

Hamlet of Tulita BYLAW NUMBER 258-19 "Council Honoraria and Indemnity Bylaw"

A bylaw of the Incorporated Hamlet of Tulita in the Northwest Territories to provide for the indemnity and payment of honoraria for expenses to Council Members, pursuant to the provisions of the Hamlets Act, S.N.W.T., 2003, c.22, s 104.

WHEREAS this bylaw is enacted pursuant to the provisions of the Hamlets Act, S.N.W.T., 2003, c.22, s 104 and subsequent amendments thereto,

AND WHEREAS it is desirable to set rates of indemnities and allowances for expenses for Council Members of the Hamlet of Tulita,

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

- 1.0 This bylaw may be cited as the "**Council Honoraria and Indemnity Bylaw**".
- 2.0 **DEFINITIONS:**
In this bylaw:
 - 2.01 "Community" shall mean the Hamlet of Tulita in the Northwest Territories;
 - 2.02 "Council" shall mean the Council of the Hamlet of Tulita;
 - 2.03 "Council Member" shall mean Mayor and/or Council, separately or collectively;
 - 2.04 "Councillor" shall mean any Member of Council other than the Mayor;
 - 2.05 "expenses" shall mean the allowance for expenses for Members of Council regarding to those expenses of holding office and not those costs associated with authorized council travel including fares, per diems and accommodation expenses;
 - 2.06 "honoraria" shall mean those payments given to Mayor and Council for legislative services as set out in this bylaw;
 - 2.07 "Mayor" shall mean the Mayor of the Hamlet of Tulita;
 - 2.08 "meeting" shall mean any regular, special, committee, or emergency meeting of the Council;
 - 2.09 "month" shall mean a calendar month;
 - 2.10 "SAO" shall mean the Senior Administrative Officer or the Assistant Senior Administrative Officer of the Community;
 - 2.11 "year" shall mean the calendar year, commencing on January 1st and ending on December 31st.

3.0 HONORARIA

3.01 Honoraria and allowances for expenses shall be paid to Council Members in accordance with this Bylaw.

3.02 Council shall authorize, by Motion, all travel outside the Community for Council Members.

3.03 Monthly Stipends & Meeting Honoraria:

Subject to subsection 3.03.05, honoraria and allowances for expenses for attending meetings of Council shall be payable to Council Members as follows:

3.03.01 Meetings less than One (1) hour \$100.00/day

3.03.02 Meetings less than Three (3) hours \$300.00/day

3.03.03 Meetings of Four (4) hours or more (*Full Day*) \$500.00/day

3.03.04 In recognition that the Mayor & Deputy Mayor have increased responsibilities, an additional monthly stipend shall be provided, over and above the meeting honoraria.

- Mayors' Stipend \$2,200.00/month
- Deputy Mayors' Stipend \$1,000.00/month

3.03.05 In recognition that there may be occasions where Council Members are required to attend a meeting, where is no quorum, Council Members present shall receive a consolation honoraria of \$50.00.

3.03.06 Annual Maximums for honoraria and stipends for Council Members shall be as follows:

- Mayors' maximum \$38,400.00/year
- Deputy Mayors' maximum \$31,600.00/year
- Each Councillors' maximum \$14,400.00/year
- Committee Chair maximum \$20,800.00/year

3.03.07 Under no circumstances shall a Council Member receive honoraria for more than four (4) Regular Council Meetings in a calendar month.

3.03.08 In the absence of the Mayor, where a Council Member shall be called upon to chair a Council Meeting, the Council Member shall be paid an additional honorarium of \$50.00 for that meeting.

3.03.09 At no time shall a daily (24 hour period or calendar date) rate of honoraria paid to the Mayor or Councillor exceed the Full Day rate as referenced in Section 3.03.03.

3.03.10 Effective April 1, 2020, where staff for the Hamlet of Tulita receive a Cost of Living Adjustment (COLA) increase, the same percentage increase shall apply to the rates provided in Sections 3.03.01, 3.03.04 and 3.03.06.

3.04 Any Special Meeting of the Council called by an Outside Party, other than another Government Agency, will result in the Outside Party being charged for the meetings Honorariums and will result in an extraordinary Honorarium for Council Members. *Note: So as to have NO negative impact in the annual budget, in this instance, ALL such honoraria shall be reimbursed to Council upon receipt of payment by the Outside Party.*

- 3.05 In addition to the honoraria payable for Meetings, daily per diem allowances shall be payable to the Mayor and Councillors when required to travel to attend meetings on Hamlet business outside the Community, where so authorized by Motion of Council. The Hamlet will pay per diems at the rate as established in the Finance Travel Policy.
- 3.06 Where possible, per diem allowances for travel approved by Council will be paid on the business day before travel. On the day of travel to a meeting outside the Community each Council Member may claim ½ day rate honoraria and pro-rated per diems if the meeting is not on the same day as the travel.
- 3.07 When attending meetings outside the community,
- 3.07.01 Seventy-five per cent (75%) of the honoraria will be paid *in advance* of the meeting and twenty-five per cent (25%) of the honoraria will be paid after the meeting;
- 3.07.02 All (100%) of the anticipated per diem expenses will be paid *in advance* of the meeting;
- 3.07.03 Where any Council Member who has received authorization to attend a meeting outside the Community, yet fails to attend the meeting or only attends a portion of the meeting or fails meet travel arrangements (without permission of the Council), the honoraria for attendance and travel missed shall be recalculated by the SAO and deducted from the approved expense claim and any honoraria paid in advance, or additional expenses incurred to have the Council Member returned to Tulita, will be recovered from future honoraria payments.
- 3.08 If called to a meeting outside of the Community, and in the event a Council Member wants to extend their stay, the Council Member will be responsible all associated costs as a result of the over-stay, such as additional accommodation and per diem expenses.
- 3.09 Authorization for an over-stay due to weather, or by written permission of Council, in advance of the over-stay, will be permitted on a case-by-case as mutually authorized by Mayor and/or SAO.
- 3.10 Any Council Member who is asked to leave a meeting under breach of the Council Procedure Bylaw, *Hamlets Act*, or Code of Conduct shall not receive any honoraria in respect to that meeting.
- 3.11 As per Section 105(3) of the *Act*, the total yearly amounts of honoraria, compensation and expenses paid to each Council Member shall be included in the annual financial statements of the Community.
- 3.12 As per Canada Revenue Agency Guidelines, all honorariums paid to elected officials are subject to applicable deductions and withholding. Council Members will receive an annual statement for income tax purposes setting out the proportion of indemnity as allowable expenses under the *Canada Income Tax Act*.

4.0 INDEMNITY

4.01 Indemnification:

- 4.01.01 The Community shall indemnify a Mayor or Councillor for any costs reasonably required or incurred to defend an action or prosecution brought against a Mayor or Councillor, either individually or collectively, in connection with the exercise or intended exercise of his or her powers or the performance or intended performance of his or her duties or functions as an

elected official, including amounts required to satisfy a judgment, award, or penalty imposed in such an action or prosecution.

4.01.02 Section 4 of this Bylaw shall also apply to any former Mayor or Councillor, but only in relation to the exercise of powers or the performance of duties or functions for or on behalf of the Community.

4.02 Exclusions from Indemnification:

- 4.02.01 The provisions of 4.01 do not apply in any case where a Mayor or Councillor:
- a. has acted outside the scope of his or her duties as an elected official;
 - b. as acted outside the bounds of his or her authority as assigned to them by:
 - Federal Legislation;
 - Territorial Legislation;
 - *Hamlets Act*; or
 - Bylaws of the Community.
 - c. has been grossly negligent, dishonest, or engaged in malicious misconduct;
 - d. has willfully acted contrary to the terms and conditions agreed to when elected as an official;
 - e. has acted contrary to an order given by a superior; or
 - f. has acted in a conflict of interest with the Community.

4.03 If a court or tribunal makes a finding listed in subsection 4.02.01, and the Community has already paid the costs or damages of the Mayor or Councillor, the Mayor or Councillor shall repay those costs to the Community.

4.04 Indemnification Process:

4.04.01 Where indemnity under this Bylaw is or may be claimed by a Mayor or Councillor, individually or collectively, they shall immediately upon receipt thereof, forward to the SAO every Statement of Claim, Writ, letter, and document relating to a claim against them in respect of which indemnity is or may be claimed under this Bylaw.

4.04.02 Where indemnity under this Bylaw is or may be claimed by a Mayor or Councillor, individually or collectively, such Mayor or Councillor shall not:

- a. voluntarily assume liability or settle any claim except at their own cost and no indemnification will be paid in relations thereto; or,
- b. interfere with the Community in any negotiation, settlement or legal proceedings with respect to such a claim.

4.04.03 Whenever requested by the Community, a Mayor or Councillor shall:

- a. assist in securing information and evidence, and the attendance of witnesses;
- b. give evidence herself or himself; and
- c. cooperate with the Community in the defense of any action or proceeding, or in the prosecution of any appeal taken by the Community on behalf of the Mayor or Councillor.

4.04.04 The Community or its' insurer will have sole discretion to appoint legal counsel to defend the claim or prosecution.

4.04.05 It is a condition precedent to the Community's liability to indemnify a Mayor or Councillor, either individually or collectively, as provided by this Bylaw, that the Mayor or Councillor shall comply with the provisions of Sections 4.04.01 - 4.04.04 of this Bylaw.

5.0 GENERAL

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

5.02 Bylaw 195-10 shall be repealed upon this Bylaw coming into effect.

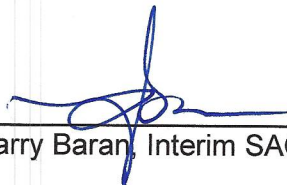
Read a First time this 28th day of May, 2019.

Read a Second time this 17th day of June, 2019.

Read a Third & Final time this 17th day of June, 2019.



Mayor Rocky Norwegian, Sr.



Larry Baran, Interim 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.



Larry Baran, Interim SAO

