

ROTHESAY

Special Council Meeting
Monday, November 25, 2024
6:00 pm



Electronic means of communication may be used

Public access to the Live stream will be available online:

<https://www.youtube.com/user/RothesayNB>

1. APPROVAL OF AGENDA

2. DRAFT 2025 Rothesay Budgets (Presentation by the Treasurer)

2.1 General Fund Capital and Operating Budgets 2025 Motions

20 November 2024 Memorandum from Treasurer MacDonald

2.2 Utility Fund Operating Budgets Motions

20 November 2024 Memorandum from Treasurer MacDonald

2.3 2025 Operating Budget Amendments

20 November 2024 Memorandum from Treasurer MacDonald

2.4 Draft 2025 General Operating Fund Budget

- General Operating Fund Draft Budget Highlights
- Draft 2025 General Operating Fund Budget
- Assessments and Tax Rates

2.5 Draft 2025 Utility Operating Fund Budget

- Utility Operating Fund Draft Budget Highlights
- Draft 2025 Utility Operating Fund Budget

2.6 General Capital Fund

- Highlights - General Capital Fund Budget
- 2025 Master General Capital Budget

2.7 Utility Capital Fund

- Highlights - Utility Capital Fund Budget
- 2025 Master Utility Capital Budget

3. Canada Community Building Fund (CCBF – formerly Gas Tax Fund)

20 November 2024 Memorandum from Treasurer MacDonald
2024-2028 Capital Investment Plan for the Canada Community Building Fund

4. Sagamore Heights – Letter of Credit Release

20 November 2024 Memorandum prepared by DO McLean

ROTHESAY

Special Council Meeting
Agenda

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25 November 2024

5. Code of Conduct for Elected Officials By-law 6-24

22 November 2024

Memorandum from Personnel Committee

DRAFT

By-law 6-24

6. NEXT MEETING

Monday, December 9, 2024 Regular Council meeting (7:00 p.m.)

7. ADJOURNMENT



ROTHESAY

INTEROFFICE MEMORANDUM



TO	:	Mayor and Council
FROM	:	Doug MacDonald, Treasurer
DATE	:	November 20, 2024
RE	:	Motions for General Fund Capital and Operating Budgets 2025

The finance committee recommends the following motions:

Motion: General Operating Fund

RESOLVED that the sum of **\$25,227,250** be the total operating budget of the local government, that the sum of **\$23,655,395** be the Warrant of the local government for the ensuing year, that the residential tax rate for the local government be **\$1.1700**, and that the non-residential tax rate for the local government be **\$1.989**.

The Council orders and directs the levying by the Minister of Local Government of said amount on real property liable to taxation under the *Assessment Act* within the local government of Rothesay.

RESOLVED that the 2025 budget of the Kennebecasis Public Library be approved at \$249,024 and the Rothesay contribution be approved as \$96,963.

RESOLVED that the 2025 operating budget of the Kennebecasis Valley Fire Department Inc. be approved at \$6,913,500 and the Rothesay contribution be approved as \$2,841,700.

RESOLVED that the 2025 capital budget of the Kennebecasis Valley Fire Department Inc. be approved at \$119,100 and the Rothesay contribution be approved as \$48,098.

RESOLVED that the 2025 operating budget of the Kennebecasis Regional Joint Board of Police Commissioners be approved at \$8,599,690 and the Rothesay contribution be approved as \$3,418,030.



ROTHESAY

INTEROFFICE MEMORANDUM



TO : Mayor and Council
FROM : Doug MacDonald, Treasurer
DATE : November 20, 2024
RE : Motions for Utility Fund Operating Budgets 2025

The finance committee recommends the following motions be adopted:

Motion: Utility Operating Fund

RESOLVED that pursuant to subsection 117(4) of the Local Governance Act, the total budget for the Water and Wastewater Utility for the ensuing year would consist of total revenues of \$4,243,000 and total expenditures of \$4,243,000

Motion:

RESOLVED that the Sewer Service Charge (Section 9) in schedule "B" of by-law 1-15 be \$525.00 per equivalent user unit.

Motion:

RESOLVED that the Water User Charges (Section 7) Fixed Component fee schedule "E" of by-law 1-18, page 1, be changed to the following rates:

Meter Size	Factor	Fixed Charge Per Qtr	Annual Charge
5/8	1.00	\$ 58.75	\$ 235.00
3/4	1.44	\$ 84.60	\$ 338.40
1	2.56	\$ 150.40	\$ 601.60
1-1/2	5.76	\$ 338.40	\$ 1,353.60
2	10.24	\$ 601.60	\$ 2,406.40
4	40.96	\$ 2,406.40	\$ 9,625.60
6	92.16	\$ 5,414.40	\$21,657.60
8	163.84	\$ 9,625.60	\$38,502.40

ROTHESAY

TO: Mayor and Council

FROM: Doug MacDonald

RE: Utility Budget Motions

2024 November 25 Special Open Session FINAL005

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November, 2024

Motion:

RESOLVED that the Water System Consumption Charges - schedule "E" of by-law 1-18, page 2, be changed to the following rates per quarter:

	Up to 96 m3	over 96 up to 800 m3	above 800m3
Single Family Residence	\$1.35	\$2.25	\$3.25
Residence with rental or self contained unit	\$1.35	\$2.25	\$3.25
Apt building up to 3 units	\$1.35	\$2.25	\$3.25
Townhouses – individual meters	\$1.35	\$2.25	\$3.25
Commercial	\$1.35	\$2.25	\$3.25

	Up to 72 m3/unit	over 72 up to 600 m3/unit	above 600m3/unit
Apt building 4 units or more	\$1.35	\$2.25	\$3.25
Townhouses group meters	\$1.35	\$2.25	\$3.25

	Up to 3,250 m3	over 3,250 m3
Institutional (schools)	\$1.35	\$2.25

Motion:

RESOLVED that the Standby Sprinkler Charges (Section 7) schedule "E" of by-law 1-18, page 1, be changed to the following rates

Meter Size	Annual Charge
4	\$1,150.00
6	\$1,450.00
8 or larger	\$1,750.00



ROTHESAY

MEMORANDUM



TO : Mayor and Council
FROM : Doug MacDonald, Treasurer
DATE : November 20, 2024
RE : 2025 Operating Budget Amendments

Draft 2025 operating budgets have been amended to reflect additional information received since the public presentation on October 28th.

We have received no comments from residents regarding either the General Fund nor the Utility Fund operating budgets as presented. However, we have received additional information from the province regarding our final assessment base. We have also reviewed the funding formulas with Quispamsis regarding the shared activities (fire, police and library) and modified our contribution accordingly.

The effect of these amendments is as follows:

General Fund	Original	Revised	Change
Revenue			
Warrant of assessment	\$22,262,389	\$23,655,395	\$1,393,006
Revision to the assessment base information			
Expenditures	Original	Revised	Change
General Government	\$3,150,657	\$3,161,057	\$10,400
Revision to assessment fee, addition of strategic plan and revised insurance estimate			
Protective Services	\$6,671,330	\$6,651,330	\$(20,000)
Revision to allocation formulas for shared services			
Transportation	\$4,387,234	\$4,402,234	\$15,000
Wage adjustment			
Recreation	\$3,010,840	\$3,017,766	\$6,926
Library amended budget and mis other changes			
Capital from Operating	\$4,250,000	\$5,400,000	\$1,150,000
Additional revenue allocated to capital from operating			

The revised operating budget includes a reduction of the base tax rate from \$1.19 per \$100 of assessed value to \$1.17. The offsetting expenditure reduction would be from "capital from operating" resulting in additional borrowing based upon the current draft capital plan (attached).



2025 MUNICIPAL REPORT / RAPPORT MUNICIPAL 2025

[RESET](#)

NOTE : THIS IS A POWER BI DASHBOARD FOR 2025 MUNICIPAL DETAILED REPORT / REMARQUE : C'EST UN TABLEAU DE BORD POWER BI POUR LE RAPPORT DÉTAILLÉ MUNICIPAL 2025.



MUNICIPALITIES (Multi-Select With CTRL) /
MUNICIPALITÉS (Sélection multiple avec CTRL)

438-TOWN-ROTHESAY



OF PROPERTIES
/ # DE COMPTES



5,062

OF ARM'S LENGTH
TRANSACTIONS / NOMBRE
DE TRANSACTIONS SANS
LIEN DE DÉPENDANCE



222

REQUESTS FOR REVIEW RECEIVED IN
2024 / STATISTIQUES DES RÉVISIONS
D'ÉVALUATION EN 2024

220

NUMBER OF RFRs REDUCED /
NOMBRE DE DDRs RÉDUITES

30.00%

66

NEW CONSTRUCTION
CONTRIBUTORY
VALUE / VALEUR CONTRIBUABLE
À LA NOUVELLE CONSTRUCTION



\$23.08M

ASSESSMENT BEFORE REVIEW /
ÉVALUATION AVANT LES RÉVISIONS

\$28.02M

ASSESSMENT AFTER REVIEW /
ÉVALUATION APRÈS LES RÉVISIONS

\$25.37M

VALUE CHANGE /
CHANGEMENT EN VALEUR

\$2.65M

2024 & 2025 ASSESSMENT BASE /
ASSIETTE D'ÉVALUATION 2024 ET 2025



● 2024 ● 2025

% CHANGE DUE TO NEW CONSTRUCTION /
CHANGEMENT DU À LA NOUVELLE CONSTRUCTION

1.28%

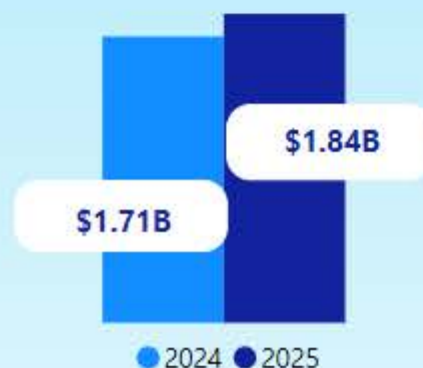
% CHANGE DUE TO REASSESSMENT /
CHANGEMENT DU À LA RÉ-ÉVALUATION

6.75%

% TOTAL CHANGE /
CHANGEMENT TOTAL

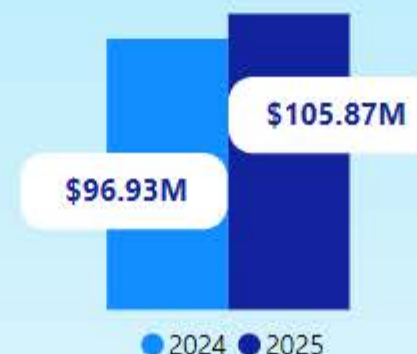
8.03%

2024 & 2025 RESIDENTIAL / RÉSIDENTIEL 2024 ET 2025



● 2024 ● 2025

2024 & 2025 NON RESIDENTIAL / NON RÉSIDENTIEL 2024
ET 2025



● 2024 ● 2025

2024 - 2025 DIFF

\$144.79M

8.03%

GENERAL OPERATING FUND

Draft BUDGET 2025 – HIGHLIGHTS

1. Total Operating Budget \$25.3 million
2. Assume 8.03% increase in aggregate property tax assessments including 1.28% related to new construction
3. A two cent reduction of the base rate to \$1.17 per \$100 of assessment
4. Maintain the mark-up % re non-residential properties at 170%.
5. No significant changes to other revenue sources
6. Aggregate warrant of assessment = \$23,655,395
7. Core equalization funding decrease of \$26,195 (year 3 of 5)

8. **General Government** includes the administrative costs, insurance and other overhead expenditures and has an increase of approximately 8.11% primarily due to increases in professional fees, FRSC charges and the “cost of assessment”

5. **Protective Services** budgets reflect the submissions from the Fire and Police Boards
 - KVFD - \$2,890,000 – increase of 1.74% (including capital expenditures)
 - KRJBPC - \$3,418,030 – increase of 1.34%

6. **Transportation Services** includes costs the works dept, snow removal contracts, salt expenditures and expected wage adjustments – an aggregate increase of 4.55%
 - Snow removal contract increase of \$100,000
 - Fleet maintenance cost increases as the equipment ages

GENERAL OPERATING FUND

Draft BUDGET 2025 – HIGHLIGHTS

7. **Environmental Health Services** includes garbage collection and disposal fees
8. **Environmental Development Services** – includes planning dept salary and projects as well as Envision SJ re Economic Development
9. **Recreation & Cultural Services** reflect an increase of 4.60% to reflect costs including the maintenance of trail infrastructure, regional facilities, parks, etc.
 - Addition of one full time staff member and increased cost of seasonal workers
 - Additional expenditures related to building additions (ie Wells Canopy)
10. **Fiscal Services** includes debt service costs and an increase in the funding of capital projects
 - New debenture costs related to fire station renovations and the Clark/Gondola Point road intersection
 - Capital funding from operations maintained at \$5.4 million to reflect cost of capital projects

GENERAL OPERATING FUND

Draft BUDGET 2025 – HIGHLIGHTS

Total proposed expenditures by category are as follows: % of total Budget

General Government Services	\$ 3,161,000	12.5%
Protective Services	\$ 6,651,000	26.4%
Transportation Services	\$ 4,402,000	17.4%
Environmental Health Services	\$ 995,000	3.9%
Environmental Development (planning)	\$ 724,000	2.9%
Recreation and Cultural Services	\$ 3,018,000	12.0%
Fiscal Services (P&I)	\$ 876,000	3.6%
Capital Expenditures	\$ 5,400,000	21.3%

Town of Rothesay**2025 General Fund Operating Budget**

	Actual <u>2023</u>	BUDGET <u>2024</u>	BUDGET <u>2025</u>
REVENUE			
Warrant of Assessment	<u>20,123,778</u>	<u>22,262,389</u>	<u>23,655,395</u>
Sale of Services	549,501	474,300	568,750
Services to Province of New Brunswick	85,362	80,000	80,000
Other Revenue from Own Sources	519,823	142,008	114,350
Core Equalization	<u>104,778</u>	<u>78,583</u>	<u>52,389</u>
Conditional Transfers	1,238,961	51,500	46,750
Other Transfers	1,456,120	677,470	709,616
	<u>\$24,078,322</u>	<u>\$23,766,250</u>	<u>\$25,227,250</u>
EXPENSES			
General Government Services	2,559,165	2,923,971	3,161,057
Protective Services	6,168,934	6,623,275	6,651,330
Transportation Services	3,616,581	4,210,726	4,402,284
Environmental Health Services	951,525	1,032,360	995,000
Environmental Development	567,455	753,090	723,872
Recreation & Cultural Services	2,511,009	2,884,957	3,017,766
Fiscal Services	<u>7,594,037</u>	<u>5,337,872</u>	<u>6,275,941</u>
	<u>\$23,968,705</u>	<u>\$23,766,250</u>	<u>\$25,227,250</u>
Surplus (Deficit) for the Year	<u>\$109,617</u>	<u>\$0</u>	<u>\$0</u>

	Actual 2023	BUDGET 2024	DRAFT BUDGET 2025
REVENUE			
Sale of Services			
Bill McGuire Memorial Centre	40,815	25,000	40,000
Town Hall Rent	110,742	100,000	121,600
Community Garden	3,360	900	1,000
Wells Canopy	0	0	12,000
Fox Farm Rental	20,000	21,000	23,400
Arena Revenue	259,654	214,900	245,500
Recreation Programs	114,930	112,500	125,250
	549,501	474,300	568,750
Other Revenue from Own Sources			
Licenses & Permits	299,014	82,500	57,600
Recycling Dollies & Lids	908	800	42
Interest & Sundry	194,870	32,000	30,000
Miscellaneous	8,323	10,000	10,000
Fire Dept. Administration	12,000	12,000	12,000
Local Improvement Levy Mulberry Lane	4,708	4,708	4,708
	519,823	142,008	114,350
Conditional Transfers			
Canada Day Grant	1,920	1,500	1,750
Grant - Other	1,186,859	0	0
Grant - Students	50,182	50,000	45,000
	1,238,961	51,500	46,750
Other Transfers			
Surplus of 2nd Previous Year	274,070	128,845	109,616
Transfer from reserves	659,550		
Utility Fund Transfer	522,500	548,625	600,000
	1,456,120	677,470	709,616

	Actual 2023	BUDGET 2024	DRAFT BUDGET 2025
EXPENSES			
General Government Services			
Legislative			
Mayor	41,143	60,000	55,000
Councillors	132,458	155,983	154,610
Regional Service Commission 9	15,076	27,915	45,895
Other	8,793	23,500	37,301
	<u>197,470</u>	<u>267,398</u>	<u>292,806</u>
Administrative			
Administration - Wages & Benefits	1,162,922	1,193,550	1,397,409
Office Building	210,443	180,871	203,500
Supplies	154,903	184,000	210,600
Solicitor	38,525	50,000	50,000
Professional Fees	11,732	110,000	100,000
Other	117,582	119,018	116,598
	<u>1,696,107</u>	<u>1,837,439</u>	<u>2,078,107</u>
Other General Government Services			
Website/Other	2,611	3,000	3,000
Community Communications (Team)	3,699	63,500	65,500
Civic Relations	2,026	1,000	1,500
Insurance	278,436	330,201	272,900
Donations	22,703	36,500	36,500
Cost of Assessment	324,536	362,933	388,127
Property Taxes - L.P.P.	17,410	18,000	18,617
Fox Farm Rental Expenses	14,167	4,000	4,000
	<u>665,588</u>	<u>819,134</u>	<u>790,144</u>
Total General Government Services	<u>2,559,165</u>	<u>2,923,971</u>	<u>3,161,057</u>

	Actual 2023	BUDGET 2024	DRAFT BUDGET 2025
Protective Services			
Police			
Police Protection	3,256,798	3,372,789	3,418,030
Crime Stoppers	2,800	2,800	2,800
	<u>3,259,598</u>	<u>3,375,589</u>	<u>3,420,830</u>
Fire			
Fire Protection	2,575,671	2,860,186	2,890,000
Water Costs Fire Protection	330,000	335,000	335,000
	<u>2,905,671</u>	<u>3,195,186</u>	<u>3,225,000</u>
Emergency Measures			
EMO Director/Committee	0	50,000	1,000
	<u>0</u>	<u>50,000</u>	<u>1,000</u>
Other			
Animal & Pest Control	3,665	2,500	3,500
Other	0	0	1,000
	<u>3,665</u>	<u>2,500</u>	<u>4,500</u>
Total Protective Services	<u>6,168,934</u>	<u>6,623,275</u>	<u>6,651,330</u>

	Actual 2023	BUDGET 2024	DRAFT BUDGET 2025
Transportation Services			
Common Services			
Administration (Wages & Benefits)	1,356,639	1,648,000	1,723,500
Workshops, Yards & Equipment	848,768	824,261	801,261
Engineering	17,841	7,500	7,500
	<u>2,223,248</u>	<u>2,479,761</u>	<u>2,532,261</u>
Roads & Streets	71,547	77,000	67,000
Crosswalks & Sidewalks	16,075	35,570	36,850
Culverts & Drainage Ditches	105,525	100,000	100,000
Street Cleaning & Flushing	17,611	10,000	10,000
Snow & Ice Removal	864,561	1,172,000	1,267,000
Flood Costs	2,586	0	0
	<u>1,077,905</u>	<u>1,394,570</u>	<u>1,480,850</u>
Street Lighting	151,763	150,000	190,000
Traffic Services			
Street Signs	9,361	15,000	20,000
Traffic Lanemarking	32,120	35,000	40,000
Traffic Signals	23,325	20,000	20,000
Railway Crossing	22,167	25,000	26,000
	<u>86,973</u>	<u>95,000</u>	<u>106,000</u>
Public Transit			
Public Transit - Comex Service	74,940	88,895	90,673
Public Transit - Other	1,752	2,500	2,500
	<u>76,692</u>	<u>91,395</u>	<u>93,173</u>
Total Transportation Services	<u>3,616,581</u>	<u>4,210,726</u>	<u>4,402,284</u>

	Actual 2023	BUDGET 2024	DRAFT BUDGET 2025
Recreation & Cultural Services			
Administration	447,307	439,500	493,600
Beaches	59,872	64,000	66,500
Rothsay Arena	419,803	380,500	409,500
Memorial Centre	91,702	72,850	76,000
Summer Programs	81,385	98,000	101,225
Parks & Gardens	679,752	868,000	857,750
Rothsay Common Rink	74,521	96,150	102,500
Wells Bdlg	4,655	44,500	54,505
Train Station	0	29,600	2,225
Playgrounds and Fields	126,775	134,000	156,500
The Hive expenses	10,133	14,500	18,650
Regional Facilities - Operating	360,560	334,675	329,491
Regional Facilities - Capital	16,240	157,688	199,357
Kennebecasis Public Library	89,932	98,994	96,963
Special Events	40,557	44,000	45,500
PRO Kids	7,500	7,500	7,500
Rothsay Living Museum	315	500	0
	2,511,009	2,884,957	3,017,766

	Actual 2023	BUDGET 2024	DRAFT BUDGET 2025
Environmental Health Services			
Solid Waste Disposal Land Fill garbage	235,704	248,360	300,000
Solid Waste Disposal Landfill Compost	32,067	40,000	40,000
Solid Waste Collection Fero	647,103	700,000	615,000
Solid Waste Recycling bins	13,654	4,000	0
Clean Up Campaign	22,997	40,000	40,000
	951,525	1,032,360	995,000
Environmental Development Services			
Planning & Zoning			
Administration	344,490	579,000	564,500
Planning Projects	16,333	25,000	10,000
Heritage Committee	0	5,000	0
	360,823	609,000	574,500
Envision Saint John	191,576	139,090	147,372
Tourism	15,056	5,000	2,000
	206,632	144,090	149,372
	567,455	753,090	723,872

	Actual 2023	BUDGET 2024	DRAFT BUDGET 2025
Fiscal Services			
Debt Charges			
Interest	223,872	223,872	204,941
Debenture Payments	667,000	714,000	671,000
	<u>890,872</u>	<u>937,872</u>	<u>875,941</u>
 Transfers To:			
Capital Fund for Capital Expenditures	4,519,371	4,250,000	5,400,000
Capital Projects Funded by Grants			
Reserve Funds	1,045,265	150,000	0
	<u>5,564,636</u>	<u>4,400,000</u>	<u>5,400,000</u>
	 <u>6,455,508</u>	 <u>5,337,872</u>	 <u>6,275,941</u>

Town of Rothesay

Assessments and Tax Rates

Municipal Tax Base For Rate:

Residential

Non-residential

Non-Residential Multiplier (1.4 - 1.7)

Municipal Tax Base For Rate:

Tax Rate

Warrant of Assessment

A one cent increase in the tax rate raises:

Cost of Assessment

Percentage Change

Assessment increase

Tax rate decrease

2023
\$ 1,536,293,200
\$ 91,047,400

1.7

2023
\$ 1,691,073,780

1.1900

\$ 20,123,778

\$ 169,107

\$ 328,068

2023
11.61%

-0.83%

10.68%

2024
\$ 1,706,003,600
\$ 96,932,600

1.5
1.7

2024
\$ 1,851,402,500

1.1900

\$ 22,031,690

\$ 185,140

\$ 359,172

2024
11.83%

0.00%

11.83%

2025
\$ 1,841,854,900
\$ 105,866,900

1.5
1.7

2025
\$ 2,000,655,250

1.1700

\$ 23,407,666

\$ 200,066

\$ 388,127

2025
8.07%

-1.68%

6.26%

2024 Property tax rates		Owner Occupied Residential	Non Owner Occupied Residential	Non-residential 170%
Municipal rate - Rothesay		\$ 1.1900	\$ 1.1900	\$ 2.0230
Provincial Rate		\$ -	\$ 0.5617	\$ 1.8560
Cost of assessment		\$ 0.0194	\$ 0.0194	\$ 0.0194
Total		\$ 1.2094	\$ 1.7711	\$ 3.8984
2025 Property tax rates		Owner Occupied Residential	Non Owner Occupied Residential	Non-residential 170%
Municipal rate - Rothesay		\$ 1.1700	\$ 1.1700	\$ 1.9890
Provincial Rate		\$ -	\$ 0.5617	\$ 1.8560
Cost of assessment		\$ 0.0194	\$ 0.0194	\$ 0.0194
Total		\$ 1.1894	\$ 1.7511	\$ 3.8644



UTILITY OPERATING FUND BUDGET 2025 HIGHLIGHTS

1. Total Revenue \$4,243,000
2. Revenue from sale of water of \$1,160,000 includes a 4.5% increase in rates
(base water rate - \$1.35 per cubic metre and \$235 per annum fixed fee)
3. Revenue from sewerage services \$2,400,000 includes a 10.5% increase of \$50 to
an annual base rate of \$525 per equivalent user per year
4. Aggregate “typical” residential utility fees total approximately \$1,130 annually
5. Total operating expenses, including debt service charges but excluding capital from
operating, increased to \$3,393,000 (7.37%)
6. Increase in fiscal services to reflect increase in debenture payments from 2024
capital projects
7. Capital from Operating increased to \$775,000

- Expenses:	2025	2024
Water Supply	\$ 1,372,000	\$ 1,287,650
Sewer Collection and Disposal	1,093,000	1,040,675
Fiscal Services	<u>928,000</u>	<u>831,675</u>
Total	<u>\$ 3,393,000</u>	<u>\$ 3,160,000</u>

- Revenue:	2025	2024
Water services	\$ 1,160,000	\$ 1,165,000
Sewerage services	2,400,000	2,154,300
Other Revenue	<u>683,000</u>	<u>665,700</u>
	<u>\$ 4,243,000</u>	<u>\$ 3,985,000</u>

Town of Rothesay

2024 November 25 Special Open Session FINAL 023

2025 UTILITY OPERATING FUND BUDGET

	Projected 2024 Actual	2024 Budget	2025 Budget	
REVENUE				
1 Sale of Water	\$ 1,141,470	\$ 1,165,000	\$ 1,160,000	4.5%
2 Water Connection Fees	110,000	50,000	50,000	
3 Meter and Non-Hookup Fees	64,020	63,500	62,000	
4 Water Supply for Fire Protection	335,000	335,000	340,000	
5 Sewerage Services	2,183,893	2,154,283	2,400,000	10.0%
6 Sewer Connection Fees	75,000	25,000	25,000	
7 Infrastructure grants	681,076			
8 Interest Earned	110,000	90,000	100,000	
9 Developer payments	31,390			
10 Prior Years surplus	33,993	33,993	40,521	
11 Local improvement levy	58,881	59,000	59,000	
12 Misc Revenue (meter reading)	6,062	9,224	6,479	
TOTAL REVENUE	\$ 4,830,785	\$ 3,985,000	\$ 4,243,000	

EXPENDITURES

WATER SUPPLY				
13 Share of Overhead Expenses	219,450	219,450	240,000	
Wages and benefits	230,000	240,000	250,000	
14 Profess. Fees/Legal/Training	16,000	16,000	16,000	
15 Purification/Treatment	726,935	568,000	615,000	
16 Water Purchased	1,500	1,200	1,750	
17 Trans/Distribution	80,000	130,000	130,000	
18 Power & Pumping	56,000	56,000	65,000	
19 Billing and Collections	2,500	5,000	3,118	
20 Other Expenses	40,000	32,000	35,000	
McGuire Road Operating		20,000	16,000	
TOTAL WATER SUPPLY	\$ 1,372,385	# \$ 1,287,650	\$ 1,371,868	

SEWERAGE COLLECTION AND DISPOSAL				
21 Share of Overhead Expenses	329,175	329,175	360,000	
Wages and benefits	360,000	360,000	375,000	
22 Profess. Fees/Legal/Training	15,000	15,000	15,000	
23 Collection System	50,000	105,000	98,000	
24 Lift Stations	110,000	82,500	85,000	
25 Treatment/Disposal	95,000	121,000	125,000	
26 Other Expenses	30,000	28,000	35,000	
TOTAL SEWERAGE COLL & DISP	989,175	1,040,675	1,093,000	

\$ 2,361,560 \$ 2,328,325 \$ 2,464,868

FISCAL SERVICES				
27 Interest on Short Term Loans		2,026	75,000	
28 Interest on Long Term Debt- Water	127,737	127,737	116,504	
29 Interest on Long Term Debt- Sewer	136,477	136,477	144,028	
30 Principal Repayment- Water	346,133	346,133	355,639	
31 Principal Repayment- Sewer	219,302	219,302	236,961	
32 New Debenture		-	-	
33	829,649	831,675	928,132	
34				
35 Trf to Reserves - connect fees	110,000	75,000	75,000	
36 Trf to Reserves-Dev infrastruc.	681,076			
37 Trsfr to Reserve Accts - other	5,686			
38 Capital Fund	750,000	750,000	775,000	
39 Prev Yrs Deficits				
TOTAL FISCAL SERVICES	\$ 2,376,411	\$ 1,656,675	\$ 1,778,132	

TOTAL EXPENSES	\$ 4,737,971	\$ 3,985,000	\$ 4,243,000
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NET INCOME (LOSS)	\$ 92,814	\$ 0	\$ 0
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Town of Rothesay

Rotherhay Utility Charges

Typical user	2023	2024	2025
Fixed	\$ 215.00	\$ 225.00	\$ 235.00
		4.65%	4.44%
Usage @ 275 m3	1.24	1.29	1.35
	341.00	354.75	371.25
		4.03%	4.65%
	556.00	579.75	606.25
		4.27%	4.57%
Sewer	435.00	475.00	525.00
		9.20%	10.53%
	\$ 991.00	\$ 1,054.75	\$ 1,131.25
		6.43%	7.25%
	5.48%	6.43%	7.25%



2024 November 25 Special Open Session FINAL 025

ROTHESAY

INTEROFFICE MEMORANDUM



TO	:	Mayor and Council
FROM	:	Doug MacDonald, Treasurer
DATE	:	November 20, 2024
RE	:	Motions for Capital Budgets 2025

The Finance Committee has recommended the following motions be adopted:

Motion: Utility Capital Fund

RESOLVED that the Utility Fund 2025 Capital Budget of \$11,735,000 be approved.

Motion: General Capital Fund

RESOLVED that the General Fund 2025 Capital Budget of \$11,284,500 be approved.



2024 November 25 Special Open Session FINAL 026
ROTHESAY
MEMORANDUM



TO	Mayor and Council
FROM	Doug MacDonald
DATE	November 20, 2024
RE	Capital Budget Discussions

Enclosed for discussion are the following:

1. Proposed 2025 Capital Budgets (General and Utility)

Discussion

The 2025 Capital Budget process begins with an analysis of the expenditures in fiscal 2024 to determine funds available from reserve accounts and budgeted projects to be carried forward to the 2025 fiscal period. Reserve motion recommendations will be finalized for the December meeting of Council.

The process for determining the draft capital budgets includes input from senior staff, Council priorities and various committees as well as condition surveys, master plans, etc.. Once proposed projects are finalized Finance reviews to determine funding sources. The objective being for most "regular" type expenditures such as street resurfacing and/or smaller projects funding, where available, be sourced from operating revenues. The operating budgets include an aggregate of \$5.4 million from the General Fund and \$775,000 from the Utility Fund. Other sources of revenue include reserves, including the "CCBF" reserve, grants, and debt.

The attached General Fund capital project listing also includes larger projects identified by Council and/or staff for which precise estimates nor funding have been determined, as information. The final capital plans are not likely to include these projects until more details can be provided, including potential funding sources.

The attached Utility Fund capital project list includes the next phase of the wastewater treatment facility. This project and the related funding will extend over a three year period.



ROTHESAY

GENERAL CAPITAL FUND BUDGET 2025 – HIGHLIGHTS

1. Total Capital Budget of \$11.285 million
2. Projects funded by operating revenue, CCBF and reserves, grants, and debt.
3. **Transportation**
 - Street surfacing of \$1.888 million
 - Joshua St
 - Willie St
 - Bel Air Avenue
 - Brock Court
 - Turnbull Court
 - Millenium Drive
 - Sidewalk/curb projects of \$380,000 – Dobbin St.
 - Rothesay Road PMHP - \$903,000
 - Wiljac Improvements - \$1.7 million (preliminary estimate)
 - Fleet plan includes \$866,000 million to purchase plow truck, works vehicles, chipper and sidearm mower
4. **Recreation**
 - Arthur Miller Field replacement - \$1.5 million
 - Parks equipment \$640,000
 - Wells park lighting - \$365,000
 - Wells connector trail and sidewalks - \$2.8 million

Town of Rothesay

Capital Plan Summary
General Fund

2025

Services

	Total	Operating	Reserves	CCBF	Grants	Borrow
GENERAL GOVERNMENT						
Building	85,000	85,000	-	-	-	-
IT equipment	21,500	21,500	-	-	-	-
	106,500	106,500	-	-	-	-
TRANSPORTATION						
Street surfacing (per approved list)	1,888,000	1,478,000		440,000		
Curb & Sidewalks	380,000	130,000	-	250,000		
Storm Drainage	130,000			130,000		
Buildings	71,000	71,000				
Fleet / Equipment	866,000	866,000				
PMHP - Rothesay Road	903,000	226,000			677,000	
Wiljac improvements	1,700,000	917,500				782,500
Renforth Property study	50,000	50,000				
Carry forwards:						
Salt Shed expansion	185,000		185,000			
	6,173,000	3,738,500	185,000	820,000	677,000	782,500
RECREATION						
Arthur Miller Upper Field	1,500,000	1,000,000			500,000	
Wells Recreation Park Tennis Court Conversion 1	80,000	80,000				
Wells service building	60,000	60,000				
Lighting for Wells Softball Field	300,000	150,000			150,000	
Wells light standards	65,000	65,000				
Replace granite on Common benches	10,000	10,000				
Parks Equipment	40,000	40,000				
Banner arms for Hampton Road	10,000	10,000				
Arena compressor	100,000	100,000				
Arena Floor scrubber	5,000	5,000				
McGuire	20,000	20,000				
Jordan Miller Park	15,000	15,000				
Wells Connector	2,800,000	-				2,800,000
	5,005,000	1,555,000	-	-	650,000	2,800,000
Total Capital Expenditures	\$ 11,284,500	\$ 5,400,000	\$ 185,000	\$ 820,000	\$ 1,327,000	\$ 3,582,500
Available		\$ 5,400,000				\$ 11,314,500
		\$ -				



UTILITY CAPITAL FUND BUDGET 2025 – HIGHLIGHTS

1. Capital Budget totals \$11.735 million;
2. The water budget of \$1,615,000 includes the following:
 - Filter treatment train completion and building upgrades - \$375,000
 - Treatment effluent tank re-lining - \$100,000
 - Turnbull Court water - \$300,000
 - Wiljac upgrades (water and sewer) - \$800,000
3. The sewer budget of \$10.120 million includes the following:
 - Design and the construction component relating to a new Wastewater Treatment Facility on Maliseet Drive - \$10 million
 - Frances Avenue lift station - \$120,000

UTILITY CAPITAL PLAN - 2025**WATER CAPITAL PLAN – 2025**

	2025	Reserves	Grants	CCBF	Operating	Borrow
Filter building treatment train addition	\$ 100,000		\$	-	\$ 100,000	
Upgrade to support Filter building treatment train addition	275,000	-		250,000	25,000	
Treatment Effluent Tank re-lining	100,000				100,000	
Turnbull Court water	300,000			300,000		
Filter Building Heat system upgrade	40,000				40,000	
Wiljac improvement utility (water and sewer)	800,000				390,000	410,000
	<u>\$ 1,615,000</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 550,000</u>	<u>\$ 655,000</u>	<u>\$ 410,000</u>

SEWER CAPITAL PLAN – 2025

WWTF Phase 2 design and construction	10,000,000		7,333,000	-	-	2,667,000
Frances Avenue Lift Station replacement	120,000			-	120,000	
	<u>\$ 10,120,000</u>	<u>-</u>	<u>7,333,000</u>	<u>-</u>	<u>120,000</u>	<u>2,667,000</u>
	<u>\$ 11,735,000</u>	<u>\$ -</u>	<u>\$ 7,333,000</u>	<u>\$ 550,000</u>	<u>\$ 775,000</u>	<u>\$ 3,077,000</u>
	Available					775,000



ROTHESAY

MEMORANDUM



TO : Mayor and Council
FROM : Doug MacDonald
DATE : November 20, 2024
RE : CCBF Five Year Plan

Recommendation

The Finance committee recommend the following motion:

The document entitled *Rothesay Five-Year Capital Investment Plan* for the Canada Community Building Fund (CCBF) 2024 - 2028 be adopted".

Background

The Agreement on the Canada Community-Building Fund with Local Governments requires a motion from Council to adopt a five year capital investment plan to allocate funds to eligible projects.

The requirements of the most recent agreement include much more specific spending plans than the prior agreements. Therefore, staff has drafted a five year spending plan consistent with the requirements of the funding agreement.

Per the agreement, each project, as required, will contribute toward achieving the following program benefits:

- a) beneficial impacts on communities of completed eligible projects, supported by specific outcomes;
- b) the impact of CCBF as a predictable source of funding;
- c) progress made on improving Local Government planning and asset management; and
- d) a description of how CCBF funding has alleviated housing pressures tied to infrastructure gaps and contributed to housing supply and affordability outcomes.

The attached document lists the specific projects including enhancements to the water plant and delivery systems, reconstructing and repaving of various streets, and upgrades to recreation facilities. We have also identified the estimated funding required for each project.



ROTHESAY

**2024-2028 Capital Investment Plan for the Canada
Community-Building Fund (CCBF)**

INTRODUCTION

Rothsay_ has prepared a Five-Year Capital Investment Plan for the years 2024 – 2028 respecting the *Agreement on the Canada Community-Building Fund with Local Governments*. Each project will contribute towards achieving the following program benefits:

- a) beneficial impacts on communities of completed eligible projects, supported by specific outcomes examples in communities;
- b) the impact of CCBF as a predictable source of funding;
- c) progress made on improving Local Government planning and asset management, including development or update of Housing Needs Assessments; and
- d) a description of how CCBF funding has alleviated housing pressures tied to infrastructure gaps and contributed to housing supply and affordability outcomes.

CAPITAL INVESTMENT PLAN CONTENT

The capital investment plan for the Canada Community Building Fund (CCBF) includes the following:

1. Certified copy of the resolution from Council adopting the CCBF Five-Year Capital Investment Plan of the local government.
2. Each project will include the following information: project name, category, description, geo-location, proposed output and outcome indicators, projected start and end dates, proposed funding sources, and indicate if the project enables housing. Also indicate if an Environmental Impact Assessment (EIA) or a tender are required for each project

Rothsay

**FIVE-YEAR CAPITAL INVESTMENT PLAN
FOR THE CANADA COMMUNITY BUILDING FUND (CCBF)**

2024 - 2028

RESOLUTION

November 12, 2024 Moved by Deputy Mayor Alexander and seconded by councilor _____ "that the document entitled Rothsay *Five-Year Capital Investment Plan* for the Canada Community Building Fund (CCBF) 2024 - 2028 be adopted".

Motion Carried

I certify that the above resolution of the council of Rothsay was adopted while in *regular/special* session November 12, 2024.

(SEAL)

CLERK
Rothsay

PROJECTS

1) Chatwin Street Reconstruction

Select the project category: Local Roads and Bridges

Please see APPENDIX A for reference.

Project Description: (Brief and to the point description)

Reconstruction of Chatwin Street in the "Wells" area of Rothesay, including road bed and surface paving.

Please identify the location of the project:
For several projects, this will be the latitude/longitude coordinates of the capital asset. For projects with linear infrastructure, this will be a series of coordinates indicating the linear path of the asset.

Project location	Unique location or Starting point		End (when linear project only)	
	Latitude	Longitude	Latitude	Longitude
Project location (e.g street location)				
Chatwin Street	65.95290000	45.39110000	65.94850000	45.39540000

Please indicate proposed output indicator(s) and proposed outcome indicator(s) below. It is important to note that all project categories must correlate with the project category selected below the project name.

Proposed Output Indicator(s):
An Output is an immediate, easily measured result of a project. Outputs typically consist of tangible capital assets that are built, improved, or have materialized as a direct result of project funding. It indicates things that have been constructed, produced, bought, delivered, it answers the 'what' question, and ideally the 'where' is provided in the geodata column. The output indicator is the data point collected in order to measure and report on the tangible asset.

Project Category	Output
Local Roads and Bridges	Length of increased or improved roads, highways, bridges, tunnels, and active transportation corridors

Proposed Outcome Indicator(s):
An outcome is a statement of an expected result, impact or benefit. The outcome indicator is the data point collected in order to measure and report on the result.

Project Category	Outcome
Local Roads and Bridges	Increase in estimated service life of infrastructure

Check box if this project enables housing: ☐
Housing units enabled is a measure of increased capacity for potential housing development as a result of the infrastructure investment made and, in some cases, where CCBF funding contributed directly to housing development.

Identify projected start and end dates:

Projected Start Date: 2024-01-01
YYYY-MM-DD

Projected End Date: 2024-12-31
YYYY-MM-DD

Project Funding Allocations

Please indicate a projected amount in the proper year under each applicable funding source.

	CCBF Contribution	Provincial	Municipal	Private Sector	CCBF Interest	Other	Source of Other	Total Cost
2024	\$ 450,000.00		\$ 50,000.00					\$ 500,000.00
2025								\$ -
2026								\$ -
2027								\$ -
2028								\$ -
Grand Total	\$ 450,000.00	\$ -	\$ 50,000.00	\$ -	\$ -	\$ -		\$ 500,000.00

Environmental Impact Assessment Required ☐

Tender Required ☒

PROJECTS

2) Water Plant Pumping Upgrade

Select the project category:

Please see APPENDIX A for reference.

Project Description: (Brief and to the point description)

Pumping upgrade to the Rothesay drinking water plant.

Please identify the location of the project:
For several projects, this will be the latitude/longitude coordinates of the capital asset. For projects with linear infrastructure, this will be a series of coordinates indicating the linear path of the asset.

Project location	Unique location or Starting point		End (when linear project only)	
Project location (e.g. street location)	Latitude	Longitude	Latitude	Longitude
26 McGuire Road, Rothesay	65.97870000	45.37790000	65.97870000	45.37790000

Please indicate proposed output indicator(s) and proposed outcome indicator(s) below. It is important to note that all project categories must correlate with the project category selected below the project name.

Proposed Output Indicator(s):
An Output is an immediate, easily measured result of a project. Outputs typically consist of tangible capital assets that are built, improved, or have materialized as a direct result of project funding. It indicates things that have been constructed, produced, bought, delivered; it answers the 'what' question, and ideally the 'where' is provided in the geodata column. The output indicator is the data point collected in order to measure and report on the tangible asset.

Project Category	Output
Drinking Water	Number of increased or improved drinking water facilities and installations

Proposed Outcome Indicator(s):
An outcome is a statement of an expected result, impact or benefit. The outcome indicator is the data point collected in order to measure and report on the result.

Project Category	Outcome
Drinking Water	Change in total drinking water treatment capacity

Check box if this project enables housing: ☐
Housing units enabled is a measure of increased capacity for potential housing development as a result of the infrastructure investment made and, in some cases, where CCBF funding contributed directly to housing development.

Identify projected start and end dates:

Projected Start Date: Projected End Date:

YYYY-MM-DD YYYY-MM-DD

Project Funding Allocations

Please indicate a projected amount in the proper year under each applicable funding source.

	CCBF Contribution	Provincial	Municipal	Private Sector	CCBF Interest	Other	Source of Other	Total Cost
2024	\$ 250,000.00		\$ 27,000.00					\$ 277,000.00
2025								\$ -
2026								\$ -
2027								\$ -
2028								\$ -
Grand Total	\$ 250,000.00	\$ -	\$ 27,000.00	\$ -	\$ -	\$ -		\$ 277,000.00

Environmental Impact Assessment Required ☐

Tender Required ☐

PROJECTS

3) Lighting upgrade - Wells recreation park

Select the project category: Recreation Infrastructure

Please see APPENDIX A for reference

Project Description: (Brief and to the point description)

Installation of lights at the softball field in the Wells recreation park.

Please identify the location of the project:
For several projects, this will be the latitude/longitude coordinates of the capital asset. For projects with linear infrastructure, this will be a series of coordinates indicating the linear path of the asset.

Project location Project location (e.g street location)	Unique location or Starting point		End (when linear project only)	
	Latitude	Longitude	Latitude	Longitude
75 French Village Road	65.94490000	45.38120000	65.94870000	45.38210000

Please indicate proposed output indicator(s) and proposed outcome indicator(s) below. It is important to note that all project categories must correlate with the project category selected below the project name.

Proposed Output Indicator(s):
An Output is an immediate, easily measured result of a project. Outputs typically consist of tangible capital assets that are built, improved, or have materialized as a direct result of project funding. It indicates things that have been constructed, produced, bought, delivered, it answers the 'what' question, and ideally the 'where' is provided in the geodata column. The output indicator is the data point collected in order to measure and report on the tangible asset.

Project Category	Output
Recreation Infrastructure	Size of increased or improved public buildings and installations

Proposed Outcome Indicator(s):
An outcome is a statement of an expected result, impact or benefit. The outcome indicator is the data point collected in order to measure and report on the result.

Project Category	Outcome
Recreation Infrastructure	Number of increased or improved public events

Check box if this project enables housing: ☐
Housing units enabled is a measure of increased capacity for potential housing development as a result of the infrastructure investment made and, in some cases, where CCBF funding contributed directly to housing development.

Identify projected start and end dates:

Projected Start Date

2024-01-01

YYYY-MM-DD

Projected End Date

2024-12-31

YYYY-MM-DD

Project Funding Allocations

Please indicate a projected amount in the proper year under each applicable funding source.

	CCBF Contribution	Provincial	Municipal	Private Sector	CCBF Interest	Other	Source of Other	Total Cost
2024	\$ 150,000.00		\$ 31,000.00					\$ 181,000.00
2025								\$ -
2026								\$ -
2027								\$ -
2028								\$ -
Grand Total	\$ 150,000.00	\$ -	\$ 31,000.00	\$ -	\$ -	\$ -		\$ 181,000.00

Environmental Impact Assessment Required ☐

Tender Required ☐

PROJECTS**4) 2025 Street Resurfacing Program****Select the project category:** Local Roads and Bridges

Please see APPENDIX A for reference.

Project Description: (Brief and to the point description)

Resurfacing (paving) of local roads and Carriage Way sidewalk.

Please identify the location of the project:

For several projects, this will be the latitude/longitude coordinates of the capital asset. For projects with linear infrastructure, this will be a series of coordinates indicating the linear path of the asset.

Project location	Unique location or Starting point		End (when linear project only)	
Project location (e.g. street location)	Latitude	Longitude	Latitude	Longitude
Brock Court	65.99180000	45.38770000	65.99250000	45.38680000
Millenium Drive	65.96560000	45.39480000	65.95260000	45.40320000
Tumbull Court	65.99930000	45.37880000	66.00200000	45.37950000

Please indicate proposed output indicator(s) and proposed outcome indicator(s) below. It is important to note that all project categories must correlate with the project category selected below the project name.

Proposed Output Indicator(s):

An Output is an immediate, easily measured result of a project. Outputs typically consist of tangible capital assets that are built, improved, or have materialized as a direct result of project funding. It indicates things that have been constructed, produced, bought, delivered; it answers the 'what' question, and ideally the 'where' is provided in the geodata column. The output indicator is the data point collected in order to measure and report on the tangible asset.

Project Category	Output
Local Roads and Bridges	Length of increased or improved roads, highways, bridges, tunnels, and active transportation corridors Number of increased or improved support facilities and installations

Proposed Outcome Indicator(s):

An outcome is a statement of an expected result, impact or benefit. The outcome indicator is the data point collected in order to measure and report on the result.

Project Category	Outcome
Local Roads and Bridges	Increase in estimated service life of infrastructure

Check box if this project enables housing: ☐

Housing units enabled is a measure of increased capacity for potential housing development as a result of the infrastructure investment made and, in some cases, where CCBF funding contributed directly to housing development.

Identify projected start and end dates:Projected Start Date: 2025-01-01
YYYY-MM-DDProjected End Date: 2025-12-31
YYYY-MM-DD**Project Funding Allocations**

Please indicate a projected amount in the proper year under each applicable funding source.

	CCBF Contribution	Provincial	Municipal	Private Sector	CCBF Interest	Other	Source of Other	Total Cost
2024								\$ -
2025	\$ 440,000.00		\$ 60,000.00					\$ 500,000.00
2026								\$ -
2027								\$ -
2028								\$ -
Grand Total	\$ 440,000.00	\$ -	\$ 60,000.00	\$ -	\$ -	\$ -		\$ 500,000.00

Environmental Impact Assessment Required ☐Tender Required ☒

PROJECTS

5)Storm sewer upgrade - Brock Court

Select the project category: Wastewater

Please see APPENDIX A for reference.

Project Description: (Brief and to the point description)

Upgarde to storm sewer infrastructure - Brock Court

Please identify the location of the project:
For several projects, this will be the latitude/longitude coordinates of the capital asset. For projects with linear infrastructure, this will be a series of coordinates indicating the linear path of the asset.

Project location	Unique location or Starting point		End (when linear project only)	
	Latitude	Longitude	Latitude	Longitude
Project location (e.g street location)				
Brock Court	65.99180000	45.38770000	65.99260000	45.38670000

Please indicate proposed output indicator(s) and proposed outcome indicator(s) below. It is important to note that all project categories must correlate with the project category selected below the project name.

Proposed Output Indicator(s):
An Output is an immediate, easily measured result of a project. Outputs typically consist of tangible capital assets that are built, improved, or have materialized as a direct result of project funding. It indicates things that have been constructed, produced, bought, delivered; it answers the 'what' question, and ideally the 'where' is provided in the geodata column. The output indicator is the data point collected in order to measure and report on the tangible asset.

Project Category	Output
Wastewater	Number of increased or improved wastewater facilities and installations

Proposed Outcome Indicator(s):
An outcome is a statement of an expected result, impact or benefit. The outcome indicator is the data point collected in order to measure and report on the result.

Project Category	Outcome
Wastewater	Number of households experiencing increased or improved wastewater service

Check box if this project enables housing: ☐
Housing units enabled is a measure of increased capacity for potential housing development as a result of the infrastructure investment made and, in some cases, where CCBF funding contributed directly to housing development.

Identify projected start and end dates:

Projected Start Date2025-01-01
YYYY-MM-DD

Projected End Date2025-12-31
YYYY-MM-DD

Project Funding Allocations

Please indicate a projected amount in the proper year under each applicable funding source.

	CCBF Contribution	Provincial	Municipal	Private Sector	CCBF Interest	Other	Source of Other	Total Cost
2024								\$ -
2025	\$ 130,000.00		\$ 20,000.00					\$ 150,000.00
2026								\$ -
2027								\$ -
2028								\$ -
Grand Total	\$ 130,000.00	\$ -	\$ 20,000.00	\$ -	\$ -	\$ -		\$ 150,000.00

Environmental Impact Assessment Required☐

Tender Required☒

PROJECTS

6) Turnbull Court Watermain

Select the project category: Drinking Water

Please see APPENDIX A for reference.

Project Description: (Brief and to the point description)

Upgrade to potable watermain - Turnbull Court area.

Please identify the location of the project:
For several projects, this will be the latitude/longitude coordinates of the capital asset. For projects with linear infrastructure, this will be a series of coordinates indicating the linear path of the asset

Project location	Unique location or Starting point		End (when linear project only)	
Project location (e.g street location)	Latitude	Longitude	Latitude	Longitude
Turnbull Court	65.99930000	45.37890000	66.00240000	45.37980000

Please indicate proposed output indicator(s) and proposed outcome indicator(s) below. It is important to note that all project categories must correlate with the project category selected below the project name.

Proposed Output Indicator(s):
An Output is an immediate, easily measured result of a project. Outputs typically consist of tangible capital assets that are built, improved, or have materialized as a direct result of project funding. It indicates things that have been constructed, produced, bought, delivered; it answers the 'what' question, and ideally the 'where' is provided in the geodata column. The output indicator is the data point collected in order to measure and report on the tangible asset.

Project Category	Output
Drinking Water	Number of increased or improved drinking water facilities and installations

Proposed Outcome Indicator(s):
An outcome is a statement of an expected result, impact or benefit. The outcome indicator is the data point collected in order to measure and report on the result

Project Category	Outcome
Drinking Water	Number of households experiencing increased or improved drinking water service

Check box if this project enables housing: ☐
Housing units enabled is a measure of increased capacity for potential housing development as a result of the infrastructure investment made and, in some cases, where CCBF funding contributed directly to housing development.

Identify projected start and end dates:

Projected Start Date 2025-01-01 YYYY-MM-DD

Projected End Date 2025-12-31 YYYY-MM-DD

Project Funding Allocations

Please indicate a projected amount in the proper year under each applicable funding source

	CCBF Contribution	Provincial	Municipal	Private Sector	CCBF Interest	Other	Source of Other	Total Cost
2024								\$ -
2025	\$ 300,000.00		\$ 50,000.00					\$ 350,000.00
2026								\$ -
2027								\$ -
2028								\$ -
Grand Total	\$ 300,000.00	\$ -	\$ 50,000.00	\$ -	\$ -	\$ -		\$ 350,000.00

Environmental Impact Assessment Required ☐

Tender Required ☒

PROJECTS

7) Water treatment plant expansion

Select the project category:

Please see APPENDIX A for reference.

Project Description: (Brief and to the point description)

Building expansion at the McGuire Road water treatment facility.

Please identify the location of the project:
For several projects, this will be the latitude/longitude coordinates of the capital asset. For projects with linear infrastructure, this will be a series of coordinates indicating the linear path of the asset.

Project location (Project location (e.g street location))	Unique location or Starting point		End (when linear project only)	
	Latitude	Longitude	Latitude	Longitude
75 French Village Road	65.97870000	45.37790000	65.97870000	45.37790000

Please indicate proposed output indicator(s) and proposed outcome indicator(s) below. It is important to note that all project categories must correlate with the project category selected below the project name.

Proposed Output Indicator(s):
An Output is an immediate, easily measured result of a project. Outputs typically consist of tangible capital assets that are built, improved, or have materialized as a direct result of project funding. It indicates things that have been constructed, produced, bought, delivered, it answers the 'what' question, and ideally the 'where' is provided in the geodata column. The output indicator is the data point collected in order to measure and report on the tangible asset.

Project Category	Output
Drinking Water	Number of increased or improved drinking water facilities and installations

Proposed Outcome Indicator(s):
An outcome is a statement of an expected result, impact or benefit. The outcome indicator is the data point collected in order to measure and report on the result.

Project Category	Outcome
Drinking Water	Change in total drinking water treatment capacity

Check box if this project enables housing: ☐
Housing units enabled is a measure of increased capacity for potential housing development as a result of the infrastructure investment made and, in some cases, where CCBF funding contributed directly to housing development.

Identify projected start and end dates:

Projected Start Date: YYYY-MM-DD

Projected End Date: YYYY-MM-DD

Project Funding Allocations

Please indicate a projected amount in the proper year under each applicable funding source.

	CCBF Contribution	Provincial	Municipal	Private Sector	CCBF Interest	Other	Source of Other	Total Cost
2024								\$ -
2025								\$ -
2026	\$ 600,000.00		\$ 50,000.00					\$ 650,000.00
2027								\$ -
2028								\$ -
Grand Total	\$ 600,000.00	\$ -	\$ 50,000.00	\$ -	\$ -	\$ -		\$ 650,000.00

Environmental Impact Assessment Required ☐

Tender Required ☒

PROJECTS

8) 2026 Street Resurfacing Program

Select the project category: Local Roads and Bridges

Please see APPENDIX A for reference.

Project Description: (Brief and to the point description)

Resurfacing (paving) of local streets.

Please identify the location of the project:

For several projects, this will be the latitude/longitude coordinates of the capital asset. For projects with linear infrastructure, this will be a series of coordinates indicating the linear path of the asset.

Project location	Unique location or Starting point		End (when linear project only)	
	Latitude	Longitude	Latitude	Longitude
Project location (e.g. street location)				
Appleby Drive	66.01200000	45.36780000	66.00760000	45.36630000
High Cliff Court	66.00730000	45.36460000	66.00830000	45.36380000
Burpee Avenue	66.01280000	45.35410000	66.00940000	45.35270000

Please indicate proposed output indicator(s) and proposed outcome indicator(s) below. It is important to note that all project categories must correlate with the project category selected below the project name.

Proposed Output Indicator(s):

An Output is an immediate, easily measured result of a project. Outputs typically consist of tangible capital assets that are built, improved, or have materialized as a direct result of project funding. It indicates things that have been constructed, produced, bought, delivered; it answers the 'what' question, and ideally the 'where' is provided in the geodata column. The output indicator is the data point collected in order to measure and report on the tangible asset.

Project Category	Output
Local Roads and Bridges	Length of increased or improved roads, highways, bridges, tunnels, and active transportation corridors

Proposed Outcome Indicator(s):

An outcome is a statement of an expected result, impact or benefit. The outcome indicator is the data point collected in order to measure and report on the result.

Project Category	Outcome
Local Roads and Bridges	Increase in estimated service life of infrastructure

Check box if this project enables housing: ☐

Housing units enabled is a measure of increased capacity for potential housing development as a result of the infrastructure investment made and, in some cases, where CCBF funding contributed directly to housing development.

Identify projected start and end dates:

Projected Start Date 2026-01-01
YYYY-MM-DD

Projected End Date 2026-12-31
YYYY-MM-DD

Project Funding Allocations

Please indicate a projected amount in the proper year under each applicable funding source

	CCBF Contribution	Provincial	Municipal	Private Sector	CCBF Interest	Other	Source of Other	Total Cost
2024								\$ -
2025								\$ -
2026	\$ 285,000.00		\$ 15,000.00					\$ 300,000.00
2027								\$ -
2028								\$ -
Grand Total	\$ 285,000.00	\$ -	\$ 15,000.00	\$ -	\$ -	\$ -		\$ 300,000.00

Environmental Impact Assessment Required ☐

Tender Required ☒

PROJECTS

9) 2027 and 2028 Street Resurfacing Program

Select the project category: Local Roads and Bridges

Please see APPENDIX A for reference.

Project Description: (Brief and to the point description)

Resurfacing (paving) of local streets.

Please identify the location of the project:
For several projects, this will be the latitude/longitude coordinates of the capital asset. For projects with linear infrastructure, this will be a series of coordinates indicating the linear path of the asset.

Project location	Unique location or Starting point		End (when linear project only)	
	Latitude	Longitude	Latitude	Longitude
Project location (e.g. street location)				
Hillview Crescent	65.97120000	45.39960000	65.97060000	45.39960000
Glenwood Drive	65.97880000	45.39490000	65.98080000	45.39450000
Iona Avenue	65.98520000	45.39490000	65.97150000	45.39070000
Shadow Hill Crescent	65.97190000	45.39950000	65.97130000	45.39780000
Gibbon Road	66.00750000	45.37420000	65.99950000	45.37090000

Please indicate proposed output indicator(s) and proposed outcome indicator(s) below. It is important to note that all project categories must correlate with the project category selected below the project name.

Proposed Output Indicator(s):
An Output is an immediate, easily measured result of a project. Outputs typically consist of tangible capital assets that are built, improved, or have materialized as a direct result of project funding. It indicates things that have been constructed, produced, bought, delivered; it answers the 'what' question, and ideally the 'where' is provided in the geodata column. The output indicator is the data point collected in order to measure and report on the tangible asset.

Project Category	Output
Local Roads and Bridges	Length of increased or improved roads, highways, bridges, tunnels, and active transportation corridors

Proposed Outcome Indicator(s):
An outcome is a statement of an expected result, impact or benefit. The outcome indicator is the data point collected in order to measure and report on the result

Project Category	Outcome
Local Roads and Bridges	Increase in estimated service life of infrastructure

Check box if this project enables housing: ☐
Housing units enabled is a measure of increased capacity for potential housing development as a result of the infrastructure investment made and, in some cases, where CCBF funding contributed directly to housing development

Identify projected start and end dates:

Projected Start Date: 2027-01-01
YYYY-MM-DD

Projected End Date: 2027-12-31
YYYY-MM-DD

Project Funding Allocations

Please indicate a projected amount in the proper year under each applicable funding source.

	CCBF Contribution	Provincial	Municipal	Private Sector	CCBF Interest	Other	Source of Other	Total Cost
2024								\$ -
2025								\$ -
2026								\$ -
2027	\$ 370,000.00		\$ 30,000.00					\$ 400,000.00
2028	\$ 361,105.00		\$ 28,895.00					\$ 390,000.00
Grand Total	\$ 731,105.00	\$ -	\$ 58,895.00	\$ -	\$ -	\$ -		\$ 790,000.00

Environmental Impact Assessment Required ☐ Tender Required ☒

PROJECTS

10) Watermain Upgrade - Hillsvieview & Shadow Hill Crescent

Select the project category:
Please see APPENDIX A for reference.

Project Description: (Brief and to the point description)

Upgrade to potable watermain services to townhouses.

Please identify the location of the project:
For several projects, this will be the latitude/longitude coordinates of the capital asset. For projects with linear infrastructure, this will be a series of coordinates indicating the linear path of the asset

Table with 5 columns: Project location, Unique location or Starting point, End (when linear project only), Latitude, Longitude. Rows include Hillsvieview Crescent and Shadow Hill Crescent.

Please indicate proposed output indicator(s) and proposed outcome indicator(s) below. It is important to note that all project categories must correlate with the project category selected below the project name.

Proposed Output Indicator(s):
An Output is an immediate, easily measured result of a project. Outputs typically consist of tangible capital assets that are built, improved, or have materialized as a direct result of project funding. It indicates things that have been constructed, produced, bought, delivered; it answers the 'what' question, and ideally the 'where' is provided in the geodata column. The output indicator is the data point collected in order to measure and report on the tangible asset.

Table with 2 columns: Project Category, Output. Row: Drinking Water, Number of increased or improved drinking water facilities and installations

Proposed Outcome Indicator(s):
An outcome is a statement of an expected result, impact or benefit. The outcome indicator is the data point collected in order to measure and report on the result.

Table with 2 columns: Project Category, Outcome. Row: Drinking Water, Number of households experiencing increased or improved drinking water service

Check box if this project enables housing: []
Housing units enabled is a measure of increased capacity for potential housing development as a result of the infrastructure investment made and, in some cases, where CCBF funding contributed directly to housing development

Identify projected start and end dates:

Projected Start Date: 2027-01-01 Projected End Date: 2028-12-31

Project Funding Allocations

Please indicate a projected amount in the proper year under each applicable funding source.

Table with 9 columns: Year, CCBF Contribution, Provincial, Municipal, Private Sector, CCBF Interest, Other, Source of Other, Total Cost. Rows for years 2024-2028 and Grand Total.

Environmental Impact Assessment Required [] Tender Required [x]

Project Funding Allocations Summary Table
For internal use

	CCBF Contribution	Provincial	Municipal	Private Sector	CCBF Interest	Other	Total Cost
Grand Total	\$ 4,466,105.00	\$ -	\$ 431,895.00	\$ -	\$ -	\$ -	\$ -

Capital Investment Plan for the CCBF Agreement

Updated October, 2024

CCBF Agreement (2024-2028)																						
Approved Projects	2024		CCBF Allocations	2024		Budget Allocated 2024	2025		Budget Allocated 2025	2026		Budget Allocated 2026	2027		Budget Allocated 2027	2028		Budget Allocated 2028	Balance Unallocated			
	Opening Balance	Adjusted Balance		Opening Balance	Opening Balance		Opening Balance	Opening Balance		Opening Balance	Opening Balance											
Chatwin Street rebuild	\$ -	\$ 450,000		\$ 450,000	\$ 450,000		\$ -	\$ -		\$ -	\$ -		\$ -	\$ -		\$ -	\$ -		\$ -			
Water plant pumping upgrade		250,000		250,000	250,000		-	-		-	-		-	-		-	-		-			
Wells recreation park lighting		150,000		150,000	150,000		-	-		-	-		-	-		-	-		-			
Brock Court paving and storm sewer	-	170,000		170,000	-		170,000	-		170,000	-		-	-		-	-		-			
Millenium Drive paving		340,000		340,000	-		340,000	-		340,000	-		-	-		-	-		-			
Turnbull Court paving and watermain	-	360,000		360,000	-		360,000	-		360,000	-		-	-		-	-		-			
Water treatment plant building expansion		600,000		600,000	-		600,000	-		600,000	-		-	-		-	-		-			
Paving projects (Appleby Drive, High Cliff Court, James Renforth & Burpee Av		285,000		285,000	-		285,000	-		285,000	-		-	-		-	-		-			
Hillisview Crescent watermain and paving		670,000		670,000	-		670,000	-		670,000	-		670,000	-		670,000	-		-			
Paving projects (Glenwood Drive, Iona Avenue, Camden, Cortland, Conley)		260,000		260,000	-		260,000	-		260,000	-		260,000	-		260,000	-		-			
Shadow Hill Crescent watermain and paving		680,000		680,000	-		680,000	-		680,000	-		680,000	-		680,000	-		-			
Paving projects (Gibbon, Wright Lane, Bridle Path)		251,105		251,105	-		251,105	-		251,105	-		251,105	-		251,105	-		-			
	-	4,466,105		4,466,105	850,000		3,616,105			870,000			2,746,105			885,000			-			
Continuity schedule	Opening balance December 31, 2023			Principal	Interest	Total													Total funds expected Currently accounted for			\$ 4,466,105
	Projected receipts																		Funds receivable			4,466,105
	2024		850,687	-	-	850,687																-
	2025		886,132	-	-	886,132																-
	2026		886,132	-	-	886,132																-
	2027		921,577	-	-	921,577													Allocated to projects			4,466,105
	2028		921,577	-	-	921,577													Excess available			\$ -
			4,466,105	-	-	4,466,105													Interest not allocated			-
			4,466,105	-	-	4,466,105																-
			Reconciliation (GIC)	Opening balance	Interest earned	Receipts from PNB	Allocated to projects	Gas tax account balance	Add: receivable from PNB	2024	2025	2026	2027	2028								
			\$ -	\$ 687	\$ 850,687	(850,000)	687	-	\$ 16,819	\$ 886,132	(870,000)	921,577	921,577	9,528	4,466,105	(4,466,105)						
									687	16,819	17,951	9,528	-	-								
			\$ -	\$ 687	\$ 16,819	\$ 17,951	\$ 9,528	\$ -														



70 Hampton Road
Rothesay, NB
E2E 5L5 Canada

Rothesay Council
November 25, 2024

TO: Mayor Grant and Members of Rothesay Council

SUBMITTED BY:



John Jarvie, Town Manager

DATE: November 20, 2024

SUBJECT: Sagamore Heights

RECOMMENDATION

It is recommended that Mayor and Council release the \$175,000 Irrevocable Standby Letter of Credit held as security for the completion of Sagamore Height Subdivision Phase I and accept a new cash deposit in the amount of \$25,000 to be retained as security for the remaining items of work.

ORIGIN

The Developer of Sagamore Heights Subdivision, 619699 NB Inc., has remitted to the town an Irrevocable Standby Letter of Credit in the amount of \$175,000.00 on November 17, 2023, as security for the completion of Sagamore Heights Phase I.

BACKGROUND

The Developer of Sagamore Heights Subdivision, 619699 NB Inc., has fulfilled most of the obligations set out in the original design drawings. The remaining items of work include asphalt surfacing and landscaping. Staff have assessed the value of the remaining work at \$25,000.

ANALYSIS

CBCL, the engineering firm who designed and supervised most of the construction work on Sagamore Heights Phase I, has submitted a letter to the town recommending acceptance of the work and release of the security deposit for the items already completed. These items include watermain and service laterals,

**Sagamore Heights
Council Report**

- 2 -


November 20, 2024

sanitary sewer mains and service laterals, storm sewer mains and service laterals and road base construction. MWM Consulting, the engineering firm who supervised the concrete curb and asphalt placement, has also submitted a letter to the Town recommending acceptance of the work and release of the security deposit for the items already completed. CBCL and MWM Consulting have also submitted test results for Town records.

Report Prepared by:


Brett McLean, Director of Operations

Report Reviewed by:


Doug MacDonald, Treasurer

A copy of this report can be obtained by contacting the Rothesay Town Clerk, 70 Hampton Road, Rothesay, NB E2E 5L5 (506-848-6664).



ROTHESAY

MEMORANDUM



TO	:	Mayor and Council
FROM	:	Personnel Committee
DATE	:	22 November 2024
RE	:	Code of Conduct for Elected Officials By-law 6-24

RECOMMENDATION:

- Council give 1st Reading, by Title, to By-law 6-24
- Council authorize staff to post draft By-law 6-24 to the Town website in lieu of Reading in its Entirety, prior to Enactment

BACKGROUND:

The Clerk's office has been working on revisions to the Procedural By-law and a new Code of Conduct By-law for some time. There have been legislative changes over the past six years and the most recent regulation was filed July 26, 2024.

The Personnel Committee has reviewed the draft Code of Conduct By-law and is recommending 1st Reading, by Title.

In accordance with section 15 of the *Local Governance Act*, SNB 2017 c 18, a by-law may be read by summary if no Council member objects, following the posting of a notice on the local government website.

If you have any comments please forward to Town Manager Jarvie and Mayor Grant, **no later than Wednesday, December 4, 2024 at 12 noon.**

It is anticipated the draft By-law will be brought forward at the December 9th meeting for enactment.

BY-LAW 6-24
**A BY-LAW OF ROTHESAY ESTABLISHING A CODE OF CONDUCT FOR
ELECTED OFFICIALS**

The Council 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:

1.0 TITLE

This By-law may be cited as the “*Elected Officials Code of Conduct By-law*”.

2.0 DEFINITIONS

- (a) “Act” means the *Local Governance Act*, SNB 2017, c 18, amendments thereto and regulations thereunder;
- (b) “Administration” means the management and operations of the local government, comprised of various department, divisions and employees;
- (c) “CAO” means the Chief Administrative Officer for Rothesay;
- (d) “Confidential” or “Confidential Information” means any aspect of closed session deliberations, or any Town records identified as such that are protected under the *Local Governance Act* or *Right to Information and Protection of Privacy Act*, SNB 2009 c R-10.6, or any other legislation;
- (e) “Council” or “Town Council” means the Mayor and Councillors of Rothesay;
- (f) “local government” means the town of Rothesay;
- (g) “Member(s)” or “Council member(s)” means any person elected to the Council; which includes the Mayor;
- (h) “RTIPPA” means the *Right to Information and Protection of Privacy Act*, SNB 2009, c R-10.6;
- (i) “Rothesay” means the town of Rothesay, a municipal body corporate, as established under the Laws and Regulations of the province of New Brunswick;
- (j) “Staff” means all employees of Rothesay and includes appointed officers;
- (k) “Town” means the town of Rothesay, a municipal body corporate, as established under the Laws and Regulations of the province of New Brunswick;
- (l) “Town records” or “record” means any recorded information, regardless of medium or characteristics, made or received and/or retained by Rothesay in pursuance of legal obligations or in the transaction of business;

- (m) “social media” means freely accessible, third-party hosted, interactive internet technologies used to produce, post and interact through text, images, video, and audio to inform, share, promote, collaborate or network and include but are not limited to X (formerly known as Twitter), Facebook, Instagram, Snapchat, TikTok, YouTube, LinkedIn or personal websites; and
- (n) “undue influence” means behaviour that is characterized by one person taking advantage of a position of power over another person or influence by which a person is induced to act otherwise than by their own free will.

3.0 PURPOSE

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.

4.0 FRAMEWORK and INTERPRETATION

This By-law applies to all Members of Rothesay Council. The purpose is to provide standards for the conduct of Members relating to their roles and responsibilities as elected officials of the town of Rothesay. In addition to Town By-laws and policies, Members’ 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

Where there is a conflict between this By-law and the requirements of any federal or provincial laws, such federal or provincial laws shall take precedence.

5.0 VALUES AND PRINCIPLES OF MEMBERS

5.1 VALUES

Members shall perform their functions of office with **honesty, integrity, objectivity, impartiality, accountability, respect, leadership, collaboration and public interest, and transparency.**

(1) Honesty

Conduct under this value and principle is demonstrated when Members are truthful, maintain integrity and take responsibility for their actions and decisions, and promote transparency by ensuring all information shared is accurate, free from misrepresentation and presented clearly and openly to foster trust. Upholding honesty ensures an environment of trust, respect, and accountability

(2) Integrity

Conduct under this value and principle upholds the public interest, is truthful, trustworthy and honourable. It shows adherence to ethical principles, demonstrates consistency in decision-making, acting with impartiality and fairness, respecting confidentiality and being accountable for decisions and outcomes. Upholding integrity fosters trust, credibility, and a positive reputation within any community or organization.

(3) Objectivity

Conduct under this value and principle is demonstrated when decisions are made and actions taken based on facts, fairness, and impartiality, free from personal bias or undue influence. Upholding objectivity ensures fair, balanced, and just outcomes, enhancing the credibility and trustworthiness of Members.

(4) Impartiality

Conduct under this value and principle is demonstrated when all individuals or groups are treated with fairness and respect, promoting trust and integrity within the Town and community. Upholding impartiality ensures fair treatment, avoidance of bias, consistency in decision-making and remaining neutral to ensure that all parties are heard and considered fairly.

(5) Accountability

Conduct under this value and principle is demonstrated when Council, or Members individually and collectively, accept responsibility for their actions and decisions. Upholding accountability promotes trust, ethical behavior, and a sense of responsibility within the Town and community.

(6) Respect

Conduct under this value and principle is demonstrated when a Member fosters an environment of trust by demonstrating due regard for the perspectives, wishes and rights of others, and an understanding of the role of local government. Upholding respect ensures a positive, collaborative, and supportive environment, where everyone feels safe and valued.

(7) Transparency

Conduct under this value and principle is demonstrated when Council communicates appropriate information publicly about decision-making processes and issues being considered; encourages appropriate public participation; communicates clearly; allowing for public scrutiny and providing appropriate means for feedback. Upholding transparency ensures trust, accountability, and integrity, and creates an environment of honesty and openness.

(8) Leadership, Collaboration and Public Interest

Conduct under this value and principle is demonstrated when Council or a Member encourages individuals to work together in pursuit of collective objectives by leading, listening to, and positively influencing others. Members as community leaders must build and inspire the public's trust and confidence in local government in all their dealings. Upholding the values of leadership, collaboration and the public interest fosters a culture of ethical leadership, collaboration, and a strong commitment to serving the public good. This ensures that decisions made are fair, transparent, and in the best interests of the community as a whole.

5.2 PRINCIPLES

- (1) Members are the keepers of the public trust and shall uphold the highest standards of ethical behaviour.
- (2) Members have a duty to make decisions based on the best interests of the town of Rothesay and its residents.
- (3) Members are responsible for their decisions. This includes acts of commission and acts of omission. The decision-making processes of Members must be transparent.
- (4) Members shall demonstrate and promote the principles of this By-law through their decisions, actions and behaviour. The behaviour of Members must build and inspire the public's trust and confidence in the local government.

6. **COUNCIL RESPONSIBILITIES**

(1) Conflict of Interest

Members have a statutory duty to comply with the requirements of the Conflict of Interest provisions set out in the *Act*; more particularly Part 8, a copy of which is attached hereto as **Schedule “A”**. Immediately upon taking office and subsequently when a conflict of interest occurs during the term of office, Members shall be provided with the appropriate form, along with relevant sections of *the Act* and completed conflict of interest forms shall then be filed with the Clerk and the Local Governance Commission, in accordance with the *Local Governance Commission Act, supra*.

Members shall be free from undue influence and shall not act or appear to act in order to gain financial or other benefits for themselves, friends or family associates.

Members shall not place themselves in a position of obligation to any person or corporation which might reasonably benefit from special consideration or may seek preferential treatment

(2) 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, Members shall conduct their business with integrity and in a fair, honest and open manner.

(3) Conduct of Members

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

(4) Compliance with Processes

Members shall perform their duties in accordance with the By-laws, 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 Rothesay staff.

Members who are appointed to an external agency, board, committee, or commission shall participate fully in the normal business of such bodies. Members must recall that they retain their duties as Council members and must seek to harmonize the direction of the agency, board, committee, or commission with the direction and budgetary capabilities of Rothesay. Should the direction of the agency, board, committee, or commission and the direction and budgetary capabilities of the town of Rothesay appear incompatible with one another and

involve a matter of substance, the Member involved must defer taking a position on the matter and present both sides of the matter accurately to Council and seek the advice of the Council, with appropriate reporting from Rothesay staff.

(5) Conduct at Public Meetings

Members 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.

(6) Decisions Based on Merit

Members shall base decisions on the merits and substance of the matter at hand, acting in the interest of the residents 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 with another Member.

Members 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 Members, to ensure they are acting in compliance with said laws, policies and procedures.

Members 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.

Members shall strive for impartiality in all decision-making.

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

(7) Gifts and Favours

A Member 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 Members 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; and/or
- 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].

(8) Sharing of Information

Subject to Conflict of Interest rules as governed by the *Local Governance Act*, and subject to *RTIPPA*, Members shall share substantive information 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.

(9) Confidential Information

Members 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 *RTIPPA*. 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 Members following their service when they are no longer Members.

(10) Use of Public Resources

Members shall not use public property, resources or services that are not available to the public in general, for personal gain or in support of a candidate in a local government election. This includes but is not limited to: staff time, equipment, supplies or facilities.

(11) 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 Member. 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 Council debates, genuine and full debate is expected. Members have every right to express disagreement with positions put forward by others provided such disagreement remains focused on the issue and does not descend to personal attacks on other Members.

Once Council has adopted a resolution, Members are expected to support such resolutions and the work flowing from them. Members 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, in which case a Member may put forward a motion to reconsider such resolution, outlining the new information upon which it is based and the reason it 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.

Notwithstanding the second and third paragraphs above in this section, from the time that a writ for a municipal election or by-election is issued until the regular polling day for such election or by-election, a Member who is a candidate for re-election may speak freely in public about his or her views of decisions taken in Open Session, by the outgoing Council. Comments shall be consistent with the intent and requirements of this By-law.

(12) Policy Role of Members

Members shall respect and adhere to the structure of government and administration as established in Rothesay. In this structure, the Council determines the policies of Rothesay with the advice, information and analysis provided by Rothesay staff, committees, and the public.

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

(13) Respectful Workplace Environment

Members shall treat each other, Rothesay staff 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.

Members shall refrain from personal harassment of fellow Members or any Rothesay staff member. 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, but is not limited to, the following types of behaviour:

- bullying or intimidating behaviour, such as shouting or cursing at others, humiliating a staff member 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; and/or
- shunning, ignoring, or isolating someone.

7.0 Use of Communication Tools

Electronic communication devices provided by the Town are the property of the Town, and shall, at all times, be treated as the Town's property. Members are advised there is no expectation of privacy in the use of these devices and further that:

- (1) Members are required to acknowledge and sign out electronic communication devices provided to them for the duration of their Council term; a copy of which is attached hereto as **Schedule "B"**; which form may be amended from time to time by resolution of Council;
- (2) all emails, messages or documentation sent, received or created on Town devices, as well as emails, messages or documentation relating to the business of the Town received by regular mail, courier, hand-delivered or email; sent/received on private devices or through personal email accounts, are considered records of the Town; are subject to the *Right to Information and Protection of Privacy Act*; and copies shall be provided to the Clerk's office upon request;
- (3) all files stored on Town devices, all use of email and the Internet through the Town's firewall may be inspected, traced or logged by Rothesay;
- (4) in the event of a complaint pursuant to this By-law, Council may require that any or all of the electronic communication devices provided by the Town to Members be confiscated and inspected as part of the investigation including downloading information which is considered relevant to the investigation. All email messages, documents or Internet data may be retrieved; and

- (5) no Member shall use any property, equipment, services or supplies of the Town, including email, Internet services, or any other electronic communication device, if the use could be considered offensive, inappropriate, or otherwise contrary to this By-law or any provincial or federal legislation.

8.0 Use of Social Media

Once posted on social media, any material or comment is accessible to anyone with an Internet connection. Furthermore, the content can never be effectively removed. As public figures and representatives of the Town, Members should act with discretion and be judicious in what material they post on social media. As with any other communications, Members are accountable for content and confidentiality. Care should be exercised in debates or comments on contentious matters, as feelings and emotions can become inflamed very quickly.

No Member shall attempt to disguise or mislead as to their identity or status as an elected representative of the Town when using social media.

No Member shall use social media to publish anything that is dishonest, untrue, unsubstantiated, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.

Where Members provide a personal view or opinion on social media, Members should take steps to ensure that such personal views or opinions are not construed to be those of the Town or Council as a whole.

9.0 COMPLAINT PROCESS

Members are expected to adhere to the provisions of this By-law. Council does not have the authority to disqualify or remove a Member from office; only a court of competent jurisdiction or the Minister of Environment and Local Government has that authority. Council does, however, have the right to sanction a Member provided that the Member continues to have sufficient access to information and services so as to be able to carry out their duties as a Member.

Any person who has reason to believe this By-law has been breached in any way is encouraged to bring their concerns forward. No Member shall undertake any act of reprisal or threaten reprisal against a complainant or any other person who, in good faith, provides relevant information in relation to a possible violation of this By-law.

9.1 Informal Complaint Process

Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this By-law may address the prohibited conduct informally by advising the Member that the conduct violates this By-law and encouraging the Member to stop.

Individuals are encouraged to pursue this informal complaint procedure as the first means of remedying conduct that they believe violates this By-law. However, an individual is not required to complete this informal complaint procedure prior to pursuing the formal complaint process as outlined in this By-law.

9.2 Formal Complaint Process

Any person who has identified or witnessed conduct by a Member that the person reasonably believes, in good faith, is in contravention of this By-law may make a formal complaint in accordance with the following procedure:

- 1) All complaints shall be made in writing to the Clerk (also Head of the Public Body, duly appointed by Council under the authority of *RTIPPA*), and shall be dated and signed by an identifiable individual.
- 2) The complaint shall set out the following:
 - a. the name of the Member to whom the complaint relates;
 - b. the section(s) of the By-law believed to have been breached;
 - c. the date of the alleged breach;
 - d. the facts and an explanation as to why there may be a contravention of this By-law;
 - e. identification of any witnesses to the alleged contravention; and
 - f. any evidence or material in support of the alleged contravention
- 3) Following the receipt of a complaint, the Town Clerk shall advise the Mayor or Deputy Mayor and place the matter on the agenda of the next Closed Meeting of Council. The Mayor or Deputy Mayor will notify the Member in writing.
- 4) If Council is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting a review, they may choose not to do so. In that event, Council shall pass such a resolution, and the complainant and Member shall be notified, in writing, of the decision.
- 5) If Council is of the opinion that a complaint appears to have sufficient grounds, it shall review the complaint in a fair and impartial manner and seek further information if required.
- 6) A Member who is the subject of an alleged breach shall be afforded procedural fairness, including an opportunity to respond to the allegations

before Council deliberates and makes any decision or determines any corrective action.

- 7) The Member who is the subject of the alleged breach may ask to have the matter tabled to allow said party to obtain legal counsel. In such a case, a special Closed Meeting will be called no sooner than seven (7) calendar days from the date of the first meeting.
- 8) Following the Member's response to the allegations, said Member shall leave the meeting room during the discussion by Council and shall not participate in any vote on the matter.
- 9) A decision by Council shall be made within ninety (90) calendar days of the date of receipt of the complaint and a report of the results shall be conveyed to the complainant and the Member; unless Council has determined a detailed investigation is required. In such a case, Council shall retain an external investigator, with relevant experience, to conduct an investigation and provide a report and recommendation to Council.
- 10) If the investigator is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, they may choose not to investigate or, if already commenced, may terminate the investigation and shall advise Council. Council shall direct that the complainant and Member be notified in writing.
- 11) If the investigator decides to investigate the complaint, the investigator shall take such steps as he/she may consider appropriate, which may include seeking legal advice. All proceedings of the investigation shall be confidential; and the investigator shall, upon conclusion of the investigation, provide Council the result of the investigation. Council shall notify the complainant and Member in writing.
- 12) Council shall review the report and, if Council determines that a Member has breached this By-law, Council shall report that such a determination has been made and pass a resolution as to the outcome and the consequences of such breach. The breach shall be ratified by resolution passed in an Open Meeting of Council.

- 13) Members are expected to co-operate in every way possible in securing compliance with the application and enforcement of this By-law and shall not obstruct any person in carrying out the objectives or requirements of this By-law or investigating a possible breach of this By-law.

9.3 Corrective Action

If an investigation by Council or an investigator finds a Member has breached a provision of this By-law or federal or provincial legislation, corrective actions to be taken may include, but are not limited to, any of the following:

- a) letter of reprimand addressed to the Member;
- b) requiring the Member to issue a letter of apology;
- c) requiring that the Member attend training or counselling as directed by Council;
- d) suspending the Member from exercising the powers or performing the duties conferred under Section 48 of *the Act*; for a period no longer than the maximum prescribed for a suspension under the *Local Governance Commission Act*;
- e) reducing or suspending the Member's compensation for the duration of any suspension imposed under paragraph d), for a period no longer than the maximum prescribed for a suspension under the *Local Governance Commission Act*;
- f) reducing or suspending the Member's privileges, including travel or the use of resources, services or property of the local government;
- g) removal from membership of a committee or external appointment;
- h) required return of Town property or reimbursement for its value;
- i) restrictions on contact with Town Administration;
- j) the offences and penalties contained in the *Local Governance Act* for violations under the Disclosure of Conflict of Interest provisions;
- k) the offences and penalties contained in the *Right to Information and Protection of Privacy Act* for violations under that Act; and/or
- l) other penalties and/or sanctions contained in relevant federal or provincial legislation.

10.0 Role of the Local Governance Commission

If a matter respecting an alleged breach of a provision of this Code of Conduct By-law cannot be resolved under this By-law or the *Local Governance Act*, a person may request in writing that the Local Governance Commission investigate the alleged breach, in accordance with Section 42 of the *Local Governance Commission Act*, SNB 2023 c 18.

If a matter respecting an alleged conflict of interest cannot be resolved under this By-law or the *Local Governance Act*, a person may request in writing that the Local Governance Commission investigate the alleged conflict, in accordance with Section 44 of the *Local Governance Commission Act*, SNB 2023 c 18.

11.0 Violation Not Cause to Challenge a Decision

A violation of this By-law shall not be considered a basis for challenging the validity of a Council or a Committee decision.

12.0 STATEMENT OF COMMITMENT

Members acknowledge the importance of the principles contained in this By-law. Members are required to sign a “Statement of Commitment to the Elected Officials Code of Conduct By-law”, attached hereto as **Schedule “C”**, within ten (10) business days of this By-law coming into force, and subsequent elected officials shall sign a “Statement of Commitment to the Elected Officials Code of Conduct By-law” within ten (10) business days of taking the Oath of Office pursuant to section 58 of the *Local Governance Act*.

13.0 Review

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

14.0 EFFECTIVE DATE

This By-law comes into effect 1 January 2025.

FIRST READING BY TITLE :

SECOND READING BY TITLE :

(Advertised as to content on the
Rothsay website in accordance with the
Local Governance Act, SNB (2017) c. 18) :

READ IN SUMMARY :

THIRD READING BY TITLE

AND ENACTMENT :

MAYOR

CLERK

**Schedule “A”
By-law 6-24**

**PART 8
CONFLICT OF INTEREST**

Excerpt from the *Local Governance Act*, SNB 2017 c 18 (October 2024)

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

Acknowledgement of electronic device

Rothesay provides iPads to Council members for Town business. These iPads belong to the Town, and therefore the following conditions apply to their use:

1. You may be requested to return the iPad for servicing/upgrades from time to time.
2. An Apple ID and password are created by Rothesay staff on your behalf to be used with the device. Please do not change or replace this Apple ID.
3. If you create a password to lock the iPad, it should be given to the Town Clerk or ICT Coordinator. Failure to do so could result in the loss of personalization of the device should Rothesay staff need to service the device.
4. Be aware that Town-issued devices **ARE SUBJECT TO** search requests received under the *Right to Information and Protection of Privacy Act (RTIPPA)*. No email accounts other than the assigned @rothesay.ca account assigned will be permitted on the iPad.
5. Be aware that any personal information stored on the iPad may be visible to Rothesay staff and is subject to searches under *RTIPPA*. It is **strongly** recommended that you restrict personal use of the iPad. Should the iPad be found to have been used for any illegal activity, you will lose access to the device and be reported to the appropriate authorities.
6. You **MUST** return the iPad to the Town Hall prior to an election, whether or not you are re-offering, or upon your departure from Council for any other reason. In the event the device is not returned, it will be de-activated, and you will be charged the cost of a replacement.
7. You are responsible for the care of the iPad and must return the equipment in working order at the end of your term.
 - a. Should the equipment malfunction during the length of your term, through no fault of your own, it will be repaired or replaced with a suitable piece of equipment at no cost to you.

By signing this document I agree to the terms and conditions listed above.

SIGNATURE: _____

Print Name _____ Date _____

SCHEDULE "C"
STATEMENT OF COMMITMENT TO THE
CODE OF CONDUCT BY-LAW 6-24

I, (Full Name please print) _____ declare that,
as a member of Rothesay Town Council, I acknowledge receipt of and have read the
Elected Officials Code of Conduct By-law.

Signed: _____

Declared this ____ day of _____, 20__

Before me:

Rothesay Town Clerk