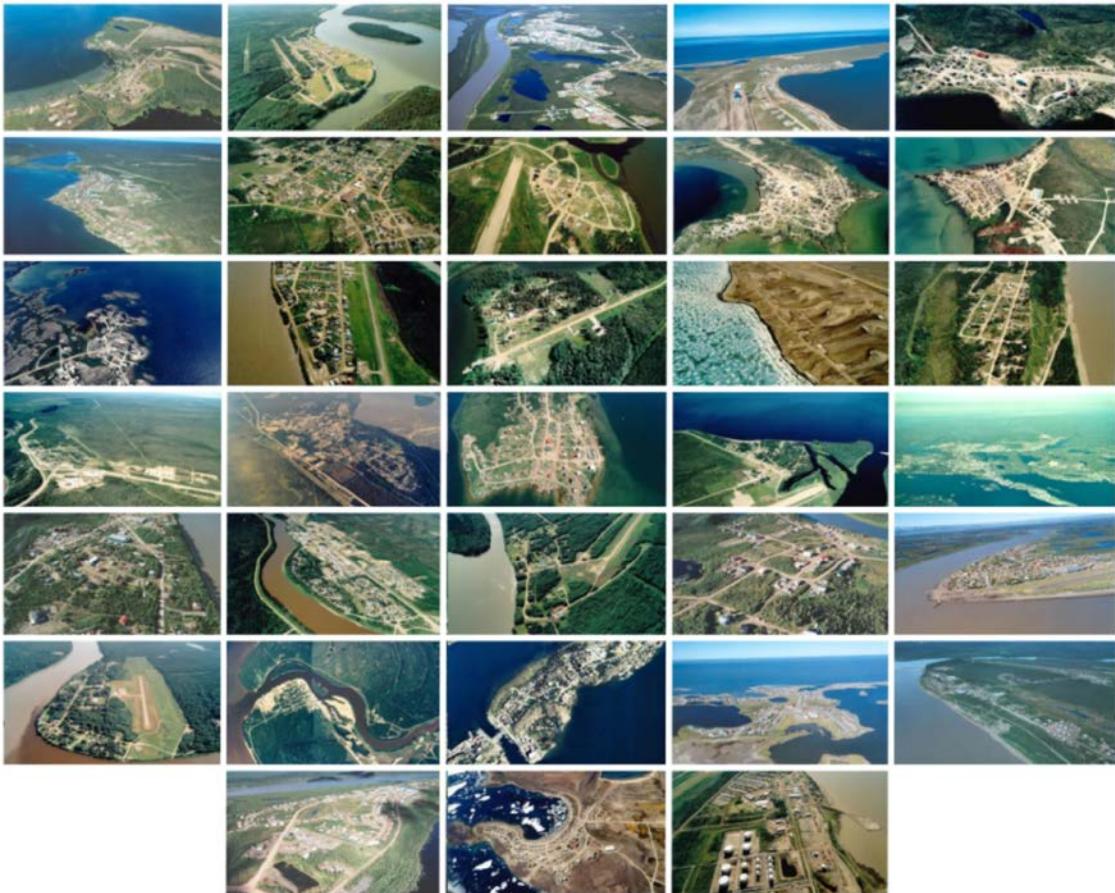


Local Government Administrators Handbook



March 2016

(Updated March 2017)

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1 Introduction

In most NWT communities, the community government is responsible for providing a variety of programs and services to local residents. The top job in a community government is usually called the City Manager, Town Manager, Senior Administrative Officer, Chief Administrative Officer, or Band Manager depending on the community. For simplicity, this Handbook refers to all of these positions as a Local Government Administrator:

The Local Government Administrator (LGA) is an essential position within a community government. As such, the LGA should be:

- Knowledgeable about all relevant acts, regulations and policies.
- Able to advise and support Council.
- Capable of managing the day-to-day operation of the community government, including staff and finances.

1.1 Purpose of the Handbook

The purpose of the LGA Handbook is to assist LGAs understand the key aspects of their roles and responsibilities and provide up-to-date resource materials to assist them.

There are 33 communities in the NWT providing municipal services ranging from the City of Yellowknife to First Nations such as Kakisa. Given this diversity, it is not possible to address all the topics and issues that may be of concern to a specific community or LGA. However, community governments do share many similarities in terms of their roles, responsibilities and practices.

1.2 How to Use the Handbook

The Handbook is intended for LGAs who are new to their jobs or new to working in the NWT. It provides general information on how political power and authority is organized within the NWT and an orientation to what a community government and the LGA position is all about. The Handbook also covers the main responsibilities of the LGA position. These include governance, human resources, finances, infrastructure, program and service delivery as well as other duties.

Please note: For detailed information on many of the areas outlined in this Handbook, please see the Municipal and Community Affairs (MACA) website:

<http://www.maca.gov.nt.ca/>

1.3 An Important Note

Throughout this document or other MACA documents, MACA uses the terminology “community governments” to refer to cities, towns, villages, hamlets, chartered communities, the Tłı̨chǫ Community Governments, or “Designated Authorities”. Community governments may also include new forms of self-government, such as is anticipated when the Deline government implements its self-government agreement in 2016.

2 Levels of Government in the NWT

This section provides a snapshot of how political power and authority is organized in the NWT. The levels of government (federal, territorial, Indigenous) are the source of legislation, regulations, policies and programs (funding) that affect community governments.

2.1 Federal/Provincial/Territorial Division of Powers

Canada is a federation made up of 10 provinces and three territories. The Constitution of Canada is the supreme law of the country. Under the Constitution, political authority comes from the Crown, which, in turn, is divided between the federal government and the 10 provincial governments. Generally, powers of the Government of Canada, provincial and territorial governments are separate and independent of each other, but they do overlap in some areas.

The Government of Canada is responsible for matters that are of national importance. Some examples include: citizenship, defence, law, finance and taxation, external relations, trade, transportation, unemployment insurance and postal service. Using its legislative powers and spending power (i.e. funding transfers such as equalization payments), the Government of Canada also tries to make sure that all Canadians get fair and equal treatment regardless of where they live in Canada.

As noted above, the 10 provinces derive their sovereignty from the Crown, in accordance with the Constitution. Each province is responsible for managing its own affairs in areas such as social programs (health, education and income support), ownership and management of lands and natural resources as well as environmental management and protection. Provinces also have other responsibilities in areas such as taxation, transportation, the administration of justice and property and civil rights.

The three northern territories have specific powers and authorities but unlike the provinces, which derive their sovereignty from the Crown, the territories’ power and authority is

delegated to them by the Parliament of Canada. Generally, the territories have similar powers as the provinces – in areas such as social programs, taxation, transportation, administration of justice and property and civil rights.

Indigenous governments are established through several mechanisms. Treaties and self-government agreements are the most common mechanisms for establishment of Indigenous governments. Indigenous rights, including the right to self-government are protected under the Constitution. It is also important to note that the powers and authorities of Indigenous governments are continuing to be defined and developed.

Under the Canadian Constitution, responsibility for municipal governments and services is given to provinces and territories. Each province and territory is responsible for the development and implementation of municipal legislation that establishes municipalities and municipal governments and delegates powers and responsibilities to them.

2.2 Government of Canada

The Government of Canada has three primary relationships in terms of its involvement in the Northwest Territories. These are: 1) The planning, organization and delivery of programs and services to the NWT that fall within the federal mandate; 2) Financial support to the Government of the Northwest Territories (GNWT); 3) Support for Indigenous governments located in the NWT. The Government of Canada has a number of departmental offices located in the NWT. As well the federal government also operates a number of regional offices serving the NWT that are located in southern Canada.

The delivery of programs and services, that lie within the federal mandate, to the residents of the NWT includes: assisting with access to federal income support programming such as Old Age Security, child care subsidies and unemployment insurance; citizenship and passport applications; management and monitoring of areas of federal responsibility (e.g. the Department of Fisheries and Oceans) and promoting economic growth and development (Canadian Northern Economic Development Agency (CanNor)); as well as some licensing and regulatory monitoring.

The Government of Canada's role in financial support for the GNWT takes place through negotiated agreements. These include long-term formula financing that provides a base grant to support a portion of the operation of the GNWT. In addition, the Government of Canada supports shorter-term agreements that provide funding of either ongoing or political priorities. Some of these agreements may directly impact on the operation of municipal governments (e.g. the Gas Tax).

The third area of federal activities is support for Indigenous governments and residents. The Department of Indigenous and Northern Affairs Canada (INAC) generally lead activities in this area. A brief description of the role of INAC is outlined in the section below.

Indigenous and Northern Affairs Canada

INAC is responsible for two mandates - Indigenous affairs and support for northern development. Together, these programs support Canada's Indigenous and northern peoples in the pursuit of healthy and sustainable communities and broader economic and social development objectives.

INAC maintains an office in Yellowknife that:

- Provides advice and support to Indigenous organizations and First Nations through its new Governance and Partnerships Directorate;
- Provides front line services to its clients: assistance with applications for Secure Certificate of Indian Status cards, support for persons wishing to apply for Indian status and information on the University and College Entrance Preparation Program;
- Coordinates the clean up of contaminated sites through its Contaminated Sites Directorate and the Giant Mine Project Office;
- Manages remaining federal Crown lands in the NWT; and
- Offers emergency management resources and support should the territorial GNWT require resources beyond its capacity to cope in an emergency or disaster.

It is important to note that the Designated Authorities/Recognized First Nations community governments that are referenced throughout this handbook have a financial/reporting relationship with INAC.

2.3 Government of the NWT

A Brief History

From the 1900s to the 1960s, Ottawa directly governed and managed the NWT, appointing a Commissioner and naming members to the Northwest Territories Council. By 1966, elected members from the NWT formed the majority on the Council even while the NWT government's seat was still in Ottawa. At the time, political awareness in the North was increasing, and the dissatisfaction with a governance system that was located in southern Canada was growing.

In the late 1960s, the federal government moved the seat of government for the Government of the Northwest Territories from Ottawa to Yellowknife. A Commissioner continued to serve as the head of the government. At the time the GNWT was responsible for all of the area and people that now make up both the Northwest and Nunavut Territories.

Coinciding with the NWT government relocation, the federal government began devolving (transferring) some of its responsibilities to the newly relocated government. In addition, a northern civil service was developed and, by 1975, the first fully elected NWT Council was established. This body is now known as the NWT Legislative Assembly. The process of political evolution continued throughout the 1970s and 1980s as most of the remaining powers of the Commissioner were transferred to the Legislative Assembly. All of the changes result in the acceleration of efforts towards creating a ‘responsible government’ at the territorial level.

In the 1990s political changes continued when the title for the leader of the GNWT was officially changed from ‘Government Leader’ to ‘Premier’ (1994). As well, following a public plebiscite and political approvals at the territorial and federal levels, a wide range of activities were undertaken that resulted in the division of the Northwest Territories into two jurisdictions with the creation of the Nunavut Territory (1999).

Territorial Governance

The NWT and Nunavut are the only two jurisdictions at the Territorial/Provincial level in Canada that operate under a consensus system of government rather than party politics. All candidates running for election in a territorial election run as independents, even if they have a political affiliation in federal political activities. After a territorial election, the 19 Members of the Legislative Assembly (MLAs) hold the Territorial Leadership Committee to elect the Speaker of the Legislative Assembly, the Premier and six Cabinet Ministers. The remaining 11 MLAs are referred to as Regular Members and are responsible for holding the government accountable for its actions. Under the consensus system, decisions are made by a simple majority vote. Given that Cabinet only has 7 of the 19 Members, the 11 Regular Members exert considerable influence on the decisions and direction of the government.

Committees are essential to the structure and operation of the NWT legislature. The Legislative Assembly has three types of committees – the Committee of the Whole, Standing Committees, and Special Committees. Committee work provides an opportunity for Regular Members to examine issues in a detailed way and work directly with responsible Ministers on matters of particular interest. Committees can meet during Legislative Sessions and most Standing and Special Committees also meet between Sessions.

GNWT Organization and Structure

The GNWT is organized into a number of departments, boards and agencies. The organization of the GNWT changes periodically to meet changing political priorities, program and service needs and/or changing financial circumstances. At the present time (early 2016) the GNWT’s basic structure includes 13 departments and 13 agencies.

The departments, boards and agencies that are most relevant to the community governments are:

- Municipal and Community Affairs (MACA)
- Public Works and Services (PWS)
- Transportation (DOT)
- Lands
- NWT Housing Corporation (NWTHC)
- NWT Power Corporation (NTPC)
- Public Utilities Board (PUB)
- Workers' Safety & Compensation Commission (WSCC)

The duties and responsibilities for all GNWT departments can be found in each department's Establishment Policy (<http://www.executive.gov.nt.ca/publications/policies>). Each Establishment Policy is approved by the Cabinet and defines the duties and responsibilities of the Minister and those of the Deputy Minister (and through the Deputy Minister the staff of the department). While it does not occur very often, Cabinet may change these duties and responsibilities from time to time. In addition, powers and authority of Ministers and statutory officers (e.g. the Fire Marshall) are also described in various pieces of legislation.

Brief descriptions for the Government of the Northwest Territories' key departments are outlined below.

Municipal and Community Affairs (MACA)

The Department of Municipal and Community Affairs (www.mac.gov.nt.ca) is the most important GNWT department for community governments and their LGAs. MACA's vision is 'to support capable, accountable and self-directed community governments to provide a safe, sustainable and healthy environment for community residents'. The department's mission is 'to work with community governments and other partners in supporting community residents and building capacity at the local government level to provide programs that improve the quality of life for NWT residents'. The responsible Minister and the department have wide ranging duties and responsibilities related to municipal governments and municipal services. A more expansive discussion of these can be found in the following section of this manual.

Public Works and Services (PWS)

The Department of Public Works and Services (www.pws.gov.nt.ca) is involved in building, designing and maintaining territorial government structures; supplying fuel to some communities, energy matters and managing the GNWT's Technology Service Centre.

Lands

The mandate of the Department of Lands (www.lands.gov.nt.ca) is to manage, administer and plan for the sustainable use of public lands (Territorial and Commissioner's lands) in the Northwest Territories in a fair and transparent manner that reflects the interests of the people of the Northwest Territories. Areas of departmental responsibility include: administration and management of public lands, establishment of land use sustainability standards, guidelines and policies, land use planning and administration, (e.g. regional land use plans, outside of community boundaries, and permitting of use), project assessments and compliance and enforcement of land use permits.

Transportation (DOT)

The Department of Transportation (www.dot.gov.nt.ca) is responsible for designing, constructing, operating and maintaining the public transportation system in the NWT, which includes the highway and winter road systems, 27 community airports and five ferry and ice crossings. DOT also regulates and licenses drivers and vehicles operating in the NWT.

Many community governments have contracts with the Department of Transportation for the operation and maintenance of the airport facilities in their community.

NWT Housing Corporation (NWTHC)

The NWT Housing Corporation (www.nwthc.gov.nt.ca) is a GNWT-owned corporation that delivers public housing programs through Local Housing Organizations (LHOs) and some municipal and First Nation governments. In many communities, the LHO is the largest consumer of community government services and land.

NWT Power Corporation (NTPC)

The NWT Power Corporation (www.ntpc.com) is a GNWT-owned utility company responsible for generating and delivering power to most NWT communities. NTPC also sells wholesale power to Northland Utilities (a privately owned utility) for distribution to customers in Hay River and Yellowknife.

NWT Public Utilities Board (PUB)

The Public Utilities Board (www.nwtpublicutilitiesboard.ca) is an independent regulatory authority established by the GNWT. It is responsible for regulating public utilities in the NWT, including setting power rates and terms and conditions of service. The PUB deals with most issues using an application and decision process.

Workers' Safety and Compensation Commission

WSCC (<http://www.wscct.nt.ca/>) is an arm's length government agency responsible for administering the *Workers Compensation Acts*, *Safety Acts*, *Explosives Use Acts* and the *Mine Health and Safety Acts*. Together, with their partners, the WSCC provides services to almost 40,000 workers and 4,000 employers across the Northwest Territories and Nunavut, processes over 3,000 claims annually, and conducts over 1,000 inspections annually to ensure the safety of northern workplaces. The WSCC is unique in Canada as it is the only workers' compensation organization in the country to insure workers across more than one province or territory.

2.4 Indigenous Land Claims and Self-Government Agreements

In much of Canada, the relationship between Indigenous people and the federal Crown was originally informed by the historical numbered treaties. In the NWT, the First Nations people of the Mackenzie Valley signed Treaty 8 in 1900 and Treaty 11 in 1921. The Inuvialuit were never offered a treaty, and Métis individuals who did not sign onto a treaty were offered "scrip" payments (essentially a voucher that could be redeemed for cash or land depending of the circumstances and conditions established at the time of award).

In the 1970s, the Government of Canada began negotiating modern-day treaties (generally referred to as 'land claims agreements') with Indigenous groups that were without treaties and with groups that had signed treaties and were interested in self-government. Modern land claim agreements address land ownership and provide certainty regarding land title, resource management, harvesting rights, measures to protect culture, and almost all include financial components. In addition, land claims agreements may also include provisions relating to Indigenous self-government or provide for future negotiations of self-government.

Indigenous Self-Government

A number of NWT Indigenous groups have negotiated, or are currently negotiating, self-government arrangements.

In the NWT, the following Indigenous rights agreements have been settled:

- The Inuvialuit Final Agreement (1984);
- The Gwich'in Comprehensive Land Claim Agreement (1992);
- The Sahtu Dene and Métis Comprehensive Land Claim (1993);
- The Salt River First Nation Treaty Settlement Agreement (2002)
- The Tłı̨chǫ Agreement (2003) is the first combined comprehensive land claims and self-government agreement in the Northwest Territories; and

- The Délı̨nę Final Self-government Agreement (effective date scheduled for September 2016) is the first stand-alone community-based self-government agreement in the Northwest Territories.

Indigenous rights negotiations that are currently underway in all NWT regions:

- Gwich'in Self-government Agreement-in-Principle negotiations;
- Tulita Self-government Agreement-in-Principle negotiations;
- Norman Wells Land Corporation Self-government Agreement-in-Principle negotiations;
- Colville Lake Self-government Agreement-in-Principle negotiations;
- Fort Good Hope Self-government Agreement-in-Principle negotiations;
- Dehcho First Nations Land, Resources and Self-government negotiations;
- Akaitcho First Nations Land, Resources and Self-government negotiations;
- Inuvialuit Final Self-government Agreement negotiations;
- Northwest Territory Métis Nation Final Land, Resources and Self-government Agreement negotiations;
- Acho Dene Koe First Nation Final Phase 1 Land, Resources and Self-government Agreement negotiations;
- First Nation of Nacho Nyak Dun Transboundary negotiations;
- Manitoba Denesuline Transboundary negotiations;
- Athabasca Denesuline Transboundary negotiations;

Details and current updates can be found at:

www.daair.gov.nt.ca/_live/pages/wpPages/CurrentNegotiations.aspx

Designated Authorities

In the NWT, the term ‘First Nations’ has generally replaced the use of the term ‘Indian Bands’. The status of First Nations comes through the application of the federal government’s *Indian Act*. In addition, a federal Order in Council, made under the provisions of the *Indian Act*, establishes Indian Reserves. (Note: There are only two reserves in the NWT - Katl’odeeche (Hay River) and the Salt River First Nation (Fort Smith)).

In the context of the delivery of community government programs and services in the Northwest Territories, First Nations that provide municipal services are also referred to as ‘Designated Authorities’ by MACA. These governments, in addition to funding received from the Government of Canada for the operation of the First Nation, have a contractual agreement with MACA to provide municipal services to their First Nation Community or Indian Reserve.

The Department of Municipal and Community Affairs currently contracts nine First Nations as Designated Authorities. These are the communities of Behdzi Ahda (Colville Lake), Jean

Marie River, K'atlodeeche (Hay River Reserve), Ka'a'gee Tu (Kakisa), Lutselk'e, Nahanni Butte, Sambaa K'e (Trout Lake), Pehdzeh Ki (Wrigley) and Dettah (Yellowknives Dene).

Duty to Consult

Municipal governments should be aware of a governmental obligation to consult with Indigenous governments and organizations. Such a ‘duty to consult’ respects Indigenous and Treaty rights and the result of such consultations may require accommodations of such rights. Consultation obligations may arise from different sources, such as Section 35 of the Canadian Constitution, an existing land-claim and/or self-government agreement and interim measures agreements.

The obligation related to the ‘duty to consult’, under Section 35 of the Canadian Constitution, falls on the federal or territorial government. This being said there may, on occasion, be circumstances when the federal or more likely, the territorial government may request the assistance of a community government in order for a ‘duty to consult’ obligation to be addressed. For example, a community government might be asked to organize a meeting and document meeting participation and results, or the community government might be asked to assist in drafting correspondence. In such cases, the government that has the legal ‘duty to consult’ will provide specific directions with respect to the actions to be taken.

Much of the information on what is deemed “adequate” in terms of procedures and processes in carrying out this ‘duty to consult’, as well as what is appropriate and suitable in terms of ‘accommodations’ to mitigate any impact of the activity that is being consulted on, are being determined through common law – the results of court cases. So it is difficult to provide specific rules or guidelines on this subject matter as it is evolving in the courts.

It should be noted, however, that this duty to consult is a legal obligation and is different than other types of community consultation or engagement, such as where a Council is seeking public input or support on a matter in front of them.

In any situation where a community government believes that a matter under consideration may involve Indigenous rights, early contact with the Department of Municipal and Community Affairs is recommended.

The Government of the Northwest Territories, and specifically the Department of Municipal and Community Affairs, continue to develop information on obligations with regards to how the ‘duty to consult’ will be managed. Community governments will be hearing more on this matter in the future.

2.5 The Relationship between the Department of Municipal and Community Affairs and Community Governments

MACA is the department that has been established to oversee and support those community governments established under Territorial legislation and the programs and services that these governments provide to their residents. As a result, if there are requirements under legislation for the GNWT to take specific actions, or conduct specific approvals, it is the Minister of Department of Municipal and Community Affairs or delegate (the Deputy Minister or other department staff) who would be responsible for carrying out those actions. For example, the Minister of MACA must approve the bylaw authorizing the borrowing of money and ensure that the bylaw was created through the process established under the appropriate legislation and regulations.

In communities where there is no territorially authorized community government, MACA contracts with the local First Nations government to provide the core programs and services that a municipal government would normally provide – things such as the provision of water, sewer and solid waste services. This relationship is contractual in nature. This is a unique relationship - it is not established with all First Nations governments, only with those where no other municipal type government exists.

At the present time, MACA describes community governments as including:

- Cities, Towns and Villages;
- Hamlets;
- Charter Communities;
- Tłîchô Community Governments; and
- First Nations/Designated Authorities.

For more information on authorities, please see Appendix D in this Handbook or go to MACA's website to review the document "Differences in Community Government Structures"

(http://www.maca.gov.nt.ca/resources/Differences_in_Comm_Govt_Structure.pdf).

While the specific types of oversight and support provided by MACA may differ based on whether it has a legislated or contractual arrangement with the community government, the Department, under the direction of the Minister, has a number of areas of responsibility.

These include:

- Provision of advice to the Minister on community government matters, oversight and performance of community governments as well as supporting policy development and the preparation of legislation and regulations.
- Provision of core funding for municipal programs and services. There are three primary GNWT programs for the provision of this funding: Operations and

Maintenance Funding; Water and Sewer Services Funding; and Community Public Infrastructure Funding. In addition, MACA coordinates federal funding for NWT community public infrastructure - the Gas Tax Funding Program. As well, it coordinates the reporting to the federal government on projects funded under the program.

- Provision of other funding programs includes, but is not limited to, recreation program funding, youth program funding, ground ambulance funding, property tax revenue grants, seniors and disabled property tax rebate, grants in lieu of taxes, and the provision of other third party funding related to community government programs.
- Supporting community governments wishing to access technical advice related to community government leadership, community planning, administration and program and service areas.
- Organization and delivery of a wide range of training to both elected officials and staff of community governments to improve their ability to perform their functions.
- MACA provides advice and support as it relates to carrying out legislated duties.
- Houses and manages staff members holding legislated statutory authorities related to various types of community government activities. These include functions related to the Office of the Fire Marshall, Consumer Protection, Property Assessment, and Emergency Management.
- Issuance and management of lottery licences, business licences, realtor licences and other licences.
- Facilitation of the relationships between community governments and other government departments.

It is important to note that the funding provided to community governments by MACA is usually provided through a contribution agreement mechanism. Each agreement stipulates any rules around the use of funds as well as any reporting requirements in order to access and/or continue to access the funding. It is important that the LGA understand the rules and requirements around these funding arrangements. In addition to this direct relationship with community governments, MACA also works closely with the two organizations that represent differing aspects of community governments – the NWT Association of Communities (NWTAC), and the Local Government Administrators of the NWT (LGANT). Through partnerships with these two organizations, MACA performs tasks such as legislative and program reviews, delivers on capacity building and training requirements, the identification and communication of best practices and seeks additional ways to support community governments to carry out their core business.

MACA has also developed and implemented the *NWT Community Government Accountability Framework* to monitor and support the improvement of community government activities. This framework serves as a tool that helps community governments to assess, document and report on key aspects of community government performance. As

well, the framework provides the MACA Minister with a mechanism to publically report to Legislative Assembly on overall community government performance across the NWT.

The *Accountability Framework* has been designed to reflect the core areas of municipal responsibility that are described in legislation and through agreements. These core responsibilities are:

- Good governance;
- Comprehensive planning;
- Sound financial management and administration; and
- Safe, healthy and vibrant communities.

To download the *Accountability Framework*, go to: <http://www.maca.gov.nt.ca/wp-content/uploads/2013/11/Accountability-Framework-Aug-2015-Final.pdf>

MACA achieves its work through an organizational structure that includes five regional offices, as well as a headquarters operation comprised of support staff. MACA staff members provide oversight and support for both community government governance (Council) activities as well as for community government administration.

The regional offices provide the primary point of contact for community governments. MACA staff members in the regional offices work closely with the mayors and councils as well as with community government staff members by telephone and email as well as during regularly scheduled visits into communities. Headquarters staff members also will, as required, travel to communities to support regional staff. Generally, regional staff members are scheduled to visit community governments twice per year to assist in the review and revision to community government plans and activities.

MACA also sponsors regional and territorial workshops and conference events during which elected community government officials and/or community government staff members discuss key topics and issues. These events offer participants, including MACA staff members, an opportunity for networking. For example, a governance conference is held every two years that is focused on building capacity in the area of governance.

3 Community Governments and the LGA

This section provides an overview on the history of the development of community governments in the NWT, explains the different roles within a community government, describes the LGA's role and responsibilities and outlines the legislative framework that community governments operate within.

3.1 History

For as long as there have been communities in the NWT, people have found ways to organize themselves to assist each other. The first communities in the NWT were small camps occupied by extended families. These communities tended to move with the seasons and the life needs of the residents. More recently, permanent communities have developed. Many of these locations were originally fur trading posts and mission sites while others were built near activities such as mining, transportation hubs and government offices. As these new communities grew, the first incorporated municipalities were formed. Over time, as people moved into permanent communities and settlements, models of community government were put in place.

Starting in the 1960s, government programs were established to assist people living in the emerging permanent communities with the knowledge, basic skills and authorities needed for legislated community governance. Initially this governance structure took the form of advisory councils. In the 1970s and 1980s, following the devolution of municipal type powers to the GNWT, new efforts were made to find forms of community governments that would work in the smaller communities. These efforts resulted in legislation to define the structure, roles and responsibilities for the various forms of community government described in Section 2. More recently, the Tłîchô Community Government Act was created as a result of the comprehensive Aboriginal rights negotiations culminating in the formation of the Tłîchô government.

3.2 Elected Officials and Administration

The people involved in a community government fall into two categories: those participating in governance roles and those participating in the administrative roles.

In broad terms the governance function of a community government has oversight, planning, monitoring and reporting responsibilities. The Mayor or Chief and the Council members are elected to define the community's priorities within the context of legislation and regulations, establish plans, allocate resources (budgets) and then monitor the performance of the community government in the achievement of stated goals and objectives. In addition,

those in the governance role are committed to conducting their work in a manner that is open and transparent and that is free of conflicts of interests. Further, those in the governance role are expected to report back on the community government's activities to the residents that they serve.

Within the governance role there are two related functions. The first is that of the Mayor or Chief and the second it that of Councillors. The roles and responsibilities of those in governance roles include:

The Mayor or Chief

- Chairing meetings, signing official papers, ensuring council's work is done in accordance with adopted bylaws, rules and policies;
- Representing the community to other levels of government, hosting special visitors, attending meetings outside the community and speaks on behalf of Council;
- Supervising the LGA; and
- Fulfilling the same responsibilities as other councillors.

Councillors

- Understanding current issues and staying in touch with what people in the community want (and don't want);
- Representing the interests of the public (all people in the community);
- Gathering and considering information (reports, documents, expert advice etc.);
- Taking time to think about decisions and making decisions based on what has been heard and what has been learned;
- Following proper procedures in making policies, bylaws and resolutions;
- Setting direction for the organization through plans, bylaws and policies - which are then implemented and administered by staff; and
- Supporting the decisions of Council once they are made.

It is important to note that individual Councillors do not possess any authority to make decisions or provide instructions. A decision of the council is required in order for such direction to be given.

The community government's administration is made up of the LGA and the other staff members. The LGA is hired by the council to manage the day-to-day affairs of the community government.

Depending on the size of the community, the number of staff working for the community government can range from a few people to hundreds of people. Regardless of the community, it is important to be aware that the staff are hired by, and report to, the LGA. It is the LGA, not the Chief, Mayor or Councillors, who is responsible for directing and managing staff.

Additional information is available in the Community Councillors Handbook:
(<http://www.nwtac.com/wp-content/uploads/downloads/2014/01/Community-Councillor-Handbook1.pdf>)

3.3 LGA Role and Responsibilities

The basic role of the LGA is to make sure that the community government is meeting its obligations in keeping the community healthy and safe and providing the programs and services residents need. As such, the LGA essentially works as a manager within a political setting. In addition, the LGA is the conduit through which information ‘flows’ between the governance and the administration aspects of the community government.

To fulfill their role, LGAs are expected to perform four critical functions:

Advise

The LGA serves as an advisor to Council. To do so, the LGA needs to be knowledgeable and up to date on rules, best practices, laws and regulations. Further, the LGA must have a strong understanding of the context within which the community government is operated. If Council gets incorrect information or poor advice, it may make mistakes that can have serious legal, financial or operational consequences for the community.

Different types of laws and best practices that an LGA must be aware of include:

- **Legislation** – legislation (also referred to as acts or statutes) is usually broad in scope and general in its content. It is passed by a legislative body and contains directives that must be complied with to remain within the law. Legislation may also delegate power and authority to another level of government. Legislation typically provides a general framework that requires, allows or prohibits certain actions, either by industry, communities or people.
- **Regulations** – after legislation is passed, the details of how the legislation will work, be implemented and enforced are often developed as regulations. A regulation refers to a specific requirement that can take various forms. While legislation often takes years to develop or revise, regulations can be created or changed within a shorter timeframe as they are not passed by a legislative body but are generally approved by a Minister or the Cabinet.
- **Government Policies** – policies are written statements that provide direction in an organization and assist in decision-making. Policies often contain rules or thresholds that indicate what is allowed or not allowed.
- **Procedures** – procedures are a particular way of accomplishing something. Procedures are usually a series of steps that are to be followed to achieve a result.

- **Bylaws** – Laws that are passed by a municipal council are commonly called bylaws. Their powers only extend to the municipality for which they were passed.

The LGA can also be expected to provide advice and opinion on a range of subjects related to the activities of the Mayor/Chief and Council. These may be matters related to local activities of the community government or they may be information and advice requests related to the community government's association or working relationship with, for example, the GNWT. To be effective in responding to such requests the LGA must develop and maintain a network for contacts and subject experts that can provide useful assistance, advice or referrals.

A third and somewhat more challenging aspect of the advice role can result when issues arise between members of the Council. While such matters are not necessarily the responsibility of the LGA to resolve there may be, depending upon the circumstances, a role for the LGA in referring the involved parties to resources (other people) that can assist with resolution of the matter. Alternatively, the LGA may be asked to play a role in a problem-solving process associated with the matter. This is likely one of the more risky aspects of the LGA's responsibilities and, when it is necessary to engage, one that should only be addressed with the greatest care and sensitivity.

Provide Support and Information for Council

An LGA provides information to Council so it can make informed decisions.

Frequently Councils will look to the LGA to help them, identify strengths and weaknesses in operations and governance, set priorities and organize the Council's workload. An LGA can expect to be asked to develop schedules, provide options to address issues and plans, and make other recommendations based upon their personal knowledge and experience.

The LGA does not tell Council what to decide but can point out whether Council has the authority to do something or how something must be done to ensure compliance with legislation, bylaws, regulations, established policies and procedures, agreements or contracts.

In this regard, an LGA is also required to provide background information; briefing notes as well as conducting research as a support to Council and to enable Council members to make informed decisions. LGAs may also talk with officials in other levels of government and generally provide advice and guidance based on their experience.

Manage

An LGA serves as the senior administrator for the community government, carrying out Council's instructions and managing the daily operations of the community government. In

this capacity, the LGA makes daily operational decisions in the following areas of responsibility:

- Support for Council and governance direction and activities;
- Management of the human resources aspects of the operation;
- Oversight of financial matters;
- Directing the construction and maintenance of infrastructure; and
- Directly or indirectly supervising program and service delivery.

Report

An LGA is responsible for reporting to Council on the activities of the community government. This reporting may include reporting on overall management of community affairs and the state of operations, as well as financial reporting, including providing financial statements and conveying an accurate picture of the state of the community's financial resources.

More detail on these topics is provided in Section 4.1 of this Handbook.

In their management role, the LGA is expected to 'operationalize' the decisions and directions provided by Council. Generally, the LGA has some flexibility in determining how Council decisions will be implemented however such decisions need to be informed by the context and environment of the community government. Consideration of best practices and practicality are generally important when exercising their duties and responsibilities in this regard.

In addition to ensuring that the decisions and direction of the Council are implemented the LGA is also expected to collect, consolidate and analyse information based upon input from other community government staff members. This information can be expected to influence or guide the LGA's management activities and, the LGA may summarize this information so that it may be passed along the Mayor and Council as information, or in some cases, for decision.

All aspects of the LGA's roles require sensitivity and problem-solving skills. While technical knowledge and skills are essential components of the job, superior 'people skills' are fundamental to every LGA's success.

3.4 Important Legislation

In order to know what powers and responsibilities a community government has, the Council and the LGA must be familiar with relevant legislation. This includes municipal legislation as well as numerous other statutes that influence or impact different aspects of community operations.

3.4.1 Municipal Legislation

Municipal legislation includes the various acts that define the powers, authorities and responsibilities for each different type of municipal government. The legal status of a municipality is usually determined either by public request or on the initiative of the Minister of MACA. This means that a municipality can decide to alter its status. The four Tłîchô communities are the exception as their status is fixed under the *Tlicho Community Government Act*.

Each type of municipal government is established by, and gets its authority from, specific legislation. The acts mentioned below and their associated regulations spell out a municipal government's authority and how it may operate. It is essential that the Council and the LGA be familiar with the provisions of the act and regulations that apply to their community.

- Cities, Towns and Villages Act
(<https://www.justice.gov.nt.ca/en/files/legislation/cities-towns-and-villages/cities-towns-and-villages.a.pdf>) – applies to Yellowknife, Hay River, Inuvik, Fort Smith, Norman Wells and Fort Simpson. These larger municipalities have extensive powers including raising substantial revenues through municipal taxation, ability to borrow money, full bylaw authorities and ability to acquire Commissioner's Lands and administer lands within the municipal boundary.
- Hamlets Act
(<https://www.justice.gov.nt.ca/en/files/legislation/hamlets/hamlets.a.pdf>) – applies to smaller municipalities including Aklavik, Enterprise, Fort Liard, Fort McPherson, Fort Providence, Fort Resolution, Paulatuk, Sachs Harbour, Tuktoyaktuk, Tulita and Ulukhaktok. Hamlets have similar powers as Cities, Towns or Villages but none are currently municipal taxing authorities.
- Tłîchô Community Government Act –
(<https://www.justice.gov.nt.ca/en/files/legislation/tlicho-community-government/tlicho-community-government.a.pdf>) – applies to the four Tłîchô communities (Behchokö, Wekweèti, Gamètì and Whatì). This Act is very similar to the *Hamlets Act* but has been modified in certain ways to be consistent with the provisions of the Tłîchô Agreement.

- *Charter Communities Act* - (<https://www.justice.gov.nt.ca/en/files/legislation/charter-communities/charter-communities.a.pdf>) – applies to the municipalities of Deline, Fort Good Hope and Tsigehtchic. Charter communities have similar powers as Hamlets except that they have a charter which will offer specific details such as how their leadership structure is established (often combined First Nations elected members along with “at large” publicly elected members).

The remaining community governments in the NWT are referred to as Recognized First Nations/Designated Authorities by MACA. These communities include Behdzi Ahda First Nation (Colville Lake), Jean Marie River First Nation, K'atlodeeche First Nation (Hay River Reserve), Ka'a'gee Tu First Nation (Kakisa), Łutselk'e First Nation, Nahanni Butte First Nation, Sambaa K'e Dene Band (Trout Lake), Pehdzeh Ki First Nation (Wrigley) and Yellowknives Dene First Nation (Dettah). These Bands or First Nations, are recognized under the Indian Act but are not established through GNWT legislation. Federal or GNWT departments provide funding to deliver specific services. Their rules in terms of elections are established under the Indian Act and through their own custom elections practices. Bands may borrow in areas where the federal government guarantees lending.

For more information on Differences in Community Government Structures, see Appendix D in this Handbook, or go to:

http://www.maca.gov.nt.ca/resources/Differences_in_Comm_Govt_Structure.pdf

3.4.2 Other Legislation

In addition to the acts that define a community government’s authority, there are a number of other GNWT Acts that influence different aspects of community operations, including:

Legislation from which community governments draw authority:

- *All Terrain Vehicles Act* – governs the use of all terrain vehicles. Part 2 of the Act outlines how a Council can, through a bylaw, control the use and operation of all terrain vehicles within the community.
- *Dog Act* – outlines procedures for the appointment of dog officers, defines prohibitions and provides for seizures and destruction of dogs. Section 7 allows for a municipal bylaw to supersede the provisions of the Act regarding impounding, selling and destroying dogs.
- *Liquor Act* – outlines the rules and procedures for the distribution and sale of liquor. Section 54 sets out authorities where municipal governments can exercise bylaw authority.

- *Lotteries Act* – governs the operation of lotteries. The responsibility for administering lotteries may be delegated to a municipal government.
- *Motor Vehicles Act* – governs motor vehicle use. Sections 343 to 348 outline how a Council may make bylaws controlling the use of motor vehicles within the community.
- *Community Development and Planning Act* – outlines what a Council may do in preparing general plans, development schemes and zoning bylaws for the development of the community and how enforcement and arrears should be handled.
- *Property Assessment and Taxation Act* – explains the process for property assessment and taxation in the NWT. Of specific interest are sections 75 to 79 that deal with issues such as establishing mill rates, municipal taxation areas and property taxes.

Legislation that imposes responsibilities on municipalities:

- *Civil Emergency Measures Act* – section 7 outlines the powers and duties of a local authority in dealing with local states of emergency.
- *The Community Planning and Development Act* - *The Community and Planning Act* came into force October 1, 2013. The purpose of a community plan is to provide a policy framework to guide the physical development of a municipality, with regard to sustainability, the environment, and economic, social and cultural development of the community. Council may initiate preparation of a community plan for a municipality.
- *Conflict of Interest Act* – defines conflict of interest procedures elected officials must follow to declare conflict and penalties for failure to disclose conflict.
- *Employment Standards Act* – applies to most employers and employees and sets out minimum standards that employers must follow for their employees in areas such as hours of work, overtime, minimum wage, holidays etc.
- *Environmental Protection Act* – outlines standards for dealing with contaminants and unsightly lands and the remedies that can be applied. In particular, LGAs should be familiar with the basics for reporting spills.
- *Fire Prevention Act* – outlines mandatory requirements on how fire prevention and protection services are provided. If there is not a Fire Chief or Acting Chief in a community, Council must designate a municipal employee (often the LGA) to be the local assistant to the Fire Marshal.
- *Local Authorities Elections Act* – outlines the process for elections for municipal governments and local education authorities. It should be noted that if a returning officer isn't appointed within the guidelines of the Act, the LGA automatically becomes the returning officer (see s. 27(2)).

- *Public Health Act* – sets out standards and rules to protect the health of the public. In particular, municipalities need to be aware of, and compliant with, new Water Supply System Regulations that came into effective on April 1, 2010.
- *Safety Act* – outlines the responsibilities of an employer to provide a safe work place.
- *Workers Compensation Act* – establishes a system of compulsory, no-fault mutual insurance for workers and employers that provides for the sustainable payment of compensation to injured or diseased workers.

See <https://www.justice.gov.nt.ca/en/legislation/> for more information on various legislation.

Access to Information and Protection of Privacy Act (ATIPP)

Over the last 30 years, the public's right to know and the protection of personal information are principles that have been put in practice through implementation of Freedom of Information legislation at the federal and provincial/territorial level. In the Northwest Territories, the Access to Information and Protection of Privacy Act (ATIPP Act) came into effect in 1996. Similar to federal legislation, the ATIPP Act gives individuals a legal right to request information held by NWT public bodies and institutions. The ATIPP Act also provides for the correction and protection of personal information that is collected, used and disclosed by public bodies and institutions. Currently, the ATIPP Act only applies to public bodies of the GNWT including government departments, agencies, boards, commissions and corporations. Under the ATIPP Regulations, municipal governments (with the exception of the Tlicho Community Governments) are not designated as public bodies. As a result, the ATIPP Act does not apply to most municipal governments in the NWT.

For many years, the NWT Information and Privacy Commissioner, appointed under the ATIPP Act as a Statutory Officer of the Legislative Assembly, and the Legislative Assembly's Standing Committee on Government Operations have been recommending that the GNWT take steps to bring municipalities under the ATIPP Act. In response to these recommendations, MACA has established a working group made up of representatives from MACA, the Department of Justice, NWTAC and LGANT to examine the issue of municipal access to information and protection of privacy legislation. The Discussion Paper was circulated to community governments in the fall of 2014. Once the feedback provided in response to the Discussion Paper has been reviewed, it will be used to develop a report and recommendations for future action with regards to municipal access to information and protection of privacy.

The Department of Justice (GNWT) is responsible for administration of the Act and more information can be found on its website: <https://www.justice.gov.nt.ca/en/access-to-information-held-by-public-bodies/>

4 Governance

Governance generally refers to how a community government organizes and manages itself. Examples of common governance practices include how a community government exercises its political authority, how it establishes directions and how it reaches and implements decisions. Following good governance practices is an important part of keeping a community government on-track and out of trouble. MACA provides more information on its website:

http://www.maca.gov.nt.ca/?page_id=569

Governance practices and authorities for “Designated Authorities” and Recognized First Nations governments follow different legislation and custom law and are not regulated through municipal legislation. See section 1.6 above for more details and resource references. That said, many of the best practices around the roles and responsibilities of Council and the manner in which they work with their LGA are similar and MACA does support capacity building for Councils and staff of Designated Authorities.

The topic of governance is complex as some governance practices are mandatory and prescribed in legislation or contractual agreements with funding bodies while others are either recommended as best practices in modern local government administration or optional.

Governance practices that are mandatory for all community governments include:

- Ensuring that a community government does not exceed its authority (as set out in its legislation, bylaws, funding agreements).
- Using a bylaw to enact policy where required by legislation. Examples of mandatory bylaws include Rules of Procedure for Council, appointment of a Senior Administrative Officer and adoption of a corporate seal. In many instances where Council wants to exercise its authority there needs to be a bylaw such as Honoraria, Municipal Service Rates, Borrowing and Long-term debt. In addition, there are specific procedures that a Council must follow to adopt a bylaw.
- Some other activities such as emergency planning, capital planning, are required through legislation or funding agreements. Other activities are strongly encouraged such as strategic planning, or participation in the Accountability Framework.

Areas where a Council has the flexibility to decide how it wants to organize and manage the community government’s operations include:

- **Discretionary bylaws** – areas in which a Council has the choice to adopt a wide range of bylaws include setting a term of office (two or three years), making rules for public meetings, developing code of ethics for councillors, setting terms of employment for staff, animal control, regulating snowmobiles and other vehicles, undertaking local improvements, delegating authorities and establishing a board or commission. See

http://www.maca.gov.nt.ca//wp-content/uploads/2011/09/MACA_SCG_Discretionary-Bylaws_2011.pdf.

- **Certain types of planning.** In addition to the strongly recommended use of a strategic plan, a council may choose to develop other types of plans to provide a focussed effort on certain types of activities. Common examples include recreation plans, wellness plans, economic development plans, and energy plans.
- **Policies and procedures** – when a Council decides to provide guidance and direction to its administration or to itself and a bylaw is not required to exercise this authority, Council may, by resolution, adopt policies and procedures. As policies only bind the community government and not the residents, most policies deal with the internal operation of the community government in areas such as financial and human resource procedures.

4.1 Planning

Planning is an essential part of good governance. Each LGA has a role to facilitate Council's ability to plan and to carry out implementation. Planning involves setting goals, developing plans for achieving the goals and allocating resources (money, people, skills, time) to implement the actions within a plan as well as monitoring the implementation.

Planning helps a Council and Administration be proactive, not reactive. Managing in a proactive way involves anticipating problems, assessing risks and taking actions before difficulties occur. To be proactive, a Council needs to plan and set priorities.

The LGA's role in any planning exercise is to support Council by:

- Gathering required information to provide background of the current situation and pressures.
- Providing advice, options and alternatives.
- Identifying resources (financial and human) available to help facilitate planning work.
- Leading the implementation of a plan, once it is approved by Council.
- Encouraging monitoring of progress achieved and regular reviews and revisions to a plan based on results, new priorities, changes in resources, etc.

The most common types of planning for community governments are summarized below.

4.1.1 Strategic Planning

A strategic plan is the “big picture” plan for a community and usually contains the following:

- A long-term vision for what the community will be like in five or 10 years.
- Key values, such as maintaining culture, protecting the environment and building local capacity that are important to the community.
- Specific goals and actions that will help the community achieve its vision.

Some steps often involved in creating a strategic plan include:

- Taking stock of what needs to be done to improve the quality of life in the community.
- Holding public meetings and other ways to communicate to help determine community priorities and wishes.
- Understanding the various organizations in the community that can support the strategic plan and their role.
- Hiring consultants or other specialists to provide advice and support.
- Consulting with stakeholders such as the NWTAC, LGANT or MACA staff or other municipalities to identify what has worked (and not worked) in other municipalities.

Once a strategic plan is in place, it should serve as a guide to Council in making decisions and allocating resources (setting priorities, establishing budgets, initiating projects etc.). Council should review the plan on a regular basis to see whether progress is being made or if changes are needed.

4.1.2 Human Resources Planning

Without competent staff, a community government cannot deliver programs and services to residents or take care of its business. Given the competitive job market that exists in the NWT and elsewhere, human resource planning is an important tool for attracting and retaining qualified staff.

MACA developed the Community Government Human Resource Development System to assist community governments with human resource development. The elements of the system include:

- Planning
- Job descriptions
- Recruitment and selection
- Orientation
- Training and development
- Performance evaluation

Additional information on human resource development and staffing is provided in Section 4 of this Handbook and on the MACA website: <http://www.maca.gov.nt.ca/home/for-community-governments/community-government-toolkit/human-resources/>.

4.1.3 Financial Planning

Financial planning focuses on the budget, both operating and maintenance (O&M) and capital, that links a community government's planned activities and goals (coming from its plans element) with all of the other planning as well. It's important to have a linkage with

the strategic planning process: priorities set under a strategic plan are supported in the budget exercise. Additional information on financial planning is provided in Section 6 of this Handbook.

4.1.4 Community Infrastructure Planning and Asset Management

Community infrastructure planning is an important process that can help a community government minimize operating costs and maximize the delivery of programs and services to residents. Infrastructure includes all the physical assets a municipal government owns and operates such as buildings, water and waste systems, mobile equipment (heavy equipment, trucks, vehicles), recreational facilities and earthworks (roads, gravel pits).

Ensuring the community infrastructure is in good shape and has sufficient capacity is essential for the delivery of programs and services. Short-term and long-term infrastructure planning is essential to maximize the useful life of assets. A capital plan and an asset management plan are specific tools that can be used. A capital plan considers the capital investment to plan and construct/purchase infrastructure/mobile equipment. An asset management plan looks at operational investments and the actions that can be taken to maximize the lifecycle of each individual infrastructure investment.

Additional information on infrastructure planning is provided in Section 7 of this Handbook.

4.1.5 Community Land Use Planning

A community land use plan sets out how Council wants the physical development of the community to proceed. Often, this type of plan is created in the form of a map that shows key features in the community, including:

- Boundaries of geographic areas.
- Legal descriptions of parcels of surveyed land.
- Ownership of parcels of land (legal authorities).
- Buildings footprints and the outline of structures.
- Important cultural and historic sites (to be protected).
- Current (and future) transportation routes.
- Appropriate areas for residential, commercial / industrial and recreational development.
- Potential areas for future expansion or growth.

MACA's Governance Division supports community land use planning by providing professional support and advice on how to develop a community plan. In addition, the Department of Lands maintains aerial and topographic mapping of each community and these maps are available to the public through a system called ATLAS. An Atlas User Tutorial is also available: <http://atlas.lands.gov.nt.ca/website/userTutorial.asp>.

4.1.6 Other Types of Planning

There are also other types of plans a community government may decide to develop and implement, including:

- **Recreation Plan** – creates an inventory of recreation facilities, identifies goals and actions to achieve the goals.
- **Economic Development Plan** – sets goals and objectives for local economic development and identifies strategies, programs and projects to be implemented to reach these goals and objectives.
- **Emergency Planning** - The emergency plan identifies potential risks to the community and the people and resources that can help in the event of an emergency. Municipalities are required to prepare for emergencies like forest fires, floods, extended power outages or extreme weather events. Additional information on emergency planning is provided in Section 7 of this Handbook.
- **Energy Planning** - A community energy plan identifies ways to reduce energy use, energy costs and environmental impacts within the community. More information on energy planning is provided in Section 8.5 of this Handbook or on the Arctic Energy Alliance website: <http://aea.nt.ca/communities>.

4.2 Council Meetings

Council, through the use of duly held meetings, must generally exercise the powers of community governments. Central parts of council decision making – including creation of bylaws, deliberation and voting – take place there. This makes it important that council meetings be properly called and organized, and that proper procedures be followed.

Some key points about Council meetings:

- A meeting must be held at least once per month and be properly advertised.
- Council is required to develop and pass a Rules of Procedure Bylaw that contains the rules for the setting and conduct of all Council and committee meetings and the behaviour of Council members.
- Meetings should begin on time.
- A quorum must be maintained at all times during the meeting.
- All regular, special and committee meetings are held in public. The exception to this is when a resolution has been passed by two-thirds of the members present to move to close the meeting and hold a private (in-camera) meeting. This can only be done in very limited and specific situations, for example, to deal with confidential topics such as legal, personnel or real property issues.
- Administration must make a written record (minutes) of all decisions made at Council and committee meetings and Council must adopt the minutes.

4.2.1 Preparation

A Council meeting should be well-organized and Council members should be well prepared. The effective and efficient conduct of meetings can help move the business of council along in a timely manner. How meetings are organized and conducted can affect a Council's success and the public's perception of its effectiveness.

Key tasks for the LGA usually include:

- **Drafting the agenda** – this should be prepared using input from the Mayor/Chief and may include input from Councillors, staff, outside advisors, and others. The agenda items should be organized carefully so the Council can address items in a logical and efficient manner. The format for the agenda is often specified in the Rules of Procedure by-law (see Section 3.2.2). Often, the more important items are placed at the beginning.
- **Preparing an information package** – any supporting materials, such as letters, reports, memos, draft motions, etc. should be organized in a package and distributed to all Council members well in advance of the meeting. For their part, all Council members should review the agenda and materials and come to the meeting prepared.
- **Translation** – if translators are participating in the meeting, they should be given a copy of the agenda and all supporting materials to assist them in providing quality translation services. This is particularly important if technical terms are likely to be used.
- **Public participation** – residents should feel welcome to participate in meetings. If residents want to address Council, there should be clear rules on how residents can get on the agenda.
- **Guests** – often government officials, consultants and other individuals from outside the community are invited to participate in a Council meeting. In these instances, it is important that the LGA communicate with the visitors in advance to ensure they are available when Council needs them. It should also be clear what Council expects of the guests as well as what the visitor's purpose and objectives are in addressing Council.

4.2.2 Meetings

Several factors contribute to a well-run and effective Council meeting. These are listed below.

1. Rules of Procedure Bylaw

It is mandatory that a community government establishes and follows rules of procedure for Council meetings. This must be done by bylaw and should include rules outlining:

- Calling of meetings of Council and its committees.

- The procedure of Council.
- Attendance of Council members at meetings of Council and its committees.
- Conduct of meetings by electronic means.
- Procedures for voting at meetings of Council and its committees.
- The Mayor or Chief's voting rights, the behaviour of Council members and other persons present at meetings of Council and its committees.
- The establishment, appointment and duties of committees of council and the general transaction of its business.

Some optional rules are:

- Deemed resignation for lack of attendance.
- Robert's Rules of Order.
- Code of Conduct or Code of Ethics.
- Holding of Private Meetings.
- Appointment of Acting Mayor or Chief.
- Process for filling a vacant council seat.

2. Role of Chair

The Mayor or Chief normally chairs all meetings of Council and is responsible for making sure the meeting runs smoothly and that Council procedures are followed. The Chair is also responsible for:

- Keeping order in the meeting.
- Encouraging participation.
- Asking questions to ensure all points are covered and understood.
- Summarizing discussions and noting areas of agreement or disagreement.
- Calling for votes on an issue once there has been adequate discussion.

Please see the following link for an example of role of the chair: <http://www.nwtac.com/wp-content/uploads/downloads/2014/01/Community-Councillor-Handbook1.pdf>

3. Role of LGA

The LGA can contribute by providing a well-designed agenda and all necessary supporting documents. During the meeting, the LGA supports Council by providing guidance on policies, bylaws, procedures, issues, potential solutions and making sure Council doesn't do something inappropriate. The LGA is also required to ensure that notes are taken, that decisions are recorded and that minutes of the meeting are prepared.

Please see the following link for an example of role of the LGA:

<http://www.nwtac.com/wp-content/uploads/downloads/2014/01/Community-Councillor-Handbook1.pdf>

4.2.3 Minutes

Minutes are the official record of the meeting and are required by law. They must be made available to the public. Minutes should include:

- A record of the Council members in attendance as well as those absent from the meeting.
- A brief summary, by agenda item, of key points made during the meeting, any decisions made (and in what form, i.e. bylaw or motion), who moved and seconded a motion and whether the motion was carried. If a statute, bylaw or policy was relied upon or referred to in a motion, this should be recorded.

It should be noted that meeting minutes are considered to be in “draft form” until they are reviewed and approved by Council (which usually occurs at the following Council meeting).

4.3 Making Decisions

Another aspect of good governance is how a Council makes and records its decisions. This can be done in several different ways, such as a policy, a bylaw or a resolution. The role of the LGA is to influence when things go wrong, and provide information for decision-making. A major role of LGA is to carry out the decisions of Council.

4.3.1 Policies

Policies are written statements that Council and Administration use when making future decisions. Common examples include financial policies, purchasing policies, human resource policies, travel policies and facility rental policies. Policies provide direction and authority to the LGA to act in a predictable manner in specific situations without having to seek Council approval.

Council and the LGA usually develop a policy together. In developing a new policy, the LGA should conduct research to make sure the community government has the proper authority. As well, public input should be sought if the policy will affect community residents in some way. A policy doesn’t take effect until it has been approved by Council in a regular or special meeting, either through bylaw or as a resolution.

Once in place, it is the Administration’s job to see that the policy is carried out. Often, a policy is supported by rules or procedures that are used to explain how the policy is applied.

4.3.2 Bylaws

Bylaws are community laws that set out the community government’s authority. Bylaws are passed by Council and usually involve exercising control on items or activities that Council is responsible for according to legislation. Common examples of issues addressed through bylaws include:

- Safety, health and welfare of people and their property.
- Public order, peace and safety.
- People, activities or things occurring in a public place.
- Public nuisances, including unsightly property.
- Transport, motor vehicles and pedestrians.
- Management, use and protection of lands, including land use planning.
- Businesses and business activities.
- Public utilities.
- Programs, services and facilities provided or operated by the community government.
- Internal management of the community government.
- Enforcement of bylaws.

See: http://www.maca.gov.nt.ca//wp-content/uploads/2011/09/MACA_SCG_General-Bylaw-Powers-and-Procedures_2009.pdf.

Putting a bylaw in place is more formal than implementing policies. There are specific procedures that must be adopted, including:

- Must be in writing before first reading is given.
- Must have three separate readings by resolution.
- May require the approval of the electorate in the community or may require the approval of the Minister of MACA.
- May require public hearing or minimum public notice before proceeding to second or third reading.
- All bylaws must be sent to the Minister of MACA not later than 10 days after receiving third reading.

Bylaws are the correct way to make decisions when it is required by legislation or when the decision binds the public to behaviour in certain ways or where the public will be impacted. When there is a question whether a decision should be done by bylaw or by policy, it is always wiser to do it by bylaw.

4.3.3 Resolutions

Resolutions represent Council's position or decision on a specific question, such as an event or short-term issue. Council passes resolutions to provide direction to the LGA. In order to approve a resolution, it must be moved and seconded and is either adopted or defeated by a majority vote of the members present during the meeting (there must be a quorum present).

4.4 Elections

Each community government is established under specific legislation. Details on the number of elected officials, the terms of office, election dates, etc. that apply to a specific community can be found by referring to the appropriate community government legislation. Information on the election calendar can be obtained from the MACA web site (http://www.maca.gov.nt.ca/?page_id=3632). Please note that Designated Authorities/Recognized First Nations elections are not managed under legislation in this manner. Under the *Indian Act*, First Nations can establish custom election codes that determine how local elections are operated.

Community government elections are governed by the *Local Authorities Elections Act*. This legislation sets out the eligibility criteria for voters and candidates, establishes the election calendar, sets out the election process and addresses other related matters such as recounts, judicial reviews, election offences etc.

Municipalities established under the *Charter Communities Act* have their own election dates, eligibility criteria for members of Council and length of term as set out in their charter. The election calendars for charter communities may be obtained from the Chief Municipal Electoral Officer.

The Returning Officer plays an important role in the running of elections. The Returning Officer's goal is to run a fair election. This person guards against any corruption or breaking of the rules. Key duties include:

- Organizing the election.
- Giving notice to the general public of important procedures and dates in the elections process.
- Ensuring that eligible voters are on the list of voters.
- Supervising other election officials.
- Ensuring the proper and peaceful conduct of elections.
- Setting up and supervising the running of voting stations and the counting of ballots.
- Writing reports about the election results.

Resources available on the MACA website to assist the Returning Officer include:

- *Local Authorities Elections Act*.
- *Local Authorities Elections Act – Returning Officer's Manual*.
- *Local Authorities Elections Act – Municipal Candidates Manual*.
- Chief Municipal Elections Officer.

The Returning Officer and the Registrar are appointed by Council. If Council doesn't appoint a Returning Officer or Registrar, the LGA is required to perform the duties of the Returning Officer and Registrar.

If the LGA is required to act as the Returning Officer, this should be determined well in advance of any municipal election so you have time to review the relevant Acts and manuals and get prepared.

The Chief Municipal Electoral Officer, located within MACA, is available to help all Returning Officers with their duties. Detailed election information and resources can be found at http://www.maca.gov.nt.ca/resources/election_information/Local_Authorities_Election_Manual.pdf and http://www.maca.gov.nt.ca/?page_id=3637.

4.5 Conflict of Interest

Community government leaders (including councillors and members of local boards) have legal and ethical duties to consider in relation to conflict of interest. They need to be aware of, and avoid, conflict of interest or the appearance of bias. Council members are public figures entrusted to lead the community. It is important that members of Council are not influenced improperly or make decisions that benefit a specific person or organization and are not in the public's interest. Council members must avoid participation in matters in which they have a direct or indirect pecuniary (monetary) interest.

Similarly the LGA and staff need to be aware of their obligations to make decisions in the best interest of public and not be influenced by private interests or give the appearance of bias.

A conflict of interest situation can arise in two ways:

- **Actual conflict** – a member has a direct or indirect interest, or is affected in some way, by a matter that is currently before a Council for consideration.
- **Perception of conflict** – a member of the public may reasonably perceive that a member of Council could have a conflict of interest, even if such a conflict doesn't actually exist in law.

In accordance with the *Conflict of Interest Act*, any member of Council with a conflict of interest is required to disclose the full nature and extent of the interest and cannot vote on the matter or attempt to influence other members' consideration of the matter at hand. The Act sets out what may be regarded as a primary set of ethical rules for council members. These rules apply to Councils and local board members if they have a pecuniary (financial) interest in a matter that is before a council at a meeting. In these situations, many Councils have adopted the practice (often through bylaw) that the member leaves the room while the matter at hand is dealt with by the remaining members.

The disclosure of a conflict of interest must be recorded in the Council meeting minutes.

There is a specific governance workshop on Conflicts, Codes and Conduct that is highly recommended for Councils to participate in when they take office.

5 Human Resources

Effective performance by community government staff members is essential to the successful delivery of programs and services and to the efficiency of the community government's day-to-day operations. In recent years, some community governments have experienced difficulties in attracting and retaining qualified people to work in key positions such as the LGA, in the Finance Department or in Public Works.

There are a number of reasons that community governments have experienced staffing challenges including the competition for workers across the NWT, increasing responsibilities for community governments, an overall shortage of qualified workers and in some cases, the community government's inability to provide wage and benefits packages that are competitive with those offered by industry and the governments of Canada and the NWT.

In light of these challenges, MACA developed the Community Government Human Resources Development System (CGHRDS) to help assist community governments in the planning, recruitment, development and assessment of community and regional employees. The system includes information on:

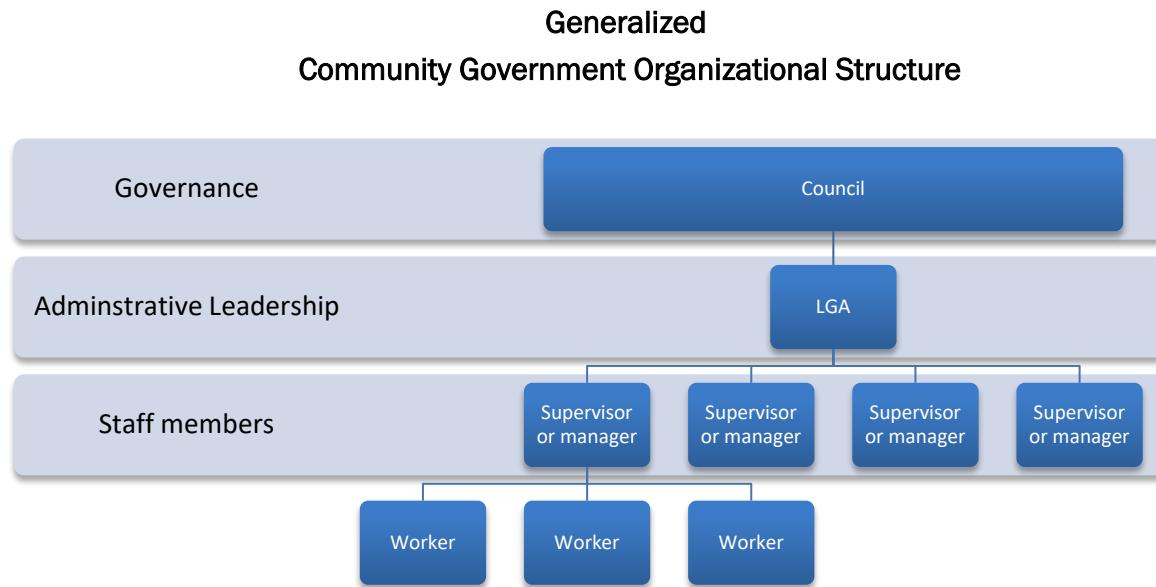
- Human resource planning;
- Job descriptions;
- Recruitment of staff members;
- Orientation of new staff members;
- Performance evaluation;
- Training and development; and
- Implementation of a human resource strategy.

The information below has been summarized from the materials and information provided through the CGHRDS Manual. The manual can be accessed at:

<http://www.maca.gov.nt.ca/home/for-community-governments/community-government-toolkit/human-resources/>.

5.1 Role of the Local Government Administrator

The LGA is the senior administrative officer for the community government. The LGA is hired by Council, reports to Council and is responsible for leading and directing the day-to-day operation of the community government. All other community government staff members are hired by, and report to, the LGA either directly or indirectly through an employee who is a supervisor.



Community governments are generally responsible for a wide range of programs and services. As a result, the LGA is required to organize and manage a wide variety of professional, semi-skilled and entry-level employees. Key LGA duties include hiring, orientation, developing work plans and budgets, supervising and supporting staff, assessing staff member performance, addressing disciplinary matters and, handling the resignation and, on occasion, the termination of employees. Sometimes the LGA carries out these responsibilities directly and at other time she/he must support supervisory and managerial staff in addressing these matters with the employees for which they are responsible.

Given the challenges and complexities of human resource matters, it is important the all community governments and LGAs carefully plan how to address human resource matters. Further, the Council in its governance role and the LGA in the administrative role must have a number of structure and tools with which to support the human resource (HR) functions.

In general terms this means that it is important to:

- Develop and implement a Human Resources (HR) plan.
- Adopt suitable human resource policies.
- Follow good practices for attracting and retaining staff.

5.2 Human Resource Planning

Human resource planning involves taking a look at current staff capacity, determining future staffing needs and taking steps to ensure that the community government's staffing needs (i.e. capacity, required skills, knowledge, attitude, etc.) can be met.

HR planning is not done in isolation. A community government's staffing needs are closely linked to the programs and services it already delivers as well any plans it may have to take on new program or service responsibilities. It is important to remember that securing the 'right person to do the job' can take time and require a considerable commitment of time and energy. As a result, planning ahead to make certain that the right people are available at the right time is critical to long term success of the community government.

The LGA has a primary responsibility for ensuring that a suitable HR plan, tailored to the needs of the community government, is developed. In directing this work, the LGA will wish to obtain input on the plan from the Council, other senior managers, staff members and possibly other employers and experts in the community.

Most HR plans address a multi-year period. Establishing a plan that considers needs over a three-year period is generally reasonable, but a determination of the length of time that the plan will address should be made at the beginning of the planning process.

While there is no specified format for writing an HR plan, typical elements usually include:

- The community government's vision and mission statements.
- Key principles and values that employees are expected to follow.
- A summary of existing human resources information such as the number of staff members, current skills and qualifications of staff members and any known retirement or departure plans of staff members.
- A summary of the current programs and services delivered by the community government and any new programs or services planned for implementation during the period of the plan.
- An analysis that identifies various factors (changes in funding, changes in priorities, changes in technology, needed skill sets, etc.) that may impact on the community government's current and future HR needs.
- An organizational chart that shows current and future staffing requirements.
- A work plan outlining the strategies and actions that the community government will take to address any identified issues or gaps. These could include addressing gaps and issues such as weaknesses in the capacity of the staff member cohort, required additional employee skills, qualifications and knowledge, anticipated training needs, succession planning for key positions in the organization and other similar matters.

More information on the process of human resource planning is available in Chapter 2 of the Community Government Human Resources Development System (CGHRDS) Manual:
<http://www.maca.gov.nt.ca/school/tools/CGHRDS%20Manual%20.pdf>

5.3 Human Resource Policies

5.3.1 Establishing a Framework

The second key element of effective HR management is establishing and maintaining an effective set of HR policies. Human resource policies are vital in that they outline the terms and conditions of employment relating to pay, hours of work, employee benefits and other general working conditions. Such policies are important so that employees know how to conduct themselves, what benefits they are entitled to and how the community government operates.

HR policies also provide a foundation on which the LGA and other managers' authority is defined and address how different employment situations should be handled. Because of the importance of HR matters to success organizational performance, all public community governments are encouraged to have a HR policy or bylaw.

It is important to note that Territorial municipal legislation includes a clause that requires that public community governments establish terms of employment by bylaw. Community governments that are Designated Authorities do not have bylaw-making authority. They can only provide their direction through an employment policy or a policy adopting a union agreement.

The policy or bylaw should:

- Outline the terms of employment,
- Establish the remuneration and benefits of employees,
- Establish hours of work and terms of employment,
- Provide for the manner of employee appointment, promotion, discipline and dismissal of employees and officers, and
- Permit, on behalf of the municipal corporation, the entry into collective or other agreements with employees.

In some NWT communities, the community government's staff members are members of a union. In such situations, the terms and conditions of employment that have been ratified by the union and the community government. In these instances, the LGA must be very familiar with the collective agreement and ensure that all the provisions in the agreement are respected and followed at all times.

More information on human resource policies is available in Chapter 13 of the CGHRDS Manual <http://www.maca.gov.nt.ca/school/tools/CGHRDS%20Manual%20.pdf>

5.3.2 Organizational Charts and Job Descriptions

In the broad sense one critical aspect of the HR policy framework is the way in which the community government chooses to organize itself. The organizational structure for a community government is generally described through the development and approval of an organization chart. The chart identifies all of the employment positions and their relationships to each other. As well, it clearly indicates those positions that possess supervisory and managerial responsibilities. The LGA's responsibility is to ensure that an accurate chart is developed and is presented to the Council for approval.

In support of the organizational structure, all positions should have a job description. A job description is the “blueprint” that specifies what needs to be done and the skills, knowledge and qualifications required for a person to be successful in the job. Job descriptions also provide the basis for several other aspects of an HR management system in that the information included in the description supports recruitment and selection of staff members, performance evaluation and the identification of training and development requirements.

Chapter 3 of the CGHRDS Manual provides step-by-step instructions for developing a job description: <http://www.maca.gov.nt.ca/school/tools/CGHRDS%20Manual%20.pdf>

The LGA or those supervising employees should review job descriptions every few years to keep them up to date and incorporate any changes that may have occurred in job duties as well as the qualifications needed to perform a job.

5.3.3 Pay and Benefits

A fundamental element of the HR policy framework is the pay and benefits schedule. A typical community government spends 25 to 35 per cent of its annual operating budget on staff salaries and benefits. While this is a very significant portion of the overall budget, it is important that community governments offer a competitive pay and benefits package. Competitive salaries or wages are one of the most effective tools that a community government has to attract and retain qualified staff.

A community government should have detailed policies and procedures to guide pay administration including clear documentation of salary and wage rates, other allowances, overtime, pay periods and deductions.

Benefits are also very important to most employees and can help the community government attract and retain employees. Examples of the different types of benefits that some community governments (and other types of employers) provide include:

- Extended health care insurance(s);
- Pension plan;
- Dental plan;
- Disability insurance;
- Clothing allowance;
- Medical travel assistance;
- Northern living allowance; and
- Staff housing.

In 2013, LGANT conducted a wages and benefits survey that resulted in the collection of data on the wages and benefits of community government staff members throughout the NWT. The *NWT Community Government: 2013 Wages and Benefits Survey Final Report* provides Local Government Administrators, MACA, community government councils and other stakeholders with detailed information on the range of wages and benefits currently paid to community government staff.

To see the report: <http://www.lgant.com/content/nwt-community-government-2013-wages-and-benefits-survey-report>

5.3.4 Personnel Records

A final element of the human resource policy framework relates to specific records maintained on each person employed by the community government. Personnel records are confidential, official records of an employee's employment relationship with an organization. For administrative and legal reasons, a personnel file should be set up and maintained for each employee. The file should contain information on the employee throughout his or her period of employment with a community government. The LGA should designate a staff member (often the Finance Officer) to maintain the records.

The personnel file should contain all original documents related to an employee's hiring, employment and termination. Examples of what should be placed on an employee's file include: the letter of offer, paperwork related to payroll and benefits, performance expectations, performance appraisals, letters of commendation, training and development information, disciplinary letters, forms and paperwork related to termination of employment.

Chapter 12 of the CGHRDS Manual has additional information on the creation and management of personnel records:

<http://www.maca.gov.nt.ca/school/tools/CGHRDS%20Manual%20.pdf>

5.4 Attracting and Retaining Staff

Community governments need suitable and qualified employees to carry out all of the different activities that occur within a community. As a result, the attraction and retention of staff members is an important responsibility of the LGA. There are a number of best practices that a community government should follow to maximize its ability to attract and keep qualified staff. As well, there are also tools that an LGA can use to assist their efforts in staffing matters. These are described below.

5.4.1 Job Competitions

Hiring the right person for the job is extremely important. This means hiring someone that has the necessary qualifications, skills, knowledge and attitude and that fits well with the culture of the community government and the community.

It is also very important that a community government hires its staff in accordance with established bylaws and that policies and procedures that are established and followed throughout the hiring process. Careful adherence to bylaws, policies and procedures helps in avoiding accusations of favouritism or discrimination.

Whenever possible, it is recommended that the LGA use job competition process to fill vacant positions. Typically a job competition takes about four to 8 weeks to complete but helps to ensure that the community government is hiring the most suitable and qualified candidate available.

The process followed during a job competition process usually involves the following steps:

Step 1 – Create a competition file including an up-to-date job description.

Step 2 – Form a selection committee and review the job description.

Step 3 – Establish the selection criteria based upon the job description.

Step 4 – Post the job completion information for a specified period of time and in a manner that will attract a range of candidates.

Step 5 – Screen the applicants against the established selection criteria and select candidates to be interviewed.

Step 6 – Interview and test, where appropriate, candidates.

Step 7 – Complete reference checks, including criminal records checks.

Step 8 – Make an offer to the successful candidate and advise unsuccessful candidates of the results of the job competition.

Step 9 – Provide the successful candidate with a letter of offer (appointment).

Chapter 5 of the CGHRDS Manual covers all the details involved in recruitment and selection: <http://www.maca.gov.nt.ca/school/tools/CGHRDS%20Manual%20.pdf>.

5.4.2 Orientation for New Staff

Providing an effective orientation for a new employee assists with staff retention builds employee commitment and productivity and helps the individual become familiar with their new job and the workplace. Effective staff orientation is a gradual process that can take several weeks up to 6 months.

Basic orientation activities for a new employee should include:

- A formal greeting and, if appropriate, arranging for the new staff member and her/his family to become familiar with the community.
- The formal introduction to other community government staff members.
- A familiarization process that provides a tour of the office or workplace.
- Providing an explanation of the purpose, structure and work of the organization.
- Explaining basic rules and procedures (particularly health and safety) related to the workplace.
- Providing job-specific information such as initial work expectations, existing work plans and identification of existing influences and challenges related to the job.
- Describing some of the key issues and challenges facing the community government.
- Identifying some future time at which the supervisor will ‘check in’ with the new employee regarding her/his integration into the community (if appropriate) and the new workplace.

It is critical to recognize that new employee’s productivity and job satisfaction is influenced not only by their own duties, but also by the activities of others in the workplace as well as a number of factors that occur outside the workplace. While it is not appropriate to ‘pry’ into private matters it is also important to understand that external matters may have a direct influence on the performance of the new employee.

Chapter 6 of the CGHRDS Manual provides more suggestions on what should be covered in an orientation process:

<http://www.maca.gov.nt.ca/school/tools/CGHRDS%20Manual%20.pdf>

5.4.3 Performance Management and Evaluation

Performance management and formal performance assessment are related processes for letting an employee know what he/she is doing well and what areas of work need improvement. Both processes should be part of an overall assessment process.

Performance Management

Performance management involves setting clear expectations for employees and providing feedback on an employee's performance. Performance expectations come directly from the job or work environment and should be consistent with the information in the employee's job description.

Having employees create and follow work plans is one way to make sure the employee knows what they are expected to do in their job. Once work plans are established, the supervisor should take the opportunity to provide feedback to the employee on a regular basis. Feedback should be balanced, identifying both positive aspects of performance as well as areas that need improvement. Such feedback may be formal (in a meeting) or informal but should occur in a setting that is private and conducive to a discussion with and comments by the involved employee.

Employee behaviour and attitude is an aspect of performance. Employees should be aware of, and follow, key employment policies such as a code of conduct and understand what the consequences are if they do not perform their duties or engage in inappropriate behaviour. The LGA or the supervisor using a progressive discipline system should address employee behaviour that does not meet expectations or is in violation of the code of conduct immediately.

More information on how to manage employee behaviour is available in Chapter 9 of the CGHRDS Manual: <http://www.maca.gov.nt.ca/school/tools/CGHRDS%20Manual%20.pdf>

Formal Performance Assessment (Appraisal)

A performance assessment (appraisal) is a formalized process that is generally conducted on a semi-annual or annual basis. The process involves reviewing performance goals established at the beginning of the performance year in order to assess and document the results. As well, it is an opportunity to identify gaps in an employee's capabilities that could be addressed through training or other developmental activities.

Finally, the annual performance assessment process is intended to be an opportunity for the supervisor and the employee to outline a work plan for the next performance period

(typically 6 months or a year), thereby establishing the goals and objectives that will serve as the basis for the employee's appraisal the following year.

The suggested steps for a performance assessment (appraisal) include:

- Evaluate the employee's performance based upon defined performance expectations. Both the supervisor and the employee should initially complete an evaluation separately.
- Meet to discuss the employee's performance. The supervisor should have documented evidence on what the employee is doing well and what needs improvement. In turn, the employee should be encouraged to provide input on their performance by explaining their self-appraisal.
- A key outcome of the meeting should be the establishment of clear goals and objectives for the employee for the next year. Further, the results should include a description of identified training needs and plans as to how these needs will be met.
- Finalize the evaluation. Both the supervisor and the employee should sign the appraisal and a copy should be placed on the employee's file. The employee should also be given a chance to provide written comments on the appraisal should she/he wish to do so. This is particularly important if employee and the supervisor have differing views regarding performance and/or future performance expectations.

Best practices suggest that during the formal performance assessment (appraisal) process no new information regarding the employee's performance should be introduced. If there have been issues with the employee's performance during the performance period, the employee should have been made aware of these matters and had the opportunity to correct her/his performance prior to the scheduled formal performance assessment.

More information on performance evaluation is available in Chapter 7 of the CGHRDS Manual: <http://www.maca.gov.nt.ca/school/tools/CGHRDS%20Manual%20.pdf>

5.4.4 Training and Development

Employee satisfaction is an essential factor in retention. Many employees express increased satisfaction when they have opportunities to improve their existing skills and knowledge or when they learn new skills. As well, from the employer's point of view, ongoing training and development of employees is necessary to make sure they can be effective and efficient in their current jobs and to prepare them to take on more challenging jobs in the future. As a result, training and development becomes a useful tool for the LGA in managing the human resources within the community government.

Training and development can be achieved in a number of ways, including:

- **Workshops** – training that lasts for a few hours or days.
- **Courses** – a series of studies or lectures.
- **Conferences** – a formal meeting related to specific topics or issues.
- **Distance learning** – courses completed via the Internet or correspondence.
- **On the job** – learning practical skills or knowledge in the actual work environment using local experts and the tools and equipment necessary for the position.
- **Mentoring** – learning directly from an experienced individual.
- **Practicum** – a placement in which a student is supervised while gaining work experience in their field of study.

The LGA, the supervisor and the employee should work together to determine an employee's training needs and select the form of training that best suits the employee and is cost-effective for the community government. Training needs are often identified during the performance assessment process.

A prime source for training of community government staff is the School of Community Government operated by the Department of Municipal and Community Affairs. The School publishes an annual calendar of courses and events that support both employee and Councillor development. As well, the staff members at the School possess excellent knowledge and contacts in training and development institutions across Canada.

More information on training and development is available in Chapter 8 of the CGHRDS Manual: <http://www.maca.gov.nt.ca/school/tools/CGHRDS%20Manual%20.pdf>

5.4.5 Dispute Resolution

The culture and environment in which an employee works is important. Most employees like to work in a positive, productive environment. But no matter how positive the work environment, there will be times when disputes arise. Sometimes disputes are quickly resolved without any need for intervention. Other times formalized dispute resolution is needed.

Dispute resolution is important for maintaining a professional, fair and safe work environment for all employees. It is essential to have an established process for dealing with grievances and complaints in case issues and disputes arise. If there is a collective bargaining agreement in place, the process for dispute resolution may be spelled out in the agreement.

The first option for resolving a disagreement between the community government and an employee is to meet and discuss the situation. This should involve the LGA, the supervisor and the employee. Most disputes can be resolved through discussion.

If a dispute cannot be resolved through discussions, it may lead to the filing of a grievance. A grievance is a written statement of dissatisfaction (prepared either by the employee, management or the union) that summarizes the situation involved in the context of relevant employment terms, policies, regulations, collective agreement provisions etc. and seeks some type of remedial action.

A grievance arbitration process involves the use of an independent person who, acting under the authority of both parties, hears both sides of the dispute and issues a written award or finding that is binding on both parties.

More information on dispute resolution processes is available in Chapter 10 of the CGHRDS Manual.

5.4.6 Occupational Health and Safety

In the NWT, Occupational Health and Safety (OHS) is regulated under the *Safety Act* and enforced through the Workers' Safety and Compensation Commission (WSCC).

Occupational Health and Safety Regulations.

The *Regulations* give workplaces a modern framework that is relevant to Northern operations. It also ensures Northerners have clear and complete direction, and that workers and employers operating in more than one territory or province have increased familiarity with the NWT's OHS requirements.

To review the *Occupational Health and Safety Regulations*, please see:

<http://www.wscc.nt.ca/ohs-reg> and

<https://www.justice.gov.nt.ca/en/files/legislation/safety/safety.r8.pdf?t1446244135517>

The *Safety Act* can be found on the Workers' Safety and Compensation Commission website: http://www.wscc.nt.ca/sites/default/files/documents/NWT_Safety_Act%20-%20EN%20FR.pdf

A strong emphasis on improving health and safety in the workplace continues to be an important emphasis of the legislation and regulations. The present regulatory environment includes, in addition to legislation and regulations, extensive 'codes of practice' related to such matters as the requirements for joint (employer/employee) occupational health and safety committees, work in confined spaces, hazard assessment, occupational health and safety training and personal protective equipment. The codes of conduct provide practical direction as to how occupational and safety matters requirements are to be met and they are also adaptable to individual work settings. All codes of conduct serve as guidelines that are to be followed. The codes of practice can be found on the WSCC's website.

Establishing a safe and respectful workplace also requires protecting employees from

violence, discrimination and harassment. Providing a safe work environment is a legal obligation of employers in Canada. It is considered part of occupational health and safety. In addition to the legal requirements, it is recognized that any workplace violence, discrimination or harassment has negative effects on employee productivity, morale, recruitment and retention, and absenteeism.

Each community government is responsible for the development and implementation of policy and procedures to address violence and harassment in the workplace. *Occupational Health and Safety Regulations* (section 34 and 35) speaks to the definitions of “harassment” and “violence” at work.

Examples of bullying or harassment at the workplace include:

- Implied threats of termination;
- Repeated screaming or yelling;
- Assigning an employee tasks that are below job levels;
- The silent treatment; and
- Frequent criticism of an employee in front of others.

Employees often see workplace violence, verbal abuse, harassment, and sexual harassment as safety issues. Workplace violence could be a physical assault or more frequently it could be expressed as threatening behaviour including gestures, verbal or written threats. Verbal abuse is commonly interpreted as including swearing, insulting or using condescending language. Harassment is defined as any behaviour that demeans, embarrasses, or humiliates.

Sexual harassment is a specific form of harassment. In the workplace sexual harassment includes unwelcome advances, sexual flirtations, advances, and propositions for sexual favours, physical or spoken conduct of a sexual nature. It also includes the display of sexually offensive material.

In addition to requirements related to occupational health and safety it is important to note that the NWT also has the *Human Rights Act* which prohibits discrimination based on interference, restriction or coercion exercised or practised in respect to race, color, ancestry, nationality, ethnic origin, place of origin, creed, religion, age, disability, sex, sexual orientation, gender identity, marital status, family affiliation, political belief, political association, social condition, conviction for which a pardon has been granted or for exercising the rights. The *Human Rights Act* is an important consideration for a Council and LGA in that work-related behaviours can lead to human rights complaints.

The *Human Rights Act* can be found on the Department of Justice website:

<https://www.justice.gov.nt.ca/en/files/legislation/human-rights/human-rights.a.pdf>

Discriminatory behaviours can include certain forms of humour or joking. As well, verbal abuse or harassment can be considered to breach human rights legislation.

The NWT Human Rights Commission's has indicated that in the past the largest number of complaints it has received are related to employment.

To assist the community government in addressing matters of this nature, the LGA may wish to speak to a representative of the Commission about the Commission's education outreach program. The program provides, upon request, workshops for employers, including community governments.

The Human Rights Commission sends representatives to communities to offer presentations about human rights, including human rights at the workplace. As well, Commission has many resources that are free and can be downloaded in the Resources Section of its website.

Please see Appendix A: Resource List and Links for web links to various sources, guides and information.

As a guide LGA may wish to be aware that best practices to prevent harassment, discrimination and violence in the workplace include:

- Direction from Council to allocate necessary resources to support the LGA in creating or updating job descriptions or HR Policies including a specific policy or program to stop harassment, discrimination or violence in the workplace.
- Direction and support from Council to introduce and respect a 'zero tolerance' policy.
- Creation and posting a listing of behaviours that are considered to be unacceptable behaviours related to harassment, violence or discrimination.
- Immediate intervention in all cases where harassment, discrimination or violence is suspected to have occurred and taking all necessary action to resolve the matter.
- Acting as a role model to demonstrate that the community government does not tolerate such conduct.

With best practices in place it is easier to set a tone for acceptable behaviour and make your community government's employees feel safe and respected.

5.4.7 Mental Health and Addictions

Good mental health and wellbeing is just as important to community government employees as physical health. Good mental health results in good productivity, improved employee confidence and successfully delivered programs and services.

At some point during their careers many employees will face, or have a family member who faces, mental health challenges. Mental health concerns may be short-term and temporary in nature, or they may be a permanent condition leading to a disability. Employers have the obligation to accommodate persons with disabilities and most employee benefit plans now include components related to mental health supports.

Drug and alcohol addictions are considered disabilities. Drug abuse of both illegal and legal (prescription) drugs as well as alcohol and other substance abuse are a major concern of many employers.

Addictions lead to poor job performance, increased workplace injuries and accidents, absenteeism, disability claims and even theft at the workplace. It is important to understand that addictions are considered a disability and employers are required to accommodate employees with addictions up to the point where the situation places an undue hardship on the organization. Accommodation may include a referral to treatment or other action to assist the employee to address their personal behaviours.

If addictions are in getting in the way of work, it is important that the supervisor deals with it as a job performance issue. In that context it is important that job descriptions are in place that truly reflect the duties of an employee and the employee's reporting relationship. This will enable the supervisor to deal with situations in the most appropriate way, respecting the employee's rights but also protecting the community government and co-workers or residents.

As a final note, the Northwest Territories Human Rights Commission cautions: "*Random drug testing is not always a respectful solution to eliminating drug and alcohol use at work. If you chose to do random drug testing you must be able to demonstrate that it is a requirement of the job to be drug free (i.e.: safety sensitive positions). You will also need to accommodate employees whose drug test is positive. Such tests cannot be used as a reason to fire an employee.*" (www.nwthumanrights.ca)

5.5 Employee Termination

People leave work for a number of reasons; sometimes termination is planned and sometimes it is not. It is important for a community government to be prepared for the various forms of employee termination so that it can handle each situation in a reasonable and planned manner. By doing so, it will be possible for the community government to minimize any program or service disruptions that result from an employee's departure.

A primary principle of addressing terminations of an employee's employment is one of respect. In most cases, a termination is a straightforward matter. However, unless effective

and appropriate mechanisms are in place, circumstances can arise that are both challenging and require considerable tact and sensitivity.

There are many reasons why employees are terminated, including:

- Retirement;
- Resignation for personal reasons (for example, another job);
- Medical termination;
- Layoff;
- Rejection of probation;
- Dismissal with cause; and
- Death.

Where possible, the termination process should include an exit interview with the employee. The exit interview is a mechanism through which the LGA or the employee's supervisor can learn about the employee's experience with the goal of improving the work setting in the future. The employee's work experience may have been either positive or negative, but either circumstance can provide lessons for the LGA and the community government. It is important to know 'what is working well' and 'what needs to improve'.

In extreme cases, when consideration is being given to terminating an employee for cause, and if a community government has wrongful dismissal insurance coverage (as most NWT community governments do through the *Northern Communities Insurance Program*), the community government must first obtain a legal opinion supporting the proposed termination before it proceeds.

Details on each of these situations and the steps that the LGA should follow are provided in Chapter 11 of the CGHRDS Manual.

6 Financial Management

This section provides an overview of the various types of funding, the sources of funding as well as the process involved in financial management. In order to meet its responsibilities, a community government must know how much money it has to operate and how much it costs to provide programs and services.

Council and the LGA need to work together to manage money effectively. Setting clear and accurate budgets and following them is the most important step in this process. Other

important activities include accurate bookkeeping and record keeping and completion of an annual audit.

6.1 Types of Funding

The funding provided to most community governments from other levels of government can be divided into two types: operating and capital. It is very important that Councillors, the LGA and the staff know and respect the difference between each type.

Operating Funding – sometimes referred to as Operations and Maintenance (O&M) money, this is provided to community governments to cover day-to-day operating expenses and the cost of delivering programs and services. Typical operating expenses include salaries, Council honorariums, utility costs, travel costs and the various costs incurred for programs and services such as recreation and cultural activities.

Water and Sewer Services Funding (soon to be called Environmental Funding) – is funding provided to community governments to cover the day-to-day operating expenses related to the delivery of their water and sewer program (and soon to include solid waste site management as well.) This includes costs for water treatment, delivery, and sewage disposal.

Capital Funding – is provided to help cover the cost of acquiring a physical asset that is used to provide a community government program or service. Capital assets typically last for long periods of time (more than one year) and are included as part of inventory. Common examples include buildings, facilities, utility systems and mobile equipment such as trucks, graders, loaders, etc. Expenditures that improve or extend the useful life of an existing asset are also considered capital expenditures. Certain major renovation/improvement projects on existing infrastructure may be classified as capital. MACA provides both Community Public Infrastructure Funding and Gas Tax Funding to support the costs for planning and constructing or completing capital improvements to community public infrastructure.

6.2 Sources of Funding

Following is an overview of typical sources of available funding to NWT communities:

- Operations and Maintenance Funding
- Community Public Infrastructure Funding
- Gas Tax Funding
- Water and Sewer Services Funding
- Property Taxation

Please contact the Regional MACA Office/Regional Superintendent for up to date information on funding sources.

6.3 Other Revenues

Most community governments obtain other revenues by undertaking contract services and other miscellaneous activities. Common examples of contract services include Community Aerodrome Radio Services or maintenance contracts for airports.

For the larger community governments in the NWT, a significant portion of their annual revenues are derived from other sources such as taxation, user fees, private-public partnerships (P3s), debenture financing, contribution agreements and investments.

MACA's website lists funding programs for Sports, Recreation and Youth programs and LGANT maintains an ongoing list of funding sources in its member section for discretionary programs with links and short descriptions to sponsors and other government agencies.

6.4 Budget

Municipal Governments must comply with their enabling territorial legislation while Bands (Designated Authorities) have a contractual agreement with MACA to provide municipal services and are legislated under the Indian Act. Band Managers of community governments who are “Designated authorities/Recognized First Nations” who should take care to understand the obligations arising towards the Government of Canada and the rules established by their First Nations Council.

Remember: Budgets need to be set in accordance with funding agreements and obligations.

A community government’s annual budget effectively contains several important types of information, including:

- The community’s overall goals and priorities.
- A financial plan that estimates the monies to be received and spent.
- An operational guide that describes activities, services and functions.
- A communications guide that highlights significant budget issues and trends.
- A planning guide that sets a framework for future financial activities.

In accordance with GNWT legislation, each community government must prepare and submit a Council approved annual budget to the Minister of MACA. It should be noted that the administration is not authorized to receive or spend any funds if Council does not have an approved budget.

The budget must show all monies to be received and spent and must be balanced – a community government cannot pass a deficit budget. If a deficit exists at the end of a fiscal year, the budget for the next fiscal year must show how the deficit will be eliminated.

A typical community government's annual budget is organized as follows:

- A table, for each program area, showing all forecast revenues and expenditures.
- A table showing all forecast revenues and expenditures for the water/sewer program.
- A table showing all forecast capital funding and planned capital spending.
- A summary table showing the total forecast revenue / expense balance for the year.

6.4.1 Setting a Budget

Both the Council and the LGA play an important role in setting an annual budget. Councillors should focus on the “big picture”, rather than the details. The LGA and finance staff are responsible for providing the financial information that a Council needs to set priorities and make decisions.

Council's role in setting a budget is to:

- Identify community priorities.
- Set goals, objectives and standards for service delivery (e.g. water deliveries).
- Make bylaws, resolutions or policies that set fees for services (user fees, garbage collection, water rates etc.).
- Adopt a budget that assigns financial resources to meet local needs and priorities.

The LGA's role in supporting Council includes:

- Providing information about the actual costs incurred to provide programs and services in the previous year.
- Identifying areas where significant changes in revenues or expenses are expected compared to previous years (e.g. salary increases, new programs, new revenue sources).
- Being aware of new potential sources of funding and the process to follow to access such funding.

6.4.2 Monitoring the Budget

Monitoring the state of a community government's finances is a key part of the LGA's job. Two basic steps are involved: bookkeeping and variance reporting.

Bookkeeping - Is the recording of the day-to-day financial transactions of an organization. Accurate bookkeeping can provide a Council and LGA with up-to-date information on the general state of the community government's finances and identify trends (e.g. revenue shortfalls, over-spending) that Council needs to address to keep the overall budget on track.

Good bookkeeping practices also make the audit process and preparation of financial statements much easier at year-end.

Once Council adopts a budget for a new year, it is important that the LGA, working with the finance staff and/or an accountant, reviews the chart of accounts to ensure it closely resembles the way in which the budget is organized. A chart of accounts is the system of accounts and sub-accounts used in accounting software to code revenue and expenditure transactions into organized categories. The way the transactions are recorded and organized in the accounting software should match the overall structure of the annual budget.

The budget and Chart of Accounts must also be established in such a way to allow the LGA to provide necessary reporting to meet their obligations under their financial reporting and annual audit requirements. For example, quarterly and annual reporting on gas tax projects must be prepared on a separate schedule to the annual audited financial statements.

Normally, items such as salaries or utility bills don't change much from year to year. New programs, capital projects and other one-time initiatives can lead to big budget changes. If the accounting books are not set up to reflect how money is coming into and flowing out of the community government, it becomes very difficult for the LGA and Council to track the state of the finances.

Variance Reporting - It is the LGA's job to stay on top of the finances and provide updates to Council. Each month, the LGA should ensure that interim financial reports are produced and reviewed to compare year-to-date revenue and expenses balances against the budget. Such reports can be easily produced from the accounting software as long as the accounting books have been set up properly at the start of the year and staff is diligent in recording transactions properly.

These interim reports, known as variance reports, show where a community government's revenues and expenses to date are varying compared to what was forecast in the Council-approved budget.

Regular variance reporting and review can help a Council understand where financial problems may be developing and enable it to make decisions that will address the problems.

6.5 Financial Statements

Community governments are required to provide audited financial statements to the Minister of MACA within 120 days of the end of the fiscal year. An annual financial statement is a summary of the state of a community government's finances for one year. It contains a Statement of Financial Operations that shows the total revenues, expenses and surplus or deficit for the year and a Statement of Financial Position that lists a community government's current assets, liabilities and equity position. Other information usually shown in a financial statement includes reserve fund balances, a statement of cash flow and other detailed notes.

MACA produces Instructions to Auditors which provide detail on the requirements for producing the audited financial statements.

An audit is an independent evaluation of the validity and reliability of a community's financial information. Council must appoint an auditor once a year to review the financial records and comment on management practices. The auditor must be appointed by Council and Council must advise the Minister of the name of the auditor within 30 days of being selected.

Funding from other levels of government always comes with the obligation to provide reports on how the money was spent. A failure to produce an audited financial statement on time can have serious consequences for a community government, including the possibility of having subsequent-year funding suspended.

6.6 Financial Policies

As noted in section 4.3.1, a policy can delegate authority from Council to the LGA to take specific action in specific situations. Financial policies (or bylaws) often cover a variety of topics including spending authority, signing authority, contract and procurement authorities, short-term investment and borrowing authorities, cash management and collections.

6.7 Procurement and Contracting

Good procurement and contracting practices are essential to managing capital projects. See: http://www.maca.gov.nt.ca//wp-content/uploads/2011/09/MACA_SCG_Project-Contract-Management-Course_2006.doc.

6.7.1 Procurement

Procurement is a general term that refers to the process by which the resources (goods and services) required for a project may be acquired.

One of the most significant single items that a community government will spend money on is infrastructure. The Community Public Infrastructure (CPI) funding used by community governments for capital projects is public money provided by taxpayers. It is important that good policies and procedures are in place to ensure community governments receive good value for the money spent. Many community governments have a procurement by-law outlining their procurement and contracting procedures.

GNWT Procurement Guidelines are available on Public Works and Services website at: <http://www.pws.gov.nt.ca/pdf/publications/ProcurementGuidelines09/0.3a%20Table%20of%20Contents.pdf>

Following are some of the more important aspects of procurement that the LGA (and Council) should be aware of.

Competitive Bids

For projects over \$5,000, GNWT rules stipulate that community governments should follow a competitive bidding process. A competitive process involves seeking written bids in the form of tenders or proposals. This can be done in two different ways:

- Giving public notice of the opportunity to bid. This is an open process, any company or individual may bid. Different means of advertising that can be used include newspaper ads, public notices or the Internet.
- Inviting bids from certain firms. Using this approach, certain qualified proponents are contacted directly and invited to bid, and there is no public notice or advertisement. When this process is used, it is customary to seek at least three different bids.

Bids can be obtained in the form of a proposal or tender, depending on the nature of the project.

A Request for Proposals (RFP) is used when the purchaser is looking for the best value solution to resolve a problem or acquire goods and services, but isn't sure how to achieve it.

Examples of when the RFP method should be used include:

- If the good or service needed is not well defined.
- If there is no detailed material or performance specification.
- A general solution to a problem is sought.
- The bidders' solutions are likely to be varied or difficult to evaluate.

An RFP is usually used to hire professionals such as an architect, engineer, lawyer or consultant.

Another process that is related to RFPs is a Request for Qualifications (RFQ). To avoid potentially struggling with a large number of proposals to evaluate, a municipal government can run a RFQ to pre-qualify proponents for a particular requirement. An RFQ is used when there are likely to be many contractors to bid and it would be helpful to quickly get to a short list of qualified proponents that could be invited to respond to a full RFP.

A tender is used when the purchaser knows exactly what good or service they want and is looking to acquire it for the best price. Tenders should be used when:

- The good or service required is clearly defined (e.g. equipment) or
- There is a detailed methodology, procedure or material and performance specification available.

It is important to note that there are legal obligations on a community government when it uses a tendering process. Once tenders come in, contracts are formed between the community government and the bidders. As a result, care must be taken by the community government to follow due process.

An overview of the main steps in a typical tendering process is as follows:

- Preparing tender documents that contain detailed information regarding design and specifications.
- Placing ads and notices to solicit responses from contractors.
- Designating one official spokesperson to field bidders' questions and ensure all relevant information is communicated to all bidders.
- Receiving tenders up to the closing date.
- Opening and reviewing the tenders. This should be done as soon as possible after the closing date. In reviewing the tenders, the review committee should:
 - make sure each tender contains all information requested,
 - ensure that a bidder is qualified to provide the good or service,
 - make sure the bids meet the specifications requested,
 - evaluate the tenders to determine the lowest price quote that is responsive to the tender requirements, and
 - award the contract to the lowest price bidder that was responsive to all tender specifications and requirements.

The complicated nature of tendering may require that community governments hire project managers to assist.

Sole Sourcing

Sole sourcing involves the direct awarding of a contract to one firm or individual without using a competitive bidding process. There are several instances where sole sourcing is considered acceptable by the GNWT:

- When a contract is worth less than \$1,000.
- When the work is an emergency and there is no time to run a competitive bidding process.
- There is clearly only one qualified firm available.

Sole sourcing should not be used unless necessary. Potential negatives associated with sole sourcing include the possibility that the community government isn't receiving good value for money (as there are no competing bids) and the possible perception by other firms that the community government is showing favouritism or bias towards one firm.

Contracting

Contracting refers to the preparation and award of contracts and the activities involved in contract administration. A contract is considered to be in place and binding once it has been signed by authorized representatives from the contractor and the community government.

To help protect the community government, it is recommended that all procurement documents and activities be reviewed by an independent legal counsel retained by the community government.

Several items for the LGA to note regarding contract administration include:

- Have a pre-construction meeting.
- Ensure that any required securities and insurance certificates are in place.
- Payments to the contractor or consultant are usually made on a monthly basis and are referred to as Progress Payments.
- Changes in the scope of work for the project will result in change orders. A change order is a written agreement between the community government and the contractor to modify, add to or alter the work from that originally specified in the contract. When approved by both parties, a change order becomes part of the contract.
- Holdback funds. In accordance with the *NWT Builder's Lien Act*, 10% of all construction contract payment is held back by the project owner. The holdback is released to the contractor 45 days after substantial completion of the project unless someone files a claim (i.e. a lien) for money owed to them.
- Completion certificates. Once the project is basically done, the contractor, an engineer and the LGA and Works Foreman typically conduct an inspection to note any uncompleted work or missing equipment. This is called an Interim Certificate of Completion. Once any deficiencies are corrected, the contractor will request that the community government do a final inspection which results in a final certificate of completion. After this is achieved, any holdback funds should be released to the contractor based on a final invoice and a statutory declaration that the contractor has paid all his obligations to sub-trades and suppliers.

For more information, please see the Training Manual for Municipal Contracts and Tenders in the School of Community Government.

7 Infrastructure

Community public infrastructure refers to all the physical assets that a municipal government develops and uses to provide programs and services to its residents. Buildings, recreation facilities, garages, water and sewage systems, roads and mobile equipment (loaders, graders, trucks etc.) are all examples of community public infrastructure.

LGAs should note that other types of public infrastructure, such as highways, airports, schools, hospitals, territorial parks etc., are the responsibility of the GNWT, not community governments.

A community government has two key responsibilities in managing its infrastructure:

1. Maintenance and Repairs of Existing Infrastructure:

A typical NWT community with a population of 500 people has \$35-\$55 million invested in its existing community infrastructure. Given the high cost to replace facilities and the fact that they are essential to providing programs and services to the public, it is extremely important that regular maintenance and periodic refurbishments be done to keep facilities and other assets in good working condition for as long as possible.

2. Plan for and Construct New Infrastructure:

This involves several steps including; deciding what services are to be provided, identifying the level to which the service will be provided, identifying community needs, prioritizing the needs, identifying funding for the projects and finally good project management to ensure projects are completed on time and on budget.

This section covers the basics of what a community government must do to manage its infrastructure over time. A six (6) day course titled Plan-Build-Maintain has been developed and is offered annually by MACA's School of Community (SCG) Government to support capacity building in the area of infrastructure planning. See the SCG course calendar: <http://www.maca.gov.nt.ca/events>.

7.1 Community Public Infrastructure (CPI) Funding

The Department of Municipal and Community Affairs provides funding to support community governments with the provision of community public infrastructure required to support community government programs and services. In exchange for CPI funding community governments are responsible for the ownership, and management of community public infrastructure. A copy of the CPI policy can be viewed on MACA's website at (<http://www.maca.gov.nt.ca/wp-content/uploads/2011/10/MACA-Policy-Community-Public-Infrastructure.pdf>).

As noted earlier, community governments also receive funding from MACA that is received from Canada called Gas Tax Funding. It is also to be used to support the construction of community public infrastructure. Each community government has a funding agreement which provides information on how much funding they receive from the gas tax program, and the rules about how this funding must be spent.

7.2 Capital Assets

Before discussing capital planning, it is helpful to first consider what is meant by a “capital asset”. Typically, a community government manages four types of assets, including land, infrastructure, buildings and equipment. Each type is considered a “capital” asset, which means that it has the following characteristics:

- It is held for the purposes of delivering a program or service.
- It is to be used on a continuing basis and is not intended for sale.
- It has a life expectancy of greater than one year.
- It has a value greater than a certain minimum threshold (as established in a capitalization policy).

Common examples, such as buildings, land and mobile equipment, all meet these criteria and are considered capital assets from a planning and financial perspective.

Other types of expenses, such as salaries, purchased services (e.g. janitorial), consumable items (office supplies etc.) or regular maintenance, do not meet these criteria and are categorized as expenses. These types of expenditures are paid for from operations budgets and must not be confused with capital spending.

7.3 Infrastructure Planning

For a community government to meet current and future needs in a community, it is very important that:

- Existing infrastructure be maintained in good working order.
- Future community needs are identified and prioritized.
- Sufficient funding is available to service existing infrastructure and build new infrastructure.

Infrastructure Planning is simply a process for making good decisions about the acquisition and management of land, buildings and equipment. The Council and key staff, such as the LGA, Finance Officer, Works Foreman and Recreation Coordinator, all play a role in the process. To meet these challenges, community governments are required to develop and implement Infrastructure Plans.

Capital Plan

A capital plan identifies capital projects and equipment purchase needs, provides a schedule and identifies options for financing the plan. A capital plan is created through a public and administrative process, with approval from locally elected officials. Community governments are required to complete a 5-year capital plan and update it annually in a Capital Planning Tool that has been developed by MACA.

It should be stressed that infrastructure planning is not done in isolation from other types of planning processes and Council approved policies and programs. Proper infrastructure planning starts with a good understanding of the priorities of Council, the programs and services provided to residents and the infrastructure required for their delivery.

7.3.1 Asset Management Planning

An Asset Management Plan is a document that supports integrated, lifecycle approach to effective stewardship of infrastructure assets in order to maximize benefits, and manage risk. MACA is working with the NWT Association of Communities and community government representatives to develop an asset management strategy and tools to support the implementation of asset management throughout communities in the NWT.

A basic asset management plan would include the following information:

- An inventory of assets.
- The condition of the asset/infrastructure.
- Level of service or risk assessment.
- A cost analysis.
- Community priority setting.
- Financial planning.

Much of the information required to develop an asset management plan is also required during the capital planning process so these plans should be well linked.

Through the Gas Tax Administrative Agreement signed by Canada and the NWT in 2014, MACA has committed to supporting NWT community governments to make progress on developing and implementing Asset Management Plans. When signing their funding agreements with MACA, Councils were asked to pass a resolution indicating their willingness to work with MACA to meet this objective.

7.3.2 Asset Maintenance

The maintenance and upkeep of existing community infrastructure is vitally important. Without regular maintenance, community government facilities, systems and equipment will not perform properly and will eventually need major repairs or replacement (at very high costs).

To properly manage community infrastructure and assets, a community government should keep a working record of the following:

- The assets owned by the community.
- The location of each asset.
- The services delivered with that asset.
- The current replacement value of the community's assets.
- The condition of the existing assets.

A key asset management practice that all municipalities across Canada must now comply with is to report the value of their “tangible capital assets” on their Financial Statements. This is required by the Public Sector Accounting Board (see PS 3150) and was introduced to help ensure municipal governments publicly recognize the assets they have and the condition that those assets are in.

The type of infrastructure or asset that a community government owns usually includes the following:

- **Mobile equipment** – this may include heavy trucks (water, sewage, garbage, fire etc.), heavy equipment (dozer, loader, backhoe, bobcat etc.), light vehicles (ambulance, cars, pick-ups etc) and equipment (machinery, shop tools etc.).
- **Fixed assets** – these include buildings (Community Government office, recreational facilities, fire hall, garages, warehouses, cultural centre, day care centre, staff housing etc.) and other assets such as the roads, ditches and culverts, street-lighting, solid waste site, sewage treatment facilities, gravel pit and crusher, docks etc.

Each asset owned and operated by a community government has its own distinct maintenance requirements, which should be based on the level of service that the asset provides.

The LGA needs to work closely with the Public Works Foreman to ensure that the useful life and maintenance requirements of all assets are identified, kept track of (using a log book/calendar or computer software) and that regular maintenance and refurbishments are completed on schedule.

7.3.3 Capital Planning Process

The basic steps in a capital planning process include:

1. Identifying Services and Evaluating Community Needs

- What services need to be delivered to provide a good quality of life for community residents?
 - Service decisions lead to infrastructure requirements so it is important to consider the cost of delivering services when making decisions on the service.
- What assets do we have and what condition are they in? (Asset Management Plans)
 - An asset inventory and condition rating help to identify needs and requirements of existing infrastructure.
- Do we need new infrastructure to provide a service or can a service be provided using existing infrastructure?
 - Feasibility of new infrastructure should be explored to ensure affordability of the assets lifecycle.
- Do we have any assets that are no longer providing a service and can be decommissioned?

2. Substantiating Projects

- For Council to be able to make informed decisions on infrastructure investments it is important to present them with as much information as possible. This would involve documenting the “what”, “why”, “when” and “how much” for a project, starting with a conceptual idea or design and a rough cost estimate which are then refined as more information is obtained. This type of preliminary planning is referred to as project substantiation and can be very formal or informal depending on the circumstances. The information gathered is summarized in a document known as a Project Brief.

3. Prioritizing Projects

- Any proposed capital project should be in response to an identified need. A big challenge that community governments face is figuring out what the priority projects should be as there is never enough money to satisfy all needs and wants. It is important for the LGA to work with Council to set criteria that will assist with this prioritization. Some things to think about when setting capital planning priorities include:
 - Focusing on essential programs and services first (needs).
 - Investments that are required for health or safety reasons.
 - Legislative requirements or standards.
 - Affordability - It is important that the lifecycle cost of an asset be examined. One area that is often overlooked is the impact of new infrastructure on a municipal government’s current operating budget.
 - Public support - to the extent possible, a Council should be focused on projects for which there is strong support from the public.

4. Estimating the Cost of Projects

- Once a list of priority projects is established, the next step is to estimate the cost of acquiring or building the infrastructure and the operational costs associated with it:
 - Capital costs – these typically include planning and design costs, material and equipment purchases, transportation costs, building costs and commissioning costs.
 - Operations costs – these normally include utility costs (heat, power, water), maintenance costs, insurance costs etc. If the infrastructure will be used for the delivery of new programs and services, there may also be costs associated with increased staff levels, equipment and materials purchases etc. These costs will occur each year for the life of the asset.

5. Identifying Funding Sources

- LGAs should be aware of the different funding sources and that funding sources often come with different eligibility rules that limit the types of projects and expenditures.

Existing capital funding sources for municipal governments include:

- Community Public Infrastructure Funding** – capital funding is provided annually by MACA to support community governments with the provision of community public infrastructure required to deliver community programs and services. The Policy can be found at:
<http://www.maca.gov.nt.ca/resources/policies/policy-community-public-infrastructure-funding.pdf>
- Federal Gas Tax Funding** – Gas Tax Funding was renewed for an additional 10 years under Canada's Economic Action Plan. A 2014-2024 Gas Tax Agreement was signed by the GNWT and community governments are flowed capital dollars through this program on an annual basis. The Agreement is available on MACA's website at:
http://www.maca.gov.nt.ca/resources/gas_tax_agreement_2014-2024.pdf.
- Borrowing** – most municipal governments have the ability to borrow money to help finance capital projects. This ability to borrow and the fact that the CPI and Gas Tax funding is predictable provides a community government with the flexibility to pay for a capital project by using a combination of available funding and loans, thus spreading out the costs over a period of years. There are rules around borrowing that the LGA must be aware of in terms of limits, and processes for approval by the public/Minister related to borrowing.

6. Preparing and Approving Plan

- With the list of priority projects, cost estimates and schedules in hand, it is time to assemble the Capital Plan. The basic purpose in assembling the plan is to make sure that the community government has the resources (money, staff, capacity) required

to complete the amount of work involved. If not, some projects may need to be deferred or reduced in scope or even cancelled. Once the plan is done, it needs to be updated each year to reflect new information and new project ideas.

7.4 Project Management

Once a Capital Plan is approved and in place, the community government needs to implement the projects in the plan. On occasion, a community government may also decide to proceed with a capital project that is not already included in the Capital Plan. It is best practice to have approval from Council in the form of a resolution/motion to proceed with projects that are not included in the capital plan and to update the capital plan accordingly.

Completion of a specific capital project usually involves several stages including planning and design, tendering and contracting, managing construction and ensuring project completion. This overall process is referred to as project management. Please see:

http://www.maca.gov.nt.ca/?page_id=574.

In essence, project management involves directing and coordinating people and resources (materials and equipment) throughout the life of a project. Key skills involved in project management include:

- Planning and scheduling.
- Directing and managing people.
- Having knowledge of the technical aspects of the project.
- Being a good communicator.
- Managing money.

Larger community governments often have internal staff that can manage capital projects. In smaller communities, a project manager or consultant is often hired to complete a capital project.

The LGA, finance staff and the works foreman all need to understand the project management process and how consultants and contractors work. A 6-day course titled “Plan Build and Maintain” has been developed and is offered annually by MACA’s School of Community (SCG) Government. The course focuses on the fundamentals of community infrastructure planning, project oversight and maintenance. The course also reviews the roles and responsibilities of key community government staff including LGA’s, finance officers and works foreman. Please see: <http://www.maca.gov.nt.ca/event/plan-build-maintain/>

The course introduces the typical stages of a project which include:

1. Project Initiation

- Project initiation occurs once a Council recognizes there is a need for something and decides to take action such as a building a new facility, expanding an existing building or repairing a road. Once a decision is made to proceed with a project, it then needs to be planned out to make sure it is a good idea that will achieve what Council intends.

2. Planning

- Once a project is approved expectations will need to be further defined and project parameters fully documented. A project brief is typically developed in this stage, and preliminary cost estimates, scope descriptions and schedules are further refined. A consultant (architect or engineer) is often hired to develop the project brief, but it is very important to involve the appropriate stakeholders (including community government staff and Council) and begin managing stakeholder expectations at the start of a project to minimize change orders which result in an increased cost.

3. Execution (Design and Construction)

- This is where the real action begins. Starting with the information contained in the Project Brief, the municipal government now needs to get a detailed design done and find a contractor to build the project (information on tendering and contract management is provided in section 7.5 below.)

4. Closing

- Once the procurement process is complete, asset ownership is transferred from the contractor/supplier to the owner (community government) which means that the owner is now responsible for insuring the asset. Final payments are made, and warranty periods begin. A project audit may also be conducted at this stage to identify any areas of improvements that could be made in future project deliveries.

7.5 Infrastructure Maintenance

The maintenance and upkeep of existing community infrastructure is vitally important so community facilities, systems and equipment will perform properly and major repairs or replacement (at very high costs) are kept to a minimum.

To properly manage community infrastructure and assets, a community government should keep a working record of the following:

- The assets owned by the community.
- The location of each asset.
- The services delivered with that asset.
- The current replacement value of the community's assets.
- The condition of the existing assets.

A key asset management practice that all community governments across Canada must now comply with (effective January 1, 2009) is to report the value of their “tangible capital assets” on their Financial Statements. This is required by the Public Sector Accounting Board (see PS 3150) and was introduced to help ensure community governments publicly recognize the assets they have and the condition that those assets are in.

The type of infrastructure or asset that a community government owns usually includes the following:

Mobile equipment – this may include heavy trucks (water, sewage, garbage, fire etc.), heavy equipment (dozer, loader, backhoe, bobcat etc.), light vehicles (ambulance, cars, pick-ups etc.) and equipment (machinery, shop tools etc.).

Fixed assets – these include buildings (Community Government office, recreational facilities, fire hall, garages, warehouses, cultural centre, day care centre, staff housing etc.) and other assets such as the roads, ditches and culverts, street-lighting, solid waste site, sewage treatment facilities, gravel pit and crusher, docks etc.

Each asset owned and operated by a community government has its own distinct maintenance requirements, which are based on the level of service that the asset provides. For example, a water truck operating seven days a week needs more frequent maintenance than one operating a few days each week. Another example involves the components of a building – the boiler or furnace will require annual maintenance but usually lasts 20 years or more before needing replacement.

In summary, the LGA needs to work closely with the Public Works Foreman to ensure that the useful life and maintenance requirements of all assets are identified, kept track of (using a log book / calendar or computer software) and that regular maintenance and refurbishments are completed on schedule.

8 Program and Service Delivery

This section of the Handbook provides an overview of the various programs and services that most community governments are responsible for and the role of the LGA in managing these activities.

8.1 Community Land Management

Community land management is a complex topic. The LGA needs to have an understanding of how land can be acquired and disposed of, what land use planning is about and the practices involved in land administration.

Speak to your MACA Regional Office to get information about the types of land ownership in your community and any additional contact information you may need, based on the specific situation.

A variety of legislation exists to deal with the various types of land ownership in the NWT. The federal government has its own laws to deal with federal Crown land, the GNWT has laws dealing with Territorial and Commissioner's Lands, and Aboriginal governments have laws to deal with their private lands.

Land management requires that Council make decisions on:

- Acquisition of land.
- Disposal of land (selling or leasing).
- Terms and conditions of land contracts and permits.
- Use and development of land.
- Land pricing.

To support Council, the LGA needs to have an understanding of:

- Legislative authorities.
- Community planning.
- Land development.
- Property and contract law.
- Surveying.

Federal Crown land in and around communities that has been transferred to the GNWT is referred to as "Commissioner's land". It is controlled and managed by the Department of Lands in accordance with the *Commissioner's Land Act* and Regulations. The Regulations

contain the details on how Lands administers Commissioner's land. Basically, Lands uses the regulations to prepare and assign leases, surrender or cancel leases and issue quarry and land use permits. Federal crown land in and around communities that was transferred to the GNWT as part of Devolution is called Territorial land and it is controlled and managed by the Department of Lands.

The Department of Lands involves community governments in land matters through consultation. It is important that the LGA brings applications for Commissioner's land to the Council's attention for review and comment so that Lands can utilize Council input in making decisions on permits and leases.

8.1.1 Acquisition and Disposal of Land

Territorial municipal legislation provides community governments with the opportunity to own, manage and dispose of land. To do so, a Council must adopt a land administration bylaw.

The GNWT's Municipal Lands Policy sets out the conditions under which the GNWT will transfer Commissioner's land to community governments or allow community governments to act in disposing of Commissioner's land to the public. Disposal of land to an individual or business is done either as a sale or through a lease. It should be noted that Tłı̨chō community lands may only be disposed by lease until 2025 and then only sold if the community has voted in favour of a bylaw allowing sales. See:

<http://www.maca.gov.nt.ca/wp-content/uploads/2011/10/Municipal-Lands.pdf>

The *Land Titles Act* and Regulations apply to all titled lands in the NWT. It is critical that the LGA and Council understand that before land owned by the community government can be leased, sold or mortgaged, a legal survey must be done and there must be a Certificate of Title registered in the Land Titles office in Yellowknife. The Land Titles Office is responsible for issuing a Certificate of Title for a parcel of land but cannot do so without a legal survey. See: <https://www.justice.gov.nt.ca/en/files/legislation/land-titles/land-titles.a.pdf>

8.1.2 Land Use Planning and Development

A community land use plan helps Council organize and control the use and development of land within the community boundary. A good land use plan anticipates future community needs, establishes goals and priorities for development, specifies the location of new development and helps avoid land use conflicts. As such, it serves as a guide to assist Council in making land-related decisions.

The *Community Planning and Development Act* provides quite a bit of detail on how land use planning and development control must be done in the NWT. See:

<https://www.justice.gov.nt.ca/en/files/legislation/community-planning-and-development/community-planning-and-development.a.pdf>

This legislation specifies that if a community government adopts a General Plan (often referred to as a community plan), it must also adopt a zoning bylaw. A zoning bylaw carries with it the requirement that all proposals for development must receive a development permit before proceeding. ‘Development’ as defined by the *Community Planning and Development Act*, includes ‘a change in land use or any construction, excavation or other change to land’. Council must appoint a development officer in order to be responsible for the day-to-day administration of the zoning bylaw.

See: Planning Bylaws Handbook at <http://www.lgant.com/best-practices/planning-bylaws-handbook-updated-2015> and

http://lgant.com/sites/default/files/Bylaw_Planning_2010_Handbook.pdf#overlay-context=by-law/planning-bylaws-handbooks

Smaller municipalities, Designated Authorities or those that do not have significant development pressures, may not want to use the General Plan/zoning bylaw approach. Instead, a community can adopt a land use plan. A land use plan is adopted by resolution of council and represents council’s view of how and where development should proceed in the community. It is not passed under the *Planning Act*, so as to avoid the need for the further adoption of a zoning bylaw. Enforcement of a land use plan is a less formal process as it is closely linked to land application procedures and the community government’s recommendations.

Typically, land development occurs in several stages including planning, approvals, construction and lot sales or leases. Community governments, where they have taken on full responsibility for land development, should price lots at a level that will recover the development costs.

Typical land development activities include:

- Subdivision design and engineering.
- Clearing of right of ways.
- Drainage work.
- Provision of public roads.
- Power and telephone servicing.
- Other utilities (water and sewer, gas, etc.).
- Legal survey of the lots.

Protected Areas - The NWT Protected Areas Strategy is a community-based process for establishing a network of protected areas across the NWT. The intent is to balance conservation and economic development while respecting Aboriginal rights, third party interests and land use planning processes. More information on current candidate areas and the steps involved in creating a protected area can be found at <http://www.enr.gov.nt.ca/node/3681>.

8.1.3 Land Administration

Tools that can help a community government track and manage land include:

Land Inventory - The most basic requirement is to keep an up-to-date listing of all parcels of land organized by the legal description. This allows staff to answer questions about the availability and status of any parcel of land in the community.

Mapping - The creation of community maps is a specialized task. The Department of Lands maintains the ATLAS system which uses different layers of information to create digital maps that can be used on a computer or printed.

Land Application Process - The process that a community government uses needs to be able to deal with the types of applications for parcels of land that come from the public, government agencies and businesses. Key steps in the process typically include:

- Assisting applicants select an available parcel and fill in the land application form.
- Confirming the application is complete and correct.
- Collecting the application fee and providing a receipt.
- Recording the application.
- Consulting with other agencies.
- Preparing a recommendation to Council.
- Advising the applicant of the Council decision.

Training in land management and administration is available from the School of Community Government. See: <http://www.maca.gov.nt.ca/featured-programs/school-of-community-government-courses/>

8.2 Water and Sanitation

The management of drinking water is a shared responsibility of all levels of government:

- Community governments are responsible for providing safe drinking water to residents by owning, operating and maintaining water treatment plants and distribution systems.
- The GNWT is responsible for the regulation of water supply systems and providing certification for water treatment plant operators. The GNWT completes infrastructure

reviews on the majority of water treatment plants in the NWT and provides training and support to water treatment plant operators.

- Health Canada publishes the Canadian Drinking Water Quality Guidelines that the Department of Health and Social Services has adopted under the Water Supply System Regulations. See: <https://www.justice.gov.nt.ca/en/files/legislation/public-health/public-health.r7.pdf>
- Inspections to ensure compliance with the terms and conditions of community Water Licenses are done by the GNWT Department of Environment and Natural Resources (ENR) and are regulated under the *Mackenzie Valley Resource Management Act* and the *NWT Waters Act*. The inspection reports are provided to the Land and Water Boards for posting on their public registries.

Safe drinking water is a matter of public health. It is essential that the LGA work closely with the water treatment plant staff to ensure water quality standards are maintained at all times. Daily samples for chlorine and turbidity are mandatory as well as weekly bacteriological samples. The LGA must ensure the community water treatment plant (WTP) operator is performing the appropriate samples and reporting them regularly to the Environmental Health Officer (EHO). Typically, the EHO requires log sheets to be submitted to their office weekly by fax or email. The LGA must report immediately to the EHO and Chief and Council if there are any concerns that the water is not safe to drink.

The GNWT approved Water and Wastewater Operator Certification Guidelines in 2006. The guidelines set standards for classifying water treatment plants and certifying water treatment plant operators. In the NWT there are four (4) different water treatment plant classifications: Small Systems, Class I, Class II, and Class III. Classifications are based on a number of criteria. WTP operators must be certified to the level of the plant they are operating. The GNWT Water and Wastewater Certification Committee approved an option for restricted certification of operators. Restricted certification may be issued on a case by case basis by the Certification Committee to an operator who is able to meet some, but not all of the certification components. Restricted certification limits the operator's certification to their specific water treatment plant.

MACA provides funding to support municipal governments in providing water and sewage services through the Water & Sewer Services Funding Policy. See:

http://www.maca.gov.nt.ca/wp-content/uploads/2011/10/MACA-Water-and-Sewer-Services-Funding-Policy_.pdf

Community governments are funded according to a standard cost model. This model assumes a due diligence approach to operations and recognizes that there is a "fixed" cost of operations, regardless of consumption. The funding model also includes a component

acknowledging the need to recover costs and suggests that community governments will charge consumers for water and sewage services through the enactment of a water and sewage rates bylaw.

Key LGA responsibilities with respect to water delivery include:

- Overseeing the operation and management of the water supply, treatment and distribution systems (This includes ensuring that water license terms and conditions are met and that operations are in compliance with the Water Supply System Regulations). <https://www.justice.gov.nt.ca/en/files/legislation/public-health/public-health.r7.pdf>
- Recommending to Council an adequate budget for O&M and capital.
- Recommending to Council the economic, residential, commercial and government rates for water and sewer services.
- Responsibility for the maintenance of the water licence, including submission of the annual report to the appropriate water board.
- Approving the work plan for the water treatment plant operator, including training.
- Ensuring the purchase of chemicals and spare parts.
- Ensuring trained operators are available to operate the system.
- Report immediately to the Environmental Health Officer and Chief and Council if there are any concerns that the water is not safe to drink.
- Ensure residents are advised to periodically clean their house water tanks.

Water Licence

Community governments are required to have a water licence under the *Mackenzie Valley Resource Management Act* or the *NWT Waters Act*. Water licences help to protect community drinking water sources. They define how much raw water the community can take from the source and how to dispose of waste so it doesn't harm water bodies. Water licences are a regulatory requirement and are issued by one of five regulatory boards in the NWT (see Section 3.2).

ENR Water Resource Officers inspect the water, wastewater and solid waste facilities to make sure water licence requirements are followed. Common water licence requirements include annually reporting water use and sewage disposal volumes, sampling sewage effluent and landfill leachate, reporting sampling results and spills and developing operations and maintenance manuals.

In an effort to support community governments to meet their water licence requirements, MACA has partnered with ENR and the Mackenzie Valley Land and Water Board to develop

template O&M Manuals for wastewater and solid waste facilities. Please contact your MACA regional office for further information on these templates.

Landfill Site Operations - The *Public Health Act* and its General Sanitation Regulations require that adequate solid waste facilities be provided and maintained. Some key issues for the LGA to be aware of include:

- **Open Burning** - Open burning is not acceptable. Open burning can release toxic substances into the local atmosphere, potentially causing immediate health and environmental effects. Only clean wood and paper can be burned and this should be done in an area separate from the working landfill.
- **Hazardous Waste** - Hazardous wastes can include paints, oils, solvents, acids, industrial sludge (containing heavy metals) or pesticides. Hazardous waste must not be allowed to enter the landfill. ENR has guidelines and programs that can assist communities and households with the proper handling, storage and disposal of hazardous waste. (<http://www.enr.gov.nt.ca/programs/hazardous-waste/guidelines>)
- **Landfill Management** - Further information on landfill management can also be found in the Municipal Solid Waste Guidelines at:
 - http://www.maca.gov.nt.ca//wp-content/uploads/2012/03/MACA_Community_Ops_Municipal-Solid-Waste-Guidelines_2003.pdf
 - ENR Landfill:
http://www.enr.gov.nt.ca/sites/default/files/guidelines/solidwaste_guidelines.pdf
 - ENR – Water: <http://www.enr.gov.nt.ca/programs/water-management>
- **Recycling** - Another way to reduce environmental impacts and extend the life of the landfill is through recycling. Current GNWT recycling efforts include a beverage container program, a single-use retail bag program and a waste paper products initiative. More information on these programs can be obtained at www.icarenwt.ca.

MACA's School of Community Government offers courses in Water and Waste Management on a regular basis. Programming and course dates can be found at: <http://www.enr.gov.nt.ca/programs/hazardous-waste/guidelines> and <http://www.maca.gov.nt.ca/events>.

8.3 Licences

Business Licences

Under the *Business Licence Act*, MACA issues business licences to:

- Businesses operating on a territorial-wide basis.
- Businesses operating outside community boundaries.

MACA also issues business licences in communities that do not issue their own business licences. These communities are:

- Colville Lake
- Jean Marie River
- Dettah
- Kakisa
- Enterprise
- Lutselk'e
- Fort Good Hope
- Nahanni Butte
- Fort Resolution
- Sambaa K'e
- Gameti
- Tsiigehtchic
- Hay River Reserve
- Wekweeti

All other NWT communities issue their own business licences, and interested businesses must obtain a business licence from the community government.

Lottery Licenses

MACA licenses and regulates charity bingos, Nevada tickets, casinos and raffles under the [Lotteries Act](#), which covers gambling permitted under the Criminal Code of Canada.

MACA has delegated their authority for issuing lottery licenses in sixteen communities, including:

- Aklavik
- Behchokö
- Deline
- Fort Good Hope
- Fort McPherson
- Fort Smith
- Hay River
- Inuvik
- Norman Wells
- Paulatuk
- Tsiigehtchic
- Tuktoyaktuk
- Tulita
- Ulukhaktok
- Whati
- Yellowknife

By delegating their authority, MACA permits these community governments to develop their own lottery bylaws and the community government can issue licences for the same types of events that MACA can license. A delegation of authority like this, however, does not allow the community government to exceed the powers of MACA – for example, community governments are not allowed to license events that MACA does not have authority to license.

Real Estate Licences

Please contact the MACA Regional Office for information about issuance of Realtor's Licence. MACA also has the information on regulations, under the *Real Estate Agents' Licensing Act*, governing the real estate industry in the North.

8.4 Public Safety and Protection

One of the essential responsibilities of community governments is to protect community residents by providing a safe, stable and healthy community. While risks can never be eliminated completely, Council, the LGA and staff have a responsibility to minimize those risks as much as possible.

8.4.1 Fire Protection

The LGA and Council play an important role in a community's fire protection and prevention. The LGA and the Council work in partnership with the community's Fire Chief/Local Assistant, Fire department and the Office of the Fire Marshal. Please see Fire Prevention Plan at: <http://www.mac.gov.nt.ca/office-of-the-fire-marshall/community-fire-protection-plan/> and the Protection Assessment at: <http://www.mac.gov.nt.ca/ofm/docs/Assessment.pdf>.

Council, with support from the LGA, is responsible for:

- Adopting a fire protection bylaw that states the levels of fire services (i.e. fire response, dangerous goods response) that are available, the cost of the services and the protection area covered by the community's fire department.
- Setting the budget for the community fire department based on levels of fire service provided.
- Planning and budgeting for major expenditures such as fire halls and replacing fire apparatuses.

The LGA, Council and the Fire Chief/Local Assistant are encouraged to meet regularly to discuss the activities and status of the community's fire department. It is important for the

LGA to have a firm understanding of the fire department and its operations as the LGA is the alternate for the Fire Chief/ Local Assistant should he/she be absent.

The Fire Chief/Local Assistant should be prepared to advise Council on the current activities and status of the fire department.

8.4.2 Bylaw Enforcement

Bylaw enforcement varies widely from community to community. While there are no “hard and fast” enforcement rules in GNWT legislation, it is important that the LGA be familiar with the structure of bylaws (see Section 3.3.2 of this Handbook) in order to understand the details of enforcement within their community and to be able to provide advice to Council.

Each bylaw requiring enforcement should contain within it provisions detailing the scope of the bylaw as well as any consequences for not adhering to the bylaw. A useful example is a dog control bylaw which usually outlines specific restrictions, such as the number of dogs allowed to be tethered outside a residence or local licensing requirements. The bylaw will also detail consequences and penalties – in this case fines, dog seizure or dog destruction, etc. – for those who fail to comply with the bylaw, as well as who has the authority to enforce it.

In many communities, there is a bylaw enforcement officer. In smaller communities, the LGA or other community government staff may be required to take on these duties. Regardless of who does the job, bylaw officers must be appointed by bylaw.

8.4.3 Emergency Planning

Any community is vulnerable to potential emergencies caused by technology failures, extreme weather events or exposure to hazardous materials. The *Civil Emergencies Measures Act* requires that all community governments have an Emergency Plan in place. Indigenous and Northern Affairs Canada (INAC) is working with MACA to ensure that similar emergency planning support is available to Recognized First Nations.

An Emergency Plan ensures that a community is prepared to deal with an emergency or hazard. It identifies the role and responsibilities of the various agencies involved, specifies the chain of command for handling an emergency and lists the resources available that a community can mobilize in the event of an emergency.

Additional resources are available on preparing a community emergency plan and on how households can prepare for emergencies. For more information, go to:

- Emergency Planning Tool for Communities - <http://www.maca.gov.nt.ca/home/for-community-governments/safety-emergencies/developing-a-community-emergency-plan/>
- MACA's Emergency Plan Template - http://www.maca.gov.nt.ca/wp-content/uploads/2012/05/MACA_Public-Safety_Community-Emergency-Management-Plan-Template_2012.docx
- Emergency Plan Instruction Manual – http://www.maca.gov.nt.ca/wp-content/uploads/2012/05/MACA_Public-Safety_Community-Emergency-Plan-Instruction-Manual_2008.pdf

An Emergency Preparedness Guide is also available to assist households prepare for an emergency: <http://www.maca.gov.nt.ca/wp-content/uploads/2011/09/MACA-family-emergency-brochure.pdf>

Emergency management responsibilities in Canada are shared by federal, provincial, territorial and First Nation governments and their partners. This includes individual citizens who have a responsibility to be prepared for disasters and contribute to community resiliency.

In an emergency, the first response is almost always by the First Nation or local authorities or at the provincial or territorial level because disasters occur most often locally. Should a provincial or territorial government require resources beyond their capacity to cope in an emergency or disaster, the federal government responds rapidly to requests for assistance by a provincial or territorial government.

8.4.4 Risk Management

Risk can be defined as the possibility of a loss or adverse event occurring that will interfere with normal operations. Types of risks that are relevant to community governments include property risks, auto risks, liability risks and crime risks.

Risk management is a process that helps a community government identify, understand and reduce the risks that it is exposed to. Having a clear understanding of all potential risks enables a community government to take appropriate actions to reduce or prevent losses. Such actions may include finding ways to reduce potential risks, reduce the severity of a loss or purchase some form of insurance.

A good risk management plan can be developed by answering three questions:

- **What Can Go Wrong? (Risk identification)** – this involves identifying and analyzing what could go wrong and what would happen if a loss occurs. Key questions to consider include identifying the types of losses that could occur, determining the

impacts if a loss occurs and assessing how often a loss might occur and how severe it may be.

- **How Can We Stop it From Going Wrong? (Risk control)** – once potential losses and the resulting impacts are understood, the next step is to identify actions that can be taken to reduce risks. Actions for managing risks include minimizing the possibility of a loss occurring, reducing the frequency or severity of a loss or reducing the impacts that result from a loss. Appropriate policies, bylaws and operating procedures are ways to control risks and lower the chances of incurring a loss.
- **If Something Goes Wrong, How Do We Pay For It? (Risk financing)** – not all risks can be avoided or managed. Risk financing involves looking at different ways to pay for losses.

The main areas where a community government may be exposed to risk include:

- Property.
- Auto.
- Liability.
- Crime.

It is important that the LGA maintain up-to-date asset inventories and review insurance policy schedules to make sure all property is listed on the schedule. In addition, policies, bylaws, and procedures for all areas of operation are important tools for risk management and control. This includes, for example, the bonding of employees and contractors.

For additional information, see section 1 of the National Container Inspection Program (NCIP) Risk Management Manual <http://www.nwtac.com/communications/library/?did=53>

8.4.5 Insurance

All incorporated community governments in the NWT are members of an insurance program offered by the NWT Association of Communities (NWTAC) called the Northern Communities Insurance Program (NCIP). Within NCIP the member community governments self-insure a significant portion of their risks through a licensed Insurance Reciprocal Exchange called the Northern Communities Insurance Exchange (NORCIX). This community owned reciprocal exchange insures the first \$1,000,000 of all Property, General Liability, Auto Liability losses and 100 % of all Auto Physical Damage losses.

The NCIP and NORCIX offices are operated by experienced insurance professionals employed by the NWTAC office in Yellowknife. All insurance services to the member community governments are provided by the NCIP office and include:

- Managing all Community property/auto schedules and certificates.
- Invoicing all community governments for their portion of the Insurance premiums.
- Collecting premiums from all members.

- Receiving all claims and assigning them to a Northern Insurance Adjuster.
- Coordinating the appraisal services for each member.
- Delivering loss prevention program to the members.
- Providing contract review to all members from a risk management perspective.
- Providing general insurance council and advise to all members.
- Arranging any specialized insurance requirements for community members.

Designated Authorities/Recognized First Nations are also required to carry insurance to protect their assets and staff. Some of these community governments purchase insurance through a separate First Nations plan through NORCIX. Others insure with other traditional insurance companies located in the NWT.

Loss Prevention is the key to a successful self-insurance program. To assist community governments NCIP has implemented a Loss Prevention Incentive Program to help reduce losses and save community governments money. In 2010 NCIP committed annual incentives of \$500,000 to be returned to its members for the overall good claims experience of the program and loss prevention activities performed by community governments over the next three years. 25% is being returned as a credit for the good claims experience of the program. The remaining 75% is available for loss prevention activities performed by each community. How much each community is eligible to receive is based upon the percentage of their insurance premiums paid into the overall program.

For a community to receive 100% of their annual incentives, they must perform three mandatory activities:

- Take the one-day Loss Prevention Work Shop offered by NCIP in their community.
- Inspect their buildings to identify liability and any property hazards.
- Eliminate or reduce the hazards identified from the inspection.

Loss prevention is closely linked to risk management. Therefore, the one-day workshop offered by NCIP offers Risk Control Training to staff and council in all NWT community governments (including Recognized First Nations regardless of whether they are insured through NORCIX).

For more information on the insurance program please contact the NCIP office at 1-866-973-8359 or visits their website at <http://www.nwtac.com/draft-ncip/>

8.5 Recreation, Youth and Culture

Sport, recreation and cultural activities are all essential to the health and well being of individuals and communities in general. Recreation refers to programs or services which serve to promote the physical or mental health and well being of community residents. Recreation programs and services are funded through the community government and usually administered by a recreation coordinator.

Recreation Programs include:

- After School Physical Activity Program
- Get Active NWT
- High Performance Athlete Grants
- Recreation and Sport Contributions
- Regional Youth Sport Events Program

Youth Programs include:

- Youth Ambassador Program
- Youth Centres Initiative
- Youth Contributions Program
- Youth Corps

Please refer to MACA's website for more information on these recreation and youth programs: <http://www.maca.gov.nt.ca/>.

MACA's partners in sport and recreation are:

- [NWT Sport and Recreation Council](#)
- [Aboriginal Sport Circle of the NWT](#)
- [Mackenzie Recreation Association](#)
- [NWT Recreation and Parks Association](#)
- [Sport North Federation](#)
- Beaufort Delta Recreation Association
- Sahtu Recreation Association

MACA also supports the following events:

- [Arctic Winter Games](#)
- [Canada Games](#)
- [North American Indigenous Games](#)
- [Western Canada Summer Games](#)

Under MACA's Recreation and Sports Contribution Policy, community governments can obtain funding to support the delivery of sport and recreation activities. Eligible activities include:

- Participation in recreation and sport events.
- Development and delivery of recreation and sport activities including a public aquatics program and traditional Aboriginal recreation and sport activities.
- Development and delivery of recreation training, skills workshops or clinics.
- To obtain sport and recreation equipment for public programs.
- To develop recreation and sport plans.

Please see MACA's Recreation and Sports Contribution Policy at
http://www.maca.gov.nt.ca/resources/policies/Recreation_andSportContributions.pdf

There are a variety of organizations in the NWT involved in promoting sport and recreation that may be of assistance to community recreation coordinators in the development and delivery of sport and recreation programs and events. These include:

- NWT Sport and Recreation Council (<https://sportnorth.com/sport-and-recreation-council>).
- Sport North (www.sportnorth.com).
- Aboriginal Sport Circle of the NWT (www.ascnwt.ca).
- NWT Recreation and Parks Association (www.nwtrpa.org).

Most communities have a Recreation Coordinator (http://www.maca.gov.nt.ca/?page_id=550) position that takes care of recreational facilities and organizes and delivers recreational and cultural activities.

Under the general supervision of the LGA, the Recreation Coordinator is typically involved in:

- Ensuring that recreation facilities are maintained.
- Planning and developing sport and recreation programs and activities.
- Planning and delivering cultural activities such as special events, feasts, festivals etc.
- Scheduling and promoting upcoming activities and events to the community.
- Leading or supervising recreational and cultural activities and events, particularly for youth.
- Administering recreation and cultural programs by developing plans, preparing and monitoring budgets and preparing regular and yearly reports.

8.6 Community Energy Planning

In most NWT communities, the cost of energy services, such as electricity, heating fuel and transportation fuels, is very high. In addition, the NWT's heavy dependence on the combustion of fossil fuels results in high per-capita emissions of greenhouse gases which contribute to climate change.

Community governments, which control community-planning processes and deliver programs and services, can help lead efforts to address local energy concerns. Community energy planning is a process that allows community governments to identify opportunities to reduce energy use or improve local energy supply options. The basic idea is to examine how a community is supplied with, and uses energy, in order to identify ways to make improvements. Specific actions that can be considered include making improvements in energy

efficiency, reducing dependence on imported fuel by switching to renewable energy technologies and encouraging residents to manage their energy use wisely.

Additional information on community energy planning can be obtained from the Arctic Energy Alliance. In addition, the GNWT Department of Environment and Natural Resources (ENR) has funding programs that can assist community governments, local businesses and residents offset the cost of completing energy-related projects. See:
http://www.enr.gov.nt.ca/_live/pages/wpPages/Our_Environment.aspx.

Arctic Energy Alliance or regional MACA capital planning staff will also be able to support community governments in identifying best practices and opportunities for investments that can have tremendous payback for community governments. For example, switching large recreation facilities to more energy efficient lighting can provide significant savings over relatively short periods of time.

9 Other Duties

Often the LGA is also required to deal with matters that go beyond their traditional job duties or may be outside their comfort zone. Examples include dealing with media, writing a funding proposal etc. This section provides information on some of the more unusual activities that the LGA may become involved in.

9.1 Communications

Strong communication skills are essential for any LGA. The LGA often represents the community government in dealing with the public, businesses, government officials, other communities and other organizations. The LGA needs to develop good verbal and written communications skills as they may be asked to speak during meetings, make presentations, draft written materials and correspondence and discuss matters over the telephone.

Regular LGA duties that require good written communications skills include:

- Drafting bylaws, policies and motions.
- Preparing briefing notes and summaries for Council.
- Preparing accountability and activity reports.
- Writing memos, letters, emails, etc.

Regular LGA duties that require good **verbal** communications skills include:

- Interactions with community residents to explain programs, polices, decisions, etc.
- Providing background information, guidance and recommendations to Council during meetings.
- Interacting via telephone or in meetings with government officials, contractors, consultants, suppliers, etc.
- Issuing instructions and providing guidance to staff.

9.2 Proposal Writing

Community governments are often required to submit proposals to government, not-for-profit organizations and other funding agencies to identify resources for a particular program or project. The job of writing the proposal usually falls to the LGA.

Due to the competitive nature of securing funding, it is important that LGAs have an ability to prepare good quality funding applications that are well researched, contain information required by the funding program and are well written.

Common elements found in most funding proposals include:

- Organizational Information

- Issue or Problem Statement
- Background
- Proposal
- Work Plan or Activities
- Budget
- Partners
- Evaluation

See the MACA program calendar of events, for possible training available on writing good proposals <http://www.maca.gov.nt.ca/events>.

9.3 Environmental Assessment Process

Due to the resource development environment that NWT community governments are located in, it is not uncommon for a community government to be asked to voice comments or concerns about resource development activities proposed in their area. For example, environmental assessments conducted under the *Mackenzie Valley Resource Management Act* often provide an opportunity for individuals or organizations such as community governments to provide written information or make presentations through public hearings regarding positive or negative impacts anticipated by a development being considered under the Act. The LGA may be asked to research and prepare materials for such presentations.

9.4 Economic Development

In the NWT, key economic activities include minerals, oil and gas extraction, tourism, traditional harvesting (trapping, fishing and hunting), agriculture and arts and crafts. Additional information on relevant programs and services can be obtained from the Department of Industry, Tourism and Investment web site (www.iti.gov.nt.ca).

At the community level, many community governments employ a Community Economic Development Officer to help promote and facilitate business development and increase local employment.

Under the supervision of the LGA, key duties of a Community Economic Development Officer typically include:

- Identifying opportunities for community economic development.
- Facilitating community economic development planning.
- Securing funding for economic development activities and programs.
- Providing assistance to local organizations, businesses and individuals with establishing economic development plans, businesses and projects.

9.5 Other

Community governments often have an interest in engaging in other program and service delivery to benefit their residents. Legislation does allow community governments to do things that serve a "municipal purpose". As a result, community governments in the NWT do enter into arrangements to provide for the delivery of GNWT programs and services such as the operation and maintenance of social housing, public works, community justice, and various other types of government programs and services. Sometimes they also provide such things as the contract for the operation of the local post office, in an effort to ensure that core services are provided to their residents.

Usually these services are performed on a contractual arrangement with the usual service provider. In entering into those contracts community governments must not only consider whether the service is supporting a municipal purpose, but also what resources are required, in terms of qualified staff, reporting, liability and other considerations that may impact their ability to provide the service.

Appendices

Appendix A: Resource List and Links Sources

Appendix B: Accountability Framework

Appendix C: Bylaws (Mandatory, Discretionary, Recommended)

Appendix D: Sample Borrowing Bylaw

Appendix E: Differences in Community Government Structures

Appendix F: Sample Human Resource Plan

Appendix G: School of Community Government Staff Training Planner

Appendix A: Accountability Framework

The Accountability Framework is a tool that MACA has developed to help community governments self identify their performance in core areas of community government operations. This tool then becomes the mechanism by which MACA can develop a strategy to engage with the community government to support them in areas where needed. The tool assesses performance in 14 key indicator areas and scores results as green (performance is good), amber (performance requires some attention) and red (significant issues requiring attention by community government and/or MACA).

To download the Accountability Framework, go to: <http://www.maca.gov.nt.ca/wp-content/uploads/2013/11/Accountability-Framework-Aug-2015-Final.pdf>

Appendix B: Bylaws

Mandatory Bylaws

http://www.maca.gov.nt.ca//wp-content/uploads/2011/09/MACA_SCG_Mandatory-Bylaws_2009.pdf

Discretionary Bylaws

http://www.maca.gov.nt.ca//wp-content/uploads/2011/09/MACA_SCG_Discretionary-Bylaws_2011.pdf

Recommended Bylaws

http://www.maca.gov.nt.ca//wp-content/uploads/2011/09/MACA_SCG_Recommended-Bylaws_2009.pdf

General Bylaws Power and Procedures

http://www.maca.gov.nt.ca//wp-content/uploads/2011/09/MACA_SCG_General-Bylaw-Powers-and-Procedures_2009.pdf

Appendix C: Sample Borrowing Bylaw

Please note: This bylaw is only an example. Please contact the MACA Regional Superintendent about specific requirements for each community.

CHARTER COMMUNITY OF K'ASHO GOT'INE, NT.

BY-LAW # 812-07

BEING A BY-LAW OF THE MUNICIPAL CORPORATION OF THE CHARTER COMMUNITY OF K'ASHO GOT'INE IN THE NORTHWEST TERRITORIES TO AUTHORIZE THE CREATION OF ALONG TERM DEBT FOR THE PUROSES ON CONTRUSTING A NEW COMMUNITY COMPLEX PURSUANT TO PROVISIONS OF TH CHARTER COMMUNITIES ACT, S.N.W.T., 2003.

WHEREAS it is deemed expedient and proper pursuant to the provisions of the Charter communities Act that the council shall issue a by-law to authorize financing, undertaking the construction of a new community complex;

AND WHEREAS plans, specifications and estimates for such work have been made whereby the total cost for the said project is estimated to be **\$5,750,000.00**.

AND WHEREAS it is estimated by the Council of the said Charter Community that certain funds will be available from the Charter Communities Deposited Funds being the amount of **\$2,700,000.00** received from Municipal and Community Affairs of the Government of the Northwest Territories under the New Deal for NWT Community Governments.

AND WHEREAS in order to undertake the proposed construction and installation of the facilities and equipment it will be necessary to borrow the sum of **\$3,500,000.00** on the credit of the Charter Community of K'asho Got'ine.

AND WHEREAS the said indebtedness is to be repaid over a twelve-year period in monthly instalments, with interest not exceeding 10 per centum per annum (10%);

AND WHEREAS the Municipality has no existing debt.

AND WHEREAS the estimated lifetime of the project is 25 years.

NOW THEREFORE, the Council of K'asho Got'ine, in a meeting duly assembled, enacts as follows;

The Charter Community of K'asho Got'ine is hereby empowered and authorized to enter into contracts for the purpose of constructing a new community complex.

The long-term debt to be incurred under this by-law shall not exceed the sum of #3,500,000.00 and may be in any denomination not exceeding the amount authorized by this by-law and shall be dated having regard to the date of the borrowing.

The debt service payments on the long-term debt to be incurred under this by-law shall not exceed the sum of \$450,000.00 annually and may be in any denomination not exceeding the amount authorized by the by-law.

The long-term debt shall bear interest during the term of the debt at a rate not exceeding ten percentum per annum (10%).

The long-term debt shall be acquired in such a manner that the principle and interest will be combined and be made payable in, as nearly as possible, equal monthly instalments over a period twelve (12) years, in accordance with the schedule attached and forming a part of debt instrument.

The repayment of the debt instrument shall be payable in lawful money of Canada at the Canadian Imperial Bank of Commerce in the City of Yellowknife, Northwest Territories or at such other bank of financial institution as the council may authorize as its banking agency during the term of the long-term instrument.

The said long-term debt instrument shall be signed by the Mayor and the Senior Administrative Officer of the Charter Community of K'asho Got'ine and the Senior Administrator Office shall affix thereto the corporate seal of the said community.

The said indebtedness is contracted on the credit and security of the Charter Community of K'asho Got'ine.

That this by-law shall come into effect immediately upon the passage hereof.

Read a first time this 26th day of November 2007, A.D.

Mayor

Senior Administrative Officer

Read a second time this 28th day of April 2008, A.D.

Mayor

Senior Administrative Officer

This By-Law approved by the Minister of Municipal and Community Affairs this
12 th Day of May. 2008

Minister of Municipal Affairs

Read a third time and finally passed this day of 2008, A.D.

Mayor

Senior Administrative Officer

It is hereby certified that this By-Law No. 812-07 has been made in accordance with the requirement of the Charter Communities Act and the By-Laws of the Charter Community of K'asho Got'ine.

Senior Administrative Officer

Appendix D: Differences in Community Government Structures

See http://www.maca.gov.nt.ca/resources/Differences_in_Comm_Govt_Structure.pdf

for more information on Differences in Community Government Structures

WHO	Deline, Fort Good Hope, Tsiigehtchic	Aklavik, Enterprise, Fort Liard, Fort McPherson, Fort Providence, Fort Resolution, Paulatuk, Sachs Harbour, Tuktoyaktuk, Tulita, Ulukhaktok	Behchoko, Gameti, Wekweeti, Whati	Fort Simpson, Fort Smith, Hay River, Inuvik, Norman Wells, Yellowknife	Colville Lake, Dettah, Jean Marie River, Kakisa, K'atlodechee First Nation, Lutsel k'e, Nahanni Butte, Trout Lake, Wrigley
LEGAL STATUS	Municipal Corporation established under <i>Charter Communities Act</i>	Municipal corporation established under <i>Hamlets Act</i>	Municipal corporation established under the <i>Tlicho Community Government Act</i> .	Municipal corporations established under <i>Cities, Towns and Villages Act</i>	Where the First Nations (Bands) are primary authority in community to deliver municipal services
CRITERIA FOR STATUS	Public request with minimum of 25 persons eligible to vote or Minister's initiative. 90 days public notice. 180 days notice to change municipal status with 60% voter approval required.	Public request with minimum of 25 persons eligible to vote or Minister's initiative. 90 days public notice. 180 days notice to change municipal status	Implements obligations under the <i>Tlicho Agreement</i> to create four Tlicho community governments. See Establishment of new communities below.	Council request or Minister's initiative and minimum assessment base. 90 days public notice. 180 days to change municipal status	First Nations through application of <i>Indian Act</i> . Self-Government by Act of Parliament
ESTABLISHMENT	By Minister's Order following community vote	By Minister's Order	By agreement of the parties and amendment to the <i>Tlicho</i>	By Minister's Order	First Nations established by

	(60 % approval) on Charter.		<i>Community Government Act and Tlicho Agreement</i>		Order-in- Council (OIC) Self-government agreements by Act of Parliament
LANDS	Generally lands within municipal boundary – except lands set aside for Indians. Commissioner’s Land available; in unsettled claims area, after consultation period with affected claimant group	Generally lands within municipal boundary – except lands set aside for Indians. Commissioner’s Lands available; in unsettled claims area, after consultation period with affected claimant group.	All community lands within the municipal boundary.	Generally lands within municipal boundary – except lands set aside for Indians. Commissioner’s Lands available; in unsettled claims area, after consultation period with affected claimant group.	Lands set aside for Indians OR reserve lands under Indian Act OR lands set aside by Act of Parliament under self-government agreement or land claim. May advise on disposal of Commissioner’s Lands
TAXATION	Property taxes paid to GNWT Option to become Municipal Taxing Authority by Ministerial Order – no taxing Charter Communities at present.	Property taxes paid to GNWT. Option to become Municipal Taxing Authority by Ministerial Order– no taxing Hamlets at present. .	Property taxes paid to GNWT. The Community Governments the option to exercise rights of property taxation if they so choose.	Municipal Taxing authorities. Municipal Mill Rate Bylaw passed by all communities. Education mill rates set by GNWT, except Yellowknife.	<i>Indian Act</i> allows taxation of reserve. Claimant group may negotiate various taxation authorities.
FINANCIAL AUTHORITY	Extended authority to manage money on year to year, or long-term planning cycle. Extended investment authority. Extended ability to borrow on long term basis– limits set by regulation.	Extended authority to manage money on year to year or long-term planning cycle. Extended investment authority. Extended ability to borrow on long-term basis– limits set by regulation.	Extended authority to manage money on year to year or long-term planning cycle. Extended investment authority. Extended ability to borrow on long-term basis- limits set by regulation	Extended authority to manage money on year to year or long-term planning cycle. Extended investment authority. Extended ability to borrow on long-term basis- limits set by regulation	First Nations, not on a reserve - Budgeting, banking, charges for services, short term borrowing. Long-term borrowing restricted to areas where federal government guarantees

					<p>lending.</p> <p>Reserve – Indian lands unalienable, federal government guarantees loans</p>
BYLAW MAKING AUTHORITY	Full bylaw authorities within spheres of jurisdiction pursuant to <i>Charter Communities Act.</i>	Full bylaw authorities within spheres of jurisdiction pursuant to <i>Hamlets Act.</i>	Full bylaw authorities within spheres of jurisdiction pursuant to <i>Tlicho Community Government Act.</i>	Full bylaw authorities within spheres of jurisdiction pursuant to <i>Cities, Towns and Villages Act</i>	<p>Not a reserve - governance by resolution</p> <p>Reserves – bylaw authority under <i>Indian Act</i>- similar to municipal powers</p> <p>Self government - authorities negotiated by self-government agreement.</p>
ELECTIONS AND TERMS OF OFFICE	Set by Establishment Order. Head of First Nation and specified number of councillors may sit on Council. Term of Office set in charter from 1 to 2 years.	Held 2 nd Monday in December. Option of 2 or 3 year terms, with staggered term option, may have 4 year term if approved by voters.	Held 2 nd Monday in June. 4 year term.	Held 3 rd Monday in October. Option of 2 or 3 year terms, with term staggered term option, may have 4 year term if approved by voters.	Set by First Nation Code/Resolution. All First Nations in NWT set own custom election practices. None follow <i>Indian Act Regulations</i> .

FINANCIAL RESOURCES	<p>Water/sewage services funding.</p> <p>Formula funding for other services based on population, cost of living and infrastructure indicators.</p> <p>Capital funding.</p>	<p>Water/sewage services funding.</p> <p>Formula funding for other services based on population, cost of living and infrastructure indicators.</p> <p>Capital funding.</p>	<p>Water/sewage services funding.</p> <p>Formula funding for other services based on population, cost of living and infrastructure indicators.</p> <p>Capital funding.</p>	<p>Water/sewage services funding.</p> <p>Capital Assistance for water & sewer infrastructure only.</p> <p>Grant In Lieu payments from GNWT/Canada. Property Taxation raises anywhere from 30 – 45% of budget needs.</p>	<p>Funded by Federal and GNWT Departments to deliver specific services and programs.</p> <p>MACA provides funding resources to provide municipal services.</p> <p>Water/sewage services funding.</p> <p>Formula funding for other services based on population, cost of living and infrastructure indicators.</p> <p>Capital funding for infrastructure only where there is an Infrastructure Society to hold real property.</p>
LEADERSHIP	<p>Charter determines leadership. Generally, the Chief of First Nation Band is appointed to head the municipal corporate body. Mix of publicly elected and band councillor appointments.</p>	<p>Mayor and councillors on separate ballots, but candidates may run for both Mayor and council</p>	<p>Chief and council on separate ballots. Councillor cannot run for Chief. Guaranteed 50% minimum Tlicho citizen participation.</p>	<p>Candidates cannot run for both Mayor and Councillor.</p>	<p>Chief and councillors selected under Custom Election code.</p>

DELEGATING/ AGREEMENTS/ ECONOMIC DEVELOPMENT	<p>Establish Services, utilities, facilities.</p> <p>Boards or Commissions</p> <p>Enter agency agreements.</p> <p>Delegation agreements.</p> <p>Establish municipal businesses & encourage economic development</p>	<p>Establish Services, utilities, facilities.</p> <p>Boards or Commissions</p> <p>Enter agency agreements.</p> <p>Delegation agreements.</p> <p>Establish municipal businesses & encourage economic development</p>	<p>Establish Services, utilities, facilities.</p> <p>Boards or Commissions</p> <p>Enter agency agreements.</p> <p>Delegation agreements.</p> <p>Establish municipal businesses & encourage economic development</p>	<p>Establish Services, utilities, facilities.</p> <p>Boards or Commissions</p> <p>Enter agency agreements.</p> <p>Delegation agreements.</p> <p>Establish municipal businesses & encourage economic development</p>	<p>May enter into agreements with 3rd parties for work/training/impact resources.</p>
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Appendix E: Sample Human Resource Plan

HR Needs	HR Supply	Gaps	Strategies/Priority/Lead	Implementation/Cost
SAO	Position Filled	Job description is outdated Third SAO in seven years	Short Term/High/Council & SAO with Contractor support Update job description Medium Term/Low/Council & SAO Complete Training Needs Assessment Long Term/High/Contractor Develop Succession Plan for SAO by creating ASAO position	Short/\$1000.00 Contractor Job description has been updated Medium/\$2000.00 workshop Training Needs Assessment completed. Requires Strategic Planning: SCG 2008-2009 Registered in Cnty Govt Occup Certification Long/\$1000.00 Contractor Succession Plan developed - Finance Officer promoted to ASAO May 2010
Finance Officer	Position Filled	Incumbent in position for ten years Job description is outdated and needs to be revised due to the introduction of new duties Incumbent requires training in administration of the Gas Tax, Capital Planning and local property taxes	Short Term/High/SAO Update job description Provide training in administration of the Gas Tax and Capital Planning Medium Term/Medium/ F.O. & SAO Complete Training Needs Assessment Long Term/Low/SAO Develop succession plan for Finance Clerk	Short/\$2000.00 workshop Job description has been updated Capital Planning workshop May 2008 Medium/\$4200.00 course Training Needs Assessment completed: Requires Payroll training (SCG Nov 2008) Registered in Cnty Govt Occup Cert Long/\$42,000 Finance Program Three year Succession Plan developed. Finance Clerk enrolled in SCG Finance Program (10 courses)
Community Works Foreman	Position Filled	Job description is outdated The incumbent is expected to retire within four years The incumbent requires training and certification	Short Term/High/SAO Update job description Medium Term/Medium/ SAO & CWF Complete Training Needs Assessment Long Term/Medium/SAO & CWF Develop succession plan for CWF	Short Job description has been updated Medium/\$4200.00 course Training Needs Assessment completed : requires MMOS (SCG May 2009) Registered in Cnty Govt Occup Certification Long/\$29,400.00 Two year Succession plan developed for HEO. HEO enrolled in SCG Infrastructure Maintenance Program (7 courses)
Heavy Equipment Operator	Position Filled	Job description is outdated The incumbent is well qualified for his present position but may require training to operate bulldozer CWF retiring in three years. HEO will require training to move into the CWF position	Short Term/High/CWF Update job description Medium Term/High/CWF Contact SCG for HEO and Equipment Maintenance courses Long Term/Medium/CWF & HEO Develop Succession Plan for HEO	Short Job description has been updated Medium/ \$5500.00 courses Training complete – Nov 2008 Long/ \$40,000 3rd year apprentice identified for succession. Hired as Assistant HEO in training position and will be offered position upon successful completion of apprenticeship
Water Treatment Plant Operator	Position Vacant	Job description is outdated – new water treatment system The position is vacant and it is anticipated that the position cannot be filled from within the community.	Short Term/High/CWF & SAO Update job description Ensure back-up until incumbent is hired Recruit for the position from within and outside the community Medium Term/High/CWF Conduct Training Needs Assessment for new incumbent Long Term/Low/CWF Hire and provide training to a Water Treatment Operator Trainee from within the community	Short/\$3000.00 recruitment Cnty resident working for mine will back fill for three months until incumbent hired Job description has been updated to reflect changes in water treatment system Recruitment is currently underway NWT and Canada wide to find an incumbent Medium/\$4200.00 Incumbent requires Solid Waste Management training: SCG Nov 2008 Long/\$21,000.5 Trainee will be permanent offered position upon successful completion of SCG Water and Waste program (5 courses)
Recreation Coordinator	New Position	Funding available to hire Recreation Coordinator for two years	Short Term/High/SAO Develop job description Recruit for position through NWTAC, College and High School Medium Term/High/SAO & RC Complete Training Needs Assessment Long Term/High/RC Hire a Cnty Recreation Coordinator Trainee from within the community	Short/\$50,000 Intern Recreation Coordinator has been hired Medium/\$1500.00 Training Identified requires SCG Pool Level 1 Nov 2008 Long/\$35,000 Trainee will be hired once the Recreation Coordinator is in place and familiar with the position

Appendix F: School of Government Staff Training Planner

<http://www.maca.gov.nt.ca/home/for-community-governments/school-of-community-government/about-the-school/>