

TOWN OF NORMAN WELLS

**BY-LAW NO. 14-13
COUNCIL PROCEDURES BY-LAW
Repeals By-Law No. 13-25**

BEING A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF NORMAN WELLS IN THE NORTHWEST TERRITORIES TO ESTABLISH RULES FOR THE CALLING OF MEETINGS, GOVERNING THE PROCEDURES OF COUNCIL, THE CONDUCT OF ITS MEMBERS, THE APPOINTMENT OF ITS COMMITTEES AND GENERALLY FOR THE TRANSACTION OF THE BUSINESS OF COUNCIL, PURSUANT TO THE PROVISIONS OF THE CITIES, TOWNS & VILLAGES ACT, S.N.W.T. 2003, C-22.

WHEREAS pursuant to section 29 of the *Cities, Towns & Villages Act*, S.N.W.T. 2003, C-22, s. 2, Council may pass bylaws in relation to the establishment and functions of Council Committees, and the procedure and conduct of Council and Council Committees;

And Whereas, the *Cities, Towns & Villages Act* governs the conduct of Councils, Councillors, Council Committees; municipal organization and administration; public participation; and the powers of a municipality;

NOW THEREFORE, the Council of the Town of Norman Wells, in a meeting duly assembled, enacts as follows:-

1. The purpose of this bylaw is to establish rules to follow in governing the Town of Norman Wells, and to establish Committees of Town Council.
2. That this by-law shall be known as “**The Council Procedures By-Law**”

DEFINITIONS

3. In this bylaw, unless the context otherwise requires
 - a) “**Chair**” means a person who has been given authority to direct the conduct of a meeting;
 - b) “**Council**” means the Municipal Council of the Town of Norman Wells
 - c) “**Council Committee**” means any committee, board or other body established by Council by bylaw under the *Cities, Towns & Villages Act*.
 - d) “**Councillor**” includes the Mayor and all duly elected members of Council;
 - e) “**Disqualified**” means no longer eligible to hold office,
 - f) “**Inaugural Meeting**” means the first meeting of Council following a general election which must be held not later than 28 days after the election day at the time and place that the mayor designates (Sec 23, CTV);
 - g) “**Mayor**” means the chief elected official of the Town within the meaning of the *Cities, Towns & Villages Act*;
 - h) “**Orders of the Day**” means the order of business for a meeting of Council as set out in Schedule A and constitutes the agenda;
 - i) “**Person**” includes an individual, partnership, association, corporation, trustee, executor, administrator, or legal representative;

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- j) **“Public Hearing Meeting”** means a Council or Committee meeting held for statutory hearings;
 - k) **“Special Resolution”** means a resolution passed by a two-thirds vote of all Councillors or two-thirds of all members of a Committee;
 - l) **“Town”** means the Town of Norman Wells
 - m) **“Town Manager”** means the Senior Administrative Officer or his designate within the meaning of the *Cities, Towns & Villages Act*.
4. If a question relating to the procedures of Council or Committees of Council is not answered by this bylaw, the answer to the question is to be determined by referring to the most recent revision of *Robert's Rules of Order Newly Revised* and/or the *Cities, Towns and Villages Act*.

PREVALENCE

5. This by-law will prevail over any other Town By-Law.

MEETINGS

6. At the Inaugural Meeting:
- (a) the Returning Officer must report the results of the election;
 - (b) all Councillors must take the oath of office;
7. Council will hold regular meetings on the dates established at the Inaugural Meeting.
8. Regular Council meetings will begin at 7:00 P.M. and adjourn by 11:00 p.m., unless Council passes a motion to complete discussing an item by a Two-Thirds Vote and then Council will reconvene at noon the following day to conclude the agenda.
9. A motion to *Extend Orders of the Day*:
- (a) must be seconded,
 - (b) is debatable, and
 - (c) each Councillor may speak for only one minute.
10. Regular Council and Committee meetings and Public Hearing Meetings will be held in the Council Chambers.
- (a) Council may change the time, date or location of any meeting by Special Resolution.
 - (b) Notification of the change in time, date or location of any meeting must be provided in accordance with section 12.
 - (c) Council may cancel any meeting and a Committee may cancel any of its meetings if notice is given in accordance with section 12.

SPECIAL MEETINGS

11. The Town Manager shall call a special meeting of council if request to do so in writing by:
- (a) the Mayor, or
 - (b) Two Councillors

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12. For all meetings requiring notice, the Town Manager shall, at 48 hours in advance, give notice of the time and place of the meeting and the nature of the business to be transacted at the meeting.
13. The notice to be given by
 - (a) posting a copy of the notice in a conspicuous place in the office of the municipal corporation, and
 - (b) delivering a copy of the notice to each council member or to a place designated by a council member for this purpose.
14. Special Council or Special Committee meetings will be held on the date and at the time and location specified in the notice of the special meeting.
15. If a matter is not specified in the notice of the Special Council or Special Committee Meeting, it may not be dealt with unless all members are present and Council/Committee passes motion, by majority vote, to deal with the matter.

MEETINGS

16. Council may conduct meetings by means of electronic or other communication facilities under any procedures adopted by Council.
17. Quorum for Council is a majority of Councillors
18. As soon as there is quorum after the time for commencement of a Council meeting:
 - (a) the Mayor must take the chair and begin the meeting; or
 - (b) if the Mayor *and* the Deputy Mayor are absent, the Town Manager must begin the meeting by calling for a motion for the appointment of a Chair.
 - (c) If there is no quorum within fifteen (15) minutes after the time set for the meeting, the Town Manager will record the names of the Councillors present and the meeting will be adjourned to the time of the next regular Council meeting.
 - (d) Those items from the adjourned meeting shall be incorporated into the agenda of the next regular meeting of Council.

ATTENDANCE

19.
 - (a) Where a member of Council or the Mayor, is absent without prior notification in writing or by telephone either to the Mayor, the Town Manager and/or the Town Clerk, or approval of Council, for more than three (3) consecutive regularly scheduled Council and Committee of the Whole meetings, the member of Council is deemed to have resigned. Council may, by resolution, consent to a member of Council being absent for more than three (3) consecutive regularly scheduled meetings.
 - (b) Permission for a Member to be absent from a regular meeting of Council pursuant to subsection (a) shall not be unreasonably denied.
 - (c) For the purposes of this section, a Councillor is not considered to be absent from a council meeting if the Councillor is absent on council business at the direction of council.
20. The Town Manager shall attend all meetings of Council. Management will attend meetings as directed by the Town Manager.

AGENDAS

21. The order of business at a meeting is the order of the items on the agenda except:
 - (a) when Council alters the order of business for the convenience of the meeting by a motion;
 - (b) when the same subject matter appears in more than one place on an agenda and Council decides, by motion, to deal with all items related to the matter at the same time; and
 - (c) when Council decides not to deal with an item on the agenda and no motion is made about it.
22. The agenda orders the business for a meeting and will follow the appropriate Orders of the Day set out in Schedule A.
23. The Town Manager in consultation with the Mayor will prepare the agenda.
 - (a) The Town Manager will deliver copies of the agenda and reports to an agreed upon location, on the Friday preceding each regular Council or Committee of the Whole meeting;
 - (b) Council must vote to adopt the agenda prior to transacting other business and may:
 - (i) add new items, including reports that were to be distributed when available, to the agenda by Special Resolution; and
 - (ii) delete any matter from the agenda by unanimous vote.
24. The Town Manager will prepare minutes for all Councillors which will include:
 - (a) all decisions and other proceedings;
 - (b) the names of the Councillors present at, absent and excused from the meeting;
 - (c) the names of the Councillors voting for and against all motions and of those who are absent for the vote when a Councillor has requested a recorded vote;
 - (d) any absence and abstentions made under the *Conflict of Interest Act* by any Councillor and the reason for the abstention; and
 - (e) the signatures of the Chair, and the Town Manager.
25. The minutes of each meeting must be circulated prior to the meeting at which they are to be adopted. If:
 - (i) there are errors or omissions, Council must pass a motion to amend the minutes and adopt the minutes as amended; or
 - (ii) there are no errors or omissions, Council must adopt the minutes as circulated.
26.
 - (a) The Town Manager will make a re-playable audio-recording of all Council meetings;
 - (b) The Town Manager must retain all audio-recordings of meetings until adoption of the minutes by Council, then the recording will be retained for seven (7) years.
 - (c) This section does not apply to meetings or portions of meetings held in camera;

COUNCIL INSTRUCTIONS

27. (a) Council may give instructions to the Town Manager, but individual Councillors including the Mayor, must not give direct instructions to the Town Manager, the employees of the Town Manager or to contractors without a specific direction from Council.
- (b) A Council member, as Chair of a Committee of Council may directly approach the Town Manager to request assistance from employees on issues that the Committee may require.

MOTIONS

28. (a) A Councillor may move a motion on any agenda item before it is discussed.
 - (b) A recommendation in a report does not constitute a motion until a Councillor has expressly moved it.
29. All motions must be seconded, and stated by the Chair prior to debate.
 30. Once a motion has been moved, seconded and stated by the Chair, it is in the possession of Council, and may not be withdrawn without majority consent of all Councillors present at the meeting.
 31. Unless otherwise specified in this bylaw, a motion will be carried when a majority of Councillors present at a meeting vote in favour of the motion. The Mayor will vote on all motions.
 32. A motion is defeated when the vote is tied.
 33. Any Councillor who fails to vote will be recorded as having voted in the affirmative, unless a statute expressly allows or requires an abstention and unless the Councillor has abstained on the basis of a declared Conflict of Interest or an apprehension of bias.
 34. A motion can be voted on by the remaining Councillors in the case when there would be no quorum due to any abstention on the basis of a declared Conflict of Interest allowed or required by statute.
 35. There will be no abstentions for reasons other than stated in sections 33 and 34.
 36. Votes on all motions must be taken as follows:
Councillors must:
 - (a) vote by a show of hands;
 - (b) vote verbally if participating by a communication facility;
 - (c) the Chair must declare the result of the vote

DEBATE

37. The Chair will determine the speaking order when two or more Councillors wish to speak, subject to a challenge.
38. Councillors must address the Chair when speaking.
39. Councillors may be excluded from the meeting by a majority vote if they were to:
 - i. speak disrespectfully of anyone;

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- ii. use offensive words in Council Chambers, or against Council or any Councillor;
 - iii. discuss a vote of Council, unless to move to reconsider, renew or rescind;
 - iv. break the rules of Council or disturb the proceedings; or
 - v. disobey the decision of the Chair or of the Council on any question of order, practice or interpretation.
40. A Councillor may require that the motion being considered be read at any time during debate, but must not interrupt a speaker.
41. Unless otherwise provided in this bylaw, Councillors may speak only twice on any motion, once in debate and once to ask questions; however, Council may give permission to speak again by a majority vote.

Each Councillor may speak for only five minutes:

- i. by asking questions on a motion;
 - ii. in debate on a motion;
 - iii. by asking questions on an amendment;
 - iv. in debate on an amendment; and
 - v. in reply, when the Councillor is the mover of the motion;
 - vi. unless Council gives permission, by a majority vote, to speak for an additional five minutes.
42. Each Councillor will be given an opportunity to speak to a motion before it is put to a vote, unless a motion is passed to limit or end debate.
43. The Chair may participate in debate.
44. The Chair will preserve order and decorum and decide all questions of procedure.
45. If the Chair wishes to leave the chair for any reason, he must call on the Deputy Mayor to preside.
46. The Chair may call to order any Councillor who is out of order and the Chair may order any member of the public who disturbs the proceedings of Council by words or actions to be expelled.

PUBLIC AND PRIVATE MEETINGS

47. Subject to section 48, Council and Committee meetings will be held in public and no person may be excluded except for improper conduct.
48. Council or a Committee may, by resolution, meet privately to discuss any matter as authorized by the *Cities, Town and Villages Act* the holding of that meeting in the absence of the public and including the following matters:
- i. wages, salaries and other personnel matters including but not limited to any performance evaluation or assessment or the personnel file of any employee of the Town;

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- ii. any information regarding contract negotiations, whether with contractor, supplier or trade union, prior to the completion and execution of such agreements;
 - iii. the acquisition, sale, lease or exchange of land, or any other matter that may affect the valuation of land being acquired or disposed of by the Town;
 - iv. matters which are in, or near, litigation, disputed claims, liens, and matters involving legal agreements or contracts where legal advice is required;
 - v. instructions to the Town 's legal counsel and advice from it on matters which may result in litigation or prejudice to the Town or any other party if made public prematurely;
 - vi. matters concerning criminal activity in the community and confidential investigations related thereto;
 - vii. matters involving communications or negotiations between the Town and another order of government where such matters have not been made public by the other order of government, and where the other order of government has requested continued confidentiality;
 - viii. information that, if disclosed, could prejudice public health and safety, security or the maintenance of the law;
 - ix. information, the disclosure of which would likely prejudice the position of the person who supplied it, prejudice the Town 's activities or negotiations, or if it would allow the information to be used for improper gain or advantage, or reveal a trade secret;
 - x. information regarding the Town 's accounting practices and procedures that, if disclosed, could prejudice the safekeeping of Town assets; and
49. The motion to move to an in camera session must identify the general nature of the topics to be discussed during the in camera session.
50. The only resolution that can be passed in a private Council or Committee meeting is a resolution to revert to a public meeting.
51. Any Councillor may move that Council resolve into Committee of the Whole to consider any matter.
52. Quorum of Committee of the Whole is a majority of Councillors.
53. Procedures in Committee of the Whole only differ from Councils in that:
- (a) Councillors may speak more than once, provided that all Councillors who wish to speak to the matter have been permitted to speak;
 - (b) the proceedings will be minuted.
 - (c) the only motions permitted are:
 - 1. to adopt reports or recommendations and to recommend amendments;
 - 2. to amend its own reports or recommendations;
 - 3. to rise without reporting; and
 - 4. to rise and report.
 - (d) A motion to rise and report may be made at any time and must be decided without debate.
 - (e) Any matter which has not been decided will be considered lost.

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- (f) A motion to rise without reporting is always in order and takes precedence over any other motion when Council is in Committee of the Whole.
 - (g) Debate is allowed and if the motion to rise without reporting is passed by a Two-Thirds Vote, the motion that was on the floor is lost.
54. Any Councillor may move to adopt the recommendations of the Committee of the Whole and debate will only be allowed on any amendments proposed by Committee of the Whole.

COMMITTEES

55. The following Council Committees are established:
- (a) Town Planning Committee;
 - (b) Recreation Committee;
 - (c) Resource Development Impact Group
 - (d) Emergency Measures Committee
56. The membership shall be established in accordance with the by-law establishing the committee.
57. All Councillors may attend any meeting of any Committee and participate in debate, but may not make motions or vote.
58. The Mayor is a member by virtue of office, of all Committees, unless Council has decided that the Mayor is an actual member of a particular Committee.
- (a) If the Mayor is a member by virtue of office and is present at a Committee meeting, the Mayor must be counted to determine quorum and has all of the rights and privileges of the other Committee members including the right to make motions and vote.
59. If quorum is not possible because of the absence of one or more members of a Committee, any Councillor present at the Committee meeting will become an alternate member of the Committee and will be counted to determine quorum.
60. All Committees must submit its reports directly to Council either verbally or in writing on a regular basis.

BY-LAWS

61. The Town Manager must approve the form of every proposed bylaw prior to its submission to Council. All proposed bylaws must have a bylaw number assigned by Town Manager and a concise title.
62. The bylaw number and the title of a proposed bylaw must be included on the agenda, and the Town Manager must provide all Councillors with a copy of the proposed bylaw prior to any motion for first reading.
63. (a) A proposed bylaw must be introduced at a Council meeting by a motion that "Bylaw Number (specify the number assigned by the Town Manager) be read for a first time".
- (b) Council may hear an introduction of the proposed bylaw from the Administration.
64. After first reading has been given, any Councillor may move that "Bylaw Number (specifying the proposed bylaw number) be read a second time".

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65. (a) Any amendments to the bylaw which are carried prior to the motion for third reading being put will be considered to have been given first and second reading and will be incorporated into the proposed bylaw.
 - (b) If amendments to the proposed bylaw have been carried:
 - (i) all Councillors must be given an opportunity to review the full text of the amendments; and
 - (ii) the Chair must put the question that "Bylaw Number (specify the bylaw number), as amended, be given third reading".
66. After second reading has been given, any Councillor may move that "Bylaw Number (specifying the bylaw number) be read a third time".
67. Council may not give a bylaw more than two readings at a meeting unless full Council is present at the meeting *and* vote in favour of allowing a third reading at that meeting.
68. (a) If any reading of a proposed bylaw fails:
 - (i) any previous readings are rescinded; and
 - (ii) first reading of the proposed bylaw may not be dealt with again(b) Subject to the Land Use Bylaw, failure of any reading of a proposed bylaw will not preclude the introduction of another proposed bylaw with similar terms and effect.
69. The Mayor and the Town Manager must sign and seal the bylaw as soon as reasonably possible after third reading is given.
70. A bylaw is effective from the beginning of the day it is signed, unless the bylaw or any applicable statute provides for another effective date.
71. Once a bylaw has been passed, it may only be amended or repealed by another bylaw made in the same way as the original bylaw, unless another method is specifically authorized by provincial legislation.


PUBLIC REPRESENTATION

72. If a person wishes to speak to Council or a Committee on any matter, for which a hearing is not required by statute, that person must notify the Town Manager by Thursday, 5:00 P.M. prior to the Council meeting and must state the reason for the request to speak. Council may, at their discretion, accept or refuse a last minute delegation.
73. Any person speaking before Council is restricted to a time limit of fifteen (15) minutes unless the time is extended by a majority vote.
74. After having heard the presentation the Council may:
 - (a) refer the matter to a Committee for further review, or
 - (b) table the matter to another meeting of Council.
75. When hearing from the public, Council does not require a motion on the floor.

GENDER REFERENCE

- 76. All references in this bylaw will be read with such changes in number and gender as may be appropriate according to whether the reference is to a male or female person, or a corporation or partnership.
- 77. That By-Law No. 13-25 is hereby repealed.

Introduced and read a first time this 17th day of, June 2014, A.D.




Mayor



Senior Administrative Officer

Read a second time this 17th day of, June 2014, A.D.



Mayor



Senior Administrative Officer

Read a third time and finally passed this ____ day of, July 2014A.D.



Mayor



Senior Administrative Officer

It is hereby certified that this By-Law No. 14-13 has been made in accordance with the requirement of the Cities, Towns and Villages Act and the By-Laws of the Town of Norman Wells.

Town Manager / S.A.O.

SCHEDULE A - ORDERS OF THE DAY

Call to Order

Declaration of Conflict of Interest

Adopt Agenda

Delegation

Adopt Minutes

Old Business

New Business

Committee Reports

Departmental Reports

Council Forum

Correspondence to Council

Correspondence from Council

In Camera (if required)

Adjournment