
Hamlet of Enterprise
Special Meeting
13 September 2013
Hamlet Office at 7:00 PM – 10:00 PM

Start Motions #2013-09-148

1. Call to Order: 7:05 p.m.

1.1. Members Present:

Mayor Mike St. Amour
Deputy Mayor Craig McMaster (via call conferencing)
Councillor Alan Flamand
Councillor John Leskiw
Councillor Tammy Neal
Councillor Jim Dives

1.2. Community Gallery:

Eric Bartlett
Vi Bartlett
Sandra McMaster
Amy Mercredi
Shari Dives
Winnie Cadieux
Rhonda Flamand
Paul Bickford, NNSL

1.3. Staff/Volunteers

Terry Testart
Melinda Lenoir
Bruce Proud

2. Agenda Additions (require all Council Members present, all Members in agreement):

None declared.

3. Adoption of Agenda:

Motion 2013-09-148

Motion to approve the agenda with the following changes: Move item 13.1.1 Council request for Assistance for Policy Development and Interpretation and 13.1.2 Legal and Procedural Issues to next item on the agenda.

Moved by Councillor Dives

Seconded by Councillor Leskiw

All in favour

Motion Carried

4. Council Issues and Concerns:

Previously 13.1.1 Council request for Assistance for Policy Development and Interpretation.

Previously 13.1.2 Legal and Procedural Issues.

Councillor Neal and Leskiw:

Motion 2013-09-149

In order to assist council in making more effective decisions and help ensure policies, bylaws or acts are being followed. Through administration creating binders, by October 16, 2013, for each council member, and in the future for all newly elected council members, that will include: All signed minutes from January 2011 to present, all approved bylaws, all approved policies, The Hamlets Act, the Conflict of Interest Act, any other relevant Acts, and any new minutes and updates, as they become available.

Moved by Councillor Neal

Seconded by Councillor Flamand

Discussion: Councillor Neal, my binder has not been updated in 3 years.

All in favour.

Motion Carried

Motion 2013-09-150

Because Council has been accused of breaching policies, bylaws, or acts on several occasions, that the SAO prepare for Council, by the next regular Council meeting, a chart that outlines the apparent breaches by Council, including the section of the policy, bylaw or Act that has supposedly been breached, and a photo copy of the section of the policy, bylaw or Act that is being referred to.

Moved by Councillor Neal

Seconded by Councillor Leskiw

In favor: Councillor Neal, Councillor Leskiw, Councillor Flamand

Abstention: Councillor Dives

Motion Carried

Motion 2013-09-151

I move that administration set up the following meetings, as soon as possible: 1. a meeting in Enterprise between Council and MACA representatives, and 2. A meeting in Enterprise with the Hamlet's lawyers. Both meetings must be attended by all councillors.

Moved by Councillor Leskiw

Seconded by Councillor Neal.

Discussion:

Councillor Neal: "Any contact with lawyers should be consented by the council, not based on accurate information, should be with council approval."

Councillor Dives: "I have a problem with the blanket statement of any correspondence."

Councillor McMaster: "I have nothing in front of me, will not be participating in that, to have 2 meetings?"

Mayor St. Amour: It will be either 2 evenings, or 2 afternoons.

In favor: Councillor Leskiw, Councillor Neal, Councillor Flamand.

Opposed: Councillor Dives.

Motion Carried

Motion 2013-09-152

Based on the considered opinions stated during sessions of council, concerning previous actions of council, I would like the following motion;

Effective immediately, any and all discussions and references questioning past procedures, as acted by any and/or all members of council, be deferred until such a time as a meeting, or meetings if required can be arranged between: a) MACA representative(s) and the council, and/or; b) a legal representative of the Hamlet and Council, and/or; c) a meeting inclusive of all parties consisting of MACA representatives(s), a legal representative of the Hamlet, and Council; And that this/these meeting(s) be the determining conclusion of if any errors where made by council, individually, in part and/or in whole, and provide, where possible, a solution to correct said errors.

Moved by Councillor Leskiw

Seconded by Councillor Neal

Discussion:

Mayor St. Amour: We need a lawyer to approve minutes. The approval of minutes, is procedural.

This Motion questions the legality of meetings, questions past procedures of minutes. Does this motion presented mean that any actions that has been taken by the council be deferred until we can get a legal opinion?

Does anyone else have any other questions?

Point of Order: Mayor St. Amour asked Sandra McMaster to leave the Council Chambers for disrupting the meeting. Council concurred.

Deputy Mayor McMaster asked the Mayor if he had just asked his wife to leave the meeting. He then said the he will not be participating in the meeting because the Mayor had expelled his wife from the meeting. Deputy Mayor McMaster left the meeting (via conference call) at 7:32 p.m.

In favor: Councillor Flamand, Councillor Neal, Councillor Leskiw

Opposed: Councillor Dives

Motion Carried

Motion 2013-09-153

Motion: To prevent questionable accusations and to assist council in determining, and justifying, decisions of protocol and procedures, the following motion is made; Any and all statements, accusations and/or suggestions that; a) A conflict of interest exists; b) a breach of policy is made; c) an action contrary to Hamlet's Act took place; d) Actions in violation to a Bylaw occur; or, e) A point of Order is declared. The member of council citing the violation will be given the choice of; 1) Refuting the accusation (with an apology); 2) Providing documented evidence to his/her argument; or 3) Detailing which Bylaw, policy, or section of the Hamlet's Act is being referred to and, if requested, read the portion assumed to be in question for the consideration of the council. Furthermore, in the event of questionability, due to vagueness of the arguments presented or lack of clear definition of the noted evidence, the council will contact MACA for assistance and/or a decision based on their evaluation of the presented documentation of both parties.

Moved by Councillor Leskiw

Seconded by Councillor Neal

Discussion:

Councillor Dives: "You just passed a motion to stop discussion of all. Want it presented or either it is opened or not opened to the table. I feel we have an agenda here we cannot discuss."

Councillor Flamand: "The information that was given to the lawyer was wrong information."

SAO: The information passed to the lawyer was accurate and documented by email and witnessed by residents. The information provided to the lawyer was summarized in detail.

Councillor Dives: "If it wasn't about one thing, it's about another."

Councillor Neal: "Fix whatever we are doing wrong."

Councillor Leskiw: "We are merely asking for information for this issue. We will not discussing past legal issues."

Mayor St. Amour asked if there was any further discussion.

Further Discussion:

Councillor Dives: "If it is procedural issues, we should have enough trust in ourselves to debate in house. To have two people argue back & forth."

Councillor Leskiw: "In short fix past problems, become informed, taken 5 min to figure it out."

Councillor Dives; "That is not my question."

Councillor Flamand: "getting a legal opinion without coming to the council. Just a shame the whole process."

Councillor Dives: "I have a real issue being denied the legal option. The minute you do that it is no longer a democracy. If you do not agree with the legal opinion. The ability to go to legal opinion, both parties be available to give evidence. Motion said that it had to be the consent of council, and beg for permission to get legal opinion."

Councillor Neal; "If there is a problem with legal issues, I have to go to council and get legal opinion."

Councillor Dives: "It was sought by council, received by council"

Councillor Neal: "If council decides obligated to follow that legal opinion."

Councillor Dives; "If you have multiple copies of the motions, I would like to see, give everyone the chance to vote. It is too vague, especially, there have been accusations of conflict with this council".

In favor: Councillor Neal, Councillor Flamand, Councillor Leskiw

Abstention: Councillor Dives

Motion Carried

Motion 2013-09-154:

Motion to have bi-weekly regular meetings till otherwise stipulated by council.

Moved by Councillor Leskiw

Seconded by Councillor Flamand

Discussion:

Terry Testart, SAO: "If you have bi-weekly meetings, you would have to increase the staff time requirements for the meetings and this may affect the budget. I am a little concerned about the interpretation of the motions presented today and would like to present the wording of these motions to MACA. The interpretation of these motions may result in a procedural and legal consequence to every motion of Council. Council may consider that we do a Hansard type of minutes, verbatim, to eliminate errors in interpretation produce information from witnesses, in retrospect, MACA should review the motions. Right now my concern is with the ability of staff to record minutes if there is more detail in the procedures and preparation."

Councillor Leskiw; "Volume of work ongoing, start date, information on how it affects your staff. There is a lot you are doing and last thing we want to do is over work the staff."

Councillor Dives: "Do we have to change the per diem limits?"

Terry Testart, SAO, "Maximum 12,000 per councillor based on 2 meetings a month."

Council considered the motion and agreed to direct when to start the schedule.

In favor: Councillor Leskiw, Councillor Flamand, Councillor Neal

Abstention: Councillor Dives

Motion Carried

All Council Members to a break at 8:17 p.m. and reconvened at 8:27 p.m.

5. Adoption of Minutes from Previous Meeting:

- 5.1. Minutes from May 24th, 2013
- 5.2. Minutes from May 30th, 2013
- 5.3. Minutes from June 10th, 2013
- 5.4. Minutes from July 2, 2013
- 5.5. Minutes from July 24th, 2013
- 5.6. Minutes of July 31, 2013
- 5.7. Special meeting Aug 09, 2013 – Legal Opinion Special Council Meeting/Conflict of Interest.
- 5.8. Minutes of Emergency Meeting Sept 10th, 2013

Motion 2013-09-155

Motion to defer the passage of all the minutes until the Deputy Mayor Craig McMaster is present.

Moved by: Councillor Neal

Seconded by: Councillor Leskiw

Discussion:

Councillor Dives: Some of these have been approved. So the ones from may have not been approved. Terry will double check, May 24th and May 30th were deferred and since that time there was no approval for those minutes.

All in favour

Motion Carried

Mayor St. Amour stated that the delegations have been more than patient with Council and thanked them for their patience.

6. Disclosure of Pecuniary Interest

None declared

7. Councillor Absences:

None

8. Delegation

8.1. Vi Bartlett – Actions and Inactions of Council Members

Ms. Bartlett said that "as a rate payer and actions the actions of this council and this, this is my opinion only. There are members of volunteers and members surely one or more know, this when asking for funding this must be done in advance and at a regular meeting. John you have sat on this council for many years".

Councillor Leskiw raised a point of order. He said that delegations may not make personal remarks about councillors. A council responsibility when a community member asked if there was told was none of his business. This community has many different aspects of it. And if our own council, or member is telling him to f-off and it's none of his business. When our own council members can do what they want when they want. Policies and procedures can be broken, for all the residence to use, if you don't follow them. Anyone can do what they want. Assets of the community, assets of the community was used prior was a max of 20 min. This special meeting was call to use the community assets the assets have been set up the night before.

Ms. Bartlett responded asking why have a special meeting when the actions of some of the councillors have set the community back 10 years to where there was nothing. Is that what we want, no policies no bylaws, doing what we want. Vulgar representation, this community needs councillors who will follow the rules and the regulations.

8.2. Cathy Kimble – Recommendations for Enterprise Cemetery

Cathy will not be attending tonight as her mom is very sick. She has sent a letter with some requests for the cemetery, and asked if it could be read aloud.

Motion 2013-09-156

Motion to read aloud the letter from Cathy Kimble.

Moved by Councillor Leskiw

Seconded by Councillor Neal

All in favour

Motion Carried

Letter was read. Council deferred item until next meeting.

8.3. Deferred Business and Tabled Items

8.4. Old Business

8.4.1. Legal Opinion: Conflict of Interest – SAO Contract

Deferred as per Motion 2013-09-152.

8.4.2. Fire Guard:

Motion 2013-09-157

Motion to amend the Capital budget from \$25,000 for the next four years, to one year a total of \$100,000, scope of work. To start the process for starting a fire guard. Start talking to contractors and GNWT, Environment & Natural Resources and ask "What is required to have a proper fireguard for the community of Enterprise?"

Moved by Councillor Dives

Seconded by Councillor Leskiw

All in favor

Motion Carried

9. Reports

9.1. Financial Reports:

9.1.1. General Ledger Report April 1st, to Sept 5th, 2013 – CPI Expenditures

The Senior Administrative Officer reported that Council underspent on the gravel truck. The water well project was extremely well, it exceeded the capital dollars, drill additional well. Additional

expenses, electrical expenses, As well other community residents have gotten well at a great reduced price of \$7,500 approx.

We also have dismantled the damaged Bus Garage, and purchased Fire protection equipment, new lockers for the fire crew.

We are well within the capital budget for this year, any questions?

No questions.

9.1.2. Quarterly Financial Statement – June 30th, 2013

Motion 2013-09-158

Motion to accept the financial statement for June 30, 2013, 1st quarter, as presented.

Moved by Councillor Neal

Seconded by Councillor Dives

All in Favor

Motion Carried

9.1.3. Monthly Financial Statement – July and Aug 2013

Motion 2013-09-159

Motion to accept the financial statement for July 30th, 2013 and August 31st, 2013, as presented.

Moved By: Councillor Neal

Seconded by: Councillor Leskiw

Discussion:

The SAO; "Some of the items, if you look anything that you see in brackets is underspent, according to the budget. There is a lot numbers from last year's budget, we have room for staff just a matter of identifying the need and a Human Resource Plan. This is a good opportunity to develop a strategy, have a look at the budget, there is no risk, overspending identify where we are running in to problems.

Councillor Leskiw: "One of the issues how does the time of the office staff, of course should we be looking at projects. If we were coming up with ideas on how to free up some of the staff's time".

SAO: "We are still finishing the pavement project, because the pavement is on the ground does not mean, that the contract is finished. There is still work to be completed, still requires project meetings, it still requires my time, project meetings. Mid October, is when I can spend some of my time on new projects?

All in favor

Motion Carried

9.2. SAO Report:

9.2.1. The Senior Administrative Officer's Report dated Sept 13, 2013 was presented.

Motion 2013-09-160

Motion to accept the SAO report for Sept 13 2013.

Moved by Councillor Leskiw

Seconded by Councilor Neal

All in favour

Motion Carried

Fall Fair: Such little pieces of information terry, you are smart, deflect is the name of the game.

3rd or 4th week in august, Amy recommended it, that is a good time to harvest the garden.

The paving project, we talked about that on Monday night, engineer, 2013-004 for the culvert markers, the change order approval would supply and place culvert markers for the culvert to minimize damage to culverts in the winter with snow removal.

At the time of the presentation, we do recommend, road maintenance contract for maintenance and training with Carters that would maintain the pavement. It would enhance or confirm the warranty, would be able to train our staff, it is different from gravel. Shawn to put together a package, will discuss with engineer, the change order need a motion for the culvert markers.

Motion 2013-09-161

Motion to approve the Paving Contract Change Order 2013-004 for culvert markers for the amount of \$20,500.

Moved by Councillor Dives

Seconded by Councillor Flamand

All in favor

Motion Carried

Motion 2013-09-162

Motion for administration to redevelop annual events calendar.

Moved by Councillor Flamand

Seconded by Councillor Neal

All in favour

Motion Carried

9.3. Mayor Report

I went to Yellowknife, the Hamlet is in no danger of losing services. We are being served by the contractors not the town. Service Contracts are good until 2016.

As per the emergency services fees, they are breaking their own bylaw. I have suggested to Hay River Mayor Cassidy, to sit down and fix this. He chose not to.

Another item that was discussed with Minister, would like to be a pilot project for governance. The ADM regional superintendent would like to attend the first weekend in October, with council's permission.

Councillor Leskiw: Would require the binders to review, will be pointing out a lot of errors. Talk about emergency services in Enterprise, not going to hear anything about in the next decade or so.

The past 2 fire meetings are not fully attended, fire volunteers, should have a say. Assistant Fire Marshall is interviewing the members for AFM, recruitment and retention of volunteers. Lots of discussion but no consensus from the volunteers, as the SAO I would like to involve them.

10. New Business:

None

11. Correspondence Outgoing:

12. Correspondence and Information:

12.1. Aug 08, 2013 – Request for Handi Van Operating Funding.

Council wants a re-evaluation of the funding last year.

Councillor Flamand, "Last year we went ahead and gave them the money, and they would give us a preferred rate."

Councillor Dives, "How many trips were made and what value we got out of the \$5000. Can we get that information from them, how many trips they made and when?"

Councillor Leskiw:" We should ask if it was recorded how many times they have done a trip and the cost per trip."

12.2. 2013/14 Contribution Agreement from South Slave Education Council for \$45,000 for school bus.

Motion 2013-09-163

Motion to accept 2013/14 School Bus Contribution Agreement for 2013/14 with the South Slave Educational Council for the amount of \$45,000.

Moved by Councillor Dives
Seconded by Councilor Neal
All in favor

Motion Carried

12.3. Aug 22, 2013 – Invitation to Legislative Assembly Anniversary Celebration, GNWT
Is anyone able to go to this Event?

Motion 2013-09-164

Motion to send 3 Council Members as representative from Enterprise, Friday, November 1, 2013 and Saturday November 2, 2013 to attend this event. Any Council Members that would like to attend should notify administration.

Moved by Councillor Leskiw
Seconded by Councilor Flamand
All in favour

Motion Carried

12.4. Aug 26, 2013 – Fuel wood Licence, Patterson Sawmill Ltd.
No objection to the application.

13. Council Issues and Concerns – Moved to Item #3

- 13.1.1 Council request for Assistance for Policy Development and Interpretation
- 13.1.2 Legal Procedural Issues.

14. Bylaws
None

15. Deferred Business and Tabled Items:

15.1. Old Business:

15.1.1. Paving Project: Change Order Number 2013-006

Request for Change Order Approval for roadway additional surfacing material for \$89,000
– recommended by Project Engineer: Delta Engineering.

Motion 2013-09-165

Motion to approve Change Order 2013-005 to authorize Carter Industries to do roadway additional surfacing material as per the submitted plan for \$89,000 as per the conditions of the Paving and Road Ditching Project contract 01-2013.

Moved by Councillor Dives
Seconded by Councillor Flamand
All in favour.

Motion Carried

16. Adjournment

Motion 2013-09-166

That the Special Council Meeting be adjourned.


Moved by Councillor Dives

Seconded by Councillor Flamand

Motion Carried

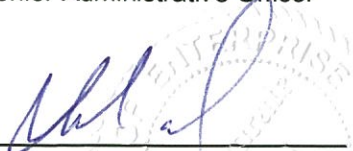
Mayor St. Amour declared the meeting adjourned at 10:00 p.m.

Certified Correct as Recorded on the 25th day of September 2013.




Senior Administrative Officer

These minutes were approved 2013-10-07



Mayor St. Amour



Senior Administrative Officer
Terry Testart