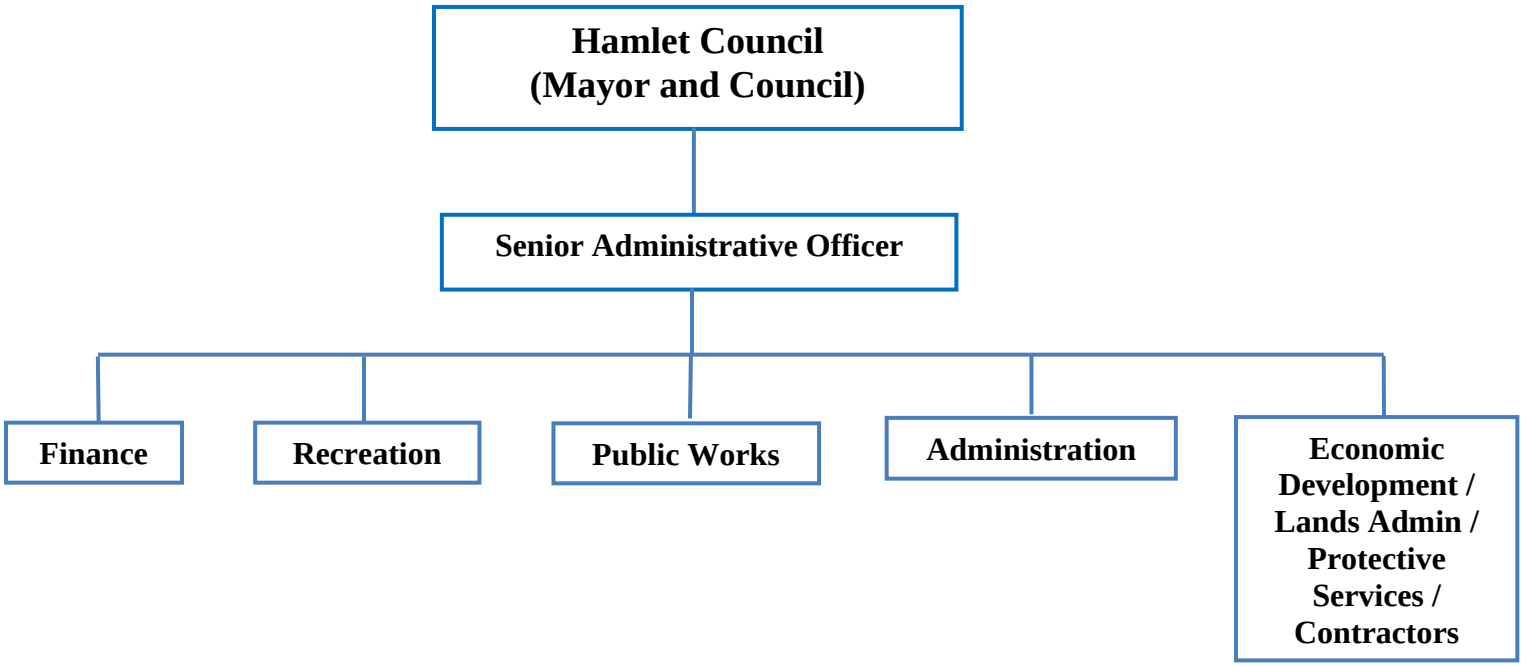
An Overview
Municipal Government Operations
Hamlet of Tulita

January 2024

Samantha Bayha – Senior Administrative Officer

Hamlet of Tulita
Organization Chart



Explanatory Notes:

- The SAO reports to Council
- Heads of Departments report to the SAO
- Support employees in Finance, Recreation and Public Works report to the Department Head
- Admin Assistant; Economic Development Officer; Land Administration Officer; Bylaw Officer; and legal, management, engineering contractors - all report directly to the SAO.

1: Municipal Government in the Northwest Territories

Under the Canadian Constitution, provincial and territorial governments have the power to establish municipal institutions. The Northwest Territories has 33 communities designated as either authorities, hamlets, villages, or cities - located in five regions. The Hamlet of Tulita is in the Sahtu Region. A listing of NWT municipal government communities can be found at:

https://www.maca.gov.nt.ca/en/communitylist

The legislative framework for Tulita is established by the Northwest Territories Hamlets Act. A copy of the Hamlets Act can be found at:

https://www.justice.gov.nt.ca/en/files/legislation/hamlets/hamlets.a.pdf

2. Purpose and Authority of Municipal Government

The overall purpose of municipal government is to provide for good community governance; to develop and maintain a safe municipality; and to provide needed services such as: administration, roads and streets, public safety, parks, recreation facilities and programs, tourism, water/sewer supply, and land use planning.

Municipalities elect Councils which have authority and responsibility to enact bylaws and policies; provide stewardship of public assets; and foster community activities for the economic, social, and environmental well-being of residents.

The Hamlet of Tulita operates under authority given to it through legislation of the Government of the Northwest Territories (GNWT).

It is important to know that Hamlets can be created, or can be dissolved, by an Act of the GNWT.

3: Roles and Responsibilities of a Hamlet Council

The Council is the governing body of the municipal corporation. Major policy decisions in

an incorporated hamlet are made by an elected Council, consisting of a Mayor and a legislated number of councillors. The Hamlet of Tulita Council is composed of a mayor and eight councillors.

The most important roles of Council are: consideration and passage of municipal bylaws; financial planning and budget approval; appointment of statutory officers; and providing effective representation for residents.

Council may perform its functions by either resolution or bylaw unless the Hamlets Act specifically requires a bylaw.

An individual Council member does not have power to bind the Hamlet in any way, to direct Hamlet employees, or to direct the affairs of the Hamlet.

Only the Council, in formal session, has authority to commit the Hamlet to any action, to give direction to the SAO, and to authorize expenditures.

4: Quorum

A quorum is the minimum number of members that must be present at a scheduled Council meeting for the meeting to be called into session, and for business to be transacted.

The Hamlet of Tulita requires five of its nine Council members to be present for a quorum.

5. Duties of Hamlet Councillors

The duties of each councillor are:

- to consider the welfare and interests of residents of the municipality as a whole
- to bring any matter to the Council's attention that will promote the welfare and best interests of the community
- to participate generally in developing the plans and policies of the Hamlet
- to participate in meetings of the Council, meetings of committees, and in activities of other organizations to which the member is appointed as a Council representative

- to remain informed about matters brought to the Council for consideration and action
- to keep in confidence matters discussed in private at Council meetings and/or in private in any of the Hamlet's committees

The requirement of confidentiality exists until such matters are discussed at a public meeting of Council or at a public meeting of the concerned committee.

6: Roles and Respobsibility of Mayor

The Mayor is the elected head of the Council. The position of Mayor is first among equals and has responsibility for political leadership. However, the Mayor has no managerial responsibility beyond that associated with providing good governance. In addition to general duties as a Council member, the Mayor:

- serves as the official spokesperson for the Council
- presides at all meetings of the Council, other than when prohibited by legislation or bylaw for reasons of conflict of interest, or other disability
- provides leadership and direction to the Council
- maintains order and decorum at all meetings of the Council
- liaises with the office of Senior Administrative Oficer (SAO) and acts as official contact between the Council and administration
- performs any other duty required by bylaw or by legislation of the GNWT

The head of the Council has no more legal authority in the Hamlet's decision-making process, than any other Council member.

The Mayor or Presiding Member does not vote on motions at a Regular or Special Meetings of the Council, except in the case of a tie to cast the deciding vote *for* or *against* the motion.

The Mayor has no authority to make decisions that bind the municipal corporation. Only a vote of the Council in a legally constituted meeting can bind the Hamlet.

7. Role and Responsibility of Deputy Mayor

A Deputy Mayor is appointed by Council on the recommendation of the Mayor and majority vote of Council. The Deputy Mayor performs the duties and exercises the powers of Mayor when the Mayor is absent or is unable to act.

8. Regular Monthly Meeting of Council

The regular monthly meeting of Tulita's Council normally takes place on the second Monday of each month and begins at 6:00 PM.

All regular meetings of the Council are open to the public.

Notice of the monthly meeting is posted on the Hamlet bulletin board as well as on social

media and at other community locations - three business days before each meeting.

9. Closed Meetings of Council

Closed (In Camera) meetings of Council which exclude members of the public require a resolution approved by at least two-thirds of the members present. Only one or more of the following matters can be discussed in a closed meeting:

- commercial information that, if disclosed, would likely be prejudicial to the Hamlet, or to the persons involved
- information received in confidence that, if disclosed, would be prejudicial to the Hamlet or to the persons involved
- information, the disclosure of which could prejudice public security or the maintenance of law and order
- the security of documents or premises
- the conduct of existing or anticipated legal proceedings
- the conduct of an investigation under or enforcement of an enactment or bylaw
- personal information, including information contained in an employee's personnel file
- a matter still under consideration on which Council has not yet in public announced a decision, if discussion publicly would likely prejudice the Hamlet's ability to carry out its activities or negotiations
- the acquisition or disposition of property by or on behalf of the Hamlet
- the setting of minimum tax sale prices under the Property Assessment and Taxation Act

The Council has no power to make a bylaw or a resolution at a meeting that is closed to the public, except a resolution to give instructions to the Hamlet's lawyers or to any persons negotiating a contract on behalf of the Hamlet; give directions to staff on confidential personnel issues; or a resolution to adjourn the closed meeting and revert to a public meeting

10: Meetings by Electronic Means

The Council may conduct a meeting using electronic means of communication provided it enables the Mayor and councillors to hear and speak to each other, and allows the public who are present to hear the members.

Council members participating in a meeting by electronic means are deemed to be present at the meeting.

Only Council members who, at the time of the meeting are outside the Hamlet or who are physically unable to attend the meeting, may participate in the manner described above. Permission to participate remotely must be requested of the SAO in advance of the meeting.

11: Council Procedure Bylaw

The Hamlet of Tulita has adopted a bylaw covering procedures at meetings. A copy of the Council Procedures Bylaw is on the Hamlet's website: https://www.tulitahamlet.ca
To view, click on **Documents** and choose **Bylaws** from the drop-down menu. Then choose **2021-06-28-Council-Procedures-Bylaw-265-19 FINAL** from the listed bylaws.

The Council Procedures Bylaw should be reviewed by all Council members.

12: Ethics and Confidentiality

Council members are required to act in a fair, transparent and accountable manner with the best interests of the community always in mind. It is important to gain and maintain public trust and to act with integrity.

Council members are required to follow the Hamlet of Tulita Code of Conduct for Councillors and to act in accordance with other municipal bylaws and policies.

Each Council member must also adhere to GNWT and Canadian federal government ethical conduct legislation that is concerned with municipal government.

A Council member, or former Council member, must keep confidential:

- any record held in confidence by the municipality, until such time as the record is released to the public by the Hamlet government
- information considered in any part at a Council meeting or committee meeting that was lawfully closed to the public, until the Council or committee discusses the information in a public meeting, or until such time as the information is made public by the Hamlet government

Courts of Law have ruled if a municipality suffers loss or damage because a Council member contravenes confidentiality requirements, and the contravention was not unintentional, the municipality (hamlet) may recover damages from the Councillor for loss or damage. The municipality has the authority to sue to recover damages where breach of confidentiality results in loss or damage to the municipality.

13: Committees of Council

At the first meeting following municipal elections, and annually thereafter, the Council shall appoint membership on any Standing Committees.

The purpose of Standing, or other 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 the Council.

The Mayor is an Ex-Officio member of all Council committees.

The following Standing Committees are established by the Hamlet of Tulita Council:

Finance Committee; Personnel Committee; Lottery Committee; Project & Infrastructure Committee; and Recreation Committee

Additional Standing Committees or *ad hoc* Committees may also be established and/or inactivated, as the Council may consider beneficial.

14: Council Stipends and Honorariums

The Council establishes the stipends and honorariums for the Mayor and councillors.

- The position of Mayor receives $2,200 monthly.
- The position of Deputy Mayor receives $1,000 monthly.
- All members of Council receive an honorarium of $300 for each regular or committee meeting attended. When duration of the meeting exceeds three hours, the honorarium is increased to $500.

It is desirable whenever possible that meetings do not exceed three hours in length. Research has shown the quality of decision-making decreases in proportion to the length of the meeting time.

Normally, meeting honorariums are paid by cheque on the Friday following the day the meeting has taken place. Council members are required to sign an attendance form at each meeting for auditing purposes, and to receive payment.

15: Attendance at Meetings

All members of Council are expected to attend regular and special meetings, unless ill or absent from the community.

Employees in the following positions attend, and participate in Council meetings:

- Senior Administrative Officer (SAO)
- Recreation Director
- Economic Development Officer / Volunteer Fire Chief
- Administrative Assistant / Recording Secretary
- Director of Finance and Finance Employees
- Public Works Foreman
- Consultants, NWTG representatives and others, when required

16: Notice of Council and Committee Meetings

Public notice of the Council and committee meetings is posted on social media and community bulletin boards.

The Council agenda package is normally sent by email to Council members, three days before the scheduled meeting, and the agenda is posted on social media.

All members of Council are asked to review the agenda package prior to the meeting being called to order. If there are questions about items on the agenda, councillors are encouraged to contact the Mayor or Hamlet administration prior to the meeting, to seek clarification.

Any additional information provided to a member of Council for the purpose of clarification will also be provided to all other Council members prior to the meeting, or will be verbally explained at the meeting.

Late items may be added to a revised agenda if approved by the Mayor or SAO prior to commencement of a regular meeting. If items are not time sensitive, they will be added to the next regular meeting agenda to give Council members and the public adequate time to review and consider the item.

17: Council Meeting Minutes

Minutes summarize the discussion and the decisions made at official meetings. They do not provide a verbatim account of each member's comments.

- A recording secretary is present during each meeting.
- Discussion is electronically recorded for future reference.
- Once minutes are prepared, they are included with the next Council agenda for review, amendment if necessary, and for formal adoption.
- Minutes are retained on a permanent basis, as required by GNWT legislation. Once minutes are adopted, they are certified by the SAO and Mayor.
- Minutes are a public record of the decisions made by the Council.
- Certified Minutes are available at the Hamlet administration office for review by interested members of the public. As well, they are regularly posted on the Hamlet of Tulita website: https://www.tulitahamlet.ca

17: Delegations

Representatives from community groups may request or be invited to attend the Council and committee meetings to make presentations, and/or to answer questions.

A representative of the RCMP in Tulita normally attends the regular monthly Council meeting to deliver a monthly report and to answer questions.

18: Resolution or Motion

A resolution or motion expresses a desire that he Council as a whole, and in turn the Hamlet of Tulita, take a certain action. Before a matter requiring action can be considered, it must be placed before the Council for deliberation. This is done in the form of a resolution or motion that is moved by one Councillor, seconded by another, discussed, and then voted on by all Councillors. For example, the motion:

Moved by Councillor One: **" *I move that the Hamlet of Tulita consider installing Hazardous Materials warning signage at the entrance to the Hamlet of Tulita solid waste disposal site.***

Seconded by Councillor Two: ***"I second the motion."***

Mayor: ***"You have all heard the motion. Is there any discussion?"***

After discussion, the Mayor will call for a vote on the motion. If a majority of the councillors vote in favour, the motion is passed.

A resolution may be amended, withdrawn, tabled, reconsidered, or rescinded.

Any member who wishes to have the Council debate an issue, is encouraged to give a "Notice of Motion" respecting the item before the meeting takes place. This is done as a courtesy to other Council members. A printed or typewritten copy of such Notice of Motion is provided to the SAO and to others in attendance at the meeting. Under the "Other", or "New Business" section of the agenda, the SAO will read the Notice of Motion and it will appear in the minutes as such.

The Notice of Motion is then placed on the agenda of the next regular meeting of the Council.

20: Voting Rules

Questions are decided by majority vote of the members present at a meeting, unless otherwise provided by legislation. The Hamlet's Council Procedures Bylaw governs voting procedures. Voting rules apply to the Council and to its committees.

- Each Council member has one vote on any question.
- If a Council member is present, the member must vote on the matter.
- If the member does not indicate a Yes or No vote, the member is deemed to have voted for the motion.
- A tie vote defeats the motion.

When the Hamlets Act, or other NWT statute provides that a specified majority of all the members of Council is required for a motion to be passed or defeated, the vote is based on the total membership of Council, not merely those present for the vote.

21: Governance and Administration

Councils are elected and mandated by the GNWT to provide political leadership in the business of governing municipalities, on behalf of the residents they serve. Council members are expected to be the voice of the people, reflecting public opinions, and giving voice to public concerns.

The Senior Administrative Officer (SAO) manages the municipality, directs Hamlet employees in their day-to-day responsibilities, and is the principal policy advisor to the Council.

All employees of the Hamlet report to the SAO. In turn, the SAO is the Council's link to the rest of the organization.

Elected officials and Hamlet employees are expected to carry out their roles and responsibilities in accordance with the GNWT legislation.

22: Principles of Governance

The council-manager form of municipal government is in place in most municipalities across Canada. This style of governance is legislated in the NWT Hamlets Act. Under this system, Council members through resolution or motion:

- exercise leadership by approving policy
- communicate public preferences and wants
- provide leadership to the whole organization in terms of how services are delivered
- propose a vision and plan for the present and future well-being of the community
- provide for services that are in line with the approved vision through adopting annual and multi-year budgets
- establish control measures which ensure leaders and residents can know if the goals and

priorities approved by the Council, are being achieved.

Whereas policy making is the domain of elected officials, management is the domain of senior staff.

- It is the responsibility of the SAO to have management oversight for all Hamlet departments. Within those departments, senior staff have day-to-day responsibility to manage support workers, and to ensure efficient, effective Hamlet government operations.
- The SAO is the Council's chief policy advisor.
- The SAO ensures that staff provide the information Council requires to make policy decisions - background data, previous actions of Council, budget implications, technical feasibility, legal implications, and information received during public consultation processes.
- The SAO and senior staff serve all members of the community by striving to maintain a professional attitude and to provide effective, fair, consistent levels of service to residents, community groups and businesses.

Put simply, Council members are elected to represent, lead, communicate, articulate, and set direction. They are expected to establish priorities, approve the budget, adopt bylaws, resolve local differences, encourage partnerships, identify ways to expand the economic base, and so on. The SAO and department heads are expected to manage.

When difficulties exist between the Hamlet Council and staff, those difficulties are often the result of not understanding, or of being unwilling to respect the other's roles and responsibilities.

Respect and trust between the SAO and Council is extremely important. Both need to build and maintain respect and trust throughout each Council term.

The SAO has an obligation to protect the integrity of the public service. This includes imposing ethical standards on the conduct of Hamlet employees and defending those same employees from unwarranted personal attacks.

Only the SAO has the overall right to direct the actions of other Hamlet employees. Council members may consult with employees and ask questions. However, the Mayor and councillors have no authority to direct staff members, other than the SAO.

23: Code of Conduct

The Council has adopted a Code of Conduct for Council Members. A copy of the Code of Conduct is on the Hamlet's website: https://www.tulitahamlet.ca
To view, click on **Documents** and choose **Bylaws** from the drop-down menu. Then choose **Code-of-Conduct-Bylaw-261-20-2** from the listed bylaws.

The Code of Conduct is publicly read during the Council Oath of Office ceremony.

Staff and Council are also bound by federal and GNWT statutes, standards, professional codes of conduct, and regulations that are outside of Council's jurisdiction. For example, under Section 123 of the Criminal Code of Canada, the Criminal Code says this with respect to municipal government:

> ***It is an indictable offense for a municipal officer or Council Member to directly or indirectly demand, accept or offer to accept, a benefit of any kind in exchange for abstaining from voting at a meeting of Council or a committee of the Council; voting in favour of or against a measure, motion, or resolution; aiding in procuring or preventing the adoption of a measure, motion, or resolution; or performing or failing to perform an official act.***

In recent years, there have been indictments and convictions of municipal officials arising from an assortment of crimes that include bribery, theft, perjury and conspiracy.

It is essential that all those who serve on municipal Councils, who do business with municipalities, or who occupy municipal leadership positions, understand the laws of Canada and laws of the Northwest Territories, concerning unlawful actions in public office.

24: Appointment of Auditors

The Council is required to appoint an Auditor who must not be an employee of the Hamlet, and who must be a member in good standing of a recognized Association of Accountants.

The Auditor is responsible for auditing all Hamlet accounts and transactions and providing an annual report of the financial position, to the Council.

- Audited financial statements provide a consolidated, independently verified overview of a municipality's financial activity over the course of the previous fiscal year, and its financial position at the end of that year.
- Financial statements are completed throughout the year by the Hamlet of Tulita's Director of Finance, Andrew Spence, in cooperation with the SAO, department heads, and finance employees.
- 2023-2024 financial statements and operations are audited by the firm of MNP.

27. Contracts for Community Services

The Hamlet of Tulita contracts for daily delivery of water and for weekly waste disposal services. Contractual services are as follows:

- Garbage Collection - BJ Services
- Water Delivery- MYB Contractors
- Wastewater Disposal -Tulita Waste Disposal

The Hamlet has a five-year contract with the GNWT for maintenance of Tulita's Airport runway and facilities. The terms of the maintenance contract must be fulfilled by Public Works employees, regardless of employee illness or other absence. Snow clearance if runways throughout the winter months is essential under this contract.

- Runways must be cleared early in the mornings throughout the winter.
- Daily reports on Airport conditions must be filed.
- The contracted work must be completed on time and in accordance with required Airport maintenance regulations.
- Public Works employees must have special training/certification to perform Airport runway maintenance.

Copies of contracts for garbage collection, water delivery, wastewater disposal and airport maintenance are maintained at the Hamlet Administration Office.

28: Additional Links to Valuable Information

- Government of the Northwest Territories https://www.gov.nt.ca/
- NWT Department of Municipal and Community Affairs https://www.maca.gov.nt.ca/en/about-maca
- Northwest Territories Association of Communities www.nwtac.com
- Local Government Association of Northwest Territories www.nwtac.com
- Federation of Canadian Municipalities www.fcm.ca
- Sahtu Secretariat Incorporated www.sahtu.ca
- Workers Safety and Compensation Commission www.wscc.nt.ca

29: Dates for 2024 Regular Council Meetings Commencing at 6:00 PM (Tentative)

- Thursday, January 11, 2024
- Monday, February 12, 2024
- Monday, March 11, 2024
- Monday, April 8, 2024
- Monday, May 13, 2024
- Monday, June 10, 2024

- Monday, July 8, 2024
- Monday, August 12, 2024
- Monday September 9, 2024
- Tuesday October 15, 2024
- Tuesday November 12, 2024
- Monday December 9, 2024

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