

**PROVINCE OF QUEBEC
MUNICIPALITY OF PONTIAC**

MINUTES of the municipal council's special meeting held on Tuesday, May 4, 2010 at 7:30 p.m. at the Luskville Library, situated at 2024 route 148, Pontiac. Those who were present :

Edward McCann, mayor, Dr. Jean Amyotte, acting mayor and councillors, Roger Larose, Lynne Beaton, Jim Coyle, Inès Pontiroli and Brian Middlemiss.

ALSO PRESENT: the director general and his assistant.

The meeting started at 7:54 p.m.

**10-05-192
ADOPTION OF THE AGENDA**

1. Adoption of the agenda
2. By-law regarding the location of council meetings
3. Receptionist-clerk position
4. Operator position
5. Crew chief and labourer position
6. Replacement - Crew chief and operator of the potable water and wastewater systems
7. Posting – truck driver
8. Adjournment of the sitting

It is

Moved by Dr. Jean Amyotte
Seconded by Inès Pontiroli

AND RESOLVED to adopt the agenda as prepared and read.

Carried

**10-05-193
BY-LAW NO. 09-10 REGARDING MEETING PROCEDURES OF THE
MUNICIPAL COUNCIL OF PONTIAC**

WHEREAS the municipal council wishes to abrogate by-law no.163-99 concerning rules and procedures to be followed by the council of the Municipality of Pontiac during its public meetings;

WHEREAS a notice of motion was given on April 13, 2010 by the mayor, Mr. Edward McCann;

CONSEQUENTLY, it is

Moved by Dr. Jean Amyotte
Seconded by Inès Pontiroli

AND RESOLVED to adopt the present by-law:

THAT IT BE STATUED AND ORDERED BY THE PRESENT BY-LAW that:

ARTICLE 1 The preamble is an integral part of the by-law.

ARTICLE 2. SESSIONS OF THE MUNICIPAL COUNCIL

ARTICLE 2.1 The regular session of the municipal council will be held the second Tuesday of each month, unless otherwise ordered by a motion of the

Municipal Council or said Tuesday is a civic holiday as decreed by law in which case the Municipal Council would meet on the next working day.

Council meetings will be held at 2024 route 148, Pontiac, Qc, except for the meetings in May and August that will be held at the Breckenridge fire hall (1491 route 148) and at the Quyon Lion's Hall (2 Ferry road) respectively.

ARTICLE 2.2 All regular sessions of the Municipal Council of the Municipality of Pontiac will begin at 8:00 p.m. and end at 11:00 p.m. unless a motion is adopted to extend the meeting past regular hours.

ARTICLE 2.3 The Mayor of the Municipality of Pontiac, the director general, or two members of the Municipal Council may, when they deem appropriate, call a special meeting of the Municipal Council by verbal or written request addressed to the director general of the Municipality. The director general will then prepare a notice containing the items of business to be presented at this meeting and forward this notice to each member of the Municipal Council at least forty-eight (48) hours prior to the time set for the said meeting.

ARTICLE 2.4 When two (2) members of the Municipal Council wish to hold a special meeting they may call the meeting themselves, by specifying in writing, to the secretary of the Municipality, the reasons for calling the special meeting, along with the date, time and place of the special meeting.

Upon receiving this request the director general will prepare a notice that will be distributed according to the provisions set out in the previous article.

At a special meeting convened according to articles 2.3 and 2.4, the Municipal Council can only discuss and approve those subjects that are on the agenda unless all members of the Municipal Council accept to add other subjects to the agenda.

ARTICLE 2.5 The Municipal Council may hold only one meeting per day.

ARTICLE 3. OPENING OF THE MEETING

ARTICLE 3.1 At the opening of the meetings, the municipal director general begins by registering the names of the Municipal Council members present in the minute book and determining if there is a quorum.

In the absence of the director general and before any business is conducted, a motion passed by the Municipal Council will be adopted authorising one or more persons to act as secretary for this meeting. The motion can be made for a year.

ARTICLE 3.2 If there is a quorum, the meeting is called to order and the Mayor, if he is present, presides the meeting. In the absence of the Mayor and the acting Mayor, the director general calls to order and presides over the deliberations to choose a temporary chairman amongst Council members present.

The acting Mayor or temporary chairman, as the case may be, presides the meeting until the arrival of the Mayor or acting Mayor as the case may be.

ARTICLE 3.3 In the absence of quorum, two (2) members of the Municipal Council may adjourn the meeting to a future date, thirty (30) minutes after the absence of quorum is duly noted.

Special notice of this adjournment must be given by the secretary-treasurer to members of the Municipal Council absent when the meeting was adjourned.

ARTICLE 3.4 It is presumed that the quorum verified at the opening of the meeting will last throughout the meeting, however any member of the Municipal Council may ask for a verification of the quorum at any time during the meeting.

Official establishment of absence of quorum renders the continuation of deliberations invalid but does not affect decisions made prior to the establishment.

ARTICLE 3.5 All deliberations taken during the meeting must be recorded by the Director general in a register chosen for these ends.

ARTICLE 4. ORDER OF BUSINESS

ARTICLE 4.1 The Council then proceeds with business in the following order:

ARTICLE 5. AGENDA

ARTICLE 5.1 The director general reads the agenda, has it adopted by the Municipal Council and proceeds to have each item adopted individually by the Municipal Council.

1. OPENING OF THE MEETING

2. FLOOR OPEN TO THE PUBLIC

3. ADOPTION OF THE AGENDA

4. ADOPTION OF THE MINUTES OF THE PREVIOUS MEETINGS

5. ADMINISTRATION - FINANCES AND HUMAN RESOURCES

- transfers
- selective list of expenses
- list of invoices to pay
- financial report
- awarding of tenders
- other related matters
- resignation
- hiring personnel
- authorisation for the signature of documents
- cancellation or amendment of motions
- other related matters

6. PUBLIC SECURITY

- auction of unclaimed goods or municipal surplus
- proclamations
- other related matters

7. PUBLIC WORKS

- installation, moving signs
- forwarding of plans for approval by the Q.M.E. and the M.R.C.
- authorization for street lights
- other related matters

8. PUBLIC HYGIENE

- municipal dump
- water/sewers
- environment

9. URBAN RENEWAL

- minutes of the previous meeting
- subdivision plans and replacement
- reports from the C.P.T.A.Q.
- requests for a petition
- withdrawal, state of roads
- assignment of names for new streets, roads
- transfer of roads and parks
- minor derogations
- other related matters

10. RECREATION AND CULTURE

- recognising organisations
- request for grants from the government
- attributing grants to known and affiliated organisations
- proclamations
- schedule for the use of equipment
- other related matters
- requests regarding the Law on cultural rights

11. MISCELLANEOUS

- proclamations of all types
- congratulations/sympathies
- other related matters

12. VARIOUS REPORTS AND CORRESPONDENCE

13. TABLING OF DOCUMENTS

14. PUBLIC QUESTION PERIOD

A verbal question period from ratepayers in attendance who have signed the register for a maximum of thirty (30) minutes, will be governed by these rules:

1. Ratepayers who have signed the register will address a question to an individual (Mayor, director general, councillor, etc) based on the subject entered in the register.
2. In the case of a general question the Mayor will decide who answers the question.
3. The person to whom the question is asked, may choose one of the following options:
 - a) to give a direct answer based on the facts available
 - b) advise the ratepayer that a reply will be given within a set time period
 - c) advise the ratepayers that a written reply will be given him or her.
4. In order to be equitable each person entered in the register will be allowed one question. If at the end of the last

question time remains in the question period, the Mayor, at his discretion, may allow a second question to a person. Time reserved for the question period must automatically end thirty (30) minutes after it has started.

15. CLOSING OF MEETING

ARTICLE 5.2 The agenda can be modified with the agreement of two thirds (2/3) of the Municipal Council of the members present.

Modifications to the agenda can be of the following nature:

- Addition or deletion of an item, re-arrangement of the order of items, addition of questions to item new business;
- Furthermore, all items added to the agenda must be added under the heading of "**new business**".

ARTICLE 6. RULES RELATED TO BY-LAWS

ARTICLE 6.1 The Municipal Council will follow rules decreed in the Quebec Municipal Code when it adopts a municipal by-law.

ARTICLE 7. RULES RELATED TO MOTIONS

ARTICLE 7.1 No motion is debated during a meeting of the Municipal Council without the consent of two thirds (2/3) of the members of the Municipal Council present unless the resolution is listed on the agenda.

To be listed on the agenda of a meeting of the Municipal Council, all motions must be listed on the agenda of the plenary meeting preceding the regular meeting and given to the director general no later than 12:00 o'clock (12), the **Thursday** preceding the meeting of the Municipal Council; otherwise the motion cannot be listed on the agenda of the meeting of the Municipal Council.

ARTICLE 7.2 A motion will not come before the meeting unless it is duly moved.

Council can only debate one motion at a time. Once a motion is tabled and approved it becomes the question under deliberation and can be debated before being disposed of in one of the following manners:

- by adoption;
- by rejection;
- by returning to committee;
- by postponing it to a definite or indefinite time.

ARTICLE 7.3 Notwithstanding what precedes, once a motion is put before the Council, it becomes the property of Council and may not be withdrawn without consent of Council.

Furthermore when a motion is before Council, said motion can only be modified using the amendment procedure, unless the member who has proposed the motion agrees to the modification.

ARTICLE 8. CLASSIFICATION AND PRIOROTY OF MOTIONS

ARTICLE 8.1 According to their nature, motions can be placed in one of the following categories:

- privileged motions;
- incidental motions;
- dilatory motions;
- ordinary motions;
- special motions;

ARTICLE 8.2 Privileged motions are the following:

a) **Closing of the session**

A session is ended by a motion to close. This motion is not debatable. Normally this motion is made when all agenda items are disposed of. It can however be made prior to all agenda items being disposed of, but in this case, its adoption requires the support of two thirds (2/3) of the Municipal Council members present.

b) **Postponement**

The aim of this motion is to postpone the session to a future date that must be specified. This motion is not debatable with the exception of the proposed date for resuming a meeting.

The session must resume where it left off. The agenda remains the same and can only be modified by support of two thirds (2/3) of the members of the Municipal Council present when the session resumes.

c) **Adjournment of the session**

The aim of the motion to suspend the deliberation of a session for a short time. The deliberations are to resume at the same point during the same session. This motion is not debatable with the exception of the time period allowed for the suspension.

d) **Question of privilege**

This motion can not be made at any time. It can only be received by the Mayor if he decides that in fact one or any of the individual's rights has been wronged. This motion is not debatable.

If a question of privilege is raised, the person who has the floor must relinquish it until the question is ruled upon. He may then resume but must abide by the decision of the chair on the question of privilege.

e) **Appeal of the Mayor's decision**

Any member of the Municipal Council may appeal to the assembly about a decision made by the Mayor in regards to the interpretation or application of a by-law. This type of motion is not debatable.

f) **Modification of an adopted agenda**

A motion to modify the accepted agenda during the course of a meeting has one of the following purposes: to change the order of the items on the agenda, to add or delete an item or to highlight one of the items as special. This motion is only acceptable if it has the support of two thirds (2/3) of the members of the Municipal Council present with the exception of "special meetings". The agenda of a special meeting may only be modified if all members of the Municipal Council are present and agree to the proposed change.

ARTICLE 8.3 Incidental motions are the following:

a) **Withdrawal of a motion**

This motion is aimed at ending the debate when the assembly believes that the motion is a mistake or when it becomes evident during discussion that another resolution would be preferable.

b) **Request for a closed meeting**

When the public interest requires it, the assembly can decide to hold a closed meeting and invite whomever they deem it necessary to invite.

c) **Dividing a motion**

A motion to divide a motion into individual motions can only be received by the Mayor if each motion is consistent. This motion is not debatable.

ARTICLE 8.4 Dilatory resolutions are the following:

a) **Motion to temporarily postpone a question**

The aim of this motion is to temporarily put off dealing with a question that the meeting can deal with at its convenience.

This type of motion is not acceptable if it deals with the following:

- a question of privilege or an appeal to a decision rendered by the Mayor;

The only debate allowed is on the reason for postponement and the date on which the question will be heard. Therefore the discussion cannot be based on the object of the motion that is being considered for postponement.

b) **Motion for an immediate vote**

The motion for an immediate vote ends the discussion on the question under deliberation with reserve to the right of reply for the person who introduced the motion under debate. This motion is not debatable and requires the support of two thirds (2/3) of the members of the Municipal Council present.

c) **Motion to refer to a committee**

The aim of this motion is to refer the question under deliberation for study to the planning committee or to a permanent committee of Council or to a special (ad hoc) committee. In this case the motion must determine the mandate and the formation of said special (ad hoc) committee. The referral could also be made to the municipal department concerned.

ARTICLE 8.5 Regular motions are the following:

a) **Motion of amendment or sub-amendment**

The aim of an amendment is to modify the content of a motion by striking out, adding, or replacing certain words in the motion. It is received if it is not related to the subject of the original motion or if it results in a change to the type of motion that is under deliberation.

Any amendment can be amended under the same rules. It then becomes a sub-amendment; a sub-amendment cannot be amended.

b) **Main motion**

A main motion is a statement on which the assembly is called to make a decision that will resolve a subject under study. It is received at a meeting if it concerns a question that appears on the agenda.

The order of procedure for dealing with a motion that has been amended or sub-amended is as follows:

- the sub-amendment will be disposed of first, followed by the amendment, and finally the main motion.

ARTICLE 8.6 Special motions are the following:

a) **Reconsideration of a motion or a by-law**

A request to reconsider a motion or a by-law, or a notice to this effect must be made at the same meeting or during deliberations on the subject if its study continues at another meeting.

Are authorised to make this request or give notice to this effect any 2 members of the municipal Council who voted when the motion which is to be reconsidered was voted on.

The motion or by-law open for reconsideration must be debated and decided at the meeting following the deposition of the notice of reconsideration.

If the motion or the by-law open for reconsideration is not debated at this meeting, the motion or by-law open for reconsideration becomes in force.

A second vote of reconsideration cannot be requested for the same motion or by-law.

b) **Point of order**

The Mayor must enforce the rules of order and decorum during the meeting. If a member of the Municipal Council is in breach of these rules, the Mayor must call him to order; if he does not, any member has the right and without debate to draw attention to this fact by calling for a point of order regarding the particular issue.

ARTICLE 8.7 Excluding special motions which are treated without regard to priorities, the order of priority of motions depends first of all on their category and then on the rank they occupy within their respective category.

Therefore, privileged motions have a priority over all other types of motions. Incidental motions have priority over dilatory or regular motions. Dilatory motions have priority over regular motions.

ARTICLE 9. CONDUCT OF DELIBERATIONS

ARTICLE 9.1 The rights and duties of the members of the Municipal Council depend on the function they perform at a meeting or the title under which they are a participant of the session.

ARTICLE 9.2 Rights and duties of members of the Municipal Council regarding the good conduct of a session

All members of the Municipal Council respect the rules of order and silence necessary for the smooth running of the meeting. Members of the Municipal Council must therefore avoid chatter, unnecessary movement, disorder and obstructive manoeuvre.

Slight of an individual is not acceptable. Any member of the Municipal Council slighted has the right to complain to the Mayor and give the assembly any explanation he deems necessary.

No one may bring into question personal motives he believes are the grounds for a member of the Municipal Council's position on a question.

ARTICLE 9.3 Right of speech of members of Municipal Council

A member of the Municipal Council may not speak unless he is recognised by the Mayor.

No member of the Municipal Council may speak more than once nor for longer than fifteen (15) minutes on any one question without permission from the Municipal Council except to explain or correct a misunderstanding of his statement. Furthermore even if this permission is granted, the member of the Municipal Council will not be allowed to speak a second time until all members of this same Council have discussed the question under deliberation.

ARTICLE 9.4 Rights and duties of the Mayor

a) The Mayor at the beginning of the meeting performs the usual preliminary verification. He opens the meeting, deals with the agenda, supplies or asks another member of the Municipal Council to supply necessary explanations on the study of a question, recognises speakers, rules on the acceptability of motions and sees to the good order, assures the respect of all regulations and abides by them himself.

He applies the necessary sanctions when he deems appropriate, reads the motions tabled, calls for the vote, submits to the will of the assembly when a member appeals one of his decisions and in general remains impartial.

b) In the performance of his duties, the Mayor may have arrested by a constable, a peace officer or police officer any person, whomever disrupts the order of a Municipal Council meeting and have them removed from the premises. If he deems it necessary have a summons issued to said persons ordering them to appear before the Municipal Court.

c) When the Mayor is called upon to rule on a point of order or practice he indicates which rule applies in this matter, without any other remark or commentary.

ARTICLE 9.5 Rights and duties of the members of the Municipal Council

All members of the Municipal Council have the right to be present at a meeting and do not have to leave unless the rules and regulations demand it. They have the right to submit, to support or debate any motion judged receivable by the Mayor.

They also have the right to ask any pertinent question, take part in the debate and vote unless the rules and regulations revoke his right on a particular issue.

Any member of the Municipal Council may ask a question of privilege if he believes that one of his rights has not been respected. He can raise a point of order if he believes that a rule or regulation has not been observed.

No member of the Municipal Council can use coarse or indecent language towards another member. He must keep to the question under debate and cannot interrupt the course of the meeting of the Municipal Council.

All members of the Municipal Council present at a meeting must vote on a motion or by-law unless he is in conflict of interest. When a vote is called no member of the Municipal Council may leave his seat.

All members of the Municipal Council have the right to ask that the motion under debate be read to him/her at any time during the debate.

During the course of a meeting, if a member of the Municipal Council wishes to obtain information or explanations from someone who is not a member of the Municipal Council he must first ask permission from the Mayor.

ARTICLE 9.6 Rights and duties of the members of the Municipal Council

A member of the Municipal Council must always address the Mayor. Therefore he cannot converse with any other member of the Municipal Council without going through the Mayor. He must remain within the subject context and the time limits allowed and respect all rules and regulations.

The member of the Municipal Council must express his opinion only once on a given motion except if the assembly allows him the privilege of speaking a second time.

ARTICLE 9.7 Sanctions

A member of the Municipal Council who contravenes the rules specially the rules of order can be called to order by the Mayor and he must cease immediately except if he is given permission to explain.

In such a case the Mayor may impose a sanction or several successive sanctions if the situation warrants it.

If there is no appeal, the Mayor's decision is final. If the member of the Municipal Council appeals the Mayor's decision, the Municipal Council rules on the case without debate.

By increasing order of severity the possible sanctions are as follows: order to withdraw certain words, suspension of the right to speak for a certain time, order to leave the premises, expulsion by force.

Furthermore, any member of the Municipal Council who leaves his seat after the vote is called or refuses to vote on a motion or by-law will be fined not less than fifty dollars (50.00\$) and not more than three hundred dollars (300.00\$) as imposed by the Mayor except in the event of a conflict of interest recognised by the member of the Municipal Council.

ARTICLE 10. COMMITTEES

ARTICLE 10.1 Permanent committees

Council may, by motion, establish all permanent committees it feels are required for the smooth running of the administration of the Municipality.

ARTICLE 10.2 Special committees

The Municipal Council may on occasion create special committees to study specific problems.

The mandate of a special committee ends when its final report is accepted, except if it is ordered otherwise. The majority of the members of the committee forms a quorum.

ARTICLE 10.3 Committee reports

Committees to which questions have been referred must in every case produce a written report signed by the president relating the facts and their recommendations.

All committee reports must be addressed to the Municipal Council and must briefly outline the subject and conclusions the Municipal Council have arrived at. These conclusions must be summarised in the form of recommendations.

ARTICLE 11. BECOMING IN FORCE

ARTICLE 11.1 The present by-law will become in force according to law and abrogates by-law no. 163-99.

Councillor Brian Middlemiss votes against the motion.

Carried by division

Councillor Roger Larose steps out at 8:05 p.m.

10-05-194

RECEPTIONIST-CLERK POSITION

WHEREAS the posting of the receptionist-clerk position on April 16th;

WHEREAS Mrs Michelle Dubois was the only one who applied for the position;

WHEREAS the current conditions of the collective agreement;

It is

Moved by Jim Coyle
Seconded by Dr. Jean Amyotte

AND RESOLVED THAT the municipality grant the position of receptionist-clerk to Mrs Michelle Dubois, according to the conditions specified in the collective agreement.

Carried

Councillor Roger Larose returns to the table at 8:10 p.m.

10-05-195

OPERATOR POSITION

WHEREAS the posting of the operator position to replace Mr. Tom Armstrong;

WHEREAS the applications received;

WHEREAS Mr. Jack Kingsbury has the most seniority and has the required experience;

It is

Moved by Jim Coyle
Seconded by Inès Pontiroli

AND RESOLVED THAT the municipality grant the position of operator to Mr. Jack Kingsbury. The conditions specified in the collective agreement are applicable.

Carried

10-05-196

CREW CHIEF AND LABOURER POSITION

WHEREAS the posting for the crew chief and labourer position to replace Mr. Marc Lavigne;

WHEREAS Mr. René Martineau is one candidate who has applied for the position;

It is

Moved by Jim Coyle
Seconded by Roger Larose

AND RESOLVED THAT the municipality grant the position of crew chief and labourer to Mr. René Martineau for the duration of Mr. Marc Lavigne's absence in this position. The conditions specified in the collective agreement are applicable.

Carried

10-05-197

REPLACEMENT – CREW CHIEF AND OPERATOR OF THE POTABLE WATER AND WASTEWATER SYSTEMS

WHEREAS the posting for the replacement during absences of the crew chief and operator of the potable water and wastewater systems;

WHEREAS it is imperative to have a qualified replacement in this position;

WHEREAS the complexity of the job;

WHEREAS the applications received from Pierre-Louis Chartrand, Denis Martineau and Chantal Beaudoin;

It is

Moved by Jim Coyle
Seconded by Inès Pontiroli

AND RESOLVED THAT the municipality offer adequate training courses, as soon as possible to Mrs Chantal Beaudoin and Mr. Denis Martineau in order to replace during Michael Proulx's holidays in 2010. The training course shall be given to Mr. Pierre-Louis Chartrand during the Fall of 2010, considering the present need for inspections.

IT IS FURTHER RESOLVED THAT the definite replacement will be given in December 2010, following the results of the training course, considering the complexity of the job.

Carried

10-05-198

POSTING – TRUCK DRIVER POSITION

WHEREAS Mr. René Martineau is acting in the crew chief and labourer position;

WHEREAS it is necessary to post the truck driver position that he occupied;

WHEREAS the municipality's requirements;

It is

Moved by Roger Larose

Seconded by Inès Pontiroli

AND RESOLVED THAT the municipality post the truck driver position with the minimum requirement of the possession of a "class 1" driver's permit.

Carried

10-05-199

ADJOURNMENT OF THE MEETING

It is

Moved by Jim Coyle

Seconded by Lynne Beaton

AND RESOLVED to close the meeting at 8:45 p.m., having gone through the agenda.

Carried

MAYOR

DIRECTOR GENERAL

« I, mayor Edward McCann, hereby certify that the signature on the present minutes is equivalent to the my signature on each and every resolution herein, as specified in article 142 (2) of the Municipal Code».