manager, who must follow up the request with due diligence and in no longer than twenty (20) days;
 - (2) State the document concerned by the request;
 - (3) State the decision to be made by Council for which the member feels the document concerned by the request will be useful;
 - (4) Succinctly describe the relationship between the requested document and the decision to be made which means that the document will be useful for making the decision.

17. All access requests formulated by a Council member under the Act Respecting Access to Documents Held by Public Bodies and the Protection of Personal Information shall be addressed to one of the Town's persons responsible for access to information and the protection of personal information.

CHAPTER V COUNCIL MEETINGS

Section I Preparatory Meetings

18. Immediately prior to each regular meeting, the Mayor and all the Council members who so wish shall gather for a preparatory meeting.

19. The preparatory meeting shall last one hour unless the Mayor decides otherwise. However, the preparatory meeting cannot be shorter than thirty (30) minutes long unless all the members attending the meeting agree or the rule cannot be followed due to exceptional circumstances.

20. The Mayor decides whether a preparatory meeting is to be held before a special meeting. The Mayor also sets the length of the preparatory meeting.

21. Preparatory meetings are private and no one may disclose information acquired at them or use the information for purposes other than municipal. Nor may anyone disclose, in whole or in part, the discussions held by the Council members during them.

Section II Logistics of Council Meetings

22. Council meetings shall be held at 90 Roosevelt Avenue or at any other location designated by Council resolution.

23. Regular meetings shall be held on the date and at the time specified in the calendar of meetings, which shall be adopted by resolution before the start of each civil year.

Council may, however, decide that a regular meeting will begin on a date and time it specifies by resolution and not as stated on the calendar.

24. In addition to ordinary meetings, whenever he deems it appropriate, the Mayor may call a special meeting of Council by giving an oral or written order to the Town Clerk.

The Town Clerk shall then draw up a notice of meeting that includes a brief summary of the business to be discussed at the meeting and shall have the notice delivered to each Council member at least 24 hours before the time set for the beginning of the meeting.

Sending a notice by registered mail at least two full days before the meeting shall be considered as having delivered the notice of meeting.

25. If the Mayor refuses to call a special meeting when it is deemed necessary by at least three Council members, the Council members may require that the meeting be called by submitting a request, in writing and bearing their signatures, to the Town Clerk.

26. Special meetings shall be held on the date and at the time specified in the notice of meeting and shall deal only with the items listed on the agenda, unless all Council members are present and agree otherwise.

27. All Council meetings shall be public; no Council decisions may be made in private.

28. At meetings, the majority of Council members shall constitute a quorum.

The Mayor is considered a Council member for the purpose of constituting a quorum.

29. For each meeting, the Town Manager prepares for Council's use an agenda which includes the items to be dealt with at the meeting in the form of a list of short headings.

30. The floor of the Council chamber shall be reserved for the Mayor, Council members and officers as well as persons whom the Mayor, with the consent of the majority of the Council members, shall allow to be present.

31. The public shall be admitted to the other part of the chamber and, during the question period reserved for the public, to the place provided for the purpose.

32. The Town Manager and Town Clerk attend Council meetings ex officio. In the event of absence or incapacity, these public servants shall be replaced by their assistant or interim replacement.

33. All members of the public present shall be seated at all times during the entire meeting, except to ask a question at the microphone installed for the purpose.

34. The Town Clerk shall record all Council meetings with an adequate audio system and shall keep the recordings in conformance with the retention schedule in effect.

Section III Chairing of Council Meetings

35. The Mayor or, in his absence, the Acting Mayor shall chair all Council meetings; in the event the Mayor and Acting Mayor are both absent, Council shall choose one of its members to act as chair.

36. Council may, at any time, appoint a new Acting Mayor for the period it chooses.
37. The chair shall lead the Council meetings and maintain order and decorum during these meetings.
38. After giving warning and acting in a reasonable manner, the chair may order the expulsion from the Council chamber or take disciplinary action against any person who disrupts a meeting or violates any provision of this by-law.
39. Specifically, acting in any of the following ways shall be considered disruptive:
 - a) Yelling, heckling, singing or making noise;
 - b) Using violent, vulgar or hurtful language;
 - c) Using his right to speak to insult or defame a Council member;
 - d) Making any offensive gesture;
 - e) using a cellular telephone, pager or other device that could disrupt the Council meeting;
 - f) Filming or recording Council members or members of the public without receiving the chair's consent in advance;
 - g) Speaking without having first obtained authorization;
 - h) Interrupting the Chair or any other person who has been given the floor;
 - i) Engaging in a debate with the public;
 - j) Disobeying an order of the chair or Council;
 - k) Straying significantly off the topic under discussion;
 - l) Interfering or being disruptive when a motion is submitted to vote by Council members.
40. The chair shall justify the decision he renders on questions of order and decorum.

Section IV Council Deliberations

41. Council shall study the items of business that have been submitted, in the order listed on the agenda.

During a meeting, Council may modify the agenda in order to study an item before or after the planned point, except for the first item on the agenda, which shall always be the adoption of the agenda.

Council may also postpone part of the agenda by adjourning a meeting.
42. The adoption of the agenda shall be done in accordance with the rules of this by-law. To be submitted to debate and, subsequently, put to a vote, the agenda shall be the subject of a main motion that has been submitted and seconded.

However, once the agenda has been duly adopted, no item can be added to it.
43. Throughout the meeting, it is the chair who calls the items of the agenda.

When calling an item listed in the agenda, the chair shall provide the information necessary to study the item concerned, unless he asks a Council member or public servant to do so.

44. Each agenda items that requires Council to make a decision by resolution shall be the subject of a main motion submitted by a Council member to whom the chair has given the floor.

45. To be discussed by Council members, any main motion shall be submitted by a Council member and seconded by another Council member, and both these members shall be present when the motion is discussed.

If a main motion is not seconded, the Town Clerk shall simply note in the minutes, under the relevant heading, that a main motion was submitted by a Council member, whom he shall identify, and that it was not submitted to discussion for lack of a second.

The member who submits a main motion shall not speak for more than five (5) minutes, except with the consent of the majority of the Council members.

46. Only one main motion may be submitted for debate at a time.

47. A main motion submitted for debate may be the subject of a motion to amend.

A motion to amend shall modify the content of a main motion but may not introduce other business. Neither may a motion to amend be a simple negation of the main motion to which it refers.

48. To be debated by Council members, a motion to amend shall be seconded by another Council member, and both these members shall be present when the motion is debated.

If a motion to amend is not seconded, the Town Clerk shall simply note in the minutes, under the relevant heading, that a motion to amend was submitted by a Council member, whom he shall identify, and that it was not submitted to discussion for lack of a second.

49. When a motion to amend is submitted for debate, Council shall first debate the motion to amend and, once that debate is finished, vote on the motion to amend. Council shall then debate the main motion in its amended or original form, as the case may be.

50. A motion to amend may not be the subject of a sub-amendment motion.

51. When a motion is submitted for debate, all Council members may express themselves on it. However, they shall not do so more than once and shall not speak longer than five (5) minutes except with the consent of the majority of the Council members.

Notwithstanding the first paragraph, the person who submitted the motion has a right of reply that he may exercise once all the other members who wish to speak have done so.

52. When a Council member wishes to take part in the debate or express himself on a given subject, he shall wait for the Mayor to give him the floor and address the Mayor respectfully. He shall confine himself to the subject of the debate and avoid personal allusions, insinuations, hurtful, violent or disrespectful language and expressions bringing discredit upon the Council assembly.

The chair shall give the floor to the members in the order they request it. When two or more members ask for the floor at the same time, the chair shall determine the order in which these members shall speak.

53. During his intervention, a Council member can ask questions to the member who submitted the motion under debate; the question must deal directly with the motion concerned. With the consent of the member to whom the question is asked, the chair may answer the question himself. The chair can also request a public servant or another member present to answer the question.
54. Questions shall be in the interrogative form and shall contain only the words necessary to obtain the requested information. They may not contain hypothesis, expression of opinion, deduction, allusion or ascribing of motives.
55. Any Council members may require that the motion under discussion be read for his information at any time during the debate, but he shall not do so in order to interrupt another member who has the floor.
56. Council members may not use Council meetings to make speeches.
57. During a debate, any Council member may, without unnecessary comment, call a point of order in order to ask the chair to call to order any other member who has the floor. In this case, the debate shall be suspended. After the point of order has been presented, the member against whom it is directed may explain himself, after which the chair shall rule immediately.
58. A Council member may not leave the meeting permanently or temporarily without having the Town Clerk note his departure. If he arrives late or returns after indicating that he was leaving the meeting permanently, he shall have the Town Clerk note his arrival.
59. At the chair's request, the Town Manager shall give his opinion and present any observations or suggestions he deems expedient on the questions under discussion.

Section V
Council vote

60. Once all the Council members who wish to express themselves have done so or are no longer entitled to do so and the right of reply, if applicable, has been exercised, the chair shall declare the debate closed and shall call a vote; the motion shall then be voted on.
61. Once a vote has been called for the motion, all discussion shall cease and no one shall leave his seat. From that point on, no other motion may be submitted before the vote takes place.
62. The chair shall call the Council members to vote. He shall first ask the members in favour of adopting the motion to express themselves and, then, the members opposed to do so.
63. The members shall cast their vote by raising their hand.

As the decisions are made collectively, no mention of members' individual reasons shall be made in the minutes by the Town Clerk.

64. With the exception of the Mayor, who may legally abstain, all Council members present when a matter is submitted to a vote shall be required to vote unless they are prevented from doing so because of their interest in the matter under consideration, in conformance with the Act Respecting Elections and Referendums in Municipalities, C.Q.L.R., c. E-2.2.

Any Council member who has such an interest shall have the Town Clerk take note of it.

65. Any Council member who is present at a meeting when a matter in which he has a direct or indirect pecuniary interest is to be considered shall disclose the general nature of this interest before the beginning of the discussion and shall abstain from taking part in the discussion and from attempting to influence voting on the matter.

The first paragraph shall apply equally to a meeting of any council, committee or commission to which the member belongs in the Town or of a municipal body.

In the event the meeting is not public, the member shall, in addition to the obligations imposed by the first paragraph, leave the meeting after disclosing the general nature of his interest, for the entire duration of the discussion and vote on the matter.

When the item is considered at a meeting at which the member is not present, he shall disclose the general nature of his interest at the first meeting at which he is present after having learned of this fact.

66. A Council member who is absent when a matter is submitted to a vote may not vote on the matter.
67. A Council member may not correct or change his vote after casting it.
68. No member may criticize a vote in a manner that brings discredit upon the Council's credibility.
69. The majority of members present at Council meetings decide on questions and matters submitted to it, except in cases where a provision of the act requires a larger number of votes in favour.
70. All votes are held in public.
71. If a tie-vote occurs, the decision shall be deemed to be in the negative.
72. Any Council vote shall be followed immediately by discussion of the next item on the agenda, until adjournment.

Section VI

Question Periods

73. A regular Council meeting shall have two (2) public question periods during which the persons present may ask questions to the Council members. The questions may concern:
- a) a subject of public interest that is within the jurisdiction of the Town, its Council or one of its commissions or a municipal or para-municipal body;
 - b) an act by a Council member carried out when performing his duties.

(2020) 1438-1, s.1

74. The first question period shall be held at the beginning of the meeting. The second question period shall be held when Council has disposed of all items on the agenda.

(2020) 1438-1, s.1
75. Question periods shall not exceed thirty (30) minutes each. The chair may extend a question period beyond the thirty-minute (30-minute) maximum if he deems it appropriate.

(2020) 1438-1, s.1
76. A special meeting of Council shall include one (1) public question period lasting a maximum of thirty (30 minutes).
- The questions asked at this type of meeting shall be limited exclusively to the agenda items.
77. The chair shall announce the beginning and end of the question periods.
78. The questions shall be brief and clear and shall include only the words necessary to obtain the requested information. A short preamble shall be permitted to put the question in context.
79. Question periods shall not be used to ask for documents. If a member of the public requests access to a document, the chair shall refer him to one of the persons responsible for access to documents or of protection of personal information.
80. A person may appear only one (1) time during a question period and may ask only one question and one sub-question.
- A member of the public who asks a question shall do so at the place reserved for the purpose by addressing the chair, after mentioning his family name, first name and address and, if applicable, the name of the organization he represents.
81. A person who has obtained the floor in this manner shall limit his contribution to the question he intends to ask.
82. The chair shall, after issuing a warning, shall withdraw the right to speak from anyone who asks a question without complying with this by-law.
83. A person who asks a question shall avoid personal allusions, insinuations and violet, hurtful or disrespectful words regarding anyone and referring to the Mayor and councillors except by their titles.
84. The chair shall ensure that the question periods do not give rise to any debate between Council members or between a Council member and a person present.

85. The reply shall be given by the person designated by the chair. This person shall refuse to reply, in particular if:
- a) it is contrary to the public interest to provide the requested information;
 - b) the requested information can only be collected after considerable work that does not correspond to its usefulness;
 - c) the question pertains to the work of a commission or a committee, the report of which has not been submitted to Council;
 - d) the question contains a hypothesis, deduction or ascribing of motives;
 - e) the question has already been asked;
 - f) the question contains seditious or hurtful language;
 - g) the question refers to a matter pending before the courts or a quasi-judicial body or a matter under investigation;
 - h) the question refers to an issue that will be the subject of debate at a coming meeting of the Agglomeration Council.
86. In addition to the cases listed in section 85, no reply will be given to a question demanding, directly or indirectly, a professional opinion, even if the person to whom the question is addressed or the person whom the chair has asked to speak is legally authorized to issue such a professional opinion.
87. When it is impossible to answer a question during the meeting, in particular because doing so requires queries to municipal staff or documentary research, the chair may reserve judgement.
88. The chair may consent to the tabling of documents during the meeting during the public question period.
89. All such documents, after having been dealt with by Council, are forwarded to the Town Manager for appropriate action.
90. At the end of question period, the Town Clerk shall record in the minutes of the meeting the beginning and end times of the question period as well as the number of questions asked.

Section VII Minutes of Meeting

91. In conformance with the Act, the Town Clerk drafts the minutes of each meeting. In it, he shall include, in particular, any resolution and decision of the council and the presences and absences in conformance with this by-law.
- For each motion that was put to a vote, he shall specify whether the decision for or against was made unanimously or by a majority of votes. In the latter case, he shall name the dissenting voters.
- The Town Clerk shall also include the motions, to the extent provided in this by-law, as well as the identity of the Council members who submitted the motion and, if applicable, seconded it.
92. The minutes of Council meetings are approved as conforming with the deliberations at the regular Council meeting that follows the meeting whose minutes are submitted for approval.
93. The Town Clerk shall record in the minutes of the meeting any violation of a provision of this by-law.

Section VIII
Committees and Commissions

94. Any request or other communication regarding a matter falling within the jurisdiction of a committee or commission of Council may, upon presentation to Council, be referred to the commission by Council.
95. No report of a commission created by the Town shall have any effect unless it is adopted by Council resolution.
96. No commission shall meet during the Council meetings.

CHAPTER VI
APPLICATION OF THIS BY-LAW

97. The chair is responsible for applying this by-law.

Any decision of the chair may be appealed immediately to the Council by a Council member. The member shall succinctly present the grounds of his appeal, which is decided without debate by the majority of Council members present.
98. Council may, at any time, if all the members present so consent, suspend the application of a rule of procedure provided in this by-law and may do so for part of all or the remainder of the meeting.
99. This by-law shall come into effect according to law.