



**Municipality of Cambridge Bay  
Regular Council Meeting #006  
Monday, February 3<sup>rd</sup>, 2020  
Minutes**

<b>Present</b>	<b>Staff</b>
Mayor Pamela Gross	CAO Marla Limousin
Councillor Candice Pedersen	Executive Coordinator Genevieve Lafrance
Councillor Wilfred Wilcox	
Councillor Derek Elias	<b>Members of the Public</b>
Councillor Jenna Kamingoak	Jasber Dhillon - RCMP
Deputy Mayor Angulalik Pedersen	Jean-Pierre Dupond - RCMP
Councillor Susan Kemukton	Annica Otokiak - MYAC
<b>Excused</b>	Malachai Angulaik - MYAC
Councillor Sandi Gillis	Aggiu Dimitruk - MYAC
Councillor Savanna Moore	Deanna Taylor - MYAC
	Corbyn Klengenber - MYAC

**1. Call to Order**

Mayor Pamela Gross called the meeting to order at 5:33pm

**2. Opening Prayer**

Councillor Susie Kemukton said opening prayer

**3. Delegation**

**a. Swearing in of MYAC**

Constable Jean-Pierre Dupond swore in the following MYAC members:

Secretary of Mayor's Youth Advisory Council and of Socio-Economics - Annica Otokiak

Co-Chairperson of Sports - Malachai Otokiak

Treasurer and Chairperson of Fine Arts - Aggiu Dimitruk

Chairperson of Mayor's Youth Advisory Council and of Performing Arts - Deanna Taylor

Chairperson of Culture - Corbyn Klengenber

**b. RCMP report**

Sgt. Jasber Dhillon presented the RCMP Monthly report for December 2019 and January 2020.

**4. Adoption of agenda**

**a. RCM# 006**

**Motion**

**To adopt the agenda for RCM#006 Monday, February 3<sup>rd</sup>, 2020**



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**Moved by:** Councillor Derek Elias

**Seconded by:** Councillor Susie Kemukton

**CARRIED#20-006-01**

- 5. Declaration of Interest**  
None.

- 6. Adoption of Minutes of Council**  
a. RCM# 012 Wednesday, October 23<sup>rd</sup> 2019 - Tabled  
b. RCM#005 – Monday, January 13<sup>th</sup>, 2020 -Tabled

Minutes tabled to the next Council Meeting

- 7. Business**  
a. Confirming Past motions of Council (Refer to package)

CAO updated Council on the issue of quorum and motion that were passed.

**Motion**

To move 'In Camera' at 6:01pm

**Moved by:** Councillor Derek Elias

**Second by:** Deputy Mayor Angulalik Pedersen

**CARRIED#20-006-02**

**Motion to move 'Out of Camera' at 6:41pm**

**Moved by:** Derek Elias

**Seconded by:** Candice Pedersen

**CARRIED#20-006-03**

CAO Limousin read the letter from Ed Gulberg, lawyer of McLellan Ross LLP of Yellowknife.



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**McLellan Ross LLP** | [www.mross.com](http://www.mross.com) | **BIOGRAPHY** | Member of Meritas  
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*"You have asked our advice regarding several resolutions and bylaws passed at meetings during which Council did not have a quorum.*

**Background:**



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*You advised that your previous council had a number of vacancies due to the resignation of council members over time. Council operated on the understanding that the quorum for a meeting was a simple majority of council members in office at a particular time (that more than*

*50% of the councillors actually in office at any point in time). However, a citizen has recently pointed out that your Council Procedures Bylaw specifically states that quorum will be 5 members. We understand a number of resolutions and bylaws were passed (or received readings) when they was a majority of sitting members, but not the 5 members required by the bylaw. You have asked our advice whether and how Council can fix this problem.*

***Analysis:***

*In theory, it is possible to pass a resolution approving all the previous resolutions of the old council passed when there was no quorum. However, that opens up debate on those issues again and could possibly lead to a different result. This could be problematic, particularly if the Hamlet or a third party has already acted on the basis of a defective resolution or bylaw (such as the lease of a lot to an individual). As such, unless there is a particular reason that the problem should be corrected (a zoning bylaw that may be challenged in the future, for example) then there is no compelling reason to correct at this time.*

*Ultimately, doing something that is within your jurisdiction in wrong way makes the decision voidable – it is not absolutely void (as would be the case where you do something that you are not legally allowed to do). A voidable decision can be set aside by the Court if a resident of the community or a person affected by the resolution or bylaw applies to the Court under section 68 of the Hamlets Act. That application must normally be brought within 30 days of the date the decision was made, but the Court has discretion under the Rules of Court to extend that deadline. In an application under section 68, the Court has the discretion to set aside a voidable resolution or bylaw or to waive the irregularity if the Court is satisfied council acted within its jurisdiction and the applicant did not suffer substantial harm as a result of the procedural error.*

*If you need assistance in determining whether any particular decision should be reconsidered, please let me know. “*

**And as a follow up.**

*“Marla, I just wanted to clarify the current law on vacancies. The Nunavut Elections Act does permit by-elections to fill a vacancy in the Mayor’s position (but not other council members), but not during the 6 months preceding the Nunavut General Election. However, by-elections for a mayor must be held on one day specified each year by the Chief Electoral Officer for mayoral by-elections.*

*Any other vacancies on council can be filled by appointment by council – either going to the candidates in the last election, or by requesting names from the community at large. Ordinary councils members cannot be chosen in a by-election.”*



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**Statutory Requirements for Quorum**

“As a final note, section 20 of the Hamlets Act states a quorum is a majority of “the number of council members who comprise the council.” Section 12 of the Hamlets Act states a council is composed of a mayor and eight councillors – subject to an order made by the Minister varying the number of people on council. Reading these sections together, quorum is 5 members unless the number of members on council has been varied by the Minister. This quorum would apply even when there are vacancies on Council.

**Motion**

**To amend the Council Procedures ByLaw 298 to define Quorum as the Hamlets Act defines quorum, that being from section 20 of the Hamlets Act stating a quorum is a majority of “the number of council members who comprise the council.”**

**Moved by: Deputy Mayor Angulalik Pedersen**

**Seconded by: Councillor Jenna Kamingoak**

**CARRIED#20-006-04**

**Motion**

**To take a 5-minute break 7:00pm**

**Moved by: Councillor Candice Pedersen**

**Seconded by: Councillor Wilfred Wilcox**

**CARRIED#20-006-05**

**Motion**

**To come back from break at 7:05pm**

**Moved by: Councillor Candice Pedersen**

**Seconded by: Councillor Jenna Kamingoak**

**CARRIED#20-006-06**

**8. Committee Reports**

**a. Healthy Living**

Councillor Kemukton presented the monthly report for the Healthy Living Committee for the month of January 2020.

**b. Economic Development**

Chairperson Elias presented the monthly report for the Economic Development Committee for the month of January 2020.



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**9. CAO Report**

None.

**10. Around the Table**

**Councillor Derek Elias:** "Is it the home owners or the Municipality's responsibility to have the municipal services area clear of snow?"

**CAO Marla Limousin:** "It is the Municipality's responsibility to do the road and get that piece cleared out, and then it's your responsibility to have that access point to the tank area cleared. I will confirm that tomorrow and get back to you."

**Deputy Mayor Angulalik Pedersen:** "The intersections this weekend are super slippery. Can the Municipality work on the roads around the intersection?"

My travel dates are February 14-17 and then February 22-23."

**Councillor Susie Kemukton:** "Since the Bylaw took over the Drivers Exam, why not have the Municipality take over the Drivers Licensing, the photo ID's and the passport photos? I have been waiting for my ID cards to come in for four months. "

**Councillor Derek Elias:** "There have been a lot of complaints about this employee's absences. I had to go to Motor Vehicles Head Quarters just to get service to renew my license. "

**Councillor Wilfred Wilcox:** "We should write a letter to the Department suggesting to send an employee from Motor Vehicles in Gjoa Haven to help out when there is no worker available here. It causes a lot of problems for our community and for people who are wanting to travel but do not have valid ID's."

**CAO Marla Limousin:** "We will write a very strongly worded letter."

**Mayor Pamela Gross:** "Next week is the Trade Show. Johnny Reid is coming; it will be a busy town. I just to remind you that you all have your Council pass to go to the event and attend as a Councillor and community member. There will be a lot of networking and a lot of people to meet. Thanks to everyone for their hard work."



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I've seen a few complaints about the Foxes in town. Can we have a notice sent out about the foxes that are walking around town?"

**11. Adjournment**



**Motion**

To Adjourn RCM#006 at 7:37pm

Moved by: Councillor Candice Pedersen

Seconded by: Councillor Derek Elias

**CARRIED#20-006-07**

	
<b>Mayor Pamela Gross – Chair</b>	<b>CAO Marla Limousin</b>
Date: April 27, 2020	Date: Apr 27, 2020