

NUNAVUT COUNCILLORS HANDBOOK



CONGRATULATIONS!

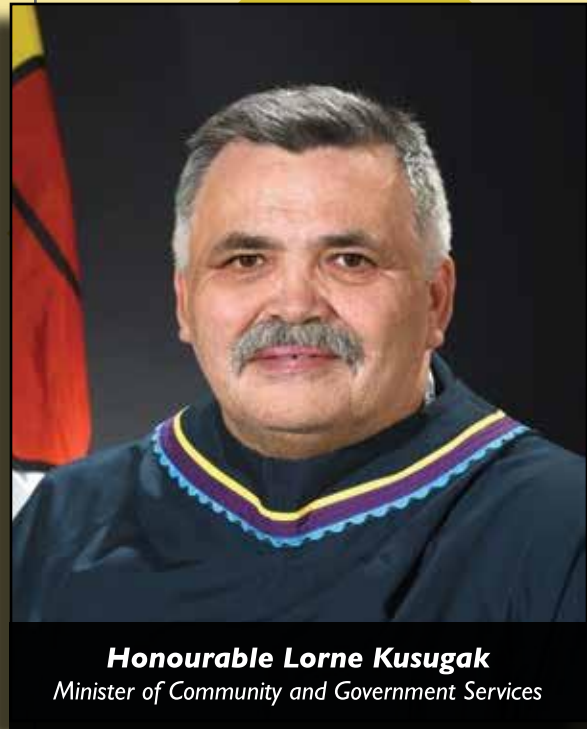
It is my great pleasure to congratulate you on your election to municipal council. Nunavummiut rely upon municipal councils to make the decisions that will ensure our communities are healthy, self-reliant places to live and to work.

As a former Mayor, I know the work of an elected official can be both challenging and rewarding. So, it's important to remember that you are not alone. You have friends and neighbours who voted for you because they believe you have what it takes to help lead your community. You are also a member of a team made up of your fellow councillors. You will find that they are a valuable source of knowledge, support and inspiration.

This document, the *Nunavut Councillors Handbook*, will also help you on your way. It contains information and guidance on how to perform the duties and responsibilities that you have undertaken as a Mayor or councillor. Together with courses made available by the *Nunavut Municipal Training Organization* (NMTO) in cooperation with the *Nunavut Department of Community and Government Services* (CGS) and the *Nunavut Association of Municipalities* (NAM), the Handbook is a resource that you can refer to for advice and best practices whenever you need to.

Again, congratulations on becoming a councillor and best wishes for a successful term in office.

Honourable Lorne Kusugak
Minister of Community and Government Services



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WHAT DOES THIS HANDBOOK COVER?

The *Nunavut Councillors Handbook* covers seven topics of special interest to new mayors and councillors. It doesn't cover everything that you will eventually need to know, but it provides the essentials. In the months and years ahead, other reference and training resources will be made available that will enable you to build on these foundations.

SECTION 1

INTRODUCTION explains the basis for municipal government, its relationship to other levels of government, and its guiding legislation.

SECTION 2

POWERS AND DUTIES OF COUNCIL explains the mandatory and discretionary duties of municipal councils, highlights the special duties of the Mayor, councillors, and Senior Administrative Officer (SAO), describes how executive and administrative functions differ, and distinguishes between by-laws and resolutions.

SECTION 3

ETHICS AND CONFLICTS OF INTEREST underlines the importance of ethical behaviour in carrying out your council duties and explains the concept of conflict of interest, procedures for disclosure, and penalties for violation of conflict of interest rules.

SECTION 4

COUNCIL MEETINGS AND COMMITTEES OF COUNCIL describes each type of council meeting and when it is used, explains what Committees of Council is and the roles they fulfill, and introduces the topic of Parliamentary Procedures.

SECTION 5

GOOD COMMUNICATION PRACTICES focuses on how to communicate effectively within council and in reaching out to the community. Sub-topics of special interest include dealing with news media, and handling complaints.

SECTION 6

FINANCIAL MANAGEMENT provides an overview of council's budget calendar and process, control requirements, borrowing funds, preparing and auditing financial statements, and dealing with deficits.

SECTION 7

MAIN CONTACTS provides contact information for Community and Government Services (CGS) offices across Nunavut, which are an excellent source of advice by community development staff, reference materials, and workshops for local officials.

The Table of Contents on the next page provides additional guidance.

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INTRODUCTION

This handbook has been prepared to help you understand and carry out your duties and responsibilities as a hamlet councillor. It is intended as a quick, convenient source of information. However, it is important to remember that *The Hamlets Act, 2003*, and other *Acts* provide specific authority for hamlets to perform their functions. The *Acts* should be consulted directly for authoritative guidance on when dealing with specific hamlet issues.

This publication is based on territorial legislation, general local government reference works, other municipal manuals, and supporting documents prepared by the Department of Community and Government Services.

First Steps for New Councillors

Your first step as a new councillor is likely to be your swearing in ceremony.

According to the *Act to Provide for Elections for Municipal Councils and District Education Authorities*:

14. (1) Subject to this Act, all council members hold office for four years.

Dates for term of office

(2) The term of office of a council member

- commences at 12 noon on the day after election day or when the member is sworn in, whichever is later; and
- ends at 12 noon on the day after the next election day.

As early as possible, it is also advisable to review details about your town and council operations. For instance, you will find it helpful to become familiar with:

- Expectations of you as a councillor
- The Rules of Procedure for council meetings
- Minutes of the last three to six months of council meetings to get an idea of the kinds of issues addressed by council
- A copy of the current year budget
- A copy of the Municipal Plan (if your Hamlet has one)
- A copy of the Hamlet's staff organizational structure

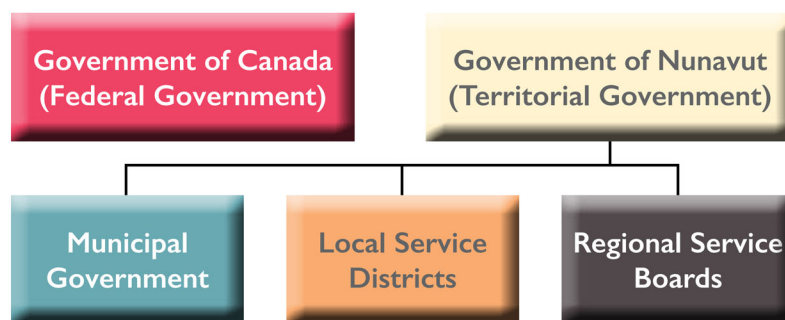
NOTE: The words “municipality” and “hamlet” are used interchangeably in this document, although “hamlet” is the more commonly used term in most communities.

Information of this kind – and much more besides – will be available from your Senior Administrative Officer / Chief Administrative Officer (SAO/CAO).

The Basis for Municipal Government

Canada's system of government has three levels - federal, provincial and municipal. The federal and provincial levels have their powers set out in the Constitution; however, under the British North America Act of 1867, renamed the Constitution Act, 1982, the powers and duties of municipalities are not specified. Rather, municipal government is a product of the province or territory. In the Nunavut region, legislation was first passed in 1979 that specified the powers of municipalities, villages, towns and cities.

Local Government as an Order of Government in Canada



Community Involvement in Governance

Municipal governments have responsibility over matters of direct interest and concern to local communities. It is at this level of government that Nunavut residents can most easily contact their elected representatives and take part in governing their communities by talking with their Mayor and councillors, attending meetings, and explaining their needs.

Work-Life Balance

As a councillor, you are expected to spend a lot of time in meetings, reading reports and letters, attending community functions, and dealing with many other demands on your time. This can take a toll on your personal and family life unless you make a conscious effort to balance the demands on your time by, for instance, scheduling your time, sticking to priorities, seeking help from hamlet staff and your fellow councillors – and making time for yourself and your family.



The present legislation which sets out the system of municipal government includes the *Cities Towns and Villages Act*, the *Hamlets Act*, and the *Nunavut Elections Act*. There are currently 24 hamlets and one city in Nunavut.

While the key powers and duties of Nunavut municipalities are provided for in the *Hamlets Act*, many other Acts affect municipal government. Some of the more frequently used ones include, but are not limited to: the *Planning Act*, the *Dog Act*, and the *Motor Vehicles Act*. The Government of Nunavut's Justice Department provides access to all Nunavut statutes and regulations on its website at <https://www.nunavutlegislation.ca/>.

Guiding Legislation

Nunavut legislation governing community affairs includes (but is not limited to):

- *Nunavut Cities Towns and Villages Act*
- *The Hamlets Act*
- *The Planning and Project Assessment Act*
- *Nunavut Financial Administration Act*
- *Nunavut Access to Information and Privacy Protection Act*
- *NWT & Nunavut Occupational Health and Safety Act and Regulations*
- *Nunavut Official Languages Act*
- *Nunavut Elections Act*
- *Nunavut Emergency Measures Act*
- *Nunavut Planning and Project Assessment Act*
- *The Dog Act*



POWERS AND DUTIES OF COUNCIL

The elected council is the governing body of the municipal corporation and the custodian of its powers, both legislative and administrative.

Council consists of a Mayor and eight councillors who are directly elected by the Hamlet's voters.

Beginning with the October 28, 2019, election, municipal councillors' terms are four years in length, with elections for all positions held at the end of the term. In election years, the vote takes place on the fourth Monday in October. As of 2019, the term of the Mayor in a hamlet is also four years. Councils are responsible for promoting the peace, order and good government of the hamlet. To achieve this, councils are provided specific and defined powers in the *Hamlets Act* and other statutes. If specific authority is not found in the *Hamlets Act* or other Acts, it is likely that the hamlet does not have the authority to take such an action. Some specific powers and duties of council relate to roads, budgeting, animal control, building standards, water & sewage services, recreation, employment – and much more.

What the Hamlets Act Says

Purposes of municipal governments

01. The purposes of municipal governments are
 - (a) to provide good government;
 - (b) to provide services, facilities or other things that, in the opinion of a council, are necessary or desirable for all or part of a municipality; and
 - (c) to develop safe and viable municipalities.

Discretionary Powers of Council

Certain powers of a council are discretionary, that is, it is up to the council to decide whether or not to carry out that particular function.

For instance, creating a committee to consider the feasibility of building a new sports facility is one of council's discretionary powers. Council is not compelled to create such a committee.

Mandatory Duties of Council

Certain duties are mandatory under the *Hamlets Act*, and municipal councils have no choice but to carry them out.

Some mandatory council duties include appointing a Senior Administrative Officer/ Chief Administrative Officer (SAO/CAO) as per the *Hamlets Act*, Section 43 and setting an annual budget as per the *Hamlets Act*, Section 136.

Duties of the Mayor

The Mayor, as the senior executive officer of the hamlet, has certain duties and additional powers outlined in the *Hamlets Act, 2003*.

Using the official language of the *Hamlets Act*, the Mayor shall:

- Maintain order and decorum at all meetings of the council and shall decide all questions of order subject to appeal to the council as a whole.
- Provide leadership and direction to the council.
- Be active in ensuring that all laws governing the municipality and territory are abided by.
- Cause all cases of negligence, carelessness, and violation of duty by employees or members of council to be duly prosecuted.
- Keep council informed of and recommend any measures which would tend to the improvement of the finances and welfare of the municipality.

- Countersign the cheques for all payments made on behalf of the municipality (if this duty has not been assigned to a councillor designated by council).
- Place before council any audit report outlining any negligence, irregularity or discrepancy found in the books or accounts of the municipality.
- Provide direction to the officers of the municipal corporation.

The Need for Caution

Although the Mayor is granted certain powers and duties, he or she must exercise caution and ensure that proper authority is granted by statute before carrying out any actions.

Collective Power

While the Mayor has certain duties and powers over and above those of an individual councillor, it should be kept in mind that the Mayor is only one member of council. A single council member does not have the power to bind the hamlet in any way or direct its employees or its affairs. The elected officials' power is collective, not individual.

Duties of Councillors

To do their job well, councillors need dedication to the community and a vision for its future. Councillors' power and influence rests on their ability to voice concerns and persuade other members to accept their point of view. Free exchange of ideas makes for good decisions.

A councillor needs to pay attention to several key elements of good local governance:

- Placing the community's interests ahead of one's own
- Taking pride in the reputation of the municipal corporation
- Behaving ethically and fairly
- Being aware of the legal limitations of local government
- Placing importance on current and relevant policy making
- Respecting hamlet staff and the administrative role of staff
- Upholding By-laws administration and enforcement
- Administering territorial and federal laws affecting local government

Ideally, councillors should not be both policy makers and administrators. When councillors get involved in daily operations they tend to abandon their policy-making role, leaving the hamlet out of control and without planning for the future. The council will often find itself caught up in crisis after crisis, unprepared to cope effectively if they get involved with daily operation.

Councillors are elected to govern in the interest of the entire community and not to further

their own personal interests. They should want to be remembered for what they contribute to the community, not for what they took out of it.

Maintaining Eligibility

Every council member is responsible for maintaining his or her eligibility (*Hamlets Act*, Section 17). At any time after his or her election or appointment where the councillor is no longer eligible to be a candidate, the councillor shall vacate his or her seat as Mayor or councillor as the case may be.

If a councillor does not resign immediately where he or she is no longer eligible to stand as a candidate, the council may apply to the Nunavut Court of Justice for an order to determine whether the person is qualified to remain as a council member or declare the person to be disqualified as a member of council. An elector who has reason to believe that a councillor is ineligible may apply to the Nunavut Court of Justice for an order declaring the councillor to be disqualified if the elector pays \$500 to the court and files an affidavit.

After hearing an application under the *Hamlets Act*, Section 17, the judge may: declare the person to be disqualified and his or her seat on council to be vacant; declare the person qualified to remain a council member; or dismiss the application with or without costs.

Duties of the SAO (CAO)

The Senior Administrative Officer (SAO) – sometimes referred to as the Chief Administrative Officer (CAO) – is an employee of the council and must be appointed by by-law as per the *Hamlets Act*, Section 43.

Subject to the direction of the Mayor, the SAO's mandatory duties as outlined in the *Hamlets Act*, Section 47, are to:

- Supervise and direct the affairs of the municipal corporation, its other officers and its other employees
- Implement the policies of the council
- Provide advice to the council
- Inspect and report on all municipal work as required by the council
- Ensure that estimates of revenue and expenditures are prepared in accordance with the *Hamlets Act*
- Ensure that all contracts of the municipal corporation are prepared and executed as required by the council
- Perform other duties that the council may require

The SAO has other duties outlined in the *Hamlets Act*. However, the council may appoint other officers by by-law as per section 44 to perform these statutory duties assigned to the SAO. These duties are:

- Have custody of the municipal seal and cause it to be affixed to documents where required
- Attend all meetings of the council and record accurately all its resolutions, decisions and proceedings
- Prepare and have custody of the minutes and other records of the council and its committees
- Have custody of all the original by-laws of the municipality
- Provide copies of the by-laws and minutes and other public documents in accordance with the *Hamlets Act*

- Ensure the safekeeping of all funds and securities of the municipal corporation
- Collect and receive all moneys belonging to or owing to the municipality
- Ensure that all disbursements of funds of the municipality comply with the *Hamlets Act* and any relevant by-laws
- Ensure that complete and accurate accounts are kept of all moneys received and disbursed on behalf of the municipality
- Ensure that complete and accurate accounts are kept of all assets and liabilities of the municipality and all transactions affecting the financial position.
- Ensure that the financial statements are prepared in accordance with the *Hamlets Act* and produced anytime the council may direct.
- Provide financial information respecting the municipal corporation that the Minister may require.

The Distinction between Executive and Administration

An effective working relationship between a council and its SAO is a good foundation upon which a hamlet can conduct its affairs. Interaction between the council and the SAO has to be close and regular. The key role of council members is to provide leadership and set policies. The SAO is a policy advisor and ensures council's policies are carried out.

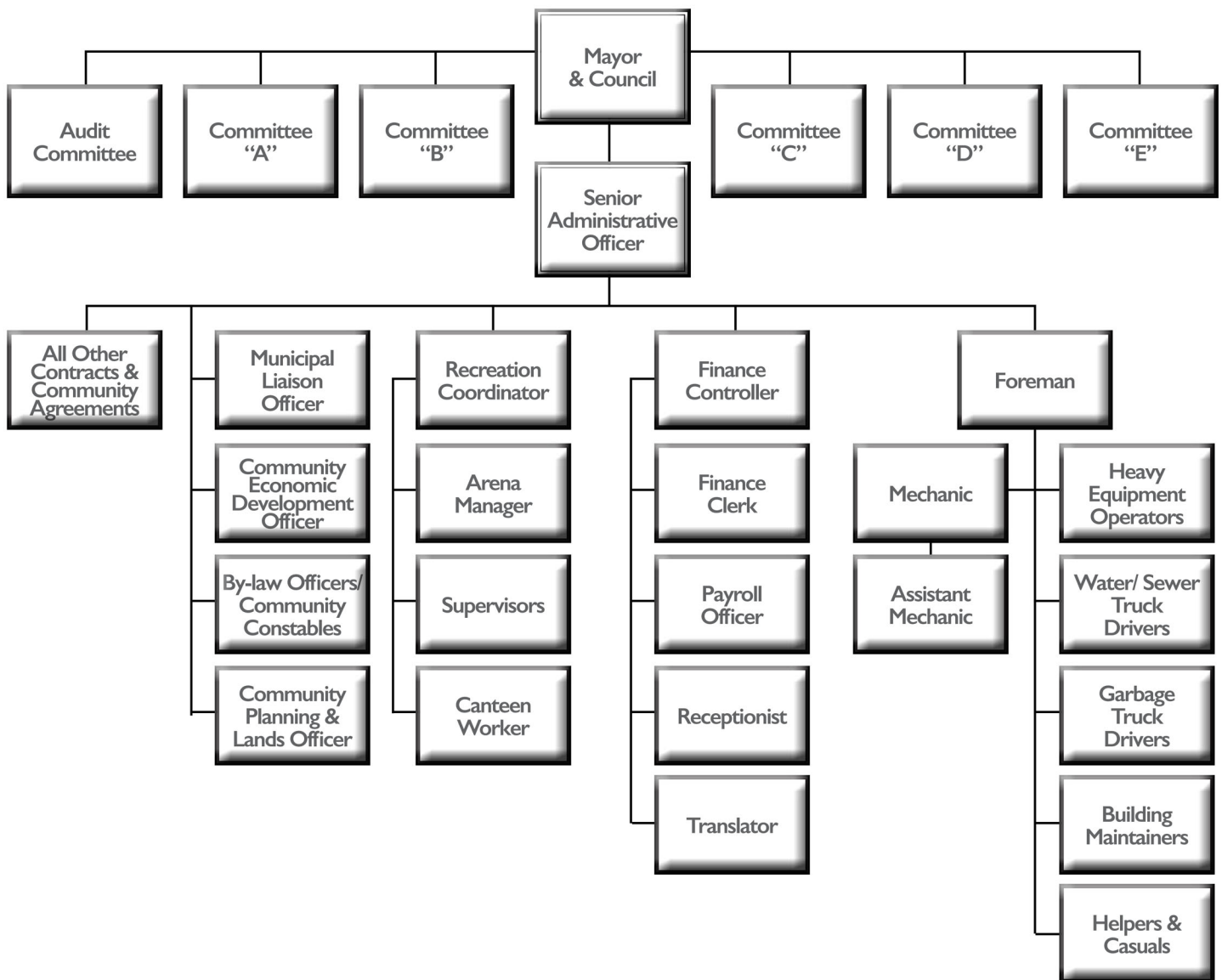
Staff should keep the council informed on current and impending issues. Each issue should be thoroughly researched so that council can be given a reasonable range of alternatives for consideration. Hamlet administrative staff members have the experience and knowledge needed by council members in order for them to do their jobs more efficiently.

In reality, the division between policy and administration is not always clear-cut.

Inevitably, there will be areas of overlap between policy-making and administration. However, if each party is aware of the other's role and the roles are complementary, it will foster mutual respect and provide a sound basis for governing the hamlet and administering its affairs.

The sample organizational chart for hamlets in Nunavut provided below shows the line between the executive body

Sample Organizational Chart



(the Mayor and councillors) and the administrative body (staff). Council should only give direction to the SAO by making policies in the form of resolutions and by-laws in a duly constituted meeting of Council. It is then the duty of the SAO to administer or implement the policies.

By-Laws and Resolutions

The council is responsible for providing services that the residents need and want. This responsibility involves providing input regarding the hamlet’s programs and services (policy-making) and making sure that the administration provides programs and services in the best possible way.

Laws that municipalities are permitted to pass are called by-laws, meaning “municipal laws.”

Municipalities may take only such action as is authorized by the territorial Legislature through territorial Acts. If there is no statutory authorization, a municipality may not legally pass a by-law to take such action. A by-law passed without authorization is considered *ultra vires* (beyond the power of the municipality) and, if challenged, it may be struck down by the courts.

Councils should, therefore, ensure that by-laws are consistent with all territorial Acts.

By-law or Resolution?

A resolution is primarily used for day-to-day business and generally expresses the will of the council on a certain occasion that is not likely

Working Effectively with your Administration

Best Practice	Reason
Know what administrative staff are responsible for.	Council should understand what staff do, their responsibilities, and the limits of their authority.
Don’t interfere.	Council ensures senior staff performs their duties but an individual councillor must not interfere with staff responsibilities or routine administrative matters.
Listen to and work with staff.	Councillors are advised by staff who usually have detailed understanding of hamlet policies and operations. Council is responsible for making policy decisions while staff supports the decision-making process and administers policy.

to recur. In most instances, resolutions are used unless the legislation specifies the use of a by-law.

Often, the legislation that grants the municipality specific authority will state whether a power is to be exercised by by-law. However, if the use of a by-law or resolution is optional, the general rule of thumb is to use a by-law for ongoing matters that have general application or involve a penalty (e.g., licensing).

Action taken by the hamlet without a decision of council expressed in a resolution or by-law could be open to legal challenge.

Passing a By-law

The power of a municipal council to make by-laws is subject to all Acts and regulations of Nunavut and Canada unless an Act or regulation expressly states otherwise. Where a by-law is inconsistent with an Act or regulation, the by-law is of no effect to the extent of the inconsistency.

Every by-law must have three distinct and separate readings to be adopted. No council shall give more than two readings to a by-law at any one meeting of council unless all council members are present at the meeting and, before the third reading, they all agree, by resolution, to give the by-law third reading at the same meeting.

For a by-law to be adopted, it must be in writing, read three times at valid meetings of council, under the seal of the municipality, signed by the Mayor or presiding officer of the meeting, and signed by the SAO.

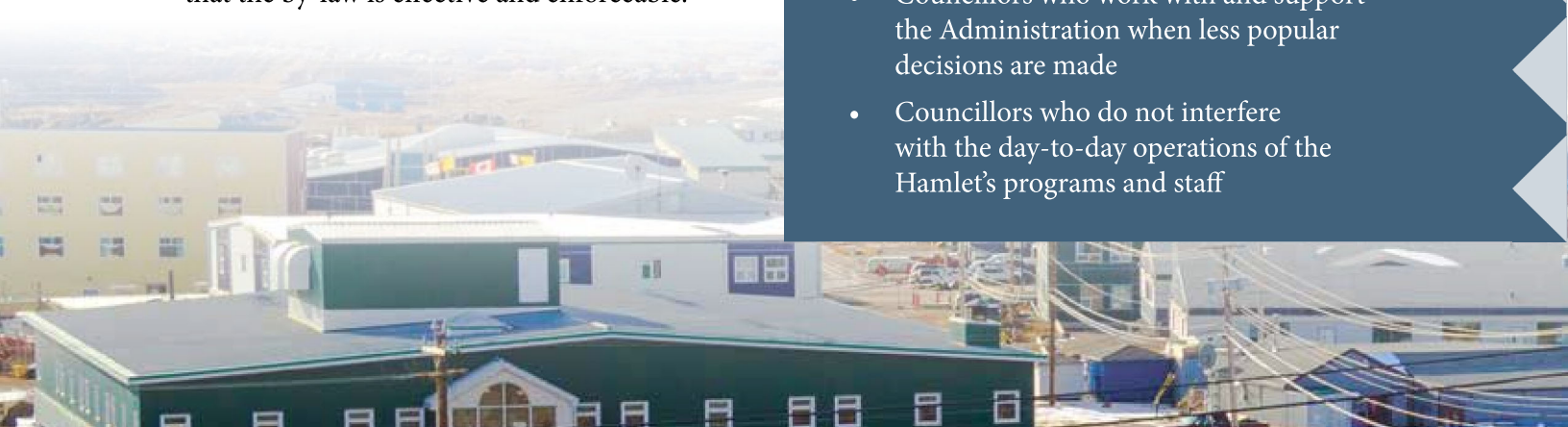
There are some by-laws that must be approved by the Minister before they can become effective. When passing by-laws it is important that enabling legislation is reviewed to ensure that the by-law is effective and enforceable.

What should Councillors expect of the SAO and Administration?

- Council meeting agendas in advance
- Easily understood monthly financial statements
- Well researched and easily understood reports
- Prompt and polite treatment of the public
- Timely reporting of problems, complete with analysis and recommendations for action

What should the SAO and Administration expect of Councillors?

- Councillors who know their roles, understand Council operations and are familiar with community programs, services and operations
- Councillors who come to meetings well prepared and willing to review all options and recommendations with an open mind
- Councillors who ask questions and suggest changes to improve recommendations
- Councillors who work with and support the Administration when less popular decisions are made
- Councillors who do not interfere with the day-to-day operations of the Hamlet's programs and staff



Key Terms	
By-laws	Laws that hamlets are permitted to pass, as authorized by the territorial Legislature through territorial Acts.
Collective power	A single council member, including the Mayor, does not have the power to bind the hamlet in any way or direct its employees or its affairs. The elected officials' power is collective, not individual.
Conflict of Interest	A situation that occurs when a councillor gets into a situation where a personal interest conflicts with their public duty.
Deputy Mayor	A councillor who is appointed by council to act in place of the Mayor when the Mayor is absent or unable to perform the duties of the office.
Discretionary duties	It is up to council to decide whether or not to carry out that particular function.
Ex officio member	A member of a committee, board, or other body who is part of it by virtue of holding another office. For example, a Mayor is automatically a member of council committees "by virtue of office."
Mandatory duties	Municipal councils have no choice but to perform these duties.
Minutes	The detailed notes that serve as an official written record of a meeting.
Motion	A formal proposal by a councillor that council take certain action.
Resolution	A means of conducting the day-to-day business of a council that expresses the will of the council on a certain occasion that is not likely to recur.
SAO / CAO	Senior Administrative Officer / Chief Administrative Officer. Both of these terms refer to a hamlet's top administrative official.
Ultra vires	A term meaning "beyond the power of".



ETHICS AND CONFLICTS OF INTEREST

Code of Ethics

Community residents look to politicians not only for fair treatment but also ethical behaviour. Residents do not expect the hamlet to ignore reasonable requirements of other government instructions such as the Workers' Compensation rules, nor to ignore its own by-laws and regulations. Legal short cuts may save time and money in the short run but, over

the long term, will cost the hamlet. Always remember that it is the public's money at stake.

Councillors are the trustees of the hamlet's assets and the beneficiaries of that trust are the residents. The *Hamlets Act*, Section 16.1, states: "***A council may adopt a code of ethics for council members.***"

Example of a Code of Ethics

As a member of a council I will:

- Be motivated primarily by an earnest desire to serve my hamlet and the people of my community to the best of my ability.
- Endeavour to attend all council meetings.
- Recognize that the expenditure of hamlet funds is a public trust, and I will endeavour to see that all such funds shall be expended efficiently, economically and in the best interest of the hamlet.
- Not use the hamlet or any hamlet program for my own personal advantage or for the advantage of my friends.
- Do everything possible to maintain the integrity, confidence and dignity of the office of a council member.
- Listen to what other council members, individuals or groups may have to say before making final decisions.
- Endeavour to avoid hostility and bitterness, to observe proper decorum and behaviour, to encourage full and open discussions in all matters and not to withhold or conceal from my fellow council members any information or matter in which they should be concerned.
- Make no disparaging remarks, in or out of the council meeting about other members of council or their opinions, but I reserve the right to make honest and respectful criticism.
- Consider it unethical to pursue any procedure calculated to embarrass a fellow member of council, a member of the hamlet staff or another local government body.
- Treat my fellow council members, the hamlet staff and the public I serve with respect and consideration.
- Recognize that authority rests with the council in legal sessions, and not with individual members of the council.
- Abide by majority decisions of the council once they are made.
- Not discuss confidential business of council outside of council and committee meetings.
- Endeavour to keep informed on all local, provincial and national developments of significance.
- Earnestly try to interpret the peoples' needs of the entire hamlet and do my best to implement action to meet those needs, keeping in mind budget limitations of the hamlet.

What is a Conflict of Interest?

Conflict of interest generally occurs when a person in public life gets into a situation where a personal interest conflicts with their public duty.

The term “conflict of interest” in hamlets is limited to financial interest. The conflict of interest provisions of the *Hamlets Act*, and the *Conflict of Interest Act*, extend to a financial gain or loss that a council member, a member’s agent, partner, spouse, parent or child could make from a decision of council. They also apply to a controlling interest that a council member, an agent or partner, spouse, parent or child has in a corporation (or if a partner, spouse, parent, child or agent is a chief officer of a corporation) that could benefit financially from or be adversely affected financially by a decision of council.

Procedures for Disclosure

It is the duty of each individual council member to determine what does or does not constitute a case of conflict of interest in regard to a specific situation or set of circumstances. It is not the duty of the SAO or any other member of council to point out a possible situation of conflict of interest regarding another member of council.

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

1. Disclose the conflict of interest to the council. 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.

These procedures apply to all meetings of council.

Recording the Disclosure

When a member discloses an interest, the SAO is required to record the disclosure in the minutes of the meeting. The council member must ensure that the disclosure is recorded accurately.

Conflict of Interest - Exceptions

There are certain cases where conflict of interest does not apply. Generally, these relate to interests a council member would share with any other voter of the hamlet in receiving a service or utility from the hamlet. For instance, the fact that a councillor receives water deliveries at home like every other resident does not put the councillor in a conflict of interest when considering a council proposal to make delivery improvements. As well, conflict of interest would not apply as a result of receiving payment or benefits as a member of a hamlet volunteer organization or board.

Several other cases where conflict of interest does not apply are if a council member:

- is a member of a credit union or co-operative that carries on business with the hamlet;
- is a publisher of a newspaper that publishes advertising for the hamlet,

as long as only the regular advertising rate is charged, and the advertisement is legally required to be published in a newspaper; or

- has an interest in any land or buildings affected by a local improvement.

Penalties for Violation

Within three months of an alleged offence, any citizen may apply to the courts for a determination of whether a council member has violated the conflict of interest provisions (*Conflict of Interest Act*, Section 5).

It is important to note that if the judge finds a contravention has occurred, the member's motive is not relevant to that finding, although it is considered when the penalty is determined. If the judge finds that contravention has occurred, the member may be ordered to pay restitution of any money gained as a result of the contravention.

If the judge also finds that the contravention was not a result of an honest mistake or lack of sufficient care and attention, the judge will declare the member's seat on council vacant. The judge may also disqualify the member from office for up to five years and order the member to pay a fine not exceeding \$5000 (*Conflict of Interest Act*, Section 6. (1)).

Specifics on conflict of interest provisions may be obtained by referring to the *Conflict of Interest Act*, 2014, and the *Hamlets Act*, Section 170.(2).

When Do Conflict of Interest Rules Apply?

The *Conflict of Interest Act* applies to all decisions made by Council. This includes

Apparent Conflicts

For a councillor, having an "apparent conflict of interest" can be as damaging as having an actual conflict, because of the potential for doubt among members of the public about the councillor's integrity and the integrity of the hamlet.

Varieties of Conflict of Interest: Self-Dealing

A councillor benefits by using his official capacity to deal with himself in a private capacity — for example, by voting to give a contract to a firm that he owns.

Varieties of Conflict of Interest: Family Favouritism

A councillor urges council to give one of her relatives preferential treatment — for example, by hiring the relative to fill a job vacancy even though the family member may not be the best candidate.

Varieties of Conflict of Interest: Self-Interested Obstruction

A councillor who owns a development company votes against the interests of a competitor — for example, by voting to block issuance of a development permit to the competitor.

decisions on awarding contracts, passing resolutions or bylaws, approving collective agreements, or anything else that Council might be required to consider.

Note:

It is not always easy to know whether you have a conflict of interest.

If you are unsure, get the advice of other people including, if necessary, your hamlet's legal counsel.

The advice can save a lot of time and trouble for you and your council.



COUNCIL MEETINGS AND COMMITTEES OF COUNCIL

Councils exercise their powers by making decisions at council meetings. These meetings must be held in accordance with the *Hamlets Act* and the local Council Procedural By-law.

The *Hamlets Act* provides that the Mayor presides at all council meetings, and shall preserve order and enforce the procedural rules of council adopted by by-law. In his/her absence, the Deputy Mayor shall preside.

The Mayor submits to the council every question on a motion of a member of council. In addition the Mayor is required to vote when there is a deadlock between council members.

The *Hamlets Act* does not explain every detail concerning the conduct of meetings; a council must pass a council procedure by-law of its own. This by-law sets the rules by which council business will be conducted. However, a procedure by-law cannot establish rules or procedures that are contrary to the provisions of the *Hamlets Act* or any other territorial or federal legislation.

First Meeting

It is the responsibility of the Mayor to call the first meeting of council each year. This meeting must be held not later than 28 days after the local election, at the time and place specified by the Mayor as per the *Hamlets Act*, Section 23.

Before the first meeting of council commences, each new member elected must sign an oath of office and leave it with the SAO. The oath states that the council member will truly, faithfully, and impartially, to the best of his or her knowledge and ability, perform the duties of the office. It provides that the member will not accept rewards or payments for any corrupt practice. It also includes a statement that any conflict of interest will be declared, as required under the *Conflict of Interest Act* and *Hamlets Act*.

At the first meeting of council, or as soon as possible thereafter, a councillor may be appointed Deputy Mayor to act in place of the Mayor when the Mayor is absent or unable to perform the duties of the office.

Oath of Office

I, _____, do solemnly and sincerely promise (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 Councillor for the Hamlet of _____ . So help me God.

Councillor

Commissioner of Oath

Regular Meetings

If a meeting schedule has not been adopted by by-law, all members of council must be present to decide by resolution to hold regular council meetings. The resolution must state the date, hour, and place of each regular meeting.

Regular meetings are held at specified regular intervals as set out in either the procedure by-law or by council resolution during the first meeting after the local election. The council shall ensure that the public is notified at least three days prior to each regular meeting of council.

Special Meetings

Special meetings are held at times other than regular meetings. According to the *Hamlets Act*, Section 26, the SAO shall call a special meeting of council on the written request of the Mayor or two members of the council.

All members of council must be notified in writing, and the notice shall include the day, hour, and place of the special meeting and the business to be transacted at the meeting. A copy of the notice must be delivered to each council member or to a place designated by a council member at least 48 hours before the day of the meeting. The notice may be mailed to the last known address of each council member at least seven days before the day of the meeting.

The Mayor may call a special meeting of council on shorter notice either in writing or verbally, provided each member of council gives their written consent to that notice before the start of the meeting.

Emergency Meetings

Under the *Hamlets Act*, Section 27, any member of council may call an emergency meeting of the council where the council member considers that an emergency exists or 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 constitute a quorum.

An “**emergency**” means a present or imminent event that is affecting or could affect the health, safety, or welfare of people or is damaging or could damage property.

Private Meetings

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

Basic Requirements for a Council Meeting

For a council meeting to be valid, it must be:

1. **Properly Convened:** The meeting must be called by proper authority, and adequate notice must be provided to council members. Regular meetings require no other notice than is contained in the resolution or the procedural by-law of council setting the day, time and place.
2. **Properly Constituted:** The correct person must be in the chair (Mayor or Deputy Mayor or, in their absence, a chairperson elected from among the members present) and a quorum must be present. A quorum is the majority of the total council members, whether present or not. A quorum is not reduced if a position is vacant.
3. **Properly Conducted:** The meeting must be held in accordance with any applicable statutes, procedure by-laws or parliamentary rules.

A binding decision can only be made at a properly constituted council meeting which is open to the public and at which a quorum is present.

Rules of Parliamentary Procedure

The main objectives of parliamentary procedure rules are to guard against hasty, poorly considered action, to give each member an equal right to be heard, to determine the will of the majority, and to protect the rights of the

minority. Some of the sources for these rules are:

1. Robert's Rules of Order (Revised edition)
2. Beauchesne's Parliamentary Rules and Forms (Fifth edition)
3. Bourinot's Rules of Order
4. Auer's Essentials of Parliamentary Procedures
5. Kerr and King's Procedures for Meetings and Organizations

Following parliamentary procedure rules during council meetings helps to organize and streamline the decision-making process.

Committees of Council

The *Hamlets Act* allows for the appointment of committees of council by resolution. Council committees are usually comprised of one member of council and a number of community residents appointed by the council. The appointment of members should be set out in the procedural by-law. According to the *Hamlets Act*, the Mayor is an ex officio member of all committees of council.

Council may, by by-law, delegate any of its powers, duties or functions to a committee of council. However, council may NOT delegate:

- A power or duty to pass by-laws.
- Its power to suspend, revoke, and appoint a person to the position of SAO.
- Its powers to adopt a budget.

Councils should refer discussions or items such as motions and by-laws to be reviewed by committees to get recommendations to try and

improve them. For that reason, committees of council should meet as frequently as council so that they can report their recommendations to council regarding the referred discussions or items.

Meetings of committees are usually quite informal. Members speak as often as necessary, provided they do not deprive other members of opportunities to present their views. The chairperson may take an active part in the discussion and may put questions to a vote after an informal discussion.



Guide to Meetings of Council

A key resource for every councillor is the *Nunavut Guide to Council Meetings*. The purpose of the Guide is to provide information for council members and hamlet staff on how to conduct council meetings.

The procedures for calling meetings, the types of meetings that can be held and the procedures for voting and recording votes are explained. In addition, guidelines for preparing council documents such as agendas, minutes and procedure by-taws are explained.

If you haven't yet received a copy of the Guide, ask your SAO to provide one

Key Points about Council Meetings

- Council meetings are guided by legal requirements
- They must begin and end on time (unless extended by motion)
- They need to be well planned
- They need to be well run
- Effective follow-up is required
- Councillors must be well prepared
- Councillors must work well together during the meetings

Good Communication Practices

If you are going to work well with your fellow councillors, you must respect each other. So, before you speak, make sure:

- What you are going to say is true
- It will not hurt someone's reputation

If it's not true and might be damaging, don't say it.

Effective meetings and interaction with the public require good listening skills. These include:

- Asking questions to make sure you understand ("So your main concern is..." or, "What you are telling me is...")
- Thinking before you speak
- Keeping control of your emotions
- Respecting other people's opinions
- Speaking about the issue, not the individual making a motion or suggestion

Poor communication can be a result of:

- Unclear language
- Using jargon, technical terms or slang
- Inappropriate body language
- Strong emotion – if somebody is angry, they may not listen very well and not hear the message properly

- Listeners not paying attention – they are distracted by a noise or someone entering or leaving the room

Standing Behind Decisions

Once a decision is made, it's important that you stand behind it, even though you may have voted against a motion or policy. Speaking out publicly against a decision after it has been made creates mistrust and anger and can pit Councillors against one another. Continuing to disagree with a decision can also confuse residents of your community and undermine the SAO's ability to implement a policy supported by the majority of council. This is what's known as "speaking with one voice."

Dealing with Complaints

As a member of Council, you will deal with many complaints. Here are some strategies to help you deal with them:

- Administration and Staff should be trained to handle complaints. The receptionist or water truck driver can be the first person to deal with an upset member of the public

- Show patience and tact when receiving a complaint
- Ask the person to refer their complaint to the SAO in writing. The SAO will either solve the problem or refer the complaint to the Mayor and Council
- Whatever the answer, report it back to the person who made the complaint

Dealing with the News Media

If you receive a call from a reporter inside or outside your community, what should you do?

If your council has a designated spokesperson – perhaps the Mayor on political issues or the SAO on technical matters – it is often appropriate to refer the reporter to the spokesperson to ensure that messaging is consistent no matter who calls. It may also be appropriate for you to comment or provide information. However, don't feel that you have to answer right away. Take time to consider the information being sought and draft some possible answers. Respect the reporter's deadline but arrange the interview on your time frame.

Here are some additional strategies for dealing with the media:

- Speak with one voice – respect a decision of council once it has been made
- Have key Council members or the SAO take media training
- Every conversation with a reporter should be considered to be “on the record”

- If you have a good news story, such as a community sports event or special occasion, issue a press release or call a reporter after preparing a statement. Chances are it will get reported
- Don't lie to a reporter
- If possible, record the call or keep preserve email and social media exchanges so that you have a record of what was said
- Avoid saying “No Comment” as this will make it appear as if you have something to hide

The Importance of Good Communications

One of the keys to your success as a Councillor is how well you communicate with your fellow councillors and with the public. Whether you communicate in person with individuals and groups or communicate through printed media, broadcast media, or the Internet, *how* you communicate shapes how you're viewed by others – for better or worse.

Don't be Rushed

While you must be careful to not discourage communication, take time to think about an issue before making a decision or replying in detail. Thank a delegation for their input but caution them that council needs time to consider what has been said and to do further research. The same rule often applies to inquiries, requests, or submissions received by telephone, email, social media, or other means.

FINANCIAL MANAGEMENT

Current Budget

The *Hamlets Act* requires that every council adopt a budget before each fiscal year begins. The budget contains the estimated revenues and expenditures for the current new fiscal year. These include expenditures for debt repayment, capital purposes, and planned programs and services of the hamlet.

The council shall also prepare an estimate of its budgeted revenues for the year from licensing, government contributions, contracts, surpluses of any previous year appropriated for current year expenditures, and all sources of other revenue.

The budget process is one of the most important items that council will deal with each year. The budget should not be thought of as just an accounting exercise, balancing revenues and expenditures. Rather, it should be a time to look back on previous budgets and a time to set goals and objectives for current and future budgets. The budget process is ongoing and not carved in stone, as the budget can always be amended by resolution.

Every council shall, by resolution, before each new fiscal year, adopt a budget for the fiscal year. *Hamlets Act*, Section 136

Budget Control

When putting together the budget estimates, the council is planning the level of services and expenditures for the current year. The budget is a tool to control expenditures and to prevent the hamlet from entering into financial commitments that have not been budgeted for. Municipal governments cannot operate on a strictly cash basis. Inflows of cash will be highest around the due date for grants. Outflows of cash will vary throughout the year. Good management will ensure that short-term borrowing is kept to a minimum and interest from short-term investments is maximized.

Budget control is important in keeping revenues and expenditures in line and should be monitored, at least monthly, through the approval of monthly financial statements. Depending on what is reported in the statements, the budget may have to be adjusted. The *Hamlets Act*, Section 139, states

“No person shall incur an expenditure on behalf of the municipal corporation that is not included in or is inconsistent with the budget for the fiscal year.” If items go over budget, the budget will have to be adjusted and approved by resolution of council.

Budget Process

A good budget process is far more than the presentation of a legal document that allocates funds for a series of line items. A good budget process is characterized by several essential features. It:

- Engages community residents through outreach and communication
- Plans for the future by setting goals and objectives
- Bases budget decisions on results & outcomes

The budget process is not simply an exercise in balancing revenues and expenditures one year at a time. It is strategic in nature and includes multi-year planning that allocates resources based on goals and objectives. A good budget process moves beyond traditional line-item expenditure control.

Budget Calendar

A budget calendar is a tool which is very helpful in keeping the budget process on track. Council should set up a budget calendar that sets dates for the following:

- Community consultation
- Setting goals and objectives for the municipality
- Drafting a budget based on goals and objectives
- Reviewing and making budget decisions
- Approval of budget (prior to the new fiscal year, which begins on April 1)
- Review of the budget (quarterly or semi-annually at minimum)

Basic Principles

1. **Establish broad goals & objectives to guide decision making**
 - a. Assess community needs, priorities, challenges and opportunities
 - b. Identify opportunities and challenges for services, capital assets and management
 - c. Develop and distribute goals and objectives
2. **Develop approaches to achieve goals & objectives**
 - a. Adopt financial policies
 - b. Develop programs, services and capital policies and plans
 - c. Develop programs and services consistent with policies and plans
 - d. Develop management strategies
3. **Develop a budget consistent with approaches to achieve goals**
 - a. Develop a process for preparing and adopting a budget
 - b. Develop and evaluate financial options
 - c. Make choices necessary to adopt a budget
4. **Monitor, evaluate performance and make adjustments**
 - a. Monitor, measure, and evaluate performance
 - b. Make adjustments as needed

It will take a team effort from council and the SAO to ensure that budget calendar deadlines are met. Stick to the calendar that you set and the budget process will flow more smoothly. Deadlines for submission for approval by the Minister will be more easily met and sticking to the budget calendar also ensures that a review of the budget is done, thus ensuring the budget is used as intended – as a management tool.

Borrowing

Under the *Hamlets Act*, Section 149, a municipal corporation may, by by-law, borrow up to 10% of its estimated budgeted revenues for a period not exceeding one year. The debt must be repaid the next fiscal year. Where a municipal corporation desires to borrow for a period exceeding one year, the by-law must be approved by the Minister of Community and Government Services (*Hamlets Act*, Section 150.1).

Financial Statements

The rules governing financial statements are set out in the *Hamlets Act*, Section 144. The SAO must submit to the council, each month, bank reconciliations and monthly financial statements that includes a Statement of Financial Position, a Statement of Revenue and Expenditures, and a list of fund balances and reserves activity.

The Statement of Revenues and Expenditures must show all the revenues and expenditures made during the previous month and the bank and cash balances after they've been reconciled. Council should, by resolution, acknowledge that they have received this statement. It is important that all council members be constantly aware of the hamlet's financial position.

Financial Administration Manual

An excellent resource if you want to fully understand Nunavut Government expectations for financial administration is the *Nunavut Financial Administration Manual*. It is available online at https://www.gov.nu.ca/sites/default/files/using_the_manual.pdf

Audit

The council of every hamlet must, by resolution, appoint an auditor that is satisfactory to the Minister. Every council shall give written notice to the Minister of the appointment or revocation of an auditor within 30 days after the appointment or revocation (*Hamlets Act*, Section 145).

The auditor shall report whether the financial statement, as prepared by administration, fairly reflects the financial position of the hamlet. This report is done in accordance with generally accepted accounting and auditing principles for municipalities.

The auditor is required, on a test basis, to make an examination of the books, accounts and records of the hamlet and of boards, associations and commissions established by council that administer hamlet funds and report to the council and the Minister of Community and Government Services or his/her delegate. These guidelines are prepared by Community and Government Services as the Minister requires.

Accounts Receivable

It is very important that there be a strong Collections/Accounts Receivable by-law approved by council. This establishes the

methods that staff may use for collecting on outstanding debts and shows the support of council while the administration is trying to do its job.

Failure to collect on outstanding debts owed to the municipal government may result in a lack of cash and the ability to pay suppliers and employees. This could also result in not being able to provide programs and services to community members.

Accounts receivable collection is a challenge in most hamlets. The Municipality should stick to its accounts receivable policy if it has one. If it does not have an accounts receivable by-law, it should draft one and get council approval and support.

Funds and Reserves

Every municipality shall have a fund known as the general municipal fund composed of all the moneys belonging to the hamlet.

Hamlets Act, Section 142. *A council may by by-law, establish one or more funds in addition to the general municipal fund for carrying out specific activities or achieving specific objectives.*

Section 143 (1). If a council wants to establish other funds they must be done by by-law. The by-law must include:

- the name of the fund
- the purpose of the fund
- what the fund will be composed of
- the specific purposes of any reserves that will be created under the fund
- rules governing the operation of the fund that council considers necessary or advisable.”

The most common funds other than the General Municipal Fund are the Water and Sewage Fund and the Land Development Fund.

Water and Sewage Fund: Results of operations of the Water and Sewage program are rolled into the Water and Sewage Fund. This way you can see how the program is doing financially and it helps council and the administration to determine whether changes are necessary to make the program more efficient. The municipality should have a signed Community Service Agreement with the GN that lays out what expenditures may be charged to the Water Sewer Fund.

Land Development Fund: Results of operations of the Land Development and Administration program are rolled into the Land Development Fund. Again, the purpose is to keep separate accounting for this program.

A council may, by resolution, segregate portions of a fund established under Section 143 (1) as reserves for specific future purposes. A separate fully funded bank account must be kept for each reserve. If the account is not fully funded, it should be disclosed in the notes to the financial statements.

At minimum the hamlet should have the following three reserves:

1. **Mobile Replacement Reserve** – Every hamlet is required to have a Mobile Equipment Reserve. This separate reserve, established by bylaw, is funded by unspent Mobile Equipment Block Funding in any year, and 25% of revenue generated when basic fleet equipment is rented to individuals, other levels of government, other

organizations, or private enterprises (where no commercial alternative exists within the community). Hamlets are also required to retain records of all revenues and expenditures from the Mobile Equipment Reserve, and submit these with the accountability requirements of this program.

Maintenance of Mobile Equipment – This program applies only to the capital costs for the purchase or replacement of equipment in the basic fleet. The costs for regular maintenance of the basic fleet will continue to be covered from municipal operations. In cases of catastrophic loss of a piece of mobile equipment, the municipal insurance program should be sufficient to fund the equivalent replacement cost.

2. **Water/Sewage Vehicle Reserve** – This reserve is for replacement of water/sewage vehicles only. The Community Service Agreement sets out the amount to be transferred annually. Approval from CGS is not required to use funds

in the reserve; however, by-laws must be passed to purchase personal property.

3. **Land Development Reserve** – All revenue from selling, leasing or otherwise disposing of lands shall be placed in the reserve. Expenditures from the reserve must be for the sole purpose of acquiring and/or developing land by the municipality. Written approval of the Minister is required for other types of expenditures from this reserve.

Deficits

There are two main reasons why hamlets go into deficit.

1. **Unexpected expenditures:** e.g., your computer server unexpectedly breaks down.
2. **Poor financial management:** Poor financial management occurs when there is a lack of financial controls

How to prevent deficits:

Review revenue sources

Revenue sources should be reviewed to ensure charges for services are current. Maybe fees and rates for municipal services haven't been increased in a long time. If current fees and rates do not cover the costs of operations, they may need to be increased.

Review expenditures

As improvements are made to make operations more efficient,

there may be opportunities to lower expenditures in these areas. Look for ways to reduce expenditures while maintaining an appropriate level of service to residents.

Keep up to date financial statements

It is imperative that financial statements be up to date and accurate. A municipality that is two or three months behind in issuing its financial statements may run into deficit and it will be several months before it is noticed. The municipality is left scrambling

for ways to reduce the deficit, and it may be too late. Accurate and up to date financial information is necessary in order to prevent deficits.

Carry out budget reviews

Periodic budget review is necessary to monitor expenditure levels and to catch deficits before they occur. Budgets should be reviewed monthly for variances and measures should be taken to correct items that are over budget.

and financial monitoring in place. It is important that both the administration and council monitor the budget on a consistent basis so as to ensure that the hamlet does not go into deficit. It is important that the hamlet have strong financial controls in place so that items don't go over budget.

To get out of deficit, a Deficit Recovery Plan must be formulated with the following considerations:

- **Time frame** – How long is recovery going to be take?
- **Capacity** – Ability of the community to maintain acceptable levels of service and operation while reducing expenditures.
- **Implementation** – Expedient development and implementation. The problem is immediate. Get the plan developed, approved, and in place as soon as possible.
- **Monitoring** – Consistent and diligent monitoring is crucial.

As mentioned earlier, any deficit must be eliminated by the end of the next fiscal year. Any plan to eliminate a deficit for a period longer than 12 months requires approval of the Minister.

Contracts and Contribution Agreements

Hamlets may enter into agreements with sources other than CGS to provide services to the community. The purpose of these contracts is to empower the community so that it will become more self-sustainable.

Although many contracts and contribution agreements are with the Government of Nunavut, opportunities to obtain funding from the Federal Government, designated Inuit organizations, and other parties may be available. Many contribution agreements require full financial reporting where revenue received must match the expenditures. Council and staff should be aware of the financial implications of all contracts and contribution agreements before entering into them.

Points to consider regarding Contracts and Contribution Agreements:

1. They allow the municipality to have more control over affairs in the community so that it will become more self-sustainable.
2. They may result in more jobs for community residents.
3. They bring extra cash into Municipality
4. They sometimes result in extra work for existing staff. This may create workplace stress for those staff members, especially if they are already overworked.
5. If the program is constantly running deficits, council must consider whether or not it should continue to run the program at the expense of municipal finances. The administration sometimes relies on these contracts for cash flow purposes even though they sometimes run deficits.

Council and staff should have a clear understanding of the terms and conditions of a contract or contribution agreement before making a decision to accept or reject it. All information should be provided to council by staff so that council may make well-informed decisions.

MAIN CONTACTS

The Department of Community and Government Services (CGS)

The Community Development Division of the Department of Community and Government Services (CGS) is responsible for the development and delivery of programs and services which strengthen and support municipal government. This is achieved in part through direct financial assistance programs and by maintaining a legislative framework to enable local officials to respond to the changing needs of municipal governments in the territory.

Departmental staff assists municipalities by providing advisory and extension services for those working in municipal government. This includes direct advice by community development staff and workshops for local officials. Reference materials including manuals, guides and bulletins are provided for use by municipal administrators, council members and the public.

For information contact your regional office:

Qikiqtani Region

Community & Government Services
Community Development
PO Box 330 Cape Dorset Nunavut, X0A 0C0

Telephone: (867) 897-3605

Fax: (867) 897-3633

Generic email: cgs.qik.cd@GOV.NU.CA

Kivalliq Region

Community & Government Services
Community Development
PO Box 490 Rankin Inlet Nunavut, X0C 0G0

Telephone: (867) 645-8125

Fax: (867) 645-8143

Generic email: CommunityDevelopmentRI@gov.nu.ca

Kitikmeot Region

Community & Government Services
Community Development
PO Box Cambridge Bay Nunavut, X0B 0C0

Telephone: (867) 983-4129

Fax: (867) 893-4003

Generic email: CGSCommdevkit@GOV.NU.CA

Headquarters

Community & Government Services
Community Development Section
PO Box 490 Rankin Inlet Nunavut, X0C 0G0

Telephone: (867) 645-8119
Fax: (867) 645-8143
Email: CGS.CD.HQ@gov.nu.ca

Municipal Associations

Municipal associations in Nunavut include the Nunavut Association of Municipalities (NAM) and the Nunavut Association of Municipal Administrators (NAMA).

For further information on these associations contact their offices at:

Nunavut Association of Municipalities

PO Box 4003
Iqaluit Nunavut, X0A 0H0
Email: edofnam@northwestel.net
Web site: www.nunavutcommunities.ca
Phone: (867) 979-3327
Fax: (867) 979-3112

Nunavut Association of Municipal Administrators c/o Hamlet of Chesterfield Inlet

PO Box 10
Nunavut, X0A 0B0
Phone: 867-898-9926
Fax: 867- 898-9108

Nunavut Municipal Training Organization (NMTO)

The Municipal Training Organization is a non-profit organization, incorporated in February 2003. A partnership was formed between the Nunavut Association of Municipal Administrators and the Department of Community and Government Services to establish an organization “To identify, develop and implement programs to provide municipal staff with skills and knowledge that can contribute to excellence in municipal program and services delivery across the territory.”

Nunavut Municipal Training Organization

P.O. Box 1509
Iqaluit, Nunavut X0A 0H0
Email: info@nmto.ca
Web site: www.nmto.ca
Phone: (867) 975-5346
Fax: (867) 975-5340

NOTES

A series of horizontal lines for writing notes, overlaid with a faint, large-scale map of the world.

