

**VILLAGE OF SUSSEX CORNER  
BYLAW #136-20**

**PROCEDURE AND ORGANIZATION  
OF VILLAGE COUNCIL**

The Village of Sussex Corner under the authority of section 10(2)(a) of the Local Governance Act of the Province of New Brunswick hereby enacts the following bylaw:

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## **GENERAL PROVISIONS**

### **1. Definitions**

- 1.1 a) “assistant clerk” means the Assistant Clerk of the Village of Sussex Corner who shall act from time to time in the place and stead of the “clerk”.
- b) “clerk” means the Clerk of the Village of Sussex Corner.
- c) “treasurer” means the Treasurer of the Village of Sussex Corner.
- d) “council” means the Mayor and Councillors of the Village of Sussex Corner.
- e) “councillor” means a member of the Council of the Village of Sussex Corner other than the Mayor and Deputy Mayor.
- f) “deputy mayor” means the Deputy Mayor of the Village of Sussex Corner.
- g) “mayor” means the Mayor of the Village of Sussex Corner.
- h) “member of a council” means any person elected to the Council of the Village of Sussex Corner.
- i) “presiding officer” means the individual responsible to chair a meeting. Unless specifically stated otherwise, the presiding officer for Meetings of Council is the Mayor and the presiding officer at a Committee Meeting is the Committee Chairperson.
- j) “quorum” for a Council Meeting means a majority of the full number of members of Council regardless of whether there are any vacancies on the council.
- k) “village” means the Village of Sussex Corner.

### **2. Corporate Seal**

- 2.1 The corporate seal of the Village of Sussex Corner, inscribed thereon the words, “The Village of Sussex Corner”, is adopted as its corporate seal.
- 2.2 The corporate seal shall be under the custody of the Clerk and shall be used by him / her in corporate matters as required under the *Local Governance Act*.

### **3. Rules of Procedure**

- 3.1 The rules and regulations contained in this bylaw shall be observed in all proceedings of Council and shall be the rules and regulations for the order and dispatch of business in Council meetings.

- 3.2 When any matter or proceeding is not contemplated by this bylaw or provincial legislation, the presiding officer shall use the most recent version of Roberts Rules of Order as a guide.

#### **4. Vacancies**

- 4.1 Should the office of any member of Council become vacant, the Clerk shall notify Council of such vacancy at the next regular or special meeting of Council.

#### **5. Proclamations**

- 5.1 Any request for a proclamation shall be reviewed by the Mayor and Clerk. Those considered appropriate, shall be placed on Village letterhead, and signed by the Mayor for subsequent display in the Village Office for a period not to exceed thirty (30) days.

#### **6. Communications**

- 6.1 Every item of formal communication addressed to Council or intended to be presented to Council must be in written form and include the name of the author and such other information as deemed appropriate. Such communication shall be delivered to the Clerk.
- 6.2 The above noted communication will be delivered to Council prior to the upcoming meeting for information purposes. It shall also be included in the Council agenda for the upcoming regular or special Council meeting providing that it was received by the Clerk no later than the end of business day, three days preceding the date of the Council Meeting.
- 6.3 The above noted communications could be resolved by staff or forwarded to a Committee of Council for review and direction or recommendation prior to the Council meeting.

#### **7. Delegations**

- 7.1 Anyone wishing to address Council, at a regular or special council meeting, or a committee meeting shall be heard, providing a written request is received by the Clerk no later than the end of business day, three days preceding the regular or special council meeting or committee meeting. The individual shall not be limited to one (1) topic.
- 7.2 Requests to address Council or a committee of Council must be in written form and must include the name of the author, the names of the individual(s) who plan to speak and the nature of the subject matter to be discussed.
- 7.3 Anyone that appears before Council or a committee of Council shall be limited to one speaker who shall speak not more than fifteen (15) minutes providing however that a delegation consisting of more than five (5) persons shall be permitted two (2) speakers, each limited to not more than ten (10) minutes. The timeframe may be extended by consensus of Council or Committee of Council.

## **8. Surety / Liability**

- 8.1 No member of Council or officer or auditor of the Village shall be a surety for any officer appointed by Council or for any work to be done for Council.
- 8.2 No current or former member of Council or officer of the Village or any person who is acting or has acted at the request of the Village as a member of a Committee of Council or in another capacity shall be liable for the acts, receipts, neglects, or default of any other member of Council or Committee of Council or officer or employee, or for any loss, damages or expense happening to the Village through the insufficiency or deficiency of title to any property acquired by order of the members of Council for, or on behalf of, the Village or for the insufficiency or deficiency of any security in or upon which, any of the moneys of, or belonging to, the Village shall be invested, or for any loss or damage arising from the bankruptcy, insolvency or tortuous act of any person, firm or corporation with whom or which any monies, securities or effects shall be lodged or deposited, for any loss, conversion, misapplication or misappropriation of, or any damage resulting from, any dealings with any moneys, securities or other assets belonging to the Village or for any loss occasioned by an error or judgment or oversight on his/her part, or for any other loss, damage or misfortune whatever, which may happen in the execution of the duties of his/her respective office or trust in relation thereto unless the same shall happen by, or through, his/her own wrongful and willful neglect or default.
- 8.3 To the maximum extent permitted by law, the Village shall indemnify and save harmless out of the funds of the Village, every current and former member of Council and officer of the Village and every person who acts or has acted at the Village's request in any capacity, and his/her heirs, executors and administrators, and estate and effects, respectively, from and against all costs, charges and expenses whatsoever which such individual sustains or incurs in, or about, any action, suit or proceeding that is brought, commenced or prosecuted against him/her, including any amount required to settle an action or satisfy a judgment reasonably incurred by him/her in respect of any civil, criminal, administrative action, suit or proceeding to which he/she is made party by reason of being or having served the Village in any capacity above mentioned, against all costs, charges and expenses reasonably incurred by him/her in connection with such action and against all other costs, charges and expenses that he/she sustains or incurs in, or about, or in relation to, the affairs thereof, except such costs, charges or expenses as are occasioned by his/her willful neglect or default.

## **COUNCIL MEETINGS - GENERAL**

### **9. Presiding Officer**

- 9.1 Subject to specific provisions cited in other sections of this bylaw, the Mayor shall be the presiding officer and he / she shall call a Council meeting to order once a quorum is reached and the scheduled start time has arrived.
- 9.2 In the absence or inability of the Mayor to act or if the position is vacant, the Deputy Mayor shall act in his / her place. Subject to the provisions of the *Local Governance Act*, in the absence, vacancy or inability of both the Mayor and Deputy Mayor to act and a period of fifteen (15) minutes has expired from the time appointed for a Council meeting, the Clerk shall call the members to order following which a presiding officer shall be

elected from the members present and that person shall preside over the meeting until the arrival of the Mayor or Deputy Mayor or the meeting is adjourned.

- 9.3 A presiding officer, acting in place of the Mayor, shall have the same authority as the Mayor while presiding at a meeting of Council and also perform the duties of the Mayor as if he / she were present and occupying the chair.

## **10. Electronic Meetings**

- 10.1 Council members may attend a regular or special meeting of council or a committee meeting by means of electronic communication. Acceptable alternatives include the following:
- a) telephone (speaker on)
  - b) personal computer
  - c) social media
  - d) electronic meeting platforms
- 10.2 A member of council may attend a regular or special meeting of council or a committee meeting by means of electronic communications a maximum of three (3) times per calendar year, unless otherwise approved by council. This method will only be used in order to meet the Local Governance Act regulations under section 65(1) regarding a “quorum”.
- 10.3 A member of council shall be permitted to attend a meeting using electronic communication if the location is able to support its use, ensuring that all council members participating in the meeting are able to communicate effectively and also allowing the public to hear the member.
- 10.4 A member of council who participates a meeting via electronic communication is deemed present at the meeting.
- 10.5 The presiding officer shall announce to those in attendance at the meeting that a council member is attending the meeting by means of electronic communication.
- 10.6 A member of council who participates in a meeting “closed” to the public in the manner referred to in subsection 10.1 shall, at the beginning of the meeting, confirm that he / she is alone.
- 10.7 The Village will notify the public by one or more of the following means:
- a) Website, bulletin board and/or notice at the entrance of the Village Offices
  - b) Change agenda to read: Agenda / Electronic Meeting

## **11. Quorum**

- 11.1 A majority of the members of Council must be present at a Council meeting to constitute a quorum.

- 11.2 If a quorum is not reached upon the expiration of fifteen (15) minutes from the scheduled time of commencement of a Council meeting, the Clerk shall record the names of those members present and the meeting shall stand adjourned.

## **12. Motions**

- 12.1 Motions shall be moved and seconded by a member of Council, other than the presiding officer, following which the motion shall be read by the presiding officer before debate. Upon cessation of debate, the presiding officer will again read the motion and call for the vote.
- 12.2 Once a motion is read for the first time by the presiding officer, it shall be deemed to be in possession of Council. However, the motion may be withdrawn at any time before the vote is called or an amendment has been made, subject to the approval of both the mover and seconder.
- 12.3 A member of Council may at any time during the debate, but not so as to interrupt another member who is speaking, request that the motion be read again.
- 12.4 All members of Council shall have the right to participate in the debate.
- 12.5 A matter of business that has been resolved by Council (motion and vote) shall not return to Council for reconsideration at a subsequent Council meeting until 30 days have passed and only if the matter being returned is significantly different than that originally debated and resolved.

## **13. Voting**

- 13.1 The presiding officer shall only be permitted to cast a vote in the event of an equal division of votes from the other members of Council. Any members of Council who are present at a Council meeting when a vote is called, shall announce openly his / her vote thereon unless,
- a) he / she is excused by Council on a motion; and / or
  - b) he / she has declared a personal interest in the motion in a manner which prevents him / her from voting legally; and / or
  - c) the motion may result in a personal pecuniary profit for the member; and in all cases the member shall disclose his / her Conflict of Interest, if applicable, and in which case he / she shall leave the room in accordance with Section 17.2 of this bylaw and the fact that he / she did not vote and the reason for the Conflict of Interest shall be entered in the minutes by the Clerk.
- 13.2 When under any Act or Regulation of the Province of New Brunswick, a vote other than a majority of Council is required, unless otherwise ineligible, the outcome of Council voting shall comply with provincial requirements.
- 13.3 All members of Council eligible to vote shall, upon the calling for a vote, declare his / her intentions by an open vote of “yea” or “nay”.

- 13.4 When required by law, or when requested by a member of Council, to record the “yeas” and “nays” upon a division of Council on any motion, the Clerk shall enter in the minutes the names of the members who voted for and those who voted against the motion.

#### **14. Minutes**

- 14.1 The Clerk shall be responsible for recording the minutes of all regular, special, and closed meetings of Council in a book, in accordance with the Act; such shall record:
- a) the date and time of meetings; and
  - b) the name of all members of council and employees in attendance; and
  - c) the reading, if requested, correction and adoptions of minutes of prior meetings; and
  - d) all other proceedings of the meeting without note or comment.

#### **15. Communications**

- 15.1 Every item of communication placed before Council, shall be considered on presentation and / or referred to the appropriate Standing Committee of Council.

#### **16. Rules of Conduct**

- 16.1 No person, other than a member of Council, shall be permitted to address Council unless considered eligible by satisfying the requirements of Section 7 Delegations (above) or by receiving permission by a majority vote of Council.
- 16.2 No person shall speak disrespectfully of the Council, a Council member, a member of Village staff or a member of the general public or use offensive / profane language.
- 16.3 When, in the opinion of the presiding officer, a person is guilty of improper conduct, he / she may insist the person leave the meeting forthwith.
- 16.4 When, in the opinion of the presiding officer, a member of Council is guilty of improper conduct during a Council meeting for:
- a) breaching this bylaw; and / or
  - b) behaving in a disorderly manner; and / or
  - c) using threats or profane language; then

the member may be requested to leave the Council Chambers for the balance of the Council meeting.

#### **17. Items of Business**

- 17.1 No item of business shall be placed on the agenda for consideration at a Council meeting unless the item, if originating from the public, conforms with Section 6 Communications or Section 7 Delegations or, if from Village Council or Staff, is received by the Clerk no later than the end of business day, three days preceding the day on which the meeting is to be held.



- 17.2. Notwithstanding Section 17.1 above, any item of business may be added to the agenda at a Council meeting with approval of two-thirds (2/3) of the members of Council present.
- 17.3 The business of Council shall, in all cases, be taken up in the order in which it stands on the agenda, unless otherwise decided by Council.

**18. Conflict of Interest (Local Governance Act 89.1 – 92.4)**

- 18.1 If a member of the Council or Staff of a municipality has a Conflict of Interest with any person having dealings with the municipality, he / she shall forthwith declare his / her interest, in writing, at the Council meeting and forward such written declaration to the Clerk.
- 18.2 A member of the Council or Staff who has declared a Conflict of Interest shall leave the Council Chambers during any discussion or vote by Council on the matter in which he / she has declared a Conflict.

**19. Curfew**

- 19.1 No item of business may be dealt with at a Council meeting after 10:00 p.m. unless by vote of two-thirds (2/3) of the members of Council present.

**COUNCIL MEETINGS - REGULAR**

**20. Inaugural Meeting**

- 20.1 A newly elected Council shall:
- a) hold its first meeting in Council Chambers located at 1067 Main Street, commencing at a date and time as set by the Clerk that complies with requirements established for such meeting in accordance with the Act; and
  - b) transact no business at the first meeting until the Oaths of Office have been taken and subscribed to by all members who present themselves for that purpose; and
  - c) appoint a Deputy Mayor from the members of Council. The Councillor who received the most votes of those Councillors elected to office shall be declared the Deputy Mayor. When the Councillors are declared elected by acclamation, Council must elect a Deputy Mayor. In either case, the appointment shall be ratified by a motion of Council.

**21. Meeting Dates / Notices**

- 21.1 Council shall hold a regular monthly meeting of Council on the third (3<sup>rd</sup>) Tuesday of each month in Council Chambers located at 1067 Main Street, Sussex Corner, commencing at 7:00 p.m., unless otherwise determined by a motion passed by an affirmative vote of at least two-thirds (2/3) of the members of Council present at the meeting of Council at which the motion is made.

- 21.2. The open session of any regular meeting of Council is open to the public and no member of the public shall be excluded except for improper conduct.
- 21.3 The Village will notify the public of the date, time and location of regular meetings of Council by any of the following means – website, bulletin board and/or notice at the entrance to the Village Hall. Should the date, time or location of a regular meeting of Council change, such change(s) will be made known to the public by one or more of the above means at least twenty-four (24) hours in advance of the meeting except in the event of an emergency in which case as much advance notice as possible will be given.

## **22. Council Information**

- 22.1 The Clerk shall have prepared and printed for use of Council members at regular meetings of council an agenda and such agenda shall include the items as shown in Appendix “A”. Appendix “A” may be changed from time to time upon a resolution of Village Council.
- 22.2 The agenda for the regular meeting of Council, the minutes of the last regular meeting of Council, the minutes of any special meeting(s) of Council held since the last regular meeting, and the minutes of any Standing Committee of Council and reports from external organization meetings held more than five (5) days prior to the regular meeting of Council shall be made available to the members of Council by no later than the end of business day, one day preceding the regular meeting.
- 22.3 Monthly financial statements and cheque disbursement reports shall be made available to members of Council by the end of business day, two days preceding the regular meeting.

## **23. Approval of Minutes**

- 23.1 The minutes from the last regular Council meeting as well as the minutes from any special meeting(s) of Council held since the last regular meeting of Council shall be approved, or amended and approved, by motion.

## **COUNCIL MEETINGS – SPECIAL**

### **24. Summon A Meeting**

- 24.1 The Mayor may at any time direct the Clerk to summon a special meeting of Council on twenty-four (24) hour notice to the members of Council stating the purpose of the meeting. In the event of an emergency, the twenty-four (24) hour notice period shall be waived.
- 24.2 The Clerk, upon receipt of a petition of the majority of the members of Council, shall summon a special meeting of Council for the purpose, date and time identified in the petition. Council shall be given a twenty-four (24) hour notice except in the case of an emergency, in which case the notice period may be waived.

**25. Notice of Meeting**

25.1 Notice of all special meetings of Council will be served at least twenty-four (24) hours in advance by any of the following means – Village website, bulletin board and or notice at the entrance to the Village Hall except in the event of an emergency in which case as much advance notice as possible will be given.

**26. Open To Public**

26.1 The open session of any special meeting of Council is open to the public and no member of the public shall be excluded except for improper conduct.

**27. Items of Business**

27.1 The only items of business to go before Council at a special meeting of Council are those identified in the meeting notice, except by unanimous consent of all members of Council present.

**COUNCIL MEETINGS – CLOSED SESSION**

**28. Convene a Closed Session**

28.1 Council may resolve to convene or move into a closed session, at a regular or special meeting of Council, when one or more matters before Council may be more appropriately considered in private.

**29. Presiding Officer**

29.1 Rules governing the presiding officer for a closed session of Council are the same as those noted in Section 9 Presiding Officer, above.

**30. Rules of Procedure**

30.1 In closed session, the following notable changes come into effect:

- a) no motions are required; and
- b) the yeas and nays shall not be recorded; and
- c) no minutes shall be recorded other than required by the Local Governance Act

**31. Voting**

31.1 The presiding officer in closed session shall have the same voting privileges as the other members of Council.

**32. Reporting / Ratification**

32.1 Any recommendations made in closed session must be ratified by a resolution of Council in an open session at a regular or special meeting of Council.

## COMMITTEES OF COUNCIL

### **33. Appointment**

33.1 The Village shall appoint by Council resolution Standing Committees of Council along with a Committee chairperson for each as shown in Appendix "A". Appendix "A" may be changed from time to time upon a resolution of Village Council.

### **34. Duties / Responsibilities**

34.1 The general duties of all standing committees of Council, in addition to any specific duties set out in a constituting resolution of Council are:

- a) prepare and make available a written report or committee minutes to Council, following each committee meeting, on all matters connected with the duties assigned to the committee, and recommend such action by Council in respect thereof as deemed necessary; and
- b) consider and report on any and all matters referred to the committee by Council.

### **35. Composition / Quorum**

35.1 Each standing committee of Council, with the exception of Personnel / Human Resources, shall be composed of a combination of Council members and external resources. The details of composition by committee can be found in Appendix "A". Appendix "A" may be changed from time to time upon a resolution of Village Council. The quorum shall be a majority of the members thereof.

35.2 The Mayor shall be, ex officio, a member of all standing committees of Council and, when present, form part of the quorum and have the right to vote on all matters before the committee.

35.3 A standing committee of Council may wish to recommend the addition of members to the committee other than Council members and, if so, shall notify Council of any such recommendations. Upon receiving a recommendation, Council shall consider these recommendations at the next regular meeting of Council and resolve if any, or all, of the recommended individuals shall be appointed.

### **36. Attendance by Others**

36.1 A member of Council may attend the meetings of any standing committee of Council, of which he / she is not a member, and may take part in the discussion of any matter of business before the committee, with the permission of the majority of the committee members present but will have no voting privileges.

### **37. Meetings / Notices**

37.1 A standing committee of Council shall meet once a month, providing the need is justified, and may meet more often if a situation warrants the need.

### **38. Special Committees**

- 38.1 Council may, by resolution, appoint a special committee of Council for the purposes stated in the resolution and such special committee of Council shall exist until it has submitted its final report to Council or until the thirty-first (31<sup>st</sup>) day of December at which time it shall cease to exist.

### **39. Rules of Procedure**

- 39.1 The business of standing committees and special committees shall be conducted under rules governing procedure in Council as far as may be applicable, except that no motions will be recorded in the minutes and a member is not limited in the number of times he / she may speak to the question under consideration.

### **40. Presiding Officer**

- 40.1 The committee chairperson shall preside at each committee meeting. In his / her absence, one of the other members of the committee shall discharge the duties of the chairperson.

### **41. Voting**

- 41.1 All members of the committee may vote, including the presiding officer and the Mayor, if present, and where there is an equal division, the question shall be considered to have been defeated.

### **42. Minutes**

- 42.1 The minutes of each standing committee or special committee meeting shall be accurately recorded. The committee chairperson shall designate the person responsible for the recording of minutes.
- 42.2 The minutes of each standing committee or special committee meeting shall be prepared and circulated to the committee members within forty-eight (48) hours of the close of the meeting. The members shall have forty-eight (48) hours to critique the minutes and provide feedback to the chairperson. The chairperson shall amend the minutes, if necessary, and forward to the Clerk / Treasurer for distribution to Council.

## **VILLAGE BY-LAWS**

### **43. Rules of Procedure**

- 43.1 The process for the enactment of by-laws shall be as set out in the Local Governance Act.
- 43.2 All by-laws shall be prepared, in draft form, and made available to Council for review prior to the first reading of the bylaw.

## EXPENDITURES

### **44. Authorization To Spend**

44.1. All expenditures shall be authorized by Council through one of the following:

- a) approved departmental budgets; or
- b) approved agreements or contracts; or
- c) specific motion or resolution of Council.

Authorizations of expenditures are to be construed as approval for payment of invoices to the amount authorized.

### **45. Special Approvals by Mayor**

45.1 The Mayor shall have authority to grant approval for one or more unauthorized expenditures, the sum of which shall not exceed \$500.00, providing such approval is required prior to the next Council meeting.

45.2 In the event of an emergency, the Mayor may grant approval for one or more expenditures, the sum of which shall not exceed \$1,000.00, upon receipt of the approval of the majority of Council members. In either case, the decision shall be ratified by Council at the next regular or special Council meeting. In the absence of the Mayor, the above authority shall be assumed by the Deputy Mayor.

### **46. External Organizations**

46.1 The Village shall appoint by Council resolution representatives of the Village of Sussex Corner members of Council to serve on external organizations. These are listed in Appendix "A". Appendix "A" may be changed from time to time upon a resolution of Council.

## ENACTMENT

### **47. Enactment / Repeal**

47.1 This by-law, including schedules, shall come into effect on the date of final enactment thereof.

47.2 Upon the final enactment of this by-law, Bylaw # 132-16 shall be repealed:

READ A FIRST TIME: **November 17, 2020**

READ A SECOND TIME: **November 17, 2020**

READ A THIRD TIME AND ENACTED: **February 16, 2021**

Robby Obermeier  
Clerk / Treasurer

Steven Stackhouse  
Mayor

## APPENDIX “A”

### **Council Agenda:**

This is the standard form agenda for a municipal council meeting. The agenda may be amended from time to time due to special conditions at a particular Council meeting upon a 2 / 3 vote of Council. This standard form agenda (Schedule “A”) may be revised at any time upon a resolution of Council with a 2 / 3 vote of Council.

- a) Call to Order
- b) Attendance
- c) Disclosure of Conflict of Interest
- d) Approval of Agenda
- e) Delegations / Presentations
- f) Approval of Minutes
- g) Business Arising from the Minutes
- h) Reports – Committees of Council
- i) Reports – External Organizations
- j) Correspondence
- k) Bylaws
- l) New Business
- m) Date of Next Meeting
- n) Adjournment

### **Standing Committees of Council:**

This is a list of the Standing Committees of Council. The list may be amended at any time by resolution with a 2 / 3 vote of Council

- a) Economic Development / Strategic Planning
- b) Operations Committee
- c) Personnel / Human Resources
- d) Protective Services
- e) Public Relations / Tourism
- f) Recreation & Cultural Services

### **Standing Committees of Council – Composition:**

The standard form composition of Committees of Council shall include three (3) members of Council and two members of the public. The presiding officer shall be the Chair assigned to the Committee. He / she shall appoint someone present to prepare committee minutes. The composition of each Committee of Council may vary by committee upon resolution of Council with a 2/ 3 vote of Council.

### **External Organizations:**

- a) Chamber of Commerce
- b) Kennebecasis Watershed Restoration Committee
- c) PotashCorp Civic Centre
- d) Regional Service Commission 8 - Board
- e) Regional Service Commission 8 - PRAC
- f) Regional service Commission 8 – Storm Water Committee
- g) Union of Municipalities of New Brunswick