



# GUIDE TO MEETINGS OF COUNCIL 2005

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## Introduction

The purpose of this Guide is to provide information for municipal staff and council members on conducting council meetings in Nunavut municipalities.

The procedures in which council business is conducted are drawn from three sources:

1. Territorial statutes, specifically, *The Hamlets Act, 2003 & Conflict of Interest Act 1999*;
2. Procedure by-laws enacted by municipal councils; and
3. Parliamentary Procedures that are commonly accepted rules for conducting meetings.

This guide draws on the information contained in the Hamlets Act as it pertains to the legal requirements that a council must fulfil in conducting its meetings. The procedures for calling meetings of a council, the types of meetings that can be held by councils and the procedures for voting and recording votes are explained.

In addition, guidelines for preparing council documents such as agendas, minutes and procedure by-laws are explained. A sample agenda and minutes are included in the appendices to this guide.

Councils are empowered to supplement the Hamlets Act by making rules in the form of a procedure by-law to govern proceedings, call meetings, regulate the conduct of members, and transact general council business. Such by-laws, however, cannot contradict or attempt to override the provisions contained in the Hamlets Act.

In many instances, a municipal council will adopt established parliamentary procedures into their procedure by-law. Some of the leading reference texts on parliamentary procedures are *Robert's Rules of Order*, *Bourinot's Rules of Order*, *Auer's Essentials of Parliamentary Procedure* and *Kerr and King's Procedures for Meetings and Organizations*. Any one of these would prove helpful to a council preparing a procedure by-law.

Procedures will vary depending on the reference text used by a council.

**The procedures in this manual, other than legislated requirements, do not always have to be adhered to by Nunavut municipalities, if other acceptable practices or procedure by-laws are used.**

On legislative matters, this guide is not a substitute for the Hamlets Act and other acts and regulations dealing with municipal governments. It is always good practice to consult the Hamlets Act and other territorial statutes directly. It is also advisable to consult a solicitor on important or complex municipal matters.

## Calling Meetings

### Council Meetings Open to the Public

The Hamlets Act requires that all regular and special meetings of a council must be open to the public. No person can be excluded from the meeting, except for improper conduct.

### Location of Meetings

Meetings of municipal councils are to be held within the boundaries of the municipality and may be held at any place, as determined by council.

### First Meeting of Council

The first meeting is to be held no later than 28 days after Election Day as per Section 23 of the Hamlets Act.

The first meeting of council following a general election is determined by the Mayor. The members of council holding office immediately prior to the election continue to hold office until this first meeting.

The administration is required to provide all members of council with a written notice of the time, date, and place of the first meeting. This notice must be given at least 24 hours prior to the time of the meeting. Notice of the meeting may be delivered personally or left at the council member's usual place of business or residence.

A majority of council members must be present to form a quorum at this or any other regular or special meeting. **If there is no quorum, there is no meeting.**

### Regular Meetings

Council may hold regular meetings on any day it determines. At the first meeting, council will decide by resolution or procedural by-law what the regular meeting dates will be. This resolution must state the day, hour and place of every such meeting and no further notice of any regular meeting is required.

It is also possible for regular council meetings to be determined at each meeting by making a resolution stating when the next council meeting will be held. The administration is required to provide all members of council with a written notice of the time, date, and place of the first meeting.

The Hamlets Act specifies that the municipal council must meet one time each month, as a minimum; it does not set a maximum number of meetings.

### **Special Meetings**

The mayor or two (2) council members may request a special meeting of council. The request for such a meeting must be in writing and must be given to the Senior Administrative Officer (SAO). The SAO 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 by posting a copy of the notice in a conspicuous place in the office of the municipal corporation and delivering a copy of the notice to each council member. Other business may be conducted at the meeting only if **all** council members are present and they agree by unanimous consent to deal with the issue.

### **Emergency Meetings**

Any council member may call an emergency meeting of the council where the council member considers that an emergency may exist in the municipality. Notice of the time and place of an emergency meeting must be given to as many council members as possible in the circumstances.

Those council members attending an emergency meeting of council constitutes a quorum. The council may, at an emergency meeting, make a declaration of a state of local emergency relating to all or any part of the municipality under the *Civil Emergency Measures Act*, and may only transact business relating to the emergency.

### **Private Meetings (In-camera meetings)**

Occasionally, the nature of the subject may make a closed session preferable and therefore by motion a private meeting can be called to discuss the item. The motion to have a private meeting would be:

“That the (subject matter) be considered in a private meeting of council.”

The motion is debatable, but not amendable, and requires a 2/3 vote.

Private meetings should generally be confined to matters concerning personnel issues and the discussion of relationships with other corporate bodies and matters concerning individuals. Council should use discretion when using private meetings because too many closed meetings could create false impressions and suspicions. Open meetings stimulate the free exchange of information with the residents.

When business to be considered in a private meeting is completed, a motion is made to rise from the private meeting. This is put to a vote without debate and after it is approved, the council meeting returns to its normal agenda. A notation should be placed in the council meeting stating that “Council resumed the meeting at (time)”

# **The Role of Council Members**

## **Oath of Office**

Before taking a seat on council, the mayor and each council member must take an oath of office. The SAO is responsible for administering this oath in the proper format. The oath is a prescribed form (see Appendix A) and shall be deposited with the SAO prior to the member entering the duties of his office. The oath of office should be kept in the minute book, forming part of the minutes of the meeting at which the oath was taken.

## **Quorum of Members**

The word quorum is taken from the Latin word meaning “of whom”. In terms of conducting a council meeting, it is taken to mean that there is a minimum number of members “of whom” must be present before a meeting can commence and decisions made.

For municipalities, the general rule of thumb is that a quorum is equal to 50% of the total council members plus one. Any business conducted without a quorum is null and void. Where council members leave the meeting because of financial interest, the rules for a quorum differ (refer to page 21 for details).

A quorum is *not* affected by vacancies on council. For example, with a council consisting of nine people, the quorum is five members. If four councillors resign, the quorum is still five members.

Although a meeting may commence with a quorum, the quorum may not always be maintained. One or more members may leave early or be temporarily excused from the meeting. Either of these circumstances could result in the loss of a quorum and the meeting must be adjourned immediately.

The mayor should be sure that a quorum is present before calling a meeting to order. Should a quorum not be present, the mayor should declare the meeting adjourned due to the lack of a quorum.

## **Presiding Officer (Mayor)**

The mayor presides at all council meetings. It is the responsibility of the mayor to preserve order and ensure the established rules of procedure are followed.

The Hamlets Act requires that the council set out in the procedure by-law the circumstances in which the presiding officer is entitled to vote as meetings of council.

The mayor may leave the chair for the purpose of taking part in debate or for any other reason. In that case, the mayor shall call on the deputy mayor to act as

presiding officer of the meeting during the absence. Where the deputy mayor is not present, another council member may be appointed as presiding officer.

### **Deputy Mayor**

One of the first items of business for a new council, after being sworn in, should be to appoint one council member as deputy mayor.

In the event the mayor is unable to perform the duties required of the office of mayor, the deputy mayor has all the powers of the mayor during that period. Likewise, if the deputy mayor is unable to perform the duties required, the council will appoint another presiding officer to act in the place of the deputy mayor for that period.

When the mayor vacates the chair for the purpose of participating in debate, it is the responsibility of the deputy mayor to take the mayor's place and assume the role of an impartial presiding officer until the mayor resumes the chair.

### **Senior Administrative Officer (SAO)**

The SAO is an employee of the municipality and has duties outlined in the Hamlets Act. The SAO is responsible for calling all meetings of the council, communicating the resolutions and instructions of the council to the parties concerned and conducting general office correspondence.

The SAO is required to attend all meetings of the council and truly record in the minutes, without note or comment, all resolutions, decisions and other proceedings of council. Details on statutory requirements of the council minutes can be found in the Preparation of Minutes section of this guide. Sample minutes are included in Appendix D.

The SAO must also maintain an indexed by-law register containing certified copies of all by-laws of the municipality.

# Agenda

## Purpose

Agenda is derived from the Latin word meaning “things to be done”. The agenda consists of the items of business to be discussed at a meeting. It is important to have a prepared agenda for each meeting to ensure that council business is dealt with in an orderly and expedient manner. It is good practice for all council to receive a copy of the agenda with appropriate background documents well in advance of the meeting date.

A properly prepared agenda will save time for the mayor while chairing the meeting. In addition, if members of council have been provided with background information on the items to be discussed prior to the meeting, they will be better prepared to make sound decisions. Another benefit is that important items of business will not be forgotten if they are on the agenda.

The type and detail of the agenda will depend on the municipality, the members of the council and the SAO.

## Contents

The following is a list of suggested contents and order of the agenda:

- Title and Heading (date, time, and location)
- Call to Order
- Approval of Agenda
- Approval of Minutes
- Business Arising from the Minutes
- Presentations
- Delegations
- Correspondence
- Financial Reports
- Payment of Accounts
- Committee Reports
- Staff Reports
- Appointments
- New Business
- By-laws
- Announcements
- Adjournment

### **Title and Heading**

The agenda's title and heading should state that the document is an agenda for a meeting of council, the name of the municipality, and the date, time and location of the meeting for which the agenda is issued.

### **Call to Order**

The mayor calls the meeting to order with a statement such as: "The meeting will now come to order." If the mayor is not present, the meeting may be called to order by the deputy mayor.

### **Adoption of the Agenda**

The agenda alone with any amendments must be approved by resolution.

The meeting should begin with the consideration of the agenda. The mayor will ask if any of the council members have additional matters that should be placed on the agenda. If council has decided that the agenda is to be strictly adhered to, the mayor should call for a motion to adopt the agenda. Otherwise, the agenda should be accepted as presented or amended.

The agenda forms part of the minutes and must be retained in the minute book. All items on the agenda become property of the meeting. Any change to the adopted agenda must be made by motion of council.

Each item of business on the agenda will come before the meeting unless:

- no one moves a motion;
- no one objects to withdrawal suggested by the sponsoring individual or group;
- a motion to delete an item from the agenda is made and passed; or
- the meeting runs out of time before the item can be discussed.

### **Reading and Approving Minutes**

If the minutes have been circulated to council members prior to the meeting, they need not be read at the meeting. The mayor asks if there are any errors in or omissions from the minutes.

The minutes of the last regular meeting as well as the minutes of any special meeting held since the last regular meeting should be approved.

**Instructions on the proper way to correct minutes and the motions for approving the minutes may be found in the Preparation of Minutes section of this guide.**

### **Business Arising from the Minutes**

Any business that was postponed from a previous meeting or that was pending when the last meeting adjourned is called “business arising from the minutes”. It is usually advisable for the presiding officer to remind the meeting of the history of this business before discussion begins or he/she may call upon someone with special information.

### **Presentations**

Occasionally, the members of council may wish to recognize a special achievement by an individual, club or organization. This type of ceremony is usually conducted near the beginning of the meeting so that the recipient will not have to wait a long time while other business is being conducted.

### **Delegations**

Delegations appear before council for the purpose of voicing an opinion of a group or individual to the council. The agenda should contain the name of the person or group addressing council, the delegation's topic and an estimated time at which it will be heard.

Like presentations, delegations are usually dealt with near the beginning of the meeting as a courtesy in order that people who want to address council will not be kept waiting.

A council may choose to adopt a procedure by-law provision setting a specific time limit for delegations. If this is the case, the SAO should notify the person/group wishing to address council of this time limit when the delegation is making the request for inclusion on the agenda.

Another procedure by-law provision that council may adopt with regard to delegations would be to require the submission of a letter or brief outlining the substance of the delegation's presentation in advance of the meeting. However, council members should realize that if the rules are too rigid, they may discourage some people from approaching council.

### **Correspondence**

The agenda may include lists or copies of correspondence addressed to the council or to the mayor. The agenda should state who sent the letter and its topic. Correspondence can be sorted into two groups by the SAO: informational and those requiring action by council.

Informational correspondence does not require any action by council. It is not necessary to consider each piece of informational correspondence during the meeting; however, if a council member wishes to discuss any informational items, the member advises the presiding officer (mayor) and the matter is discussed. If no council member wants to discuss any of the informational items, a motion is passed to receive and file all items of informational correspondence.

If correspondence might become the basis of discussion or requires action by council, it should be listed under “New Business.” It is often noted in the Correspondence section but is not read until it comes before the meeting under “New Business.”

To receive all correspondence, it is sufficient to have one motion – “That the correspondence be received and filed.”

### **Financial Reports**

The monthly bank reconciliation and a financial statement or statement of receipts and payments make up this agenda item. In municipalities, these should be presented to council each month, in order for council to make accurate and inform decisions and ensure that the financial health of the municipal corporation is maintained.

### **Payment of Accounts**

The SAO should present council with a detailed listing of the accounts to be paid. The listing should include the vendor name, cheque number, an explanation of what the payment pertains to and the amount of the payment. Council members may inquire as to what the particulars are for any payment.

During the discussion of payment details for accounts involving the financial interest of a council member, the member should excuse himself/herself from the meeting.

### **Committee Reports**

All committee reports should be listed on the agenda. In establishing the order in which the committees should be heard, the presiding officer (mayor) should give priority to those with the most important reports. If none of the reports is of particular importance, any committee report that is pending from the previous meeting should be heard first.

Committee reports should be in written form, so that a copy can be filed with the minutes of the meeting.

A motion to receive a committee report is not necessary as the adoption or approval of the agenda has guaranteed that the report will be heard. If the report has been duplicated, the committee presiding officer need not read the report.

The presiding officer may want to address the recommendations in the report and answer questions. After all the questions have been answered, the committee presiding officer will move any recommendations on behalf of the committee.

Amendments to the recommendations may be proposed by any member at the meeting. After all recommendations have been dealt with, motions may be received from the floor dealing with the substance of the report or the work of the committee concerned.

Note: A committee report need not be *adopted*. Only on rare occasions will a meeting adopt the entire report. Adopting such a motion has the effect of endorsing every word of the report - including the indicated facts and the reasoning – as its own. When a committee's report is not acceptable to a majority of council members, the committee can be directed to review its own work in light of the discussion heard.

### **Staff Reports**

The various administrative officials present usually report to council once a month. In addition to the financial statements, there may be, for example, reports from the SAO, maintenance foreman, or recreation director. These reports should be attached to the agenda.

While reports may be initially presented by voice, the only way in which the report can be amended or adopted, is when the report is in writing. The only decision that can be made about a spoken report is that it is received or noted. In this way, no part of the spoken report commits the organization to the terms of the report.

During this part of the meeting, council could introduce resolutions dealing with any recommendations that may be contained in these reports.

### **Appointments**

This section of the agenda is necessary only when appointments of committee members, deputy mayor or acting SAO need to be confirmed through resolution by the council. All such appointments must be made by resolution.

### **New Business**

Individual items that should come up for discussion should be listed here. Items arising from briefs presented by delegations or correspondence received by council are dealt with under this section.

If a member of council has placed a specific item on the agenda with background material included, it is dealt with at this time.

**By-law**

The agenda may contain a short paragraph summarizing the by-law, or a full copy of the by-law may be made available to each member at least 24 hours prior to the meeting. All by-laws to be effective must be read three third separate times. If council wish to read a by-law three times in one meeting all members must be present and agree to read it a third time by resolution. The by-law must also be signed by the SAO and Mayor and sealed with the seal of the municipal corporation.

**Announcements**

Inclusion of the time and date of the next meeting of council is usually included here. The presiding officer should give committee chairs and others an opportunity to make special announcements as well as making any of his/her own. Notices of events which may be of interest to council members may also be included in this section.

**Adjournment**

This agenda item indicates that the business of the council has ended and a motion to adjourn is to be passed. A motion to adjourn is a "privileged" motion that is neither amendable nor debatable. If passed, the chair should announce formally that the meeting is adjourned.

The length of the meeting is usually determined by the procedural by-law. If the council would like to extend the length of the meeting they may do so by resolution or if they want to continue the meeting the following day, the council may adjourn the meeting by resolution to reconvene the next day.

## General Procedures (Motions)

### General Procedures for Motions

The main purpose of a meeting is to see that ideas or items of business are proposed, considered and decided upon. All items of business are properly introduced by way of motions. A motion must be moved and seconded to introduce discussion on a subject. The presiding officer states the motion and calls for discussion or debate.

The presiding officer may take part in the debate on a motion only after turning the chair over to the deputy mayor or another council member, in the deputy mayor's absence. The presiding officer then returns to the chair following participation in the debate.

When a motion is made, it is open for discussion or debate. The discussion is regulated by the presiding officer. It is customary for each member, other than the mover, to speak only once on each motion.

Please refer to Appendix D for what should be include from the motion in the minutes

**Appendix F contains samples of all motions found in this chapter.**

### Out of Order

Occasionally, a person, a motion, or remark is out of order and does not follow the approved rules of procedure. This presents a difficult situation for the presiding officer because he/she must halt the proceedings and direct the assembly back to the correct course. When this situation arises, the presiding officer must act immediately and make separate statements: first, stopping the debate because something is out of order; second, explaining what it is that is out of order; and third, stating what is in order.

Any member of council may rise on a point of order to demonstrate to the presiding officer that he believes something is out of order.

1. A *motion* is out of order when it is moved while a motion of higher precedence is pending.
2. A *person* is out of order when he begins to speak without recognition of the chair.
3. A *remark* is out of order when it violates rules of the council.

The presiding officer cannot refuse to accept a motion if it is in order - that is, if it does not violate one or more of the three conditions above.

## **Dividing Motions**

At times, a motion may be worded in such a way that part of it could be supported and another part not supported by the same member. The presiding officer would be correct in asking that such a motion be divided into two motions.

For example, the original motion may be as follows:

“That we purchase a computer from XYZ Computers for the office at a cost of \$2000 plus taxes and a filing cabinet for the library from Mostly Office Stuff at a cost of \$200 plus taxes.”

A council member could be in favour of purchasing the filing cabinet, but not in favour of purchasing the computer. Therefore, if the motion is separated into two distinct motions, the intent of the member is clarified.

## **Negative Motions**

It is also correct for the presiding officer to ask that a negative motion be rephrased to make it read in a positive manner. Negative motions, like the following, should be ruled “out of order” by the presiding officer:

“That a letter be written to Bill Martin, the plumber, requesting that no future repair work be done at the water treatment plant without Council’s approval.”

The same motion written in a positive form would be:

“That the SAO inform Bill Martin, the plumber, that he must obtain Council’s approval prior to doing any work on the water treatment plant.”

Council members should avoid putting forward negative motions.

## **Voting on Motion**

When the Presiding officer feels there has been sufficient discussion on a motion, and all members have been encouraged to speak, the presiding officer repeats the motion and asks for a vote.

## **Defeated Motions**

When a motion is brought to a vote and defeated, it appears in the minutes as a defeated motion. The motion may be reintroduced for debate at the same meeting if a majority of the members vote to do so.

Once a motion is approved and the result is announced by the presiding officer, it cannot be rescinded at the same meeting. It can, however, be rescinded at a subsequent meeting. There is no need to rescind a defeated motion. Under all circumstances, every motion, whether carried or defeated, must appear in the minutes.

**For more details on preparation of motions, refer to the Preparation of Minutes section in this guide.**

### **Motion to Amend**

Amendments are moved for the purpose of changing or improving a motion before that motion comes up for a final vote. A motion is open to amendment up to the time the question (vote) is called. An amendment requires a seconder if the original motion was seconded.

A motion may be amended by leaving out certain words, adding certain words, or deleting certain words and replacing them with others. To be in order, amendments to a motion must be relevant to the question but shall not cause the purpose or intent of the original motion to be changed.

### **Voting on an Amended Motion**

An amendment must be voted on before the vote is taken on the original motion. If it is defeated, debate continues on the original motion at which time further amendments may be proposed. In view of the procedure to amend motions, note that only one amendment to the main question may be presented at one time and only one amendment to the amendment.

Samples of motions to amend:

“I move to amend the motion by inserting \_\_\_\_\_ between \_\_\_\_\_ and \_\_\_\_\_.”

“I move to amend the motion by adding \_\_\_\_\_ after \_\_\_\_\_.”

“I move to amend the motion by substituting \_\_\_\_\_ instead of \_\_\_\_\_.”

“I move to amend the motion by striking out \_\_\_\_\_ and inserting \_\_\_\_\_.”

Only three questions may be before the assembly at any one time – the main motion, an amendment to the main motion, and an amendment to the amendment.

After all amendments have been voted on, the presiding officer calls for a vote on the original motion, whether amended or not.

### **Withdrawing a Motion**

The mover may request the withdrawal of his motion if the vote has not yet been taken. The presiding officer will ask if there is any objection to the withdrawal of the motion. If there is none, the motion is withdrawn automatically. If a member

voices an objection, the presiding officer may put the matter to an informal vote. A simple majority will permit withdrawal of the motion.

Motions should be withdrawn in the same order they would have been voted upon. That is, an amendment should be withdrawn before a main motion.

### **Motion to Table**

Sometimes council wants to lay a main motion aside temporarily without setting a time for resuming its consideration but with the provision that the motion can be taken up again whenever the majority so decides. A motion “to table” or “to lay on the table” accomplishes this.

It is not in order to table a motion for consideration at a specified time. In that case, a motion to postpone should be used.

A motion to table is stated as:

“I move to table the main motion.”

A tabling motion is not debatable and must be voted on at once.

### **Motion to Take From the Table**

A motion to take from the table brings a matter previously tabled forward for immediate discussion.

A motion to take from the table may be moved at the same meeting as the motion to table, if some other business has been transacted between the two motions. This motion is not debatable. If a considerable amount of time has passed since the matter was tabled, it is often helpful for the first speaker to review the previous debate before proceeding to make any new points.

A motion to take from the table cannot be moved when any other motion is before the assembly. The motion would read:

“That the motion concerning \_\_\_\_\_ be taken from the table.”

### **Motion to Postpone**

If a meeting prefers to consider a main motion later in the same meeting, or at a subsequent one, it can move to postpone a motion to a certain time, which is to be specified in the motion to postpone. Such a motion can be moved regardless of how much debate has taken place on the motion it proposes to postpone.

A motion may be postponed definitely to a specific time or until after council has dealt with some other item of business.

When the time to which a motion has been postponed has arrived, the presiding officer should present the postponed motion to the meeting for its immediate consideration. If another item of business is being discussed at that time, the presiding officer should present the postponed motion immediately after the other business has been concluded.

A motion to postpone may be used when, for example, council wants more information before making a decision.

A motion to postpone may take the following form:

“I move that we postpone consideration of this motion until the next regular meeting of council on (date).”

A motion to postpone may also move to postpone the matter indefinitely, as follows:

“I move to postpone this matter indefinitely.”

### **Motion to Refer**

When council wishes a committee to study a motion or make recommendations concerning it, a member of council may move that the motion be referred. A motion to refer may be stated as follows:

“I move that the motion be referred to the Public Works Committee for its recommendations.”

### **Motion to Reconsider**

A motion to reconsider enables the majority in a meeting, within a limited time and without notice, to bring back for further consideration a motion that has already been put to vote. The purpose of reconsideration is to permit a meeting to correct a hasty, ill-advised or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.

If a motion to reconsider is passed, the effect is to cancel the original vote on the motion and reopen the matter for debate as if the original vote had never occurred.

A motion to reconsider has the following unique characteristics:

1. It can be made only by a member who voted with the prevailing side -- that is, voted in favour, if the motion involved was adopted, or voted contrary if the motion was defeated.

2. The motion is subject to time limits. A motion to reconsider must be made at the same meeting or at the next meeting following the original vote.
3. The motion may interrupt a speaker, but the pending business must be disposed of before the motion to reconsider can be presented.

A typical motion would be:

“I move that this council reconsiders the motion on \_\_\_\_\_ (state the motion)”

If the reconsidered motion has been acted upon, it is not possible for council to reconsider that resolution. For example, if council has by resolution awarded a contract to a company and has already informed that company of the awarding of the contract.

The motion to reconsider is debatable only when the motion to which it applies was debatable.

### **Motion to Rescind**

A motion to rescind means a proposal to cancel or annul an earlier decision. The effect, if passed, is to cancel the earlier motion and makes it possible for a new motion to be placed before the meeting. When rescinding a motion, it should be noted that it is the *motion* that is rescinded and if any action has been taken due to the passing of the motion, that action cannot be rescinded.

A motion to rescind may read:

“I move to rescind the motion \_\_\_\_\_.”

Notice to rescind:

“I give notice that I shall move to rescind the motion concerning \_\_\_\_\_ at the next meeting of council.”

Such motions cannot interrupt another speaker, are debatable and are amendable. Negative votes on such motions can be reconsidered, but not affirmative ones.

### **Motions to Adjourn**

The purpose of the motion to adjourn is to close the meeting, or to terminate consideration of a question. This is one of the most common motions and one of the most privileged. It is important to ensure that the next meeting date is set before a motion to adjourn is made. In most municipalities, this should not be a concern as regular meeting dates are often set at the January meeting each year. The motion may not interrupt a speaker but is in order at any time. It is neither amendable nor debatable, and must be put to an immediate vote.

### **Question of Privilege**

If a situation is affecting the comfort, convenience, integrity, rights or privileges of a meeting or of an individual member (for example, noise, inadequate ventilation, or the introduction of a confidential subject in the presence of guests, etc), a member may “raise a point of privilege”. This permits an interruption in the pending business to make an urgent statement, request, or motion. The motion might also concern the reputation of a member, a group of members, or the assembly.

A member wishing to raise a question of privilege does not need to wait for recognition from the chair.

The following is an example of a typical exchange:

**Council member:** “Your Worship, I rise on a question of privilege.”

**Mayor:** “Please state your question.”

**Council member:** “I request that the public seated in the gallery be asked to stop talking aloud.”

A point of privilege may also be used to seek permission of the meeting to present a motion of an urgent nature.

### **Point of Order**

This motion permits a member to draw the chair’s attention to what he believes to be an error in procedure or a lack of decorum in debate. A member rising on a point of order does not need to wait for recognition from the chair.

The member will rise and say:

“I rise to a point of order;” or “Point of order.”

The chair should recognize the member, who then states the point of order:

“The motion just proposed is out of order because there is already a main motion before council.”

The chair then rules as to whether the point is well taken. Unless the presiding officer's ruling is challenged, the decision will stand.

A point of order can interrupt another speaker, does not require a seconder, is not debatable, is not amendable, and cannot be reconsidered.

### **Motion to Appeal the Decision of the Chair**

This is sometimes referred to as “challenging the chair.” Occasionally, a member will not agree with a decision the chair has made. Without waiting to be recognized, the member says, “Your Worship, I appeal the decision of the chair.”

If this motion is made, the chair should state the question, the issue, and, if so desired, the reasons for the decision.

After the chair has asked for debate on the subject, he/she will then call the question. For example:

“Those in favour of sustaining the chair, please signify.”

“Those opposed, please signify.”

The chair will then announce the outcome of the vote and must accept the decision of the meeting. If a majority of those present are opposed to the chair’s original decision, he/she must reverse it.

### **Conflict of Interest**

Conflict of interest generally occurs when a person in public life puts himself in a position where a personal interest conflicts with his public duty.

For municipal council members, the term “conflict of interest” is limited to *financial interest*.

### **Family Interests**

The financial interest provisions extend to a financial gain or loss that a member’s agent, partner, spouse, parent, or child could make from a decision of council. They also apply to a controlling interest that an agent or family member has in a corporation that could benefit financially from or be adversely affected by a decision of council.

**Sections 2 and 3 of *The Conflict of Interest Act, 1988* explain what constitutes financial interest.**

### **Procedures for Disclosure**

It is the duty of each council member to determine what does or does not constitute a case of financial interest in his/her own situation and circumstances. It is not the duty of the SAO or any other member of council to point out a possible situation of financial interest regarding another member of council.

If a matter comes before council that a member believes he/she has financial interest in, there are clear procedures to follow. The member is required to:

1. Disclose to the council that he/she has financial interest in the matter. It is necessary to state the exact nature of the interest.
2. Leave the meeting while the matter is under discussion.

3. Avoid discussing the matter or attempting to influence the decision made by any other council member on the matter before, during or after the meeting.

Where the financial interest is simply the payment of an account that the council has previously authorized, and the payment is not greater than the previously-approved amount, the member is still required to declare a financial interest. The member is not, however, required to leave the meeting while the matter is being discussed and voted upon.

These proceedings apply to all meetings of council including special or committee meetings. The SAO must record this action as well as record the member's return to the council chambers following a final vote on the item.

### **Loss of Quorum**

Any member of a council, who declares a financial interest in a matter, is not to be counted for the purpose of determining whether a quorum of the council is present when the question or matter is put to a vote. If the number of members of council declaring a financial interest on some matter results in a loss of quorum at a meeting, the remaining number of members is deemed to be a quorum for that question or matter, unless that number is less than two.

### **Recorded Vote**

Any member of council may call for a recorded vote. The mayor or SAO must call each member's name, including the mayor's noting whether the vote was in the affirmative or the negative. All of this information is recorded in the minutes.

The request for a recorded vote may be called prior to or immediately following the vote or the procedure for a recorded vote could be stated in a procedure by-law. The reasons for a recorded vote could be stated in a procedure by-law. The reason a recorded vote is most often requested *after* the results of the initial vote are declared is to prevent members from being intimidated by the fact that there is to be a recorded vote.

One rule regarding voting that should be kept in mind is that when a council member votes in a certain way, either in the affirmative or the contrary, that member cannot change his/her vote if a recorded vote is called. The member is allowed to vote only once on each question. Recorded votes may be taken on motions that are carried or defeated.

## **Preparation of Minutes**

### **Purpose**

Minutes are the official record of meeting proceedings. The SAO must keep a record of council meetings. They should be clear, accurate, and concise and include the following essential information. The minutes should resemble the agenda.

1. the name of the municipality;
2. the date, time and place of meeting;
3. the type of meeting - special or regular (or first);
4. the names of members present;
5. the names of members absent (absent with or without ca);
6. SAO's name (or acting SAO);
7. name of person presiding over the meeting;
8. call to order, time started
9. approval of agenda (if there is approval required)
10. the approval of the previous meeting's minutes;
11. the name of the mover of every motion, a number assigned to each motion, a statement of every motion, and an indication of whether the motion was carried or defeated;
12. the date of the next meeting (if not previously set);
13. the time of adjournment;
14. the signature of the SAO and presiding officer;
15. the original of any by-law adopted at the council meeting; and
16. any other document indicated in the minutes as "attached hereto, forming a part of these minutes."

Minutes are a meeting's memory. They are not kept just for short-term use; they form a permanent, historical record and should be written with the future in mind.

The Hamlets Act states the recording of minutes is one of the duties of the SAO. Minutes of the council are accepted in the court as evidence. They are vital documents respecting the affairs of the municipality since they record the council's decisions.

The SAO must attend all meetings of council and truly record in the minutes, without note or comment, all resolutions, decisions and other proceedings of council.

### **Recording Decisions**

All resolutions of council are recorded in the minutes and are intended to show what was transacted at a meeting. Individual opinions and general discussions are not recorded in the minutes.

All decisions of council must be decided by resolution or by by-law. There is no provision in the Hamlets Act to do otherwise. The Hamlets Act also states that all questions on a motion must be submitted to the council and all questions are to be decided by a majority of the votes. A procedure by-law may increase this requirement to more than a majority.

### **Recording Names**

The SAO must record the names of the members of the council present at the meeting. The reasons here are twofold. By recording the names of members present, it can be determined if a quorum was present and if business was conducted legally.

The other reason is for the calculation of remuneration for council members. Most of a council member's remuneration is tied to attendance at meetings; however the Council Indemnity by-law may limit the number of meetings which council members may receive remuneration. In other words, council members are paid for the meetings they attend. It is also recommended that the name of the SAO be recorded since the SAO must be in attendance at all council meetings.

### **Approval of the Minutes**

The SAO shall ensure that the minutes of each meeting are approved at the next regular council meeting and that the presiding officer signs the last page of the minutes of each meeting. A recommended procedure is to have the SAO and presiding officer initial each page of minutes.

### **Format of Minutes**

There are many different formats to use in the recording of minutes. The only requirements are that the format complies with legislation provisions and meets council's needs.

### **Checklist for Minutes**

1. Begin minutes at the top of a new page
2. Start with a heading
3. name of the municipality
4. type of meeting
5. date, time and place held
6. Record full names of members present or absent (indicating with or without cause), as well as others if desired (e.g., delegation)
7. Record the call to order (including time)
8. Adoption of agenda (if applicable)
9. Minutes are approved from previous meetings of council (at regular meeting only)
10. Business arising from the minutes
11. Delegations
12. Correspondence

13. Financial Statements
14. Payment of Accounts
15. Committee Reports
16. Staff Reports
17. Appointments
18. New Business
19. By-laws
20. Announcements
21. Adjournment (including time)

### **Form and Neatness**

Besides following a standard format, the minutes should also have style to enhance readability. The following pointers are recommended in the preparation of minutes:

1. Type minutes using marginal notes to identify subject matter;
2. Use capital letters in headings;
3. Number resolutions (a good way to do this is start at #1 in each new year - e.g., #1/00);
4. Use correct spelling and punctuation;
5. Write in clear and complete sentences;
6. Leave adequate spacing between resolutions; and
7. Capitalize the first word of each sentence.

### **Things to Avoid**

- Do not use only first names when recording the names of meeting participants. Remember, not only are the minutes a legal document, it is also a permanent record.
- Do not use white out or erasers.
- Do not add hand-written notes or comments in the margins.
- Always remember that original by-laws are a part of the minutes and should not have notes or comments written on them.

### **Correcting the Minutes**

If errors have been discovered before the minutes have been approved, the SAO may make necessary minor corrections to the minutes in ink, immediately upon discovering the error, by writing in the correction and, along with the presiding officer, initialling the change.

If a substantial change to the minutes is required, it may be made in an appendix to the minutes being corrected. A reference is made to the appended correction in the place where the correction would normally have been placed.

The resolution to approve the minutes where there are no errors or omissions is:

“Moved by Councillor \_\_\_\_\_ that the minutes of the Regular/Special meeting held on the \_\_\_\_\_ day of \_\_\_\_\_ 2000 be approved.”

If a correction to the minutes is necessary, the following resolution can be used:

“Moved by Councillor \_\_\_\_\_ that Resolution No. \_\_\_\_\_ of (date) be corrected by \_\_\_\_\_.”

If corrections are required to the minutes of a previous meeting, the corrections might read:

“Councillor \_\_\_\_\_ called attention to an error in omitting the name of Jim Brown from the list of Budget Committee Members.”

If the previous meeting’s minutes need correcting, a motion is put forward and must be voted on. For example:

“Moved by Councillor \_\_\_\_\_ that the minutes of the previous meeting be corrected as follows:”

The motion following the correction would be:

“Moved by Councillor \_\_\_\_\_ that the minutes of the previous meeting be approved as corrected.”

**Under no circumstances are the original minutes retyped after they have been presented to council.**

### **Retention and Storage of Minutes**

Council meeting minutes must be retained permanently by the municipality in the original form.

## **Committees**

### **Appointment of Committees of Council**

*The Hamlets Act, 2003* allows for the appointment of committees of council by resolution. Council appoints committees which report directly to council. Any resolution or by-law recommended by a committee may be passed at either a regular or special council meeting.

### **Committee Meetings**

Committee meetings are usually quite informal. The discussion method is used and members speak as often as they please, provided they do not deprive other members of opportunities to present their views. The presiding officer may take an active part in the discussion and may put questions to a vote on his or her own initiative after an informal discussion.

The Mayor is an *ex officio* member of all committees of council. The procedure for conducting committee meetings may be set out in a procedure by-law.

# Procedure By-laws

## Purpose

A procedure by-law, as its name suggests, sets out the procedure by which a council wishes to conduct its business. By deciding in advance how certain matters are to be dealt with, council can avoid wasting time arguing about how a meeting should be conducted.

Councils that have enacted procedure by-laws generally find they make more efficient use of their meeting time. Meetings are more orderly and easier to follow, benefiting not only the council members and staff, but also members of the public.

Procedure by-laws set the rules by which council business will be conducted. A procedure by-law, however, cannot establish rules or procedures that are contrary to the provisions of the Hamlets Act.

## Contents

A procedure by-law can be made as detailed or as simple as council wishes. A simple procedure by-law should cover basic items such as notice of meetings, order of business, and conduct of members. A more detailed procedure by-law would cover most procedural questions and issues that might arise in council or committee meetings.

The contents listed below are intended as a guide and may be adjusted to suit the size and past practices of the municipality:

1. Definitions
2. Application
3. Regular Council Meetings
4. Special Council Meetings
5. Emergency Meetings
6. Private Sessions (In-camera)
7. Calling the Meeting to Order and Quorum
8. Postponement of Meetings
9. Agenda
10. Minutes
11. Petitions and Communications
12. Delegations
13. By-laws
14. Conduct of Members
15. Rules of Debate
16. Voting on Motions
17. Committees and Committee Meetings

**Maintaining Effectiveness**

Even the most well prepared procedure by-law will need to be “fine-tuned” from time to time to keep it current. Reviewing and updating the procedure by-law by the council will not only keep the by-law useful, but will also make council members aware of the contents of the by-law.

**Assistance in Preparation**

As drafting a procedure by-law is a complex undertaking, you may wish to contact the municipality's solicitor for advice.

## Appendix A – Oath of Office Example

### DECLARATION OF ELECTED OFFICIAL

I \_\_\_\_\_, having been elected to the office of \_\_\_\_\_  
in the Municipality of \_\_\_\_\_.

DO SOLEMNLY PROMISE AND (SWEAR OR AFFIRM):

That I will duly, faithfully and to the best of my skill and knowledge execute the  
powers and trust reposed in me as a       (NAME OF OFFICE)      

DECLARED before me at,  
in the Territory of Nunavut,  
this \_\_\_\_\_ day \_\_\_\_\_ of \_\_\_\_\_ A.D.

\_\_\_\_\_  
A Commissioner etc.  
(or as the case may be)

\_\_\_\_\_  
(Signature of Declarant)

# Appendix B – Waiver of Notice Form - SAMPLE

Date: \_\_\_\_\_

## MUNICIPALITY OF ICEPIK

### WAIVER OF NOTICE OF A SPECIAL MEETING OF COUNCIL CALLED UNDER AUTHORITY OF SUB-SECTION 26(1) OF *THE HAMLETS ACT, 2003*.

We, the undersigned members of the council of the Municipality of Icepik hereby waive notice of a special meeting of council to be held in the council chambers of the Municipality of Icepik on \_\_\_\_\_(date), commencing at (time) \_\_\_\_\_ a.m./p.m. for the purpose of discussing and acting upon the following items:

1. Item 1
2. Item 2
3. Item 3 etc.

SIGNED:

Mayor

Name: \_\_\_\_\_ Date: \_\_\_\_\_

or,

Council Members

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Date: \_\_\_\_\_

***The Waiver of Notice should be kept as part of the minutes as evidence that the meeting was properly called.***

# Appendix C – SAMPLE AGENDA

## AGENDA FOR THE MUNICIPALITY OF ICEPIK

First Meeting of Council Wednesday, November 5, 2000 at 7:00 p.m. to be held in the Municipality of Icepik Council Chambers at Icepik, Nunavut.

- 1. Oaths of Office:**
- 2. Call to Order:**
- 3. Declaration of Conflict of Interest**
- 4. Agenda:**
- 5. Minutes:**
  - Approval of regular meeting minutes \_\_\_\_\_(date)  
(attached)
  - Approval of special meeting minutes \_\_\_\_\_(date)  
(attached)
- 6. Business Arising from the Minutes:**
  - Rescind motion No. 95/00
- 7. Delegations:**
  - Icepik Lions Club
- 8. Correspondence:**
  - Any correspondence listed here (should be separated in to informative & action required
- 9. Financial Reports:**
  - The monthly financial statements
- 10. Accounts Payable:**
  - List of accounts payable (include vendor name, amount and cheque #s
- 11. Committee Reports:**
  - Recreation committee
  - Personnel committee etc.
- 12. Staff Reports:**
  - SAO report
  - Forman report etc.
- 13. Appointments:**
  - Appointment of Deputy Mayor
  - Appointment of committee member
- 14. New Business:**
  - Any new business from the delegates or correspondence
- 15. By-laws:**
  - Any by-laws to be read
- 16. Announcements:**
  - Any announcement that any member wants to make
- 17. Adjournment:**
  - Date & time of next meeting and & time of adjournment

## **Appendix D – SAMPLE MEETING MINUTES**

**Minutes of the First Meeting of the Council of the Municipality of Icepik held the 4th day of January, 2000 in the Municipality of Icepik Council Chambers**

**Present:**

Mayor            Shawn Maley, Presiding Officer

Councillors    Darren Flynn,  
                      Karen Collier,  
                      Margaret Taylor,  
                      Jamesie Alariaq,  
                      Tim Hinds,  
                      Brian Mackay,  
                      John Dow,  
                      John Smith and

SAO              Bill Buckle

Delegates:     Martha Stewart, Commissioner of Oaths  
                      Tim Smith & Bill Frisby, Lions Club

**Oaths of Office:**

Mayor Shawn Maley, Councillors Darren Flynn, Karen Collier, Margaret Taylor, Jamesie Alariaq, Tim Hinds, Brian Mackay, John Dow and John Smith subscribed to their Declaration of Elected Official as required by section 16 of *The Hamlets Act, 2003*.

**Call to Order:**

A quorum being present, Mayor Maley called the meeting to order at 7:15 p.m.

**Declaration of Conflict of Interest**

Councillor Dow declared a conflict on rescind motion 95/00

**Agenda:**

Motion # 120/00

**Flynn/Taylor**

Carried.

That the agenda be accepted as presented.

**Minutes:**

Motion #: 121/00

**Collier/Alariaq** That the minutes of the regular meeting of council held on December 1, 1999 be approved as presented.

Carried.

**Delegations:**

Tim Smith and Bill Frisby representing Icepik Lions Club presented a verbal and written proposal regarding the municipal cemetery to council.

Motion # 122/00

**Hinds/Smith** That the report given by the representatives of the Green

Grass Lions Club be referred to the Cemetery Committee for further consideration, and further, that the cemetery committee report its recommendations to council at the next regular meeting of council.

Carried.

**Business Arising from the Minutes:**

***Rescind Motion No. 95/00***

Council Member Dow declared a financial interest in the next item of business and left the council chambers. (7:45 p.m.)

Motion #: 123/00

**Taylor/Hinds** That motion No. 95/00 concerning the appointment of Jane Dow to the Recreation be rescinded.

Carried.

Council Member Dow returned to the council chambers (8:00 p.m.)

**Correspondence:**

Motion #: 124/00

**Smith/Flynn** That the following correspondence, having been read, be filed:

NAM re: District Meeting;  
Advisor's report;  
CGS re: Annual funding levels  
Department of Health re: Disposal Site; and  
ABC Construction re: Renovations to Municipal office

Carried.

**Financial Reports:**

Motion #: 125/00

**Alariaq/Mackey** That the bank reconciliation and the unaudited financial statements for the month of November 1999 be accepted as presented.

Carried.

**Accounts Payable:**

Motion #: 126/00

**Taylor/Dow** That the following list of accounts be approved for payment:

<u>Cheque No.</u>	<u>Payee Description</u>	<u>Amount</u>
4640	Nunavut Power Corp.	1,563.00
4641	Co-op (gas bill)	1,653.00
4642	Auditors	2,463.00
4643	Nunavut Truck Parts	563.22
4644	Peter Skinner DRO	150.00
4645	Wilma Calder Poll Clerk	125.00
	Total	6,517.22

Carried.

**Committee Reports:**

Municipal Works: Council Member Smith gave a verbal report.

Motion #: 127/00

**Collier/Hinds** That SAO Buckle instruct the Municipal Foreman to have all public roads clear as soon as possible.

Carried.

Protective Services Committee: Council Member Hinds gave a verbal report.

Motion #: 128/00

**Taylor/Flynn** That Mayor Maley attend the November 15, 2000 Annual Nunavut Emergency Measures meeting held in Iqaluit.

Carried.

**Staff Reports:**

SAO Buckle presented a written report to Council.

Motion #: 129/00

**Flynn/Smith** That SAO Buckle's report be received as information and filed.

Carried.

**Appointments:**

Motion #: 130/00

**Flynn/Taylor** That Councillor Alariaq be appointed deputy mayor for the Municipality of Icepik.

Council Member Flynn requested a recorded vote.

**For:** Flynn, Taylor, Collier, Smith, Alariaq.

**Against:** Hinds, Mackey, Dow

Mayor Maley declared the motion Carried.

Motion #: 131/00

**Taylor/Collier**

That the following persons be appointed to the respective committees:

Flynn	Finance Committee	2000-2001
Alariaq	Recreation Committee	2000-2001
Taylor	Personnel Committee	2000-2001.
Hinds	Protective Services Committee	2000-2001
Collier	Cemetery Committee	2000-2001

Carried.

**New Business:**

***Recreation Program Director***

Motion #: 132/00

**Taylor/Flynn**

That Rosie O'Grady be hired for the position of Recreation Program Director as of February 1, 2000 at pay level 2 step, 1 as per the Municipal Employment Bylaw and Collective Agreement.

Carried.

***Culvert Problems - 1st Avenue***

Motion #: 134/00

**Alariaq/Mackay**

That Johnson Engineering firm be requested to attend the next regular meeting of council to discuss solutions to the heaving problems on 1st Avenue between 1st and 5th Street.

Carried.

**By-laws:**

***Licensing and Regulating Dogs***

Motion #: 135/00

**Mackay/Smith**

That by-law No. 14/2000 being a by-law to license and regulate dogs be introduced and read a first time.

Carried.

Motion #: 136/00

**Alariaq/Taylor**

That by-law No. 14/2000 be given second reading.

Carried.

Motion #: 137/00

**Dow/Flynn**

That by-law No. 14/2000 be given three readings at this meeting.

Carried Unanimously.

Motion #: 138/00

**Hinds/Collier**

That by-law No. 14/2000 being a by-law to license and regulate dogs be read a third time and adopted.

Carried.

**Announcements:**

**January Regular Meeting**

Motion #:139/00

**Collier/Smith**

That the next regular meeting of council be held on Wednesday, January 14, 2000 at 7:00 p.m. in the Municipality of Icepik council chambers.

Carried.

**Adjournment:**

Motion #: 140/00

**Flynn/Alariaq**

That this meeting adjourn. (9:45 p.m.)

Carried.

\_\_\_\_\_  
Presiding Officer Signature

\_\_\_\_\_  
SAO Signature

# Appendix E – SAMPLE MOTION FORM

## MOTION FORM

\_\_\_\_\_ Of \_\_\_\_\_  
Date \_\_\_\_\_  
Motion No.: \_\_\_\_\_  
Moved by: \_\_\_\_\_  
Seconded by: \_\_\_\_\_  
That: \_\_\_\_\_  
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\_\_\_\_\_  
Mover's signature

\_\_\_\_\_  
Seconder's Signature

### Financial Interest *(if applicable)*

Declared by: \_\_\_\_\_  
Declared by: \_\_\_\_\_  
Declared by: \_\_\_\_\_

### Recorded Vote Requested: Yes No

**For:**

**Against:**

**Abstained:**

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**Carried / Defeated**

## Appendix F – MOTIONS AT A GLANCE - SAMPLE

### MOTIONS AT A GLANCE

#### Motions to Amend

- "I move to amend the motion by inserting between \_\_\_\_\_ and \_\_\_\_\_  
\_\_\_\_\_."
- "I move to amend the motion by adding \_\_\_\_\_ after \_\_\_\_\_."
- "I move to amend the motion by substituting \_\_\_\_\_ instead of \_\_\_\_\_  
\_\_\_\_\_."
- "I move to amend the motion by striking out \_\_\_\_\_ and inserting \_\_\_\_\_  
\_\_\_\_\_."

#### Motion to Postpone

- "I move that we postpone consideration of this motion until the next regular meeting of council on \_\_\_\_\_(date)."
- "I move to postpone this motion indefinitely."

#### Motion to Reconsider

- "I move that this council reconsider the motion on (state the motion)."

#### Motion to Refer

- "I move that the motion be referred to the Public Works Committee for its recommendations."

#### Motion to Rescind

- "I move to rescind the motion ."

#### Notice to Rescind

- "I give notice that I shall move to rescind resolution # at the next regular meeting of council to be held on \_\_\_\_\_(date)."

#### Motion to Table

- "I move to table the main motion."

#### Motion to Take from the Table

- "I move that the motion be taken from the table."