



PROVINCE OF QUEBEC
TOWN OF KIRKLAND

BY-LAW NO : GEN-2022-56

**BY-LAW CONCERNING THE INTERNAL GOVERNANCE
OF THE MUNICIPAL COUNCIL OF THE TOWN OF
KIRKLAND**

ADOPTION PROCEDURE

Notice of motion :	December 5, 2022
Filing of draft by-law :	December 5, 2022
Adoption of by-law :	January 16, 2023
Publication :	January 20, 2023
Coming into effect :	January 20, 2023

- WHEREAS pursuant to section 356 of the *Cities and Towns Act* (CQLR, c. C-19), notice of motion of this by-law was given and a draft of this by-law was adopted at the regular sitting of the Municipal Council held on December 5, 2022;
- WHEREAS this by-law was made available to the public;
- WHEREAS the Preamble forms an integral part of this by-law;

MUNICIPAL COUNCIL DECREES THE FOLLOWING:

SECTION 1 DEFINITIONS

For the purpose of interpreting this by-law, unless the context indicates otherwise, the following words or expressions shall have the meaning and significance assigned to them in this section:

“**Act**”: *Cities and Towns Act* (CQLR, c. C-19);

“**caucus**”: private meeting to which are invited the members of Council, the Director General and certain employees, as required, to discuss one or more topics or to prepare for a Council meeting;

“**chair**”: the chair of the Council, i.e. the Mayor or, in his or her absence, the Acting Mayor;

“**Council**”: the Mayor and the municipal councillors sitting together at a public meeting;

“**main proposal**”: proposal by a Council member that directly concerns an item on the agenda and on which Council is called to vote;

“**majority**”: the “simple” majority, i.e., half plus one of the members of the Council present at the meeting and entitled to vote;

“**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;

“**proposed amendment**”: proposal by a Council member whose purpose is to propose a specific amendment to the main proposal;

“**Town**”: the Town of Kirkland.

SECTION 2 GENERAL PROVISIONS

2.1 This by-law adds to the rules concerning Council meetings set out in the Act.

2.2 No provisions of this by-law shall be interpreted in a manner that limits the powers granted by various laws to the Mayor, other members of the Council and members of the Town's administration.

SECTION 3 POWER TO BIND THE TOWN

3.1 Subject to By-law No. 2013-52 entitled: *Internal by-law of the Municipal Council pertaining to the delegation of powers in matters relating to contracts and to human resources*, only Council, sitting together at a public meeting, may bind the Town.

3.2 It is the obligation of persons wishing to do business with the Town to ensure that the employee or the Council member with whom they are dealing is duly authorized by the Council to bind the Town and is acting within the scope of that authorization.

SECTION 4 PLACE OF MEETINGS

The Council shall hold its meetings at Town Hall, 17200 Hymus Boulevard, Kirkland or at any other location designated by resolution.

SECTION 5 COUNCIL MEETINGS

- 5.1 Regular meetings shall be held on the dates and at the times specified in the calendar. The calendar shall be adopted by resolution, before the beginning of each calendar year.
- 5.2 Council may change the date and time of any regular meeting designated in the calendar by resolution.
- 5.3 The Town Clerk shall give public notice of the calendar of regular meetings. Such notice shall also be given with respect to any regular meeting which is not at the place, on the day, or at the time of commencement as provided in the calendar.
- 5.4 In addition to regular meetings, whenever he or she deems it appropriate, the Mayor may call a special meeting of Council by verbal or written order to the Town Clerk.
- 5.5 The Town Clerk shall then prepare a notice of meeting summarizing the items to be submitted at the meeting and shall notify each Council member in accordance with the procedure set out in the Act.
- 5.6 Special meetings shall be held on the dates and at the times specified in the notice of meeting and shall deal only with the items on the agenda, unless all Council members are present and agree otherwise.
- 5.7 An audio recording of the meetings is posted on the Town's website the next working day.

SECTION 6 CHAIR

- 6.1 The Mayor presides all Council meetings. In his or her absence, the Acting Mayor acts as chair. In the absence of the Mayor and Acting Mayor, the Council members shall choose one of its members to act as chair.
- 6.2 The chair shall have all the powers necessary for the performance of his or her duties. The duties of the chair include, but are not limited to, the following:
 - a) declare the meeting open, suspended, closed, adjourned or resumed;
 - b) maintain order and decorum during the meetings;
 - c) may order the removal from the location where a meeting is held of any person who disturbs the order of the meeting;
 - d) lead the deliberations;
 - e) specify, when considering each item on the agenda, the order in which the members of the Council are heard and provide the member the floor in turn;
 - f) call for a vote on a proposal;
 - g) decide on any matter or question incidental to the proper conduct of the meeting.

SECTION 7 MEETING OPENING AND QUORUM

At the specified time or as soon as there is quorum after such time, the chair shall call the meeting to order; the majority of the members of the Council constitutes quorum except where otherwise provided by the Act. The Mayor is considered one of the members of the Council to constitute quorum.

SECTION 8 COUNCIL DELIBERATIONS

- 8.1 The Council shall consider the items submitted in the order listed on the agenda. The Council may, however, amend the agenda, with the exception of the first item, which shall be the adoption of the agenda.
- 8.2 The adoption of the agenda shall be the subject of a main proposal that is seconded, so as to be debated and subsequently voted upon. This main proposal may be the subject of a proposed amendment.
- 8.3 Once the agenda has been duly adopted, no item may be added to it.

- 8.4 The items on the agenda that require a decision from Council shall be the subject of a main proposal submitted by a Council member to whom the chair gives the floor. The chair may ask the Town Clerk or another employee to read the main proposal.
- 8.5 For a main proposal to be debated among Council members, the main proposal must be seconded by another Council member, and both Council members must be present when the proposal is discussed.
- 8.6 If a main proposal is not seconded, the Town Clerk simply records in the minutes, under the relevant heading, that a main proposal was submitted by a Council member, whom she identifies, and that it was not submitted for debate due to lack of support.
- 8.7 The duration of an intervention by a Council member is limited to five (5) minutes except with the authorization of the majority of the members of the Council.
- 8.8 A Council member has the right to conclude an intervention he or she has begun without being interrupted, with the exception of the chair if such interruption is necessary to ensure the respect of the allotted time.

SECTION 9 PROPOSED AMENDMENT

- 9.1 Only one main proposal may be submitted for debate at a time.
- 9.2 A main proposal submitted for debate may be the subject of a proposed amendment.
- 9.3 An amendment modifying the content of a main proposal may be presented, but such amendment shall not introduce an item that is unrelated to the main proposal. Any amendment which would be the negation of the main proposal is inadmissible.
- 9.4 To be debated by Council members, a proposed amendment must be seconded by another Council member, and both must be present when the proposal is discussed.
- 9.5 If a proposed amendment is not seconded, the Town Clerk simply records in the minutes, under the relevant heading, that a proposed amendment was submitted by a Council member, whom he or she identifies, and that it was not submitted for debate due to lack of support.
- 9.6 When a proposed amendment is submitted for debate, the Council must first debate the proposed amendment and, once that debate is closed, vote on the proposed amendment. The Council shall then vote on the main proposal in its amended form or debate and vote on the main proposal in its original form, as the case may be.
- 9.7 A proposed amendment may not be the subject of a proposed sub-amendment.

SECTION 10 COUNCIL VOTE

- 10.1 When a proposal is submitted for debate, all Council members may express themselves. One intervention is permitted and the intervention is limited to five (5) minutes except with the authorization of the majority of the members of the Council. The member who submitted the proposal has a right of reply once all the other members who wish to speak have done so.
- 10.2 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 for a vote; the proposal shall then be voted on.
- 10.3 Once a proposal is put to a vote, all discussion shall cease and no member of the Council shall speak except to request the chair to ask the Town Clerk to read the proposal aloud. No other proposal shall be submitted before a vote takes place.
- 10.4 The Chair shall call the Council members to vote. He or she shall first ask the members who are in favor of adopting the proposal to vote, and subsequently, those members who are opposed to the proposal to do so. Decisions are made collectively and no mention of individual members' reasons is recorded in the minutes by the Town Clerk.
- 10.5 The majority of members present at a Council meeting decide on the items submitted to it, except in cases where a provision in the Act requires differently.

- 10.6 The Mayor or any person presiding over a Council meeting is entitled to vote but is not required to do so; any other Council member is required to vote, unless prevented from doing so by reason of his or her interest in the item concerned, in accordance with the *Act respecting elections and referendums in municipalities* (CQLR, c. E-2.2). Any Council member who has such an interest shall have the Town Clerk take note of it.
- 10.7 Any Council member who is present at a meeting when an item in which he or she has a direct or indirect interest is to be considered shall disclose the general nature of this interest before the commencement of deliberations on that item and abstain from participating in the deliberations and from voting or attempting to influence the vote on that item.
- 10.8 This also applies to a meeting of any committee or commission of which the member is a member within the municipality or a municipal body. In the event that the meeting is not open to the public, the member shall, after disclosing the general nature of his or her interest, leave the meeting for the duration of the deliberations and vote on the item.
- 10.9 A Council member who is absent when an item is submitted to a vote may not vote on this item.
- 10.10 A Council member may not correct or change his or her vote once the voting period has ended and that Council has moved on to the next item on the agenda.
- 10.11 No member may criticize a vote in a manner that brings discredit upon the Council's credibility.
- 10.12 If a tie-vote occurs, the decision shall be deemed to be in the negative.
- 10.13 Any vote of the Council shall be immediately followed by a discussion of the next item on the agenda, until adjournment or closing of the meeting.

SECTION 11 BEHAVIOUR OF COUNCIL MEMBERS

- 11.1 When a Council member wishes to take part in the debate or to speak on any item, he or she must make a request to the chair and wait for the latter to give him or her the floor.
- 11.2 The chair shall grant Council members the right to speak in the order in which they so request. When two members request the right to speak at the same time, the chair shall decide on the order of interventions between those members.
- 11.3 During his or her intervention, a Council member may ask questions to the member who submitted the proposal under debate; the question must deal directly with the proposal concerned. With the consent of the member to whom the question is asked, the chair may answer the question. The chair may also request an employee or another Council member present to answer the question. At the chair's request, the Director General shall give his opinion and present any observations or suggestions he deems expedient on the items under discussion.
- 11.4 A question shall be in the interrogative form and shall contain only the words necessary to obtain the requested information. It may not contain hypothesis, expression of opinion, deduction, allusion or ascribing of motives. Council members may not use Council meetings to make speeches.
- 11.5 During a debate, any Council member may, without unnecessary comment, raise a point of order asking the chair to call any other member who has the floor to order. 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 or herself, after which the chair shall rule immediately.
- 11.6 A Council member may not refer to the work of a committee or commission sitting behind closed doors before the committee or commission has tabled their report to Council. A Council member may not speak to a matter that is before the courts or a quasi-judicial body, or that is under investigation.
- 11.7 A Council member may not leave the meeting permanently or temporarily without having the Town Clerk note the departure. If he or she arrives late or returns after indicating that he or she was leaving the meeting permanently or temporarily, he or she shall have the Town Clerk note the arrival.
- 11.8 A Council member must behave in a respectful manner towards other members of the Council, employees and citizens. A Council member must at all times act in accordance with the provisions of the Code of ethics and conduct of elected officers of the Town of Kirkland in force.

SECTION 12 PUBLIC QUESTION PERIOD

- 12.1 Each Council meeting shall have a single period during which those present may ask questions orally to the chair. This question period shall be held at the end of the Council meeting.
- 12.2 The question period shall not exceed sixty (60) minutes. However, a majority of the members of Council present may consent to extend the question period.
- 12.3 Each person wishing to ask a question shall line up at the place provided for this purpose. As soon as the floor is given, the person shall state his or her name and address and, if applicable, the name of the organization or group of persons he or she represents.
- 12.4 Each person may ask two (2) questions for a maximum of five (5) minutes per person, including the preamble. He or she will be able to ask additional questions when all those who wish to address the Council have had the opportunity to do so.
- 12.5 The chair may decide on the order of interventions and shall take turns giving the floor to those wishing to ask questions. He or she may also group questions by theme or priority.
- 12.6 When asking a question, a person shall:
- a) refer to the chair by title and to other members of Council by name or title ;
 - b) state each question in a brief and clear manner. A short preamble is permitted to put the question in context;
 - c) avoid personal allusions, insinuations and refrain from using violent, hurtful, rude, threatening or disrespectful language or from using vexatious, denigrating or intimidating words.
- 12.7 The chair shall give the answer immediately or, if necessary, after the meeting. He or she may also refer the question to a member of the Council or of the municipal administration, for immediate response or after the meeting, as the case may be.
- 12.8 The chair or any member of the Council or of the municipal administration may refuse to answer a question:
- a) that is preceded by a pointless preamble;
 - b) that the answer would require or would constitute a professional opinion or a personal evaluation;
 - c) that bears on a matter pending before a court or a quasi-judicial body, or on a matter under investigation;
 - d) that is frivolous or contains personal allusions, insinuations, violent, hurtful, rude, threatening or disrespectful language, or vexatious, denigrating or intimidating words;
 - e) that contains a hypothesis, a deduction, or ascribing of motives or that suggests the requested answer.
- 12.9 The chair or any member of the Council or of the municipal administration may also refuse to answer a question:
- a) if they consider it contrary to the public interest to provide the requested information;
 - b) if the information requested can be collected only after considerable work that is not commensurate with its usefulness;
 - c) if the question relates to information to be reported or to the work of a committee or commission whose report has not been tabled with the Council;
 - d) if the question has been previously asked and answered.
- 12.10 The chair must ensure that the question period does not give rise to any debate, either between members of Council, or between a member of Council and a person present.

12.11 The chair may limit or withdraw the right of any person to speak who does not comply with the provisions of this by-law or whose speech is too long having no regard to the right of any other person present to ask questions.

SECTION 13 ORDER AND DECORUM

13.1 In order to maintain order and decorum during Council meetings, all persons present must respect the following rules:

- a) take their seat in the designated areas and refrain from moving around or moving the furniture;
- b) refrain from interrupting or interfering with the proceedings in any way;
- c) refrain from shouting, heckling, singing, making noise or doing anything that might interfere with the smooth running of the meeting;
- d) act with respect for Council members, employees and citizens;
- e) not use any electronic device in a way as to disrupt the course of the meeting;
- f) intervene only during the question period intended for the public in accordance with the rules established by this by-law;

13.2 Every person present at a meeting must comply with an order of the chair relating to order or decorum.

SECTION 14 MINUTES OF THE MEETING

14.1 The Town Clerk enters in a book the minutes of all resolutions and decisions of the Council. The minutes shall not include the reasons given for a vote or any other information.

14.2 The minutes of the Council meetings are approved as being in accordance with the deliberations, at the next regular meeting of Council.

SECTION 15 SUSPENSION OF A RULE

Any provision of this by-law, which is not mandatory according to a law or by-law applicable to the Town, may be suspended by a majority vote of Council.

SECTION 16 REPEAL

16.1 By-law 218-1, as modified by by-laws 218-1-1 and 218-1-2 is repealed.

16.2 By-law 2006-55K, as modified by by-law 2006-55K-1 is repealed.

SECTION 17 COMING INTO FORCE

This by-law comes into force according to law.

(Michel Gibson)

Mayor

(Annie Riendeau)

Town Clerk