

BY-LAW NO. 2420
MUNICIPAL CORPORATION OF THE TOWN OF HAY RIVER

BEING A BY-LAW of the Council of the Municipal Corporation of the Town of Hay River to establish rules providing for the orderly, open and efficient conduct of its meetings;

PURSUANT TO Sections 29-33 inclusive, of the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c.22 as amended from time to time;

WHEREAS Council shall pass such by-laws and make such regulations for the governing of proceedings of Council;

NOW THEREFORE, the Council of the Municipal Corporation of the Town of Hay River, in Regular Meeting duly assembled, enacts as follows:

PART 1 – GENERAL

Short Title

1. This bylaw shall be cited as the *Council Procedures Bylaw*

Definitions

2. In this bylaw;

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| "Council" | Means the Council of the Town of Hay River inclusive of the Mayor and other Councillors; |
| "Councillor" | Means a member of Council other than the Mayor; |
| "Director" | Means the head of any department of the Town of Hay River, or any other person appointed to act on their behalf; |
| "Member" | Means any member of Council, inclusive of the Mayor. Also 'Council Member'; |
| "Pecuniary Interest" | Means a direct or indirect pecuniary interest as defined in the <i>Conflict of Interest Act</i> ; |
| "Presiding Officer" | Means the Mayor or in the absence of the Mayor, the Deputy Mayor, or in the absence of both, any other Member chosen to preside over a meeting; |
| "Private Meeting" | Means a meeting or portion of a meeting which is closed to the public in accordance with Section 23 of the <i>Cities, Towns and Villages Act</i> . Also 'in camera' or 'Closed Session'. |

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| "Public Notice" | <p>Means according to section 165 of the <i>Cities, Towns and Villages Act</i>, when public notice is required, <i>the notice must be given to the general public in one or more of the following ways:</i></p> <ul style="list-style-type: none">(i) <i>by inserting the notice at least once in a newspaper circulating in the municipality;</i>(ii) <i>by mailing or delivering a copy of the notice to the household of each adult resident in the municipality;</i>(iii) <i>by causing announcements to be made on a radio or television station received in the municipality on at least three separate days;</i>(iv) <i>by posting a notice in at least five widely separated and conspicuous places in the municipality.</i> <p>In addition to statutorily required forms of notice, the Town will provide notice through digital channels such as the Town website and social media channels.</p> |
| "Special Resolution" | <p>Means a Resolution requiring the approval of two-thirds of the Members in attendance at a Regular Meeting of Council or two-thirds of the members of a standing or special committee present at a meeting.</p> |
| "Statutory Public Hearing" | <p>Means a hearing required to be held pursuant to a statute of the Northwest Territories or a by-law of the Town before a proposed by-law may be enacted.</p> |

Appointment of Acting Mayor

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

Suspension or Modification

4. Except where bound by the term and provisions of an Act of the Northwest Territories or an Act of Parliament, Council may suspend, by a Resolution unanimously approved by all Members present at a meeting, any or all of the rules established by this by-law for the whole or part of that meeting.

Reference Source

5. In all cases not provided for in this by-law, *Bourinot's Rules of Order, Fourth Revised Edition* and updated from time to time shall be followed so far as they are applicable.

PART 2 – MEETINGS – GENERAL CONDUCT

First Meeting

6.
 - 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:

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- i. appoint a Deputy Mayor. The Deputy Mayor shall be selected annually by and from among the Members by secret ballot during the first Regular Meeting in November. This appointment shall be reviewed and appointed annually;
 - ii. review, reconfirm and adopt the "Code of Conduct for Members of Council".
- d. The seating of Councillors shall be determined by the Mayor prior to the commencement of the first Regular Meeting of Council after an election.
- e. Seating of Councillors will be re-assigned each year at the first meeting in November, or at an interval determined necessary by the Mayor.

Regular Meetings

- 7.
 - a. Regular Meetings of Council shall be held on Mondays twice a month for the months of November through April, unless that day falls on a statutory holiday observed by the Town, in which case the meeting shall be scheduled for the following week.
 - b. Regular Meetings of Council shall be held on Tuesdays twice a month for the months of May through October, unless that day falls on a statutory holiday observed by the Town, in which case the meeting shall be scheduled for the following week.
 - c. At each annual Organizational Meeting, Council shall, by Resolution, adopt a schedule for Regular Meetings each year.
 - d. Regular Meetings of Council will commence at 6:30 p.m.
 - e. For a meeting to continue past the hour of 9:30 p.m. or three (3) hours after the meeting commences, it will require the unanimous consent of Council. In a case where a motion to extend the meeting past the designated hour is not approved unanimously by Council, the meeting shall be considered adjourned at 9:30 p.m.
 - f. 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 or three (3) days in advance of the changed or cancelled meeting.
 - g. The Mayor may cancel any Regular Meeting of Council if it is anticipated that there will not be a quorum for the meeting or if there are no items for the agenda provided that public notice of the cancellation is given at least twenty-four (24) hours in advance.
 - h. Where the time or date of any Regular Meeting is changed, or a meeting is cancelled pursuant to subsections f) or g), the Senior Administrative Officer shall give written notice to:
 - i. All members of Council
 - ii. All Directors; and
 - iii. The media who normally attend Council meetings.
 - i. At all Regular Meetings of Council and any properly constituted Standing Committees, there shall be a ten (10) minute recess after ninety (90) minutes of continuous business, unless such recess is waived by the unanimous consent of the Members in attendance. Additional recesses can be included at the call of the Presiding Officer.

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- j. Section 23 of the *Cities, Towns and Villages Act*, relating to the holding of Private Meeting sessions applies to all meetings of Council.

Special Meetings

- 8.
 - a. A Special Meeting of Council may be called by the Mayor or any two (2) Members at any time, and the calling of such meetings is in accordance with the requirement of the *Cities, Towns and Villages Act*.
 - b. Where a Special Meeting has been called pursuant to subsection a), the Senior Administrative Officer shall post public notice of the meeting and give at least forty-eight (48) hours' notice to:
 - i. All members of Council
 - ii. All Directors; and
 - iii. The media who normally attend Council meetings.
 - c. The notice referred to in subsection b) shall indicate the time, date, location and purpose for the Special Meeting of Council.
 - d. No other business shall be conducted at a Special Meeting except that which is included in the notice referred to subsection b) unless all Council members are present and there is unanimous consent.

Emergency Meetings

- 9. A Member may call an Emergency Meeting of Council where the Member considers that an emergency exists or may exist in the Town, and the calling of such a meeting is in accordance with the *Cities, Towns and Villages Act*.

Quorum

- 10.
 - a. A quorum for a regular or Special Meeting of Council shall be a majority of Members who comprise the Council regardless of whether or not all the seats on Council are filled.
 - b. A quorum of Council for an emergency meeting shall be all those Members in attendance.
 - c. Where the number of Members who, by reason of having disclosed a pecuniary interest in a matter pursuant to this by-law are prevented from participating in a meeting, is such that the remaining number of Members present 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.

Attendance

- 11.
 - a. 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 as resigned.
 - b. Permission for a Member to be absent from a Regular Meeting of Council pursuant to subsection a) shall not be unreasonably denied.
 - c. Permission for a Member to be absent must be sought and brought to the attention of Council in advance, and not later than the conclusion of the meeting for which the Member of Council absents him or herself. Permission shall in no case be for a period in excess of three (3) months.
 - d. Withholding of all or part of the annual indemnity monthly payment as a

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consequence of Member absences without permission, is fully outlined in the Town of Hay River Indemnities and Allowances By-Law.

12. The Senior Administrative Officer and all Directors shall attend Regular Meetings of Council unless the Senior Administrative Officer has given permission for them to be absent.

Vacancies on Council

13. a. Pursuant to the *Local Authorities Elections Act*, R.S.N.W.T. 1988, c.L-10, vacancies in Office for a Councillor's seat or the Mayoral seat shall be filled at the next general election or before then by:
- i. Appointing a person who is eligible as a candidate; or
 - ii. Holding a by-election.
- b. A by-election will be held if:
- i. One vacancy on Council is declared more than eighteen months before the next scheduled general election
 - ii. More than one vacancy on Council is declared between eighteen months and twelve months before the next scheduled general election.
- c. For the purposes of appointing a new Mayor pursuant to subsection a), the municipal Council shall appoint only a member of the municipal council as the mayor.

Commencement of Proceedings

14. a. As soon as possible after the hour fixed for the holding of the meeting of Council, if a quorum is present, the Presiding Officer shall take the chair and call the meeting to order.
- b. Where the Mayor and the Deputy Mayor do not attend the meeting within fifteen minutes after the time set for the meeting, the Senior Administrative Officer shall call the Members to order and, if a quorum is present, call for a motion for the appointment of a Presiding Officer from among those Members present.
- c. If a quorum is still not present one-half hour past the time set for the meeting, the Senior Administrative Officer shall record the names of those Members present and the meeting shall stand 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.

Duties of the Presiding Officer

15. The Presiding Officer of Council shall have the following duties at meetings of Council:
- a. To open the meeting of Council by assuming the chair and calling the Members to order;
 - b. To announce the business before Council in the order in which it is to be acted upon;
 - c. To receive, submit to Council and put to a vote, in accordance with the rules of procedure, all matters presented by the Members, and to announce the result;
 - d. To decline to put to a vote any motion that infringes upon the rules of procedure;

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- e. To recognize any Member who wishes to speak on any matter that is debatable and determines the right of precedence where two or more Members request the floor of Council;
- f. To enforce the rules of procedure;
- g. To preserve order and decorum at meetings of Council;
- h. To rule on any point of order or question of privilege raised by any Member; and
- i. To authenticate by signature all by-laws and minutes of Council.

Duties of a Member of Council

16. 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;
- a. To deliberate the business submitted to Council;
 - b. To respect the rules of procedure;
 - c. To disclose a pecuniary 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 this item is under consideration.

Duties of the Senior Administrative Officer

17. The Senior Administrative Officer shall have the following duties at meetings of Council;
- a. To prepare and distribute the agenda and supporting material for all meetings of Council in accordance with the provisions of this by-law;
 - i. All material for Council meetings shall be distributed to Members at least two working days prior to the Council meeting unless the Senior Administrative Officer receives approval from the Presiding Officer in advance to defer the provision of some or all meeting materials.
 - 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. To provide advice to Council through the Presiding Officer on any matter;
 - e. To make a re-playable audio or video recording of all Council meetings and store these recordings in a place of safekeeping for the duration identified in the Town's Records Retention Policy;
 - f. To keep the minutes of Council; and
 - g. 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.

Duties of Directors

18. Directors shall have the following duties at meetings of Council;
- 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.

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Meetings Open to the Public

19. Pursuant to the *Cities, Towns and Villages Act*:

- 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 a Committee of Council may, by Resolution approved by at least 2/3 of the Council Members present, authorize its meeting to be closed to the public if it decides to discuss any of the following:
 - 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 sale 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 by-law;
 - 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. Council has no power to make a by-law or a Resolution at a meeting that is closed to the public, other than a Resolution to:
 - i. give instructions to the municipal corporation's lawyers or to any persons negotiating a contract on behalf of the municipal corporation;
 - ii. give directions to staff on confidential personnel issues; and
 - iii. adjourn the closed meeting or to revert to a public meeting.
- d. Council shall make a public record of any meeting that is closed to the public, specifying at a minimum:
 - i. that Council met in private;
 - ii. the date of the meeting; and
 - iii. the general nature of the issues discussed.
- e. Following a Private Meeting a motion may be made to place on the agenda any recommendations arising from the Private Meeting. Once placed on the agenda, the normal rules of procedure shall apply.

20. Council may conduct 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. Members participating in the meeting in this manner are deemed to be

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present.

21. If the circumstance of an Emergency Meeting as outlined in Section 9 of this Bylaw is such that members of the public are unable to hear the Members, that will be acknowledged as part of the meeting minutes.
22. Council Members participating remotely or virtually may not participate in the Private Meeting portion of Council meetings unless they affirm on the record that they are alone and cannot be overheard. Such affirmation shall be recorded in the meeting minutes.

PART 3 – AGENDAS AND MINUTES

Agenda Format

23. The agenda for regular Council meetings shall follow the Order of Business as set out in Part 4 of this by-law.
24. The supporting material for each agenda shall follow the Order of Business as set out in Part 4 of this by-law.
25. Items to be discussed at a Private Meeting shall clearly be marked "Confidential".

Deadline for Submission of Agenda Items

26. The deadline for the submission of items to the Senior Administrative Officer for inclusion on the agenda for Council and its Standing Committee meetings shall be 12:00 p.m. (noon) three working days preceding the meeting.
27. 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 referred to in Section 27 if they cannot be delayed to a future meeting.
28. Notwithstanding Section 27, an item may be included on the agenda of Council or its Standing Committees by approval of two-thirds (2/3) majority of Council Members present.

Agenda Distribution

29. The Senior Administrative Officer shall prepare and distribute the agenda and all supporting materials for Regular Meetings of Council and its Standing Committees to Members by 5:00 p.m. two working days preceding the meeting.
30. The Senior Administrative Officer shall make copies of the agenda and supporting materials available to Directors, media representatives and the general public with the
31. exception of supporting material scheduled to be considered at a Private Meeting and only after the agenda and supporting materials have been delivered to all Members.

Minutes of Council

32. The Minutes of Council shall record:
 - a. the date, time and location of meeting;
 - b. the name of the Presiding Officer and the name of the Members and the Town Administration present at the meeting;
 - c. the adoption of the minutes of previous meetings of Council;
 - d. the name of any Member who discloses a pecuniary interest in any matter on the agenda, the general nature and extent thereof and the time that the Member excused him or herself from and returned to the meeting.
 - e. any motion moved and seconded by Council and the name of the mover and

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seconded

- f. In cases of a recorded vote in accordance with the *Cities, Towns and Villages Act*, the name of each Member who voted and how they voted,
- g. in the event of a tie vote, the minutes shall reflect that there was a tie and how the Presiding Officer voted to break the tie a summary of the proceedings of Council with the exception of those proceedings conducted during a Private Meeting; and
- h. the signatures of the Presiding Officer and the Senior Administrative Officer.

Recordings of Meetings

- 33.
 - a. Except for those portions of meetings held during a Private Meeting, the Senior Administrative Officer shall make, or cause to be made, a re-playable recording of all Council Meetings.
 - i. The recording may include a public audio and/or video broadcast or webcast of proceedings of the Open Session.
 - b. The Senior Administrative Officer shall supervise access to the recordings of meetings.
 - c. The recordings may be copied under the supervision of the Senior Administrative Officer. Anyone other than a Member requesting a copy of the audio-recordings will be required to pay a fee equal to the Town's cost except for copies which are required by the Town's legal counsel in connection with litigation. Any transcript of the recordings must be authorized by a Resolution of Council.

PART 4 – ORDER OF BUSINESS

Order of Business

- 34.
 - a. The Order of Business at Regular Meetings of Council shall be as outlined in Schedule A, attached to and forming part of the bylaw.
 - b. The business of Council shall always be dealt with in the order established in Schedule A unless Council decides, by Resolution, on a different Order of Business.
 - c. At all Special Meetings of Council, the Order of Business shall be set out and printed in a manner decided by the Senior Administrative Officer, but should this not be done, then the Order of Business set out in Schedule A shall be used so far as it is applicable.

Adoption of Minutes from Previous Meeting(s)

- 35.
 - a. The draft minutes of each meeting shall be circulated with the agenda of the meeting at which they are to be adopted.
 - b. If Council is of the opinion that the minutes contain no errors or omissions, a motion to adopt the minutes shall be passed.
 - c. If errors or omissions are noted in the minutes, a motion to amend shall be introduced and the minutes shall be adopted as amended.
 - d. Minutes that have been adopted by Council shall be signed by the Presiding Officer and the Senior Administrative Officer.

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Declarations of Interest

36. a. When a 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/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 at which the matter is considered.
- c. All Members shall inform the Senior Administrative Officer, in writing of:
- i. any taxes owed the Town which have not been paid by December 31 of the year in which they were levied;
 - ii. any debt, with the exception of property taxes, owed to the Town in excess of \$500 for more than 90 days; and
 - 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 for more than 90 days.

Correspondence and Petitions

37. a. All correspondence addressed to the Mayor and/or Council shall be distributed to all Members by the Mayor's office.
- b. Subject to subsection c), the full text of correspondence addressed the Mayor and/or Council shall be included in the agenda package for a meeting of Council when:
- i. the correspondence is directly related to a matter being considered by Council at Regular or Special meeting; or
 - ii. a Member or the Senior Administrative Officer requests, prior to 10:00 a.m. on the Friday preceding a meeting, that the full text of the correspondence be placed on the agenda for the next Regular Meeting.
- c. Any correspondence which reaches the Senior Administrative Officer for inclusion on the agenda of a meeting of Council must:
- i. be legible and coherent;
 - ii. be signed by at least one person who provides a printed name and address;
 - iii. be on paper or in digital format; and
 - iv. not be libellous, impertinent or improper.
- d. Any petition submitted to the Mayor, any Member or the Senior Administrative Officer shall be distributed to all Council Members and included on the agenda for the next Regular Meeting of Council, or as soon thereafter as is reasonably possible.
- e. When an item of correspondence or a petition has been included on the

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agenda of Council, Council may:

- i. refer it to Administration or a Standing Committee for a report or recommendation;
- ii. consider motions on the correspondence or petition in accordance with the Order of Business;
- iii. give other instructions on the correspondence or petition.

Statutory Public Hearings

38. All Statutory Public Hearings on a proposed by-law shall be both conducted during a Regular or Special meeting of Council and held after First Reading and before Second Reading.
39. Notice of all Statutory Public Hearings must be provided and shall state:
 - a. the purpose of the proposed by-law;
 - b. the place or places, two of which shall be the Town Office and the Town website, where a copy of the proposed by-law may be inspected by the public during regular office hours.
 - c. the place or places, one of which shall be the Town Office, where a copy of all written submissions filed for consideration at a Statutory Public Hearing may be inspected by the public during regular office hours;
 - d. the time and place at which the Council will hold the Statutory Public Hearing on the proposed by-law;
 - e. the procedure to be followed by any persons who wish to make submissions concerning the proposed by-law.
40. Council shall hold a Statutory Public Hearing at the time and place stated in the notice referred to in Section 40 and shall hear every person who wishes to make a submission.
41. Notwithstanding Section 40, any person wishing to make a verbal submission at a Statutory Public Hearing shall contact the Office of the Senior Administrative Officer before 12:00 p.m. (noon) on the day of the hearing and provide his or her name and whether or not he or she will be speaking in favour of or against the proposed by-law.
42. Any person wishing to make a verbal submission at a Statutory Public Hearing who has not notified the Office of the Senior Administrative Officer as required in Section 42 may speak after all those persons who have given notification have spoken.
43. Any person wishing to submit a written submission to Council for consideration at the Statutory Public Hearing shall deliver it to the Office of the Senior Administrative Officer no later than 4:30 p.m. on the Thursday preceding the Statutory Public Hearing.
44. All written submissions received before this deadline will be available for public viewing at the Statutory Public Hearing and at the Town Office during normal office hours up to and including the day of the hearing.
45. If a person is unable to attend a Statutory Public Hearing, that person may authorize another person to speak on his or her behalf and this authorization must:
 - a. be in writing;
 - b. name the individual authorized to speak;
 - c. indicate the proposed by-law to be spoken to;
 - d. be signed by the person giving the authorization;
 - e. be received at the Office of the Senior Administrative Officer before 12:00 p.m.

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(noon) of the day of the Public Hearing.

46. The following procedure shall be followed at all Statutory Public Hearings:

- a. the Presiding Officer shall introduce the proposed by-law;
- b. the Presiding Officer shall inform Council of the number and nature of the written submissions received in the accordance with Section 44;
- c. no person shall speak for more than ten (10) minutes unless an extension is granted by Resolution of Council;
- d. individuals opposed to the proposed by-law who have given notice of their intention to speak pursuant to Section 42, shall be invited to speak first by the Chair followed by those opposed to the proposed by-law who have not given Notice pursuant to Section 43;
- e. individuals in favour of the proposed by-law who have given notice of their Intention to speak pursuant to Section 42 will then be invited to speak followed by those in favour of the proposed by-law who have not given Notice pursuant to Section 43;
- f. after a person has spoken, any Member may ask that person questions, provided such questions are relevant, directed through the Presiding Officer and are asked in a courteous and respectful manner;
- g. after all persons who wish to speak have been heard, Members may ask relevant questions of the Senior Administrative Officer through the Presiding Officer who may then refer the question to the appropriate Director or other member of the Town Administration, or answer the question him or herself;
- h. any person who has made a submission shall have an opportunity to respond to any new information that has arisen during the Statutory Public Hearing for a period not exceeding two (2) minutes unless an extension is granted by Resolution of Council;
- i. the Presiding Officer shall then close the Statutory Public Hearing.

- 47.
- a. Once the Presiding Officer has closed a Statutory Public Hearing with respect to the proposed by-law, no additional submissions shall be considered by Council, except at an additional Public Hearing called by Council in accordance with this by-law
 - b. For greater certainty, and notwithstanding Sections 7 e) and g) of this By-law, Council may by Resolution adjourn a Public Hearing to a subsequent Council Meeting.
 - c. Following the closing of a Statutory Public Hearing wherein no submissions in opposition to the proposed by-law, nor any submissions recommending an amendment to the proposed by-law, are received Council may consider the submission received (if any), debate the merits of the proposed by-law and proceed with the Second Reading.
 - d. Following the closing of a Statutory Public Hearing wherein one or more submissions in opposition to the proposed by-law are received, or any submission recommending an amendment to the proposed by-law is received, Council shall defer its consideration of the submissions received, any debate of the merits of the proposed by-law, and Second Reading of it, to a subsequent meeting. Council may, by Resolution, direct Administration to prepare a summation of the points raised during the Statutory Public Hearing.

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- e. Notwithstanding Section 47 d), Council may by Resolution:
 - i. consider the submissions received, debate, if it deems advisable, the merits of the proposed by-law and proceed with Second Reading at the meeting in which the Statutory Public Hearing was conducted;
 - ii. consider the submissions received and debate, if it deems advisable, the merits of the proposed by-law at the meeting in which the Statutory Public Hearing was conducted, and refer the proposed by-law to Administration with direction to draft an amendment to the proposed by-law; or
 - iii. refer the proposed by-law back to Administration.

Delegations and Public Input Session

- 48. Any delegation wishing to appear before Council shall inform the Senior Administrative Officer no later than 10:00 a.m. three working days preceding the meeting by completing and submitting the Application for Delegation as established in Schedule "A" attached to and forming part of the by-law.
- 49. Notwithstanding Section 48, any request to appear before Council shall be received by the Senior Administrative Officer up to noon on the day of the meeting and the Senior Administrative Officer shall provide the Presiding Officer, under separate cover, with their names and the general nature of the presentation.
- 50. Council may, by Resolution, hear a delegation that has not met the notice requirements set out in Section 48 and 49.
- 51. The following procedures apply to all delegations before Council:
 - a. all delegations shall address their remarks directly to the Presiding Officer and shall not pose questions to individual Members or Administration;
 - b. each presenter shall be afforded ten (10) minutes to make their presentation;
 - c. the time allowed to each presenter may be extended by up to ten minutes by a Special Resolution of Council;
 - d. after a person has spoken, any Member may, through the Presiding Officer, ask that person or the Senior Administrative Officer relevant questions;
 - e. no debate shall be permitted on any delegation to Council either between Members or with an individual making a delegation.
- 52. When making a presentation to Council or its standing or special committees, whether as a delegation or during the Public Input session, no person shall:
 - a. speak disrespectfully of the Crown, any Member of Council, the public or an employee of the Town;
 - b. use offensive language;
 - c. make personal remarks about any Member of Council, the public or an employee of the Town;
 - d. reflect upon the motives of Council Members who may have voted for a particular motion;
 - e. reflect upon the motives of advice given to Council by Administration;
 - f. refuse to comply with the decision of the Presiding Officer regarding any interpretation of this by-law.
- 53. Once a delegation has been heard, Council may respond by:

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- a. referring the matter to Administration or the appropriate Standing Committee; or
 - b. considering a motion on the subject matter of the presentation in accordance with the Order of Business.
54. A fifteen (15) minute Public Input Period will be held at the commencement of a Regular Meeting of Council. Residents wishing to speak must so indicate by placing their name and address on a Speakers' List prior to the Public Input Period.
55. During the Public Input Period, when recognized by the Presiding Officer, persons from the gallery may address Council to comment on any matter coming within the jurisdiction of the Council. Speakers must state their name and will be allowed two (2) minutes to speak. Persons may not speak on a by-law from a closed statutory public hearing.
56. If at the end of the fifteen (15) minutes of Public Input Period, there remain speakers on the list, Council may, by unanimous Resolution, agree to extend the length of the Public Input Period.
57. From the close of the Nomination Period preceding the general municipal election or by-election, the Public Input Period shall be suspended until the meeting of Council following the election.

Administrative Enquiries

- 58.
- a. Any Member of Council may submit at a meeting an enquiry on any matter relevant to the business of the Town.
 - b. The Senior Administrative Officer shall, wherever possible, provide information to immediately respond to the enquiry.
 - c. The Senior Administrative Officer may refer the enquiry to the applicable Director for immediate response.
 - d. Where the response to the enquiry requires verification of facts or a considered opinion, the Senior Administrative Officer shall provide a written response to the Mayor and Members as soon as is reasonably possible.
 - e. Where an enquiry is referred to a Standing Committee by Council, the enquiry shall be received and considered by the Standing Committee at its next Regular Meeting, or as soon thereafter as is reasonably possible.
 - f. If the Senior Administrative Officer reports that the financial or other resources required to answer the enquiry are substantial and will affect the Town's budget, Council may direct the Senior Administrative Officer to abandon the enquiry.
 - g. Notwithstanding Sections a) through f), Directors of the Town of Hay River may present a short update for their department for this agenda item.

Committee Reports

- 59.
- a. All reports, and recommendations of Standing and Special Committees shall be put in writing and no report shall be referred to the Committee of the Whole or Council until copies of the report have been given to the Members unless decided otherwise by Resolution.
 - b. Committee reports shall be attached to the Agenda for the meeting at which they are to be introduced and shall be considered in the following order:
 - i. Standing Committee(s)
 - ii. Special Committee(s)

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- c. The Presiding Officer shall request a Member of Council to introduce the report to Council and move any motions arising from the report. Items on the report which do not contain motions shall only be read at the request of a Member.

By-Laws

- 60. Council is empowered to make by-laws under the provisions of the *Cities, Towns and Villages Act*.
- 61. A by-law must have three (3) distinct and separate readings to come into effect. Each reading requires a separate Resolution of Council.
- 62. Council may not give a by-law more than two readings at the same meeting unless all Members are present and, before Third Reading, a Resolution to present the by-law for Third Reading at the same meeting is approved by unanimous consent.
- 63. Where a by-law requires the approval of the Minister, Hay River voters, or some other authority, that approval must be obtained before the bylaw receives Third Reading.
- 64. All proposed by-laws must be assigned a unique by-law number and a concise title that indicates the purpose of the by-law.
- 65. The First Reading of a by-law shall be decided without amendment or debate.
- 66. A by-law is effective on the date that it is:
 - a. In writing
 - b. Under the seal of the Municipal Corporation;
 - c. Signed by the Mayor or other Presiding Officer;
 - d. Signed under the Senior Administrative Officer
 - e. Or at a later date that the by-law may specify.
- 67. The Mayor or the Presiding Officer must sign, and the Senior Administrative Officer must sign and seal the by-law as soon as reasonably possible after Third Reading is given.
- 68. Once a by-law has been given Third Reading, 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 statute.

Notices of Motion

- 69.
 - a. Any Member who intends to bring any new matter before Council at a subsequent Regular Meeting of Council shall give notice of such intent by:
 - i. verbally stating to Council, the substance of the motion; and
 - ii. filing a written motion with the Senior Administrative Officer prior to 10:00 a.m. two working days prior to the meeting.
 - b. Notices of Motion shall give sufficient detail so that the subject of the motion and any proposed action can be determined, and it must state the date of the meeting at which the motion will be introduced.

New Business

- 70.
 - a. Any Member desiring to bring any new matter before Council which is not included in the report of a Standing Committee or included elsewhere on the Order of Business for the meeting may do so if:
 - i. Notice of Motion has been given at a previous meeting pursuant to Section 70; or
 - ii. a legible copy of the proposed motion is provided to the Senior

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Administrative Officer no later than 10:00 a.m. two working days preceding the meeting; or

- iii. Council passes a Special Resolution dispensing with the notice.
- b. A motion to refer a new matter to committee for consideration is always in order.

Adjournment

- 71. Council shall conclude its proceedings by adopting a motion to adjourn.

PART 5 – MOTIONS

Introduction of Motions

- 72. All motions must be concise, unambiguous and must either be provided in writing or dictated to the Senior Administrative Officer.
- 73. Wherever possible, motions shall be composed;
 - a. In the positive to avoid the use of any double negative statement; and
 - b. In such a way that the motion results in a positive course of action upon receiving an affirmative vote.
- 74. A motion shall be considered to be in the possession of Council when it has been stated, moved and seconded.
- 75. No debate or vote on a motion shall be permitted until the motion is in the possession of Council.
- 76. The mover of a motion shall have the right to speak first to a motion for a period of up to five minutes. The right of the mover to introduce that motion takes precedence over all other motions.
- 77. No motion shall be introduced that is substantially the same as one which the judgement of Council has already been expressed during the same meeting.

Motion Out of Order

- 78. Wherever a motion is contrary to these rules of procedure, the Presiding Officer shall rule the motion to be out of order.

Motion to Amend

- 79. A Member may move that a motion be amended in one of the following ways:
 - a. By "adding" certain words
 - b. By "striking out" words or paragraphs; or
 - c. By "striking out" certain words and inserting others.
- 80. A motion to amend shall be disposed of by Council prior to considering the main motion.
- 81. An amendment proposed to a motion must be relevant to its subject matter and must not propose a direct negative of the motion.
- 82. Only one amendment shall be allowed to an amendment.
- 83. Where more than one motion to amend is introduced, Council shall consider the amendments in the reverse order in which they were introduced.
- 84. Where a Member suggests a minor alternation to any amendable motion and the mover and seconder of the motion consent to such a minor alteration, a friendly amendment shall be deemed to have been made and accepted by Council.

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85. Where all amendments to a main motion have been voted on, Council shall vote on the main motion prior to considering any other matter.

Reconsideration of Motion

86. a. After any motion has been voted on, any Member who voted with the majority on that motion may, at the same or any later Regular Meeting, serve notice that the member will move, at the next Regular Meeting held thereafter, for reconsideration of the motion.
- b. A motion to reconsider requires a Special Resolution.
- c. A motion to reconsider allows for the amendment, withdrawal, or renewal of any previous motion.
- d. A motion to reconsider may not be applied to:
- i. A vote which has caused an irrevocable action;
- ii. A motion to give Third Reading to a by-law; or
- iii. A motion to reconsider.

Withdrawal of Motion

87. The mover of a motion may, with the consent of Council, withdraw his or her motion at any time prior to the commencement of the taking of the vote on the motion.

Reading of a Matter

88. a. Any Member may, at any time, request that the motion under consideration be read by the Mayor or the Senior Administrative Officer.
- b. The request shall be made in such a manner as to not interrupt any Member who has obtained the floor of Council.

Dividing Motion into Parts

89. Where a matter relating to a single subject contains several parts, each capable of standing as a complete proposition, the matter may, at the request of any Member, be divided and each part shall be considered and voted on separately.

Motion to Adjourn

90. A motion to adjourn is not debatable and cannot be amended.
91. A motion to adjourn does not require a seconder.
92. Before putting the motion for adjournment, the Presiding Officer must allow an opportunity for any new notices of motion to be heard.

Personal Privilege

93. a. Where a Member desires to address a matter that concerns the right or privilege of Council or the personal privilege of any individual Member, the Member shall be entitled to raise such a matter.
- b. A question of personal privilege shall take precedence over any motion or matter and shall be immediately taken into consideration of Council.
- c. The Member raising the question of personal privilege shall provide a concise explanation to the Presiding Officer.

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Point of Order

- 94.
- a. Any ruling of the Presiding Officer on Parliamentary Procedure as outlined in this by-law or in *Bourinot's Rules of Order* may be challenged.
 - b. Where a ruling of the Presiding Officer on any matter is challenged, the Presiding Officer must state the question "Is the ruling of the Chair upheld?" and the Mayor and the Member who challenged the ruling may debate the question.
 - c. If the Presiding Officer refuses to put the question on a challenge, the person who would preside if the individual occupying the chair were absent must put the question to Council.
 - d. A motion to sustain the chair shall be decided by a simple majority.

Numbering of Motions

95. Resolutions of Council shall be uniquely numbered in ascending order each year, commencing with number one for the first Resolution of the calendar year. The incremental ordinal is preceded by the calendar year, and the numbering proceeds in order through the last meeting of the calendar year (i.e. beginning with #20XX-01).

PART 6 – CONDUCT DURING DEBATE

Address through the Presiding Officer

- 96.
- a. Every Member intending to speak on any matter shall signify their intent to the Presiding Officer and, upon being recognized, shall address only the Presiding Officer.
 - b. Members shall address the Presiding Officer as "Mr. Mayor", "Madam Mayor", "Your Worship", "Mr. or Madam Acting Mayor", or "Mr. or Madam Chair" as the case may be and shall refer to each other as "the Mayor" or "Councillor ____" as the case may be.
 - c. Any question addressed to a member of Administration shall be put through the Presiding Officer to the Senior Administrative Officer who shall refer the matter to the appropriate Director if necessary.

Order of Speakers

- 97.
- a. The Member who has moved a motion that is debatable shall be entitled to speak first to the motion and have a final reply when all Members wishing to speak have spoken.
 - b. When two or more Members signify their intent to speak, the Presiding Officer shall recognize the Member who, in the opinion of the Presiding Officer, first requested the floor of Council and next recognize the remaining Members wishing to speak in the same order.

Limits on Debate

98. No Member may speak more than twice to a motion and no speech longer than five minutes shall be permitted except with the consent of Council by Resolution.
- a. No Member shall speak a second time to the same motion as long as any Member who desires to speak has not yet spoken.

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Opportunity to be Heard

99. Each Member will be given the opportunity to speak to a motion before it is put to a vote, unless a motion to limit or end debate is passed.

Interruptions

100. Any Member who has the floor of Council may only be interrupted by another Member:
- a. when the Member is discussing a matter and no motion is on the floor;
 - b. when a Member has exceeded the time limit to speak;
 - c. by a call for the Orders of the Day;
 - d. by a question of privilege;
 - e. by a point of order;
 - f. by an objection to the consideration of a matter;
 - g. by a Challenge of the ruling of the Presiding Officer.

Prohibited Acts

101. No Member shall:
- a. speak disrespectfully of the Crown, other Members, the public or any employee of the Town;
 - b. use offensive language in Council Chamber, or in reference to any Member, the public or any employee of the Town;
 - c. speak on any matter except the subject being considered by Council;
 - d. make personal remarks about other Members;
 - e. reflect upon the motives of Members who may have voted for a particular motion;
 - f. debate the merits of a past vote of Council, unless to move to reconsider a motion;
 - g. walk out of the room while the Chair is putting the question;
 - h. hold discourse which may interrupt a Member who has the floor of Council;
 - i. pass between a Member who has the floor of Council and the Presiding Officer;
 - j. speak to a question after the question is finally put by the Presiding Officer;
 - k. wilfully contravene the provisions of this by-law;
 - l. refuse to comply with the decision of the Presiding Officer on any point of order, question of personal privilege or any other interpretation of the provision of this by-law.

Disciplinary Procedures

102. a. The Presiding Officer may call to order any Member who is out of order.
- b. Subject to subsection c), where a Member persists in refusing to comply with the ruling of the Presiding Officer or a decision of Council on any point of order, question of personal privilege or other interpretation of the provisions of this by-law, the Presiding Officer may consider such action to be improper conduct and order a Member to leave the Council Chamber, and Council must vote immediately on a motion to expel that Member from the meeting without debate.

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- c. Where a Member presents an apology that is acceptable to the other Members, the Presiding Officer shall permit the Member to remain in his or her seat.
- d. The Presiding Officer shall have the authority to determine whether the use of any word, phrase, term or expression was offensive.

Disturbance by Public

- 103.
 - a. The Presiding Officer may order any member of the public who disturbs the proceedings of Council by words or action to be expelled.
 - b. The Presiding Officer may call upon a Peace Officer to remove any member of the public who refuses to leave a meeting voluntarily after having been expelled.

Participation of Presiding Officer in Debate

- 104.
 - a. The Presiding Officer may state relevant facts on any matter before the Council without leaving the chair but shall not fully participate in a debate or move or second any motion without first leaving the chair.
 - b. If the Mayor wishes to leave the chair for any reason, he or she must call on the Deputy Mayor, or in their absence, any other Member to assume the chair.
 - c. When the Presiding Officer vacates the chair pursuant to subsection a) or b), it shall not be resumed until after the vote has been taken on the motion.

Committee of the Whole

- 105.
 - a. Where Council, in consideration of any matter, requires additional information through questions to staff or wishes to allow for a less formal discussion of a matter, Council may, by Resolution, move into Committee of the Whole.
 - b. The Presiding Officer of Council shall chair the Committee of the Whole.
 - c. A quorum of Committee of the Whole is a majority of Members.
 - d. Council may choose to rename the Committee of the Whole, and that Committee shall still be considered a Committee of the Whole for the purposes of its functions.
- 106. The rules of procedure for Council shall be observed in Committee of the Whole with the following exceptions:
 - a. Members may speak more than twice to a matter provided that all Members who wish to speak to a matter have been permitted to speak.
 - b. The proceedings of Committee of the Whole will be not recorded except the report to Council.
 - c. The only motions permitted are to adopt reports of recommendations, to amend reports or recommendations, to rise without reporting, to rise and report or to revert to or from a Private session in accordance with Section 20.
 - d. If a motion to Rise and Report is passed, any matter which has not been decided shall be considered lost and the Presiding Officer shall report the business of the Committee of the Whole when Council is reconvened.
 - e. Any Member may move to adopt the recommendations of the Committee of the Whole and debate will only be allowed on any amendments proposed by the Committee of the Whole.

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PART 7 – VOTING

Voting Procedure

107. Votes on all motions shall be taken as follows:
- a. Members shall be in their designated seat when the motion is put;
 - b. the Presiding Officer shall put the motion;
 - c. Members shall vote by a show of hands;
 - d. the Presiding Officer shall declare the result of the vote and, in the case of a recorded vote, how each Member voted.

Duty of Member to Vote

108. a. All Council Members present, except for the Presiding Officer, shall vote when the question is put by the Presiding Officer unless that Member is prohibited from voting for reasons of declared Pecuniary interest under Section 36 of this by-law.
- b. The Presiding Officer shall not vote on any motion except to cast the deciding vote for or against the motion in the case of a tie or when a Special Resolution is required.

Secret Ballot Prohibited

109. Except in the case of Section 6. c) (i) Appointment of Deputy Mayor, no vote shall be taken in Council by ballot or by any other method of secret voting, and every vote so taken is of no effect.

Recorded Vote

110. Any member may call for a recorded vote in accordance with the *Cities, Towns and Villages Act*.

Errors in Good Faith

111. Where a Member, immediately after casting his or her vote, states to the Presiding Officer that he or she has made an error in good faith, the matter may be resubmitted for a vote with the consent of Council.

PART 8 – STANDING COMMITTEES

Establishment of Standing Committees

112. Council may establish one or more Standing Committees from time to time to conduct business for the Town. Standing Committees shall be established by by-law.

Terms of Reference

113. The terms of reference for the Standing Committees of Council shall be as prescribed in a separate bylaw for each Standing Committee.

Quorum

114. A quorum for all Standing Committees of Council shall be a majority of the Members who comprise the committee.

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Duties

- 115.
 - a. All Standing Committees of Council are advisory in nature.
 - b. Standing Committees have the responsibility to analyse all matters referred to them by Council or the Senior Administrative Officer and submit recommendations to Council on ways and means of addressing these matters.
- 116. Meetings of Standing Committees shall be conducted in accordance with the following provisions:
 - a. the Mayor shall be the Chairperson of all Standing Committees of Council unless otherwise decided by Council;
 - b. in the absence of the Chairperson, the Deputy Mayor shall discharge the duties of the Chairperson;
 - c. the Chairperson shall not vote on any motion except to cast the deciding vote for or against the motion in the case of a tie;
 - d. informal discussion of any matter is permitted when no motion has been made;
 - e. members of the public shall be permitted to participate in the formal discussion of any matter before a Standing Committee;
 - f. every member of a Standing Committee shall have one vote for each item presented at a meeting provided that member is in attendance.
 - g. a motion shall not require a seconder with the exception of a motion to move into or out of a Private Meeting;
 - h. a member shall be entitled to speak more than once on any matter provided the total speaking time does not exceed ten minutes;
 - i. when any motion is approved by a Standing Committee, the motion shall be included in the report to Council in the form of a recommendation to Council;
 - j. should any member disagree with the recommendation of a Standing Committee, that Member's dissent will be noted in the report to Council if requested by the member;
 - k. the length of any Standing Committee meeting shall not exceed one and a half (1 ½) hours. If the order of business has not been completed at the conclusion of the one and a half (1 ½) hours, the meeting shall be recessed and reconvened at a date and time set by the majority of the committee members present.
- 117. The rules of procedure for Council shall apply to all Standing Committees in so far as they are appropriate.

Special Meetings

- 118.
 - a. A Special Meeting of any Standing Committee shall be called whenever it is deemed necessary by the Chairperson or any two members of that committee.
 - b. Where a Special Meeting of any Standing Committee has been called pursuant to subsection a), the Senior Administrative Officer shall post a public notice as required by the *Cities, Towns and Villages Act* and give at least twenty-four (24) hours' notice to:
 - i. all members of the Standing Committee and of Council.
 - ii. all Directors; and
 - iii. the media who normally attend the meetings of Council.

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- c. The notice referred to in subsection b) shall indicate the time, date, location and purpose for the Special Meeting of the Standing Committee.
- d. No other business shall be conducted at a Special Meeting of a Standing Committee except that which is included in the notice referred to in subsection b).

Subcommittees

- 119.
 - a. Any Standing Committee of Council may, from time to time, appoint a sub-committee of its members to investigate and report back on any item of business which is within the area of responsibility of the Standing Committee.
 - b. The appointment of any person to a subcommittee who is not a member of the Standing Committee must be approved by Council.
 - c. Where a subcommittee is established in accordance with the provisions of this by-law, the subcommittee shall meet as soon as possible to establish the date and time of its meetings.
 - d. Unless otherwise decided by Council, a subcommittee shall select any one or more of its members to preside and discharge the duties of the Chairperson.
 - e. Every subcommittee to which a matter has been referred shall report in writing to its Standing Committee.
 - f. Any report of a subcommittee shall be subject to review by the appropriate Standing Committee and shall be included in that Standing Committee's report to Council. A subcommittee shall be considered discharged on the consideration of its final report by the Standing Committee.

PART 9 – SPECIAL COMMITTEES OF COUNCIL

Special Committees of Council

- 120. Where Council deems it necessary to establish a Special Committee to investigate and consider any matter, Council shall:
 - a. name the committee;
 - b. establish a term of reference;
 - c. appoint members to it;
 - d. establish the term of appointments of members;
 - e. establish requirements for reporting to Council or a Standing Committee;
 - f. allocate any necessary budget and/or other resources to it.

PART 10 – REPEAL AND EFFECT

Repeal

- 121. By-law No. 2285/GEN/12 and any amendments are hereby repealed.

Effect

- 122. This by-law shall come into effect upon receiving Third and Final Reading and otherwise meeting the requirements of the *Cities, Towns and Villages Act*.

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PART 11 – SEVERABILITY

123. Each provision of this by-law is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this by-law shall remain valid and enforceable, and the by-law shall be interpreted as such.

READ A FIRST TIME this 9 day of June , 2020



Mayor

READ A SECOND TIME this 9 day of June , 2020.



Mayor

READ A THIRD AND FINAL TIME this 30 day of June , 2020.



Mayor

CERTIFIED that this bylaw has been made in accordance with the requirements of the *Cities, Towns and Villages Act*, S.N.W.T., 2003, c.22, in force April 1, 2004 as amended from time to time, and the bylaws of the Municipal Corporation of the Town of Hay River this 30 day of June, 2020.



Senior Administrative Officer

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SCHEDULE A

ORDER OF BUSINESS

- i. Public Input
- ii. Call to Order
- iii. Adoption of the Agenda
- iv. Declaration of Interest
- v. Announcements, Awards, Ceremonies and Presentations
- vi. Adoption of Minutes from Previous Meeting(s)
- vii. Business Arising from the Minutes
- viii. Correspondence and Petitions
- ix. Delegations
- x. Mayor's Report
- xi. Administrative Enquiries
- xii. Committee Reports
- xiii. Bylaws
- xiv. Policies
- xv. Deferred or Tabled Business
- xvi. Notices of Motion
- xvii. New Business
- xviii. Other Business
- xix. Private Meeting
- xx. Adjournment