

**PROVINCE OF QUEBEC  
TOWN OF HAMPSTEAD**

**Consolidation of BY-LAW N° 740 and its  
Amendments N° 740-1, 740-2, 740-3, 740-4,  
740-5 & 740-6**

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**BY-LAW REGARDING THE INTERNAL  
GOVERNMENT OF THE COUNCIL  
MEETINGS OF THE TOWN OF  
HAMPSTEAD**

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**NOTICE**

*This consolidation is not official. It has been compiled on the 1<sup>st</sup> of September 2015 by the Town Clerk in order to facilitate the reading of the text. The official text is to be found in the original by-law and in each of its amendments.*

**WHEREAS** Article 331 of the *Cities and Towns Act* allows the Council to adopt rules to regulate debates and maintain order during the Council meetings;

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

**WHEREAS** Notice of Motion of the present by-law was given at the November 28<sup>th</sup>, 2005 meeting;

**ON DECEMBER 12<sup>TH</sup>, 2005, THE COUNCIL DECREES THE FOLLOWING:**

**SECTION I – REGULAR COUNCIL MEETINGS**

**1.** *The council shall hold regular sittings at least once a month.*

*The council shall determine, by resolution, the schedule of its regular sittings, setting the date and time of each sitting, before the beginning of the calendar year.*

*However, the council may decide, by resolution, that a regular sitting is to begin on a date and at a time other than those specified in the schedule.*

(740-3, art. 1, 11/03/2008)

**2.** *The clerk shall give public notice of the sitting schedule.*

*The clerk shall also give public notice of any regular sitting to be held on a day or at a time other than that specified in the schedule.*

(740-3, art. 2, 11/03/2008)

**3.** *Regular Council meetings are held in the Council Room at the Community Centre, 30 Lyncroft Road, Hampstead or in any other place determined by a Council resolution.*

(740-2, art. 1, 11/20/2006)

4. *Removed.*

(740-5, art.1, 02/07/2011)

**SECTION II – SPECIAL COUNCIL MEETINGS**

5. A Special Council meeting may be called at any time by the Mayor when he/she deems it necessary, by a verbal or written order to the Town Clerk. If the Mayor refuses to call a Special meeting when it is deemed necessary by at least three Council members, the latter may order such a meeting to be held by making a signed written request to the Town Clerk.

6. The topics included in this Notice of meeting are set by the Mayor or by the Council Members calling the Special meeting.

In a Special meeting, only the topics and business mentioned in the Notice of meeting may be covered, except by unanimous consent of the Council members, if they are all in attendance.

7. Each of the Council members must be served the Notice of meeting at the latest 24 hours prior to the time set for the beginning of the meeting in accordance with the provisions of Article 8 herein. The Notice of meeting is deemed to have been served when notice is sent by Registered or Certified mail at least two clear days prior to the meeting.

8. A Notice of meeting is served in the following manner:

- i. It is sent by Registered or Certified mail, at least two clear days prior to the meeting;
- ii. A copy of the Notice of meeting is brought to the addressee in person or to another reasonable person at his /her home or place of business even if he/she shares the latter in partnership with someone else; the notice is served by the person calling the meeting, by the Town Clerk or by any peace officer;
- iii. In the event that the Notice of meeting is served by leaving a copy to the addressee in person, at his/her home or place of business, if the doors to the home or place of business are shut, or if no reasonable person is found on the premises to receive it, it is served by posting a copy of the notice on one of the doors of the house or place of business.

9. All Council members in attendance at a Special meeting may renounce in writing to the Notice of meeting for that meeting.

10. *Special Council Meetings are public, begin at the time stated on the Convocation Notice and are held within the territory of the Town of Hampstead at the location stipulated in the Notice.*

(740-2, art. 2, 11/20/2006)

### **SECTION III - ORDER AND DECORUM**

- 11.** Council meetings are chaired by the Mayor or *Acting Mayor* or, failing which, by a member selected from among the attending Councillors.

(740-3, art. 3, 11/03/2008)

- 12.** *The Chairperson keeps order and decorum during the Council meetings. The following behaviours are prohibited and may also justify the expulsion from the meeting by order of the Chairperson:*

- a) using vulgar, insulting violent or hurtful language or slander against someone;*
- b) making a vulgar gesture;*
- c) speaking without being granted the floor;*
- d) making noise;*
- e) interrupting someone who already has the floor except if it is the meeting Chairperson who has the right to call people to order;*
- f) engaging in a debate with the public;*
- g) wandering away from the topic under discussion;*
- h) moving about between the Council table and the public.”*

(740-4, art. 1, 12/17/2009)

- 13.** The use of a mechanical or electronic voice recording device is authorized during Town Council meetings on the condition that the equipment is used silently and without in any way disturbing the proceedings. The recording device must remain in the user’s physical possession.

- 14.** The use of a still, video or television camera or other is authorized on the following conditions:

- i. Only Town Council members and officers assisting them may be filmed or photographed by means of a still, video or television camera or any other device for recording images; and only during Question Period, may the people asking the questions of the Council members also be photographed or filmed;
- ii. Such devices are authorized only in duly identified spaces set aside for this purpose.

The use of any still, video or television camera or any other device for recoding images is authorized on the condition that the device is used silently and without in any way disturbing the proceedings.

- 15.** Any member of the public in attendance during a Town Council meeting must refrain from shouting, heckling, singing, making noise or any other gesture likely to negatively impact the proceedings.

16. Any member of the public in attendance during a Town Council meeting that wishes to address a member of Council, the General Manager or Town Clerk may only do so during Question Period and after being duly authorized by the meeting Chairperson.
17. Any member of the public in attendance during a Town Council meeting must obey an order of the meeting Chairperson regarding order and decorum at a Council meeting.

#### **SECTION IV – AGENDA**

18. For the benefit of the Council members the Town Clerk has a draft agenda drawn up for every regular meeting, which then is transmitted to the Council members along with any available documents, at the latest 24 hours ahead of time.
19. The agenda of the regular meetings includes the following topics:
  - a. First Question Period;
  - b. Adoption of the agenda;
  - c. Confirmation of the minutes of the previous meeting;
  - d. Topics requiring a Council decision;
  - e. Correspondence, as the case may be;
  - f. Other Matters;
  - g. Second Question Period;
  - h. Adjournment.
20. Prior to being adopted, the regular Council meeting agenda is completed and modified, if necessary, according to the requests by any of the Town Council members.

The items on the agenda are called in the order in which they appear.

21. After being adopted, the agenda may still be modified at any time but only with the consent of a majority of the Council members in attendance.
22. When all of the business in the agenda has been dealt with, the meeting is closed following a proposal to that effect.

#### **SECTION V – QUESTIONS FROM THE PUBLIC**

23. Council meetings include two periods during which the people present may orally ask the Council members questions.

Each Question Period lasts a maximum of thirty minutes. This period comes to an end before the expected expiration time when there are no more questions asked.

24. Any member of the public present wishing to ask a question will have to:
  - a. rise and identify him/herself;

- b. address the meeting Chairperson;
- c. state who his/her question is intended for;
- d. *ask only one question. The question may be preceded by a brief statement of no more than one minute. Following the response, a follow-up question on the same topic is permitted. No statement may be made prior to the follow-up question;*

(740-6, art. 1, 09/06/2011)

- e. speak in polite terms and not use derogatory or slanderous language.

25. *Removed.*

(740-6, art. 2, 09/06/2011)

26. The Mayor or Councillor who is asked the question may answer it immediately, respond at a subsequent meeting or answer in writing.

27. Every Council member may, with the permission of the Chairperson, complete the answer given.

28. Only questions of a public nature are allowed, as opposed to those of a private order not dealing with Town business.

*During the Second Question Period, questions and comments are limited to items listed on the Agenda.*

(740-3, art. 6, 11/03/2008)

29. Any petition or other written request intended to be presented to Council must bear on the back, the name of the petitioner and a summary of the request. Only the back will be read unless a *majority of Council members* insists that the whole document be read in which case, this will be done.

(740-3, art. 7, 11/03/2008)

## **SECTION VI – PROCEDURES FOR PRESENTING REQUESTS, RESOLUTIONS AND BY-LAWS**

30. A Council member wishing to take the floor must request it from the meeting Chairperson. The meeting Chairperson gives the floor to the Council member in the order of the requests.

The Council member who takes the floor must:

- speak from the seat that he/she was assigned;
- address the Chairperson;
- stick to the topic of the debate except during the time already provided for Council member interventions in the agenda;
- avoid personal remarks, insinuations, violent, hurtful or rude language about anyone, vulgar expressions or turns of phrase;
- refer to the meeting Chairperson by his/her title.

31. The resolutions or by-laws are presented by *the Chairperson* or a Council member who explains the project to Council or, at the request of the Chairperson, by the Director General or the Town Clerk.

(740-3, art. 8, 11/03/2008)

Once the project is presented, the meeting Chairperson must make sure that all of the Councillors wishing to speak on the matter are given the opportunity to do so.

Once the draft resolution or by-law is presented, a Councillor may present a motion to amend the project.

32. When a motion to amend is presented by a Council member, the Council must first of all vote on the amendment presented. When the amendment is carried the Council then votes on the original project as amended. When the amendment is rejected, the Council votes on the original project. The voting rules that apply to the original project also apply to the vote on an amendment.

33. All Councillors may at any time during the debate, request that the initial resolution or amendment be read and, at the request of the Chairperson, the Town Clerk is then required to read it.

34. A proposal to withdraw or postpone the study or adoption of a matter puts an end to the debate on the main proposal, which can then no longer be amended.

35. In the course of a Council meeting, a Council member may raise a point of order for non-compliance with the rules of procedure or request that the meeting Chairperson enforce the order and decorum. The meeting Chairperson rules upon the point of order.

On the proposal presented to that end, four Council members may appeal the decision.

36. A Council member may refer a question of privilege to the Council to highlight one of the following situations:

- a member's rights and privileges are being infringed upon;
- a member's honour or reputation is being damaged;
- material conditions for holding the meeting are inappropriate.

He/she briefly presents the reasons for raising the issue. If other Council members are mentioned, they are entitled to give their version.

If the meeting *Chairperson* considers the point to be founded, he/she takes the measures he/she deems appropriate or declares that the incident is closed.

(740-3, art. 9, 11/03/2008)

A question of privilege is dealt with as soon as it is raised except when:

- a Council member has the floor;
- a proposal has been put to a vote;
- a previous question has been raised;
- the Chairperson decides to take the question under advisement.

## **SECTION VII - VOTING**

**37.** When there is no debate, or when the debate is completed, in the event that there is no call for a vote, the resolution is deemed to be unanimously carried.

When a resolution is unanimously carried the meeting Chairperson is deemed to have voted unless he/she expressly declares that he/she is abstaining.

**38.** When a vote takes place, the meeting Chairperson has the right to vote but is not obliged to do so. Any other Town Council member has the obligation to vote on pain of statutory penalty.

**39.** However, a Town Council member who is in attendance at a time when a matter in which he/she has a direct or indirect financial interest is to be considered, he /she must divulge the general nature of this interest before the deliberations on this matter begin and refrain from participating in them or voting or attempting to influence the vote on the matter.

**40.** When the matter is considered during a meeting from which the member is absent, he/she must divulge the general nature of his/her interest at the next meeting he/she attends, the whole in accordance with the *Act on elections and referendums in municipalities* (L.R.Q., c. E-2.2).

**41.** The voting is done by show of hands or viva voce and called by a Council member. The meeting Chairperson announces the result and the Town Clerk records the name of the people who voted in favour and those who voted against the resolution, in the minutes. The rationale for the votes by each of the Council members is not recorded in the minutes.

**42.** When the votes are equally distributed, the decision rendered is taken to be negative.

**43.** Any decision must be made by a majority of the members in attendance, except when the law requires an absolute majority or a majority of the elected members in which case, the required majority is the majority of all of the Council members.

## **SECTION VIII - ADJOURNMENT**

**44.** Any regular or special meeting may be adjourned by Council to another time on the same day or another later date for consideration and dispatch of unfinished business without having to give notice of these adjournments to the members present or absent.

No new business may be submitted or considered after the adjournment of a special meeting, except if all of the Council members are present at the time and accept to do so.

45. Two Council members may, for want of a quorum, adjourn a meeting to a later date, thirty minutes after becoming aware of the lack of a quorum.

A special notice of this adjournment must be given by the Town Clerk to the Council members who were away during the adjournment.

The time of adjournment, the names of the Council Members in attendance, the day and time when the meeting was adjourned are all entered into the Council's record of proceedings.

#### **SECTION IX - PENALTY**

46. *Any person acting in violation of articles 12, 13, 14, 15, 16 and 17 of the present by-law commits an offence and is liable to a minimal fine of \$100 for a first offence and of \$200 for a repeated offence, said fine may under no circumstance be greater than \$1,000. The costs for each offence shall be over and above.*

*Failing payment within the time allotted by the Court, the offender shall be liable to the sanctions provided for in the Quebec code of criminal procedure (L.R.Q., c. C-25.1).*

*The members of the Public Security Department of the Town of Hampstead and the City of Montreal Police Department are authorized to issue a statement of offence with respect to any infraction to this by-law."*

(740-4, art. 2, 12/17/2009)

#### **SECTION X – INTERPRETIVE AND FINAL PROVISIONS**

47. No provision of the present by-law should be interpreted as restricting the powers that are granted by law to the members of the Town Council.
48. The present by-law replaces and cancels any other prior by-law regarding the internal government of Council meetings.
49. The present by-law will come into effect according to the law.

(s) William Steinberg  
William Steinberg, Mayor

(s) Nathalie Lauzière  
Me Nathalie Lauzière, Town Clerk