

Hamlet of Tulita BYLAW NUMBER 265-19 “Council Procedures Bylaw”

A bylaw of the Incorporated Hamlet of Tulita in the Northwest Territories to provide for the regulation of proceedings in Council Meetings, and to establish the Terms of Reference for Standing Committees, pursuant to the provisions of the *Hamlets Act*, S.N.W.T., 2003, c.22.

WHEREAS this bylaw is enacted pursuant to the provisions of the *Hamlets Act*, S.N.W.T., 2003, c.22, and subsequent amendments thereto;

AND WHEREAS Council shall, by bylaw, make rules respecting the procedures for Council to conduct its business;

NOW, THEREFORE, THE COUNCIL OF THE HAMLET OF TULITA in a duly assembled meeting, enacts as follows:

1.0 SHORT TITLE

1.1 This bylaw may be cited as the "**Council Procedures Bylaw**".

2.0 DEFINITIONS:

2.1 In this bylaw:

2.1.1 “Committee” shall mean a committee established by Council, whether ‘standing’ or ‘*ad hoc*’;

2.1.2 “Community” shall mean the Hamlet of Tulita in the Northwest Territories;

2.1.3 “Confidential” shall mean materials or discussions that provide information whose unauthorized disclosure could be prejudicial to the interests of the Hamlet of Tulita;

2.1.4 “Council” shall mean the Council of the Hamlet of Tulita;

2.1.5 “Council Chambers” shall mean that room or location where the Council Meeting or Committee Meeting is taking place;

2.1.6 “Council Member” or “Member” shall mean Mayor and/or Council, separately or collectively;

2.1.6 “Councillor” shall mean any Council Member other than the Mayor;

2.1.7 “Hamlet” shall mean the Incorporated Hamlet of Tulita;

- 2.1.8 "Officer" shall mean the Senior Administrative Officer, or any employee of the Hamlet appointed as an Officer pursuant to the *Hamlets Act* of the Northwest Territories;
- 2.1.9 "Mayor" shall mean the Mayor of the Hamlet of Tulita;
- 2.1.10 "Meeting" shall mean any Regular, Special, Committee, or Emergency Meeting of the Council;
- 2.1.11 "month" shall mean a calendar month;
- 2.1.12 "Peace Officer" shall mean a Peace Officer as defined under the *Criminal Code*;
- 2.1.13 "Presiding Member" shall mean the Mayor or any Councillor who may be presiding over a Council Meeting, or a Councillor or citizen who may be presiding over a Committee Meeting as appointed by Council (*also may be referenced as the "Chair"*);
- 2.1.14 "private meeting" shall mean a meeting, or a portion of a meeting, which is closed to the Public (*also called "in camera"*);
- 2.1.15 "SAO" shall mean the Senior Administrative Officer or the Assistant Senior Administrative Officer of the Hamlet;

3.0 PROCEDURES OF COUNCIL

- 3.1 The purpose of this Bylaw is to establish the general procedures to be followed at meetings of Council and its committees, and the rules to be followed for the transaction of public business.
- 3.2 Any of the rules for a part of, or the whole of, a meeting under this Bylaw may be suspended when authorized by a Unanimous Motion of all Council Members present at a meeting, unless governed by the *Hamlets Act*. This Motion affects only the meeting in which the Motion has passed.

4.0 COUNCIL CHAMBERS FACILITIES

- 4.1 Council shall, by Motion, designate a location for its meetings.
- 4.2 The Council Chambers shall provide for adequate seating for the Mayor, Councillors, SAO, & senior staff, the Public, and a presentation area for Public speakers.
- 4.3 Council Members who are absent from the community may participate in the Council Meetings, provided audio/visual communications equipment permits the Council Members to hear and speak to each other, and the Public is able to hear the proceedings. A Council Member participating in a meeting by this means is deemed to be present at the meeting but shall be recorded in the minutes as joining by electronic means. If a member of Council is not away from the Hamlet and through illness can not participate, he/she is required to be physically present at Council meetings.

5.0 ROLE OF HAMLET GOVERNMENTS

5.1 Hamlets are established under the *Hamlets Act*, with the purpose of:

- 5.1.1 to provide good government to the residents of the Hamlet;
- 5.1.2 to develop and maintain a safe community;
- 5.1.3 to provide for the services, products, and facilities required or allowed by the *Hamlets Act*, or any other enactment considered by Council to be necessary or desirable for all or part of the Hamlet.

5.2 The role of the Mayor is:

- 5.2.1 to preside at all meetings of Council unless prohibited by bylaw or conflict of interest;
- 5.2.2 to provide leadership and direction;
- 5.2.3 to maintain order and decorum at all meetings of Council;
- 5.2.4 to be the official spokesperson for the Hamlet in public relations and emergency matters; and
- 5.2.5 to perform any duty imposed on the Mayor by bylaw, other enactment, or the *Hamlets Act*.

5.3 The role of Council is:

- 5.3.1 to develop and evaluate plans, policies, and programs of the Hamlet;
- 5.3.2 to make bylaws and Motions for the Hamlet; and
- 5.3.3 to exercise the powers and perform the duties and functions given Council by bylaw, other enactment, or the *Hamlets Act*.

5.4 The duties of Council Members are:

- 5.4.1 to consider the welfare and interests of the residents of the Hamlet as a whole, and bring to Council's attention anything that would promote the welfare or interests of the residents;
- 5.4.2 to protect the integrity of the Hamlet community and lands for future generations;
- 5.4.3 to generally participate in developing and evaluating the policies, plans, and programmes of the Hamlet;
- 5.4.4 to participate in the Council Meetings and Committee Meetings, where appointed, or other bodies to which a Council Member is appointed by Council;
- 5.4.5 to ensure that Council is kept informed about the operations and administration of the Hamlet;
- 5.4.6 to keep in confidence matters discussed in private at any meeting of Council or its' Committees, until those matters are discussed at a meeting held in public; and
- 5.4.7 to perform any other duty or function that is imposed on Council Members by this or any other enactment, or by Council.

6.0 MEETINGS

6.1 The first meeting of Council, following a general election, must be held not later than 45 days after the election date. This meeting shall be held at a time and place as designated by the Mayor. (*Hamlets Act*, Section 27(1))

6.2 Subsequent Council Meetings shall be held on such dates and times as determined by Council, but Council shall not meet less than once a month.

6.3 Council may set pre-determined dates and times for its meetings and post those dates for the public.

6.4 Meeting Recesses:

- 6.4.1 At all Council Meetings, there shall be a ten (10) minute recess after two (2) hours of continuous business, unless such recess is waived by Unanimous Consent of Council.
- 6.4.2 At the discretion of the Mayor, a ten (10) minute recess may be called anytime during the Council Meeting, without a Motion of Council, if the Mayor determines that Council needs such a recess.
- 6.4.3 All recesses of Council shall be noted in the minutes of the Council Meeting.
- 6.5 Public Notice is required at least seventy-two (72) hours in advance for a Regular Council Meeting, and at least forty-eight (48) hours in advance for a Special Council Meeting.

7.0 QUORUMS

- 7.1 A Quorum of Council shall consist of a majority of Council Members who comprise the Council, including the Mayor. *(e.g.: 1 Mayor & 8 Councillors equals 9, therefore 5 would be a quorum)*
- 7.2 Where Council Members have excused themselves on a matter of *Conflict of Interest* the remaining members are deemed to constitute a Quorum, subject to the provisions of the *Conflict of Interest Act*, S.N.W.T.
- 7.3 During a Hamlet Emergency, the Council Members able to attend the meeting shall constitute a Quorum. Only business related to the Hamlet Emergency may be discussed.

8.0 PROTOCOL WITH LATE OR ABSENT COUNCIL MEMBERS

- 8.1 Council Members are responsible to indicate their own anticipated lateness or absences to the Council.
- 8.2 The Mayor shall commence the meeting as soon as a Quorum is present.
- 8.3 If the Mayor is not present within fifteen (15) minutes of the time set for the Council Meeting and there is a Quorum, then the Deputy Mayor shall call the meeting to order. If the Deputy Mayor is also not present, and there is a Quorum, then the Council shall select a Chair from those Council Members in attendance, to call the meeting to order.

9.0 ORDER AND DECORUM

- 9.1 The Mayor shall maintain order and decorum and shall decide on all questions of order.
- 9.2 No Council Member shall cause a disturbance in session that detracts from another Council Member while speaking to Council, including leaving the Council Chambers.

- 9.3 Any members of the Public who abuse the Council Members, Hamlet Staff, or other members of the Public shall be reminded of the rules of Council and be requested to observe all such protocols and decorum.
- 9.4 The Mayor may call for a recess where a member of the Public becomes/creates a disruption.
- 9.5 Any members of the Public who fail to leave the Council Chambers after being requested to do so by the Mayor, and who continue to disrupt the meeting, may be requested to leave by a Peace Officer who has been summoned by the Mayor, as a result of the disruption.

10.0 CONFLICT OF INTEREST

- 10.1 A Council Member is considered to be in conflict if the Council Member has any direct or indirect pecuniary interest, as defined in the *Conflict of Interest Act* of the NWT.
- 10.2 When a Council Member has any direct or indirect pecuniary interest in any matter in which Council is considering, and the Council Member is present at the meeting at which the matter is to be discussed, that Council Member shall:
- 10.2.1 declare a Conflict of Interest in the matter before Council or Committee; AND
 - 10.2.2 state the nature of the interest; AND
 - 10.2.3 remove themselves from the Council Chambers during the discussion and consideration of the matter. Upon conclusion of the issue, the Council Member shall be re-admitted into the Council Chambers by the SAO.
- 10.3 When a Conflict of Interest is declared, the SAO shall ensure that:
- 10.3.1 the declaration is recorded in the minutes of the meeting, and
 - 10.3.2 the time that the Council Member left the Council Chambers, and
 - 10.3.3 the time that the Council Member returned to the Council Chambers,
- are all recorded in the minutes.
- 10.4 Where the same continuing Conflict of Interest exists over a series of meetings, the Council Member must declare that conflict at each such Council and/or Committee Meeting.
- 10.5 If a Council Member was absent from a meeting in which the Conflict of Interest matter was being considered, the Council Member shall declare his or her interest at the next Council Meeting that the Council Member attends.
- 10.6 A Council Member, who is uncertain whether a Conflict of Interest exists, may seek advice from the Council and the decision of Council shall be accepted.

11.0 ABSENCE FROM COUNCIL MEETINGS

- 11.1 Any Council Member absent for three (3) consecutive Meetings, without the recorded consent of Council, shall be deemed to have resigned. (*Hamlets Act*, Section 39)

- 11.2 Permission for a Council Member to be absent from a Regular or Special Council Meeting shall not be unreasonably withheld or denied.
- 11.3 Notice shall be sent to a Council Member who has missed two consecutive meetings, that another missed meeting without the consent of Council, will result in the commencement of proceedings to declare the Council Members' position vacant.

12.0 PRIVATE MEETINGS

- 12.1 All meetings of the Council shall be open to the public, except whereby a Motion passed on two-thirds ($\frac{2}{3}$) vote of Council Members, authorize the meeting to be closed for discussion of:
 - 12.1.1 commercial information that, if disclosed, would prejudice the community or person(s) involved; and/or
 - 12.1.2 information received in confidence that would prejudice the community of person(s) involved; and/or
 - 12.1.3 personal information, including personal information about employees; and/or
 - 12.1.4 the salary, benefits, or performance of any employee; and/or
 - 12.1.5 a matter still under consideration by the Council, for which early disclosure would prejudice the community's ability to carry out its' activities or negotiations; and/or
 - 12.1.6 the acquisition or disposition of property by or on behalf of the community; and/or
 - 12.1.7 setting of minimum tax sale or asset disposal prices; and/or
 - 12.1.8 the conduct of existing or anticipated legal proceedings; and/or
 - 12.1.9 the conduct of an investigation, or enforcement of an enactment of bylaw; and/or
 - 12.1.10 information that would prejudice public security of the maintenance of law and order; and/or
 - 12.1.11 the security of document or premises.
- 12.2 No Motions of Council shall be made while *in camera*, except a Motion to:
 - 12.2.1 give instructions to the Hamlet's lawyers or to any persons negotiating a contract on behalf of the Hamlet; or
 - 12.2.2 give directions to staff on confidential personnel issues; or
 - 12.2.3 revert to open session of the meeting.
- 12.3 Council shall make a public record of any meeting that is closed to the public, specifying:
 - 12.3.1 that Council met in private;
 - 12.3.2 the date of the meeting;
 - 12.3.3 those who attended the meeting; and
 - 12.3.4 the general nature of the issue(s) required to be discussed *in camera*.

13.0 AGENDAS

- 13.1 The Agenda (Order of Business) may follow a format as noted in Schedule "A".

- 13.2 When the Presiding Member calls for the Adoption of the Agenda, Members shall have the discretion to add a topic to, or remove a topic from, the Agenda. Where there is a disagreement concerning the addition or removal of a topic, the Presiding Member shall call for a vote and the majority shall rule.
- 13.3 The Presiding Member shall have the discretion to change the order of addressing items on the Agenda, should the Presiding Member find it expedient, however it shall always be the Presiding Members' responsibility to ensure that all items on the Agenda are addressed.
- 13.4 Where business is left unresolved by Council or Committee, as a result of a loss of a quorum, the unaddressed business shall be the first items of business at the next meeting of Council or such Committee, under that particular order of business.
- 13.5 At all Special or Emergency Meetings of Council, the Agenda or Order of Business shall be set out and printed in a manner decided by the Mayor.

14.0 AGENDA MATERIAL

- 14.1 The Agenda for each Regular and Special Meeting of Council and Standing Committees, and all available supporting material, shall be provided to members at least twenty-four (24) hours preceding the meeting.
- 14.2 Whenever possible, the supporting material for each agenda shall be included in the Agenda materials.
- 14.3 The Mayor will review and approve the Agenda for Council Meetings, prior to circulation.
- 14.4 Confidential materials included in an Agenda Package shall be clearly stamped "Confidential". Such materials are not to be replicated or distributed by a Member to any person outside of Council. The Mayor may require all Confidential Materials to be returned to the SAO.
- 14.5 Members are encouraged to bring issues to Council with notice beforehand. The Mayor may refer issues to the next available Committee Meeting for prior consideration where there is a lack of Notice. The SAO is not compelled to speak to an issue unless prepared and may refer an item to the next meeting.

15.0 COUNCIL PROTOCOL

- 15.1 When addressing Council, no Member shall:
 - 15.1.1 speak disrespectfully of other governments; or
 - 15.1.2 use offensive words or offensive language in referring to any other Council Member, or to any officer or employee of the Hamlet, or any staff; or
 - 15.1.3 indulge in personalities in the course of debate nor reflect on the motives of Members who may have voted for a particular motion; or
 - 15.1.4 use profane, vulgar, or offensive language.

16.0 COUNCIL DEBATE

- 16.1 If the Mayor decides to take part in the debate, the Mayor shall leave the Chair and another Member shall assume the Chair until such time as the Mayor reassumes the Chair.
- 16.2 Every Member, when speaking to any question or Motion shall address remarks through the Mayor or Presiding Member.
- 16.3 When two or more Members desire to speak to a matter, the Mayor shall determine the order of speakers.
- 16.4 The Member who has introduced a Motion shall be the first and last to speak to the Motion.
- 16.5 Council may decide how long and how often each Member may speak to a Motion.

17.0 COUNCIL MOTIONS

- 17.1 All Motions shall be seconded, except a Motion to propose a vote of "Thanks" or Motion to Adjourn. A vote of "Thanks" or Motion to Adjourn shall not require a Seconder and is not debatable.
- 17.2 Any Member may require a Motion, or questions under discussion, to be read at any time during a debate, but not so as to interrupt a Member who is speaking. Members may exercise an option to have complex Motions put in writing.
- 17.3 After a Motion is read or stated by the Presiding Member, it shall be considered to be in the possession of Council, but may, with the Unanimous Consent of Council, be withdrawn at any time before a decision or amendment.
- 17.4 A Motion in the possession of the Council may be debated, amended, superseded, negated, withdrawn, laid on the table, referred, postponed, or adjourned.
- 17.5 If a Motion is moved that debate end, the Mayor shall call for a vote. This requires a simple majority. If the debate is ended, the original Motion, as amended, shall be put to the vote without further debate.
- 17.6 No Motion shall be considered that is substantially the same as one of which, in the judgement of the Mayor, has already been expressed during the same meeting.
- 17.7 Whenever the Mayor is of the opinion that a Motion offered to Council is contrary to the Rules and Privileges of Council, the Mayor shall advise the Members. The Mayor shall decide if the Motion is accepted or not.
- 17.8 Motions of Council, regardless of the type of meeting (Regular, Special, or Emergency Meetings) shall be numbered in a sequential manner, so as to ensure that each and every Motion of Council has a unique identification.

18.0 AMENDMENTS

- 18.1 While a Motion is under discussion by Council, a Member may only move an amendment that directly relates to the subject matter of the principle Motion. The Mayor shall determine whether a proposed amendment is procedurally correct.
- 18.2 Amendments shall be decided or withdrawn before the main Motion is put to the vote. Each amendment shall be decided separately by a vote and a simple majority moving in reverse order from the last Motion to the first Motion.
- 18.3 Only one amendment shall be allowed to an amendment.

19.0 VOTING

- 19.1 All Councillors present shall vote except in the case of Councillors who leave the Chambers after declaring a pecuniary interest (Conflict of Interest) in the question.
- 19.2 After the Mayor calls for the matter to be put to a Vote, no Member shall speak to the issue nor shall another Motion or Amending Motion be made, until after the result of the vote has been declared.
- 19.3 The Mayor, or Presiding Member, shall not vote on any Motion at a Regular or Special Meeting of Council, except to cast the deciding vote *for* or *against* the Motion in the case of a tie.
- 19.4 Any Member wishing to have a Recorded Vote, where the vote of each Member is to be noted in the official minutes of the meeting, must declare that request before the vote is called.

20.0 BYLAWS

- 20.1 All bylaws shall be in writing when submitted to Council.
- 20.2 The Mayor shall permit discussion about a proposed bylaw before moving the bylaw to be given First Reading. Should it be determined that Council shall NOT proceed with the further consideration of a proposed bylaw, and First Reading is NOT provided, the number of that bylaw that is declined consideration may be re-used in the Bylaw Registry for a subsequent bylaw that is proposed for Council's consideration.
- 20.3 The Mayor shall permit discussion about a proposed bylaw before moving that the bylaw be given Second or Third Reading.
- 20.4 Original Bylaws, signed and sealed (with the corporate seal) by the Mayor and SAO, shall form the official record of business of Council, and shall become legal documents.
- 20.5 All Bylaws are public documents, and copies shall be available to the Public.

- 20.6 The original bylaws are to be held in safe-keeping by the SAO in a secure and (preferably) fire-proof facility.
- 20.7 Official copies of the Bylaws, as approved by Council and signed & sealed by the Mayor and SAO, shall be sent to the Minister of Municipal & Community Affairs (MACA) within ten (10) days after approval.

21.0 MINUTES

- 21.1 Original Minutes shall be signed by the Mayor and SAO, shall form the official record of business of Council, and shall become legal documents.
- 21.2 All Minutes are public documents, and copies shall be available to the Public.
- 21.3 The original minutes are to be held in safe-keeping by the SAO in a secure and (preferably) fire-proof facility.
- 21.4 Official copies of the Minutes, as approved by Council and signed by the Mayor and SAO, shall be sent to the Minister of Municipal & Community Affairs (MACA) within ten (10) days after approval.

22.0 COMMITTEES OF COUNCIL

- 22.1 At the first meeting of Council following a general election, and annually thereafter, Council shall appoint membership on any Standing Committees. The purpose of committees is to permit Members to specialize in a particular area of Hamlet government operations and to provide additional topic research for and on behalf of Council.
- 22.2 The Mayor shall be an Ex-Officio Member of all Council Committees.
- 22.3 The following Standing Committees shall be established by Council, however Council may establish additional Standing Committees, establish *ad hoc* Committees, or choose to inactivate a Standing Committee as Council may deem beneficial:
- 22.3.1 Finance Committee: The mandate of the Finance Committee is to review and suggest amendments to the draft annual Operating Budget and Capital Budget(s) that have been prepared by senior management, and to recommend approval of such budgets, after review and amendment, to the Hamlet Council
- 22.3.2 Personnel Committee: The mandate of the Personnel Committee is to review matters brought forward by the SAO and by members to the Committee for consideration, to review personnel matters, to offer support, provide suggestions, and where appropriate, make recommendations to Council on personnel-related matters, which, in the Committee's view, will improve the overall operation of the municipal organization. This committee also assists the whole of Council in completing the annual review of the Senior Administrative Officer.

- 22.3.3 Lottery Committee: The mandate of the Lottery Committee is to review and recommend approval by the SAO (designated the Lottery License Officer) of licenses for the operations of BINGOs, casinos, other lottery and gambling-related functions governed under the Lotteries Act. At the end of each fiscal year, the Lottery Committee and Council will be provided with a report on lottery licenses approved during the year.
- 22.3.4 Project & Infrastructure Committee: The mandate of the Project & Infrastructure Committee is to support the operations of the Public Works Department, review and make recommendations to Council on projects related to public works operations of the Hamlet – roads, water, wastewater, solid waste facilities, Capital Budget projects, equipment, and other infrastructure items.
- 22.3.5 Recreation Committee: The mandate of the Recreation Committee is to support the operations of the Recreation Department, offer constructive review, and make recommendations that will enhance recreational opportunities for residents of the Hamlet of Tulita.

23.0 ADJOURNMENT

- 23.1 Every Regular or Special Council Meeting shall be adjourned at or before 9:00 PM, unless a Motion to extend the meeting beyond 9:00 PM is passed by Unanimous Consent of all Members present.
- 23.2 A Motion to adjourn a meeting of Council, or adjourn debate is not debatable and shall always be in order, except:
- 23.2.1 when a member is speaking; and/or
- 23.2.2 when the vote has been called for; and/or
- 23.2.3 when Members are voting; and/or
- 23.2.4 when it has been decided that the previous question shall be now put to vote.

24.0 GENERAL MATTERS

- 24.1 No Council Member (Mayor or Councillor) has the power or authority to act, contract, promise, request, demand, or solicit any goods or services without the consent of Council. Any such undertaking cannot be honoured by the Hamlet without approval of the Council.
- 24.2 A Council Member (Mayor or Councillor) may face sanctions of Council or charges under the *Hamlets Act*, or the *Criminal Code of Canada*, or civil liability, for committing the Council or Hamlet to any such action or promise.

25.0 VACANCIES

- 25.1 In the case of the seat of any Councillor becoming vacant, Council shall follow the legislation of the *Hamlets Act*.

26.0 GENERAL

26.1 Should any section or part of the Bylaw be found to be improperly enacted or *ultra vires*, for any reason(s), then such section or part shall be regarded as being severable from the Bylaw, and the Bylaw remaining after such severance shall be effective and enforceable.

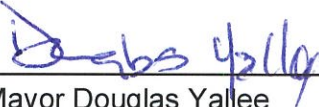
26.2 This Bylaw shall come into effect upon Third and Final Reading.

26.3 Bylaw 259-19 shall be amended upon the approved changes to this Bylaw coming into effect.

Read a First time this 12th day of April, 2021.

Read a Second time this 17th day of May, 2021.

Read a Third & Final time this 28th day of June, 2021.



Mayor Douglas Yallee



SAO

As per Section 77(1)(d) of the *Hamlets Act*, I hereby certify that this bylaw has been made in accordance with the requirements of the *Hamlets Act*, and the bylaws of the Incorporated Hamlet of Tulita.



SAO

Schedule "A"
Proposed Format for Council Meeting Agenda

**Incorporated Hamlet of Tulita
Hamlet Board Room
Agenda for the
Regular Council Meeting
Monday (date) at 6:00pm**

1. Call to Order and Opening Prayer
2. Adoption of Agenda
3. Declaration of Conflict of Interest
4. Delegations
5. Community Concerns
6. Adoption of Previous Minutes
7. Business Arising from the Minutes
8. Committee & Staff Reports *(for example)*
 - a. SAO Report
 - b. SAO Trainee Report
 - c. EDO Report
 - d. Fire Chief Report
 - e. Recreation Report
9. Old Business
 - a. topic
10. New Business
 - a. topic
11. Council Concerns
12. Correspondence
 - a. topic
13. In Camera Session
 - a. Discuss a Legal Opinion
14. Adjournment