

HAMLET OF GJOA HAVEN, NU
BY-LAW #169

Being a by-law of the Hamlet of Gjoa Haven in Nunavut to regulate the proceedings of
The Council of the Hamlet of Gjoa Haven and its committees pursuant to the provisions of the Hamlets
Act, S. Nu. 2011, c.6, s. 11

As the Hamlets Act requires that every Council shall make rules respecting the proceedings of Council,
NOW, THEREFORE, THE COUNCIL OF THE HAMLET OF GJOA HAVEN, at a duly constituted meeting,
enacted as follows:

PART 1 – 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 special meeting of Council or committee of the whole prepared by the S.A.O. and the Mayor or chairman;
- b) "Chairperson" means the person presiding at a meeting of Council or Committee;
- c) "Committee" means a committee of Council but does not include Committee of the whole
- d) "Committee of the whole" means all members present at a meeting of the Council sitting as a whole;
- e) "Council" means the Council of the Hamlet;
- f) "Council member" means a member of Council
- g) "Councillor" means any member of Council other than the Mayor;
- h) "Hamlet" means the Hamlet of Gjoa Haven in the Nunavut
- i) "Mayor" means the presiding Council member;
- j) "Quorum" means a majority of members of the whole Council,
- k) "S.A.O." Senior Administrative Officer
- l) "Year" means the Fiscal year beginning in April and ending in March.

PART 2 MEETINGS

Regular Meetings

- 1 The Council shall hold two regular meetings each month (allowing for holidays and elections) at such time and place fixed by Resolution of Council at its first meeting of each New Year.
- 2 The S.A.O. shall ensure that each Council member is prepared for each regular meeting, either By delivering or having available for pick-up at the hamlet office by council members. Information packages which shall contain the notice of the meeting, committee minutes/reports, previous minutes and any correspondence needing attention at the meeting, at least 48 hours prior to the commencement of the meeting. The SAO will keep an attendance record for Council Meetings.

3 Any Council member refusing or neglecting to attend three consecutive meetings of Council or missing 3 of 6 meetings of council shall be deemed to have resigned as a member of Council unless he has received permission to Absent himself from the Council, by a majority vote of the Council at a regular meeting, for a period not exceeding 6 months.

PROCEDURES

4 If a quorum is present, the chairperson shall take the chair at the hour appointed for the meeting and calls for order.

5 In the event that a quorum is not present within 30 minutes of the time appointed for the meeting, the S.A.O. shall take down the names of the member present, and the chairman shall adjourn the meeting and announce the time and date of the next meeting if required.

6 In the event that the chairman does not attend within 15 minutes, the deputy chairman shall take the chair and call the meeting to order, if a quorum is present.

7 If both the chairman and deputy chairman both be absent after the expiry of 15 minutes after the appointed time, the Councilors shall appoint from amongst themselves an acting Chairman who shall immediately take the chair and call the meeting to order, if a quorum is present. In the event the chairman and deputy chairman should subsequently arrive at the meeting, the acting chairman shall vacate the chair and turn it over to the chairman or deputy chairman.

8 As soon after the hour of meeting as there is a quorum present, the chairman shall take the Chair and call the members to order.

9 Every Council member, prior to addressing the Council as a whole, shall raise his hand and request to the chairman to speak.

When two or more Council members address the chairman at the same time, the chairman 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 all to be heard.

11 When the chairman is called on to decide a point of order or practice, he shall do so without comment unless requested to do so.

12 When the chairman is putting a question, no member shall leave his chair or make any noise or disturbance.

13 All Members will respect other members of Council and the Public. Any council member who disrespects others will be asked to apologize immediately, by the Chairperson.

14 When a member is speaking, no other member shall interrupt him except to raise a point of order.

15 A member called to order shall immediately cease speaking, but may afterwards be permitted by the chairman to explain, and the Council is appealed to, shall decide on the case without debate. If there is no appeal, the decision of the chairman shall be final.

16 Discussion shall be limited to the question in debate.

17 Any member may require the question or motion under discussion to be read for his information at any time during the debate but not so as to interrupt a member while speaking.

18 No matter, 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 speech which may have been misunderstood, but he is not to introduce new matter.

19 No member shall speak to the question or in reply for longer than five minutes without permission of the Council.

No motion shall be debated or passed unless it is seconded.

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.

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 not be not pass and
- (e) In committee of the whole shall be introduced.

Immediately before putting the question the chairman shall have the privilege of summarizing the debate, but no new matter shall be introduced.

The order of the day, unless otherwise determined by the chairman, shall be as follows:

- a) Call to order
- b) Approval of Agenda
- c) Declaration of Conflict of interest
- d) Delegations
- e) Adoption of minutes
- f) Reports
- g) Correspondence to deal with
- h) Correspondence-information only
- i) Old business (Tabled)
- j) New business
- k) Council concerns
- l) Adjournment

The Council will then either table discussion on the item brought forward by the delegate or discussed it in the presence of the delegate. This discussion will not exceed 15 minutes. In the event that further discussion is needed before a decision is made, the item will be tabled for the next meeting

Each delegate to a meeting will be allowed no more than 15 minutes to give his presentation unless he receives permission from the chairman to extend the time.

Conflict of Interest

In addition to the provisions of the Conflict of interest Act, S. Nu. 2011, c.45, s. 2. 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 or she has declared conflict in is being discussed. He or She may be allowed to address Council on the matter if Council, by resolution, allows for it.

By-laws

By-laws shall be introduced by motion for permission, a motion to have the by-law brought, by an order of the Council or a need identified by the S.A.O.

A proposed by-law can be amended on any reading.

Every by-law shall be introduced by a member upon motion for permission to do so, specifying the title of the by-law.

31 The question "that this by-law be now read a first time" shall be decided without amendments or debate.

Financial Affairs

Budgets

32 Every council shall, by resolution, before each fiscal year, adopt a budget for the fiscal year

33 The budget must include estimates of

- a) All expenditures to be incurred by the municipal corporation, including
 - (i) Payments in respect of debts,
 - (ii) Operating expenditures,
 - (iii) Capital expenditures, and
 - (iv) Grants
- b) All revenues to be received by the municipal corporation, including
 - (i) Charges for municipal services, and
 - (ii) Grants and contributions; and
- c) Any sum required to meet a deficit of the municipal corporation, if any, in the preceding fiscal year. S.Nu. 2010,c.7,s.4.

34 Every council shall ensure that a copy of the budget is forwarded to the Minister or the designate of the Minister

A municipal corporation may save any surplus at the end of a fiscal year for use in future fiscal years

36 Every municipal corporation shall eliminate any deficit at the end of a fiscal year by the end of the next fiscal year.

37 Council cannot designate budget responsibilities to any person or Committee. A council may not delegate to a board or commission or to a committee of council:

- a) a power or duty to pass by-laws,
- b) its power to make, suspend or revoke the appointment of a person to the position of senior administrative officer,
- c) its powers under this Act to adopt or alter budgets

Standing and Special Committees

38 The Mayor shall, at its first regular meeting following a general election, appoint representatives to each of the following committees which shall comprise the standing committee of the Council:

- (a) Finance/Executive
- (b) Economic Development
- (c) Planning and Land
- (d) Health and Wellness
- (e) Recreation
- (f) Justice
- (g) Hiring Committee

(h) Any Standing or Special Committee

Notwithstanding section 38, the Employer/Employee Committee shall consist of the Mayor, the S.A.O., one councilor, and one unionized staff member appointed by the council.

The Mayor/Council shall also appoint one Councillor to chair the following committees, and the balance of membership shall be from the public at large as appointed by resolution of Council;

- (a) Recreation Committee
- (b) Planning and Lands Committee
- (c) Health and Wellness
- (d) Recreation
- (e) Justice
- (f) Hiring Committee
- (g) Any Standing or Special Committee

Any member of a committee, who refuses or neglects to attend three consecutive meetings, special or regular, of the committee or missing 3 of 6 meetings of committee shall be deemed to have resigned as a member unless he has received permission to absent himself from the committee by a majority vote of the committee, which permission shall not exceed for a period of three months.

If, for any reason, a seat on any committee becomes vacant, the Mayor shall fill that vacancy by appointing a member of the public at large.

The rules of the Council governing the conduct of members at Council meetings shall be observed by committee members at all committee meetings.

Committees cannot hire staff members, they recommend to council their choices.

The general duties of all committee of 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-law/motion as may be necessary to give effect to the reports or recommendations that are adopted by the Council; and
- (c) To consider and report respectively on any and all matters referred to it by the Council.

Standing and Special Committees

The special duties of the standing committees, in addition to those set out in section 40 shall be as follows;

a) Finance Committee

To supervise all contracts, orders, reports, recommendations and proceedings, involving the expenditure of moneys of the Hamlet;

To supervise all accounts, expendables, outlays and all sums payable under contract before any moneys are paid therefore; and no account, claim or demand not expressly authorized to be paid by statute, by-law or resolution of Council, shall be paid by the S.A.O. until the same have been authorized by the finance committee and council;

To submit for discussion by Council, a proposed budget for the upcoming fiscal year.

b) Recreation Committee

To assist the Recreation Department to plan, organize and supervise recreation activities, events and programs sponsored by the Hamlet.

Must stay within budget of Council

c) **Town Planning and Lands Committee**

To preview applications, [with the Planning and Lands Administrator], for land lots within the Hamlet to ensure compliance with the Zoning By-law, Community Plan By-law and the Planning Act and make recommendations to Council as to whether to approve or reject such applications.

Periodically review the Zoning By-law and Community Plan to recommend changes to Council, if the need arises

Must stay within budget of Council

d) **Hiring Committees**

To meet on a regular basis with representatives from the employees of the Hamlet to hear any concerns the employees may have about the workplace and make the appropriate recommendations or reports to Council, as required.

To review, with the S.A.O., all job advertisements, job descriptions and recruitment procedures and make recommendations to Council, as necessary.

Must stay within budget of Council

All Staff are hired by the S.A.O., with consultation and recommendations of Council and Committees

All reports and recommendations of standing and special committee to the Council shall be put in writing and signed by the committee chairman.

PART IV-DUTIES OF COUNCIL MEMBERS

The Mayor shall be the chief executive officer of the Hamlet with duties as follows:

- (a) To be vigilant and active in causing the laws of the Hamlet to be duly executive and obeyed;
- (b) To communicate to the Council, from time to time, such information and recommended to it such measures as may tend to the improvement of the finances, health, security, cleanliness and comfort of the Hamlet; 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.
- (d) Hires the S.A.O. , with consultation and recommendations of Council and Committees

The Mayor shall not, at any time, without authority given by councilors at a regular or special Meeting of Council, make any decisions which will affect the Hamlet or its people in part or in whole.

All Council members will endeavor to attend meetings at the appointed time.

Any Council member who arrives late at a meeting of Council will not be permitted to vote on the subject under debate at the time of his arrival.

Council will endeavor to meet with outside or community agencies, groups, individuals or representatives who have advised Council at least one week in advance of the purpose of the visit and the arrival date the delegation. If a special is to be called because of this, then the outside group will be responsible for payment of Council indemnities.

PART V-GENERAL ADMINISTRATIVE DUTIES

The minutes of Council proceedings shall be numbered in order in each year, commencing with number 1 of the first meeting in the calendar year, following by the year and continuing through to the last meeting of the calendar year. This numbering is 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.

A record of attendance of Council members for all meetings of Council shall be maintained during each calendar year.

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 any members of Council acting as an individual.

Procedures governing special meetings

The S.A.O. shall call a special meeting of Council if requested to do so by, either the Mayor Or any two councilors, this request must be in writing.

(a) The S.A.O. shall, at least 48 hours in advance, give notice of the time, place and purpose if the meeting to all Councilors.

(b) The notice referred to above must be posted within the Hamlet office as well as delivered to each Councilor.

(c) The only business that can be discussed at the special meeting is the business described in the notice. The only way any other discussion can take place is if all Councilors are present, and they unanimously agree to it.

This is outlined in greater detail under section 26 (1-4), of the Hamlet Act, S. Nu. 2011.

Read a First Time this 21 day of January, 2014

Read a second time this 21 day of January, 2014

Mayor

Senior Administrative Officer

Read a Third Time and Final Passed this day of , 2014

_____, or

Senior Administrative Officer