

**PROCEDURE BYLAW
HAMLET OF _____
BYLAW NUMBER _____**

A bylaw of the Hamlet of _____ in the Northwest Territories respecting the meetings and procedures of Council and Committees, made pursuant to the *Hamlets Act*, S.N.W.T., 2003, C. 22, s.31.

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

Title

1. This bylaw may be cited as the "Procedure Bylaw".

Definitions

2. In this Bylaw:

- (a) "Committee" means a committee of Council that has been established by Council;
- (b) "Committee Member" means a member of a Committee duly appointed by Council;
- (c) "*Conflict of Interest Act*" means the *Conflict of Interest Act*, R.S.N.W.T., 1988, c. C-16, as amended;
- (d) "Council" means the council of the Hamlet;
- (e) "Councillor" means a member of Council, other than the Mayor;
- (f) "Council Member" means the Mayor or a Councillor;
- (g) "General Election" means a general election within the meaning of the *Hamlets Act*;
- (h) "Hamlet" means the municipal corporation of the Hamlet of _____;
- (i) "*Hamlets Act*" means the *Hamlets Act*, S.N.W.T., 2003, C. 22, as amended;
- (j) "Mayor" means the mayor of the Hamlet;

- (k) “Member” means a Council Member or a Committee Member;
- (l) “Pecuniary Interest” means a pecuniary interest within the meaning of the *Conflict of Interest Act*;
- (m) “Private Meeting” means a Council or Committee meeting, or a portion thereof, that is closed to the public;
- (n) “Presiding Officer” means the person authorized to preside over a meeting, determined in accordance with Sections 9 and 10;
- (o) “Senior Administrative Officer” means the senior administrative officer of the Hamlet; and
- (p) “Statutory Public Hearing” means a public hearing that Council is required to hold under the *Hamlets Act* or another enactment.

Application and Interpretation

3. The rules and procedures contained in this Bylaw shall apply to Council meetings.
4. Subject to Section 5, the rules and procedures in this Bylaw shall apply to Committee meetings.
5. A rule or procedure, established by this Bylaw, that is specifically stated to apply to Committees shall prevail over a rule or procedure of more general application contained in this Bylaw.
6. Subject to any applicable statutory obligation to the contrary, Council or a Committee may temporarily suspend any provision of this Bylaw by a unanimous vote of all Members.
7. A resolution suspending any provision of this Bylaw, as provided for in Section 6, is only effective for the meeting during which it is passed.
8. To the extent that a procedural matter is not dealt with in the *Hamlets Act* or this Bylaw, the matter will be determined by referring to the most recent version of *Robert’s Rules of Order* newly revised.

Presiding Officer

Person to Act as Presiding Officer

9. In the case of a Council meeting, the Presiding Officer shall be the Mayor.
10. In the case of a Committee meeting,
 - (a) the Presiding Officer shall be the Committee Member appointed by Council as Presiding Officer; and
 - (b) if the Presiding Officer appointed in accordance with subsection (a) is absent from a Committee meeting, or otherwise unable to preside, the Presiding Officer shall be chosen by the Committee Members present.

Role of Presiding Officer

11. The Presiding Officer:
 - (a) opens meetings;
 - (b) chairs meetings;
 - (c) preserves order in meetings; and
 - (d) rules on all questions of procedure.

Challenging a Ruling

12. A ruling of the Presiding Officer may be challenged.
13. A motion to challenge a ruling may only be made at the time of the ruling.
14. A motion to challenge a ruling shall be determined by a majority vote and may not be reconsidered or rescinded.

Council Meetings

15. The first meeting of Council following a General Election must be held not later than 45 days after the election day at the time and place that the Mayor designates.
16. Subsequent regular meetings of Council shall be held on the second and fourth _____ of each month at _:00 p.m in the Hamlet Council Chambers.

17. When the date of a regular meeting of Council falls on a holiday, the meeting shall be on the next regular working day, unless Council provides otherwise by resolution.
18. Council may, by resolution, change the date, time or place of a regular Council meeting; however, as required by the *Hamlets Act*, at least one regular meeting must be held each month.
19. Public notice of Council meetings shall be given in accordance with the *Hamlets Act*.
20. Any Council Member who is absent from three (3) consecutive regular meetings of Council, without permission from Council granted by majority vote at a meeting of Council, shall be deemed to have resigned. Permission for a Council Member to be absent from a regular meeting of Council shall not be unreasonably denied.
21. 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.

Quorum

22. A quorum of Council is a majority of the Council Members then holding office.
23. A quorum of a Committee is two (2) Committee Members, unless the governing bylaw or terms of reference of a Committee provide otherwise.
24. The Presiding Officer shall, as soon as there is quorum after the time set for commencement of a Council or Committee meeting, take the chair and call the meeting to order.
25. If quorum is not present thirty (30) minutes after the time set for the meeting, the Senior Administrative Officer shall record the names of those Members present and the meeting shall be adjourned.
26. Where the number of Members having a direct or indirect Pecuniary Interest within the meaning of the *Conflict of Interest Act* is such that the remaining Members are not sufficient to constitute a quorum at a Council or Committee meeting, the remaining Members are deemed, if they number at least two (2), to constitute a quorum.

Order and Decorum

Public Conduct

27. During a Council or Committee meeting, members of the public shall maintain order and quiet, and shall not:
 - (a) come within the bar, or otherwise approach the Council or Committee table, unless permission is given by the Presiding Officer;
 - (b) interrupt a discussion or action of Council or the Committee, or another person addressing Council or the Committee; or
 - (c) otherwise disturb the proceedings before Council by words or actions, or other improper conduct.
28. The Presiding Officer may order a member of the public who acts in a manner contrary to Section 27 to be expelled from the meeting.
29. The Presiding Officer may request that the Royal Canadian Mounted Police remove an expelled member of the public if that person does not leave voluntarily.

Member Conduct

30. During a Council or Committee meeting, Members must not:
 - (a) speak disrespectfully of Her Majesty the Queen or her official representatives;
 - (b) use offensive words in referring to any person, including a Member or employee of the Hamlet;
 - (c) attack or question the motives of another Member;
 - (d) use profane, vulgar or offensive language;
 - (e) leave their seat or make any noise or disturbance while a vote is being taken or the result declared;
 - (f) interrupt a Member who is speaking, except to raise a question regarding whether correct procedures are being followed; or
 - (g) break applicable procedural rules or disturb the proceedings.

31. A Member who persists in a breach of Section 30, after having been called to order by the Presiding Officer, may be ordered, by the Presiding Officer, to leave for the duration of the meeting.
32. The Presiding Officer may request that the Royal Canadian Mounted Police remove an expelled Member if that Member does not leave voluntarily.

Pecuniary Interest

33. When a Member has any direct or indirect Pecuniary Interest in any matter before Council or a Committee, that Member shall:
 - (a) comply with all applicable requirements set out in the *Conflict of Interest Act*; and
 - (b) if present at a meeting during which the matter is being considered, leave the Council Chambers, or other meeting location, until discussion and voting on the matter are concluded.
34. Every disclosure of a Pecuniary Interest by a Member shall be recorded in the meeting minutes by the Senior Administrative Officer.

Private Meetings

35. Subject to Section 36, all meeting of Council and Committees shall be held in public.
36. Council or a Committee may, by resolution approved by at least two-thirds of the Council Members present, authorize its meeting to be closed to the public if it decides to discuss any of the following:
 - (a) commercial information that, if disclosed, would likely be prejudicial to the Hamlet or the persons involved;
 - (b) information received in confidence that, if disclosed, would be prejudicial to the Hamlet or the persons involved;
 - (c) personal information, including personal information about employees,
 - (d) the salary, benefits or performance record of an employee,
 - (e) a matter still under consideration and on which Council has not yet

publicly announced a decision, if discussion in public would likely prejudice the Hamlet's ability to carry out its activities or negotiations;

- (f) the acquisition or disposition of property by or on behalf of the Hamlet;
 - (g) the setting of minimum tax sale prices under the *Property Assessment and Taxation Act*;
 - (h) the conduct of existing or anticipated legal proceedings;
 - (i) the conduct of an investigation under, or enforcement of, an enactment or bylaw;
 - (j) information, the disclosure of which could prejudice public security or the maintenance of law and order; and
 - (k) the security of documents or premises.
37. No bylaw or resolution shall be made at a Private Meeting, other than a resolution to:
- (a) give instructions to the Hamlet's lawyers or to any persons negotiating a contract on behalf of the Hamlet;
 - (b) give directions to staff on confidential personnel issues; or
 - (c) adjourn the Private Meeting or to revert to a public meeting.
38. Council shall make a public record of any meeting that is closed to the public, specifying, at a minimum:
- (a) that council met in private;
 - (b) the date of the meeting; and
 - (c) the general nature of the issues discussed.

Speaking

39. Every Member, in speaking to any question or motion, shall address only the Presiding Officer.

40. The first to speak to a motion shall be the Member who has introduced the motion.

The same Member is entitled to close the debate, but not until every Member choosing to speak has spoken. No Member shall speak more than twice to the same question, and no speech longer than five (5) minutes will be allowed. The limit on the number and length of speeches may be waived with the unanimous consent of all Members present.

41. When two or more Members desire to speak to a matter, the Presiding Officer shall determine the order in which the Members are heard.

Order of Business

42. The order of business for a regular Council meeting shall be as follows:
 - (a) Approval of Minutes of Previous Meeting(s);
 - (b) Declaration of Pecuniary Interest;
 - (c) Delegations and Hearings;
 - (d) Statements;
 - (e) Correspondence;
 - (f) Committee Reports;
 - (g) Deferred Business and Tabled Items;
 - (h) Bylaws;
 - (i) Old Business;
 - (j) New Business; and
 - (k) Adjournment.
43. The business of regular Council meetings shall always be dealt with in the order provided for by Section 42, unless Council decides, by a motion passed by a majority of Members, on a different Order of Business.
44. When any motion, resolution, or question is left unresolved due to Council or a Committee breaking for want of a quorum, the motion, resolution, or question so left shall be the first item of business at the next meeting of such Committee or Council, under that particular order of business.

Agenda

45. The agenda for each Council meeting and Committee meeting shall prepared by the **[NTD: Insert e.g. “Senior Administrative Officer” or “Senior Administrative Officer in consultation with the Presiding Officer”]**.
46. A Member wishing to introduce an item for inclusion in a meeting agenda shall submit a written request to the Senior Administrative Officer by no later than **[NTD: insert deadline, prior to a meeting, for submission of agenda items]**.
47. After the expiry of the deadline established in Section 46, items may only be added to, or deleted from, the agenda if approved by **[NTD: insert e.g. “at least two-thirds” or “a majority”]** of the Members present at the meeting to which the agenda relates.
48. The agenda for regular Council meetings shall be made available to the public at least three days in advance of the meeting.
49. The agenda for each Committee meeting, and all supporting material, shall be provided to Members at least forty-eight (48) hours prior to the meeting.

Motions

Consideration of Motions

50. Any Member may require the motion or question under discussion to be read at any time during a debate, but shall not do so in a manner that interrupts a Member who is speaking.
51. All motions shall be seconded before being debated or put to a vote.
52. After a motion is read or stated by the Presiding Officer, it shall be considered to be in the possession of Council or the Committee but may, with the unanimous consent of Council or the Committee, be withdrawn at any time before decision or amendment.
53. When a motion is made and is being considered, no other motion shall be made, except to commit it, to amend it, to lay it on the table, to postpone it, to adjourn, to move that the vote now be taken, or to extend the hour for closing proceedings.

Motion that a Vote Now Be Taken

54. If it is moved and seconded that the vote be now taken, then that motion shall be put without debate and, if carried by a simple majority, the motion or amendment under discussion shall immediately be read or stated by the Presiding Officer and put to a vote without any further discussion.

Amendments

55. A Member may only move an amendment that directly relates to the subject matter of the principal motion.
56. Amendments shall be put in the reverse order to that in which they are moved and shall be decided or withdrawn before the main question is put to a vote.
57. Not more than one main motion, amendment thereto, and amendment to the amendment may be on the floor at the same time.

Reconsideration of Motions

58. If a motion is voted on by Council or a Committee, the same matter dealt with in the motion cannot be reconsidered by Council or the Committee unless:
 - (a) a General Election has been held;
 - (b) six (6) months has passed since the date that motion was considered; or
 - (c) a motion to reconsider has been introduced in accordance with Section 59, and passed by a two-thirds majority of Members.
59. A Member may introduce a motion to reconsider a matter dealt with in a previous motion if:
 - (a) the motion is made at the same meeting at which the original matter was considered, the Members present unanimously agree to reconsider the matter at this same meeting, and the motion is moved by a Member who voted with the prevailing result; or
 - (b) a Member who voted with the prevailing result has provided notice, at a meeting prior to the meeting at which the motion to reconsider is introduced, of his or her intention to introduce the motion to reconsider;

and the motion to which it is to apply has not already been acted upon.

Bylaws

60. No bylaw shall be referred to Council until printed copies of the bylaw have been given to the Council Members.
61. Every proposed bylaw shall be introduced at a Council meeting by a motion that the bylaw be read a first time.
62. A vote for first reading of a bylaw shall be decided without amendment or debate.
63. A bylaw may not receive more than two readings at any one meeting of council, unless all Council Members are present and unanimously agree to give the bylaw third reading at the meeting.
64. A vote on third reading of a bylaw shall be decided without amendment or debate, unless otherwise decided by a majority of Council Members.

Voting

65. Each Member present must vote on every motion, unless the Member is required or permitted to abstain from voting under the *Conflict of Interest Act* or other applicable enactment.
66. An abstention by a Council Member does not count as a vote.
67. The Presiding Officer shall have the same right to vote as a Councillor in all cases.
68. A vote that results in a tie is defeated.
69. The Senior Administrative Officer shall record in the minutes the name of each Member and how that Member voted if:
 - (a) A recorded vote is requested by any Member; or
 - (b) The vote requires more than a majority.

Adjournment

70. Every regular Council meeting shall be adjourned at or before __:00 p.m., unless a motion to extend the meeting beyond __:00 p.m. is passed by the unanimous consent of all Members present.
71. A motion to adjourn a meeting of Council is not debatable and shall always be in order except:

- (a) when a Member is speaking;
 - (b) when the vote has been called for; or
 - (c) when Members are voting.
72. When all items on an approved agenda have been dealt with, the Presiding Officer may adjourn the meeting without requiring a motion or vote by the Members.

Committees

73. When establishing a Committee, Council must adopt terms of reference for the Committee that names it and describes its purpose, duties and authority.
74. The Committees identified in Schedule "A" are hereby established. The terms of reference of these Committees are as set out in Schedule "A".
75. At the first meeting of Council following a General Election, and annually in January thereafter, the Members of Committees shall be appointed by Council in accordance with Section 78.
76. Notwithstanding Section 75, Committee Members serve at the pleasure of Council and may be removed from, or appointed to, a Committee by Council at any time.
77. The Mayor shall be an ex-officio Member of all Committees.
78. Each Committee shall be composed of at least two (2) Council Members in addition to the Mayor.
79. The date and time of regular meetings of Committees shall established by resolution of Council, unless otherwise specific in the terms of reference or governing bylaw of the Committee.
80. Every Committee Member in attendance at a Committee Meeting has one vote on each item introduced for a vote at that meeting.
81. Special meetings of any Committee may be called whenever it is deemed necessary by the Presiding Officer of the Committee or any two (2) Members of that Committee, and all Council Members shall be notified.
82. Committees shall, when required to so by Council, provide Council with reports on

matters connected with its duties and provide Council with recommendations.

83. Unless Council passes a motion providing otherwise, all reports and recommendations of Committees shall be in writing and no report shall be referred to Council until printed copies of the report have been given to the Council Members.

Statutory Public Hearings

84. All Statutory Public Hearings on a proposed bylaw shall be conducted during a regular or special meeting of Council, and shall be held after first reading and before second reading.
85. The Hamlet shall give public notice of, and conduct, all Statutory Public Hearings in accordance with the requirements set out in the *Hamlets Act*.
86. The Presiding Officer shall ensure that all persons opposed or in favour of the bylaw considered at a Statutory Public Hearing have the opportunity to state their concerns or support.
87. Members have the right to ask relevant questions, through the Presiding Officer, of persons making submissions.

Delegations

88. Requests for appointments to make a presentation to Council or a Committee meeting must be delivered to the Senior Administrative Officer and must:
 - (a) be in writing and be received by the Senior Administrative Officer at least four (4) calendar days prior to the date of the meeting at which they request to appear;
 - (b) be legible;
 - (c) clearly identify the reason or purpose of the appointment and provide sufficient background information to allow for an understanding of the matter being presented;
 - (d) identify the individual or primary contact for a group or organization; and
 - (e) include contact information, including the current mailing address and daytime telephone number(s), of the individual or organization.

89. If the standards set out in Section 88 are not met, the Senior Administrative Officer may file the request without any action being taken.
90. Notwithstanding Section 88(a) the Senior Administrative Officer may, in his or her sole discretion, agree to accept a request up to noon on the date of the Council or Committee meeting in question, if:
 - (a) the proposed presentation relates directly to an item already on the meeting agenda; and
 - (b) all other requirements of Section 88 have been satisfied.
91. If the Senior Administrative Officer determines that the presentation is within the governance authority of Council or the Committee, and that the delegation will be allowed, the Senior Administrative Officer shall:
 - (a) include the matter on the relevant agenda for future consideration by Council or the Committee; and
 - (b) inform the primary contact person for the delegation of the date, time and location of their appearance before Council.
92. If the Senior Administrative Officer determines that the proposed presentation is not within the governance authority of Council or the Committee, the Senior Administrative Officer will:
 - (a) refer the communication to administration for a report or a direct response and provide a copy of the original correspondence and the referral to the Members; and
 - (b) take any other appropriate action on the communication.
93. Approved delegations shall have **[NTD: insert e.g. "fifteen (15) minutes"]** to make their presentation.

Minutes

94. The Senior Administrative Officer shall make a written record of the minutes of the proceedings of all meeting of Council and Committees and shall certify them as correct.
95. Meeting minutes shall be adopted, signed and made available to the public in the manner required by the *Hamlets Act*

Repeal

96. Bylaw No. _____ is hereby repealed.

Read a first time this ___ day of _____, 20__.

Read a second time this ___ day of _____, 20__.

Read a third time this ___ day of _____, 20__.

Signed, certified by the senior administrative officer and sealed this ___ day of _____, 20__.

Mayor

I hereby certify that this bylaw has been made in accordance with the requirements of the *Hamlets Act* and the bylaws of the Hamlet of _____.

Senior Administrative
Officer

[SEAL]

PROCEDURE BYLAW

**HAMLET OF _____
 BYLAW NUMBER _____
 SCHEDULE "A"**

[NTD: We assume that the Committees referenced in the Schedule are placeholders only, and that each Hamlet will populate this schedule themselves. We note that the Committee terms of reference that are ultimately adopted should be more comprehensive in describing the purpose, authority and duties of the committees.]

SAMPLE TERMS OF REFERENCE FOR STANDING COMMITTEES

<p><u>COMMUNITY DEVELOPMENT</u></p> <p>(Time 1:15 p.m. on <u>Day</u>)</p> <ul style="list-style-type: none"> -Community General Plan -Lease or purchase applications -Applications for Commissioner's or Federal Lands -Future Land Requirements -Land Use Applications -Land Development -Zoning Bylaw 	<p><u>COMMUNITY SERVICES COMMITTEE</u></p> <p>(Time 3:00 p.m. on <u>Day</u>)</p> <ul style="list-style-type: none"> - Bingo Licences -Celebrations -Cemetery Maintenance -Community Hall Concession -Facility Joint-Use Agreements -Grants -Historical Sites and Developments -Parks and Playgrounds -Cemetery Development -Facility Operations & Maintenance -Recreation Programs
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<p><u>FINANCIAL, LEGISLATIVE AND ADMINISTRATIVE COMMITTEE</u></p> <p>(Time 1:15 p.m. on _____)</p> <ul style="list-style-type: none">-Auditors Report-Budget Summary-Capital Projects-Conferences-Council Indemnities-Long-term Borrowing-Employee Contracts-Financial Reviews-Franchise Agreements-Funds-Insurance-Legislation - Draft Bylaws-Municipal Election-NWTAC Resolutions-Tenders/Calls for Proposals	<p><u>WORKS & PUBLIC SAFETY COMMITTEE</u></p> <p>(Time 3:00 p.m. on _____)</p> <ul style="list-style-type: none">--Bylaw Enforcement-Fire Protection/Ambulance-Gravel and Sandpit Operations-Public Health Standards-Pest Control-Protection to Animals-Sanitation and Waste Removal--Signs - Maintenance-Municipal Roads & Maintenance-Street Lights--Temporary Road Closures-Utilities
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