

**Rothesay By-Law 3-09**

**A By-Law of the Municipality of Rothesay Respecting the Procedures and Organization of Council**

**Table of Contents**

TITLE..... 1

SEAL ..... 1

DEFINITIONS..... 1

RULES AND REGULATIONS - REGULAR MEETINGS OF COUNCIL.....3

PROCEDURE – REGULAR MEETINGS OF COUNCIL .....5

UNFINISHED BUSINESS ..... 5

RULES AND REGULATIONS – CLOSED MEETINGS OF COUNCIL .....5

PUBLIC HEARINGS.....6

GENERAL .....6

VOTING.....7

APPEAL TO COUNCIL .....7

DISRESPECTFUL STATEMENTS.....7

MOTIONS.....8

RECORDING OF VOTE .....8

MOVING THE PREVIOUS QUESTION .....9

DELEGATIONS, PETITIONS AND COMMUNICATIONS.....9

APPOINTMENT AND ORGANIZATION OF COMMITTEES..... 10

CONDUCT OF COMMITTEE BUSINESS..... 12

BY-LAWS ..... 13

DIRECTION TO STAFF ..... 13

TOWN EXPENDITURES..... 14

VACANCIES IN COUNCIL ..... 14

CONFLICT OF INTEREST ..... 14

EFFECTIVE DATE ..... 14

Schedule A ..... i

    STANDING COMMITTEES STATEMENT ..... ii

    STANDING COMMITTEE MANDATES ..... ii

    COMMITTEES REQUIRED BY STATUTE ..... iv

Schedule B ..... I

## Rothesay By-Law 3-09

### A By-Law of the Municipality of Rothesay Respecting the Procedure and Organization of Council

The Council of the town of Rothesay, under authority vested in it by Section 10 of the Municipalities Act, R.S.N.B. (1973), Chapter M-22, amendments thereto and regulations adopted thereunder, hereby enacts as follows:

#### TITLE

1. This By-law may be cited as the "Rothesay Procedural By-Law".

#### SEAL

2. The corporate seal of the town of Rothesay, pursuant to By-law 8-99, is adopted as the corporate seal of the municipality.
3. The corporate seal shall at all times be under the custody of the Clerk and shall be used in corporate matters as required under the Act and any other legislation.

#### DEFINITIONS

4. In this By-law:
  - (a) "Act" means the Municipalities Act, R.S.N.B. (1973), Chapter M-22, amendments thereto and regulations adopted thereunder;
  - (b) "Assistant Clerk" means the Assistant Clerk of the municipality as appointed in accordance with the Act;
  - (c) "Chief Administrative Officer (CAO)" means the Town Manager of the municipality, as appointed by Council;
  - (d) "Clerk" means the Clerk of the municipality as appointed in accordance with the Act;
  - (e) "closed session or closed meeting" means a meeting of Council not open to the public, so convened in accordance with the Act;
  - (f) "committee" means a group of persons appointed by the Mayor or Council in accordance with this By-law, to whom matters are referred from time to time;
  - (g) "Community Planning Act" means the Community Planning Act, R.S.N.B. (1973), Chapter C-12, amendments thereto and regulations adopted thereunder;
  - (h) "Council" means the Mayor and Councillors of Rothesay;
  - (i) "Councillor" means a Member of Council other than the Mayor;
  - (j) "delivery or delivered" means provision of documentation to Members by facsimile, electronic mail or hand delivery;
  - (k) "Deputy Mayor" means the Councillor so elected pursuant to this By-law;
  - (l) "ex-officio" means by virtue of one's office;
  - (m) "majority" means more than half;
  - (n) "may" is construed as permissive;

- (o) "Mayor" means the Mayor of Rothesay;
  - (p) "Member" or "Members of Council" means any person elected to the Council;
  - (q) "Minister" means the Minister of Local Government and includes anyone designated by the Minister or Cabinet to act on the Minister's behalf;
  - (r) "municipality" means the town of Rothesay, as established by New Brunswick Regulation 85-6 under the Act,
  - (s) "Public Purchasing Act" means the Public Purchasing Act, S.N.B. 1974, c. P-23.1, amendments thereto and regulations adopted thereunder;
  - (t) "presiding officer" means the Mayor, or in his absence, the Deputy Mayor, or in his absence, the Councillor elected to act as such by a majority vote of Councillors present;
  - (u) "quorum" means five (5) Members of Council, unless otherwise prescribed by legislation;
  - (v) "Rothesay" means the town of Rothesay, as established by New Brunswick Regulation 85-6, under the Act,
  - (w) "shall" is construed as being mandatory;
  - (x) "Treasurer" means the Treasurer of the municipality as appointed in accordance with the Act;
  - (y) "vacancy" means "vacancy" as described in the Act;
5. In this By-law where the context requires, the singular shall be taken to also mean the plural and references to the male or female gender shall be taken to include the other.
  6. Pursuant to the Official Languages Act of New Brunswick, R.S.N.B 1991,c O-1, s.11., in every by-law and in every other matter and proceeding of Council, the English Language shall be used.
  7. Where a by-law of Rothesay creates an offence but does not state the penalty, everyone who commits a breach of such by-law is liable to a fine not to exceed the maximum fine that may be imposed for the commission of an offence under Part II of the Provincial Offences Procedure Act as a category C offence.
  8. Where a by-law of Rothesay imposes a fine, but does not establish procedures for the voluntary payment of the fine, the CAO or his designate may, at any time before the institution of legal proceedings against the person alleged to have committed a violation, accept from such person payment of the fine.
  9. The rules and regulations contained in this By-law shall be observed in all proceedings of Council and shall be the rules and regulations for the order and dispatch of business in the Council and in the committees thereof; provided that the rules and regulations contained herein may be suspended by a two-thirds (2/3) vote of the Council, except as required by legislation.
  10. In all matters, points of order or questions of procedure or privilege arising and not provided for in this By-law, proceedings in Council and at committee level shall be as set out in Roberts Rules of Order and in such case, the decision of the presiding officer shall be final and acquiesced without debate.

11. For the purposes of this By-law the duties of the Clerk, as set out herein and the Act shall be performed by the Assistant Clerk in the absence or inability of the Clerk to act.

#### **RULES AND REGULATIONS - REGULAR MEETINGS OF COUNCIL**

12. A newly elected Council
  - (a) shall hold its first meeting in the Rothesay Common Room on a date as set by the Clerk in accordance with the Act;
  - (b) shall transact no business at its first meeting until the oaths of office have been taken and subscribed to by all persons declared elected, in accordance with the Municipal Elections Act, R.S.N.B.(1973), Chapter M-21.01 and amendments thereto; and
  - (c) shall elect at its first meeting a Deputy Mayor from amongst the Councillors for a term of one to four years; such term as determined by majority vote of Council Members present
13. The Council shall hold its regular meetings on the second Monday of every month in the Rothesay Common Room, at 8:00 p.m. in the evening, unless otherwise determined by motion passed by a two-thirds (2/3) vote of Members present at the meeting to which the motion is put, and the regular meeting schedule for Council shall be posted to the Town website, at [www.rothesay.ca](http://www.rothesay.ca).
14. Notwithstanding Section 13, when the day for a regular meeting of Council is on a statutory or civic holiday, the Council shall, unless the Council decides otherwise by two-thirds (2/3) vote of Members present, meet at the same hour on the next following day which is not a statutory or civic holiday.
15. The Mayor may at any time direct the Clerk to summon a special meeting of Council on twenty-four (24) hours notice by delivery of the notice of meeting to the Members of Council or the Clerk shall summon a special meeting upon receipt by the Clerk of a petition of two-thirds (2/3) of the Members of Council.
16. The only business to be transacted at a special meeting shall be that listed in the notice of the meeting except by unanimous vote of the Members present.
17. The Mayor shall act as presiding officer of all meetings of Council at which he is present.
18. In the absence or inability of the Mayor to act, or if the office of the Mayor is vacant, the Deputy Mayor shall act in the place of the Mayor and while acting, the Deputy Mayor shall possess the powers and shall perform the duties of the Mayor.
19. In the absence or inability of both the Mayor and Deputy Mayor to act, or if their offices are vacant, a Councillor shall be elected to act as presiding officer by majority vote of the Members present, and shall have the same authority while presiding at the meeting as the Mayor would have if occupying the chair.
20. The Clerk shall record the proceedings of all regular, special and closed meetings of Council, in accordance with the Act.
21. The presiding officer shall call the meeting to order as soon after the hour fixed for holding the meeting has passed and a quorum is present.

22. A quorum must be present at any regular, special or closed meeting of Council in order for business to be transacted thereat.
23. If no quorum is present one-half (1/2) hour after the time appointed for a meeting of Council, the Clerk shall record the names of the Members present and the meeting shall stand adjourned until the date of the next regular meeting.
24. All regular Council meetings are open to the public and no member of the public shall be excluded there from, except for improper conduct, or in accordance with the Act.
25. When, in the opinion of the presiding officer, a member of the public is guilty of improper conduct at a Council meeting, the presiding officer may require that person to leave the meeting forthwith.
26. The Clerk shall cause to be delivered to the residence or place of business of each Member, not later than forty-eight (48) hours before the time fixed for each regular meeting, a notice of the meeting setting out the time of the meeting, the location of the meeting and the business to be transacted thereat set out in accordance with Section 32, together with appropriate documentation necessary for the meeting, including draft minutes of the last regular meeting of Council, along with the minutes of any special or standing committee meeting held more than five (5) business days prior to the regular meeting and not previously received by Council.
27. No matter shall be placed on the agenda for consideration at any regular Council meeting unless the request for consideration of the matter is received by the Clerk, in writing, with appropriate documentation, no later than 12:00 noon on the Wednesday preceding the date of the meeting.
28. Notwithstanding Section 27 and Section 69, any business may be introduced and dealt with at a regular Council meeting on a two-thirds (2/3) vote of the Members present.
29. No item of business may be introduced at a Council meeting after three hours has elapsed from the time the meeting has been called to order unless Council decides otherwise by two-thirds (2/3) vote of Members present.
30. The Clerk shall cause to be delivered to the residence or place of business of each Member, not later than ten (10) working days following a regular or special meeting of Council, the draft minutes of that meeting.
31. The minutes shall record without note or comment:
  - (a) the place, date and time of the meeting,
  - (b) the name of the presiding officer and the attendance of Members,
  - (c) the reading, if required, correction and adoption of the minutes of prior meetings, and
  - (d) all other proceedings of the meeting.

**PROCEDURE – REGULAR MEETINGS OF COUNCIL**

32. The Clerk shall have prepared and printed for the use of Members at regular meetings of Council an agenda under the following headings:
- (a) Approval of minutes of the previous Council meeting(s)
  - (b) Business Arising from minutes
  - (c) Approval of the agenda
  - (d) Opening Remarks of Council
  - (e) Delegations
  - (f) Correspondence for Action
  - (g) Correspondence for Information
  - (h) Reports
  - (i) Unfinished Business
  - (j) New Business
  - (k) Date of Next Meeting
  - (l) Adjournment
33. The minutes of the previous Council meeting(s) shall be approved or amended on motion.
34. The minutes of the previous Council meeting(s) shall not be read unless a Member so requests; in which case the Clerk shall read the minutes prior to consideration of their adoption, before the Council deals with the business before it.
35. The business of the Council shall in all cases be taken up in the order in which it stands on the agenda unless otherwise decided on two-thirds (2/3) vote of Members present, with the exception of a question of privilege, as outlined in Roberts Rules.

**UNFINISHED BUSINESS**

36. The items listed in the order of the topics set out in the agenda of prior meetings which have not been disposed of by Council, and the date of their first appearance on the agenda shall be noted and repeated on each subsequent agenda until disposed of by Council.

**RULES AND REGULATIONS – CLOSED MEETINGS OF COUNCIL**

37. When a matter arises for discussion as outlined in the Act, the public may be excluded for the duration of the discussion.
38. When a meeting of Council or a committee of council is closed to the public, no decisions shall be made at the meeting except for decisions related to:
- i) procedural matters
  - ii) directions to an officer of the municipality
  - iii) directions to a solicitor for the municipality
39. The Mayor may designate another Member to act as presiding officer in closed session but may resume the chair at any time.

40. The presiding officer in closed session shall have one (1) vote on any motion.
41. When Council is resolved into a closed meeting, the presiding officer shall immediately take charge of the proceedings and, when the presiding officer is other than the Mayor, shall have the powers of the Mayor.
42. In closed session, rules and regulations of Council shall be observed with the following exceptions:
  - (a) no motion shall require a seconder; and
  - (b) the yeas and nays shall not be recorded.
43. Members shall refrain from discussing the matters considered during closed meetings, other than with other Members or senior staff, or as directed by Council.
44. Subject to an appeal to Council members, questions of procedure arising in closed session shall be decided by the Mayor or presiding officer.
45. When there is disorder in closed session and the presiding officer is other than the Mayor, the Mayor shall resume the chair without any questions being put therefore.

#### **PUBLIC HEARINGS**

46. Council shall adopt by resolution a Public Hearing Policy.

#### **GENERAL**

47. Unless upon special invitation of the presiding officer or on a majority vote of Members present, or as set out in Section 82 or 83, no person other than a Member shall address Council.
48. The presiding officer shall preserve order and decorum at all Council meetings and shall decide all points of order and questions of privilege, subject to an appeal to Council upon motion, which motion may be made at any time and shall be put to the meeting immediately and decided forthwith.
49. Where the presiding officer is called upon to decide a point of order or question of privilege, he shall state the point or question without unnecessary comment and decide the issue forthwith, citing the rule or authority applicable thereto.
50. When the Mayor wishes to participate in the debate at a Council meeting, the Mayor shall leave the chair and call on the Deputy Mayor if present or, if not present, a Councillor, to preside until the Mayor resumes the chair.
51. The Mayor shall resume the chair prior to the vote being taken.
52. Every Member shall be acknowledged by the presiding officer before speaking to a question, motion or matter and shall direct their remarks to the presiding officer.
53. When two or more Members indicate a desire to speak at the same time, the presiding officer shall determine the order in which Members may speak subject to Section 67 herein.

### **VOTING**

54. Subject to Sections 40, 56, 69 and 81 and in accordance the Act, the Mayor shall vote only in a case of equal division and every other Member present at the meeting when a question is put shall vote thereon unless the Member has declared a conflict of interest, in accordance with the Act; in which case they shall leave the meeting room and the failure to vote and the reason therefor shall be recorded in the minutes by the Clerk.
55. When the presiding officer is other than the Mayor, all Councillors shall vote.
56. Where, under the Community Planning Act, a majority vote of the whole Council is required and unless otherwise ineligible, the Mayor shall vote on all motions.
57. Where a Member abstains from voting on any motion and is not excused from voting in accordance with Section 54, the Clerk shall record the Member as voting in the negative on the question or motion before Council.
58. When the presiding officer is putting a question or motion, all Members shall remain seated and not make any noise or disturbance.
59. When a Member is speaking, no person may pass between him and the presiding officer or interrupt him, except to raise a point of order.

### **APPEAL TO COUNCIL**

60. When a point of order is raised or when a Member is called to order by the presiding officer, the Member speaking shall immediately stop until the presiding officer states the point of order or question of privilege and decides the point or question and then, on question, the Member shall address the presiding officer only for the purpose of appealing to the Council on a ruling from the presiding officer.
61. Where a Council is appealed to under Section 60, it shall decide the matter without debate.
62. Where there is no immediate appeal under Section 60, the decision of the presiding officer is final.

### **DISRESPECTFUL STATEMENTS**

63. No Member shall:
  - (a) speak disrespectfully of the reigning Sovereign or of any of the Royal Family or of the Governor-General or person administering the Government of Canada or of the Lieutenant-Governor or of a person administering the Government of New Brunswick;
  - (b) use offensive words against any Member of Council;
  - (c) speak other than to the question or motion in debate;
  - (d) reflect upon any vote of Council except for the purpose of moving that the vote be rescinded;
  - (e) refuse to obey this By-law; or
  - (f) disobey the decision of the presiding officer on questions of order or privilege.

64. Where a Member refuses to obey the rules and regulations of Council or disobeys the decision of the presiding officer on a question of order or privilege, the presiding officer shall order that Member to leave his seat for that meeting and that Member shall leave that meeting; provided that, where the Member apologizes, he may, on majority vote of the other Members present, forthwith resume his seat.

### **MOTIONS**

65. A Member may, at any time during a debate but not so as to interrupt another Member when speaking, request that the question, motion or matter under discussion be read.
66. No Member shall speak a second time on the same question, motion or matter until every Member choosing to speak has spoken, except in explanation of the material part of speech which may have been misconceived, and when so speaking, shall not introduce any new matter and the Member can speak no further on the question without special leave of the presiding officer.
67. No Member shall, without leave of the presiding officer, speak to the same question, motion or matter or in reply for longer than five (5) minutes.
68. A Member who has made a substantive motion, by making an original motion or moving an amendment to a motion or moving the previous question shall be allowed to close the debate.
69. No motion for the appropriation of money, or for the appointment of an officer pursuant to the Act shall be made unless notice thereof, in writing, has been presented at a previous meeting of Council, or given in the notice calling the meeting, except on majority vote of the whole Council.
70. Subject to Section 72, when a motion is under debate, no other motion shall be received except to amend it, lay it on the table, adjourn the debate, refer it to a committee, to move that the vote be taken or to extend the hour to consider it.
71. A motion to table a motion or a matter shall state a reason, is always in order and shall not be debatable.
72. A motion to adjourn the debate or to adjourn the meeting or resolve the Council into closed session shall always be in order except:
- (a) when a Member is speaking;
  - (b) when the previous question has been put;
  - (c) when the "yeas" and "nays" have been called for; or
  - (d) when the Members are voting; and

shall be put by the presiding officer forthwith without debate and the Member shall not make a second motion to adjourn the meeting until after some intermediate proceeding has taken place; subject to Section 29.

### **RECORDING OF VOTE**

73. All questions, motions or matters before Council shall be decided at a regular or special meeting of Council, with the exception of matters as defined in the Act.
74. Subject to Section 75, Council shall determine every question, motion or matter submitted to it by open vote of "yea" or "nay" of the Members present.

75. When required by legislation or whenever any Member calls for a recorded vote upon a division of Council upon any question, motion or matter, the Clerk shall enter in the minutes the names of the Members who vote "yea" and "nay".

#### **MOVING THE PREVIOUS QUESTION**

76. When a motion is on the floor:
- (a) a motion to move the "previous question" shall be in the following words, "are you now ready for the question" and shall preclude all further amendment of the original motion;
  - (b) and where the motion to move the previous question is resolved in the affirmative, the original motion and any amendment properly made shall be put forthwith without amendment or debate;
  - (c) and where the motion to move the previous question is resolved in the negative, the original motion and any amendment may be further debated;
  - (d) no amendment may be proposed to the motion for the previous question.
77. Whenever a motion under consideration consists of more than one (1) distinct proposition, question or matter, the vote on each separate proposition, question or matter shall be taken separately.
78. When the presiding officer calls for the question, the motion shall be put without debate and no Member shall speak to the motion or make any other motion until after the result of the vote has been declared and the decision of the presiding officer as to whether the motion has been put is conclusive.
79. Where the presiding officer is of the opinion the motion is contrary to the rules of Council or the enabling legislation, the presiding officer shall so advise Council and cite without argument or comment the rule or legislation applicable thereto.
80. When a vote is called for, the Members shall immediately take their places and shall remain seated until the presiding officer declares the result of the vote.
81. No by-law, question, motion or matter that has been disposed of by a vote shall be introduced for reconsideration prior to the expiration of three (3) months from the disposal thereof without a two-thirds (2/3) majority vote of the whole Council.

#### **DELEGATIONS, PETITIONS AND COMMUNICATIONS**

82. Further to Section 27 all delegations wishing to address Council at a regular Council meeting must advise the Clerk by 12 noon on the Wednesday preceding the day on which the Council meeting is to be held and further, provide their written submission, including appropriate documentation.
83. In the case of an emergency, as determined by the Clerk, a delegation wishing to address Council may be heard by Council or in closed session or at a special meeting of Council by appointment with written submission to be given to the Clerk by 12 noon on the business day prior to the meeting for which the appointment is requested. Requests to be heard by Council or in closed session or at a special meeting of Council received after this time shall be presented to Council at the time of consideration of the adoption of the agenda in accordance with Sections 15 and 28 and may be referred to the next regular meeting.

84. The time limit for all presentations before Council shall be a maximum of ten (10) minutes or such longer time as Council may permit by two-thirds (2/3) majority vote of Members present.
85. No petition, application, tender or other written communication shall be presented to Council unless it is received by the Clerk by 12 noon on the Wednesday preceding the day on which the Council meeting is to be held.
86. Every petition, application, tender or other written communication intended to be presented to Council, shall be legibly written or printed, shall not contain any obscene or improper matter or language, shall be signed by at least one person whose address shall also be given and shall be filed with the Clerk. The Clerk at her sole discretion, may require a summary or abstract, not to exceed three hundred (300) words, of the written communication to be submitted where the original material submitted exceeds ten (10) pages and may circulate the abstract or summary in lieu of the full communication where twelve (12) copies are not provided by the party wishing to have the matter considered.
87. Every petition, application, tender or other written communication within the cognizance of a standing committee shall be considered on presentation to Council as referred to the proper committee without motion unless otherwise ordered.
88. A Member may move, in referring a petition, application, tender or other written communication, that certain instructions be given by Council or that the petition, application, tender or other written communication be referred to a standing committee or to the CAO for a report.
89. If a petition, application, tender or other written communication complains of a present personal grievance requiring immediate remedy, upon the majority vote of Members present, the matter contained therein shall be brought into immediate discussion and disposed of forthwith.
90. When a petition, application, tender or other written communication is received concerning a subject which is not within the cognizance of any committee, it shall be presented to and decided upon by Council or referred to the CAO for a report.

#### **APPOINTMENT AND ORGANIZATION OF COMMITTEES**

91. Council shall establish standing committees to advise Council on the business of the municipality. The standing committees hereby established by Council and their respective composition and mandates are set out in Schedule A. Council may add to or delete from the standing committees listed in Schedule A by resolution, unless said committee, its composition and mandate are established by legislation.
92. Council may modify the mandates of each or any of the committees listed in Schedule A by resolution and the Clerk shall forthwith notify the Chair of the committee in writing.
93. The Mayor shall be an ex-officio Member of all committees except the Planning Advisory Committee and may attend and vote at his discretion.
94. At the first regular meeting of Council following the quadrennial election and periodically as he shall deem appropriate, Council representatives to the standing committees as set out in Schedule A shall be appointed by the Mayor.

95. At the first regular meeting of Council following the quadrennial election, Council representatives to joint boards and commissions shall be appointed by the Mayor as set out in Schedule B. Council may add to or delete from the joint boards and commissions listed in Schedule B by resolution, unless said board or commission, its composition and mandate are established by legislation.
96. At the first regular meeting of Council following the quadrennial election, the Mayor shall appoint a nominating committee, consisting of the Mayor and two councillors to review and recommend appointment of eligible voters to standing committees for approval by Council. The councillor terms shall be one year and the councillors are eligible for re-appointment.
97. Appointments to committees of persons who are not Members of Council shall be eligible voters in the municipality who shall be appointed for a two year term or such other term as may be determined by the nominating committee unless otherwise provided for by agreement or legislation. Representatives are eligible for re-appointment unless otherwise provided for by agreement or legislation.
98. The Clerk shall maintain a list of volunteers together with their backgrounds and interests for the purposes of selecting representatives under Section 97.
99. The nominating committee shall recommend to Council for approval, appointments of eligible voters as representatives to the standing committees listed in Schedule A.
100. The nominating committee shall recommend to Council for approval, appointments of eligible voters as representatives to the joint boards and commissions listed in Schedule B and may recommend to Council for approval, appointments for representatives to such other organizations as Council shall deem appropriate from time to time.
101. The Council by resolution may establish such special committees as may be deemed advisable and for the purposes as the constituting resolution states and any special committee exists until it has reported finally to the Council or until the thirty-first day of December next following but Council may extend the mandate of a special committee for twelve (12) months by resolution.
102. Council may establish ad hoc committees and the nominating committee shall recommend to Council for approval, appointments of eligible voters to said ad hoc committees. The Mayor shall appoint Members of Council as he deems necessary. Council shall provide a copy of the instructions to the Committee and shall cause the Committee to produce a report in every six (6) month period describing its activities and shall table such report with Council. Such ad hoc committees shall cease to exist twenty-four (24) months after their establishment or when their final report has been received by Council, whichever is earlier.
103. Representatives to joint boards and commissions may be invited to appear before Council to report on the activities of the relevant board or commission.

### **CONDUCT OF COMMITTEE BUSINESS**

104. The standing committees shall meet on such occasions as determined from time to time by each committee, with a minimum of four (4) meetings per year.
105. Minutes of standing committee meetings shall be tabled with Council and the committee will report to Council through the committee chair or Council representative(s).
106. Special meetings of a standing committee may be called by the chair thereof whenever the chair deems it advisable and the chair, or in the case of illness or inability to act or absence from the municipality, the vice-chair shall call a special meeting of the committee whenever requested in writing to do so by a majority of the members of the committee.
107. A Member of Council may attend the meetings of any committee of which they are not a Member and may take part in any discussion or debate in the committee with the permission of the majority of the committee members present but may not vote. The Clerk shall regularly publish a schedule of committee meetings.
108. The business of standing and special committees, subject to special provision for meetings of Council in closed session, as contained in this By-law and the Act, shall be conducted under the following regulations and subject to rules governing procedure in Council as may be applicable:
  - (a) at the first regular meeting in each calendar year each committee shall elect from among its members, a chair and vice-chair to conduct the meetings of the committee;
  - (b) the chair shall preside at every meeting and may vote on all questions considered and where there is an equal division, the question shall be considered decided in the negative;
  - (c) in the absence of the chair, the vice-chair shall discharge the duties of the chair during the meeting or until the arrival of the chair;
  - (d) the minutes of the resolutions, decisions and other transactions of every committee shall be accurately recorded and at each meeting the minutes of the preceding meeting shall be submitted for confirmation or amendment and after they have been approved by a majority of the members present, shall be signed by the chair and recording secretary;
  - (e) when a division takes place on a question, the votes of the members, if requested by one of the members, shall be recorded;
  - (f) no recommendation, resolution, decision or other transaction shall be recognized as emanating from any committee unless it is in writing referring to the minutes of the committee under which it is issued and signed by the chair, vice-chair or secretary thereof.
109. The Clerk or her designate shall be responsible for the recording of minutes of all committee meetings. The CAO shall designate staff to provide support to committees as may be deemed necessary.

110. The Clerk or her designate shall:

- (a) cause a notice of each regular and special committee meeting to be sent in time to reach each member of the committee at least forty-eight (48) hours before the time of the meeting, except in an emergency when the notice shall be as directed by the chair of the committee concerned;
- (b) attend all committee meetings and record the minutes and recommendations of the meeting; and
- (c) notify the Mayor and CAO of any recommendation made by the committee.

111. The general duties of all committees of Council in addition to any specific duties as herein described (see Schedule A) or as set out in the constituting resolution are as follows:

- (a) to report to Council from time to time and whenever desired by Council and as often as the interest of the municipality may require on all matters connected with the duties imposed on the committee and to recommend such action by Council in respect thereto as they deem necessary;
- (b) to review the status of budgeted funds connected with the discharge of their duties;
- (c) to consider and report on any and all matters referred to them by Council; and
- (d) to adhere in the transaction of all business to the rules prescribed by this and other relevant by-laws of the Town.

112. Committee reports may be presented to Council either verbally by a Councillor who is a member of the Committee or by its Chair or in writing and may be recommitted to the same or a different committee.

#### **BY-LAWS**

113. The provision for enactment of all by-laws shall be as set out in the applicable legislation.

114. Every by-law shall be introduced for first and second reading by title upon motion by a Member of Council, specifying the title of the By-law.

115. Every by-law shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any legislation.

116. No by-law shall be passed except by majority vote of Members present or by such other vote as prescribed in legislation.

117. The Clerk shall endorse on all by-laws read in Council the dates of the readings thereof and shall be responsible for the inclusion of any amendments.

#### **DIRECTION TO STAFF**

118. Except for the purposes of an official enquiry or emergency, Members of Council shall deal with the town staff through the CAO and Council shall, as a normal practice, require that its directives be carried out through the office of the CAO.

**TOWN EXPENDITURES**

- 119. As required by legislation, the Town follows the Public Purchasing Act for expenditures which states that municipalities shall issue a public tender for purchases over certain thresholds.
- 120. For purchases not covered by the Public Purchasing Act, the municipality shall follow the Rothesay Purchasing Policy as adopted by a resolution of Council.

**VACANCIES IN COUNCIL**

- 121. When a vacancy on Council occurs, the Clerk shall so advise the remaining Members and the Minister as required by the Act and place the matter on the agenda of the next Council meeting.

**CONFLICT OF INTEREST**

- 122. Members of Council shall be governed by the conflict of interest rules, as outlined in the Act.
- 123. At the inaugural meeting of Council, Members shall be provided with the appropriate forms, along with relevant sections of the Act and completed conflict of interest forms shall be filed with the Clerk.
- 124. No Member of Council or officer of the municipality and no auditor of the municipality shall be a surety for any officer appointed by Council or for any work to be done for Council.

**EFFECTIVE DATE**

- 125. This By-law comes into effect on the date of final enactment thereof.
- 126. By-law 2-04, "A By-Law of the Municipality of Rothesay Respecting the Procedures and Organization of Council", enacted by the Council of Rothesay, March 8, 2004; and "By-Law 2-04-1, A By-law to Amend By-law 2-04, Procedural By-law" enacted by the Council of Rothesay June 21, 2004 are hereby repealed.

FIRST READING BY TITLE	10 August 2009
SECOND READING BY TITLE (Advertised as to content on Rothesay website in accordance with <u>Municipalities Act</u> , R.S.N.B. (1973) Chapter M-22)	10 August 2009 11 August 2009
READING BY SECTION NUMBER	14 September 2009
THIRD READING AND ENACTMENT	14 September 2009
<hr/> William J. Bishop, Mayor	<hr/> Mary Jane E. Banks, Clerk

**Schedule A**

A-1. The following standing committees of Council are hereby established to provide advice to Council on matters related to their mandate.

- i. Personnel Committee
- ii. Finance Committee
- iii. Nominating Committee
- iv. Public Works and Infrastructure Committee
- v. Parks and Recreation Committee
- vi. Water and Sewerage Committee
- vii. Rothesay Living Museum Committee

**Committees required by statute**

- viii. Planning Advisory Committee
- ix. Heritage Preservation Board
- x. Emergency Measures Committee

A-2. At the first regular meeting of Council following the quadrennial election and periodically as he shall deem appropriate, Council representatives to the following standing committees shall be appointed by the Mayor:

Personnel	3	Members
Finance	2	Members
Nominating	2	Members
Public Works and Infrastructure	2	Members
Parks and Recreation	2	Members
Water & Sewerage	1	Member
Rothesay Living Museum	1	Member
Planning Advisory	2	Members
Rothesay Heritage Preservation Review Board	1	Member
Emergency Measures Committee	2	Members

A-3. The nominating committee shall recommend to Council for approval, appointments of eligible voters of the municipality to the standing committees, as a minimum, as follows:

Public Works and Infrastructure	3
Parks & Recreation	7
Water & Sewerage	4
Rothesay Living Museum	6
Planning Advisory	6
Rothesay Heritage Preservation Review Board	6

A-4. The following are the mandates of the Standing Committees established under Section A-1.

### **STANDING COMMITTEES STATEMENT**

Council has established a number of standing committees to assist in carrying out the work of the Town. For these committees to function effectively it is necessary to set out the responsibilities and authority of each Committee and indicate its statutory and reporting functions. The purpose of the Committees is not to participate in the administration of day-to-day operations but rather to assist Council in determining policy and priorities and/or by making decisions in areas specifically delegated by Council. The business of a particular committee shall be limited to the issues within its mandate as listed but should a committee consider appropriate, it may meet with another committee or other parties to review a particular matter or to make suggestions regarding a particular course of action.

The Committees may meet with interest groups or individuals to gather information. The Committees report only to Council and reports from Committees shall not be released to other parties by Committee members. Media liaison shall be directed to the Mayor.

The CAO may attend all Committee meetings as deemed appropriate.

### **STANDING COMMITTEE MANDATES**

#### **I Personnel Committee**

This Committee is responsible for:

1. establishing policy on personnel related matters
2. arranging for negotiation with employee bargaining units
3. assessing the performance of the CAO
4. establishing parameters for salary adjustments
5. recommending the appointment of municipal officers under the Act in consultation with the CAO

This Committee will meet at least quarterly or at the call of the Chair. Staff support will include the CAO and Human Resources Clerk as required.

#### **II Finance Committee**

This Committee is responsible for advising Council on matters related to:

1. preparation and adoption of the annual operating and capital budgets
2. month to month status of Town finances
3. acceptance of annual audit and engagement of auditors
4. acquisition of banking services

This Committee will meet at the call of the Chair. Staff support will include the Treasurer and the Finance Officer and additional staff support as required.

### **III Nominating Committee**

This Committee is responsible for advising Council on matters related to :

1. determination of eligible voters suitable for appointment to standing committees, joint boards and commissions and terms of office for said appointments

The Committee will meet at least quarterly or at the call of the Chair. Staff support will include the Town Clerk and additional support staff as required.

### **IV Public Works and Infrastructure Committee**

This Committee is responsible for advising Council on matters related to:

1. the service level or standards for:
  - street, boulevard and sidewalk maintenance
  - drainage systems including storm drains and culverts
  - public parking areas
  - municipal buildings and grounds such as the Town Hall, Rothesay Common & Rink House, McGuire Memorial Centre, Public Works Garages, and Rothesay Arena
  - street trees
  - street signage
  - traffic control devices
  - garbage collection and recycling
  - municipal vehicles
2. capital and major maintenance project priorities related to municipal operations
3. tendering and procurement practices
4. financing for capital works
5. related matters as referred by Council

This Committee will meet at least quarterly or at the call of the Chair. Staff support will include the Director of Operations and additional support staff as required.

### **V Parks and Recreation Committee**

This Committee is responsible for advising Council on matters related to:

1. the preparation of a recreation master plan
2. selection of ongoing recreation programmes
3. identification of facilities needs and capital expenditures related to recreation
4. parks and playgrounds maintenance standards
5. cooperation on regional recreational activities and programmes
6. Town entrance and ornamental signage and landscaping

The Committee may direct and monitor the preparation of a recreation master plan.

This Committee will meet at least quarterly or at the call of the Chair. Staff support will include the Director of Recreation Services and additional support staff as required.

## **VI Water and Sewerage Committee**

This Committee is responsible for advising Council on matters related to:

1. water and sewer utility service levels
2. improvements/expansions to the water utility system
3. improvements to the expansions to the sewage treatment system
4. means of financing capital expenditures
5. utility rates and charges

This Committee will meet at least quarterly or at the call of the Chair. Staff support will include the Director of Operations and additional support staff as required.

## **VII Rothesay Living Museum Committee**

This Committee is responsible for advising Council on matters related to:

1. Ways and means of protecting, preserving and promoting the Heritage and history of Rothesay
2. Developing and strengthening the relationship between Rothesay High School and the municipality
3. Encouraging the participation of members of the public interested in recording and publicizing the heritage of the community

The Committee may enter agreements with like-minded groups as a means to further its endeavours and be allocated a modest annual budget by Council for ongoing operations.

This Committee will meet quarterly or at the call of the Chair. Staff support will be assigned by the Town Manager as required.

## **COMMITTEES REQUIRED BY STATUTE**

The following committees are required by provincial legislation and governed by municipal by-laws as noted. Where there is a conflict between this by-law and the statute, the provincial legislation will prevail.

## **VIII Planning Advisory Committee (PAC)**

The responsibilities of this committee are as set out in By-law 1-99, "A By-law to Establish a Planning Advisory Committee" and in accordance with the Community Planning Act, R.S.N.B. (1973), Chapter C-12 and amendments thereto.

This Committee will meet monthly or at the call of the Chair. This Committee may call public meetings. Staff support will include the Development Officer and additional support staff as required.

## **VIII Heritage Preservation Board**

The responsibilities of this Board are as set out in By-law 1-07, "Heritage Preservation By-law", and in accordance with the Municipal Heritage Preservation Act, Chapter M-21.1, Acts of New Brunswick 1978 and amendments thereto.

This Board will meet monthly or at the call of the Chair. Staff support will include the Development Officer and additional support staff as required.

## **IX Emergency Measures Committee**

The responsibilities of this committee are as set out in By-law 9-98, "Emergency Measures Action Plan By-law" and the Emergency Measures Act, S.N.B. 1978, Chapter E-7.1.

This committee will meet at the call of the Chair. Staff support will include the Town Clerk and additional support staff as required.

**Schedule B**

B-1 At the first regular meeting of Council following the quadrennial election Council representatives to the following joint boards and commissions shall be appointed by the Mayor as follows:

Fundy Region Solid Waste Commission	1	Member
Greater Saint John Economic Development Commission	1	Member
Greater Saint John Regional Facilities Commission	1	Member
KV Emergency Measures Committee	3	Members
Kennebecasis Valley Public Library Board	1	Member
NB Municipal Employees Pension Plan Board	1	Member
Kennebecasis Valley Fire Department Inc. Board	2	Members
Rothestay Regional Joint Board of Police Commissioners	2	Members

B-2 The nominating committee shall recommend to Council for approval, appointments from time to time of eligible voters of the municipality to joint boards and commissions as follows:

Board of Canada Games Aquatic Centre	1
Board of Harbour Station	1
Board of Imperial Theatre	1
Board of Saint John Trade & Convention Centre	1
Greater Saint John Economic Development Commission	1
Kennebecasis Valley Public Library Board	3
Kennebecasis Valley Fire Department Inc. Board	2
Rothestay Regional Joint Board of Police Commissioners	2