

**CITY OF YELLOWKNIFE  
BY-LAW NO. 4401**

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, to amend Council Procedures By-law No. 4250.

PURSUANT TO Sections 21-40 inclusive, and Section 129 of the *Cities, Towns and Villages Act*, S.N.W.T., 2003, c. 22.

WHEREAS Council shall, by by-law, make rules respecting procedures for Council.

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular sessions duly assembled, enacts as follows:

**APPLICATION**

1. By-law No. 4250, the Council Procedures By-law, is hereby amended by:

- (1) adding the following definition to Section 2 in Part 1 of this by-law:

"Statutory Public Hearing" means a hearing required to be held pursuant to a statute of the Northwest Territories or a by-law of the City before a proposed by-law may be enacted;

- (2) deleting the Section regarding Statutory Public Hearings and replacing therewith the following:

**Statutory Public Hearings**

38. All Statutory Public Hearings on a proposed by-law shall be both conducted during a regular or special meeting of Council and held after First Reading and before Second Reading.

39. Notice of all Statutory Public Hearings must be provided and shall state:

- (1) the purpose of the proposed by-law;
- (2) the place or places, one of which shall be the Office of the City Clerk, where a copy of the proposed by-law may be inspected by the public during regular office hours;
- (3) the place or places, one of which shall be the Office of the City Clerk, where a copy of all

- written submissions filed for consideration at a Statutory Public Hearing may be inspected by the public during regular office hours;
- (4) the deadline for submission of written submissions for consideration at the Statutory Public Hearing;
  - (5) the time and place at which the Council will hold the Statutory Public Hearing on the proposed by-law;
  - (6) the procedure to be followed by any persons who wish to make submissions concerning the proposed by-law.
40. Council shall hold a Statutory Public Hearing at the time and place stated in the notice referred to in Section 39, and shall hear every person who wishes to make a submission.
41. Notwithstanding Section 42, any person wishing to make a verbal submission at a Statutory Public Hearing shall contact the Office of the City Clerk before noon on the day of the hearing and provide his or her name and whether or not he or she will be speaking in favour of or against the proposed by-law.
42. Any person wishing to make a verbal submission at a Statutory Public Hearing who has not notified the Office of the City Clerk as required in Section 41 may speak after all those persons who have given notification have spoken.
43. Any person wishing to submit a written submission to Council for consideration at the Statutory Public Hearing shall deliver it to the Office of the City Clerk no later than 4:30 p.m. of the Wednesday preceding the Statutory Public Hearing. All written submissions received before this deadline will be available for public viewing at the Statutory Public Hearing and at the Office of the City Clerk during normal office hours up to and including the day of the hearing.
44. If a person is unable to attend a Statutory Public Hearing, that person may authorize another person to speak on his or her behalf and this authorization must:
- (1) be in writing;
  - (2) name the individual authorized to speak;

- (3) indicate the proposed by-law to be spoken to;
  - (4) be signed by the person giving the authorization;
  - (5) be received at the Office of the City Clerk before noon of the day of the Statutory Public Hearing.
45. The following procedure shall be followed at all Statutory Public Hearings:
- (1) the Presiding Officer shall introduce the proposed by-law;
  - (2) the Presiding Officer shall inform Council of the number and nature of the written submissions received in accordance with Section 43;
  - (3) no person shall speak for more than ten minutes unless an extension is granted by resolution of Council;
  - (4) individuals opposed to the proposed by-law who have given notice of their intention to speak pursuant to Section 41 shall be invited to speak first by the Chair followed by those opposed to the proposed by-law who have not given notice pursuant to Section 41;
  - (5) individuals in favour of the proposed by-law who have given notice of their intention to speak pursuant to Section 41 will then be invited to speak followed by those in favour of the proposed by-law who have not given notice pursuant to Section 41;
  - (6) after a person has spoken, any Member may ask that person questions followed by any other person present, provided such questions are relevant, directed through the Presiding Officer and are asked in a courteous and respectful manner;
  - (7) after all persons who wish to speak have been heard, Members may ask relevant questions of the City Administrator through the Presiding Officer who may then refer the question to the appropriate Director or other member of City Administration, or answer the question him or herself;
  - (8) any person who has made a submission shall have an opportunity to respond to any new information that has arisen during the Statutory Public Hearing for a period not exceeding two minutes unless an extension is granted by resolution of Council;

(9) the Presiding Officer shall then close the Statutory Public Hearing.

- 46.1 Once the Presiding Officer has closed a Statutory Public Hearing with respect to the proposed by-law, no additional submissions shall be considered by Council, except at an additional Public Hearing called by Council in accordance with this by-law.
- 46.2 For greater certainty, and notwithstanding Sections 16 and 17 of this By-law, Council may by resolution adjourn a Public Hearing to a subsequent Council Meeting.
- 46.3 Following the closing of a Statutory Public Hearing wherein no submissions in opposition to the proposed by-law, nor any submissions recommending an amendment to the proposed by-law, are received Council may consider the submissions received (if any), debate the merits of the proposed by-law and proceed with Second Reading.
- 46.4 Following the closing of a Statutory Public Hearing wherein one or more submissions in opposition to the proposed by-law are received, or any submission recommending an amendment to the proposed by-law is received, Council shall defer its consideration of the submissions received, any debate of the merits of the proposed by-law, and Second Reading of it, to a subsequent meeting. Council may, by resolution, direct Administration to prepare a summation of the points raised during the Statutory Public Hearing.
- 46.5 Notwithstanding Section 46.4, Council may by resolution:
- (1) consider the submissions received, debate, if it deems advisable, the merits of the proposed by-law and proceed with Second Reading at the meeting in which the Statutory Public Hearing was conducted;
  - (2) consider the submissions received and debate, if it deems advisable, the merits of the proposed by-law at the meeting in which the Statutory Public Hearing was conducted, and refer the proposed by-law to Administration with direction to draft an amendment to the proposed by-law; or

(3) refer the proposed by-law back to Administration.

(3) adding as section 123, the following:

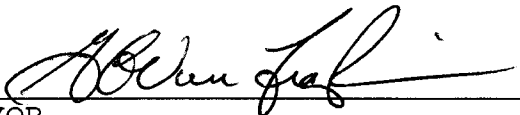
**PART 10 - SEVERABILITY**

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

**EFFECT**

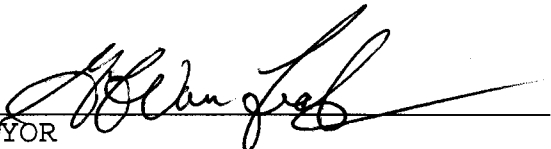
2. That this by-law shall come into effect upon receiving Third Reading and otherwise meeting the requirements of Section 75 of the *Cities, Towns and Villages Act*.

READ a First Time this 23<sup>RD</sup> day of MAY, A.D. 2006.

  
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MAYOR

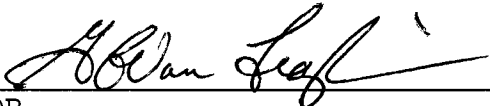
  
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CITY ADMINISTRATOR

READ a Second Time this 23<sup>RD</sup> day of MAY, A.D. 2006.

  
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MAYOR

  
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CITY ADMINISTRATOR

READ a Third Time and Finally Passed this 23<sup>RD</sup> day of  
MAY, A.D. 2006.

  
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MAYOR

  
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CITY ADMINISTRATOR

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.

  
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CITY ADMINISTRATOR

