

# Community Government of Whatì

## BYLAW NUMBER 50-2014

A Bylaw of the Community Government of Whatì in the Northwest Territories to regulate proceedings in Council Meetings, and to establish the Terms of Reference for Standing Committees, pursuant to sections 27 of the *Tłı̄chǫ Community Government Act*, S.N.W.T., 2004, c.7.

AS Council shall, by bylaw, make rules respecting procedures for Council;

NOW, THEREFORE, the Council of the Community Government of Whatì, in a meeting duly assembled, enacts as follows:

### SHORT TITLE

1.1 This bylaw may be cited as the Council Procedures Bylaw.

### INTERPRETATION

2.1 In this Bylaw:

- 2.1.1 "Community Government" shall mean the Community Government of Whatì;
- 2.1.2 "Confidential" shall mean materials or discussions that provide information whose unauthorized disclosure could be prejudicial to the interests of the Community Government;
- 2.1.3 "Council" shall mean the Council of the Community Government of Whatì;
- 2.1.4 "Councillor" shall mean a member of Council, other than the Chief;
- 2.1.5 "Chief" shall mean the Chief of the Community Government of Whatì;
- 2.1.6 "Member" shall mean any member of Council, including the Chief;
- 2.1.7 "Officer" shall mean the Senior Administrative Officer, or an employee of the Community Government appointed as an Officer pursuant to the *Tłı̄chǫ Community Government Act*, of the Northwest Territories;
- 2.1.8 "peace officer" shall mean a peace officer as defined in the *Criminal Code*;
- 2.1.9 "Presiding Member" shall mean the Chief or any Councillor who may be presiding over a Council Meeting, or a councillor or citizen who may be presiding over a meeting of a Committee as appointed by Council;
- 2.1.10 "private meeting" shall mean a meeting or a portion of a meeting which is closed to the public (*in camera*);
- 2.1.11 "SAO" shall mean the Senior Administrative Officer or, in the absence of the SAO, the person appointed as the Acting SAO or Interim SAO.

- 2.1.12 “special committee” shall mean a committee struck by Council to address a specific issue before Council and that is spent once the issue has passed;
- 2.1.13 “standing committee” shall mean a committee of Council that reviews Council business prior to submitting the business and recommendations to Council.

### **PROCEDURES OF COUNCIL**

- 3.1 It is the desire of Council to provide for Procedures of Council that would provide for the business of the community government to come before a Council meeting in view of the public to set out the order of business, rules of decorum for Members and the Public, standards for Members with interests in Council business, and to ensure all members are permitted to speak and debate with fair and equitable consideration.
- 3.2 Any or all of the rules for a part or the whole of a meeting under this bylaw may be suspended when authorized by a Unanimous Motion of all members present at a meeting unless governed by the *Tłı̨ch̨o Community Government Act*. This Motion affects only the meeting in which the motion has passed.

### **COUNCIL FACILITIES**

- 4.1 The Community Government will designate a location for its meetings by a Motion.
- 4.2 The Council Chambers shall provide adequate seating for the Chief, Councillors, SAO, other senior staff, the public and a presentation area for public speakers.
- 4.3 The Community Government shall provide for translation services for persons proficient in the Tłı̨ch̨o language to translate from Tłı̨ch̨o to English or English to Tłı̨ch̨o.
- 4.4 Members absent from the community may participate in Council meetings provided audio communications equipment permits the Members to hear and speak to each other and the public is able to hear the proceedings. A Member participating in a meeting by this means is deemed to be present at the meeting but shall be recorded in the minutes as joining by electronic means.

### **ROLE OF COMMUNITY GOVERNMENTS**

- 5.1 Community Governments are established under Chapter 8 of the *Tłı̨ch̨o Agreement* for the following purposes:
- 5.1.1 to provide good government to the residents of the community;
- 5.1.2 to develop and maintain a safe community; and
- 5.1.3 to provide the services, products and facilities required or allowed by the *Tłı̨ch̨o Agreement*, the *Tłı̨ch̨o Community Government Act* or any other enactment or considered by Council to be necessary or desirable for all or part of the community.
- 5.2 The role of the Chief is:
- 5.2.1 preside at all meetings of Council unless prohibited by bylaw or conflict of interest;
- 5.2.2 provide leadership and direction;
- 5.2.3 maintain order and decorum at all meetings of Council; and

- 5.2.4 perform any duty imposed on the Chief by bylaw, other enactment, or the *Tłı̄chǫ Agreement*.
- 5.3 The role of Council is to:
  - 5.3.1 develop and evaluate the plans, policies and programs of the community government;
  - 5.3.2 make bylaws and motions for the community government; and
  - 5.3.3 exercise the powers and perform the duties and functions given it under the *Tłı̄chǫ Community Government Act*, any other enactment, or the *Tłı̄chǫ Agreement*.

### **ROLE OF MEMBERS OF COUNCIL**

- 6.1 The duties of Council members are:
  - 6.1.1 to consider the welfare and interests of the residents of the community as a whole and to bring to Council's attention anything that would promote the welfare or interests of the residents;
  - 6.1.2 to protect the integrity of Tłı̄chǫ community lands for future generations;
  - 6.1.3 to participate generally in developing and evaluating the policies, plans and programmes of the community government;
  - 6.1.4 to participate in meetings of Council and in meetings of Council committees or other bodies to which the member is appointed by Council;
  - 6.1.5 to ensure that Council is kept informed about the operation and administration of the community government; and
  - 6.1.6 to keep in confidence matters discussed in private at any meeting of Council or one of its committees, until those matters are discussed at a meeting held in public; and to perform any other duty or function imposed on Council Members by this or any other enactment or by Council.

### **MEETINGS**

- 7.1 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 Chief designates.
- 7.2 Subsequent regular meetings of Council shall be held on such dates and times as determined by the Council, but Council shall not meet less than once a month.
- 7.3 Council may set pre-determined dates and times for its meetings.
- 7.4 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.
- 7.5 At the discretion of the Chief, a ten (10) minute recess may be called at anytime if the Chief determines that Council needs such a recess.
- 7.6 Public Notice is required at least seventy-two (72) hours in advance for Regular Council Meetings, and at least forty-eight (48) hours in advance for Special Council Meetings.

## **QUORUMS**

- 8.1 A quorum of Council shall consist of a majority of Members who comprise the Council, including the Chief.
- 8.2 Where Members have excused themselves on a matter of *Conflict of Interest* the remaining members are deemed to constitute a quorum, subject to the provisions of the *Conflict of Interest Act*, S.N.W.T.
- 8.3 The members able to attend the meeting on a community emergency constitute a quorum. Only business related to the community emergency may be discussed.

## **PROTOCOL WITH LATE OR ABSENT MEMBERS**

- 9.1 Members are responsible to indicate their own anticipated lateness or absences to the Council.
- 9.2 The Chief shall commence the meeting as soon as a Quorum is present.
- 9.3 If the Chief is not present within fifteen (15) minutes of the time set for the Council Meeting and there is a Quorum, then the Councillors present shall select a Councillor, who is a Tłıchǫ citizen, as the Presiding Member and that Presiding Member shall call the meeting to order.

## **ORDER AND DECORUM**

- 10.1 The Chief shall maintain order and decorum and shall decide all questions of order.
- 10.2 No Member shall cross in front of the Presiding Member, or another Member who is speaking to the Council, or cause a disturbance in session that detracts from another Member while speaking to Council, including leaving the Chambers.
- 10.3 No person except Members and Officers of Council shall be allowed to come within the area designated by Council as the inner-Chamber, unless that person has the special permission of Council.
- 10.4 Members of the Public that abuse the Council Members, community government staff, or other members of the Public shall be reminded of the rules of the Chambers and requested to observe all such protocols and decorum.
- 10.5 The Chief may call for a recess where a member of the Public becomes a disruption.
- 10.6 Members of the Public that fail to leave the Council Chambers and continue to disrupt the meeting may be requested to leave by a peace officer.

## **CONFLICT OF INTEREST**

- 11.1 A Member is considered to be in conflict if the Member has any direct or indirect pecuniary interest, as defined in the *Conflict of Interest Act* of the NWT.
- 11.2 When Member has any direct or indirect pecuniary interest in any matter in which

Council is considering and is present at the meeting at which the matter is to be discussed, that Member shall:

- 11.2.1 declare a Conflict of Interest in the matter before Council or Committee of Council;  
AND
  - 11.2.2 state the nature of the interest; AND
  - 11.2.3 ensure the interest is recorded; AND
  - 11.2.4 remove himself (or herself) from the Chambers during consideration of the matter.  
Upon conclusion of the issue, the member shall be re-admitted into the Chambers by the SAO.
- 11.3 When a Conflict of Interest is declared, the SAO shall ensure that the declaration is recorded in the minutes of the meeting and that the time that Member left the Chamber, and the time that the Member returned to the Chamber, is recorded in the minutes.
- 11.4 Where the same continuing Conflict of Interest exists over a series of meetings, the Member must declare that conflict at each Council and/or Committee Meeting for the duration of the interest or the term of the Member.
- 11.5 If a Member was absent from a meeting in which the matter was being considered, the Member shall declare the interest at the next meeting of Council that the Member attendance.
- 11.6 A Member who is uncertain whether a Conflict of Interest exists may seek advice from the Council and the decision of Council be accepted.

#### **ABSENCE FROM COUNCIL MEETINGS**

- 12.1 Any Member absent for three (3) consecutive regular meetings, without the recorded consent of Council, shall be deemed to have resigned.
- 12.2 Permission for a Member to be absent from a regular meeting of Council shall not be unreasonably withheld or denied.
- 12.3 Notice shall be sent to a Member that another missed meeting without the consent of Council will result in the commencement of proceedings to declare the Member's position vacant.

#### **PRIVATE MEETINGS**

- 13.1 All meetings of the Council shall be open to the Public, except where by a Motion passed on two-thirds (2/3) vote of Council members authorize the meeting to be closed for discussion of:
  - 13.1.1 commercial information that, if disclosed, would prejudice the community or person(s) involved; and/or
  - 13.1.2 information received in confidence that would prejudice the community of person(s) involved; and/or
  - 13.1.3 personal information, including personal information about employees; and/or
  - 13.1.4 the salary, benefits or performance record of any employee; and/or
  - 13.1.5 a matter still under consideration by the Council, for which early disclosure would prejudice the community's ability to carry out its activities or negotiations; and/or
  - 13.1.6 the acquisition/disposition of property by or on behalf of the community; and/or

- 13.1.7 setting of minimum tax sale prices; and/or
  - 13.1.8 the conduct of existing or anticipated legal proceedings; and/or
  - 13.1.9 the conduct of an investigation, or enforcement of an enactment or bylaw; and/or
  - 13.1.10 information that would prejudice public security or the maintenance of law and order; and/or
  - 13.1.11 the security of document or premises.
- 13.2 No Motions of Council shall be made while *in camera*, except a Motion to:
- 13.2.1 give instructions to the Community Government's lawyers or to any persons negotiating a contract on behalf of the Community Government; or
  - 13.2.2 give directions to staff on confidential personnel issues; or adjourn the closed meeting or to revert to open session of the meeting.
- 13.3 Council shall make a public record of any meeting that is closed to the public, specifying;
- 13.3.1 that council met in private;
  - 13.3.2 the date of the meeting;
  - 13.3.3 those who attended the meeting; and
  - 13.3.4 the general nature of the issue(s) required to be discussed *in camera*.

#### **AGENDA (Order of Business)**

- 14.1 The AGENDA (Order of Business) may follow a format as noted in Schedule 'A'.
- 14.2 When the Presiding Member calls for the Adoption of the Agenda, Members shall have the discretion to add a topic to, or remove a topic from, the Agenda. Where there is a disagreement concerning the addition or removal of a topic, the Presiding Member shall call for a vote and the majority shall rule.
- 14.3 The Presiding Member shall have the discretion to change the order of addressing items on the Agenda, should the Presiding Member find it expedient, however it shall always be the Presiding Member's responsibility to ensure that all items on the Agenda are addressed.
- 14.4 Where business is left unresolved by Council or Committee as a result of a loss of a quorum, the unaddressed business shall be the first items of business at the next meeting of such Committee or Council, under that particular order of business.
- 14.5 At all Special or Emergency Meetings of Council, the Agenda or Order of Business shall be set out and printed in a manner decided by the Chief.

#### **AGENDA MATERIAL**

- 15.1 The Agenda for each Regular Meeting of Council and Standing Committees, and all supporting material, shall be provided to Members at least Seventy Two (72) hours preceding the meeting.
- 15.2 The supporting material for each agenda shall be included in the Agenda materials.
- 15.3 The Chief should review and approve the Agenda for Council Meetings prior to circulation.

- 15.4 Confidential materials included in an Agenda Package shall be clearly stamped "Confidential". Such materials are not to be distributed by a Member to any person outside of Council. The Chief may require all Confidential Materials to be returned to the SAO.
- 15.5 Members are encouraged to bring issues to Council with notice. The Chief may refer issues to the next available committee meeting for proper consideration where there is a lack of notice. The SAO is not compelled to speak to an issue unless prepared and may refer an item to the next meeting.

### **COUNCIL PROTOCOL**

- 16.1 When addressing Council, no member shall:
  - 16.1.1 speak disrespectfully of other governments; or
  - 16.1.2 use offensive words in referring to any member of the Council, or to any officer or employee of the Community Government, or any staff; or
  - 16.1.3 indulge in personalities in the course of debate nor reflect on the motives of members who may have voted for a particular motion; or
  - 16.1.4 use profane, vulgar or offensive language.

### **COUNCIL DEBATE**

- 17.1 If the Chief desires to take part in the debate, the Chief shall leave the Presiding Member and another Councillor shall assume the Presiding Member and preside over the meeting for the duration the Chief remains away.
- 17.2 Every Member, when speaking to any question or motion shall address remarks through the Chief.
- 17.3 When two or more Members desire to speak to a matter, the Chief shall determine the order of speakers.
- 17.4 The Member who has introduced a Motion shall be the first and last to speak to the Motion.
- 17.5 Council may decide how long and how often each member may speak to a Motion.

### **COUNCIL MOTIONS**

- 18.1 All Motions shall be seconded before being debated, except a Motion to propose a vote of "Thanks". A vote of "Thanks" shall not require a seconder and is not debatable.
- 18.2 Any Member may require a Motion, or question under discussion, to be read at any time during a debate but not so as to interrupt a Member who is speaking. Members may exercise an option to have complex motions put in writing.
- 18.3 After a Motion is read or stated by the Presiding Member, it shall be considered to be in the possession of Council but may, with the unanimous consent of Council, be withdrawn at any time before decision or amendment.

- 18.4 A Motion in the possession of the Council may be debated, amended, superseded, negated, withdrawn, laid on the table, referred, postponed or adjourned.
- 18.5 If it is moved and seconded that debate end, the Chief shall call for a vote. This requires a simple majority. If the debate is ended, the original Motion, as amended shall be put to the vote without further debate.
- 18.6 No Motion shall be considered that is substantially the same as one of which, in the judgment of the Chief, has already been expressed during the same meeting.
- 18.7 Whenever the Chief is of the opinion that a Motion offered to Council is contrary to the Rules and Privileges of Council, the Chief shall advise the Members. The Chief shall decide if the Motion shall be accepted.
- 18.8 Motions of Council shall be numbered in order with the year indicated and a sequential number, commencing with the first meeting in January until the final meeting in December, regardless of whether a Regular, Special, or Emergency Meeting of Council, and the format shall be displayed as four (4) digits representing the year, a hyphen, and three (3) digits representing the next sequential number (*e.g.: 2014-123*)

#### **AMENDMENTS**

- 19.1 While a Motion is under discussion by Council, a Member may only move an amendment that directly relates to the subject matter of the principal Motion. The Chief shall determine whether a proposed amendment is procedurally correct.
- 19.2 Amendments shall be decided or withdrawn before the main Motion is put to the vote. Each amendment shall be decided separately by a vote and simple majority moving in reverse order from the last Motion to the first Motion.
- 19.3 Only one amendment shall be allowed to an amendment.

#### **BYLAWS**

- 20.1 All bylaws shall be in writing when submitted to Council.
- 20.2 The Chief shall permit discussion about a proposed bylaw before moving the bylaw to be given First Reading. Should it be determined that Council shall not proceed with further consideration of a proposed bylaw, and First Reading is not provided, the number of that bylaw that is declined consideration may be re-used for a subsequent bylaw that is proposed for Council's consideration.
- 20.3 The Chief shall permit discussion about a proposed bylaw before moving that the bylaw to be given Second or Third Reading.

#### **VOTING**

- 21.1 All Councillors present shall vote except in the case of Councillors who leave the Chambers after declaring a pecuniary interest (Conflict of Interest) in the question.
- 21.2 After the Chief calls for the matter to be put to the Vote, no Member shall speak to the



issue nor shall another Motion be made, until after the result of the vote has been declared.

- 21.3 The Chief, or Presiding Member, shall not vote on any Motion at a Regular or Special Meeting of Council except to cast the deciding vote *for* or *against* the Motion in the case of a tie.

### **RECONSIDERATION OF A MOTION**

- 22.1 After a Motion has been voted on, a Member who voted with the majority on that question may, at the same or other regular meeting, serve notice that the Member will move for a vote to *Reconsider the Motion*. The Chief shall then decide whether the item shall be considered at that meeting or added to the Agenda of a subsequent Regular Meeting of Council.
- 22.2 Debate to *Reconsider the Motion* is limited to the desirability of reversing a decision and not on the original Motion. The vote to *Reconsider the Motion* requires a special two-thirds (2/3) majority of the Members.
- 22.3 The vote on the new Motion, resulting from the discussions from the reconsidered Motion, requires a simple majority.

### **COMMITTEES OF COUNCIL**

- 23.1 At the first meeting of Council following a general election, and annually thereafter, the Presiding Member and Members of any Standing and Special Committees of Council shall be appointed by Council. The purpose of committees is to permit Members to specialize in a particular area of community government operations and to provide additional topic research for and on behalf of Council.
- 23.2 The Chief shall be an Ex-officio Member of all committees of Council.
- 23.3 Each Standing and Special Committee shall be composed of at least two (2) Members of Council in addition to the Chief, and one (1) of the Councillors shall serve as Presiding Member of the Committee.
- 23.4 In any Committee, two (2) of its Members shall be a quorum, unless otherwise determined by the Terms of Reference of the Committee.
- 23.5 The Chair of the Committee may fix the date and time of Committee meetings. Council shall detail, in the Terms of Reference for each Committee, the maximum number of times the Committee shall meeting each month, the maximum length of time that the Committee can meet during those times, and the honorariums (if any) to be paid for those meetings.
- 23.6 Every Member of a Regular or Special Committee has one (1) vote for each item presented at a meeting of that Committee providing the Member is in attendance.
- 23.7 Special Meetings of any Committee may be called whenever it is deemed necessary by the Presiding Member or any two (2) Members of that Committee and all Council members shall be notified.

- 23.8 The general duties of all Committees of Council shall be to report to Council, whenever it may require them to do so, on all matters connected with their duties and to recommend such action as may be deemed necessary.
- 23.9 The Terms of Reference for standing Committees of Council shall be as prescribed in Schedule B, attached to this Bylaw.
- 23.10 All reports and recommendations of standing and special committees shall be put in writing and no report shall be referred to the Council until printed copies of the report have been given to the Members. These reports and recommendations shall become part of the permanent record of the Community Government.

#### **COMMITTEE OF THE WHOLE**

- 24.1 Whenever it is moved and carried that Council move into Committee of the Whole, the Chief shall leave the Presiding Member, but shall first appoint a Presiding Member of the Committee of the Whole, who shall maintain order in the Committee, and who shall report its proceedings.
- 24.2 Proceedings during Committee of the Whole shall not be recorded in the Minutes of Council. All business shall be reported by the Presiding Member of the Committee of the Whole to the next Council meeting.
- 24.3 Questions of Order arising in Committee of the Whole shall be decided by the Presiding Member of the Committee, but any Member may appeal to the Chief.

#### **MINUTES**

- 25.1 Original minutes shall be signed by the Chief and SAO, shall form the official record of business of Council, and shall be legal documents.
- 25.2 Minutes are public documents and shall be available to the public.
- 25.3 The original minutes are to be held by safekeeping by the SAO in a secure and (preferably) fireproof facility.
- 25.4 Official copies of Minutes, approved by Council and signed by the Chief & the SAO, shall be sent to the Minister of Municipal and Community Affairs within ten (10) days after approval.

#### **GENERAL MATTERS**

- 26.1 No Member of Council (Chief or Councillor) has the power or authority to act, contract, promise, request, demand or solicit any goods or services without the consent of Council. Any such undertaking cannot be honoured by the Community Government without approval of the Council.
- 26.2 A Member (Chief or Councillor) may face sanctions of Council or charges under the *Tijchq Community Government Act*, or the *Criminal Code of Canada* or civil liability for committing the Council or the Community Government to any such action or promise.

**ADJOURNMENT**

- 27.1 Every regular Council meeting shall be adjourned at or before 11:00pm, unless a Motion to extend the meeting beyond 11:00pm is passed by the Unanimous Consent of all Members present.
  
- 27.2 A Motion to adjourn a meeting of Council, or adjourn debate is not debatable and shall always be in order except:
  - 27.2.1 when a Member is speaking; and/or
  - 27.2.2 when the vote has been called for; and/or
  - 27.2.3 when Members are voting; and/or
  - 27.2.4 when it has been decided that the previous question shall be now put to vote; and/or
  - 27.2.5 in Committee of the Whole.

**VACANCIES**

- 28.1 In the case of the seat of any Councillor becoming vacant, Council shall follow the legislation of the *Tijchq Community Government Act*.

**GENERAL**

- 29.1 Should a section or part of the Bylaw be found to be improperly enacted or *ultra vires*, for any reason(s), then such section or part shall be regarded as being severable from the Bylaw and the Bylaw remaining after such severance shall be effective and enforceable.
  
- 29.2 Upon passing of this bylaw, Bylaw 23-2011 shall be repealed.

Read a First time this 16<sup>th</sup> June, 2014.

Read a Second time this 22<sup>nd</sup> day of September, 2014.

Read a Third and Final time this 22<sup>nd</sup> day of September, 2014.

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Chief Alfonz Nitsiza

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Larry Baran, SAO

As per Section 71(1)(d) of the *Tijchq Community Government Act*, I hereby certify that this bylaw has been made in accordance with the requirements of *Tijchq Community Government Act*, and the bylaws of the Municipal Corporation of the Community Government of Whati.

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Larry Baran, SAO



**COMMUNITY GOVERNMENT OF WHATI  
BYLAW NUMBER 50-2014  
SCHEDULE "A"**

**SAMPLE COUNCIL AGENDA FORMAT**

**Community Government of Whatì  
Regular Meeting of Council  
Monday, (date), 2014  
(7:00pm - Whatì Council Chambers)  
AGENDA**

- 01 ADOPTION OF AGENDA
- 02 DECLARATION OF CONFLICT OF INTEREST
- 03 DELEGATIONS & REPORTS:
  - a.
- 04 PREVIOUS MINUTES
  - a.
- 05 BUSINESS ARISING FROM PREVIOUS MINUTES
  - a.
- 06 NEW BUSINESS
  - a.
- 07 INFORMATION/REQUESTS TO COUNCIL
  - a.
- 08 COUNCIL CONCERNS
  - a.
- 09 IN CAMERA SESSION
  - a. Land, Legal and/or Personnel Matters
- 10 NEXT MEETING - (date & time)
- 11 ADJOURNMENT

**COMMUNITY GOVERNMENT OF WHATI  
BYLAW NUMBER 50-2014  
SCHEDULE "B"**

*As at June 16, 2014  
Council for the Community Government of Whatì  
have no established Committees.*