

**By-law 5-24**  
**A By-Law of the Local Government of Rothesay**  
**Respecting the Procedure and Organization of Council**

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**By-law 5-24**  
**A By-Law of the Local Government of Rothesay**  
**Respecting the Procedure and Organization of Council**

The Council of the town of Rothesay, under authority vested in it by the *Local Governance Act*, SNB 2017, chapter 18, amendments thereto and regulations 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 local government.
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*" or "*the Act*" means the *Local Governance Act*, SNB 2017, chapter 18, amendments thereto and regulations thereunder;
  - (b) "Administration" includes employees of the town of Rothesay;
  - (c) "Appointee" means any person appointed by Mayor and/or Council in accordance with this By-law, to serve on Town committees or on external agencies, boards and commissions as a representative of Rothesay;
  - (d) "Assistant Clerk" means the Assistant Clerk of the local government as appointed in accordance with *the Act*; with such duties as outlined in *the Act*;
  - (e) "Chief Administrative Officer (CAO)" means the person who has the primary responsibility for the administration of the town of Rothesay, as appointed by Council;
  - (f) "Clerk" means the Clerk of the local government as appointed in accordance with *the Act*; with such duties as outlined in *the Act*;
  - (g) "closed session or closed meeting" means a meeting of Council not open to the public, so convened in accordance with *the Act*;
  - (h) "committee" means a group of persons appointed by the Mayor and/or Council in accordance with this By-law, to act in an advisory capacity to Council;
  - (i) "Community Planning Act" means the *Community Planning Act*, SNB 2017 c19, amendments thereto and regulations adopted thereunder;
  - (j) "Consent Agenda" means routine items considered by Council including, but not limited to, information notices and bulletins, thank you letters, general response letters and requests for proclamations.
  - (k) "Council" means the Mayor and Councillors of Rothesay;
  - (l) "Councillor" means a member of Council other than the Mayor;
  - (m) "delivery or delivered" means provision of documentation by electronic means to Council members or Appointees;
  - (n) "Deputy Mayor" means the Councillor so elected pursuant to this By-law;

- (o) “electronic means of communication” means attendance by a Council member or committee member through the use of a telephone, personal computer or tablet or other electronic devices as technology advances;
  - (p) “ex-officio” means by virtue of one’s office;
  - (q) “local government” means the town of Rothesay, a municipal body corporate, as established under the Laws and Regulations of New Brunswick;
  - (r) “majority” means more than half; of those obliged to vote, in accordance with legislation or this By-law;
  - (s) “may” is construed as permissive;
  - (t) “Mayor” means the Mayor of Rothesay;
  - (u) “member” or “Council member(s)” means any person elected to the Council; which includes the Mayor;
  - (v) “Minister” means the Minister of Local Government and includes anyone designated by the Minister or Cabinet to act on the Minister’s behalf;
  - (w) “Procurement Act” means the *Procurement Act*, SNB 2012, c. 20, amendments thereto and regulations adopted thereunder;
  - (x) “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;
  - (y) “quorum” means five (5) Council members, unless otherwise prescribed by legislation;
  - (z) “Rothesay” means the town of Rothesay, a municipal body corporate, as established under the Laws and Regulations of New Brunswick;
  - (aa) “shall” is construed as being mandatory;
  - (bb) “Treasurer” means the Treasurer of the local government as appointed in accordance with *the Act*; with such duties as outlined in *the Act*;
  - (cc) “vacancy” means “vacancy” as described in *the Act*;
5. In this By-law where the context requires, a word importing the singular includes the plural and a word importing the plural includes the singular; and a word importing the masculine gender includes the feminine.
  6. Pursuant to the *Official Languages Act*, SNB 2002 c. O-0.5, in every by-law and in every other matter and proceeding of Council, the English Language shall be used.
  7. Pursuant to the *Right to Information and Protection of Privacy Act*, SNB 2009, c. R-10.6, amendments thereto and regulations adopted thereunder, records in the custody or under the control of the town of Rothesay may be subject to disclosure upon request or at a public meeting; excluding those records associated with matters discussed in accordance with Section 68 of the *Local Governance Act*.
  8. Rothesay Council shall adopt the *Municipal Records Authority* as a guideline for the records classification plan and retention schedule policy of the Town.
  9. 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*, SNB 1987 c. P-22.1, as a category C offence.

10. 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.
11. 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.
12. In all matters, points of order or questions of procedure or privilege arising and not provided for in provincial legislation, this By-law or the Elected Officials Code of Conduct By-law, proceedings in Council and at the committee level shall be as set out in Robert's Rules of Order, Newly Revised (RONR) 12<sup>th</sup> edition (2020) and in such case, the decision of the presiding officer shall be final and acquiesced without debate.
13. For the purposes of this By-law the duties of the Clerk, as set out herein and in *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**

15. A newly elected Council
  - (a) shall hold its first meeting at Rothesay Town Hall, 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*, SNB 1979 c. 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; as determined by majority vote of Councillors present
16. The Council shall hold its regular open meetings on the second Monday of every month in the Rothesay Common Room, at 7:00 p.m. in the evening, unless otherwise determined by motion passed by a two-thirds (2/3) vote of Councillors present at the meeting to which the motion is put, and the regular meeting schedule for Council shall be posted to the Town website. Agendas for regular open meetings shall be posted no later than 4 p.m. on the Friday before the meeting. Supporting documentation shall be posted no later than 12 noon on the day of the meeting.
17. Notwithstanding Section 16, when the day for a regular meeting of Council is on a statutory or civic holiday, the Council shall, unless decided otherwise by two-thirds (2/3) vote of Councillors present, meet at the same hour on the next following day which is not a statutory or civic holiday.

18. Notwithstanding Sections 16 and 17, when a Public Hearing or Presentation has been scheduled in accordance with the *Community Planning Act*, for the same evening, the regular Council meeting will be held immediately following the close of the Public Hearing or Presentation.
19. 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 Council, or the Clerk shall summon a special meeting upon receipt by the Clerk of a petition of two-thirds (2/3) of Councillors. The notice of the special open meeting shall be posted to the Town website.
20. 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 Councillors present.
21. In the case of an emergency, as defined in By-law 2-2024, "By-law of the Municipality of Rothesay Respecting the Kennebecasis Valley Emergency Measures Organization, the Mayor, Deputy Mayor or, in their absence, any two (2) Councillors may immediately call members of Council, upon verbal notice, to meet anywhere in the town for the purpose of declaring a state of local emergency, as outlined in the Rothesay Emergency Measures Organization By-law 2-2024.
22. A Council member may be permitted to attend a regular closed or open Council meeting using electronic means of communication; in accordance with the provisions of *the Act* and this By-law; more specifically but not limited to the following:
  - a) not more than two (2) members, shall participate by electronic means of communication to ensure there is a quorum in case of a technical malfunction;
  - b) the electronic means of communication allows members to hear and speak to each other and allows the public to hear the member(s);
  - c) the member is outside the local government or physically unable to attend the meeting;
  - d) the member confirms they are alone;
  - e) except for reasons of disability, a member shall not participate by electronic means of communication at more than twenty-five percent (25%) of regular Council meetings held in a calendar year; and
  - f) the member shall provide sufficient notice to the Clerk to ensure the relevant material may be sent to the member, to ensure the appropriate electronic means of communication are available and to ensure proper notice is given to the public, as required under *the Act*.
23. The Mayor shall act as presiding officer of all meetings of Council at which he is present.
24. 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.

25. In the absence or inability of both the Mayor and Deputy Mayor to act, or if their offices are vacant, the Clerk shall call for a vote to elect a Councillor to act as presiding officer by majority vote of the Councillors present, and he shall have the same authority while presiding at the meeting as the Mayor would have if occupying the chair.
26. The Clerk shall record the proceedings of all regular, special and closed meetings of Council in a book, in accordance with *the Act*. Audio/video recordings shall be destroyed 60 days following approval of the minutes and a request to access recordings shall be on approved motion of Council.
27. 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.
28. A quorum must be present at any open, closed, special or emergency meeting of Council in order for business to be transacted thereat.
29. If no quorum is present fifteen (15) minutes after the time appointed for a meeting of Council, the Clerk shall record the names of the Council members present and the meeting shall stand adjourned until the date of the next regular meeting, unless a special meeting is called in accordance with Section 19.
30. Whenever a vote on a motion before Council cannot be taken because of a loss of quorum resulting from:
  - a) the declaration of a conflict of interest; or
  - b) a member not being present for a previous public hearing;

the motion shall be the first order of business at the next meeting of Council under that particular Order of Business.

31. If a quorum is lost for any other reason than those outlined in Section 30, the meeting is adjourned.
32. All open Council meetings are accessible to the public either in person or via live stream on the Rothesay YouTube channel, and no member of the public shall be excluded, except for improper conduct or in accordance with *the Act*.
33. 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 room immediately.

34. The Clerk shall cause to be delivered to each Council 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 41, together with appropriate documentation necessary for the meeting, including draft minutes of the last regular meeting of Council, along with the minutes of any standing committee meeting held more than five (5) business days prior to the regular meeting and not previously received by Council.
35. 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 or in electronic form, with appropriate documentation, no later than 12:00 noon on the Wednesday preceding the date of the meeting.
36. The Clerk, in consultation with the Mayor and/or CAO, has the authority to refuse a request to appear before Council when there is insufficient documentation provided or the documentation is not received by the deadline as outlined in Section 35.
37. Notwithstanding Section 35, business may be added to the agenda at a regular Council meeting on a two-thirds (2/3) vote of the Councillors present, with the exception of items referenced in Section 80.
38. 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 Councillors present.
39. The Clerk shall cause to be delivered to each Council member, not later than ten (10) working days following a regular or special meeting of Council, the draft minutes of that meeting.
40. 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 Council members and staff;
  - (c) if a member arrives late, leaves before the meeting is adjourned, or is absent or temporarily absent from the meeting;
  - (d) the reading, if required, correction and adoption of the minutes of prior meetings; and
  - (e) all resolutions, decisions and proceedings of the meeting.

### **PROCEDURE – REGULAR MEETINGS OF COUNCIL**

41. The Clerk shall have prepared and printed for the use of Council members at regular meetings of Council an agenda under the following headings:
  1. Call to Order
  2. Land Acknowledgement
  3. Approval of agenda
  4. Adoption of minutes of the previous Council meeting(s)
  5. Declaration of Conflict of Interest
  6. Opening Remarks of Council
  7. Delegations
  8. Consent Agenda
  9. Consideration of Issues Separated from Consent Agenda
  10. Correspondence for Action
  11. Reports
  12. Unfinished Business
  13. New Business
  14. Date of Next Meeting
  15. Adjournment
42. The minutes of the previous Council meeting(s) shall be adopted or amended on motion.
43. The minutes of the previous Council meeting(s) shall not be read unless a Council 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 on the agenda.
44. 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 Councillors present, with the exception of a question of privilege, as outlined in RONR, 12<sup>th</sup> edition.

### **UNFINISHED BUSINESS**

45. Those items that have been tabled by Council at a previous meeting shall be listed under Unfinished Business with the date of their first appearance and shall be repeated on each subsequent agenda until disposed of by Council.

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

46. When a matter arises for discussion as outlined in *the Act*, the public may be excluded for the duration of the discussion.
47. 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 local government
  - iii) directions to a solicitor for the local government
48. The Mayor may designate another Council member to act as presiding officer in closed session but may resume the chair at any time.



49. 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.
50. In closed session, rules and regulations of Council shall be observed with the exception that no motion shall require a seconder.
51. Council members and staff shall not discuss the matters considered during closed meetings, other than with other Council members or the CAO, or as directed by a motion of Council. Any breach of confidentiality shall be deemed an infraction under the Elected Officials Code of Conduct By-law 5-24, Town policy or relevant provincial legislation and will be treated as such.
52. Questions of procedure arising in closed session shall be decided by the Mayor or presiding officer.

#### **PUBLIC HEARINGS and PUBLIC PRESENTATIONS**

53. Council shall adopt a Public Hearing Policy, which policy may be amended from time to time by resolution of Council.
54. When a Public Presentation is required for a planning matter under the *Community Planning Act*, the presentation procedure shall be as outlined in the *Community Planning Act*.

#### **GENERAL**

55. 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 by motion of Council.
56. Unless upon special invitation of the presiding officer or on a majority vote of Councillors present, or as set out in Section 92, no person other than a Council member shall address Council.
57. Every Councillor shall be acknowledged by the presiding officer before speaking to a question, motion or matter and shall direct their remarks to the presiding officer.
58. When two or more Councillors indicate a desire to speak at the same time, the presiding officer shall determine the order in which they may speak; subject to Sections 72-74 herein.
59. 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.
60. The Mayor shall resume the chair prior to the vote being taken.

61. If any member asks a question of Administration during a meeting, such questions shall be directed to the CAO, who may either answer or call upon the appropriate individual to respond.

#### **POINT OF ORDER and APPEAL**

62. When a point of order is raised or when a Council member is called to order by the presiding officer, the member shall immediately stop speaking .
63. When 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.
64. Council may appeal the decision by resolution and require the matter be voted on by Council.
65. Where the presiding officer decision is appealed under Section 64, Council shall decide the matter without debate.
66. Where there is no immediate appeal under Section 64, the decision of the presiding officer is final.

#### **VOTING**

67. In accordance *the Act*, the Mayor shall vote only in a case of equal division.
68. Every other Council member present at the meeting when a question is put shall vote; unless he declares a conflict of interest in accordance with *the Act* and leaves the meeting room.
69. When the presiding officer is other than the Mayor, all Councillors shall vote.
70. Where a Councillor abstains from voting on any motion and is not excused from voting in accordance with Section 68, the Clerk shall record the Councillor as voting in the negative on the question or motion before Council.
71. When the presiding officer is putting a question or motion, all Council members shall remain seated and not make any noise or disturbance.
72. When a Council member is speaking, no person may pass between him and the presiding officer or interrupt him, except to raise a point of order.

#### **DISRESPECTFUL STATEMENTS**

73. No Council member shall:
- (a) speak disrespectfully of the reigning Sovereign; of any member of the Royal Family; the Governor-General or a person administering the Government of Canada; the Lieutenant-Governor or a person administering the Government of New Brunswick;
  - (b) use offensive words against any Council member or Town staff;
  - (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 reconsidered or rescinded;
  - (e) refuse to obey this By-law; or
  - (f) disobey the decision of the presiding officer on questions of points of order or privilege
74. Where a Council 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 him to leave his seat for that meeting and he shall leave that meeting; provided that, where the Council member apologizes, he may, on majority vote of the other Councillors present, forthwith resume his seat.

### **MOTIONS**

75. All motions shall be in writing and clearly stated by the mover of the motion and seconded before being presented to the presiding officer and when a motion is presented it shall be read by the presiding officer before debate and read again before being put to the question.
76. A Council member may, at any time during a debate but not so as to interrupt another Council member when speaking, request that the question, motion or matter under discussion be read.
77. No Council member shall speak a second time on the same question, motion or matter until every Council 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 Council member can speak no further on the question without special leave of the presiding officer.
78. No Council 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.
79. A Councillor 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.
80. 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 or electronic form, has been presented at a previous meeting of Council, or given in the notice calling the meeting, except on 2/3 majority vote of Council.
81. 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.
82. When the presiding officer calls for the question, the motion shall be put without debate and no Councillor 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.

83. 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.
84. When a vote is called for, the Council members shall immediately take their places and shall remain seated until the presiding officer declares the result of the vote.
85. Notwithstanding Section 37, 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 Council.
86. Subject to Section 88, 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.
87. A motion to table a motion or a matter shall state a reason, is always in order and shall not be debatable.
88. A motion to adjourn the debate or to adjourn the meeting or resolve the Council into a closed meeting shall always be in order except:
  - (a) when a Council member is speaking;
  - (b) when the previous question has been put;
  - (c) when the vote has been called for; or
  - (d) when the Council members are voting; and
 shall be put forward by the presiding officer forthwith without debate

#### **RECORDING OF VOTE**

89. 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*.
90. Council shall determine every question, motion or matter submitted to it by open vote of "yea" or "nay" of the Councillors present.
91. When there is a division of Council upon any question, motion or matter, the presiding officer shall call the names of Councillors and the Clerk shall enter in the minutes the names of Council members who voted "yea" and "nay".

#### **DELEGATIONS, PETITIONS AND COMMUNICATIONS FROM THE PUBLIC**

92. Further to Sections 35 and 36, 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 or electronic submission, including appropriate documentation. The documentation shall indicate whether there has been any previous contact with a member of Council or Administration regarding the matter.

93. Notwithstanding Section 92, Council will not entertain public delegations on matters that:
  - a) are before the Planning Advisory Committee, the Rothesay Heritage Preservation Review Board, the Assessment and Planning Appeal Board, the Local Governance Commission, or the Courts; or
  - b) require a statutory Public Hearing or Public Presentation.
94. 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 Councillors present, or upon special invitation of the Mayor.
95. Notwithstanding Section 94, members of Administration or external consultants/service providers on behalf of the Town, may make presentations to Council that shall not be limited to a maximum of ten (10) minutes.
96. No petition, application, or other written or electronic 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. Every petition, application, or other written or electronic communication intended to be presented to Council, shall be legibly written, printed or in electronic form, 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 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. Ten (10) copies of original pre-printed material are required for distribution to Council and Administration (e.g. brochures, pamphlets, etc.)
97. Every petition, application, or other written or electronic 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.
98. A Councillor may move, in referring a petition, application, or other written or electronic communication, that certain instructions be given by Council or that the petition, application, or other written or electronic communication be referred to a standing committee or to the CAO for a report.
99. When a petition, application, or other written or electronic 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**

100. Council shall establish standing committees to advise Council on the business of the local government, which committees function in an advisory capacity to Council. 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.
101. 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.
102. The Mayor shall be an ex-officio member of all committees except the Planning Advisory Committee and the Rothesay Heritage Preservation Review Board and may attend and vote at his discretion.
103. At the first regular meeting of Council following the quadrennial election and periodically as he shall deem appropriate, Council members to the standing committees as set out in Schedule "A" shall be appointed by the Mayor.
104. At the first regular meeting of Council following the quadrennial election, Council members to joint agencies, 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 agency, board or commission, its composition and mandate are established by legislation.
105. 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 for the Nominating Committee shall be two years and the Councillors are eligible for re-appointment.
106. Council shall adopt a Code of Ethics Policy for Appointees and measures to ensure adherence to same; which Code shall be a part of this By-law and attached hereto as Schedule "C". All Appointees shall be required to sign the Appointee statement (Appendix A).
107. Appointees shall be eligible voters in the local government, with the exception of:
  - i) the student appointed on the Parks and Recreation Committee who shall be a Rothesay resident and student in good standing at Rothesay High School;
  - ii) such other persons with specific areas of expertise, as may be appointed by Council.
108. Appointees are appointed for a two-year term and are eligible for re-appointment to a specific committee, agency, board or commission unless otherwise provided for by legislation or legal or municipal agreement; effective upon the date of enactment of this By-law.

109. Notwithstanding Sections 107, 108, 112-114, Appointees to committees, agencies, boards and commissions serve at the pleasure of Council and may be removed at any time by a majority vote of Council.
110. Committee members who miss four consecutive meetings shall be deemed to have resigned from their appointment and will be replaced.
111. The Clerk shall maintain a list of volunteers together with their backgrounds and interests for the purposes of selecting appointees under Section 107, 113 and 114.
112. The Nominating committee shall recommend to Council for approval, appointments of eligible voters to the standing committees listed in Schedule "A".
113. The Nominating committee shall recommend to Council for approval, appointments of eligible voters to the joint agencies, boards and commissions listed in Schedule "B" and may recommend to Council for approval, appointments to such other organizations as Council shall deem appropriate from time to time.
114. Council may establish by resolution special committees for the purposes as set out in the constituting resolution and mandate. The Mayor shall appoint Councillors as he deems necessary and the Nominating committee shall make recommendations to Council for appointments to said special committees. Special committees shall table regular reports with Council describing their activities and shall cease to exist twenty-four (24) months after their establishment or when their final report is received by Council, whichever is earlier.
115. Appointees to joint agencies, boards and commissions shall provide a written summary of activities to Council at least twice a year and may be invited to appear before Council on a regular basis to report on the activities of the relevant agency, board or commission.

#### **CONDUCT OF COMMITTEE BUSINESS**

116. 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, with the exception of the Nominating Committee and Emergency Measures Committee.
117. Minutes of standing committee meetings, with the exception of the Personnel Committee, shall be tabled with Council and the committees will report to Council through the committee chair or Councillor appointed to the Committee.
118. 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 local government, the vice-chair shall call a special meeting of the committee whenever requested in writing to do so by a majority of the Committee members.

119. A Councillor may attend the open meetings of any standing committee of which they are not a member, with the exception of the Personnel Committee, and may take part in any discussion or debate in the committee with the permission of the Committee chair but may not vote. The open committee meeting schedules shall be published to the Town website.
120. 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 a chair and vice-chair to conduct the meetings of the committee;
  - (b) the chair shall preside at every meeting and shall 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 adoption or amendment and after they have been approved by a majority of the Committee members present, shall be signed by the chair and recording secretary;
  - (e) when a division takes place on a question, the "yea" and "nay" votes of the Committee 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 recording secretary thereof
121. 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.
122. 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 Committee member 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.



123. 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 local government 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.

124. Committee reports may be presented to Council either verbally by a Councillor who is a Committee member or by the Chair or in writing or electronic form and may be recommitted by Council, in whole or in part, to the same or a different committee.

#### **BY-LAWS**

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

126. Every by-law shall be introduced for first reading by title upon motion by a Councillor, specifying the title of the By-law.

127. Every by-law shall be in typewritten or electronic 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.

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

129. 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. Clerical, typographical and grammatical errors in by-laws may be corrected by the Clerk.

#### **DIRECTION TO STAFF**

130. Council shall require that its directives be carried out through the office of the CAO.

#### **TOWN EXPENDITURES**

131. The Town shall follow the *Procurement Act* for expenditures; which states that municipalities shall issue a public tender for purchases over certain thresholds.

132. For purchases not covered by the *Procurement Act*, the local government shall follow the Rothesay Purchasing Policy adopted by Council, which policy may be amended from time to time by resolution of Council.

133. Requests for donations or grants shall be reviewed in accordance with the Grants/Donation Policy adopted by Council, which policy may be amended from time to time by resolution of Council.

**VACANCIES ON COUNCIL**

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

**CONFLICT OF INTEREST**

135. Council members shall be governed by the conflict of interest rules, as outlined in *the Act* and the Elected Officials Code of Conduct By-law 6-24.
136. Senior appointed officials and staff shall be governed by the conflict of interest rules, as outlined in *the Act* and policies adopted by Council.
137. When a conflict of interest has been declared, the Council member, or senior appointed official or staff member, shall immediately withdraw from the meeting room when the matter is raised and prior to any debate. The declaration of conflict of interest shall be recorded in the minutes by the Clerk and the appropriate form shall be completed prior to their return to the meeting room.

**SURETY**

138. No Council member or officer of the local government and no auditor of the local government shall be a surety for any officer appointed by Council or for any work to be done for Council.

**REVIEW**

This By-law shall be reviewed every four years in October prior to the quadrennial election, with the first review in October 2029.

**EFFECTIVE DATE**

139. This By-law comes into effect on 1 January 2025.

140. By-law 2-14, “ A By-law of the Municipality of Rothesay Respecting the Procedures and Organization of Council”, enacted by the Council of Rothesay 8 December 2014 is hereby repealed.

FIRST READING BY TITLE

12 November 2024

SECOND READING BY TITLE

(Advertised as to content on Rothesay website in accordance with the Local Governance Act, SNB 2017, chapter 18)

13 November 2024

READING BY SUMMARY

THIRD READING AND ENACTMENT

Nancy Grant, Mayor

Mary Jane E. Banks, Clerk

Schedule A Standing Committees  
 Schedule B External Council Appointments  
 Schedule C Code of Ethics for Appointees  
 Appendix A Excerpt – *Local Governance Act*, Part 8 Conflict of Interest provisions

**POLICIES**

Public Hearing Policy  
 Purchasing Policy  
 Grants/Donations Policy

Motions Reference Guide

## **Schedule A – Standing Committees**

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. Parks and Recreation Committee
- v. Works and Utilities Committee
- vi. Age-Friendly Advisory Committee
- vii. Climate Change Adaptation Committee

### **Committees required by statute**

- i. Planning Advisory Committee
- ii. Heritage Preservation Board
- iii. Emergency Measures Committee
- iv. Appeals Committee (Unsightly Premises)

### **Legislative appointments**

A-2. The Mayor shall serve as the representative for Rothesay on the Fundy Regional Service Commission. The Deputy Mayor shall serve as the alternate representative.

### **Standing Committee appointments - Council**

A-3. At the first regular meeting of Council following the quadrennial election and periodically as he shall deem appropriate, Council members to the following standing committees shall be appointed by the Mayor:

Personnel	4
Finance	4
Nominating	2
Parks and Recreation	2
Works and Utilities	2
Planning Advisory	2
Rothesay Heritage Preservation Review Board	1
Emergency Measures Committee	2
Appeals Committee	8
Age-Friendly Advisory Committee	1
Climate Change Adaptation Committee	2

### **Standing Committee appointments - Appointees**

- A-4. 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:

Parks & Recreation	6
Works and Utilities	5
Planning Advisory	6
Rothsay Heritage Preservation Review Board	6
Age-Friendly Advisory Committee	8
Climate Change Adaptation Committee	4

- A-5. The Nominating Committee shall recommend to Council for approval one student appointee, who is a Rothsay resident, to the Parks and Recreation Committee who is in good standing at Rothsay High School.

- A-6. The Nominating Committee shall use, where possible, the following guidelines for appointees to the Age-Friendly Advisory Committee and every effort will be made to secure representation from the various geographical areas in Rothsay:

- 1 staff representative from Rothsay High School
- 1 staff representative from a Rothsay Elementary or Middle School
- 4 Rothsay residents, Age 55+
- 1 Rothsay resident under the age of 55
- 1 representative from disability-related organizations

- A-7. 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, which committees function in an advisory capacity to Council. 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 it 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 Chief Administrative Officer (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. making recommendations to Council re: procedures to ensure proper selection of the CAO
3. approving the job description and objectives for the CAO
4. assessing the performance of the CAO by ascertaining the views of Council members and producing a consolidated assessment report for Council approval and review with the CAO
5. establishing the parameters for salary adjustments
6. recommending to Council the appointment of municipal officers under the Act, in consultation with the CAO
7. recommending, in consultation with the CAO, changes in organizational structure, and addition or deletion of positions
8. conducting or causing to be conducted exit interviews with departing senior staff

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

### **II Finance Committee**

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

1. meetings with the Auditors at the planning and post audit stages, the Auditor recommendations and management's response, draft audited financial statements, and the appointment of Auditors
2. the system of internal controls for protection of the Town's assets, detecting accounting/financial reporting errors and detecting frauds or defalcations
3. insurance coverage and risk management policies
4. key financial information that will be provided to the Province or made public
5. the preparation and adoption of the annual operating and capital budgets
6. any proposed changes in accounting policies and any accounting significant accounting estimates
7. 5 year capital budgets and financing sources
8. monthly internal financial statements
9. the Town's banking services

This Committee will meet at least quarterly or at the call of the Chair. Staff support will include the Treasurer 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 appointments to standing committees, joint boards and commissions and the terms of office for said appointments

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

#### **IV Parks and Recreation Committee**

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

1. the Rothesay Recreation Master plan
2. selection of ongoing recreation programs
3. identification of facilities' needs, and capital expenditures related to recreation
4. parks, playgrounds and sports fields maintenance standards
5. the service level or standards for municipal recreation facilities such as the Rothesay Arena, Bill McGuire Memorial Centre, Wells Community Centre and the Rothesay Common ice facility
6. cooperation on regional recreational activities and programs
7. Town entrance and ornamental signage and landscaping

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

#### **V Works and Utilities Committee**

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

1. the service level or standards and/or exceptions thereto, for:
  - street, boulevard and sidewalk maintenance
  - public parking areas
  - municipal buildings
  - street signage
  - traffic control devices
  - garbage collection and recycling
  - municipal vehicles
  - water and sewer utility services
  - utility rates and charges
  - improvements/expansions to the water utility system
  - improvements/expansions to the sewerage system
  - improvements/expansions to the stormwater management system
  - operational budgets
2. capital and major maintenance project priorities related to municipal operations and utilities
3. financing for capital works and utilities projects
4. 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.

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

## **VI Age-Friendly Advisory Committee**

The main purpose of the Age-Friendly Advisory Committee is to make the town of Rothesay a more Age-Friendly community. This Committee is responsible for advising Council on matters related to:

1. recommendations to Council and other Town Committees regarding opportunities and initiatives for the eight domains of an age-friendly community (outdoor spaces and buildings, transportation, housing, social participation, respect and social inclusion, civic participation and employment, communication and information, community support, and health services).
2. promotion of the concept of age-friendliness and identifying opportunities for collaboration with community partners, including in the private, non-profit, and public sectors.
3. re-assessment of the Age-Friendly Action Plan every three years to maintain the provincial Age Friendly designation.
4. oversight of the Rothesay Hive Age Friendly Community Centre.
5. the establishment of working groups as deemed necessary by the Committee to fulfill its mandate.
6. such other matters as may arise from time to time related to age-friendly activities in the community.

This Committee will meet monthly or at the call of the Chair. Staff support will include the Age-Friendly Community Coordinator and additional support staff as required. The Committee shall report to Council through the Committee Council member.

## **VII Climate Change Adaptation Committee**

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

1. sources of energy and how energy is used in Town operations
2. the effect of climate change on Town operations and possible mitigation measures
3. climate change considerations in the development of new Town facilities
4. opportunities for the reduction in greenhouse gas emissions in Town operations
5. the role of the municipality in promoting climate change adaptation with property owners
6. potential for regulatory changes in town development approval
7. potential for regulatory initiatives regarding energy use and climate adaptation within scope of the Town authority
8. referrals from public inquiries regarding climate change
9. such other matters as reasonably related to climate change adaptation within Rothesay.

The Committee Chair has the authority to recommend a maximum of two additional members on a short-term basis for consideration of particular topic areas.

This Committee will meet at least quarterly or at the call of the Chair. Staff support will include the CAO and additional support staff 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, provincial legislation will prevail.

### **I. Planning Advisory Committee (PAC)**

The responsibilities of this committee are as set out in By-law 4-24, "A By-law to Establish a Planning Advisory Committee" and in accordance with the *Community Planning Act*. This Committee will meet monthly or at the call of the Chair. This Committee may call public meetings. Staff support will include the CAO, Development Officer and additional support staff as required.

### **II. 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 *Heritage Conservation Act*. This Board will meet at least quarterly or at the call of the Chair. Staff support will include the Development Officer and additional support staff as required.

### **III. Emergency Measures Committee**

The responsibilities of this committee are as set out in By-law 1-16, "Emergency Measures Action Plan By-law", By-law 2-24, "Rothesay Emergency Measures Organization By-law and the *Emergency Measures Act*.

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

### **IV. Appeals Committee (Unsuitable Premises)**

The responsibilities of this committee are as set out in the *Local Governance Act*, amendments thereto and regulations thereunder. This committee will meet as required in accordance with the legislation. Staff support will include the CAO, Town Clerk and additional support staff as required.

**Schedule B - External Council Appointments**

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

Kennebecasis Public Library Board	1
NB Municipal Employees Pension Plan Board	1
Kennebecasis Valley Fire Department Inc. Board	2
Kennebecasis Regional Joint Board of Police Commissioners	2

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

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

## **Schedule C – Code of Ethics for Appointees (2024)**

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The residents and businesses of Rothesay are entitled to have a fair, honest and open local government that has earned the public's full confidence for integrity. Town Council and staff seek to maintain and enhance the quality of life for all residents through responsible, fair, community-minded and sustainable government. Council members are dedicated to the concept of effective and democratic local government and should maintain a constructive, creative, cooperative and practical attitude toward working together in service to the public.

To help achieve this goal, Rothesay Council has adopted a Code of Ethics applicable to all persons appointed by the Mayor and/or Council to agencies, boards, committees and commissions ("Appointees").

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### **1. Purpose**

The purposes of the Code of Ethics are to ensure that:

- a) public business is conducted with integrity, in a fair, honest and open manner;
- b) Appointees respect one another, Council members, the public and staff and recognize the unique role and contribution each person has in making Rothesay a better place to work and live;
- c) the conduct of Appointees in the performance of their duties and responsibilities with Rothesay is above reproach;
- d) decision making processes are accessible, participatory, understandable, timely and just;
- e) Appointees avoid any real conflict of interest or reasonable perception of conflict; and
- f) Appointees respect and uphold confidentiality requirements.

### **2. Application of the Code of Ethics**

The Code of Ethics is applicable to all any person appointed by the Mayor and/or Council to agencies, boards, committees and commissions("Appointees"). The bodies to which the Mayor and/or Council can appoint Appointees are referred to collectively as "Committees" throughout this Code of Ethics.

### **3. POLICY**

#### **3.1 Act in the Public Interest**

Recognizing that Rothesay seeks to maintain and enhance the quality of life for all Rothesay residents through effective, responsive and responsible government, Appointees shall conduct their business with integrity and in a fair, honest and open manner. Their actions shall align with Council Priorities, established by each incoming Council for the duration of its term.

### **3.2 Comply with the Law**

This policy applies to all Appointees of Rothesay. The purpose is to provide standards for the conduct relating to their roles and responsibilities as Appointees of the town of Rothesay. In addition to Town By-laws and policies, Appointees' conduct is also governed by applicable provincial and federal legislation, amendments thereto and regulations thereunder, including but not limited to:

- (a) the *Local Governance Act* SNB 2017 c 18;
- (b) the *Right to Information and Protection of Privacy Act* SNB 2009, c R-10.6;
- (c) the *Local Governance Commission Act*, SNB 2023, c 18;
- (d) the *New Brunswick Human Rights Act* RSNB 2011, c 171;
- (e) the *Occupational Health and Safety Act* SNB 1983, c O-0.2;
- (f) the *Municipal Elections Act* SNB 1979, c M-21.01; and
- (g) the *Criminal Code of Canada* RSC 1985, c C-46

### **3.3 Conduct of Appointees**

The conduct of Appointees in the performance of their duties and responsibilities with Rothesay shall be fair, open and honest. Appointees shall refrain from abusive conduct, personal charges or verbal attacks upon the character or motives of each other, Rothesay officers and employees, or the public. Appointees shall not use their position for any purposes other than the exercise of their official duties.

### **3.4 Compliance with Processes**

Appointees shall perform their duties in accordance with the policies, procedures and rules of order established by Rothesay Council which govern the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the Council by Administration.

Appointees who are appointed to an external agency, board, committee, or commission shall participate fully in the normal business of such bodies. Appointees must seek to harmonize the direction of the agency, board, committee, or commission with the direction and budgetary capabilities of the town of Rothesay.

Should the direction of the agency, board, committee, or commission and the direction and budgetary capabilities of the Town seem incompatible with one another and involve a matter of substance, the Appointee involved must defer taking a position on the matter and present both sides of the matter accurately to the Chief Administrative Officer (CAO) and/or Council and seek the advice of the Mayor and Council, with appropriate reporting from Town staff.

Appointees shall be aware of the mandate of their respective Committees, and act in accordance with it.

### **3.5 *Conduct at Public Meetings***

Appointees shall fully prepare themselves for public meetings, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall not interrupt other speakers, make personal comments not germane to the business of the meeting, or otherwise disturb a meeting.

### **3.6 *Decisions Based on Merit***

Appointees shall base decisions on the merits and substance of the matter at hand, acting in the interest of the citizens of Rothesay as a whole. In order to meet this responsibility, decisions must be free from personal bias, including:

- a. Conflict of interest or behaviour that gives rise to apprehension of bias;
- b. Personal animosity or loyalty to an applicant or proponent of a position;
- c. Personal ideology;
- d. Preconceived beliefs in a given fact situation that precludes consideration of other evidence; or
- e. agreements to trade votes

Appointees shall keep themselves informed by regularly reviewing relevant federal and provincial laws and local government by-laws, policies and procedures and any supplemental information related to their duties as Appointees, to ensure they are acting in compliance with said laws, policies and procedures.

Appointees shall recognize that the function of local government is at all times to serve the interests of the greater community rather than the interest of any specific constituency.

Appointees shall strive for impartiality in all decision-making.

If conflict arises between personal views and the official duties of an Appointee, the conflict shall be resolved in favour of the public interest.

### **3.7 *Gifts and Favours***

An Appointee may not accept gifts, meals, or hospitality that create or would reasonably seem to create improper influence upon them in the performance of their duties.

Items normally given in the course of business, such as small mementos of an event in line with commonly accepted municipal customs, do not typically have a substantial influence on Appointees and may be accepted. It would be improper, however, to accept or to give the following kinds of gifts or gratuities unless expressly authorized by Council:

- Cash or cash equivalent gifts;
- Unusually lavish meals or hospitality;
- Items bearing advertising or the logo of private persons or corporations with whom the Town does business or may do business in the future;
- Trips;
- Secret commissions, payments, or kickbacks;
- Fundraiser, sports event, or other event tickets of more than \$50 face value [unless purchased on behalf of the Town and issued by the Mayor or his / her delegate]

Gifts that might be acceptable under some circumstances might not be acceptable under others. The context is critical. If the gift is given in anticipation of a favour [or gives that appearance], it is always wrong. For example:

- Accepting a small box of chocolates as a thank you for assistance may be fine, but accepting the same gift in anticipation of a future benefit would be wrong
- Accepting any gift from a supplier who is bidding on a job is wrong

### **3.8 *Conflict of Interest***

Conflict of Interest rules shall be governed by the *Local Governance Act*, more specifically as attached hereto as **Appendix A** and forming a part of this Code of Ethics.

### **3.9 *Confidential Information***

Appointees shall respect the confidentiality of information concerning the property, personnel or legal affairs of Rothesay or a member of Council, an officer or employee of the local government or a member of the public; more specifically as outlined in *the Local Governance Act* and *the Right to Information and Protection of Privacy Act*. They shall neither disclose confidential information without proper authorization, nor use such information to advance their personal, financial or other private interests.

**The obligations identified under this section shall continue to apply to Appointees following their service when they are no longer Appointees.**

**Any breach of confidentiality may result in fines or legal action.**

### **3.10 *Sharing of Information***

Subject to sections 3.8 and 3.9, Conflict of Interest rules as governed by the *Local Governance Act*, and subject to the *Right To Information and Protection of Privacy Act*, Appointees shall share substantive information with the Chief Administrative Officer (CAO) and/or Mayor that is relevant to a matter under consideration by the Council or a Committee that they may have received from sources outside of the public decision-making process.

### **3.11 *Use of Public Resources***

Appointees shall not use public resources that are not available to the public in general, such as staff time, equipment, supplies or facilities, for private gain or personal purposes.

### **3.12 *Advocacy***

The Mayor shall be the public voice of Council once a decision has been taken, unless he/she chooses to delegate a specific topic to a specific Appointee or member of Council. The Mayor shall be the voice of Council to the media, unless he/she chooses to delegate this task.

In the cut and thrust of debate, genuine and full debate is expected. Appointees have every right to express disagreement with positions put forward by others provided such disagreement remains focused on the issue and do not descend to personal attacks on other Appointees, or Council or Administration members.

Once Council has adopted a resolution, however, Appointees are expected to support such resolutions and the work flowing from them. Appointees should not seek to undo or reopen debate on such resolutions unless new information comes to light that was not reasonably known at the time of the original resolution. Reconsideration of Council resolutions shall be in accordance with the Rothesay Procedural By-law.

### **3.12 *Policy Role of Appointees***

Appointees shall respect and adhere to the structure of government and Administration as established in Rothesay. In this structure, Committees act in an advisory capacity to Council. Rothesay Council determines the policies of Rothesay with the advice, information and analysis provided by Rothesay Administration, Committees, and the public.

Appointees, therefore, shall not interfere with the administrative functions of Rothesay or with the professional duties of Administration, nor shall they impair the ability of Administration to implement Council policy decisions.

### **3.13 Respectful Workplace Environment**

Appointees shall treat each other, members of Council and Administration, and the public, with respect and shall be supportive of the personal dignity, self-esteem and well-being of those with whom they come in contact with during the course of their duties.

Appointees shall refrain from personal harassment of fellow Appointees or of any member of Council or Administration. Personal harassment is improper and unwelcome behaviour directed at another person that is known [or reasonably should be known] to cause offense or hurt, whether or not it is based on a prohibited ground under the *Human Rights Act*.

While a single significant incident can be personal harassment, such cases usually involve repeated and hostile or demeaning conduct that affects a person's dignity or psychological or physical well-being and that reasonably can be expected to result in a harmful working environment.

Personal harassment includes the following types of behaviour:

- Bullying or intimidating behaviour, such as shouting or cursing at others, humiliating an employee in front of coworkers, making degrading comments or gestures, or teasing and belittling behaviour;
- Spreading malicious rumours or gossip;
- Threats, insults, or written or verbal abuse, including persistent vexatious comments or communications;
- Undermining or deliberately impeding a person's work;
- Withholding necessary information or purposefully giving the wrong information;
- Practical jokes that embarrass or demean others;
- Tampering with or vandalism of personal property, work equipment, or workplace;
- Shunning, ignoring, or isolating someone

## **4. Implementation of the Code of Ethics**

The Rothesay Code of Ethics is intended to be self-enforcing. Appointees should view the Code of Ethics as a set of guidelines that expresses the standards of conduct expected of them. Implementation is most effective when Appointees and members of Council and Administration are thoroughly familiar with the Code and embrace its provisions. For this reason, the Code of Ethics will be provided to applicants to Committees.



Appointees will be requested to sign the Statement, hereto attached as **Schedule A**, affirming they have read and understood the Rothesay Code of Ethics. In addition, Council shall annually review the Code of Ethics, and Council shall consider recommendations from Administration and Committees and update the Code as necessary.

**5. Compliance and Enforcement**

The Rothesay Code of Ethics expresses standards of ethical conduct expected for Appointees of Rothesay Council. Appointees and members of Council and Administration have the primary responsibility to assure that these ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of the governance of Rothesay.

Council may impose sanctions on Appointees whose conduct does not comply with Rothesay's ethical standards, up to and including fines and/or legal action if he or she is found to have breached the Code of Ethics.

**6. Violation Not Cause to Challenge a Decision**

A violation of this Code of Ethics shall not be considered a basis for challenging the validity of a Council or a Committee decision.

## **SCHEDULE A:**

### **ROTHESAY APPOINTEE STATEMENT Code of Ethics 2024**

#### **Rothesay Appointees to Agencies, Boards, Committees and Commissions (hereinafter referred to as "Committees")**

As a Rothesay Appointee to a Rothesay Committee, or to an agency, board or commission on behalf of Rothesay, I affirm that I have read and understood the Rothesay Code of Ethics Policy and I agree to uphold the Code of Ethics as adopted by Rothesay.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Name (please print):

Office / Committee:

\_\_\_\_\_

\_\_\_\_\_

## APPENDIX A Code of Ethics

*Excerpt Local Governance Act*

*October 2024*

### PART 8 CONFLICT OF INTEREST

#### **Definitions and interpretation**

**87(1)** The following definitions apply in this Part.

“controlling interest” means beneficial ownership of, or direct or indirect control or direction over, voting shares of a public corporation carrying more than 10% of the voting rights attached to all voting shares of the corporation for the time being issued.

“committee” means a committee of a council or a local board.

“family associate” means a member’s or senior officer’s

- (a) spouse or common-law partner,
- (b) child,
- (c) parent, or
- (d) sibling.

“local board” means

- (a) a body whose entire membership is appointed under the authority of a council,
- (b) a water or wastewater commission established under section 15.2 of the *Clean Environment Act*, and
- (c) any body prescribed by regulation.

“member” means a member of council, a member of a local board or a member of a committee.

“officer”, in relation to a private corporation or a public corporation, means

- (a) a chief executive officer, a chief operating officer, a chief financial officer, a president, a vice president, a secretary, an assistant secretary, a treasurer, an assistant treasurer and a general manager,
- (b) a person who performs functions similar to those normally performed by a person referred to in paragraph (a).

“private corporation” means a corporation whose shares are not publicly traded.

“public corporation” means a corporation whose shares are publicly traded.

“registered charity” means a registered charity within the meaning of the *Income Tax Act* (Canada).

“senior officer”, in relation to a local government or local board, means

- (a) a chief administrative officer, or the person who has the primary responsibility for administration,
- (b) a treasurer, an assistant treasurer, or the person who has the primary responsibility for financial affairs,
- (c) a clerk, an assistant clerk or, in the case of a local board, a secretary of the local board,
- (d) a solicitor,
- (e) an engineer,
- (f) a planner, or the person who has the primary responsibility for zoning and other community planning matters,
- (g) a building inspector, or the person who has the primary responsibility for the enforcement of by-laws or other laws with respect to building and construction,
- (h) a by-law enforcement officer, or the person who has the primary responsibility for the enforcement of by-laws or other laws with respect to matters other than building and construction,
- (i) a fire chief,
- (j) a chief of police, and

(k) a purchasing agent.  
 “service club” means a non-profit organization, of which one of the primary objectives is to provide community services on a voluntary basis.

**87(2)** For greater certainty, in this Part, a person is not employed by a local government, local board or trade union if the person is compensated on a fee-for-services basis.

2021, c.44, s.4

### **Application of conflict of interest provisions**

**88** The provisions of this Part apply to members and to senior officers employed by or appointed by local governments and local boards.

### **Conflict of interest – member or senior officer**

**89(1)** Subject to subsection (2) and section 90, for the purposes of this Act a member or a senior officer has a conflict of interest if

- (a) the member, senior officer or family associate:
  - (i) has or proposes to have an interest in a contract in which the council, local board or committee of which the person is a member or by whom the person is employed or was appointed has an interest, or
  - (ii) has an interest in any other matter in which the council, local board or committee is concerned that would be of financial benefit to the member, senior officer or family associate,
- (b) the member, senior officer or family associate is a shareholder in or is a director or an officer of a private corporation that
  - (i) has or proposes to have an interest in a contract with the council, local board or committee, or
  - (ii) has an interest in any other matter in which the council, local board or committee is concerned that would be of financial benefit to the corporation,
- (c) the member, senior officer or family associate has a controlling interest in or is a director or an officer of a public corporation that
  - (i) has or proposes to have an interest in a contract with the council, local board or committee, or
  - (ii) has an interest in any other matter in which the council, local board or committee is concerned that would be of financial benefit to the corporation, or
- (d) the member, senior officer or a family associate would otherwise benefit financially by a decision of the council, local board or committee in a contract, proposed contract or other matter in which the council, local board or committee is concerned.

**89(2)** A member or a senior officer does not have a conflict of interest by reason of a family associate’s interest as described in paragraph (1)(a), (b), (c) or (d) unless the member or senior officer knew or ought reasonably to have known of the family associate’s interest.

**89(3)** If a trade union has entered into or is seeking to enter into a collective agreement with a local government or a local board, a member who belongs to or is employed by the trade union has a conflict of interest with respect to any matter relating to the administration or negotiation of the collective agreement.

2021, c.44, s.4

### **Exceptions to conflict of interest**

**90** A member or a senior officer does not have a conflict of interest and does not violate section 96 by reason only that the member, senior officer, or family associate is, as the case may be,

- (a) a qualified voter, an owner-occupier of residential property, or a user of any public utility service supplied to him or her by the local government or local board in the same manner and subject to the same conditions that are applicable in the case of persons who are not members or senior officers,
- (b) entitled to receive on terms common to other persons any service or commodity or any subsidy, loan or other benefit offered by the local government or local board,
- (c) a purchaser or owner of a debenture of the local government or local board,
- (d) a person who has made a deposit with a local government or local board, the whole or part of which is or may be returnable to him or her in the same manner as the deposit is or may be returnable to other qualified voters,
- (e) eligible for election or appointment to fill a vacancy, office or position in the council, local board or committee when the council, local board or committee is empowered or required by any general or special Act to fill the vacancy, office or position,
- (f) a person having an interest in land valued in use as farmland or farm woodlot under the *Assessment Act* or being registered under the farm land identification program under the *Real Property Tax Act*,
- (g) a director or officer of a corporation incorporated for the purpose of carrying on business for and on behalf of a local government,
- (h) in receipt of an allowance for attendance at meetings, or any other allowance, honorarium, remuneration, salary or benefit to which the person is entitled by reason of being a member or as a member of a volunteer fire brigade,
- (i) an honorary member of a trade union,
- (j) a person having any interest which is an interest in common with voters generally,
- (k) a person having an interest which is so remote or insignificant in its nature that it cannot reasonably be regarded as likely to influence the member or senior officer, or
- (l) a member of a service club or registered charity that is in receipt of a benefit from the local government, local board or committee.

2021, c.44, s.4

### **Disclosure of conflict of interest – member**

**91(1)** On assuming office, each member shall file a statement with the clerk disclosing any actual or potential conflict of interest of which the member has knowledge, and the clerk shall then file the statement with the Local Governance Commission established under the *Local Governance Commission Act*.

**91(2)** If a conflict of interest arises while a member is in office, the member shall immediately file a statement disclosing the conflict of interest with the clerk, and the clerk shall then file the statement with the Local Governance Commission established under the *Local Governance Commission Act*.

**91(3)** A member is not required, in a statement filed under subsection (1) or (2), to disclose particulars of the member's financial interest or the extent of any interest in the matter giving rise to the conflict.

**91(4)** A statement disclosing a conflict of interest shall be made in the form prescribed by regulation.

**91(5)** If a member has a conflict of interest with respect to any matter in which the council, local board or committee is concerned and the member is present at a meeting of council or the local

board, a meeting of a committee, or any other meeting at which business of the council, local board or committee is conducted, at which the matter is a subject of consideration the member shall,

- (a) as soon as the matter is introduced, disclose that the member has a conflict of interest in the matter,
- (b) immediately withdraw from the meeting room while the matter is under consideration or put to a vote, and
- (c) as soon afterwards as the circumstances permit, file a statement disclosing the conflict of interest with the clerk, and the clerk shall then file the statement with the Local Governance Commission established under the *Local Governance Commission Act*.

2021, c.44, s.4; 2023, c.18, s.97

#### **Disclosure of conflict of interest – senior officer**

**92(1)** On assuming office, a senior officer shall file a statement with the clerk disclosing any actual or potential conflict of interest of which the senior officer has knowledge, and the clerk shall then file the statement with the Local Governance Commission established under the *Local Governance Commission Act*.

**92(2)** If a conflict of interest arises while a senior officer is in office, the senior officer shall file a statement with the clerk disclosing the conflict of interest, and the clerk shall then file the statement with the Local Governance Commission established under the *Local Governance Commission Act*.

**92(3)** The senior officer is not required, in a statement filed under subsection (1) or (2), to disclose particulars of the senior officer's financial interest or the extent of any interest in the matter giving rise to the conflict.

**92(4)** A statement disclosing a conflict of interest shall be made in the form prescribed by regulation.

2021, c.44, s.4; 2023, c.18, s.97

#### **Recording and filing of declaration of conflict of interest**

**93(1)** Every statement disclosing a conflict of interest filed under subsection 91(1) or (2) or 92(1) or (2) shall be recorded and kept in a file by the clerk and that file shall be available for examination by the public in the office of the clerk during regular office hours.

**93(2)** Every oral disclosure made under paragraph 91(5)(a) shall be recorded in the minutes of the meeting by the clerk or the person who is responsible for taking the minutes.

#### **Effect of conflict of interest on quorum**

**94(1)** If the number of members who, by reason of the provisions of this Act, are required to withdraw from a meeting is such that at that meeting the remaining members are not of sufficient number to constitute a quorum, despite any other general or special Act, the remaining members shall be deemed to constitute a quorum if there are not fewer than three.

**94(2)** If there are insufficient remaining members to constitute what is deemed to be a quorum under subsection (1), the council, local board or committee may apply to the Minister for an order authorizing it to consider, to discuss and to vote on the matter with respect to which the conflict of interest has arisen.

**94(3)** On an application under subsection (2), the Minister may make an order that authorizes the council, local board or committee or certain members of the council, local board or committee to consider, discuss and vote on the matter raised in the application as if a conflict of interest did not exist, subject to the conditions and directions that the Minister considers appropriate.

**Senior officer may advise on a matter while having a conflict**

**95** A senior officer may, within the scope of their employment, provide advice to a council, a local board or a committee on a matter with respect to which the senior officer has a conflict of interest, if the advice is provided at the request of the council, the local board or the committee and the request is made with knowledge of the conflict.

2021, c.44, s.4

**Prohibited conflict**

**96** A member or a senior officer shall not:

- (a) accept any fees, gifts, gratuities or other benefit that could reasonably be seen to influence any decision made by them in carrying out their functions as a member or as a senior officer, or
- (b) for their personal gain, or for the personal gain of a family associate, make use of their position or of any information that is obtained in their position and is not available to the public.

2021, c.44, s.4

**Offences and penalties**

**97(1)** A person who violates or fails to comply with section 91 or 92 commits an offence punishable under Part 2 of the *Provincial Offences Procedure Act* as a category F offence.

**97(2)** A person who violates or fails to comply with section 96 commits an offence punishable under Part 2 of the *Provincial Offences Procedure Act* as a category H offence.

**97(3)** In addition to or instead of any sentence that may be imposed in accordance with the *Provincial Offences Procedure Act*, a judge of the Provincial Court may make one or more of the following orders:

- (a) an order requiring the person to resign their office or position on the terms and conditions imposed by the judge,
- (b) an order prohibiting the person from holding that office or position or any other specified office or position during the period of time that the judge prescribes,
- (c) if the violation or failure to comply has resulted in financial gain to the person or a family associate, an order requiring the return of any gain realized in accordance with terms and conditions imposed by the judge, and
- (d) any other order that the judge considers appropriate in the circumstances.

**97(4)** A failure to comply with an order under subsection (3) makes a person liable to be committed for contempt of the Provincial Court.

**97(5)** Even though a person has committed an offence under subsection (1) or (2), the judge may release the person without the imposition of a fine, a term of imprisonment or any other sentence that the judge may or shall impose under the *Provincial Offences Procedure Act* or this section if

- (a) the violation or failure to comply has not resulted in any personal gain to the person accused, and
- (b) the violation or failure to comply was, in the opinion of the judge, inadvertent.

**97(6)** No proceedings with respect to an offence under subsection (1) or (2) shall be commenced after three years after the date on which the offence was, or is alleged to have been, committed.

2021, c.44, s.4

**This Part prevails over other conflict of interest rules**

**98** The provisions of this Part with respect to conflicts of interest shall be deemed to supersede all other provisions that may exist in any other Act, public or private, other than the *Local Governance Commission Act*, any regulation under those Acts, any by-law of a local government or any municipal charter with respect to those matters, even though no conflict may exist between the provisions of this Act and the other provisions.

2023, c.18, s.97



# ROTHESAY

## Policy

Topic:	Public Hearings	Date Prepared	4/10/01
Application:	Rothsay Council and Staff	Date Adopted by Council	9/10/01
		Date Amended	09/2009
		Date Amended	10/2014
		Date Amended Mayor and Council	10/2024
		Town Manager:	

### BACKGROUND

The Community Planning Act, SNB 2017 c.19 and amendments thereto, provides the procedure to be followed for Public Presentations (Section 25) and Public Hearings (Section 111), excerpts of which are attached hereto and identified as Schedule "A".

There is no provision within the Community Planning Act, supra for a deadline to accept written objections before the Public Hearing. Section 111(b)(i) indicates the second required advertisement shall be no less than four (4) days prior to the date of the Public Hearing.

During the process, Council acts in a quasi-judicial setting. There is ample opportunity throughout the process for the public to express their views. Once the Public Hearing has been held, Council makes its decision based on the information received up to the date of the Public Hearing. Any information received subsequent to the hearing should not be taken into consideration in the decision-making process. In a legal context, this would be the same as a judge receiving additional information once a trial is over but before making his decision.

### POLICY:

This policy will be followed for all Public Hearings scheduled by Council, unless otherwise stated in provincial legislation.

Advertisements shall be posted to the Town website and notices will be posted on the Town social media channels, in accordance with Section 111 of the Community Planning Act, supra. Advertisements shall indicate the deadline to submit written objections is three (3) business days before the scheduled hearing date at 12:00 p.m.

Documentation received by the Town Clerk after the submission deadline will be distributed to Council members at the Public Hearing, immediately prior to the "Call to Order" of the Hearing. It shall be left to the discretion of Council to receive and/or consider the subsequent documentation received. In accordance with the Community Planning Act, supra, any person wishing to speak may do so at the Public Hearing.

Following the close of the Public Hearing, no further documentation or comments from the public will be received for consideration by Council, unless so requested by Council. Council members should disregard any information (email/correspondence/phone calls, etc.) not provided through the Town Clerk's office. Individuals submitting information directly to Council members (email/letters/phone calls, etc.) should be advised to contact the Town Clerk or CAO.

In accordance with the laws of natural justice, those Council members who were not in attendance at the public hearing shall be precluded from voting on the subject matter of the hearing.

The Public Hearing policy adopted by Council on October 9, 2001 (amended September 14, 2009 and October 14, 2014) is hereby amended.

**PUBLIC NOTICE OF MUNICIPAL PLAN**

**25(1)** Before complying with the requirements of section 111 with respect to a municipal plan, a council shall publish a notice at least 10 days, but no more than 14 days, before the day referred to in paragraph (b), stating:

- (a) the intention of the council to adopt a municipal plan,
- (b) the time and place for a public presentation by the council of the proposed plan, and
- (c) that objections to the proposed plan may be made to the council within 30 days of the day of the public presentation.

**25(2)** A notice referred to in subsection (1) shall be given by one or more of the following means:

- (a) publishing the notice in a newspaper published or having general circulation in the municipality;
- (b) broadcasting the notice on a radio or television station that broadcasts in the municipality at least once a day for the period of time that the notice is required to be published; and
- (c) posting the notice on the municipality's website for the period of time that the notice is required to be published.

**25(3)** A council shall retain a hard copy of the notice referred to in subsection (1) in the council offices for the period of time that the notice is required to be published.

**25(4)** Notice provided in a manner authorized by subsection (2) shall be sufficient notice only if the notice is also available for examination by the public for the required period of time in the office of the clerk during regular office hours.

**25(5)** If a municipality has given notice in a manner authorized by subsection (2), it may also post the notice on social media websites.

**25(6)** If a notice is given in a manner authorized by subsection (2), any person may submit to the council written objections to the proposed municipal plan within the period referred to in subsection (1).

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**PUBLIC NOTICE OF BY-LAW**

**111(1)** Subject to subsection (2), with respect to a bylaw made under this Act, a council shall

- (a) by resolution, fix a time and place for the consideration of objections to the proposed by-law, and
- (b) subject to subsection (7), by giving notice by one or more of the following means:
  - (i) publishing the notice on two separate occasions in a newspaper published or having general circulation in the local government in the form described in subsection (4) of its intention of considering the making of the by-law, the first of the notices to be published not less than 21 days and not more than 30 days before the day fixed under paragraph (a), and the second of the notices to be published not less than four days and not more than 11 days before that day, or

- (ii) posting the notice on the local government's website in the form described in subsection (4) of its intention of considering the making of the bylaw, to be published not less than 21 days before the day fixed under paragraph (a).

**111(2)** This section does not apply to a subdivision bylaw, a flood risk area by-law, a by-law establishing a planning advisory committee, a design review committee by-law or any other by-law prescribed by regulation.

**111(3)** If a local government has given notice in a manner authorized by paragraph (1)(b), it may also post the notice on social media websites.

**111(4)** A notice under paragraph (1)(b)

- (a) shall set forth a description of the area affected by the by-law and refer to street names and civic numbers in the case of a zoning by-law or zoning provisions in a rural plan under section 33 or 44, if feasible,
- (b) shall state a place where and the hours during which the by-law may be inspected and the time and place set by the council for the consideration of written objections to the by-law,
- (c) shall indicate the person to whom written objections will be sent, and
- (d) may, in the case of an amendment or repeal, briefly state an explication or the reasons for the amendment or repeal.

**111(5)** If a notice is given in a manner authorized by paragraph (1)(b) in respect of a proposed by-law, the council shall

- (a) make suitable provision for inspection of the bylaw by the public at the time and place set out in the notice, and
- (b) before making the by-law, hear and consider written objections to it.

**111(6)** A person who wishes to speak for or against written objections is entitled to be heard at the time and place fixed under subsection (1) for consideration of the objections.

**111(7)** If, after the notice is given in a manner authorized under paragraph (1)(b), the council substantially amends the proposed by-law, the provisions of this section apply with the necessary modifications to the amendment.

**111(8)** The council is not required to vote on the bylaw on the day fixed under subsection (1) for the consideration of objections to it, but the by-law shall not become valid unless, within six months after the day that the notice was given or published under subsection (1),

- (a) the by-law is made, and
- (b) the by-law is submitted for the approval of the Minister, except for a zoning by-law, subdivision by-law, deferred widening by-law, controlled access street by-law or amendment to the zoning provisions in a rural plan under section 33 or 44.

**111(9)** If it is proposed to amend a zoning by-law or a rural plan under section 33 or 44 for the re-zoning of an area of land, the council is not required to publish a second notice under subparagraph (1)(b)(i) if

- (a) the owners of land within the area and within 100 m of the area, other than a person applying for the re-zoning, are advised in writing of the proposed amendment, or
- (b) a notice of the proposed amendment is posted in a prominent place on the property proposed to be rezoned.

2020, c.8, s.28; 2021, c.44, s.1

# ROTHESAY

## Policy

Topic:	Purchasing Policy	Date Prepared	Sept. 1/09
Application:	All Personnel	Date Adopted	Sept 14/09
		Date Amended by Council	Oct/2014
		Date Reviewed by Finance	Jan/2024
		Mayor & Council	
		Town Manager	

### A. GENERAL:

As required by legislation, the Town follows the Procurement Act (the "Act") and related regulations and agreements, which state that municipalities shall issue a public tender for purchases over the following thresholds:

- Goods over \$10,000
- Services over \$50,000
- Construction Projects over \$100,000

There are certain exemptions to this rule including professional services and sole source of supply.

### B. SPENDING AUTHORIZATION:

#### i) Budgeted Expenditures:

For amounts less than those prescribed by the Act the CAO is authorized to purchase goods and services which have been specifically **set out in operating or capital budgets** and where the amount of the purchase is less than or equal to the amount set out in the budget. Competitive purchasing practices will be used where not obtained during budget preparation.

Where an expenditure is included in a budget envelope but the specific goods or services composing the amount are not specifically identified in the budget, the CAO may purchase same in the following manner:

- a) goods greater than \$2,500 by competitive quote from at least two independent suppliers, and preferably three or more;
- b) services of greater than \$5,000 by competitive quote from at least two independent contractors, and preferably three or more;
- c) construction projects involving goods and services greater than \$25,000 by competitive quote; and
- d) lesser amounts through regular trade accounts.

Expenditures may not be artificially broken up to avoid competitive purchasing practices.

Request for proposals (RFPs) shall be issued for professional services when the anticipated fees for a project are greater than \$50,000:

**ii) Unbudgeted Expenditures:**

For amounts not included in the budget the CAO or Mayor may authorize a purchase of not more than \$10,000.

**iii) Emergency Purchases:**

Emergencies which pose a threat to public safety resulting from fire, flood, water main breaks, storms, environmental emergencies, or equipment failure may require emergency expenditures not included in the approved budget or greater than the allocated amount notwithstanding the authorities outlined elsewhere in this policy. Department Heads are authorized to make emergency expenditures necessary to maintain Town services. Department Heads will ensure that the CAO is kept advised of emergency expenditures. These emergency expenditures shall be reported to Council at the next regular meeting after the expenditures are known.

**iv) Delegation**

The CAO may delegate authority, in writing, to Department Heads, who may then delegate, in writing, to an appropriate staff member, to approve expenditures. Expenditures are to be documented by providing a purchase order signed by the designated person.

**C. REPORTS TO COUNCIL**

**v) Monthly Financial Reports**

Monthly financial statements will be provided to Council. Monthly financial statements will include a variance analysis and a detailed listing of project budgets and expenditures to date. Council shall also be advised of any re-allocation of budget amounts between the main classifications of the monthly financial statements.

**Tenders**

Expenditures for which the Town has issued a tender shall be approved by Council.

**D. FINANCIAL ANALYSIS**

Staff recommendations shall include financial implications to the taxpayers or utility users of any recommendations, as well as a description of any variance/exception from normal procedures, practices and legislation.

In accordance with the *Local Governance Act*, the Treasurer shall provide to Council, in writing or electronic form, the financial implications (including capital cost, source of financing, projected effect on property tax and/or utility rates, and operating estimates over the first 24 months, if applicable) of recommendations to Council involving major projects having a total budget greater than \$250,000.

October 2024    Town Manager changed to CAO  
                     Municipalities Act updated to Local Governance Act  
                     Procurement – goods changed from \$25,000 to \$10,000  
                     Unauthorized expenditures changed from \$5,000 to \$10,000

# ROTHESAY

## Policy

Topic:	Grants and Donations Policy	Date Prepared	Sept 2014
Application:		Date Adopted	14 Oct 2014
		Date Amended	14 Nov 2016 12 Aug 2019
		Date Reviewed	Jan 2024
		Mayor & Council:	
		Town Manager:	

### BACKGROUND:

This policy provides guidance to Council in considering requests for financial support from groups to apply consistent criteria in evaluating requests. In accordance with the criteria outlined below, all requests for financial support shall be accompanied by the attached application (Schedule A)

### CRITERIA:

- 1) Council will consider requests for financial support from **individuals** who:
  - a) are engaged in an activity for which they receive no income
  - b) have been a resident of the town for at least 12 months prior to the request
  - c) have not made a similar request within the preceding 36 months
  - d) are prepared to make a significant personal contribution to the activity
  - e) are not in arrears of any amount owing to the Town
  - f) have excelled in the field or activity for which funding is requested
  - g) might not otherwise be able to participate in the activity for which the funding is requested
  
- 2) Council will consider requests for financial support from **groups** that:
  - a) are a registered charity or not for profit group
  - b) have a mandate which includes public service to Rothesay citizens
  - c) include a substantial number of Town residents in their memberships
  - d) are not in arrears of any amount owing to the Town
  - e) do not have primarily religious or political objectives nor are affiliated with organizations which do
  - f) are not receiving funding from the Town through a regular funding arrangement, nor are associated with a group receiving regular funding
  - g) Council will consider requests for financial support from groups that have not made a request for funding within the previous 12 months

- 3) The activity to be funded should:
  - a) be beneficial to the Town or residents of the greater Saint John region
  - b) promote the Town or the greater Saint John region, as a place to live, work or play
  - c) reflect a need beyond the resources of the individual or group
  - d) be a proposal to host an event of national or international importance
- 4) Council may consider requests at a Council meeting at which a presentation may be made by the requesting group or individual. Any presentation will be made in accordance with Town policy for Council delegations.
- 5) Requests for "in-kind" donations are subject to this policy.
- 6) Council will attempt to allocate funds consistently and fairly, and may require the applicant to complete an application form which would include the following information:
  - a) the name and address of the group or individual requesting funding
  - b) an explanation of how any Town donations would be used
  - c) the location, date, and time at which the activity will take place
  - d) the total costs of project and amount requested from the Town
  - e) the amount and sources of other support
  - f) an explanation of how the donation will benefit Rothesay and its residents
  - g) financial statements (for group application)
- 7) Council may budget for grants and donations but when the budgeted allocation has been utilized in a fiscal year, no further requests will be considered.
- 8) The Mayor has the authority under this policy to approve up to \$1,000 for donation requests, as long as there is sufficient room in the current year budget. The Mayor shall provide a regular report to Council indicating requests received in an amount of \$1,000 or less and the decision made regarding each request.
- 9) Requests for grants in excess of \$1,000 are to be forwarded to Council for a decision, with a recommendation from the Finance Committee.

November 14, 2016	Schedule A (Form) Amended
August 12, 2019	Section 2(g) added
January 2024	Finance Committee Review (no changes)
October 2024	Watermark removed from application form



## **SCHEDULE A**

### **Application for Rothesay Municipal Grant**

#### *Grants/Donations Policy*

Application Date: \_\_\_\_\_

Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

Contact: \_\_\_\_\_ Tel. \_\_\_\_\_

Email: \_\_\_\_\_

Organization Description: \_\_\_\_\_

\_\_\_\_\_

Amount Requested: \$ \_\_\_\_\_

Descriptions of proposed event or activity: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Project costs: \_\_\_\_\_

\_\_\_\_\_

Benefits to town of Rothesay: \_\_\_\_\_

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All records in the custody and control of the town of Rothesay are subject to the provisions of the Right to Information and Protection of Privacy Act ("the Act"), SNB 2009, c R-10.6 and may be subject to disclosure under the provisions of "the Act". The information collected on this form may be shared with internal departments, external agencies or released at a public Town Council or committee meeting. Any questions regarding the collection of this information can be directed to the Rothesay Town Clerk, 70 Hampton Road, Rothesay, NB E2E 5L5 (506-848-6664).



## MOTIONS

### REFERENCE GUIDE FOR MEMBERS OF ROTHESAY COUNCIL

	To:	Interrupt Speaker:	Second Needed:	Debatable:	Amendable:	Vote Needed:
1.	<b>Main Motion</b> - to make a decision (e.g. “I move to...”)	No	Yes	Yes	Yes	Majority
2.	<b>Amend a motion</b> - to add, delete or replace words in the main motion (e.g. “I move that this motion be amended” or “I move to amend the motion”)	No	Yes	Yes	Yes	Majority
3.	<b>Recess</b> - to provide a pause or break (e.g. I move that we recess until...”)	No	Yes	No	Yes	Majority
4.	<b>Adjourn</b> - to end the meeting (e.g. “I move that we adjourn”)	No	Yes	No	No	Majority
5.	<b>Point of Order</b> - to enforce the rules [or note personal affront] - may be raised if there is a belief a rule has not been followed (e.g. “Point of Order...”)	Yes	No	No	No	Chair’s decision
6.	<b>Request Information</b> - to request additional information (e.g. “Point of information...”)	Yes	No	No	No	None
7.	<b>Refer</b> - to refer to a standing committee, staff or another committee and report back with a recommendation (e.g. “I move we refer this item to...”)	No	Yes	Yes	Yes	Majority

	To:	Interrupt Speaker:	Second Needed:	Debatable:	Amendable:	Vote Needed:
8.	<b>End Debate</b> - to end discussion and vote immediately (e.g. "I move that the vote be taken")	No	Yes	No	No	2/3 majority
9.	<b>Defer or Postpone to a certain time</b> - to allow time for further consideration (e.g. "I move we defer (or postpone) this matter until...")	No	Yes	Yes -Only as to the merit of the deferral/postponement	Yes	Majority
10.	<b>Defer or Postpone indefinitely</b> - avoidance of taking a vote on the matter (e.g. "I move we defer or postpone this matter indefinitely")	No	Yes	Yes	No	Majority
11.	<b>Limit or Extend Debate</b> - to provide a specific amount of time for discussion (e.g. "I move we...")	No	Yes	No	Yes	2/3 majority

12.	<b>Table</b> - to set aside temporarily, during the course of the meeting, to allow something of an urgent matter to be considered immediately (e.g. "I move that we table this item")	No	Yes	No	No	Majority
13.	<b>Remove from table</b> - to take up an item previously tabled (e.g. "I move we take _____ from the table")	No	Yes	No	No	Majority

	To:	Interrupt Speaker:	Second Needed:	Debatable:	Amendable:	Vote Needed:
14.	<b>Appeal</b> - to appeal the Chair's ruling on a matter to Council (e.g. "I move that the Chair be sustained")	Yes	No	No	No	Majority (or tie) sustains Chair's decision
15.	<b>Withdraw</b> - before debate begins, a main motion can be withdrawn or changed by the mover. After the debate begins, it belongs to Council which may withdraw or modify it by majority vote or unanimous consent (e.g. "In light of new information I withdraw the motion" or "I request permission to withdraw the motion"):	No	Yes	No	No	Majority
17.	<b>Raise a question of privilege</b> - a request to deal with something that affects the comfort of Council (or a single Member) (e.g. noise, room temperature or other distraction)	Yes (only if circumstances require; generally no)	No	No	No	Chair's decision
<u>OTHER</u>						
1.	<b>Community Planning Act Matters</b> - Where Council receives a report/recommendation for a denial of an application, a majority of the Members of Council must vote in favour of the by-law in order to make the by-law.					