

CANADA

PROVINCE OF QUEBEC

MUNICIPALITY OF SAINT-GABRIEL-DE-VALCARTIER

M.R.C. DE LA JACQUES-CARTIER

BY-LAW NUMBER 253

BY-LAW ESTABLISHING THE INTERNAL RULES FOR THE HOLDING OF COUNCIL MEETINGS

Considering the Municipality of Saint-Gabriel-de-Valcartier is governed by the Quebec Municipal Code (RLRQ, c. C-27.1) as well as the Municipal Powers Act (RLRQ, c. C-47.1)

Considering that article 491 in the Quebec Municipal Code allows Council to adopt by-laws to regulate the conduct of council debates and the maintenance of good order and decorum during council meetings

Considering that it is opportune for Council to adopt a by-law to this effect

Considering that a Notice of Motion was given at the Council meeting held on July 4th, 2022

Considering that a draft by-law was tabled at the Council meeting held on July 4th, 2022

IT IS PROPOSED BY Councillor Raymond Bureau

SECONDED BY Councillor Dorothy Noël

AND UNANIMOUSLY RESOLVED

THAT a by-law bearing number 253 be and is hereby passed and decreed as follows:

Article 1 Preamble

The preamble of the present regulation is an integral part of it.

Article 2 Title, Purpose, and Scope

- 2.1** This by-law shall be known as “By-law Number 253 establishing the Internal Rules for the Holding of Council Meetings”.
- 2.2** The purpose of this by-law is to promote the sound management of the meetings of the Municipal Council and to ensure peace and order at all times.
- 2.3** This by-law applies to all meetings of the Council of the Municipality of Saint-Gabriel-de-Valcartier whether they are regular or special.
- 2.4** No provision of this by-law shall be interpreted in such a way as to restrict or limit the powers and obligations granted by law to the members of the Municipal Council.
- 2.5** The Mayor, Pro Mayor or any other person presiding over a meeting of Council shall be responsible for the administration of this by-law.

Article 3 Definitions

For the purposes of this regulation, the following words and phrases mean:

- « **Municipality** » Refers to the Municipality of Saint-Gabriel-de-Valcartier.
- « **Adjournment** » The postponement of an unfinished Council meeting to another day.

- « **President** » The person who presides over a council meeting.
- « **Committee of the Whole** » Means a committee of council members for work sessions.
- « **Council Meetings** » Means a public meeting, regular or special.
- « **Suspension** » Means the temporary interruption of a council meeting.

Article 4 Municipal Council – Role, Functions and Responsibilities

- 4.1 The Municipal Council consists of a Mayor and six Councillors.
- 4.2 The elected representatives meeting in Council represent the population; they make decisions on the orientations and priorities of the Municipality.
- 4.3 The Council ensures the quality of life of its community. Councillors must always make decisions in the interests 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.
- 4.4 The main role of the council is to ensure that the services offered meet the needs of community. At the first meeting following the election, Council, on the recommendation of the Mayor, shall proceed with the assignment of files to the elected officials who will carry them out, as well as the nomination of the Pro Mayor. The assignment of these responsibilities may, if necessary, be modified during the current mandate.

Article 5 Council Meetings and Procedures

- 5.1 Regular meetings of Council shall be held in accordance with the schedule established by resolution of Council, on the days and at the times set out therein, as may be amended by resolution. Regular meetings of Council shall generally be held on the first Monday of each month at 7:30 pm.
- 5.2 Council holds its meetings in the Council Room located at 2215 Valcartier Blvd. Saint-Gabriel-de-Valcartier, Québec, G0A 4S0.
- 5.3 Council may, by resolution, fix another place elsewhere in the Municipality for holding a meeting of Council.
- 5.4 The meetings of Council shall be held in public. The deliberations must be made in a loud and intelligible voice.
- 5.5 The members of Council shall occupy the seats indicated by the Director General and Clerk-Treasurer who shall assign them according to the instructions of the Mayor, from which only they may exercise their right to vote.
- 5.6 The Council Member exercising his or her right to speak may not be interrupted except by the President to call him or her to order.
- 5.7 A council member 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 that matter and shall refrain from participating in the deliberations and from voting or attempting to influence the vote on that matter.
- 5.8 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).

- 5.9 The Director General and Clerk-Treasurer or any member of the administrative staff of the Municipality, with the permission of the President of the meeting, shall give his or her opinion or make recommendations on the matters discussed.
- 5.10 The Mayor or presiding officer 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, which recess shall be noted in the Minutes with the time of the recess and resumption and after a quorum is established.

Article 6 Special Sessions of Council

- 6.1 A special meeting of Council may be called at any time by the Mayor or his or her designate, by the Clerk-Treasurer, or by any two members of Council, by giving special written notice to all members of Council other than those calling the meeting. Notice of the meeting shall be given in accordance with the requirements of the Municipal Code.
- 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.
- 6.3 Council shall, before proceeding with any business at such meeting, ascertain and record in the Minutes of the meeting that notice of the meeting has been given as required by law to those members of Council not present at the opening of the meeting.
- 6.4 If it appears that notice of meeting has not been given to all absent members, the meeting shall be closed immediately.

Article 7 Committee of the Whole

- 7.1 The Mayor may convoke the Committee of the Whole at any time by verbal or written order.
- 7.2 The Director General and Clerk-Treasurer, upon receipt of a request to that effect, shall prepare a notice of meeting indicating briefly the subjects (thematic or committee of the whole preparatory to the Council meeting) that will be submitted to this meeting of the Committee of the Whole and shall transmit it to the members of Council using the means he/she deems necessary.
- 7.3 The Mayor or his or her designate shall preside over and conduct the proceedings of the Committee of the Whole.
- 7.4 If a quorum is not present at the Committee of the Whole meeting, it may be cancelled by the Mayor.
- 7.5 The Committee of the Whole shall meet in camera.

Article 8 Presidency of the Council's meetings

- 8.1 The President of a meeting shall exercise all powers necessary to carry out his powers necessary to carry out his duties and to maintain the rights and privileges of the Council and its members.
- 8.2 The President's duties include:
 - 8.2.1 At the beginning of each meeting, he carries out the usual preliminary verifications concerning the regularity of the convocation, the attendance and the quorum;
 - 8.2.2 He shall declare the meeting open, suspended, adjourned, resumed or closed;
 - 8.2.3 He presides over and directs the deliberations of the Council;
 - 8.2.4 He calls the items on the Agenda;

- 8.2.5** He shall provide, or cause to be provided, such explanations as are necessary for the consideration of matters before the Council;
 - 8.2.6** He specifies, when the public is entitled to ask questions, the order in which the persons are heard and gives them the floor in turn;
 - 8.2.7** He receives questions from the public and answers them or asks someone else to answer them;
 - 8.2.8** Only the President shall have the right to speak and shall decide on the admissibility of proposals and questions;
 - 8.2.9** He states the proposals submitted, declares the debate closed, calls for the vote and announces the result;
 - 8.2.10** He may, in case of tumult, order the suspension of the meeting;
 - 8.2.11** He may interrupt someone who is already speaking to call him to order.
- 8.3** If the President is absent and the Pro Mayor is not present to continue the meeting, the Director General and Clerk-Treasurer shall preside until a member of Council is selected by resolution to preside.
 - 8.4** The President may make all decisions and orders required to ensure the peace, safety, order and proper conduct of Council meetings.

Article 9 Quorum and Opening of Meetings

- 9.1** At the time set for the meeting, if a quorum is present, the President shall call the meeting to order. A majority of the members of Council of the Municipality shall be four (4) and shall constitute a quorum.
- 9.2** During the meeting, if the President is informed or finds that a quorum is no longer present, he shall suspend the meeting.
- 9.3** In accordance with the Municipal Code, where a quorum is not present, any two members of Council may adjourn the meeting one hour after the lack of quorum has been established. The time of the 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 Clerk-Treasurer to those members of Council who were not present at the adjournment. Service of such notice shall be recorded at the adjourned meeting in the same manner as notice of a special meeting.

Article 10 Period of intervention of members of the Council

- 10.1** Time is provided for council members to speak on any matter of public interest.
- 10.2** At the beginning of the Council Member's speaking period, the President invites Council Members who wish to do so to speak in turn.
- 10.3** Each member of Council is given a 5-minute period.
- 10.4** The time for members of Council to speak is at the end of the meeting, before the meeting is adjourned.

Article 11 Order and decorum

11.1 The Mayor or the Presiding Officer shall maintain order and decorum during meetings of the Municipal Council. The Mayor or Presiding Officer may order the removal from the place where a meeting is being held of any person who disturbs the order and decorum of the meeting, including:

- Using foul, abusive, violent or hurtful language or defaming someone;
- By shouting, heckling;
- By making noise;
- By speaking out without prior permission;
- By making a vulgar gesture;
- By interrupting someone who already has the floor;
- By undertaking the debate with the public;
- By not respecting the functioning of the question period;
- By not limiting ourselves to the subject under discussion.

11.2 The use of a laptop or tablet computer is permitted for members of Council to view Council meeting materials.

11.3 Cell phone ringtones and other devices must be turned off.

Article 12 Sound and image capture

12.1 Any person may photograph or record Council meetings as long as it does not disturb order and decorum.

12.2 The unit should be turned off when the session is not in progress, including the following times:

- a) Before the opening of the meeting
- b) During the suspension of the meeting
- c) After the adjournment of the meeting

12.3 Only members of the Municipal Council and officers assisting them and, during question period only, persons asking questions of members of Council, may be recorded by a photographic, video or television camera or any image recording device in order to preserve the image rights of other citizens present. The citizens who comes to the microphone during question period agrees to be recorded. The Municipality cannot be held responsible for events arising from the recording or broadcasting of his or her image.

12.4 The device must be used within the perimeter provided for this purpose.

12.5 The use of the device must be done silently and without disturbing the holding and the good progress of the meeting.

12.6 The Municipality may, in accordance with the terms and conditions it determines, proceed on its own behalf and for live broadcasting or at the later time, with the audio and video recording of the Council meetings.

Article 13 Agenda

13.1 The Agenda for Council meetings shall be prepared by the Director General and Clerk-Treasurer, who shall ensure that the items of business required by the Act, those indicated by the Mayor and those by a member of Council are included.

13.2 In order to allow all members of Council to become acquainted with the subjects of the meeting within a reasonable period of time, the members of Council shall transmit to the Director General and Clerk-Treasurer, at least five (5) days prior to the date of a regular meeting, the subjects they wish to include on the agenda, accompanied by the relevant documentation.

- 13.3** Notwithstanding the foregoing, any member of Council may request the Director General and Clerk-Treasurer, at any time prior to the adoption of the Agenda, to add an item to the Agenda.
- 13.4** Once the Agenda has been adopted, no items may be added unless approved by a majority of the Council members present.
- 13.5** Items on the Agenda shall be called in the order in which they appear. At any time, the Council may change the order of consideration of items on the Agenda upon a majority vote of members of Council present.

Article 14 Minutes

- 14.1** 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 before the meeting at which they are to be ratified. The Clerk-Treasurer shall be excused from reading the Minutes prior to their ratification.
- 14.2** The Minutes shall be signed by the person who presided over the Council meeting, and the signing
- 14.3** The Minutes of the Council proceedings shall not include comments or questions. Only Motions are recorded in the Minutes, whether in the negative or in the positive, as well as information concerning the departure, arrival of a member, suspension adjournment or any other information required by law.

Article 15 Deliberation of the Members of Council

- 15.1** Deliberations shall be conducted in a respectful, calm, dignified, and loud and clear manner. Failure to do so may result in an immediate call to order by the President.
- 15.2** 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 President by raising his or her hand and the President shall recognize the Councillor in the order of the request. Councillors shall speak from their seats. They shall confine themselves to the subject matter of the debate and avoid personal allusions, insinuations, and hurtful words. They shall maintain respect for other members of Council.

Article 16 Vote

- 16.1** Every member of the Municipal Council, other than the President, shall vote under penalty of law, unless exempted or prevented from voting by reason of his or her interest in the matter in question, in accordance with the Municipal Elections and Referendums Act.
- 16.2** Votes shall be given orally and on the requisition of a member of Council shall be recorded in the Minutes Book. The President of the meeting may vote but is not required to do so.
- 16.3** Members of Council shall exercise their right to vote by addressing the President.
- 16.4** All decisions shall be made by a majority of the members present, except where the law requires a different majority.
- 16.5** When the votes are equally divided, the decision is considered to be rendered in the negative.
- 16.6** During the voting process, members of Council may not leave their seats.

Article 17 Questions from the public

17.1 Procedure

- 17.1.1** All speakers must identify themselves by name, surname and place of residence before asking a question. In the case of a journalist, he/she must identify himself/herself by his/her name, first name and the media he/she represents.
- 17.1.2** A person asking a question shall refer to the President by title and to any other member of Council by name or title. He or she shall use proper language and behave respectfully.
- 17.1.3** Questions should be polite, concise, and direct.
- 17.1.4** The President may refuse any question from a speaker and withdraw the right to speak if the speaker is in violation of the rules or if the question is of a frivolous or vexatious nature or of such a nature as to bring the use of the question period into disrepute.
- 17.1.5** If a speaker appears without asking a question, the President of the meeting may interrupt and ask the speaker to ask a question. Refusal to do so will be considered a breach of the rules.
- 17.1.6** Any questions may be answered immediately or at a subsequent meeting, or in writing, or by e-mail.
- 17.1.7** The President may yield the floor to another member of Council, or to an officer or employee of the Municipality, for the purpose of answering the question or completing his or her own answer.
- 17.1.8** Each speaker is given a maximum of 3 minutes to ask questions, after which the President of the meeting may end the intervention.
- 17.1.9** The Mayor, or the person presiding in his place, shall call on those wishing to ask questions in turn.

17.2 Questions period

- 17.2.1** At a regular meeting, a question period is offered to the public at the beginning of the meeting.
- 17.2.2** At a special meeting, a question period is offered to the public at the beginning of the meeting.
- 17.2.3** The maximum duration of the question period is 30 minutes. However, the duration may be extended with the consent of the President.
- 17.2.4** At a regular meeting of Council, questions may be asked on any matter of public interest concerning the Municipality.

At a special meeting, they shall be restricted to the matters appearing on the Agenda of said special meeting.

17.3 Issues related to the Agenda items

17.3.1 The public is permitted to ask questions during the meeting for each item on the Agenda. Questions must relate to the item presented and be asked after the resolution has been read by the Director General and Clerk-Treasurer.

Article 18 Written submissions to Council

18.1 Any person wishing to send a letter, request, petition, report or any other document to Council shall send it to the Director General and Clerk-Treasurer, indicating his or her name of the organization he or she represents, if any, and the address where any communication may be sent.

18.2 Notwithstanding the foregoing and subject to the conditions set out in section 17.1, the President may accept for filing a letter, request, petition, report or other document where the public is entitled to ask questions.

Article 19 Adjournment of the meeting

The meeting is adjourned following a motion to that effect.

Article 20 Infractions and penalties

20.1. No person shall refuse to comply with an order of the Mayor or a decision of Council.

20.2. No person shall violate or permit the violation of any provision of these rules.

20.3. Every person who contravenes or permits the contravention of any provision of this by-law is guilty of an offence and is liable to a fine of not less than \$300 and not more than \$1,000.

Repeat offenders are subject to a minimum fine of \$600 and a maximum fine of \$2,000.

In all cases, fees are added to the fine.

20.4. If payment is not made within the time limit set by the Court, the offender will be subject to the penalties provided for in the Code of Penal Procedure of Quebec (R.S.Q., c. C-25.1).

20.5. Nothing in this by-law shall be construed to limit the powers granted by law to members of Council.

Article 21 Entry into force

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

ADOPTED AT SAINT-GABRIEL-DE-VALCARTIER, THIS 15TH DAY OF AUGUST 2022.

Brent Montgomery
Mayor

Heidi Lafrance
Director General and Clerk-Treasurer

Notice of Motion: July 4, 2022
Adoption of the draft by-law: July 4, 2022
Adoption of the by-law: August 1, 2022
Notice of Promulgation: August 2, 2022