

**THE CORPORATION OF THE MUNICIPALITY OF IQALUIT, NUNAVUT**

**BY-LAW 526**

**COUNCIL PROCEDURES**

**A By-Law of the Municipal Corporation of the City of Iqaluit in the Nunavut to regulate proceedings in Council meetings and to establish the Terms of Reference for its Standing Committees pursuant to Sections 29-33 inclusive of the Cities, Towns and Villages Act, R.S.N.W.T., 1998, c. C-8.**

**WHEREAS it is in the public interest to make rules respecting procedures of Council.**

**NOW, THEREFORE, THE MAYOR AND COUNCIL OF THE TOWN OF IQALUIT hereby enacts as follows:**

**SHORT TITLE**

1. a) This by-law may be cited as the Council Procedures By-Law.

**INTERPRETATION**

2. In this by-law:

“Chairperson” means the Mayor or Acting Mayor or any Councillor, appointed by Council to preside over a meeting of Council or Committee;

“Council” means the Council of the Town;

“Councillor” means a member of Council, other than the Mayor;

“Town” means the Municipal of the Town of Iqaluit;

“Mayor” means the Mayor of the Town;

“Member” means a member at large or members of Council inclusive of the Mayors;

“Committees” means committees of Council whose terms are defined under Schedule “A” and from time to time as directed by Council;

“Officer” means the Chief Administrative Officer, or an employee of the Town appointed as an Officer pursuant to the Cities, Towns and Villages Act, R.S.N.W.T., 1998, c. C-8.

**MEETINGS**

3.
  - a) Unless otherwise determined by the Mayor, the council shall hold its first regular meeting following a general election on the second Tuesday in November at, unless that day falls on a holiday, in which case the first regular meeting shall be on the next regular working day in November at.
  - b) Subsequent regular meetings of Council shall be hold on the second and fourth Tuesday of each month, at 3:30 p.m., unless otherwise decided by resolution of Council passed by a majority of Members present at any regular meeting of Council. If the Tuesday falls on a holiday, the regular meetings of Council shall be on the next regular working day at 3:30 p.m.
4. Any Member absent for three (3) consecutive meetings, without permission from Council to absent themselves by a majority vote at a regular meeting of Council, shall be deemed to have resigned. Permission for a Member to be absent from a regular meeting of Council shall not be unreasonably denied.
5. Smoking shall be prohibited during Town Council and Committees of Council meetings are in session.
6. At all Council meetings there shall be a ten (10) minute recess after two (2) hours of continuous business, unless such recess is waived by unanimous consent of Council.

**ORDER AND DECORUM**

7. If the Mayor is not present within fifteen (15) minutes of the time set for a regular or special Council meeting, the Deputy Mayor shall take the Chair and call the Members to order if a quorum is present. In the event that the Mayor and Deputy Mayor are absent, an Acting Mayor, appointed by the Members present, shall immediately take the Chair and call the meeting to order if there are sufficient councillors on the floor to constitute a quorum. If the Mayor or Deputy Mayor should arrive later, then the Chairperson shall vacate the Chair and turn the meeting over to the more senior Member.
8. The Chairperson shall maintain focus on the agenda, maintain order and decorum and shall decide all questions of order.

9. When the Chairperson is putting the question, no Member shall walk across or out of the room or make any noise or disturbance; nor when a Member is speaking shall any other Member pass between that Member and the Chair, or interrupt except to raise a point of order.
10. No person except Members and Officers of Council shall be allowed to come within the bar while Council is sitting, unless that person has the special permission of Council.

### **CONFLICT OF INTEREST**

11.
  - a) A Member who discloses an interest in a contract, proposed contract or other matter being considered by Council, as required by the Conflict of Interest Act, R.S.N.W.T., 1988, c. C-16, shall leave the Council meeting room while the subject is being debated and considered by Council and shall return to the room only when the matter has been decided by council.
  - b) Every Member of Council or Committee of Council shall provide a declaration of his/her financial and public interests within thirty (30) days of election or appointment. This declaration shall be updated annually, and within thirty (30) days of any substantial change in the members interests. Declarations are filed with the Chief Administrative Officer, and shall be made available for perusal by any member of the public at the municipal office during normal office hours, upon request. The Declaration shall disclose the following:
    - i) any sole proprietorships or partnerships owned or operated by the member or his/her spouse and his/her children living under the same roof (disclosure to include the name of the company, nature of business and partners if appropriate);
    - ii) any limited companies, not publicly traded, in which the member or his spouse owns an interest of any size (disclosure to include the name of the company, extent of ownership, nature of business, and list of company directors);
    - iii) any business which operate in the Municipality of Iqaluit from which the member or his/her spouse earns remuneration (disclosure to include name of company, position held, and nature of business);
    - iv) corporate directorships held by the member and his/her spouse:
    - v) memberships of boards of directors, commissions, and other public bodies held by the member and his/her spouse.

**LEAVE OF CHAIR**

12. If the Chairperson desires to take part in the debate, or leave the Chair for any other reason including conflict of interest, a Councillor shall, before the Chair is vacated, be appointed by the Chairperson to occupy the Chair and preside over the meeting until such time as the original chairperson decides to return to the chair.

**SPEAKING**

13. Every Member in speaking to any question or motion shall address only the Chairperson.
14. When two or more Members desire to speak to a matter, the Chairperson shall settle the priority.
15. The first to speak to a motion is the member who has introduced the motion. The same Member is entitled to close the debate, but not until every member choosing to speak has spoken.
16. No member shall speak more than twice to the same question (only once to a question of order), and no speech longer than five (5) minutes will be allowed. The limit as to the number and length of speeches may be waived with the unanimous consent of all members present. Every member shall be allowed to speak to a substantive motion.

**RESPECT**

17. When addressing Council, no member shall:
  - a) use offensive, profane or vulgar words, or
  - b) indulge in personalities in the course of debate nor reflect on the motives of members who may have voted for a particular motion;

**AGENDA**

18. The order of business or agenda for each council meeting shall be as follows unless otherwise decided by a majority of council:
  - a) Prayer
  - b) Adoption of Agenda

- c) Minutes of Previous Meeting(s);
  - d) Declaration of Interest;
  - e) Delegations and Hearings;
  - f) Statements by councillors;
  - g) Absences;
  - h) Correspondence;
  - i) Committee and Administration Reports;
  - j) Deferred Business and Table Items;
  - k) By-Laws;
  - l) Old Business;
  - m) New Business; and
  - n) Adjournment
19. The business of Council shall always be dealt with in the order set out in the Order of Business in Section 18 unless Council decides, by resolution passed by a majority of members, on a different Order of Business.
20. At all special meetings of Council, the Agenda or Order of Business shall be set out and printed in a manner decided by the Mayor or Acting Mayor, but should this not be done, then it shall be:
- a) Prayer
  - b) Adoption of Agenda
  - c) Declaration of Interest
  - d) Absences
  - e) Special Business
  - f) Adjournment
21. When any order, resolution, or question is left unresolved by Council because of a lack of a quorum, the order, resolution, or question left unresolved shall be the first item of business at the next meeting of Council, under that particular order of business.
22. The agenda for each regular meeting of Council, and all supporting material, shall be available to members at least forty-eight (48) hours preceding the meeting.
23. The supporting material for each agenda shall follow the order of business established in Section 18.

**ADOPTION OF AGENDA**

24. Only items of an emergent nature and items that receive unanimous approval of council may be added to the Agenda during a council meeting.

**STATEMENTS BY COUNCILLORS**

25. Statements by councillors may include expressions of thanks, citations of goodwill, matters which a councillor wishes to raise with council, matters for future council agendas, or requests of administration.
26. Statements shall not be debated and thus should not be argumentative or provocative in nature.
27. The Mayor shall determine the disposition of councillor statements or requests or defer to council to determine their disposition.

**MOTIONS**

28. Any Member may require the motion or questions under discussion to be read at any time during a debate but not so as to interrupt a Member who is speaking.
29. All motions shall be seconded before being debated or put from the Chair, except that a motion to propose a vote of thanks shall not require a seconder and is not debatable.
30. After a motion is read or stated by the Chair, it shall be considered to be in the possession of Council, but may, with the unanimous consent of Council, be withdrawn at any time before decision or amendment.
31. When any motion is regularly before a meeting, it may be debated, amended, superseded, negated, withdrawn, laid on the table, referred, postponed, adjourned, or the previous question may be moved.
32. When a question is under debate, no motion shall be received unless to commit, to amend it, to lay it on the table, to postpone it, to adjourn, to move the previous question, to move that the vote now be taken, or to extend the hour for closing proceedings.

33. The motion for the previous question must be decided at once before any amendments may be made and shall be put in the following words: "I move that the question be now put." If this motion is carried, the original motion (the previous question) must be put immediately without any amendment or further debate. If this motion is defeated, the main question is superseded but may be revived at a future day.
34. If it is moved and seconded that a vote be taken, that motion shall be put without debate and, if carried by a simple majority, the motion and amendment under discussion shall immediately be read or stated by the Chair and put to the vote without any further discussion.
35. No motion shall be offered that is substantially the same as one which has already been dealt with during the same meeting.
36. Whenever the Chairperson is of the opinion that a motion offered to Council is contrary to the rules and privileges of Council, the Members shall immediately be apprised thereof and the rule or authority applicable to the case shall be cited without debate or comment before the question is put. If the motion is of such a nature that the objection cannot be removed, the Chairperson shall refuse to receive it.
37. The resolutions of Council shall be numbered in order each year, commencing with number one for the first resolution in the calendar year; this number to be followed by the year, and continuing through to the last meeting of the calendar year.

### **AMENDMENTS**

38. Friendly amendments may be made where the original motion is changed with the consent of both the mover and the seconder.
39. While a motion is under discussion by Council, a Member may only move an amendment which directly relates to the subject matter of the principal motion.
40. Amendments shall be put in the reverse order to that in which they are moved and shall be decided or withdrawn before the main question is put to the vote.
41. Only one amendment shall be allowed to an amendment. Any amendment more than one must be to the main question.

**BY-LAWS**

42. No by-law shall be referred to the Committee of the Whole or Council until printed copies of the by-law have been given to the Members of Council unless Council decided otherwise by resolution. A motion to this effect must be put to the vote without debate.
43. Every by-law shall be introduced by a Member upon motion stating the title of the by-law.
44. A vote for First Reading of a by-law, shall be decided without amendment or debate.
45. During consideration of a by-law by Council or Committee of the Whole, the preamble shall be considered first, then each clause or section in its proper order and then the title, or in such other manner as Council or Committee or the Whole may decide.
46. All amendments made in Committee of the Whole to a by-law shall be reported by the Chairman of the Committee to the Council, which shall receive them immediately. After the report has been received, the by-law shall be open to debate and amendment before it is ordered for a second reading.
47. A vote on Third Reading of a by-law shall be decided without amendment or debate, unless otherwise decided by a majority of Council members.

**VOTING**

48. All Councillors present shall vote when the question is put by the Chair except in the case of Councillors who have declared a pecuniary or other special interest in the question, in which case the fact that they did not vote, and the reason for not voting, shall be recorded in the Minutes, and their abstention shall not be counted as negative or affirmative.
49. The names of all Councillors voting shall be recorded and whether for or against the motion.
50. After a question is finally put by the Chairperson, no Member shall speak to the question, nor shall any other motion be made, until after the result of the vote has been declared.



51. The Chairperson shall not vote on any motion at a Regular or Special Meeting of Council except to cast the deciding vote for or against the motion in the case of a tie.

### **RECONSIDERATION**

52. a) After any motion, except to one of indefinite postponement, has been voted on, any Member who voted with the majority on that question may, at the same or any later regular meeting, serve notice that the Member will move, at the next regular meeting, for reconsideration of the question.
- b) At the next regular meeting, the Member who served notice as set out in subsection (a), shall make a motion for the reconsideration of the question, but no discussion of the question shall be allowed until the motion for reconsideration is carried by a 2/3 majority of Councillors in attendance, and no question shall be reconsidered more than once unless approved by a majority of Councillors in attendance.

### **DELEGATIONS**

53. Normally persons or groups who wish to make presentations to Council may do so by making their request known to the attention of the Mayor or Chief Administrative Officer before the Council meeting.
54. Topics pertaining to items on the Agenda of Council will be considered a higher priority

### **MINUTES**

55. The minutes of the Council proceedings shall be numbered in order each year, commencing with number one for the first meeting in the calendar year; this number to be followed by the year and continuing through to the last meeting of the calendar year. This numbering is to be applied in strict order whether the meetings recorded be Regular or Special and must appear on every document or copy of the minutes to which it refers.
56. Minutes shall be drafted and circulated to all of Council and the public within 48 hours of the Council Meeting. Minutes are not official until they are adopted by Council at its subsequent meeting.

**POINT OF ORDER**

57. When the Chair is asked to decide a point of order, the point shall be decided without unnecessary remarks or comments and the Chair shall state the authority for the ruling. Any member has the right to appeal the Chair's ruling on a question of order, and if the appeal is seconded, the Chairperson shall ask Council to decide whether the ruling of the Chair shall be upheld.
58. A Member called to order shall immediately cease to speak but may afterwards explain, and Council, if appealed to, shall decide the same without debate; if there is no appeal the decision of the Chairperson shall prevail.
59. Whenever any matter of privilege arises, it shall be immediately taken into consideration.

**ADJOURNMENT**

60. Every regular Council meeting and Committee meeting shall be adjourned at or before 7:30 p.m., unless a motion to extend the meeting beyond 7:30 p.m. is passed by the unanimous consent of all Members present.
61. A motion to adjourn a meeting of Council, or adjourn debate is not debatable and shall always be in order except:
  - a) When a Member is speaking
  - b) When the vote has been called for;
  - c) When Members are voting;
  - d) When it has been decided that the previous question shall be now put;
  - e) In Committee of the Whole.

**COMMITTEE OF THE WHOLE COUNCIL**

62. Whenever it is moved and carried that Council go into Committee of the Whole, the Chairperson shall leave the Chair, but shall first appoint a Chairperson of the Committee of the Whole, who shall maintain order in the Committee, and who shall report its proceeding. A Chairperson of a Committee whose report is under consideration, or a Member introducing a by-law, shall not be required to take the chair.

63. Proceedings during Committee of the Whole shall not be recorded in Minutes of Council, and the business shall be reported by the Chairperson of the Committee of the Whole to Council when it reconvenes.
64. Questions of order arising in Committee of the Whole shall be decided by the Chairperson of the Committee, but any Member may appeal to the Mayor, or in the absence of the Mayor, the Acting Mayor. If any disorder should arise in the Committee, the Mayor or Acting Mayor shall return to the Chair without any motion being made.
65. On motion in Committee of the Whole to rise and report, the question shall be decided at once without debate.
66. A motion in Committee of the Whole to rise without reporting shall always be in order and shall take precedence over any other motion. Debate shall be allowed on such a motion and, if resolved in favour of the motion, the business which was before the Committee shall be considered to have been disposed of in the negative and the Mayor or Acting Mayor shall assume the Chair and move on to the next order of business.

**CONFIDENTIALITY & IN CAMERA**

67. Items that should be considered confidential and therefore are matters for in-camera discussion include but are not to be limited to the following: issues affecting the privacy of an individual, personnel matters, labour relations matters, and legal advice to the Municipality.
68. Questions of confidentiality shall ultimately be decided by a majority of Council unless otherwise dictated by pertinent legislation.
69. Whenever it is moved and carried that council go into in-camera, the minutes shall show the time when council moved in-camera.
70. Proceedings during in-camera discussion shall not be recorded in minutes of council and the business and time of day shall be reported by the chairperson when council comes out of its in-camera session.
71. A motion in the in-camera session to rise and report shall be decided at once without debate
72. A motion in the in-camera session to rise without reporting shall always be in order and shall take precedence over any other motion. Debate shall be

allowed on such a motion and, if resolved in favour of the motion, the business which was before the Council shall be considered to have been disposed of in the negative and the Mayor or Acting Mayor shall assume the Chair and move on to the next order of business.

### **QUORUM**

73. A Quorum of Council is five (5) members present.

### **GENERAL COUNCIL MATTERS**

74. The person officer or employee in charge of any work for Council shall be subject only to Council as a whole, and shall not be subject to the direction of any individual Member or members of Council.
75. In all cases not provided for in this by-law, Roberts's Rules of Order shall be followed so far as they may be applicable.

### **COMMITTEES**

76. At the first meeting of Council following a general election, and annually in January thereafter, the Chairpersons and Members of Standing and Special Committees shall be appointed by Council.
77. The Mayor shall be an ex-officio Member of all standing and special committees.
78. Each standing and special committee shall be composed of at least one Member of Council.
79. On motion in the in-camera session to rise and report the question shall be decided at once without debate.
80. In any Committee, at least half of its Members shall be a quorum.
81. Every Member of a Standing or Special committee has one vote for each item presented at a meeting of that committee providing the member is in attendance.
82. Meetings of any Committee may be called whenever it is deemed necessary by the Chairman or any two (2) Members of that Committee and Committee members shall be so notified.

83. The general duties of all Committees of Council shall be to report to Council whenever it may require them to do so on all matters connected with their duties and to recommend such action as may be deemed necessary.
84. The Terms of Reference for committees of Council shall be as prescribed in Schedule "A", attached to this by-law, and from time to time as directed by Council resolution in the same form as outlined in schedule "A".
85. All reports and recommendations of committees shall be put in writing and no report shall be referred to the Committee of the Whole or Council until printed copies of the report have been given to the Members unless Council decides otherwise by resolution. A motion to this effect must be put to the vote without debate.
86. The Order of Business and administration of the committees shall be as the committee decides unless otherwise directed by Council.

**REPEALS**

87. By-Law Number 401 is hereby repealed.

**THIS BY-LAW READ a First Time this 10 day of October, 2000 A.D.**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Chief Administrative Officer**

**THIS BY-LAW READ a Second Time this 28th day of November, 2000  
A.D.**

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**Mayor**

\_\_\_\_\_  
**Chief Administrative Officer**

**READ a Third and Final Time this 28th day of November, 2000 A.D.**

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**Mayor**

\_\_\_\_\_  
**Chief Administrative Officer**