

Community Government of Whatì

BYLAW NUMBER 39-2012

A bylaw of the Community Government of Whatì in the Northwest Territories to provide for the personal conduct of elected officials, pursuant to the provisions of the Tłı̄cho Community Government Act, S.N.W.T. 2004, c.7, s6, s31, s32, s69 & s98.

WHEREAS Council for the Community Government of Whatì recognizes that, to be respected as leaders in the community, elected officials must be seen to support and enforce all of the laws of the community, and

WHEREAS it is recognized that the elected officials do not have the authority granted under the *Tłı̄cho Community Government Act* to dismiss or terminate a Council Member should a Council Member be found breaching conduct of an elected representative of the community by being convicted of violating laws relating to alcohol or drug prohibition, and

WHEREAS it is recognized that Council does have authority to provide public censure to any Council member who is determined to have breached a code of ethics or behaviour expected of elected officials including those who have been fined or convicted of violating the *Whatì Liquor Prohibition Regulation* under the **NWT Liquor Act** (R.R.N.W.T. 1990 c.L32), or who have been fined or convicted of any law relating to the use or trafficking of any illegal substances; and

WHEREAS it is recognized that Council can condition the payment of honoraria to elected officials on their adherence to the approved code of conduct set out in the bylaw including adherence to the *Whatì Liquor Prohibition Regulation*;

NOW, THEREFORE, THE COUNCIL OF THE COMMUNITY GOVERNMENT OF WHATÌ in a duly assembled meeting, enacts as follows:

1.0 This bylaw may be cited as the “**Councillors Conduct Bylaw**”.

2.0 DEFINITIONS:

For the purposes of this bylaw:

2.01 “Breach of Conduct” shall mean failing to act as a law-abiding example to the residents of the community, by being fined, penalized and/or convicted under any bylaws and laws of Whatì, the Northwest Territories, and/or Canada pertaining to the observance of the alcohol prohibition in Whatì and/or such laws pertaining to the restrictions placed on illegal drugs and/or banned or controlled substances.

2.02 “Chief” shall mean the Chief of the Community Government of Whatì;

- 2.03 “Committee” shall mean the *ad hoc* Councillors Conduct Committee;
- 2.04 “Community” shall mean the Community Government of Whatì in the Northwest Territories;
- 2.05 “Council” shall mean the body as a whole comprising the elected members Council of the Community Government of Whatì;
- 2.06 “Council Members” shall mean the individual elected members of Council for the Community Government of Whatì.
- 2.07 “Council Member Accused” shall mean the Council Member for the Community Government of Whatì that has been accused of being in Breach of Conduct.
- 2.08 “honoraria” shall mean those payments provided to Chief and Councillors for legislative services as set out in this bylaw;
- 2.09 “SAO” shall mean the Senior Administrative Officer or the Assistant Senior Administrative Officer of the Community;

3.0 BREACH OF CONDUCT

3.1 Where the Council receives a written complaint alleging that a Council member is in Breach of Conduct, Council shall establish an *ad hoc* Committee consisting of at least six (6) Council Members to consider the written complaint and to recommend to Council any disciplinary action as set out in this bylaw.

Council shall not consider any complaints of Breach of Conduct that happened thirty (30) days prior to the date of the written complaint being received.

The *ad hoc* Committee may consider court transcripts or any other documents that the Committee considers relevant to the complaint.

3.2 The Council Member Accused shall be provided with a copy of the written complaint, and shall be entitled to attend the meeting of the *ad hoc* Committee and make representation to the Committee.

3.3 The *ad hoc* Committee meeting shall be a public meeting and shall be subject to all rules of procedure by Council (*Tijcho Community Government Act*, and the current *Council Procedures Bylaw*).

3.4 If, after considering the written claim of Breach of Conduct, the Committee may find that the Council Member Accused is:

- 3.4.1 a. not in violation of Breach of Conduct and shall have no further action taken; or

- b. in Breach of Conduct, and the Committee shall have authority to recommend to Council to penalize the Council Member Accused.

3.5 Any decision of the Committee shall be determined by a vote of two-thirds (2/3) majority of the *ad hoc* Committee members present at the meeting.

4.0 PENALTIES

4.1 The *ad hoc* Committee may recommend and Council may approve the following penalties:

- 4.1.a The Council Member Accused shall issue a public apology (failure to apologize will result in removal from that meeting and any subsequent meetings until the apology is given); and/or
- 4.1.b Removal of the Council Member Accused from any or all committees of Council that the Council Member Accused has been appointed; and/or
- 4.1.c Removal of the Council Member Accused from the position of representative to the Tłjcho Assembly; and/or
- 4.1.d Exclusion from any travel for Community business which the Council Member Accused would ordinarily be included; and/or
- 4.1.e Denial of the receipt of any honorarium payment to the Council Member Accused for all future meetings attended for a period of time to be determined. This period of time shall not be less than one (1) month and cannot exceed the balance of the term of the Council Member Accused.

5.0 GENERAL

5.1 This Bylaw shall come into effect upon Third and Final Reading.

Read a First time this 19th day of November, 2012.

Read a Second time this 19th day of November, 2012.

Read a Third and Final time, and passed this 3rd day of December, 2012.



Chief Alfonz Nitsiza



Larry Baran, SAO

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



Larry Baran, SAO

