

Village of New Maryland

Procedural By-law No. 50

**Village of New Maryland
By-Law No. 50 - 2014**

A By-Law Respecting the Proceedings of Council and Administration

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

1. TITLE

This By-law may be cited as the “Procedural By-Law”.

2. DEFINITIONS

In this By-law:

“Act” means the *Municipalities Act*, R.S.N.B. (1973), Chapter M-22, amendments thereto and regulations adopted there under;

“Assistant Clerk” means the Assistant Clerk of the municipality as appointed by Council in accordance with Section 76 of the Act;

“Chief Administrative Officer (CAO) means the CAO of the municipality as appointed by Council in accordance with Section 75 of the Act;

“Clerk” means the Clerk of the municipality as appointed by Council in accordance with Section 74 of the Act;

“Council” means the Mayor and Councillors of the municipality;

“Councillor” means a member of Council other than the Mayor;

“department head” means the head of each department, including the CAO, Treasurer, Public Works Supervisor, Recreation Coordinator, Community Facilities Manager, Development Officer and Fire Chief;

“Deputy Mayor” means the Councillor so elected pursuant to this By-law;

“majority” means more than half;

“may” is construed as permissive;

“Mayor” means the Mayor of the Village of New Maryland;

“Member” or “Member of Council” means any person elected to Council;

“municipality” means the Village of New Maryland, as established by New Brunswick Regulation 85-6, under the Act;

“point of information” means the procedural mechanism by which a member may rise to present or receive information of interest to Council;

“point of order” means an issue raised by a participant at a meeting claiming that the procedures of a meeting or the actions of an individual participant are contrary to procedural rules or practices (i.e.: any breach of the procedural by-law; the use of improper, offensive or abusive language; notice of the fact that a motion under discussion is not in order; or any other irregularity in the proceedings of Council);

“Presiding Officer” means the Mayor, or in the absence of the Mayor, the Deputy Mayor, or if the Deputy Mayor is also absent, then the Councillor elected to act as such by a majority vote of Councillors present;

“question of privilege” means an issue raised pertaining to a violation or a perceived violation of the rights or interests of the meeting or organization as a whole or of a Member personally (i.e. any scandalous or libelous reflection on the proceedings of the Council or any member of Council; a pressing situation affecting a right or privilege of the Council or individual Member thereof; introduction of a confidential subject matter in the presence of guests or the public; etc);

“quorum” means a majority of those members of Council holding office at the time of the meeting;

and

“Treasurer” means the Treasurer of the municipality as appointed by Council in accordance with Section 74 of the Act.

3. REMUNERATION OF COUNCIL

3.01 The Mayor shall be paid an annual salary of \$ 10,079.00 and an annual expense allowance of \$ 5,054.00 for expenses incidental to the discharge of the duties of the Mayor; the amounts being payable in equal monthly installments.

3.02 The Deputy Mayor shall be paid an annual salary of \$ 6,043.00 and an annual expense allowance of \$ 3,023.00 for expenses incidental to the discharge of the duties of the Deputy Mayor; the amounts being payable in equal monthly installments.

- 3.03 Each Councillor shall be paid an annual salary of \$ 4,834.00 and an annual expense allowance of \$ 2,418.00 for expenses incidental to the discharge of the duties of a Councillor; the amounts being payable in equal monthly installments.
- 3.04 On the first day of January 2011 and on the first day of January in each and every year thereafter, the salaries and allowances set out in paragraphs 3.01 to 3.03 hereof, shall be adjusted by an annual amount equal to the average increase in the Consumer Price Index (CPI) for New Brunswick recorded for the immediately preceding calendar year.
- 3.05 With authorization from the CAO or Treasurer, a rate per kilometer as set by the Human Resources and Administration Committee, will be paid to members of Council, using their personal automobile while engaged in Village business outside of the Fredericton area. In order to receive compensation, members of Council must provide proof of a minimum of \$1 Million liability insurance coverage. Upon presentation of receipts, members of Council will be reimbursed for actual meal and accommodation expenses.
- 3.06 With prior approval of Council, members of Council may be reimbursed for time required from their regular employment to attend to business of the Village. Such request will be on a wage recovery basis to a maximum of \$ 300.00 per day.

4. MEETINGS OF COUNCIL

4.01 REGULAR MEETINGS

- (a) The Clerk shall fix a date for the first meeting of a newly elected Council in accordance with the Act. No business shall be transacted until the oaths of office have been taken and subscribed to by all persons declared elected, in accordance with the *Municipal Elections Act*, R.S.N.B. (1973) and amendments thereto;
- (b) The Clerk shall allot to each Councillor a seat within the Council Chamber which he/she shall thereafter be entitled to occupy at all meetings of Council.
- (c) Council shall hold a regular meeting on the third Wednesday of each month, unless otherwise determined by the majority of Council.
- (d) When any such Wednesday falls on a civic, public, or statutory holiday, Council shall meet on the following day, or such day as determined by the majority of Council.
- (e) Unless otherwise specified, all meetings of Council shall be held in the Council Chambers of the municipal office at 7:30 o'clock in the afternoon.
- (f) In the absence or inability of the Mayor to act, or if the office of Mayor is vacant, the Deputy Mayor shall act in the place of the Mayor, and while acting shall possess the powers and perform the duties of the Mayor.

- (g) In the absence or inability of both the Mayor and the Deputy Mayor to act, or if their offices are vacant, a Councillor shall be elected to act from time to time in place and instead of the Mayor by a majority vote of the members.
- (h) Unless there is a quorum within thirty minutes after the time appointed for the meeting of Council, Council shall then stand adjourned until such day of meeting as the Clerk shall then declare.
- (i) The Mayor may, on two full days' written or verbal notice given through the Clerk's office, postpone any regular meeting of Council to a day and place to be named and posted on the municipal website.
- (j) The Clerk, or designate, shall provide notice of the time of the meeting and the business to be transacted not later than two days before the day fixed for each regular meeting. The notice and documentation shall be provided via the Village's File Repository and/or via email and/or via the provision of paper copies.
- (k) All regular Council meetings are open to the public and no member of the public shall be excluded therefrom except for improper conduct.
- (l) At the pleasure of Council, members of the public shall be entitled to address Council, under the heading "Public Input/Inquiries" on matters of municipal jurisdiction. Presentations by members of the public will be permitted with 24 hours notice to the Clerk on specific concerns or topics.
- (m) The business before Council at each meeting shall be taken up in regular order, unless otherwise determined by the vote of the members present, and all questions as to procedure or to the suspension of the regular order shall be decided without debate.
- (n) Any member wishing to introduce any new or extraordinary business, shall advise the Clerk of his/her intention to do so in time to have such item of business included on the agenda, and if not so included, may not be discussed at such meeting except with the approval of two-thirds of the members present at such meeting.
- (o) Committee session notes shall not be read during any regular meeting of Council.
- (p) When at any meeting of the Council the hour of 10:00 o'clock in the afternoon shall be reached, the Mayor or Presiding Officer shall declare the Council adjourned and leave the chair unless, by vote, two-thirds of the members present determine otherwise.

4.02 CLOSED MEETINGS

- (a) When a matter arises for discussion as outlined in the Act, the public may be excluded for the duration of the discussion.

- (b) Rules and regulations of Council shall be observed in a Closed Meeting, with the exception of the following: no motions shall be brought forward; and the yeas and nays shall not be recorded.
- (c) Members shall refrain from discussing the matters considered during Closed Meetings, other than with other Members of Council or senior staff, or as directed by Council.
- (d) Council may schedule a Closed meeting of Council, as per Section 10.2(4) of the *Municipalities Act*, to discuss any of the following matters:
 - a. information the confidentiality of which is protected by law;
 - b. personal information;
 - c. information that could cause financial loss or gain to a person or the municipality or could jeopardize negotiations leading to an agreement or contract;
 - d. the proposed or pending acquisition or disposition of land for a municipal purpose;
 - e. information that could violate the confidentiality of information obtained from the Government of Canada or of the Province;
 - f. information concerning legal opinions or advice provided to the municipality by a municipal solicitor, or privileged communications as between solicitor and client in a matter of municipal business;
 - g. litigation or potential litigation affecting the municipality or any of its agencies, boards or commissions, including a matter before an administrative tribunal;
 - h. the access to or security of particular buildings, other structures or systems, including computer or communication systems, or the access to or security of methods employed to protect such buildings, other structures or systems;
 - i. information gathered by police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity, or the source of such information; or
 - j. labour and employment matters, including the negotiations of collective agreements.

4.03 SPECIAL MEETINGS

- (a) The Mayor may at any time summon a Special Meeting of Council. It shall be his/her duty to do so when requested verbally or in writing by a majority of the members of Council.
- (b) The Clerk shall summon a Special Meeting of Council when requested verbally or in writing by a majority of the members of Council.
- (c) The Clerk shall give to all members of Council verbal or written notice of each Special Meeting of the Council at least twenty four (24) hours before the time set for the meeting.

- (d) No business shall be transacted at a Special Meeting other than that specified in the notice calling it except where otherwise determined by the unanimous consent of the members present.
- (e) All Special Sessions of Council are open to the public and no member of the public shall be excluded therefrom except for improper conduct.

4.04 EMERGENCY MEETINGS

- (a) The Mayor or any three members of Council, when deemed necessary, may call an Emergency Meeting of Council in which time requirements would not apply.
- (b) When such an Emergency Meeting is called, it shall be considered a Special Meeting, expect that the time requirements for the notice of the Special Meetings shall not apply, and only the subject matter of the emergency shall be considered. The Clerk shall make reasonable efforts to notify the public when an Emergency Meeting has been called.

4.05 COUNCIL-IN-COMMITTEE MEETINGS

- (a) There shall be regular meetings of the Members of Council to be known as Council-In-Committee called for the purpose of reviewing issues pertaining to the operation of the municipality.
- (b) The Mayor shall be the chairperson of the Council-In-Committee.
- (c) Council members shall submit all agenda items to the Clerk forty-eight (48) hours prior to the meeting. No additional items will be added to the agenda unless so approved by a majority vote of Council.
- (d) The general rules of Council shall be observed during the Council-In-Committee, except that: no motions shall be brought forward, the yeas and nays shall not be recorded; and Members shall not be limited in the number of times they may speak on any question.

5. **PROCEDURE**

- (a) In the absence of the Mayor and Deputy Mayor, the Council may, from among the Members present, appoint a Presiding Officer who, during the absence of the Mayor and Deputy Mayor shall have all the powers of the Mayor.
- (b) The chairperson shall not participate in any debate but shall use his/her office to preserve order and to direct Members in keeping to the question. If the chairperson

wishes to take part in any debate, he/she must appoint a member of Council to take the chair while he/she stands upon the floor to debate the question.

- (c) The minutes of the preceding meeting shall be accepted as distributed or amended and then approved by motion. The approved minutes will then be signed by the Mayor and Clerk. The minutes of the previous meeting shall not be read at the meeting unless a member so requests, in which case the Clerk shall read the minutes before Council proceeds with the business as set out in the agenda.
- (d) The business of the meeting shall be dealt with in the following order:
 - Call to Order
 - Approval of the Agenda
 - Approval of the Minutes
 - Disclosure of Interest
 - Presentations
 - Proclamations
 - Correspondence
 - Meetings/Special Events
 - Planning Advisory Committee
 - Emergency Response Plan Committee
 - Project Reports/Updates
 - Approval of the Treasurer's Report
 - Public Input/Inquiries
 - New Business
 - Date, Time and Location of the Next Meeting
 - Motion for Adjournment
- (e) When any matter or proceeding is not contemplated by this by-law or provincial legislation, the chairperson shall use the most recent edition of *Robert's Rules of Order* as a guide.

6. **MOTIONS**

- (a) All motions shall be moved and seconded before being debated or discussed.
- (b) A Member may, at any time during a debate but not so as to interrupt a Member then speaking, request that the question, motion or matter under discussion be read.
- (c) No Member shall speak a second time on the same question or motion until every Member choosing to speak has spoken, except in explanation of the material part of speech which may have been misconceived, and when so speaking, shall not introduce any new matter and the Member can speak no further on the question without special leave of the Presiding Officer.
- (d) A motion shall require a majority vote of the eligible Council Members present.

- (e) After a motion is seconded it shall be deemed to be in possession of Council but may be withdrawn by the mover and seconder at any time before decisions or amendment with the permission of Council.

7. VOTING

- (a) All questions, motions or matters before Council shall be decided at a Regular or Special Meeting of Council, with the exception of matters defined in the Act.
- (b) Subject to section 7(d) and in accordance with the Act, the Mayor shall vote only in the event of a tie.
- (c) Unless disqualified to vote by reason of conflict of interest or otherwise, all Councillors, other than the Mayor, shall vote openly and individually when a question is put to vote. If a conflict of interest is declared, the Councillor shall immediately withdraw from the meeting room when the matter is raised and prior to any debate. The declaration of the conflict of interest shall be recorded in the minutes by the Clerk.
- (d) Where, under the *Community Planning Act* or as required in applicable legislation, whenever a majority vote of the whole Council is required and unless otherwise ineligible, the Mayor shall vote on the motion. If that vote results in a tie, then the motion is lost.
- (e) When a Member abstains from voting and is not excused by Council, the Clerk shall record him/her as voting in the affirmative on the question or motion before Council.
- (f) When the Mayor wishes to participate in the debate at a Council meeting, **he/she shall leave the chair** and call on the Deputy Mayor if present, or if not present, a Councillor to preside until he/she resumes the chair. The Mayor must resume the chair prior to the vote being taken.
- (g) Except as otherwise provided, no member shall speak without recognition of the Presiding Officer.
- (h) Council shall determine every question submitted to it by an open vote of “yea” and “nay” of the members present or in a form requested by the Mayor.
- (i) In the event of a division of Council upon any question, motion or matter, the Clerk shall enter into the minutes the names of the Members who vote for and those who vote against the question, motion or matter.

8. LIMITS OF DEBATE

- (a) No Member shall speak more than once on the same question, motion or matter without permission from the Presiding Officer except in explanation of the material part of his/her speech which may have been misconceived and when so speaking he/she shall not introduce any new matter.
- (b) A Member of Council may, at any time, rise on a point of order, a question of privilege or a point of information. All debate shall cease and the point or question shall be clearly stated by the Member and, if applicable, ruled upon by the Presiding Officer.
- (c) A Member of Council may, at any time during debate, request that the question, motion or matter under discussion is clarified or restated.
- (d) No Member, without permission of the Presiding Officer, shall speak to the same question, motion or matter or in reply for longer than ten (10) minutes.
- (e) A Member who has made a substantive motion by making an original motion, or moving an amendment to a motion, or moving the previous question shall be allowed to reply.

9. CONFLICT OF INTEREST

- (a) Any conflict of interest will be governed by Sections 90.1 to 90.91 inclusive of the Act.
- (b) Council Members must fill out a disclosure of interest form and the completed form shall be filed with the Clerk.
- (c) A Member of Council who has declared a conflict of interest shall leave the Council Chamber during any discussion or vote by Council on the matter in which he/she has declared a conflict of interest.

10. CONFIDENTIALITY

- (a) Until a matter is formally presented at a Regular or Special Meeting of Council, items of a sensitive, personal or business nature will not be publicly disclosed by Council, committee members, or staff.
- (b) Information which is presented in open or public sessions of Council may be discussed, while maintaining discretion regarding preliminary discussions.
- (c) While not intended in any way to impede the ability of Village representatives to express their opinion and position in public, the policy is adopted to foster the

thorough investigation and consideration of important issues, including candid discussion and debate, without jeopardizing public reputation or proprietary information.

- (d) Failure to respect confidentiality will result in disciplinary action which may include, but not be limited to, verbal cautions, verbal or written warnings, dismissal from committee memberships or termination (in the case of employees).
- (e) This policy applies to all Village of New Maryland employees, all elected officials and members of the public who serve as members of standing or ad hoc committees of Council.
- (f) All municipal employees, Council members and committee members shall sign a Confidentiality Agreement.

11. MEDIA INQUIRIES

- (a) The Mayor shall speak on issues of concerns to the municipality on behalf of Council, as per Section 36(1)(2) of the Act.
- (b) All Village representatives are advised to exercise caution in their interaction with the media. The greater interests of the Village of New Maryland as a whole must be considered at all times.

12. DISRESPECTFUL STATEMENTS AND/OR ACTIONS

- (a) No member shall:
 - (i) use offensive words against the Council or any of its Members;
 - (ii) speak beside a question or motion in debate;
 - (iii) refuse to obey this by-law;
 - (iv) disobey the decision of the Mayor or in his/her absence the Presiding Officer on questions of order or practice;
 - (v) speak disrespectfully of the Council, another Member of Council, staff person or member of the general public, or use offensive or profane language; or
 - (vi) use digital technologies to share or post material of the Council, another Member of Council, staff person or member of the general public that could be perceived as derogatory in nature or that would potentially harm or embarrass anyone of these parties, or otherwise put the Council and/or municipality at risk of legal and/or reputational harm.
- (b) When a Member refuses to obey the rules of Council or disobeys the decision of the Presiding Officer on a question of order or practice, the Presiding Officer shall order him/her to leave his/her seat for that meeting and he/she shall be required to leave

provided that when the member apologizes, he/she may, on a majority vote of the Members present, forthwith resume his/her seat.

13. CONSEQUENCES OF DISRESPECTFUL ACTIONS

When any Member deliberately acts against Council's wishes, breaches confidentiality, and/or puts the Council and municipality at risk of legal and/or reputational harm, his/her actions will result in disciplinary action by Council which may include, but not be limited to, verbal cautions, verbal or written warnings, or dismissal from committee memberships.

14. APPOINTMENT OF OFFICIALS

The CAO shall make recommendations to Council for appointment of municipal officers as detailed in the *Municipalities Act* for Council's consideration prior to the official appointment.

15. APPOINTMENT OF THE DEPUTY MAYOR

The Councillor receiving the greatest number of votes during the quadrennial municipal election will be appointed to the position of Deputy Mayor. Should that individual decline or be unable to complete the term, then the Councillor with the next largest number of votes shall be appointed. In the event of a tie, or an acclamation of Council, the Mayor will appoint the Deputy Mayor and length of term of office.

16. DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER

The CAO, upon appointment by Council, shall have the duties as detailed in the CAO's official job description as per the Human Resources Policy Manual.

17. STANDING COMMITTEES AND AD HOC COMMITTEES OF COUNCIL

(a) Planning Advisory Committee: Council shall establish a Planning Advisory Committee (PAC) as per the requirements of provincial legislation. The PAC is governed by municipal by-law and the *Community Planning Act*. Where there is a conflict between a municipal by-law and the statute, the provincial legislation will prevail.

(i) Chairperson: The PAC Chairperson shall be a member of the public, eligible to vote in the Village, and appointed by Council as per Section 12 of the *Community Planning Act* on an annual basis.

(ii) Vice-Chairperson: The Vice-Chairperson shall be a member of Council, recommended by the Mayor and appointed by Council on an annual basis.

(iii) Committee Composition: Committee composition and membership is regulated as per the *Community Planning Act* and the revised *Policy on Procedure and Protocol for the Village of New Maryland Planning Advisory Committee*, adopted by Council on 16 March 2011, and amendments thereafter.

(iv) Committee Vacancy / Terms of Membership: When a vacancy arises or the term of membership is due for renewal of a current committee member, notification will be posted via the Daily Gleaner, and social media (Website, Facebook and Twitter) advertising that a position is available. Residents, including a current member whose term is about to expire, interested in a membership role must complete and submit the *Expression of Interest to Volunteer for the New Maryland Planning Advisory Committee* form for Council's review and approval. **(v) Operations and Governance:** The operations and governance of the PAC are detailed in the *Policy on Procedure and Protocol for the Village of New Maryland Planning Advisory Committee*.

(b) Emergency Response Plan Committee: Council shall establish an Emergency Response Plan Committee (ERPC) to implement the Village's Emergency Response Plan.

(i) Chairperson: The Chairperson of the ERPC shall be the Village's Chief Administrative Officer/Clerk.

(ii) Vice-Chairperson: The Vice-Chairperson of the ERPC shall be the Village's Fire Chief.

(iii) Committee Composition:

Committee Composition of Staff: The following members of staff will serve as committee members: CAO/Clerk, Assistant Clerk, Fire Chief, Public Works Supervisor, and Building Inspector/Development Officer (or their designates as appointed by the CAO/Clerk).

Committee Composition of Agencies: Representatives of the following agencies will serve as committee members: (1) RCMP, (2) Canadian Red Cross, (3) Fredericton Amateur Radio Club, (4) York Sunbury Ground Search and Rescue, (5) Ambulance NB, (6) Horizon Health Network, (7) Anglophone West School District, (8) Faith Baptist Church, (9) New Maryland Lions Club, and (10) Parish of New Maryland Zoomers.

Emergency Operations Centre Director: The EOC Director will be a resident or a representative from a participating agency, and appointed by Council.

(iv) Representation at Meetings: Each of the 10 agencies noted above will be contacted when an ERPC meeting is scheduled and asked to send one representative to the committee meeting, other than the Fredericton Amateur Radio Club. Both representatives of the Fredericton Amateur Radio Club would be asked to attend the meetings as the presence of both members is required if the Emergency Operations Centre is activated.

(v) Operations and Governance: It is the responsibility of the committee to ensure that the Village is prepared to respond appropriately in the event of an emergency situation. Details on the operations of the committee are provided in the *Policy on Procedure of the Village of New Maryland Emergency Response Plan Committee*.

(c) Ad hoc Committees: Council shall establish Ad hoc Committees via a Resolution of Council for specific topics and timeframes.

(i) Chairperson: The Chairperson shall be a member of Council, designated by the Mayor and appointed by Resolution of Council.

(ii) Vice-Chairperson: The Vice-Chairperson shall be a member of Council, designated by the Mayor and appointed by Resolution of Council.

(iii) Committee Composition: The ad hoc committees shall consist of the Chairperson, Vice-Chairperson, the appropriate senior staff member (determined by specific topic(s)) and various members of the community and consultants as deemed necessary by the Chairperson and Vice-Chairperson. The Mayor shall be an ex-officio member of all ad hoc committees.

(iv) Committee Membership: Residents who express an interest in becoming members of an ad hoc committee will be required to complete an *Expression of Interest to Volunteer for a New Maryland Ad hoc Committee* form, which will be reviewed by Council for consideration and approval.

(v) Operations and Governance: The committee will provide input and recommendations to Council regarding the specific topic they have been assigned by Council. Following are key factors of the operations of an ad hoc Committee:

- the Chairperson will be responsible to ensure open communication and dialogue during meetings and direct the affairs of the committee in accordance with applicable Village by-laws, policies and procedures, and provincial regulations;
- the committee will make recommendations to Council and shall have no decision making authority;
- a quorum of the committee shall consist of the Chairperson or Vice-Chairperson, the relevant Department Head, and a majority (a number greater than half) of the remaining committee membership (*i.e.: the Chair or Co-Chair must be in attendance and the Department head must be in attendance; the quorum is based on the remainder of the committee members and a number greater than half of the remaining membership must be in attendance*);
- at times, an ad hoc committee may be established for the specific purpose of discussing, researching and making recommendations to Council regarding the Village's fundraising strategy; Council must approve any fundraising activity carried out by the committee; and
- the committee members shall sign a Confidentiality Agreement; failure to respect the terms of the Confidentiality Agreement may result in dismissal from the committee.

(d) Disrespectful Statements and/or Actions:

- (i) No member of a standing or ad hoc committee of Council shall:
 - (a) use offensive words against any other members of the committee;
 - (b) speak beside a question in debate;
 - (c) refuse to obey this by-law;
 - (d) disobey the decision of the committee chairperson on questions of order or practice;
 - (e) speak disrespectfully of the committee, Council members, staff or of the general public, or use offensive or profane language;

- (f) use digital technologies to share or post material that could be perceived as derogatory in nature or that would potentially harm or embarrass the committee members, Council, staff or the general public; and/or
- (g) act in a manner that would potentially put the Council and/or municipality at risk of legal and/or reputational harm.

(e) Consequences of Disrespectful Actions or Statements:

When any member of the committee deliberately acts in a disrespectful manner, breaches confidentiality, and/or puts the Council and municipality at risk of legal and/or reputational harm, the actions will result in disciplinary action by Council which may include, but not be limited to, verbal cautions, written or verbal warnings, or dismissal (temporary or permanent) from committee memberships.

(f) Attendance:

Where a member of a Standing Committee or Ad hoc Committee fails to attend three (3) consecutive regular meetings of the Committee or four (4) regular meetings in a twelve (12) month period without excuse, the Committee shall recommend to Council that the member be replaced.

18. PURCHASING

- (a) The municipality must abide by all relevant provincial legislation, including but not limited to, the *Public Purchasing Act*, *Atlantic Procurement Act*, *Agreement on Internal Trade*, and the *Crown Construction Contracts Act*, as well as the guidelines detailed in this by-law.
- (b) The CAO or Treasurer, or his/her designate, shall be the Purchasing Agent and is therefore authorized to carry out purchasing on behalf of Council:
 - (i) **budgeted items:** for all Council approved budgeted items, not exceeding \$25,000; budgeted items over \$25,000 require Council approval;
 - (ii) **non-budgeted items:** for all non-budgeted items less than \$1,000.00; non-budgeted goods and services over \$1,000 require Council approval; and
 - (iii) department heads are designated to be the Purchasing Agent for budgeted items within their department's **approved budget** for items less than \$500.
- (c) The Treasurer, upon the recommendation of the Department Head, is authorized to re-allocate funds within the department's line budget for operation budgets only.
- (d) Tenders shall be advertised, as per the *Public Purchasing Act* or relevant legislation, as follows:
 - (i) on **goods** valued at **\$25,000** (twenty-five thousand dollars) or more;
 - (ii) on **services** valued at **\$50,000** (fifty thousand dollars) or more; and
 - (iii) on **construction** valued at **\$100,000** (one-hundred thousand dollars) or more.

- (e) Tenders shall be invited from three (3) or more suppliers on all items with an estimated cost of between \$10,000 and \$25,000 except:
 - (i) in the case of an emergency;
 - (ii) where fewer than three (3) suppliers are known and/or available; or
 - (iii) where transactions for like items have been completed in the previous twelve (12) months and the successful vendor will honor the same terms, Council may decide to extend the current agreement.
- (f) The Department Head, in consultation with the CAO and Treasurer, is authorized to commit up to \$10,000 using the Work Order Procedure, on any goods or services that relate to that department provided that:
 - (i) the annual budget clearly indicates the project; and
 - (ii) the account will not be overdrawn.

19. WORK ORDER / PURCHASE ORDER PROCEDURES

- (a) A work order shall be completed for each service ordered and a purchase order shall be completed for each purchase of goods in excess of \$50, in order to provide an accurate tracking system of projects and expenditures.
- (b) The work order shall consist of the following:
 - (i) the name of the contractor or supplier authorized to complete the work;
 - (ii) a description of the work to be completed;
 - (iii) the reason for the ordered work;
 - (iv) diagrams, shop diagrams, plot plans, or engineering drawings as appropriate;
 - (v) an estimate of the expenses to be incurred; and
 - (vi) the name of the department head ordering the work.
- (c) The purchase order shall consist of the following:
 - (i) a description of the item(s) to be purchased;
 - (ii) the cost of the item(s) and quantity(ies) required;
 - (iii) the name of the department head ordering the work; and
 - (iv) all terms and conditions to be applied.
- (d) The department head or designate will sign the work order and/or purchase order.
- (e) The CAO or Treasurer, or his/her designate, will co-sign all work orders or purchase orders greater than \$500 (five-hundred dollars) confirming the approval of the expenditure and ensuring that the accounts are properly classified according to the standard coding system for municipalities in New Brunswick. Department heads are designated to sign all work orders or purchase orders on items between \$50 (fifty dollars) and \$500 (five hundred dollars)
- (f) The project must be stopped by the Department Head, CAO and/or Treasurer if cost overruns are anticipated that will exceed the approved budget amount. Council

approval is required before the project will be allowed to continue. The only exception will be where an unsafe condition exists. The project will continue with the approval of the Department Head, CAO and/or Treasurer until the unsafe condition is eliminated. A report will be provided to Council before the remainder of the project can continue.

20. EMERGENCY REQUIREMENTS

- (a) The CAO and Treasurer is authorized to order emergency repairs or activities on an emergency basis to protect the public safety or to protect the assets of citizens of the Village.
- (b) Emergency projects must receive Council's approval at the earliest opportunity.

21. ACCOUNTS AGAINST THE MUNICIPALITY

The Treasurer's Report shall be submitted at each monthly Council meeting.

22. DUTIES OF THE TREASURER

- (a) The Treasurer shall be appointed by Council as per Section 74(2) of the Act.
- (b) The Treasurer, or his/her designate, shall verify that the accounts are properly classified according to the standard coding system for the municipalities in New Brunswick.
- (c) The Treasurer, or his/her designate, shall have the authority to:
 - (i) pay the employees of the Village, payroll, and associated benefit costs that have been previously approved by Council;
 - (ii) pre-pay items that fall under the travel and meal allowance policy under Section 3.05 of this by-law;
 - (iii) pay expenses associated with the general day to day operation of the municipal office;
 - (iv) pay the appropriate invoices that have been received and have had prior approval of department heads and/or Council, subject to Section 18 of this by-law; and
 - (v) receive funds as appropriate to the municipal administration and operations.
- (d) In the absence or inability of the Treasurer to act, or if the position is vacant, the Assistant Treasurer shall perform all the duties of the Treasurer.
- (e) The Treasurer shall have all the duties as detailed in the Treasurer's official job description as per the Human Resources Policy Manual.

- (f) The Treasurer will assume the role of Acting Chief Administrative Officer in the absence of the Chief Administrative Officer.

23. SIGNING OFFICERS

- (a) The Mayor or one other member of Council (appointed by Resolution of Council to be the co-signing authority for a two-year term) shall sign jointly with the Treasurer or Assistant Treasurer all cheques issued by the municipality.
- (b) The Mayor shall sign jointly with the Clerk all agreements, contracts, deeds, by-laws, resolutions or other documents of a general nature and affix the corporate seal of the Village thereto pursuant to the Act.

24. REPORTS – FINANCIAL AND OTHER

- (a) Financial reports shall be submitted or made available to Council every month, with the exception of January and February due to year-end financial preparations, and shall contain such information as Council directs.
- (b) The CAO or Treasurer shall prepare such other reports as Council may require.

25. CORPORATE SEAL

The corporate seal of the Village shall be at all times under the custody of the Clerk and shall be used by him/her in corporate matters as required under the Act.