



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 902**

A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH, IN THE NORTHWEST TERRITORIES, TO ALLOW FOR THE ORDERLY, OPEN AND EFFICIENT CONDUCT OF ITS MEETINGS AND TO ESTABLISH TERMS OF REFERENCE FOR ITS STANDING COMMITTEES, PASSED PURSUANT TO SECTIONS 22 – 40 INCLUSIVE, OF THE *CITIES, TOWNS AND VILLAGES ACT*, S.N.W.T. 2003, C-22.

WHEREAS, the Council of the Municipal Corporation of the Town of Fort Smith, in the Northwest Territories, deems it to be in the public interest to establish rules respecting the procedures for Council; and to allow for the orderly, open and efficient conduct of its meetings; and to establish the appointment and terms of reference for its standing committees;

NOW THEREFORE, the Council of the Town of Fort Smith, at a duly assembled meeting enacts as follows:

1. Short Title

That this by-law shall be cited as the “Council Procedures By-law”.

2. Definitions

- a. “Special Meeting” means a meeting held outside of Council’s regular schedule of meetings to discuss a specific issue(s);
- b. “Emergency Meeting” means a meeting held to address a present or imminent event that is affecting or could affect the health, safety or welfare of people or is damaging or could damage property;
- c. “Presiding Officer” means a Councillor who chairs a meeting in place of the Mayor, Deputy Mayor or Acting Mayor.
- d. “Senior Administrative Officer” means the senior employee of the Corporation.
- e. “Director” means a senior employee reporting directly to the Senior Administrative Officer.

3. Appointment of Acting Mayor

Where both the Mayor and Deputy Mayor are absent or unable to perform their duties, Council shall appoint an Acting Mayor.

4. Suspension or Modification

Except where bound by the terms and provision of an Act of the Northwest Territories, Council may suspend, by a resolution unanimously approved by all members present at a meeting, any and all rules established by this by-law for the whole or part of that meeting.



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH BY-LAW 902

5. Reference Source

In all cases not provided for in this By-law, Town of Fort Smith Council Procedures Policy shall be followed so far as it is applicable.

6. First Meeting

- a. Prior to commencement of the first meeting of Council following a general election, every member of Council shall take the Oath of Office.
- b. The first meeting of the newly elected Council, shall be held not later than forty-five (45) days following a general election at such time and place as the Mayor designates.
- c. At this meeting Council shall, by resolution:
 - (i) appoint, by resolution and on the recommendation of the Mayor, at the first meeting of each remaining year, a Deputy Mayor for one year; and
 - (ii) establish, by resolution, the date on which members of Council shall attend a review on the "Roles and Responsibilities of Council".

7. Regular Meetings

- a. Subject to Section 5, there shall be at least one (1) regular meeting of Council held the third Tuesday of each month at 7 pm of no more than three (3) hours in duration.
- b. Council, may by unanimous resolution, extend the time limit for any meeting.
- c. Council may, by resolution, change the time or date of any regular meeting of Council, or cancel a future regular meeting, and provide public notice at least seventy-two (72) hours in advance of the changed or cancelled meeting.
- d. The Mayor may cancel or reschedule any regular meeting of Council if he or she anticipates that there will not be a quorum for the meeting, or if there are no items for the agenda provided that notice of the cancellation is given at least twenty-four (24) hours in advance and a majority of Council Members are in favour.

8. Emergency Meetings

- a. Any Council member may call an emergency meeting of the Council, where the Council member considers that an emergency exists or may exist in the Town.
 - i. Notice of the time and place of an emergency meeting must be given to as many Council members as possible in the circumstance;
 - ii. At least two (2) Council members attending the emergency meeting are required for a quorum;
 - iii. Council may, at an emergency meeting, make a declaration of a state of local emergency relating to all or any part of the Town, pursuant to



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 902**

the *Civil Emergency Measures Act*, and may only transact business relating to the emergency.

9. Special Meetings

- a. A Special Meeting of Council may be called by the Mayor or any two (2) Council members at any time, and the calling of such meetings shall be in accordance with the requirements of the *Cities, Towns and Villages Act*.
 - i) Section 23 relating to holding in-camera sessions applies to a special meeting of Council;
 - ii) A written notice stating the time, the place and the nature of the business to be transacted shall be given by the Senior Administrative Officer to each member of Council to the place where the member has directed notices to be sent;
 - iii) Forty-eight (48) hours shall elapse between the time of giving notice of a special meeting and the holding of the meeting, and no other business shall be transacted at the meeting unless all members of Council are present and agree thereto.

10. Notice of Meetings

- a. All Council members shall be advised of the time and place fixed for each regular meeting or committee meeting by way of a written notice at least seventy-two (72) hours prior to the holding of such meetings.
- b. The time and place fixed for each regular meeting shall be publicly advertised at least seventy-two (72) hours prior to the date fixed for the holding of the meetings.

11. Attendance

- a. Any Council 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.
- b. Permission for a member to be absent from a regular meeting of Council shall not be unreasonably denied.
- c. The Senior Administrative Officer and all Directors shall attend regular meetings of Council unless they have been excused from attendance.
- d. A record of attendance of Council members shall be maintained during each calendar year.
- e. A Council member who knows he or she will be absent from a meeting of Council shall advise the Senior Administrative Officer prior to the scheduled meeting.
- f. A Council member shall be excused from any meeting provided such absence is due to illness, Town business, employment related issue, vacation or family emergency.



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 902**

- g. A Council member who refuses or neglects to attend three (3) consecutive regular meeting shall be deemed to have resigned from Council, unless the member has received permission to absent him or herself from a regular meeting by a majority vote of the members attending the meeting. Such permission must be brought to the attention of Council at the first available regular or special meeting of Council.

12. Quorum

- a. A quorum for a regular or special meeting of Council shall be a majority of members who comprise the Council holding office.
- b. A quorum of Council for an emergency meeting shall be those members in attendance.
- c. Where the number of members who, by reason of having disclosed a pecuniary interest in a matter before Council and are prevented from participating in a meeting, is such that the remaining number of members does not constitute a quorum, the remaining number of members present shall be deemed to constitute a quorum, provided that such number is not less than two (2).

13. Commencement of Proceedings

- a. As soon after the time set for the meeting as a quorum exists, the Mayor or Presiding Officer shall take the chair and call the meeting to order.
- b. Where the Mayor and Deputy Mayor do not attend the meeting within fifteen (15) minutes after the time set for the meeting, the Senior Administrative Officer shall call the Council members to order and, if a quorum is present, call for a motion for the appointment of a Presiding Officer from among those Council members present.
- c. If a quorum is still not present one half (1/2) hour past the time set for the meeting, the Senior Administrative Officer shall record the names of those members present and the meeting shall be adjourned until the next regular meeting. The agenda for the adjourned meeting will be dealt with at the next regular meeting of Council unless a special meeting is called before the next regular meeting to deal with the business of the adjourned meeting.

14. Duties of Presiding Officer

- a. The Presiding Officer of Council shall have the following duties at a meeting of Council:
- (i) to open the meeting of Council by assuming the chair and calling the meeting to order;
- (ii) to receive, submit to Council and put to a vote, in accordance with the rules of procedure, all matters presented by members, and to announce the results;
- (iii) to decline to put to a vote any motion that infringes upon the rules of procedure;



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 902**

- (iv) to recognize any member who wishes to speak on any matter that is debatable and determine the right of precedence where two (2) members request the floor of Council;
- (v) to enforce the rules of order;
- (vi) to rule on any point of order or question of privilege raised by any member;
and
- (vii) to authenticate by signature all by-laws and minutes of Council.

15. Duties of the Deputy Mayor

- a. To appoint, by resolution, on the recommendation of the Mayor, a deputy mayor for a one year term;
- b. To perform the duties and may exercise the powers of the Mayor when the Mayor is absent or unable to act; and
- c. To perform other duties and may exercise other powers determined by Council on the recommendation of the Mayor.

16. Duties of a Member of Council

- a. A Member shall, in addition to the requirements of Section 34 of the *Cities, Towns and Villages Act*, have the following duties at meetings of Council:
 - (i) to deliberate the business submitted to Council;
 - (ii) to respect the rules of procedure;
 - (iii) to disclose any conflict of interest in any matter before Council in accordance with this by-law and the *Conflict of Interest Act* and remove him or herself from the meeting when the item is under consideration.

17. Duties of the Senior Administrative Officer

- a. To prepare and distribute the agenda and supporting material for all meetings of Council in accordance with the provisions of this by-law;
- b. To provide information to Council, through the Presiding Officer;
- c. To respond to any question directed to him or her through the Presiding Officer or refer the question to the appropriate Director for response;
- d. Provide advice to Council through the Presiding Officer on any matter;
- e. To keep the minutes of Council; and
- f. To keep in his or her office or in the place appointed for that purpose the originals of all by-laws and all minutes of the proceedings of Council;



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 902**

18. Responsibilities of Directors

- a. Inform themselves of any matter within their respective departments that is likely to be considered at a meeting of Council; and
- b. Respond, through the Presiding Officer, to any question referred to him or her by the Senior Administrative Officer.

19. Meeting Open to the Public

- a. Except as provided for in Subsection b, all meetings of Council and its committees shall be open to the public and no person shall be expelled from any meeting except for conduct in contravention of this by-law.
- b. Council or its committees may, in accordance with Section 23 of the *Cities, Towns and Villages Act*, conduct all or a portion of any meeting in-camera to discuss issues that fall within the following categories if it is determined, by motion approved by two-thirds (2/3) of the members present, to be in the public interest:
 - (i) commercial information that, if disclosed, would likely be prejudicial to the municipal corporation or the persons involved;
 - (ii) information received in confidence that, if disclosed, would be prejudicial to the municipal corporation or the persons involved;
 - (iii) personal information, including personal information about employees;
 - (iv) the salary, benefits or performance record of an employee;
 - (v) a matter still under consideration and on which Council has not yet publicly announced a decision, if discussion in public would likely prejudice the municipal corporation's ability to carry out its activities or negotiations;
 - (vi) the acquisition or disposition of property by or on behalf of the municipal corporation;
 - (vii) the setting of minimum tax sales prices under the *Property Assessment and Taxation Act*;
 - (viii) the conduct of existing or anticipated legal proceedings;
 - (ix) the conduct of an investigation under, or enforcement of, an enactment or bylaw;
 - (x) information, the disclosure of which could prejudice public security or the maintenance of law and order;
 - (xi) the security of documents or premises.
- c. The motion to move in-camera must identify the general nature of the topic or topics to be discussed during the in-camera meeting.



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 902**

- d. No bylaw or motion shall be passed during an in-camera meeting except a motion to revert to a public meeting.
- e. Following an in-camera meeting, a motion may be made to deal with any recommendation arising from the in-camera meeting and such motion once placed on the agenda the normal rules of procedure shall apply.

20. Agendas

- a. As laid out in Council Procedures Policy:
 - i. the agenda for regular Council meetings shall follow the order of business set out in the Council Procedures Policy;
 - ii. the deadline for submission of items to the Senior Administrative Officer for inclusion on the agenda for Council or its standing committee meetings shall be set out in Council Procedures Policy;
 - iii. the Senior Administrative Officer shall prepare and distribute the agenda and all supporting materials for regular meetings of Council and Committee of the Whole to members as set out in Council Procedures Policy;
 - iv. the Senior Administrative Officer shall make copies of the agenda and supporting materials available to Directors, media representatives and the general public, with the exception of the supporting material scheduled to be considered at an in-camera meeting, and only after the agenda and supporting materials have been delivered to all Council members.
- b. Items to be discussed at an in-camera session shall be marked "Confidential".
- c. Items of an urgent nature may be submitted to the Senior Administrative Officer for inclusion on the agenda of Council or its standing committees after the deadline if they cannot be delayed to a future meeting.
- d. An item may be included on the agenda of Council or its standing committees by approval of two-third (2/3) majority of members present.

21. Minutes of Council

- a. The Minutes of Council shall record the particulars of the meeting as set out in the Council Procedures Policy.

22. Rules of Procedure

- a. The Presiding Officer at meetings of Council shall maintain order and decorum and decide all questions or order subject to appeal to the Council as a Whole.
- b. The Presiding Officer may vote to break a tie only.
- c. At the commencement of the meeting, the Presiding Officer shall request the Council members present to declare any interest that they may have with any agenda item.



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 902**

- d. A motion requires a mover and a seconder, and may be rescinded or altered by mutual consent of the mover and seconder after discussion but before voting.
- e. Discussion on a motion, except with permission of the Presiding Officer, is limited to one time for each Council member, beginning with the mover and ending with the mover, including the Presiding Officer.
- f. A matter brought before Council and defeated shall not be presented again at the same meeting.
- g. Any Council member arriving late at a meeting shall not be permitted to vote on or debate a subject being considered by Council at the time the member arrived.
- h. Every Council member has one vote at a meeting of Council.
- i. A motion or bylaw is not valid unless a majority of the Council members who are present at the meeting and entitled to vote, at a duly constituted meeting vote, in favour of it.
- j. Where a Council member elects to abstain from voting on an item of business before Council, the abstention shall be recorded.
- k. Where a Council member elects to vote in opposition of an item of business before Council, the opposition shall be recorded.
- l. Where a Council member requests a recorded vote, the voting shall be recorded showing the names of those members voting in favour, against or abstaining.

23. Disclosure of Pecuniary Interest

- a. When a Council member has a direct or indirect pecuniary interest, as defined in the *Conflict of Interest Act*, in any matter before Council and is present at a meeting when this matter is the subject of consideration, that member shall disclose his or her interest in the matter and the general nature and extent thereof, and remove himself or herself from the meeting during consideration of the matter.
- b. When the interest of the member has not been disclosed by reason of:
 - (i) the member being absent from the meeting in which the matter was the subject of consideration; or
 - (ii) the member acquired the interest after the meeting,the member shall disclose his or her interest in the matter at the next meeting of Council.
- c. All members shall inform the Senior Administrative Officer, in writing, of
 - (i) any taxes owed to the Town which have not been paid by December 31 of the year on which they were levied;
 - (ii) any debt, with the exception of property taxes, owed to the Town in excess of \$500.00 for more than ninety (90) days; and



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 902**

- (iii) any controlling interest in a private or public corporation that is indebted to the Town, with the exception of property taxes, for a sum exceeding \$500.00 for more than ninety (90) days.

24. Delegations

- a. Delegations will appear before Committee of the Whole.
- b. Persons wishing to appear or are appearing before Committee of the Whole as a delegation shall follow the procedures set out in the Delegation Policy.
- c. Persons wishing to appear before Committee of the Whole who are not included on the agenda, may appear providing unanimous consent is obtained from the Council members in attendance at the meeting.

25. Committees of Council

- a. Establishment of Standing Committees
 - (i) The following Standing Committees of Council are hereby established:
 - 1. The Committee of the Whole;
 - 2. The Standing Committees on:
 - (i) Corporate Services
 - (ii) Municipal Services
 - (iii) Community Services
- b. Committee of the Whole
 - (i) The Committee of the Whole shall consider all matters of concern to the Municipal Corporation;
 - (ii) The Committee of the Whole shall meet as outlined in the Council Procedures Policy.
- c. Standing Committees on Corporate Services Resources with sub-committees of Human Resources and Finance and Audit, Municipal Services and Community Services.
 - (i) The Standing Committees shall be appointed by resolution, on the recommendation of the Mayor;
 - (ii) These Standing Committees shall be comprised of all members of Council;
 - (iii) All members of Council may attend a meeting of these Standing Committees;
 - (iv) The Mayor, by virtue of his or her office, is a member of these Standing Committees;
 - (v) The duties and responsibilities of these Standing Committees shall be described in the Corporate Services, Community Services and Municipal Services Policies.



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 902**

26. Special Committees of Council

- a. Where Council deems it necessary to establish a special committee to investigate and/or consider any matter, Council shall by motion of Council:
 - (i) name the committee;
 - (ii) establish the terms of reference;
 - (iii) appoint members to it;
 - (iv) establish the term of the special committee;
 - (v) establish requirements for the reporting to Council;
 - (vi) allocate any necessary budget or other resources to it.

27. Appointment of Members to Boards and Agencies

Council may by motion, on the recommendation of the Mayor, appoint a Council Member to any Board or Agency required by any Act of the Northwest Territories or is deemed to be in the public interest that a Member of Council be appointed to that Board or Agency.

28. Introduction and Consideration of Committee Reports

- a. All reports and recommendations of the Committee of the Whole, Standing Committees or Special Committee shall be put in writing and no report shall be referred to Council until e-versions of the report have been given to the members unless decided otherwise by motion of Council.
- b. Committee reports shall be attached to the agenda for the meeting at which they are to be introduced.
- c. The Presiding Officer shall introduce the report of the Committee of the Whole, Standing Committee or Special Committee as the case may be and request that the chairperson of the committee present any motions arising from the report.

29. Protection of Members

- a. Subject to the *Conflict of Interest Act*, no Council member is liable to any civil action, prosecution, arrest, imprisonment or damages by reason of:
 - (i) anything said by a Council member in a meeting of Council or a Committee of Council; or
 - (ii) anything brought before Council or a Committee of Council by the Council member;

unless it is said or brought with malicious intent.



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 902

30. Repeal

That Bylaw number # 840 is hereby repealed.

31. Effect

This by-law shall come into full force and take effect upon third reading thereof.

READ FOR A FIRST TIME THIS 21st DAY OF May, A.D. 2013.

READ FOR A SECOND TIME THIS 21st DAY OF May, A.D. 2013.

READ FOR A THIRD TIME THIS 21st DAY OF May, A.D. 2013.


MAYOR


SENIOR ADMINISTRATIVE OFFICER

I hereby certify that this bylaw has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the bylaws of the Municipal Corporation of the Town of Fort Smith.


Senior Administrative Officer