

BY-LAW # 2024-053

THE GOVERNANCE OF COUNCIL MEETINGS

WHEREAS Article 491 of the *Quebec Municipal Code* allows Council to adopt by-laws to regulate the conduct of Council debates and to maintain good order and decorum during meetings;

WHEREAS the Municipality of Kazabazua wishes to act in order to maintain order and decorum during the meetings of the Municipal Council;

WHEREAS it is opportune for Council to adopt a by-law to this effect;

WHEREAS a notice of motion was previously given, in accordance with the Act, at the ordinary meeting held on April 2, 2024 and that a draft by-law was tabled by the member of council who gave the notice of motion, that an application for exemption from reading has been requested and that each member of the council present acknowledges having received a copy of the draft by-law and declares having read it and renounces to its reading;

THEREFORE, it is proposed by Matthew Orlando, seconded by Sylvain La France and resolved that the following by-law be adopted:

TITLE

ARTICLE 1

The preamble forms an integral part of the present by-law.

COUNCIL MEETINGS

ARTICLE 2

Regular Council meetings are held in accordance with the schedule established by resolution of the Council, on the days and at the times set out therein, which may be modified by resolution.

ARTICLE 3

ARTICLE 3.1

A member of the council of a municipality may, if he or she so wishes, participates remotely in a council meeting by a means that allows 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 a reason related to the member's safety or health or that of a close relative and, if a health reason is invoked, for a maximum of three regular sessions per year or, if applicable, for the duration indicated in a medical certificate attesting that the member's participation at a distance is necessary;

(3) by reason of an impairment resulting in a significant and persistent disability that constitutes an obstacle to his or her participation in person at council meetings;

4° because of pregnancy or the birth or adoption of a child, in which case her participation at a distance may not exceed the following number of consecutive weeks:

a) 50, if he 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* (chapter E-2.2);

b) the number resulting from subtracting from 50 the number of weeks during which he was absent for a reason referred to in subparagraph a.

Remote participation is permitted only if the member attends the session from a location in Quebec or an adjacent province.

The minutes of the meeting must mention the name of any Council member who participated remotely.

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

Council meetings are open to the public.

ARTICLE 5

Deliberations must be made in a loud and intelligible voice.

ARTICLE 6

Unless otherwise stated in the notice of meeting, special meetings of the Council begin at 7:00 p.m.

ORDER AND DECORUM

ARTICLE 7

Council meetings are chaired by the head or deputy mayor, or, failing this, by a member chosen from among the councilors present.

ARTICLE 8

The mayor, or any person presiding in his stead, maintains order and decorum, and decides on questions of order during council meetings, unless the council is called upon to do so. He may order the expulsion of any person disturbing the peace.

AGENDA

ARTICLE 9

The Clerk-Treasurer (the "Clerk") prepares, for the use of Council members, a draft agenda for any regular meeting, which must be sent to Council members, along with available documents, no later than 72 hours in advance. Failure to do so does not affect the legality of the meeting.

ARTICLE 10

The agenda must be drawn up in accordance with the following model:

- 1) GENERAL ADMINISTRATION
- 2) PUBLIC SECURITY
- 3) TRANSPORT
- 4) ENVIRONMENTAL HYGIENE & SANITATION
- 5) HEALTH AND WELFARE
- 6) LAND USE PLANNING AND DEVELOPMENT
- 7) RECREATION AND CULTURAL
- 8) MISCELLANEOUS
- 9) QUESTION PERIOD
- 10) CLOSING OF THE MEETING

ARTICLE 11

The agenda of a regular meeting is completed and amended, if necessary, before it is adopted, at the request of any member of the Municipal Council.

ARTICLE 12

The agenda of a regular meeting may, after adoption, be modified at any time, but only with the consent of the majority of Council members present.

ARTICLE 13

Agenda items are called in the order in which they appear.

RECORDING EQUIPMENT

ARTICLE 14

It is forbidden to film or photograph inside the premises where council meetings are held, and the use of any camera, video camera, television camera or other device is prohibited.

ARTICLE 15

The Clerk shall be authorized to record the proceedings of the Council for the purposes of drawing up the minutes.

The use of a mechanical or electronic voice recording device is authorized during meetings of the municipal council, provided that the use of the device is done silently and without in any way disturbing the holding of the meeting; The device used shall remain in the physical possession of its user, nor shall the recording device, microphone or any other component of the device be placed on or near the Council table or in any place other than those indicated above.

QUESTION PERIOD

ARTICLE 16

Council meetings include a period during which attendees may ask Council members oral questions.

ARTICLE 17

This period lasts a maximum of thirty minutes at each meeting, but may be terminated prematurely if there are no further questions addressed to the Council.

ARTICLE 18

Any member of the public present wishing to ask a question must:

- a. identify yourself beforehand;
- b. to the President of the meeting;
- c. state to whom your question is addressed;
- d. 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;
- e. address each other in polite terms and refrain from using abusive or libelous language.

ARTICLE 19

Each speaker is given a maximum of five minutes to ask a question and a sub-question, after which the president of the session may put an end to this intervention.

ARTICLE 20

The Council member to whom the question has been addressed may respond immediately, at a subsequent meeting or in writing.

ARTICLE 21

Each Council member may, with the President's permission, add to the answer given.

ARTICLE 22

Only matters of a public nature will be permitted, as opposed to those of private interest that do not concern the affairs of the municipality.

ARTICLE 23

Any member of the public present at a Council meeting who wishes to address a Council member or the General Manager may do so only during question period.

ARTICLE 24

Any member of the public present at a Council meeting who addresses a Council member or the General Manager during question period may only ask questions in accordance with the rules set out in articles 18, 19, 22 and 23.

ARTICLE 25

Any member of the public present at a Council meeting must refrain from shouting, heckling, singing, making noise or any other gesture likely to interfere with the smooth running of the meeting.

Any member of the public present must show respect for Council members and other members of the public in the room.

ARTICLE 26

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.

WRITTEN REQUESTS

ARTICLE 27

Petitions or other written requests addressed to the Council or any of its members are neither placed on the agenda nor read out at the meeting, except as provided by law.

PROCEDURES FOR SUBMITTING REQUESTS, RESOLUTIONS AND DRAFT BY-LAWS

ARTICLE 28

An elected representative may speak only after indicating his or her intention to do so to the president of the meeting by raising his or her hand. The president of the meeting gives the floor to the elected representative in the order of requests.

ARTICLE 29

Resolutions and by-laws are presented by an elected official who explains the project to the Council, or, at the President's request, by the Clerk-Treasurer (the Clerk).

Once the project has been presented, the president of the meeting must ensure that all Council members wishing to vote on the matter have had the opportunity to do so.

Once a draft resolution or by-law has been presented, and all Council members wishing to vote on it have had the opportunity to do so, a Council member may submit a request to amend the draft.

ARTICLE 30

When a request for amendment is made by a Council member, the Council must first vote on the amendment submitted. If the amendment is adopted, the Council then votes on the original project as amended. If the amendment is not adopted, the Council votes on the original draft. The rules applicable to the vote on the original draft apply to the amendment vote.

ARTICLE 31

Any member of the Council may, at any time during the debate, demand that the original proposal or amendment be read, and the President or the Clerk-Treasurer (the Clerk), at the request of the President or of the member of the Council presiding over the meeting, shall then read it.

ARTICLE 32

At the request of the President of the Meeting, the Clerk- Treasurer (the Clerk) may give his opinion or present such observations or suggestions as he deems appropriate with respect to the matters under discussion.

VOTE

ARTICLE 33

Votes are cast orally and, at the request of a Council member, recorded in the Council's deliberations book.

ARTICLE 34

With the exception of the president of the meeting, every member of the municipal council is required to vote under penalty of the sanctions provided for by law, unless he is exempt or prevented from doing so by reason of his interest in the matter concerned, in accordance with the *Act respecting elections and referendums in municipalities* (RLRQ, c. E-2.2).

ARTICLE 35

All decisions must be taken by a majority of members present, except where the law requires a different majority.

ARTICLE 36

When votes are equally divided, the decision is deemed to have been made in the negative.

ARTICLE 37

The motives of individual Council members during a vote are not recorded in the minutes.

ADJOURNMENT

ARTICLE 38

Any regular or special meeting may be adjourned by the Council to another time on the same day or to another day thereafter, without it being necessary to give notice of the adjournment to the members who were not present;

No new business may be submitted or considered at an adjourned special meeting unless all Council members are present and consent.

ARTICLE 39

Two members of Council may, when there is no quorum, 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, special written notice of the adjournment must be given by the Clerk-Treasurer to the members of the 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 that of the notice convening a special meeting.

The time of adjournment, the names of Council members present, and the day and hour of the adjournment are recorded in the Council's minute book.

PENALTY

ARTICLE 40

Any person acting in contravention of articles 14, 15, 18, 23 to 26 and 28 of this by-law commits an offence and is liable to a minimum fine of \$200 for a first offence and \$400 for a subsequent offence, said fine in no case to exceed \$1,000. Costs for each infraction are extra.

If payment is not made within the time limit set by the Court, the offender will be subject to the penalties set out in the *Code of Penal Procedure of Quebec* (RLRQ, c. C-25.1).

INTERPRETATIVE AND FINAL PROVISIONS


ARTICLE 41

Nothing in this by-law shall be construed so as to restrict the powers granted by law to members of the Municipal Council.

ARTICLE 42

This by-law replaces by-law 2024-052 and will come into force in accordance with the law.

Robert Bergeron
Mayor



Pierre Vaillancourt, DMA
Director general and clerk-treasurer

Notice of motion and deposit of the project: November 5 th , 2024 Adoption : 2024-12-03 Publication and Entry into force : 2024-12-04 Resolution : 2024-12-252
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