

**LEGISLATIVE ASSEMBLY OF THE
NORTHWEST TERRITORIES
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draft

An Ordinance To Establish The
WESTERN ARCTIC REGIONAL MUNICIPALITY

Preamble

WHEREAS there is a need for greater decentralization, both in respect of decision-making and the delivery of services;

AND WHEREAS it is recognized that the people of the Region and the community within the Region should have greater control over certain matters vital to the people within the Region;

AND WHEREAS it is recognized that the people within the Region should have greater control of the institutions which serve them;

NOW THEREFORE, the Commissioner of the Northwest Territories, by and with the advice and consent of the Council of the said Territories, enacts as follows:

Short Title

1. This ordinance may be cited as the short title
Western Arctic Regional Municipality Ordinance.

Interpretation

2. In this Ordinance

Definitions

"Executive" means an Executive Committee which the Western Arctic Regional Municipality may establish pursuant to this Ordinance;

"Executive"

"financial agreement" means the agreement by which the appropriate government transfers funds to the regional council in order that it may carry out certain definite program responsibilities;

"Financial Agreement"

"hamlet" means a hamlet within the meaning of the Municipal Ordinance;

"hamlet"

"Legislative Assembly" means the Council of the Northwest Territories;

"Legislative Assembly"

"minister" means the executive member responsible for the administration of this Ordinance;

"minister"

"program board" means a program board established pursuant to this Ordinance;

"program board"

"region" means the Western Arctic Region;

"region"

"Western Arctic Region" means that portion of the Northwest Territories as shown in Schedule 1 and described in Schedule 1A and Schedule 1B;

"Western Arctic Region"

"regional council" means the council established pursuant to this Ordinance;

"regional council"

"settlement" means an unincorporated community of persons and "settlement council" means a committee of persons resident in a settlement which the Minister recognizes as a representative body of the settlement for the purposes of this Ordinance.

"settlement" and "settlement council"

PART I

GOVERNMENT

WESTERN ARCTIC REGIONAL MUNICIPALITY

Purpose and Construction

Purpose and Construction

3. The purpose of this Ordinance is to provide regional self-government in the Western Arctic Region, to ensure the effective integration of existing community organizations into regional government, and to keep government bureaucracy to the practical

minimum. A liberal construction shall be given to the powers of the W.A.N.M.

4.1. Legislative Powers of the Western Arctic Regional Council

The WARM council may, subject to this Ordinance, make by-laws and regulations, develop programs and enter into agreements for the government of the Western Arctic Region in relation to the following classes of subjects, namely:

Legislative Powers

subjects

- (a) education in the Western Arctic Region, including establishment of schools, the development of curriculum, the fixing of assessment and collection of rates therefore, subject to the conditions that the minority of the rate payers therein, whether Protestant or Roman Catholic, may establish separate schools therein, and in such case, the ratepayers establishing such Protestant or Roman Catholic schools shall be liable only to assessments of such rates as they impose upon themselves in respect thereof;

education

(b) economic development in the Western Arctic Region, including planning for development, project development, provision of training opportunities, provision of incentive programs and other economic measures to facilitate economic development of the Western Arctic Region.

economic develop-
ment

(c) local government relations in the Western Arctic Region, including the promotion of local government concerns within the region and beyond it, facilitation of relationships between local government and other levels of government, and the coordination of local government activities in the areas of education, economic development, municipal services, police services, wildlife management, and such other subjects as maybe determined from time to time in consultation with the local governments of the Region and the government of the Northwest Territories.

local government

- (d) police services, in the Western Arctic Region, including responsibility for enforcement of Federal, Territorial, regional and local laws and game regulations, and for related programs as may from time to time be agreed upon by the appropriate Regional, Territorial and Federal governments, such as rehabilitation, deterrence and diversion programs. police services
- (e) game management in the Western Arctic Region, which shall be administered by the Regional Game Council within the Region and locally by the Hunters and Trappers organizations, for the purpose of implementing sound wildlife management including legislation, policies and practices with respect to research, enforcement, programs and utilization in order to ensure the maintenance and protection of the game management

wildlife resources upon which

people of the Region depend.

Enforcement of laws and regulations relating to game management shall, however, remain the responsibility of the police services.

(f) such other subjects as maybe negotiated from time to time between the Regional government and Territorial government or Federal government.

other subjects

4.2 In the event of inconsistency between any by-law or regulation made by the Western Arctic Regional Council and any legislative enactment of the Legislative Assembly of the Northwest Territories, the by-law or regulation of the Western Arctic Regional Council shall prevail, except where the Commissioner of the Northwest Territories exercises his discretionary power of disallowance.

in the event of legislative inconsistency

4.3. The Commissioner of the Northwest Territories shall retain the discretion to disallow any by-law or regulation enacted by the Western Arctic Regional Council where that by-law or regulation is inconsistent with a legislative enactment of the Northwest Territories.

discretion of the Commissioner to disallowance

4.4. The Western Arctic Regional Council may enter into negotiation directly with the Government of Canada with regard to matters under federal jurisdiction.

power to negotiate directly with the Government of Canada

PART II

Establishment and Structures of the Western Arctic Regional Municipality

5.1. This Ordinance establishes the Western Arctic Regional Municipality, subject to ratification by each community which wishes to participate, as expres-

establishment and structures

sed by a majority of the voting residents of each community in a public vote in each community to be held within one year of the enactment of this Ordinance.

6.2. Any person who is of the age of nineteen years, and who has been a resident of a community for at least six months shall be deemed to be an eligible voter, and shall be entitled to vote in any election or by-election for regional office held in the community or in the Region in which that person is resident, including any election for Mayor and Regional Councillors.

eligibility of voters

6. The Western Arctic Regional Municipality shall be governed by a Western Arctic Regional Council composed of voting members as set out in this part.

Western Arctic Regional Council

7.1. For the purpose of this Paper, the Western Arctic Region shall include

Holman Island, Sachs Harbour, Pauyasuk,

the communities of Holman Island, Sachs Harbour, Paulatuk, Aklavik and Tuktoyaktuk.

Aklavik and Tuktoyaktuk to be included

7.2. The definition of the Western Arctic Region in subsection (1) shall not be construed to prohibit the council from entering into relations with other communities, whether organized or unorganized, or to preclude the future involvement of communities in such regional planning bodies or processes as may be established by the Council.

relations with other communities

B. Membership and Representation

Membership and representation

B.1. Each of the communities of Holman Island, Sachs Harbour, Paulatuk, Aklavik and Tuktoyaktuk shall elect two voting representatives to the Regional Municipal Council from among its residents. In the case of Aklavik, the community

may, as the result of a public vote, assign one of the seats on the Regional Municipal Council to be held by the elected chief of the Aklavik Dene Band.

- B.2. Councillors shall be elected to office for a term of two years. term of office of councillors
- B.3. In addition to election of community representatives, there shall be an election for mayor by a regional popular vote. election of mayor
- B.4. The Chairman of the Regional Game Council shall be a full member of the Western Arctic Regional Council, for a term corresponding to his terms as Chairman. chairman of regional game council to be member of council
- B.5. In the event of removal of an elected official, or inability to perform by reason of illness, death, or other circumstances, a by-election shall be held, within by-elections

the affected community in the case of replacement of a Regional Councillor, or within the Region in the case of replacement of the Mayor.

Such by-election shall be held within three months of the effective date of termination of the preceding office-holder.

4. Mayor

Office of the Mayor

9.1. The mayor shall be the chief executive officer of the Western Arctic Regional Municipality. The mayor shall be elected from among the residents of the Western Arctic Region by a region-wide vote of those residents of the Region who are entitled to vote.

Mayor to be elected by region-wide vote

9.2. The mayor shall be elected to office for a term of two years.

term of office of mayor

Duties of the Mayor

Duties of Mayor

8.3. It is the duty of the Mayor

(a) to be vigilant and active in causing laws for the government of the Western Arctic Regional Municipality to be duly executed and obeyed;

execution and enforcement of laws.

(b) to oversee the conduct of all officers and employees in the municipality, and, as far as practicable, cause any negligence, carelessness or violation of duty to be prosecuted and punished; and

conduct of officers and employees

(c) to communicate to the Western Arctic Regional Council from time to time such information and recommend to it such measures as may tend to the improvement of the finances, healths, security, cleanliness, comfort and ornament of the municipality.

communication with Council

10. A Council may, by resolution, appoint from among its members a Deputy Mayor who shall, while acting as head of the Council in the absence, illness or other incapacity of the Mayor or Chairman, perform and exercise the powers and duties of the head of the Regional Council.

deputy mayor may be appointed

Program Boards

11.1. Program Boards shall be established for the administration of each subject for which the Western Arctic Regional Municipality Council assumes legislative authority, including inter alia: education, economic development, local government and police services.

Program Boards to be established

11.2. All matters pertaining to game management including issuance of licences, allocation of permits and collection of data for game research shall

administration of game management to be through Hunters and Trappers Associations

to administered locally through the respective Hunters and Trappers committees, with the exception of enforcement of law and regulations which remains the responsibility of the police service.

11.3. Each Program Board so established shall be chaired by an elected member of Regional Council, except in the case of the Regional Game Council which shall be chaired by the Chairman of the Regional Game Council elected from among the voting members of the Regional Game Council.

Chairman of Program Board

11.4. The Chairmen of the Program Boards shall be appointed by the Mayor subject to the approval of the Regional Municipal Council.

Chairmen of Program Boards to be appointed by Mayor

11.5. In addition to the Chairmen, each program board shall consist of one representative

Members of Program Boards to be elected

from each of the five communities of the Western Arctic Regional Municipality who shall be elected by the voters of their respective communities through their Settlement or Hamlet Councils.

11.11. The Regional Game Council shall consist of two representatives elected from each of the Hunters and Trappers organizations of the communities of the Western Arctic Regional Municipality and shall be chaired by a chairman elected by the Regional Game Council from among its members. The Regional Game Council Chairman shall be an ex-officio voting member of the Western Arctic Regional Municipal Council. The Chairman of the Program Boards shall be non-voting members of those boards, except in the

Regional Game
Council

Chairmen non-voting
except in case of
tied vote

case of a tied vote when the
chairmen may vote to break
the tie.

PART III

Status, Proceedings and Powers of the Regional Council

- 12.1. The Council established by this Regional Council Ordinance is a body corporate.
- 12.2. The registered office of the Regional Council shall be in a place within the region which is designated by resolution. Office
- 12.3. The Executive shall, within 30 days of the designation referred to in sub-section (2), file Address with the Registrar of Companies the address of the Regional Council.

- 12.4. The Registrar of Companies shall cause a notice setting out the address of the registered office of the Regional Council to be published in the Northwest Territories Gazette. Publication in Gazette
- 13.1. The Regional Council shall meet at least once in each half of every calendar year, the date of the next meeting to be determined at the previous session. Meetings of council
- 13.2. Subject to subsection (1) the Regional Council may hold meetings at any time.
- 13.3. The Regional Council shall hold its regular meetings in a community within its region.
- 13.4. All Regional Council meetings are open to the public who may participate in the meetings in Regional Council Meetings open to Public

the matter and to the extent permitted by the council but shall not be permitted to vote.

14.1. Subject to this Ordinance, the Regional Council may, by resolution, make rules for:

Procedures

- (a) the calling of meetings;
- (b) the conduct of members;
- (c) the general transaction of the business of the council; and
- (d) the calling and conduct of Region-wide plebiscites to make determination on such issues as the Council shall determine.

14.2. Subject to this Ordinance, the Regional Council may make by-laws for:

By-laws

- (a) the governing of the procedures of Council; and
- (b) the appointment of committees and their powers and duties.

(c) review of procedures and performance of the Regional Council.

- 15.1. The Regional Council shall act in the exercise of its powers by by-laws, or resolutions;
- 15.2. A motion shall be deemed a resolution.
- 15.3. No by-law or amendment of a by-law shall be valid unless passed by a majority consisting of two-thirds of the voting members of the Regional Council.
- 15.4. No resolution of the Regional Council shall be valid unless passed by a majority of the quorum of the Regional Council.
- 15.5. Two-thirds of the voting members of the Regional Council shall be
- by-law or amendment valid if passed by two-thirds majority
- resolution valid if passed by majority of quorum of Regional Council

the quorum of the Council.

15.6. Voting members shall be given such Advance notice in advance notice in writing of any writing of by-law by-law as may be established From time to time by the Regional Council.

15.7. The Regional Council shall, by Seal by-law, adopt a seal and shall provide for the custody and use of the seal.

Legal Powers and Duties of the Regional Council

15.1. The Regional Council is empowered Legal Powers of the to sue and be sued, to contract Regional Council and be contracted with by its name, to have a common seal and to alter or change it at pleasure and to have perpetual succession.

18.2. Individual members of the Regional Council are exempt from personal liability for the debts, obligation or acts of the Regional Council to the extent that their conduct is not contrary to this Ordinance.

extent to which individual members exempt from liability

18.3. Where the Regional Council acts in accordance with this Ordinance, the acts of the Regional Council bind all members of such council.

where acts of Regional Council bind members

18.4. Without restricting the foregoing, the Regional Council is empowered

other powers of the Regional Council

(a) to purchase, take on lease, or in exchange, hire or otherwise acquire and hold or alienate any real or other property;

acquire, hold or alienate

- (b) to undertake, support or study
in relation to any matter
which in the opinion of the
Regional Council is in respect
to the region; undertake, support
or study
- (c) to constitute committees, com-
prised of members of the
Regional Council or persons who
are not members of the council
or both, to examine matters that
fell within the purview of the
powers of the Regional Council; constitute committees
- (d) to delegate to any person or
group of persons authority to
act as an agent of the Regional
Council in relation to any
matters within the scope of the
authority of the Regional
Council; to delegate authority
to act as agent
- (e) to indemnify members of the
Regional Council in respect of
attendance at to indemnify members

- (i) meetings of the Regional Council,
- (ii) committee meetings authorized by the Regional Council,
- (iii) any meeting attended by a member as a representative of the Regional Council.

(f) to make by-laws and regulations for the government of the region, in relation to the following classes of subjects, namely education, economic development, police services, game management, and local government. to make by-laws and regulations

(g) to recommend to the Commissioner amendments to this Ordinance provided that two-thirds of the voting members so agree. Amendments to this Ordinance

17. Section 14 of the Interpretation Ordinance does not apply to the

20. No person is liable for damages for otherwise for any act done under the authority and within the power of the Regional Council.

No liability for act done under authority of Regional Council.

Conflict of Interest

21. Except as otherwise provided herein, the provisions of the Conflict of Interest Ordinance apply Mutatis Mutandis to this Regional Council and every member of this Council.

Conflict of Interest Ordinance applies mutatis mutandis

Funding and Fiscal Powers and Responsibilities of the Regional Council

22.1. Each year the senior administrative officer provided under 18.3 shall cause to be prepared estimated of the annual budget of the Council for the following year, and the estimates shall be submitted to the Regional Council during a fall meeting of the Council.

annual budget to be prepared

- 22.2. Subject to any amendment by the Regional Council, estimates of the annual budget shall be approved by resolution. approval of estimates by resolution
- 22.3. Financial agreements for those programs specified in section 16(4)(f) shall be entered into between the appropriate government and the Regional Council. financial agreements to be entered into
- 22.4. The estimate approved by the Regional Council shall include estimates
- (a) an estimate of the total cost of the Council's operations for the following year; and total cost of operation
 - (b) an estimate of the total revenue to be credited to the Council for the following year from all sources other than the government of the Territories. total revenue to be credited

22.5. The fiscal year of the Regional Council is the period beginning on the 1st of April in one year and ending on the 31st of March in the next year.

Fiscal Year

Grants and Contributions

23. The Minister may provide funding to the Regional Council by means of grants or contributions, or a combination thereof, within the meaning of the Financial Administration Ordinance.

Taxation

24. The Regional Council shall have powers to levy real property taxes, business taxes, and business licence fees.

taxation

Annual Accounts

25.1. A report for each fiscal year of the Council, called the annual accounts, shall be laid before

Submission of
Annual Accounts

the Council for consideration on or before such day following the termination of the fiscal year as the Council may fix.

25.2. The annual accounts shall be in such form as the Council may direct and shall include:

annual accounts to include

- (a) a report on the financial transactions of the fiscal year;
- (b) a statement, certified by the auditor referred to in subsection 3, of the expenditures and revenues of the council for the fiscal year;
- (c) a statement, certified by the auditor, of assets and liabilities as at the termination of the fiscal year; and
- (d) such other information or statements as are required in support of the statements referred to in paragraphs (b) and (c), or as are required by the Council.

financial report

statement of expenditures and revenues

statement of assets and liabilities

other information

25.3 The accounts and financial transactions of the council shall be examined by an auditor who shall report annually to the Regional Council the result of his examination, and the report shall state whether in his opinion

auditor's report

(a) proper books of account have been kept by the Regional Council;

proper books kept

(b) the financial statements of the Regional Council

financial statements

(i) were prepared on a basis consistent with that of the preceding fiscal year and are in agreement with the books of account.

(ii) in the case of the statement of expenditures and revenues, give a true and fair view of the affairs of the council for the fiscal year, and

(iii) in the case of the statement of assets and liabilities, give a true and fair view of the affairs of the Regional Council at the end of the fiscal year; and

(c) The transactions of the Regional Council that have come under this notice have been within the powers of the Council under this Ordinance and any other Ordinance applicable to the Council and the auditor shall call attention to any other matter falling within the scope of his examination that in his opinion should be brought to the attention of the Regional Council.

matters in opinion of auditors to be brought to attention of Regional Council

SCHEDULE 1A

Description of the Western Arctic Region

In the Northwest Territories;
in the District of Mackenzie;

Commencing at the point of the intersection of the Yukon/
Northwest Territories boundary with latitude 68 13'N;

thence easterly along said parallel to the west shoreline
of the East Channel of the Mackenzie River at approximate
longitude 133 46'08"W;

thence northerly along the west shoreline to its
intersection with latitude 68 25'N;

thence easterly along said parallel to its intersection
with longitude 132 00'W;

thence southerly along said longitude to its intersection
with latitude 68 00'N;

thence easterly along said parallel to its intersection
with longitude 121 10'W;

thence south-easterly to the point 67 00'N latitude and
119 00'W longitude;

thence north along said longitude to its intersection with
latitude 69 00'N;

thence easterly along said parallel to its intersection
with longitude 110 00'W;

thence northerly along said longitude to its intersection
with latitude 80 00'N;

thence westerly along said parallel to its intersection
with the Yukon/Northwest Territories boundary;

thence southerly along said boundary to the point of
commencement.

SCHEDULE 1B

Western Arctic Regional Boundaries

The Inuvialuit claim is based to a great extent upon the concept of a distinct region of use and occupancy. The essence of the region is the homogeneity of the Inuvialuit population in terms of history, kinship, language and community interaction, though there are many other factors that strengthen the regional character.

The region is defined to the west by the political Yukon/Northwest Territories boundary. Although this omits the Yukon North Slope, coast and offshore, that area is part of the traditional region that the Inuvialuit continue to use. The southern boundary approximately follows the "tree-line" and accords generally with the southern limit of Inuvialuit land use and the northern limit of Indian land use. The southeastern portion separates the land use area of the Paulatuk and Holman Inuvialuit from that of the Inuit of Coppermine and Cambridge Bay. This cultural and economic boundary is carried north along a meridian to preserve the symmetry and integrity of the region.

There is a high degree of homogeneity within the region with respect to climate, wildlife, land forms and eco-systems. The Beaufort Sea and Amundsen Gulf provide a focus for hunting and for water transportation.

The strong regional character is further reflected in the existence of federal and territorial regional offices based in Inuvik, and in the related regional network of supply services and communication.