

**TOWN OF INUVIK
BY-LAW 2514/GEN/11**

BEING A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF INUVIK IN THE NORTHWEST TERRITORIES TO PROVIDE FOR THE COLLECTION OF MONEY OWED TO THE TOWN BY WAY OF SET-OFF OUT OF MONEY PAYABLE BY THE TOWN

WHEREAS pursuant to the Cities, Towns and Villages Act S.N.W.T. 2003, c.22, Sections 45 (2) (g), 70 (j) and 71(2) (h) and subsequent amendments thereto which state:

45. (2) The senior administrative officer is responsible for:
- (g) collecting and receiving all money owned by or owing to the municipal corporation;
70. (1) In addition to any power to make bylaws in any other enactment, council may make bylaws for municipal purposes respecting:
- (j) the operation and internal management of the municipal corporation;
71. (2) If approved by the Executive Council on the recommendation of the Minister, a bylaw that serves the residents of the municipality may apply outside the boundaries of a municipality, but within the Northwest Territories, in respect of
- (h) operation and internal management of the municipal corporation and the conduct of its affairs and activities.

NOW THEREFORE BE IT RESOLVED that the Council of the Municipal Corporation of the Town of Inuvik in the Northwest Territories, at a duly constituted session enacts as follows:

SHORT TITLE

1. This By-law shall be cited as the "**Set-Offs By-law.**"

INTERPRETATION

2. In this by-law:
- a) "**Person**" means any person(s), sole proprietorship, partnership, limited or incorporated company, co-operative, group or organization of any kind;
 - b) "**Employee**" means an individual employed with the Town of Inuvik as defined in the Interpretation and Definitions Article of the Personnel Directive – By-law #2499/PERS/11 and subsequent amendments thereto;
 - c) "**Senior Administrative Officer**" means the person appointed by Council of the Town of Inuvik as Senior Administrative Officer pursuant to the Cities, Towns and Villages Act, and includes any person designated by him/her to act on his/her behalf; and,
 - d) "**Town**" means the Municipal Corporation of the Town of Inuvik in the Northwest Territories.

DIRECTIVES

3. The Senior Administrative Officer may set off part or all of a debt, including a non-monetary obligation, which a person owes to the Town of Inuvik when:
- a) payment of the debt or fulfillment of the obligation is overdue and has not been forgiven; or
 - b) the person has commenced bankruptcy or liquidation procedures.

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4. The Senior Administrative Officer may set off a Town of Inuvik employee's debt to the Town of Inuvik by deducting or withholding salary, wages or other earnings in accordance with the Personnel Directive provisions when:
 - a) the employee has not paid a Town of Inuvik invoice or bill when due;
 - b) the employee has resigned and owes a debt to the Town of Inuvik;
 - c) the employee agrees to deduction from salary payment;
 - d) the employee has not fulfilled an obligation due to the Town of Inuvik;
5. The Senior Administrative Officer shall, in writing, notify the debtor of the setoff and shall provide details of the debt settlement.
6. The Senior Administrative Officer may adjust the Town Financial Information System vendor file in order to withhold cheque payments to a debtor whose overdue debt to the Town is recoverable through setoff.
7. Finance shall regularly review the Town payroll system employee register for overdue employee debts that may recoverable through setoff.
8. The Senior Administrative Officer's discretion determines whether a setoff should;
 - a) be full or partial; and,
 - b) be continuous or fully satisfy the debt in one transaction.
9. A setoff should neither cause a debtor undue hardship nor risk the debtor's well-being or ability to pay the debt.
10. This by-law will come into effect upon the day of its final passage.

READ A FIRST TIME THIS 19TH DAY OF OCTOBER, 2011 A.D.

READ A SECOND TIME THIS 19TH DAY OF OCTOBER, 2011 A.D.

READ A THIRD TIME AND FINALLY PASSED THIS 9TH DAY OF NOVEMBER, 2011 A.D.




MAYOR



SENIOR ADMINISTRATIVE OFFICER

I hereby certify that this by-law has been made in accordance with the requirements of the Cities, Towns and Villages Act and the by-laws of the Town of Inuvik.



SENIOR ADMINISTRATIVE OFFICER