

By-Law Number: 78

Being a by-law of the Municipality of Clyde River in the Northwest Territories to regulate the proceedings of the Council of the Municipality of Clyde River and its Committees, pursuant to the provisions of the <u>Hamlets Act</u>.

AS the *Hamlets Act* requires that every Council shall make rules respecting the proceedings of Council;

NOW, THEREFORE, THE COUNCIL OF THE HAMLET OF CLYDE RIVER, at a duly assembled meeting, enacts as follows:

### PART I - GENERAL

### SHORT TITLE

1. This by-law may be cited as the "Council Procedures By-Law".

# **INTERPRETATION**

2. In this by-law:

a)	"Agenda"	means the agenda for a regular or special meeting of Council or Committee of the Whole prepared by the Senior Administrative Officer, the Mayor or the Chairman;
b)	"Chairman"	means the person presiding at a meeting of the Council or Committee;
c)	"Committee"	means the Committee of Council but does not include the Committee of a Whole;
d)	"Committee of a Whole"	means all members present at a meeting of the Council siting as a Committee;
e)	"Council"	means the Council of the Hamlet;
f)	"Council Member"	means a Member of the Council;
g)	"Councillor"	means any Member of the Council other than the Mayor;
h)	"Mayor"	means the presiding Council Member;
i)	"Municipality"	means the Municipality of Clyde River in the Northwest Territories;
j)	"Quorum"	means a majority of Members of the Whole Council, including the Mayor or Chairman; and
k)	"SAO"	means the Senior Administrative Officer of the Municipality.

### PART II - MEETINGS

### **REGULAR MEETINGS**

- 3. The Council shall hold two (2) regular meetings each month at such time and place fixed by resolution at the conclusion of each meeting.
- 4. The SAO shall ensure that each Council Member is prepared for each regular meeting, either by delivering or having available for pick-up at the Municipal Complex by Council Members, information packages which shall contain the notice of the meeting, financial reports, listing of



accounts paid and payables, previous Minutes and any correspondence needing attention at the meeting, at least twenty-four (24) hours prior to the commencement of the meeting.

5. Any Council Member refusing or neglecting to attend three (3) consecutive meetings of the Council shall be deemed to have resigned as a Member of the Council unless he/she has received permission to be absent from the Council meeting by a majority vote of the Council at a regular meeting, for a period not exceeding six (6) months.

#### PROCEDURES

- 6. If a quorum is present, the Chairman shall take the chair on the hour appointed for the meeting and call for order.
- 7. In the event that a quorum is not present within thirty (30) Minutes of the time appointed for the meeting, the SAO shall take down the names of the Members present, and the Chairman shall adjourn the meeting and announce the time and date of the next meeting.
- 8. In the event that the Mayor does not attend within fifteen (15) Minutes, the Deputy Mayor shall take the chair and call the meeting to order, is quorum is present.
- 9. If both the Mayor and the Deputy Mayor are absent after the expiration of fifteen (15) Minutes after the appointment time, the Councillors shall appoint an acting Chairman from amongst themselves who shall immediately take the chair and call the meeting to order. In the event the Mayor and Deputy Mayor should subsequently arrive at the meeting, the acting Chairman shall vacate the chair and turn it over to the Mayor or the Deputy Mayor.
- 10. As soon as there is a quorum present after the hour of the meeting, the Mayor or the Deputy Mayor shall take the chair and call the Members to order.
- 11. Every Council Member, prior to addressing the Council as a Whole, shall raise his/her hand and make a request to the Mayor to speak.
- 12. When two (2) or more Council Members address the Mayor at the same time, the Mayor shall name the Member who is to speak first. In the case of any dissatisfaction, the other Members may put the question as to which shall be heard.
- 13. When the Mayor is called to decide a point of order or practice, he/she shall do so without comment unless requested to do so.
- 14. When a Mayor is putting forth a question, no Member shall leave his/her chair or make any noise or disturbance.
- 15. When a Member is speaking, no other Member shall interrupt him/her except to raise a point of order.



- 16. A Member called to order shall immediately cease speaking but may afterwards be permitted by the Mayor to explain. The Council, if appealed to, shall decide on the case without debate. If there is no appeal, the decision of the Mayor shall be final.
- 17. Discussion shall be limited to the question in debate.
- 18. Any Member may require the question or Motion under discussion to be read for his/her information at any time during the debate, but not so as to interrupt a Member while speaking.
- 19. No Member, other than the one proposing a question or Motion, shall speak more than once on the same question without permission of the Council, except in explanation of a material part of his/her speech which may have been misunderstood. He/she is not to introduce new matters.
- 20. No Member shall speak to a question or in replay for longer than five (5) Minutes without permission of the Council.
- 21. No Motion shall be debated or put forth unless it is seconded.
- 22. A Motion that has been read may be withdrawn at any time before a decision or amendment with the permission of the mover and seconder.
- 23. A Motion to adjourn the Council or adjourn the debate shall be in order except:
  - a) when a Member is in possession of the floor;
  - b) when a vote has been called for;
  - c) when the Members are voting;
  - d) when it has been decided that the previous question shall be not put forth; and/or
  - e) in the Committee of the Whole.
- 24. Immediately before putting forth the questions, the Mayor shall have the privilege of summarizing the debate, but no new matter shall be introduced.
- 25. The order of the day, unless otherwise determined by the Mayor, shall be as follows:
  - 1. Opening Prayer
  - 2. Approval of Agenda Items
  - 3. Delegations
  - 4. Approval of Minutes
  - 5. Information, Questions and Correspondence
  - 6. Council Business
    - a) employees
    - b) financials/payables
  - 7. Committee Reports
  - 8. Motions and By-Laws
  - 9. Other Business
  - 10. Public Notices
  - 11. Date of Next Meeting



MUNICIPALITY OF CLYDE RIVER BY-LAWS

#### By-Law Title: Council Procedures

- 12. Adjournment
- 26. Each delegate to a meeting shall be allowed no more than fifteen (15) Minutes to give his/her presentation unless he/she receives permission from the Mayor to extend the time.
- 27. The Council shall then either table the discussion on the item brought forward by the delegate or discuss it in presence of the delegate. This discussion shall not exceed twenty-five (25) Minutes. In the event that further discussion is needed before a decision is made, the item shall be tabled for the next meeting.

#### **CONFLICT OF INTEREST**

28. In addition to the provisions of the *Conflict of Interest Act*, a Council Member who declares a conflict of interest shall leave the room in which the meeting is being held when the item which he/she has declared conflict of interest in is being discussed.

#### **BY-LAWS**

- 29. By-laws shall be introduced by Motion for permission, a Motion to have the by-law brought forth, by an order of the Council or a need identified by the SAO.
- 30. A proposed by-law may be amended on any reading.
- 31. Every by-law shall be introduced by a Member upon Motion for permission to do so, specifying the title of the by-law.
- 32. The question 'that this by-law be now read a first time' shall be decided without amendments or debate.

#### **PART III - COMMITTEES**

#### COMMITTEE OF THE WHOLE

- 33. Council may, by resolution, resolve into Committee of the Whole, and the resolution shall name the Chairman of the Committee.
- 34. The Chairman of the Committee of the Whole, Council shall maintain order in the Committee and shall report the proceedings. A Chairman of the Committee whose report is under consideration, or a Member introducing a by-law, shall not be required to take the chair.
- 35. No by-law or report of the Committee shall be referred to the Committee of the Whole unless such by-law or report has been previously printed and placed in the hands of the Members except otherwise decided by a vote of two thirds (2/3) of the Members present without debate.
- 36. Proceedings during Committee of the Whole shall not be recorded in the Minutes of the Council, and the business transacted shall be reported by the Chairman of the Committee of the Whole to the Council when it reconvenes.



- 37. Questions of order arising in the Committee of the Whole shall be decided b the Chairman subject to appeal by any Member of the Council. If any disorder should arise in the Committee, the Mayor of the Council shall resume the chair without any questions being put forth.
- 38. On Motion to adjourn and report in the Committee of the Whole, the question shall be decided at once without debate.
- 39. A Motion in the Committee of the Whole to adjourn without reporting shall always be in order and shall take precedence over any other Motion. On such Motion, debate shall be allowed on an affirmative vote, the subject referred to the Committee shall be considered as disposed of in the negative and the Mayor of the Council shall resume the chair and proceed with the order of business.
- 40. During consideration of a by-law by the Committee of the Whole, the preamble shall be considered first, then each clause or section in its proper order and then the title.
- 41. All amendments made in the Committee of the Whole to a by-law shall be reported by the Chairman of the Committee of the Whole to the Council. After the report has been received, the by-law shall be open to debate and amendments before it is ordered for second reading.
- 42. The rules of the Council shall be observed in the Committee of the Whole except that the number of times speaking to a Motion shall not be limited.

### STANDING AND SPECIAL COMMITTEES

- 43. The Council shall, at its first regular meeting following the general election, appoint one Councillor to chair each of the following Committees which shall comprise the standing Committees of the Council:
  - a) Finance Committee
  - b) Health Committee
  - c) Recreation Committee
  - d) Lands and Economic Development Committee
  - e) Labour Management Committee
  - f) Alcohol Committee
- 44. Each Chairman of each Committee shall appoint from the community at large one Member to sit on his/her Committee.
- 45. Notwithstanding Section 44, the Finance Committee shall consist of the Deputy Mayor, two Council Members appointed by Council, the SAO and the Secretary Translator.
- 46. Any Member of a Committee who refuses or neglects to attend three (3) consecutive meetings of the Committee, regular or special, shall be deemed to have resigned as a Member unless he/she has received permission to excuse himself/herself from the Committee by a majority vote of the Committee. The absence shall not exceed a period of three (3) months.



- 47. If, for any reason, a seat on any Committee becomes vacant, the Chairman of that Committee shall fill that vacancy by appointing a Member of the community at large.
- 48. The rules of the Council governing the conduct of the Members Council meetings shall be observed by the Committee Members at all Committee meetings.
- 49. The general duties of all Committees of the Council shall be as follows:
  - a) to report from time to time on all matters connected with the duties imposed on the Committee and to recommend such action as may be deemed necessary;
  - b) to prepare and introduce to Council all such by-laws as may be necessary to give effect to the reports or recommendations that re adopted by the Council; and
  - c) to consider and report respectively on any and all matters referred to it by the Council.

# ROLES AND RESPONSIBILITIES OF STANDING AND SPECIAL COMMITTEES

- 50. The special duties of the Standing Committees, in addition to those set out in Section 48, shall be in accordance with Schedule 'B'.
- 51. The Council may, by resolution, appoint a Special Committee to deal with any issue that needs further investigation and consideration by the Council, and request the Special Committee to make recommendations to the Council for their action.
- 52. All reports and recommendations of the Standing and Special Committee to the Council shall be put in writing and signed by the Committee Chairman.

### PART IV – DUTIES OF THE COUNCIL MEMBERS

- 53. The Mayor shall be the Chief Executive Officer of the Municipality with duties as follows:
  - a) to be vigilant and active in causing the laws of the Municipality to be duly executed and obeyed;
  - b) to communicate to the Council, from time to time, such information and recommend to it such measures as may tend to the improvement of the finances, health, security, cleanliness and comfort of the Municipality; and
  - c) to oversee the conduct of all officers and employees of the Council and, as far as practicable, cause any negligence, carelessness or violation of duty to be prosecuted and punished.
- 54. The Mayor shall not, at any time, without authority given by Councillors at a regular or special meeting of the Council, make any decisions which would affect the Municipality or its residents in part or in whole.
- 55. All Council Members shall endeavour to attend meetings at the appointed time.
- 56. Any Council Member who arrives late at a meeting of the Council shall not be permitted to vote on the subject under debate at the time of his/her arrival.



57. Council shall endeavour to meet with outside or community agencies, groups, individuals or representatives who have advised Council at least one (1) week in advance of the purpose of the visit and arrival date of the delegation.

# **PART V – GENERAL ADMINISTRATIVE DUTIES**

- 58. The Minutes of the Council proceedings shall be numbered in order in each year, commencing with number one (1) of the first meeting in the calendar year, followed by the year and continuing through to the last meeting of the calendar year. This numbering shall be applied in strict order whether the meeting recorded is a regular or special meeting and must appear on every document or copy of the Minutes to which it refers.
- 59. Resolutions of the Council shall be numbered in order in each calendar year and shall be recorded in a book of resolutions, including the minute's number and date of the meeting.
- 60. A record of attendance of the Council Members for all meetings of the Council shall be maintained during each calendar year.
- 61. The person in charge of any work for the Council shall be subject only to the direction of the Council and shall not be subject to the direction of any Member of the Council acting as an individual.

#### PART VI

REPEAL

62. By-Law #52 is hereby repealed.

Mayor		Senior	Administra	ative Officer	r			
Date of Third Reading and Passed	(Day)	20	(Month)	09	(Year)	1989		
Mayor	Mayor			Senior Administrative Officer				
Date of Second Reading	(Day)	14	(Month)	09	(Year)	1989		
Date of First Reading	(Day)	14	(Month)	09	(Year)	1989		



**MUNICIPALITY OF CLYDE RIVER BY-LAWS** 

By-Law Title: Council Procedures

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# SCHEDULE A Council Agenda Format

# SCHEDULE B Standing Committee Structure and Terms of Reference

# 1. INTRODUCTION

- 1.1 Whereas Section 126 of the *Hamlets Act* enables the Hamlet Council to appoint Committees, the Municipality now therefore established the following Standing Committees of the Council and the terms of reference in order to operate more efficiently.
- 1.2 All Standing Committees of the Council are advisory in nature. Each Committee is responsible for addressing and researching issues and items consistent with that Committee's terms of reference and formulating recommendations for the consideration of Council. All Committee recommendations require Council's approval prior to implementation.
- 1.3 The Mayor is an Ex-Officio voting Member of all Standing Committees.
- 1.4 All Council Members may attend and participate in any Committee meeting, however, only Committee Members and the Mayor may vote upon recommendations.
- 1.5 Administrative support will be provided for each Committee as indicated wherever duties permit. Wherever staff cannot be present at the Committee meetings to take Minutes, the Chairman is responsible for ensuring that the Minutes are taken at the meeting and delivered to the Senior Administrative Officer by the next business day.
- 1.6 The responsibilities of the staff at the Committee meetings are:
  - i. to provide information and expertise with respect to issues brought forward to the Committee in order to assist Committees in making well informed decisions;
  - ii. to record information and produce a report of the meeting.

Other than these duties, staff receive their directions from Council through the Mayor and the Senior Administrative Officer.

1.7 Regular Committee meetings are scheduled as follows:

(nothing listed here)

Where there are no Agenda items for any specific Committee meeting, that meeting will be cancelled, and the Members notified by the Chairman. It is expected that a number of Committee meetings will be cancelled due to lack of Agenda items.

1.8 The Chairman of each Committee will review and prepare an Agenda with the office staff assigned to that Committee at least one (1) business day before the scheduled day of the



**MUNICIPALITY OF CLYDE RIVER BY-LAWS** 

**By-Law Title: Council Procedures** 

2.1

2.2

**By-Law Number:** 

Committee meeting.

1.9 Quorums for the various Committees are as outlined herein.

#### 2. STANDING COMMITTEE AND COMPOSITION

**FINANCE** Quorum three (3) Voting Members \_ CHAIRMAN **Deputy Mayor** \_ MEMBERS \_ two (2) Councillors MAYOR **Ex-Officio Voting Member** \_ Senior Administrative Officer (SAO), Assistant Senior STAFF \_ Administrative Officer (ASAO) (if SAO is absent), Secretary, Interpreter/Translator (when required) LABOUR MANAGEMENT AND PUBLIC SAFETY COMMITTEE Quorum one (1) Council Member (Councillor or the Mayor) \_ **CHAIRMAN** \_ Councillor **MEMBERS** one (1) Councillor, one (1) SAO or ASAO, two (2) Members \_ (Union appointed) **Ex-Officio Voting Member** MAYOR \_ STAFF SAO, ASAO or Foreman \_

#### 2.3 COMMUNITY LAND AND ECONOMIC DEVELOPMENT COMMITTEE

Quorum	_	two (2) Members [one (1) Councillor, one (1) staff or the Mayor]
CHAIRMAN	_	Councillor
MEMBERS	_	one (1) Councillor, two (2) Members (staff)
MAYOR	_	Ex-Officio Voting Member
STAFF	-	Community Land Administrator and Economic Development Officer

#### 2.4 **RECREATION COMMITTEE**

Quorum	_	two (2) Resident Members, one (1) Council Member (Councillor or the Mayor)
CHAIRMAN	-	Councillor
MEMBERS	-	two (2) Councillors, three (3) Members (Community Residents), one (1) Youth Committee Representative
MAYOR	-	Ex-Officio Voting Member
STAFF	-	Recreation Coordinator



# 2.5 <u>HEALTH COMMITTEE</u>

Quorum	-	two (2) Resident Members , one (1) Council Member (Councillor)
CHAIRMAN	-	Councillor
MEMBERS	-	two (2) Members (Community Residents)
STAFF	-	Secretary Translator, Health Center

# 2.6 ALCOHOL EDUCATION COMMITTEE

Quorum	-	two (2) Resident Members, one (1) Council Member (Councillor)
CHAIRMAN	-	Councillor
MEMBERS	-	two (2) Member (Community Residents)
STAFF	-	Secretary

# 3. TERMS OF REFERENCE

# 3.1 <u>FINANCE</u>

The Finance Legislative and Administrative Committee is responsible for addressing, researching and formulating recommendations for Council consideration concerning the following issues:

- Finances and Budget
- Unbudgeted items
- Administrative Policies
- Tenders
- Personnel Administration as outlined in the Employment by-law
- By-laws
- Capital Plans
- Approval of Business Licenses
- Liaise with local Boards and Committees (i.e. HTA, Education Council, Housing Association, etc.)

### 3.2 LABOUR MANAGEMENT AND PUBLIC SAFETY COMMITTEE

The Works and Public Safety Committee is responsible for addressing, researching and formulating recommendations for Council consideration concerning the following issues:

- Fire Department
- By-law Enforcement
- Municipal Services (water, sewage, garbage)
- Public Health
- Municipal Roads
- Municipal/Union Relationship

### 3.3 <u>COMMUNITY LAND AND ECONOMIC DEVELOPMENT COMMITTEE</u>

The Community Land and Economic Development Committee is responsible for addressing, researching and formulating recommendations for Council consideration concerning the following issues:



- General Development Plan
- Land Applications
- Request for Road Closures
- New Business Licensing
- Community Economic Plan
- Economic Development issues
- Issues and items affecting Development, either present or future

### 3.4 RECREATION COMMITTEE

The Recreation Committee is responsible for addressing, researching and formulating recommendations for Council consideration concerning the following issues:

- Recreation Programs and Facilities operated by the Hamlet
- Community Celebrations (i.e. Christmas, Hamlet Day, July 1<sup>st</sup>, etc.)
- Liaise with Community Groups involved with the provisions of Recreational or Community Activities (i.e. Brownies, Girl Guides, Cadets, etc.)
- Liaise with external social agencies (i.e. Alcohol Committee, etc.)
- Recruitment of Volunteers for Special Programs and Special Events

### 3.5 HEALTH COMMITTEE

The Health Committee is responsible for addressing, researching and formulating recommendations for Council consideration concerning the following issues:

- Community Social Program Delivery
- Community Home Care issues
- Community Health Care services
- Community Elder Care issues
- Suicide Prevention issues
- Other related issues to better the quality of life for Clyde River Citizens

### 3.6 ALCOHOL EDUCATION COMMITTEE

The Alcohol Education Committee is an independent body that reviews and weighs Alcohol Possession Permits on a case-by-case basis in a manner similar to a Court of Law. The Board has authority to make decisions on such cases under the *Nunavut Liquor Act*.