

## CONSOLIDATED OF HAMLETS ACT

R.S.N.W.T. 1988, c.H-1

AS AMENDED BY

R.S. N.W.T. 1988, c.36 (Supp.)

R.S.N.W.T. 1988, c.46 (Supp.)

R.S.N.W.T. 1988, c.8 (Supp.)

In force July 19, 1993;

SI-008-93

S.N.W.T. 1994, c.5

In force May 1, 1994;

SI-008-94

994, c.24

S, N.W.T. 1995, c.11

S.N.W.T. 1996, c.9

S.N.W.T. 1997, c.5

In force March 31, 1997, except s.3 (6), which is in force April 30, 1997;

SI-002-97

S.N.W.T. 1997, c.19

In force December 2, 1997;

SI-013-97

S.N.W.T. 1998, c.5

S.N.W.T. 1998, c.30

In force March 30, 1999

S.Nu. 2003, c.3

In force March 28, 2003

This consolidation is not an official statement of the law. It is an office consolidation prepared for convenience only. The authoritative text of statutes can be ascertained from the Revised Statutes of the Northwest Territories, 1988 and the Annual Volumes of the Statutes of the Northwest Territories (for statutes passed before April 1, 1999) and the Statutes of Nunavut (for statutes passed on or April 1, 1999).

# TABLE OF CONTENTS

## HAMLETS ACT

### INTERPRETATION

### PART II ADMINISTRATION COUNCILS

#### Responsibility of council

9.1. A council is responsible for:

- (a) developing and evaluating the plans, policies and programs of the municipal corporation.
- (b) making sure that the policy, duties and functions of the municipal corporation are appropriately carried out;
- (c) carrying out the powers, duties and functions expressly given to it under this or any enactment. S.Nu. 2003, c.3, s.5.

### MEETINGS OF COUNCIL

#### Public Meetings

21. Subject to section 22, every council shall hold its regular, special and committee meetings in the public

#### Exclusion from meetings

22. (1) No person shall be excluded from any meeting of a council or a committee of council except for improper conduct.

#### Private meetings

(2) A council or a committee of council may, by resolution, authorize its meeting to be closed to the public where

- (a) it is of the opinion that to do so is in the public interest; and
- (b) the resolution is made by at least 2/3 of the council members present.

#### Limitation on authority

(3) A council has no authority/ power, at a meeting that is closed to the public, to make a by-law or a resolution other than a resolution to revert to a public meeting

#### First meeting of council

23. The first meeting of a council following a general election must be held not later than 28 days after the Election Day at the time and place that the mayor designates.

#### Regular meetings

24. Every council shall hold at least one regular meeting each month at the time and place that the council fixes by resolution.

#### Public notice

25. The council shall ensure that public notice of the time and place of each regular meeting of the council is given at least three days before the meeting.

#### Special meetings

26. (1) the senior administrative officer shall call a special meeting of the council if requested to do so in writing by;

- (a) the mayor, or
- (b) two councilors.

#### Notice of special meeting

(2) The senior administrative officer shall, at least 48 hours in advance, give notice of the time and place of the special meeting and the nature of the business to be transacted at the special meeting.

#### Method of notice

(3) The notice referred to in subsection (2) must be given by

- (a) posting a copy of the notice in a conspicuous place in the office of the municipal corporation; and
- (b) delivery a copy of the notice to each council member or to a place designated by a council member for this purpose.

#### Limit on nature of business

(4) No council shall transact any business at a special meeting other than what was specified in the notice of the special meeting unless all council members are present at the special meeting and they all agree to it.

#### Waiver of notice

(2) No resolution or by-law shall be passed at a meeting referred to in subsection (1) unless all council members are present at the time that the resolution or by-law is passed.

#### Rules of procedure for council

29. Every council shall, by by-law, make rules respecting

- (a) the calling of meetings of council and its committees;
- (b) the procedure of the council

- (b.1) the circumstances in which the mayor or other presiding council member may vote at meetings of council or committees of council;
  - (c) the behavior of council members and other persons present at meeting of council and its committees
  - (d) the establishment, appointment and duties of committees of council, and
  - (e) the general transaction of its business
- R.S.N.W.T. 1988, c.36 (Supp.), S.3.

#### Rules for public meeting

30. A council may, by by-law, make rules respecting
- (a) the calling of public meetings by the municipal corporation;
  - (b) the procedure at the public meetings; and
  - (c) the behavior of persons at the public meetings.

#### Validity of resolutions and by-laws

31. (1) Subject to this Act, a resolution or by-law is not valid unless a majority of the council members present and voting at a duly constituted meeting of council vote in favour of it.

#### Factors not invalidating resolution or by-law

- (2) A resolution or by-law is not valid by reason only that
  - (a) the election of a council member is invalid, or
  - (b) a council member is disqualified from serving on a council,

If the resolution or by-law was valid made by a duly constituted council.

R.S.N.W.T. 1988, C. 36 (Supp.), s.4.

## COUNCIL MEMBERS

#### Responsibilities of council members

- 32.1. Council members have the following responsibilities;
- (a) to consider the benefit and interests of the municipality as a whole and to bring to council's attention anything that would promote the benefit or interests of the municipality;
  - (b) to participate generally in developing and evaluating the policies and programs of the municipal corporation;
  - (c) to participate in council meetings and council committee meetings and meetings of other bodies to which they are appointed by the council;
  - (d) to keep in confidence matters discussed in private at a council or council committee meeting until they are discussed at a meeting held in public; and
  - (e) to perform any duty or function imposed on council members by this or any other enactment or by the council. S.Nu. 2003, c.3, s.14.

#### Deemed resignation for non-attendance

33. A council may, by by-law, provide that where any council member is absent from regular meetings of council, without the consents of the council, more than a certain number of times specified in the by-law, the council member shall be deemed to have resigned.

#### Indemnities and allowances to council members

34. Subject to the approval of the Minister, a council may, by by-law, provide for the payment of;

- (a) an annual indemnity
  - (i) to the mayor, and
  - (ii) to the councilors;
- (b) an indemnity to council members for attending meetings of council or for performing any other duties, and
- (c) a reasonable allowance for expenses necessarily incurred in the performance of a council member's duties.

35. S.N.W.T. 1997, c.5, s.3 (3); Repealed. S.Nu. 2003, c.3, S.15.