

TOWN OF NORMAN WELLS

BYLAW NO. 21-01
COUNCIL PROCEDURES BY-LAW
REPEALS 20-04

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 by-laws 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 by-law 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 by-law, unless the context otherwise requires

Chair	means a person who has been given authority to direct the conduct of a meeting
Confidential	means containing information whose unauthorized disclosure could be prejudicial to the interest of the Town or persons involved
Council	means the Council of the Town of Norman Wells
Council Committee	means any committee, board or other body established by Council by by-law under the <i>Cities, Towns & Villages Act</i> .
Councillor	includes the Mayor and all duly elected members of Council
Disqualified	means no longer eligible to hold office
Mayor	means the chief elected official of the Town within the meaning of the <i>Cities Towns & Villages Act</i> ;

Orders of the Day	means the order of business for a meeting of Council as set out in Schedule A and constitutes the agenda
Person	includes an individual, partnership, association, corporation, trustee, executor, administrator, or legal representative
Public Hearing Meeting	means a Council or Committee meeting held for statutory hearings;
Special Resolution	means a resolution passed by a two-thirds vote of all Councillors or two-thirds of all members of a Committee
Town	means the Town of Norman Wells
Town Manager	means the Senior Administrative Officer or his designate within the meaning of the <i>Cities, Towns & Villages Act</i>

4. If a question relating to the procedures of Council or Committees of Council is not answered by this by-law, 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

First Meeting

6. All Councillors must take the oath of office;
7. Council will hold regular council meetings on the dates established during the first meeting;
 - a. At this meeting Council shall, by resolution:
 - appoint on the recommendation of the Mayor, a Deputy Mayor;
 - appoint Councillors to Special Committees of Council based on the best interests of the Town and desires expressed by Councillors

Regular Meeting

8. Regular meetings of Council shall be held on the first and third Tuesday of each month at 7:00 P.M. unless that day falls on a holiday, in which case the meeting shall be scheduled for the next regular working day at 7:00 P.M.
9. Regular Council and Committee Meetings and Public Hearing Meetings will be held in the Council Chambers.
10. Notwithstanding the foregoing provisions, Council may, by resolution move to an electronic format for Council meetings, that allows all Councillors to hear and speak and for the public to hear, when deemed unsafe to meet in the Council Chambers due to the declaration of a State of Emergency within the territory or community.
11. Notification of the change in time, date or location of any meeting must be provided in accordance.

12. Council may cancel any meeting and a Committee may cancel any of its meetings if notice is given in accordance with section 11

Special Meeting

13. A special meeting of Council may be called by the Mayor or any two Councillors at any time and the calling of such meetings shall be in accordance with the requirements of the CTV Act.
14. 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.
15. Council shall ensure that public notice of meetings occurs as per Section 26 (1), (2) and (3) of the *Cities Towns and Villages Act*.
16. 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.
17. No other business shall be conducted at a Special Council or Special Committee meeting except that which is included on the notice referred to in section 12 unless all Members are present and they all agree.

Meetings

18. A quorum for a regular or special meeting of Council is a majority of the Members then holding office
19. A quorum of Council for an emergency meeting shall be those Members in attendance
20. As soon as there is a 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 the Council.

Attendance

21. Any Member absent for three (3) consecutive regular meetings of Council, without Council's permission by resolution passed at a regular meeting of Council, shall be deemed to have resigned.
22. Permission for a Member to be absent from a regular meeting of Council pursuant to section 20 shall not be unreasonably denied
23. A Member may participate in a meeting using an electronic means of communication if it enables the Members to hear and speak to each other, and allows the public to hear the Members.
24. A Member participating in a meeting in a manner referred to in section 22 is deemed to be present at the meeting
25. Only Members who, at the time of the meeting, are outside the municipality or are physically unable to attend the meeting, may participate in the manner described in section 22.

26. The Town Manager shall attend all meetings of Council. Directors will attend meetings as directed by the Town Manager.

Agenda

27. The order of business at a meeting is the order of the items on the agenda except:
- a. When the 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 the Council decides not to deal with an item on the agenda and no motion is made about it.
28. The agenda orders the business for a meeting and will follow the appropriate Orders of the Day set out in Schedule A.
29. The Town Manager in consultation with the Mayor will prepare the agenda.
30. 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 meeting.
31. Council must vote to adopt the agenda prior to transacting other business and may:
- a. Add new items, including reports that were to be distributed when available, to the agenda by Special Resolution; and
 - b. Delete any matter from the agenda by unanimous vote.

Minutes of Council

32. 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.
33. The minutes of the each meeting must be circulated prior to the meeting at which they are to be adopted.
- a. If there are errors and omissions, Council must pass a motion to amend the minutes and adopt the minutes as amended; or
 - b. If there are no errors or omissions, Council must adopt the minutes as circulated;
 - c. The Town Manager will make a re-playable audio recording of all Council meetings;
 - d. 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;

- e. This section does not apply to meetings or portions of meetings held in private.

Council instructions

34. Council may give instructions to the Town Manager, but individual Councillors must not give direct instructions to the Town Manager or to the employees of the Town Manager without a specific direction from Council.

Motions

35. A councillor may move a motion on any agenda item before it is discussed.
36. A recommendation in a report does not constitute a motion until a Councillor has expressly moved it.
37. All motions must be seconded, and stated by the Chair that it is in the possession of Council, and may not be withdrawn without majority consent of all Councillors present at the meeting.
38. 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.
39. Unless otherwise specified in this by-law, 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.
40. A motion is defeated when the vote is tied.
41. 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.
42. 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.
43. There will be no abstentions for reasons other than stated in sections 40 and 41.
44. 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..
45. Notwithstanding the foregoing provisions for voting, voting via E-Mail will be instituted when items in question are considered extremely time sensitive financial and/or resource issues and many have serious consequences for the Town of Norman Wells.
Voting on all motions via E-Mail must be taken as follows:
 - a. When the Chairperson is confident that circumstances of urgency require a vote and a Special Meeting of Council is not reasonable, the Chair or designate may authorize the Senior Administrative Officer (SAO) to facilitate a vote via electronic mail.

- b. As directed by the Chair, the SAO shall prepare background information on the issue at hand to ensure all Council members are fully informed. The SAO will also prepare an electronic ballot.
- c. The background information and ballot shall be emailed to all Council members. Council members must acknowledge that they have received the ballot. The subject line of the email message shall include the words "Council Decision Required". A timeline for response shall be indicated in the message. The SAO will make it clear when the voting begins and when voting ends (i.e. 72 hours).
- d. The motion must have a mover and seconder indicated in an email response to all Council members.
- e. Each Council member should respond as follows: "MOTION on xxxx". I am IN FAVOUR of this motion OR I am OPPOSED to this motion OR I ABSTAIN from this motion.
- f. Email responses are to be sent to all Council members ("reply all") so that all Council members may see how they have voted. If a voting platform (doodle poll) was used then the SAO will provide the full voting results with names this will be specified in the message.
- g. If a motion is defeated because too few Council members have cast ballots, those persons not responding will have no vote counted and will be considered "absent" from the vote. A motion cannot be considered "passed" simply in absence of votes. In the case where the number of votes received does not constitute a quorum, the vote counting can be extended in 48-72 hour periods until such a time a quorum is reached. If quorum is still not reached, the motion is withdrawn and no decision will have been made.
- h. Upon expiry of the specified time, the SAO shall verify that all votes came from the email addresses identified by the Council members. The SAO will then count the ballots and advise the Chair of the outcome of the vote. When the Chair is satisfied that the Council's requirements for voting have been met, the SAO shall advise all Council members of the outcome of the vote by email.
- i. The Chair will then authorize the SAO to act in accordance with the result of the vote.
- j. The SAO shall retain copies of all correspondence and ballots related to the vote for a period that complies with the retention policy established for its records management system.
- k. The motion, regardless of the outcome of the email vote, shall be brought forward at the next meeting of Town Council for ratification and for inclusion in the minutes as a matter of public record.

Debate

46. The Chair will determine the speaking order when two or more Councillors wish to speak, subject to a challenge.
47. Councillors must address the Chair when speaking.
48. Councillors may be excluded from the meeting by a majority vote if they were to:
 - a. speak disrespectfully of anyone;
 - b. use offensive words in Council Chambers, or against Council or any Councillor;
 - c. discuss a vote of Council, unless to move to reconsider, renew or rescind; to break the rules of Council or disturb the proceedings; or

- d. disobey the decision of the Chair or of the Council on any question of order, practice or interpretation.
49. A Councillor may require that the motion being considered be read at any time during debate, but must not interrupt a speaker.
 50. Unless otherwise provided in this by-law, Councillors may speak only twice on any motion, once in debate and once to ask questions:
 51. Each Councillor may speak for only five minutes:
 - a. by asking questions on a motion;
 - b. in debate on a motion;
 - c. by asking questions on an amendment or in debate on an amendment; and
 - d. in reply, when the Councillor is the mover of the motion;
 - e. unless Council gives permission, by a majority vote, to speak for an additional five minutes.
 52. 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.
 53. The Chair may participate in debate.
 54. The Chair will preserve order and decorum and decide all questions of procedure.
 55. If the Chair wishes to leave the chair for any reason, he must call on the Deputy Mayor to preside.
 56. 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

57. Subject to section 46, Council and Committee meetings will be held in public and no person may be excluded except for improper conduct.
58. 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:
 - a. 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;
 - b. any information regarding contract negotiations, whether with contractor, supplier or trade union, prior to the completion and execution of such agreements;
 - c. 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;
 - d. matters which are in, or near, litigation, disputed claims, liens, and matters involving legal agreements or contracts where legal advice is required;
 - e. 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;
 - f. matters concerning criminal activity in the community and confidential investigations related thereto;

- g. 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;
 - h. information that, if disclosed, could prejudice public health and safety, security or the maintenance of the law;
 - i. 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;
 - j. information regarding the Town 's accounting practices and procedures that, if disclosed, could prejudice the safekeeping of Town assets.
59. 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.
60. The only resolution that can be passed in a private Council or Committee meeting is a resolution to revert to a public meeting.
61. Any Councillor may move that Council resolve into Committee of the Whole to consider any matter.
62. Quorum of Committee of the Whole is a majority of Councillors.
63. Procedures in Committee of the Whole only differ from Council 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 recorded in minutes;
 - c. the only motions permitted are:
 - to adopt reports or recommendations and to recommend amendments;
 - to amend its own reports or recommendations ;
 - to rise without reporting; and
 - 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;
 - 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.
64. 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

65. The following Council Committees are established:
- a. Town Planning and Land Use;

- b. Economic Development Committee;
 - c. Recreation Committee;
 - d. Advancement of Equity and Inclusion Committee;
66. The membership shall be established in accordance with the by-law establishing the committee.
 67. All Councillors may attend any meeting of any Committee and participate in debate, but may not make motions or vote.
 68. 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.
 69. 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.
 70. All Committees must submit its reports directly to Council either verbally or in writing on a regular basis.

BY-LAWS

71. The Town Manager must approve the form of every proposed by-law prior to its submission to Council. All proposed by-laws must have a by-law number assigned by the Town Manager and a concise title.
72. The by-law number and the title of a proposed by-law must be included on the agenda, and the Town Manager must provide all Councillors with a copy of the proposed by-law prior to any motion for first reading.
 - a. A proposed by-law must be introduced at a Council meeting by a motion that "By-law Number (specify the number assigned by the Town Manager) be read for a first time".
 - b. Council may hear an introduction of the proposed by-law from the Administration.
73. After first reading has been given, any Councillor may move that "By-law Number (specifying the proposed by-law number) be read a second time".
 - a. Any amendments to the by-law which are carried prior to the motion for third reading being put forth will be considered to have been given first and second reading and will be incorporated into the proposed by-law;
 - b. If amendments to the proposed by-law 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 "By-law Number (specify the by-law number), as amended, be given third reading
74. After second reading has been given, any Councillor may move that "By-law Number (specifying the bylaw number) be read a third time".
75. Council may not give a by-law 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.

- a. If any reading of a proposed by-law fails:
 - (i) any previous readings are rescinded; and
 - (ii) first reading of the proposed by-law may not be dealt with again
 - b. Subject to the Land Use By-law, failure of any reading of a proposed by-law will not preclude the introduction of another proposed by-law with similar terms and effect.
76. The Mayor and the Town Manager must sign and seal the by-law as soon as reasonably possible after third reading is given.
77. A by-law is effective from the beginning of the day it is signed, unless the by-law or any applicable statute provides for another effective date.
78. Once a by-law has been passed, it may only be amended or repealed by another by-law made in the same way as the original by-law, unless another method is specifically authorized by provincial legislation.

PUBLIC REPRESENTATION

79. 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.
80. Any person speaking before Council is restricted to a time limit of fifteen (15) minutes unless the time is extended by a majority vote.
81. 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.
82. When hearing from the public, Council does not require a motion on the floor.

ADMINISTRATION

82. Repeal

That By-law No. 20-04 is hereby repealed.


That schedule A forms part of this by-law No. 21-01.

83. Effect

This by-law shall come into force and effect upon completion of third reading and otherwise meets the requirements *Cities, Towns and Villages Act*, S.N.W.T. 2003 C-22.

Read a first time this 19th of January, 2021, A.D.


Deputy Mayor
Alexis Peachey


Acting Senior Administrative Officer
Hugo Pabke

Read a second time this 19th day of January, 2021, A.D.



Deputy Mayor
Alexis Peachey

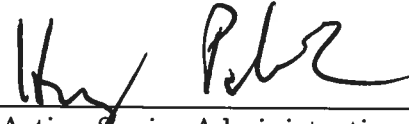


Acting Senior Administrative Officer
Hugo Fabke

Read a third time and final time and passed this 19 _ day of January_, 2021, A.D.



Deputy Mayor
Alexis Peachey



Acting Senior Administrative Officer
Hugo Fabke

It is hereby certified that this By-Law No. 21-01 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.



Acting Town Manager / S.A.O
Hugo Fabke

Bylaw 21-01
Council Procedures

SCHEDULE A – ORDERS OF THE DAY (AGENDA)

1. Call to Order
2. Declaration of Interest
3. Adoption of Agenda
4. Delegation(s)
5. Adoption of Minutes
6. Old Business
7. New Business
8. Committee Reports
9. Department Reports
10. Councillor Forum
11. Correspondence
12. Adjournment.