Village of New Maryland

A By-law Respecting the Proceedings of Council and Administration

Procedural By-law No. 50-2021

(Consolidated – July 2025)

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WHEREAS the *Local Governance Act* S.N.B. 2017, Chapter 18 ("the Act"), was proclaimed and came into force January 01, 2018;

AND WHEREAS under Section 195 of the Act a by-law made under the authority of the *Municipalities Act*, Chapter M-22 of the Revised Statues 1973, that was in force immediately before the commencement of this section, shall be deemed to have been made under this Act and is valid and continues in force until amended or repealed;

AND WHEREAS the Council for the Village of New Maryland proposed amendments to By-law No. 50 and amendments thereto;

THEREFORE BE IT ENACTED by the Council for the Village of New Maryland under the authority vested in it by the *Local Governance Act* S.N.B. 2017, Chapter 18 as follows:

1. TITLE

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

2. DEFINITIONS

In this by-law:

"Act" means the *Local Governance Act* S.N.B. 2017, c.18, amendments thereto and regulations adopted thereunder;

"Administration" means the Chief Administrative Officer (CAO) and senior staff of the municipality;

"Ad hoc Committee" means a committee established by Council to address a specific task or topic, and dissolved after the completion of the task or achievement of the objective, and regulated as per Section 17 of this by-law;

"Assistant Clerk" means the Assistant Clerk of the municipality as appointed by Council in accordance with Sections 71 and 74 of the Act;

"CAO" means the Chief Administrative Officer of the municipality as appointed by Council in accordance with Sections 71 and 81 of the Act;

"CIC" means a Council-In-Committee meeting called for the purpose of reviewing issues pertaining to the operation of the municipality in accordance with Section 4.06 of this by-law;

"Clerk" means the Clerk of the municipality as appointed by Council in accordance with Sections 71 and 74 of the Act;

"Closed Meeting" means a meeting of Council not open to the public, so convened if necessary to discuss matters outlined in Section 68 of the Act as follow:

(i) information of which the confidentiality is protected by law;
(ii) personal information as defined in the *Right to Information and Protection of Privacy Act*;
(iii) information that could cause financial loss or gain to a person or the local government or could jeopardize negotiations leading to an agreement or contract;
(iv) the proposed or pending acquisition or disposition of land;
(v) information that could violate the confidentiality of information obtained from the Government of Canada or from the government of a province or territory;
(vi) information concerning legal opinions or advice provided to the local government by its solicitor or privileged communications ~~as~~ between solicitor and client in a matter of local government;
(vii) litigation or potential litigation affecting the local government or any corporation referred to in subsection 8(1) of the *Local Governance Act*, the local government's agencies, boards or commissions, including a matter before an administrative tribunal;
(viii) the access to or security of buildings and other structures occupied or used by the local government or access to or security of systems of the local government, including computer or communication systems;
(ix) information gathered by the police, including the Royal Canadian Mounted Police, in the course of investigating any illegal activity or suspected illegal activity, or the source of that information; or
(x) labour and employment matters, including the negotiations of collective agreements.

"Conflict of Interest" means the situations described in Part 8 of the *Local Governance Act*;

"Council" means the Mayor and Councillors of the Municipality;

"Councillor" means a member of Council other than the Mayor;

"CPA" means the *Community Planning Act*, S.N.B. 2017, c.19;

"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 Section 14 of this by-law;

"Disrespectful Statements/Actions" mean improper, offensive, or abusive language and/or conduct to another person;

"Electronic Communication" means the attendance of a meeting through electronic means, which includes telephone, speaker phone, personal computer, or other electronic means as technology advances;

“Emergency Meeting” means a meeting convened pursuant to Section 4.05 of this by-law for local state of emergency or public safety matters;

“Formal Meeting” means a meeting of Council regulated by the Act and as set out in Section 4.02 of this by-law;

“Majority” means more than half;

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

“Meetings of Council” mean Formal Council, Closed, CIC, Emergency or Special Meetings of Council;

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

“Municipality and/or Village” means the Village of New Maryland, a municipal body corporate located in York County and established under the Laws and Regulations of the Province of New Brunswick;

“Participate Remotely” means participating in a Meeting of Council by Electronic Communication;

“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 (e.g., any breach of the procedural by-law, the use of Disrespectful Statements/Actions, 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 (e.g., 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;

“Special Meeting” means a special meeting convened pursuant to the Act and in accordance with Section 4.04 of this by-law;

“Standing Committee” means a permanent committee established by Council with responsibilities as identified in Section 17 of this by-law; and

“Treasurer” means the Treasurer of the municipality as appointed by Council in accordance with Sections 71 and 76 of the Act.

3. APPLICATION

3.01 In this by-law where the context requires, the singular shall include the plural, and a word importing the plural includes the singular.

3.02 In this by-law where the context requires, references to the male or female gender shall be taken to include the other.

3.03 This by-law applies to all Meetings of Council, Committees of Council, and committees as established by Council identified herein.

3.04 To the extent that any matter is not dealt with in the Act or this by-law, Council shall refer to *Robert's Rules of Order*.

3.05 The precedence of the rules governing the procedures of Council is:
(a) the Act,
(b) other provincial legislation,
(c) this by-law, and
(d) Robert's Rules of Order.

4. MEETINGS OF COUNCIL

4.01 FIRST FORMAL MEETING OF A NEWLY ELECTED COUNCIL

(a) A newly elected Council shall hold its first Formal Meeting on the day prescribed by the *Local Governance Act*. A newly elected Council shall not transact business at its first meeting until the Oaths of Office have been taken and subscribed by persons present who have been elected to office. The Clerk is responsible for administering the Oaths of Office to newly elected Council Members.

(b) Subject to subsection (a), the first Formal Meeting of Council after a quadrennial election shall be held no later than the 15th (fifteenth) day in June following the Council's election.

(c) The Clerk shall allot to each Councillor a seat within the Council Chamber, which he or she shall thereafter be entitled to occupy at all Meetings of Council.

4.02 FORMAL MEETINGS

(a) Council shall hold its Formal Meeting on the third Wednesday of each month, unless otherwise determined by a Majority vote of Council.

(b) 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 a Majority vote of Council.

(c) Council may waive a Formal Meeting or change the date for such meeting when, by Resolution of Council made at least 1 (one) week prior thereto, the Council deems it appropriate. However, the Mayor and CAO, if concerned about a safety factor or due to

compassionate reasons, may cancel or reschedule a Formal Meeting on short notice if deemed necessary.

(d) Unless otherwise specified, all Formal Meetings of Council shall be held in the Council Chamber of the municipal office at 7:30 p.m.

(e) In the absence or inability of the Mayor to act, or if the office of the Mayor is vacant, the Deputy Mayor shall act in the place of the Mayor, and while acting shall possess the powers and perform the duties of the Mayor.

(f) In the absence or inability of both the Mayor and the Deputy Mayor to act, or if their offices are vacant, the Clerk shall call for a vote to elect a Councillor to act as Presiding Officer at a Formal Meeting by Majority vote of the Councillors present, and he/she shall have the same authority while presiding at the meeting as the Mayor would have if occupying the chair.

(g) Unless there is a Quorum within 30 (thirty) minutes after the time appointed for the Formal Meeting of Council, the Clerk shall record the names of the Council members present and the meeting shall stand adjourned until the date of the next Formal Meeting, unless a Special Meeting is called in accordance with Section 4.04.

(h) The Clerk, or designate, shall provide to each Member notice of the time of the Formal Meeting and the business to be transacted not later than 2 (two) days before the day fixed for each 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.

(i) Public notice of Formal Meetings of Council shall be given by posting such notice on the Village of New Maryland's official website and sharing with the media at least one working day prior to the meeting.

(j) All Formal Meetings of Council shall be open to the public and no member of the public shall be excluded therefrom except for improper conduct. The Mayor or other Presiding Officer may order the expulsion from any meeting of any member of the public whose behavior is deemed as a Disrespectful Statement/Action at such meeting.

(k) Members of the public shall be entitled to address Council at Formal Meetings, under the heading "Public Input/Inquiries" on matters of municipal jurisdiction. Presentations by members of the public will be permitted with 48 (forty-eight) hours' notice to the Clerk on specific concerns or topics.

(l) The business before Council at each Formal Meeting shall be taken up in regular order, unless otherwise determined by the Majority vote of the Members present, and all questions as to procedure or to the suspension of the regular order shall be decided without debate.

(m) Any Member wishing to introduce any new or extraordinary business at a Formal Meeting shall provide the Clerk 48 (forty-eight) hours' notice 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 affirmative two-thirds Majority vote of the Members present at such meeting.

(n) Committee session notes shall not be read during any Formal Meeting of Council.

(o) When at any Formal Meeting of the Council the hour of 10:00 p.m. shall be reached, the Mayor or Presiding Officer shall declare the meeting adjourned and leave the chair unless, by vote, two-thirds of the Members present determine otherwise.

(p) All directions to staff made from the floor during a Formal Meeting shall be made by motion and be subject to approval by Council.

4.03 CLOSED MEETINGS

(a) A Formal Meeting may be closed to the public for the duration of the discussion if the discussions pertain to any matter that may be conducted in a Closed Meeting as defined in the Definitions section of this by-law and Section 68 of the Act.

(b) In a Closed Meeting no decisions shall be made at the meeting except for decisions related to:
(i) procedural matters;
(ii) direction to an officer or employee of the local government; or
(iii) direction to a solicitor for the local government.

(c) In a Closed Meeting the rules and regulations of Council shall be observed with the exception that no motions shall be brought forward.

(d) Members of Council and staff shall refrain from discussing the matters considered during a Closed Meeting other than with other Members or senior staff, or as directed by Council.

4.04 SPECIAL MEETINGS

(a) The Mayor may at any time summon a Special Meeting. It shall be his/her duty to do so when requested verbally or in writing by a Majority of the Members.

(b) The Clerk shall summon a Special Meeting when requested verbally or in writing by a Majority of the Members.

(c) The Clerk shall give to all Members verbal or written notice of each Special Meeting at least 24 (twenty-four) hours before the time set for the meeting. The notice shall specify the time of such meeting and the business to be transacted thereat.

(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 Meetings are open to the public and no member of the public shall be excluded therefrom except for improper conduct. The Mayor or other Presiding Officer may order the expulsion from any meeting of any member of the public whose behavior is deemed as a Disrespectful Statement/Action at such meeting.

(f) Public notices of Special Meetings shall be given by posting the information on the Village's website.

4.05 EMERGENCY MEETINGS

(a) The Mayor or any 3 (three) Members of Council, when deemed necessary, may call an Emergency Meeting 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.

(c) The Clerk shall post the information on the Village's website when an emergency meeting has been called.

4.06 COUNCIL-IN-COMMITTEE (CIC) MEETINGS

(a) A CIC Meeting may be closed to the public for the duration of the discussion if the discussions pertain to any matter that may be conducted in a Closed Meeting as defined in this by-law and Section 68 of the Act.

(b) There shall be meetings of the Members to be known as CIC Meetings called for the purpose of reviewing issues pertaining to the operation of the municipality.

(c) The CIC will be comprised of the Members of Council, the CAO/Clerk and the Treasurer. Other senior staff will be in attendance to make presentations and answers questions as required.

(d) The Mayor shall be the chairperson of the CIC Meetings.

(e) The Committee may receive delegations and submissions, receive information from senior staff on emerging items, and discuss and debate policy matters to formulate recommendations to Council.

(f) Members of Council shall submit all agenda items to the Clerk at least 48 (forty-eight) hours prior to the CIC Meeting. No additional items will be added to the agenda unless so approved by a Majority vote of Council.

(g) The general rules of Council shall be observed during the CIC Meetings, 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.

4.07 ELECTRONIC MEETINGS

(a) Pursuant to Section 69 of the *Local Governance Act* and this by-law, a Member of Council shall be permitted to attend a meeting using Electronic Communication if that communication allows Members to hear and speak to each other and, in the case of a meeting that is open to the public, allows the public to hear the Members.

(b) Only a Member of Council who, at the time of the meeting, is outside the local government or is physically unable to attend the meeting may participate in the manner referred to in this section.

(c) Except for reasons of disability, a Member of Council shall not participate in the manner referred to in this section at more than 25% (twenty-five percent) of the Formal Meetings held in a 1 (one)-year calendar period or at more than 4 (four) Special Meetings held in a 1 (one)-year period.

(d) A Member of Council who intends to Participate Remotely in Meetings of Council shall notify the Clerk at least 2 (two) working days prior to the meeting. Only the first 2 (two) Members who have given notice will be able to Participate Remotely in a meeting.

(e) When Members of Council Participate Remotely in a Closed Meeting, he/she shall, at the beginning of the meeting, confirm that he/she is alone.

(f) A Member of Council who Participates Remotely shall be deemed to be present at the meeting for whatever period of time the connection via Electronic Communications remains active.

(g) The Presiding Officer of the meeting must be physically present in the Meeting room. If the Mayor Participates Remotely in Meetings of Council, he/she shall not participate as the Presiding Officer but may participate as a Member.

(h) If a Meeting of Council is open to the public, the use of Electronic Communications is permitted only if notice of the meeting is given to the public that includes the following information:
    (i) a statement that Electronic Communications will be used at the meeting; and
    (ii) the location where the public may see or hear the meeting.

(i) The Presiding Officer shall announce to those in attendance at the meeting that a Member is attending the meeting by means of Electronic Communication.

(j) When a vote is called, Members attending the meeting by means of Electronic Communications shall be asked to state their vote after all other Members present at the meeting have cast their votes.

5. PROCEDURE

5.01 CALL TO ORDER

(a) The Mayor, and in the absence of the Mayor, the Deputy Mayor, shall be the Presiding Officer of Meetings of Council. The Presiding Officer shall call the Members to Order at the commencement of the meetings.

(b) In the case where the Mayor and Deputy Mayor are absent, the Clerk shall call the meeting to order and a Presiding Officer shall be chosen and appointed by a motion of Council.

(c) The Chair, and in the absence of the Chair, the Vice-Chair of a Standing Committee or Ad hoc Committee shall call their meeting to order.

(d) The Presiding Officer shall not participate in any debate but shall use the office to preserve order and to direct Members in keeping to the question. If the Presiding Officer wishes to take part in any debate, he/she must appoint a Member to take the chair while he/she stands upon the floor to debate questions.

5.02 AGENDAS

(a) Agendas for all Meetings of Council shall be prepared by the Clerk's office from submissions from Council and, where applicable, senior staff and the public.

(b) No matter shall be placed on the agenda of Formal Council or CIC Meetings unless the request for consideration of such matter is received by the Clerk's office by 4:30 p.m. on Thursday, the week prior to the meeting.

(c) Any additional matter not included on the agenda shall only be considered with the unanimous consent on a motion by all Members of Council during the approval of the agenda.

(d) Any additional matter not included on a Standing Committee or Ad hoc Committee meeting agenda shall only be considered with the consent of the Chair and agreement of the Majority of the committee members present.

(e) The business of the Formal Meeting of Council 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~~ **[16-07-2025]**
Mayor's Comments
Comments by Members of Council
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

5.03 MINUTES

(a) The Clerk shall record the Minutes of all Meetings of Council, in accordance with the Act.

(b) If a Member arrives late, leaves before the meeting is adjourned, or is absent or temporarily absent from the meeting, it shall be recorded in the Minutes.

(c) The Minutes shall record all resolutions, decisions, and proceedings of the Council, and include, but not be limited to:
(i) municipal corporation name;
(ii) meeting date and time;
(iii) names of Members of Council present, Participating Remotely, and absent;
(iv) adoption (with corrections noted where applicable) of previous meetings' Minutes; disclosures of Conflict of Interest;
(vi) name of Members of Council who made or seconded a motion;
(vii) all motions made and an indication of whether they were passed or defeated;
(viii) date of next meeting; and
(ix) time the session was adjourned, signature of the Mayor, or designated Presiding Officer, and the Clerk, or Assistant Clerk.

(d) The Minutes shall be an account of Council decisions, not a full recounting of Council proceedings. The Minutes are an official record of what has been decided, not on what was said. The Clerk is ultimately responsible for the content of the Minutes. The Council and staff are responsible to point out any errors to be corrected in the content. Errors shall be corrected after a resolution to that effect has been passed.

(e) 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.

5.04 PRESENTATIONS

(a) The Presentation portion of a Formal Meeting agenda shall provide an opportunity for individuals to appear as a formal delegation or on their own to make brief presentations to Council on matters within the subject matter jurisdiction of Council.

(b) All individuals or groups wishing to address Council and wishing to be listed on the Formal Meeting agenda shall register with the Clerk at least 7 (seven) calendar days prior to the date of the meeting, providing their name, a summary of the topic of concern, any outstanding

requests, and indicating whether there has been any previous contact with a Member of Council or Administration regarding the matter.

(c) Registered presentations shall be limited to 10 (ten) minutes each, followed by questions from Members if applicable.

(d) Individuals or groups wishing to address Council by appearing at the Formal Meeting with no previous registration should advise the Clerk prior to the commencement of the meeting and will be called in order of registration to appear under Public Input / Inquiries. No audio-visual presentations will be permitted for unregistered presentations. Unregistered presentations shall be limited to 2 (two) minutes each, followed by questions from Members if applicable.

(e) The total time allotted for all presentations at a Formal Meeting (registered and unregistered presentations) is 30 (thirty) minutes, subject to the discretion of the Presiding Officer. In the event that all persons who expressed an interest to speak at a Formal Meeting cannot be heard within the allotted time for presentations, any unregistered presentations will be invited to attend and appear as a registered presenter before the next Formal Meeting; otherwise, an extension beyond the 30 (thirty) minutes is subject to the discretion of the Presiding Officer.

(f) Council will not entertain submissions from the public on issues that:
(i) may be considered in a Closed Meeting under Section 68 of the Act;
(ii) are before the Planning Advisory Committee, the Assessment and Planning Appeal Board, or the courts;
(iii) require a statutory Public Hearing; or
(iv) are personnel matters regarding Village employees. Complaints regarding Village employees must be submitted to the CAO in writing.

(g) Under the headings Presentations **and** Public Input/Inquires, questions and comments by members of the public will be addressed as follows:
(i) the Presiding Officer gives the floor to a member of the public, who provides his or her name and address, and/or the name of the organization being represented if applicable;
(ii) the member of the public must address any questions to the entire Council;
(iii) with approval from the Presiding Officer, Members may interrupt the speaker to obtain further information; and
(iv) during Presentation or Public Input/Inquiry at Formal Meetings, members of the public do not have the right to speak, unless the Presiding Officer authorizes them to do so.

(h) A response to each presenter's comments or concerns may be provided through 1 (one) or more of the following:
(i) immediate response provided directly at the meeting by either a Member or the Clerk if the matter does not require further research;
(ii) a motion to refer the matter to Administration for review and recommendation at a subsequent time, depending on the significance of the issue and time required to adequately research the matter; or
(iii) referral of the matter to the Mayor for a follow-up letter on behalf of Council.

(i) The presenter/questioner will be informed of the method of communication by which a response will be received.

5.05 MOTIONS

(a) All decisions of Council shall be:
(i) made in a Formal Meeting, Special Meeting or Emergency Meeting of Council, and
(ii) adopted by a by-law or Resolution of Council.

(b) All motions shall be moved and seconded before being debated or discussed.

(c) 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.

(d) 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.

(e) A motion shall require a Majority vote of the eligible Members present.

(f) 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.

(g) No motion shall be offered that is substantially the same as one that has already been expressed during the same meeting.

(h) A recommendation in a report is **not** a motion until it is moved and seconded.

(i) The following motions are not debatable by Council:
(i) to raise a point of privilege;
(ii) to raise a point of order;
(iii) to withdraw a motion;
(iv) to table a motion;
(v) to recess or adjourn the meeting; or
(vi) to challenge a ruling of the Mayor.

5.06 VOTING

(a) All questions, motions or matters before Council shall be decided at a Formal, Special, or Emergency Meeting of Council, with the exception of matters defined in the Act.

(b) Subject to section 5.07(d) and in accordance with the Act, the Mayor shall vote only in the event of a tie. When the Presiding Officer is other than the Mayor, he/she shall vote.

(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 by a Member of Council, that Member of Council 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) 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.

(e) When the Mayor wishes to participate in the debate at a Meeting of Council, 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 shall resume the chair prior to the vote being taken.

(f) Except as otherwise provided, no Member shall speak without recognition of the Presiding Officer.

(g) 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.

(h) After the Mayor has called the vote, no Member shall speak to the motion nor shall any other motion be made until after the result of the vote has been declared.

(i) After the Mayor has counted the vote, the Mayor shall declare whether it was "carried" or "defeated".

(j) 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.

(k) Council shall consider only 1 (one) vote at a time.

(l) If a motion is voted on by Council, a Member who voted on the prevailing side may move, at the same meeting or continuation thereof, that the vote be reconsidered, provided that the vote has not caused irrevocable action.

(m) A motion to rescind, renew or amend a motion previously adopted may not be introduced where the vote on the original motion has caused an irrevocable action.

(n) Before calling the vote on a motion that, if passed, would result in a requirement for an action to be completed by a specified date or within a specific amount of time, the Presiding Officer shall consult with the Clerk regarding the practicality of the date specified in the motion.

5.07 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 be 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 10 (ten) 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.

6. PUBLIC HEARINGS

(a) "Public Hearing" means a meeting of Council convened to hear matters pursuant to the Act or the CPA.

(b) If a Member did not attend a Public Hearing where statutory procedures required a Public Hearing, the Member is precluded from taking part in the debate and shall not vote, and must vacate his/her seat during debate at the Formal or Special Meetings of Council where the motions are being considered.

(c) Where a Public Hearing is required for a planning matter under the CPA, unless otherwise determined by Council, a Public Hearing will follow the procedure described in Appendix "A", which forms part of this by-law and may be amended from time to time by a Resolution of Council.

7. CONFLICT OF INTEREST

(a) Any Conflict of Interest will be governed by Sections 87 to 98 inclusive of the Act.

(b) Upon taking office, each Member of Council shall file with the Clerk in the form prescribed by regulation under the Act a statement disclosing any Conflict of Interest of which he/she has or should reasonably have knowledge.

(c) Each Member shall declare a Conflict of Interest at the commencement of each Meeting of Council where there is a conflict with respect to any matter Council will address at the meeting. The Member shall:

(i) disclose his/her Conflict of Interest as soon as the matter is introduced;

(ii) forthwith withdraw from the meeting room while the matter is under consideration or vote; and

(iii) complete a disclosure form similar to that described in subsection (b).

8. BY-LAWS

(a) Every by-law shall be read 3 (three) times by title and read in its entirety in a Formal or Special Meeting of Council at least once prior to third reading by title, except where a notice describing the by-law by summary and the subject matter has been posted to the Village's website for 14 (fourteen) days, the by-law may be passed by the reading of the summary, if no Member objects.

(b) Unless all Members present declare by resolution that an emergency exists, only 2 (two) of the three (3) readings by title shall take place at one (1) Meeting of Council.

(c) A proposed by-law may be amended at any time prior to third reading by title.

(d) The previous readings of a proposed by-law are rescinded if the proposed by-law is defeated on second or third reading.

(e) When a by-law is given the required readings and enacted, it shall then be signed by the Clerk and the Mayor, or by the other Presiding Officer at the meeting at which it received third reading by title for enactment and sealed with the seal of the municipality.

(f) Notwithstanding section (e), any by-law which requires Provincial approval only comes into effect once Provincial approval is received.

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

(h) The Clerk is permitted to consolidate 1 (one) or more by-laws as deemed convenient and in doing so, must incorporate all amendments to the by-law into 1 (one) by-law, and omit a provision that has been repealed or that has expired.

9. CONFIDENTIALITY

(a) Until a matter is formally presented at a Formal or Special Meeting of Council, items of a sensitive, personal or business nature will not be publicly disclosed by Council, committee members, Administration 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, Members of Council and committee members shall sign a Confidentiality Agreement.

10. MEDIA INQUIRIES

(a) The Mayor shall speak on issues of concern to the Municipality on behalf of Council, as per Section 48(1) and 48(2) of the Act.

(b) All Village representatives are advised to exercise caution in their interaction with the media. The greater interests of the Municipality as a whole must be considered at all times.

11. CONDUCT OF COUNCIL

(a) No Member shall:
(i) speak beside a question or motion in debate;
(ii) refuse to obey this by-law;
(iii) disobey the decision of the Mayor or in his/her absence the Presiding Officer on questions of a Point of Order or practice;
(iv) use Disrespectful Statements/Actions towards Council, another Member of Council, a staff person or members of the general public; or
(v) 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 Point 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 (without debate), forthwith resume his/her seat.

(c) When a question is being raised, no Member shall walk across the room, leave his/her place, make or cause to be made any noise or disturbance. When a Member is speaking, no other Member shall pass between him/her and the Chair or interrupt him/her except to raise a Point of Order.

(d) No Member shall have the power to direct or interfere with the performance of any work of the Municipality. This shall in no way interfere with or restrict the right of a Member to seek information through the office of the CAO.

12. CONSEQUENCES OF DISRESPECTFUL ACTIONS BY MEMBERS OF COUNCIL

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, dismissal from committee memberships or other action as per *Code of Conduct for Elected Officials By-law No. 13*.

13. APPOINTMENT OF OFFICIALS

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

14. 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.

15. DUTIES OF THE CHIEF ADMINISTRATIVE OFFICER (CAO)

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

16. DIRECTION TO STAFF

(a) If any Member wishes to ask a question of Administration during a meeting, any such questions shall be directed to the CAO, who may either answer or call upon the appropriate Administration official to respond.

(b) Council directives shall be carried out through the office of the CAO.

17. STANDING COMMITTEES AND AD HOC COMMITTEES OF COUNCIL

17.01 STANDARD 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 CPA. Where there is a conflict between a municipal by-law and the statute, the provincial legislation will prevail.

(i) Chairperson and Vice-Chairperson: The PAC Chairperson and Vice-Chairperson shall be elected by the PAC from among its membership and appointed by a Resolution of Council on an annual basis as per Section 6 of the CPA.

(ii) Committee Composition: Committee composition and membership is regulated as per the CPA and the revised *Policy on Procedure and Protocol for the Village of New Maryland Planning Advisory Committee*, adopted by Council.

(iii) 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 via Resolution of Council.

(iv) 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 CAO.

(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, Assistant Clerk, Fire Chief, Public Works Supervisor, and Building Inspector/Development Officer (or their designates as appointed by the CAO).

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 (ten) agencies noted above will be contacted when an ERPC meeting is scheduled and asked to send 1 (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) Age-Friendly Committee is repealed in its entirety. **[16-07-2025]**

17.02 AD HOC COMMITTEES

(a) 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 Ad hoc Committees 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 an Ad hoc Committee shall consist of the Chairperson or Vice-Chairperson, the relevant Department Head, and a Majority 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 an Ad hoc Committee; and
- the Ad hoc Committee members shall sign a Confidentiality Agreement; failure to respect the terms of the Confidentiality Agreement may result in dismissal from the committee.

17.03 CONDUCT OF COMMITTEE MEMBERS AT STANDING AND AD HOC COMMITTEE MEETINGS

(a) No member of a Standing Committee or Ad hoc Committee shall:
(i) speak beside a question in debate;
(ii) refuse to obey this by-law;
(iii) disobey the decision of the Presiding Officer on questions of a Point of Order or practice;
(iv) use Disrespectful Statements/Actions towards Members of Council, members of the committee, a staff person or members of the general public; or
(v) use digital technologies to share or post material 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 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 membership.

(c) When a question is being raised, no committee member shall walk across the room, leave his/her place, make or cause to be made any noise or disturbance. When a committee member is speaking, no other member shall pass between him/her and the Chair or interrupt him/her except to raise a Point of Order.

(d) No committee member shall have the power to direct or interfere with the performance of any work of the Municipality.

17.04 ATTENDANCE

When 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 of the committee in a twelve (12) month period without excuse, the committee shall recommend to Council that the member be replaced.

18. PROCUREMENT, PURCHASE ORDERS AND WORK ORDERS

(a) The Municipality must abide by all relevant municipal, provincial and federal legislation as detailed in Appendix “B” Procedure for Procurement which forms part of this by-law and may be amended from time to time by a Resolution of Council.

(b) Work orders and purchase orders shall be completed as per the guidelines detailed in Appendix “B” Procedure for Procurement which forms part of this by-law and may be amended from time to time by Resolution of Council.

19. EMERGENCY REQUIREMENTS

(a) The CAO and Treasurer are 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.

20. ACCOUNTS AGAINST THE MUNICIPALITY

The Treasurer's Report shall be submitted at each monthly Formal Meeting.

21. DUTIES OF THE TREASURER

(a) The Treasurer shall be appointed by Council in accordance with Sections 71 and 76 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 Municipality, 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;
(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 Appendix B 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) In addition to the responsibilities outlined in the LGA, the Treasurer shall have all the duties as detailed in the Treasurer's official Position Profile as per the *Human Resources Policy Manual*.

(f) The Treasurer will assume the role of Acting CAO in the absence of the CAO.

22. SIGNING OFFICERS

(a) The Mayor or one (1) other Member of Council (appointed by Resolution of Council to be the co-signing authority) 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 the Clerk shall affix the corporate seal of the Village thereto pursuant to the Act.

23. 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.

24. 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.

25. SEVERABILITY

If any part of this by-law shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this by-law.

26. REPEAL AND REPLACEMENT

(a) Village of New Maryland By-law No. 50, A By-law Respecting the Proceedings of Council and Administration, enacted on December 05, 1995 and all amendments are hereby repealed.

(b) The repeal of By-law No. 50 shall not affect any by-law infraction, penalty, forfeiture or liability incurred before such repeal or any proceedings for enforcing the same, completed or pending at the time of repeal.

Read First Time: 21 April 2021
(*By Title Only*)

Read Second Time: 21 April 2021
(*By Title Only*)

Read Third Time: 18 August 2021
(*By summary in accordance*
With Local Governance Act SNB 2017, C.18)

Read Final Time: 18 August 2021
(*By Title Only*) and ENACTED

Signed *Signed*

Judy Wilson-Shee
MAYOR

Cynthia Geldart
CAO/CLERK

SEAL:

Appendix "A"
Village of New Maryland
Procedure for Public Hearings

1. Public Notice for a Public Hearing shall be distributed in accordance with provisions in the New Brunswick *Community Planning Act* and the New Brunswick *Local Governance Act*.

2. The Mayor, or his/her designate, shall be the Presiding Officer for the Public Hearing.

3. The Presiding Officer shall read the agenda item, advise of the purpose of the Public Hearing, outline the procedural rules for the hearing and advise if objections or other correspondence has been received. Only information submitted directly to the Village Clerk prior to adjournment of the Public Hearing shall be considered (note: no social media postings shall be submitted or considered).

4. The Village Development Services Department representative will provide: a presentation explaining the agenda item; a summary of the administrative report from staff or Village Consultants; an overview of objections or other correspondence received; and recommendations to Council.

5. The Proponent shall then be called upon to add any further explanation or information in support of the application. Presentations shall be limited to 10 minutes.

6. Members of the public wishing to speak or submit documents in favour of the agenda item will be invited to address Council, state their name, address, and/or the name of the organization being represented, declare their support for the agenda item and provide any further statements for the public record.

7. Members of the public wishing to speak or submit documents in opposition to the agenda item will then be invited to address Council, state their name, address, and/or the name of the organization being represented, declare their opposition to the agenda item and provide any further statements for the public record.

8. The Proponent will be given an opportunity to respond to any noted concerns or requests for clarifications.

9. Members of Council may then pose questions to the Proponent or objectors but shall not enter into a debate.

10. The Presiding Officer then shall call three times for anyone else who wishes to speak in favor of, and then in opposition to, the agenda item. Every person wishing to speak to the agenda item shall be given an opportunity to do so.

11. When all presentations have been completed, the Presiding Officer shall declare the Public Hearing adjourned. Comments and/or information received after adjournment of the Public Hearing shall not be taken into consideration.

12. No official action shall be taken at a Public Hearing. Council's official decision on the agenda item may only be made at a future Regular or Special Meeting of Council.

13. All in attendance at the Public Hearing shall conduct themselves in an orderly, fair, respectful, and productive manner.

Revision Date: 18 August 2021

Appendix "B"
Village of New Maryland
Procedure for Procurement

1. DEFINITIONS

The following definitions apply to this policy:

"Act" means the *Local Governance Act*, 201, c.18;

"Budget" means the budget as approved by Council;

"Canoe Procurement Group Purchasing Program" means a partnership facilitated through the Union of Municipalities of NB (UMNB) with Canoe Procurement Group of Canada that provides members with access to competitively priced goods and services through a cooperative procurement program;

"Clerk" means the Clerk appointed by the Council of the Village of New Maryland;

"Chief Administrative Officer" (CAO) means the Village Chief Administrative Officer appointed by the Council of the Village of New Maryland;

"Construction" means a construction, reconstruction, demolition, repair or renovation of a building, structure, road or other civil engineering or architectural work and includes site preparation, excavation, drilling, seismic investigation, the supply of products and materials, the supply of equipment and machinery if they are included as an incidental to the construction, and the installation and repair of fixtures of a building, structure, road or other civil engineering or architectural work, but does not include professional consulting services related to the construction contract unless they are included in the procurement;

"Council" means the Mayor and Council;

"Councillor" means a member of the Council other than the Mayor;

"Deputy Mayor" means the Councillor elected as Deputy Mayor;

"Mayor" means the Mayor of the Village of New Maryland duly elected to such post;

"Member" means any person elected to Council;

"Municipality" means the Village of New Maryland, a municipal body corporate located in York County and established under the Laws and Regulations of the Province of New Brunswick;

"Procurement Act" means the *Procurement Act*, SNB 2012, c.20;

"Procurement" means the process that normally leads to an agreement to purchase, rent or lease goods and services;

"Services" mean, in relation to procurement, all services including printing, garbage removal, snow

removal, salt hauling, janitorial services, studies, utilities, consulting, professional services, etc., unless the services form part of a general construction contract;

"Supplies" mean, in relation to procurement, raw materials, products, supplies, equipment and other physical objects of every kind and description whether in solid, liquid, gaseous or electronic form, unless they are procured as part of a general construction contract;

"Treasurer" means the Treasurer appointed by Council of the Village of New Maryland;

"Unbudgeted" means expenditures that are not included in the budget and are unplanned at the time of the budget being passed; and

"Village" means the Village of New Maryland, a municipal body corporate located in York County and established under the Laws and Regulations of the Province of New Brunswick.

2. BACKGROUND

Procurement is the process that leads to an agreement for the Village of New Maryland to purchase, rent or lease goods and services from a third party.

It is important in all dealings that the Village of New Maryland act and be seen as acting in a fair, transparent manner and that promotes an atmosphere of trust and confidence in the procurement process.

To avoid confusion, procurements by the Village of New Maryland should reflect industry wide procurement practices and be consistent with other procurement processes in the Province of New Brunswick.

Although efficiency in procurement is important, care must be taken prior to engaging in procurement activities to ensure that the procurement is aligned with Council objectives.

3. PROCUREMENT POLICY

3.1 The Village of New Maryland will adhere to the following legislation with its procurement practices:

- 3.1.1 *New Brunswick Procurement Act and Regulations* (PA);
- 3.1.2. *Crown Construction Contracts Act* (CCA);
- 3.1.3. *Quebec New Brunswick Agreement* (QC-NB);
- 3.1.4 *Canadian Free Trade Agreement* (CFTA); and
- 3.1.5. *Canada-European Union Comprehensive Economic and Trade Agreement* (CETA) only applies to cities.

The following table illustrates applicable thresholds of the trade agreements and legislation. Unless exempted, procurements above these thresholds must be obtained through a competitive bidding process and **MUST** be posted on New Brunswick Opportunities Network (**NBON**) with the exception of products and or services obtained through the Canoe Procurement Group Purchasing Program.

	PA[1]	CCCA[2,4]	QC-NB[1]	CFTA[1]	CETA[3]
GOODS	$133,800	**N/A**	$133,800	$133,800	$353,300
SERVICES	$133,800	**N/A**	$133,800	$133,800	$353,300
CONSTRUCTION	$133,800	**N/A**	$133,800	$334,400	$8,800,000

[1] *QC-NB and CFTA thresholds will increase every two years due to inflation. PA thresholds will be adjusted accordingly. The last increase was January 1, 2024.*

[2] *The CCCA applies to every contract for the construction, repair or alteration of land or structures owned or administered by the Crown, including Part 1 departments, agencies, schools and school districts; regional health authorities; CCNB and NBCC; as well as NB Power, NB Liquor, NB Housing, NB Energy Marketing Corp., RDC, RPC and WHSCC.*

[3] *CETA applies only to the following municipalities (i.e. cities): Bathurst, Campbellton, Dieppe, Edmundston, Fredericton, Miramichi, Moncton, and Saint John.*

[4] *The CCCA does not apply to universities and municipalities.*

Links to legislation and trade agreements:

- Procurement Act and Regulation 2014-93
- *Crown Construction Contracts Act* and Regulation 82-109

4. DELEGATED AUTHORITIES

4.1 Budgeted Expenditures

4.1.1 the CAO or Treasurer, or his/her designate, shall be the Purchasing Agent and is authorized to carry out purchasing on behalf of Council;

4.1.2. budgeted items: for all Council approved budgeted items, not exceeding $25,000; budgeted items over $25,000 require Council approval;

4.1.3. non-budgeted items: for all non-budgeted goods or services less than $5,000; non-budgeted goods and services over $5,000 require Council approval;

4.1.4. Department Heads are designated to be the Purchasing Agent for budgeted items within their department's approved budget for items less than $2,000; and

4.1.5. 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.

4.2 Staff may authorize procurement of up to their delegated amounts provided that:

4.2.1. there is a clear estimate for the goods, and it is expected that the value will not exceed their authority;

4.2.2. the *Provincial Acts and Regulations* and Agreements are strictly followed;

4.2.3. the amount of the procurement is within the approved budget amount for the year; and

4.2.4. the procurement does not commit the Village to further procurements causing the total procurement to exceed the delegated authority for a specific project.

4.3 The following positions are considered "Department Heads" for the sake of this purchasing policy:

4.3.1. Public Works Supervisor

4.3.2. Public Works Transportation Supervisor

4.3.3. Public Works Utilities Supervisor

4.3.4. Fire Chief

4.3.5. Development Officer/Building Inspector

4.3.6. Recreation Coordinator

4.3.7. Facilities Manager

4.4 Each Department Head can only spend from their own budget, with the following noted exception:
Public Works Supervisor – can authorize expenditures for public works and water and sewer.

4.5 Unbudgeted Expenditures
For amounts not authorized in the budget, the CAO or Treasurer may authorize a purchase not more than $5,000.

4.5.1. Emergency Purchases: True emergencies generally occur as a result of fire, flood, water breaks or equipment repairs. Notwithstanding the authorities outlined elsewhere in this policy, the Chief Administrative Officer/Clerk or Treasurer is authorized to make an emergency expenditure deemed necessary in order to maintain services within the Village. Such expenditures must be reported to Council and will also be reported on the monthly financial statements.

5. COUNCIL APPROVAL OF PROCUREMENT

5.1 For any procurement beyond the delegated authority of the CAO or Treasurer, a presentation to Council must be made prior to taking any procurement action outlining the following:

5.1.1. the name of the goods and service provider, if known;
5.1.2. a detailed description of the goods and services to be provided;
5.1.3. the estimated total cost of providing the goods and services and the source of the estimate;
5.1.4. the approved budget for the goods and services;
5.1.5. the dates the goods and services are to be provided;
5.1.6. the reason for the request; and
5.1.7. the method of procurement of the goods and services.

6. COMPETITIVE QUOTES

6.1 In order to ensure tax dollars are wisely spent, the following limits shall be followed for acquiring competitive bids:

	Goods	Services	Construction
2 Quotes	$25,000-$71,000	$25,000-$71,000	$25,000-$71,000
3 Quotes	$72,000-$133,800	$72,000-$133,800	$72,000-$133,800

6.2 Purchases which are described in section 7.4 are exempt from the above limits.

6.3 Quotes must be documented in writing via letter, fax or email. The Department Head, or designate, will prepare a request for quotation in writing to each identified vendor.

7. PUBLIC TENDERING

7.1 As prescribed by the *Procurement Act*, procurements in excess of the following amounts must be put out for tender unless they are obtained using the Canoe Procurement Group

Purchasing Program:

7.1.1. goods over $133,800;
7.1.2. services over $133,800
7.1.3. construction projects over $133,800; and:
7.1.4. at the direction of the CAO, staff or a consultant may prepare the tendering documentation, for approval by the CAO, or delegate.

7.2 Final tender documentation to be approved by the CAO or delegate. The following information, as applicable, should be on any request for quotation or proposal sent out:

7.2.1. the supply or service that quotes were requested on, along with minimum specifications and any other pertinent information;
7.2.2. to whom quotations or proposals are to be submitted;
7.2.3. date and time quotations are required;
7.2.4. a statement that all prices should be quoted Freight on Board (FOB) New Maryland, net of taxes;
7.2.5. a statement to the effect that "the Village does not, by virtue of any proposal call, tender, or request for quotation or proposal, commit to an award, nor does the Village limit itself to accepting the lowest price of any submitted, but reserves the right to award, or not to award, in any manner deemed to be in the Village's best interest";
7.2.6. required delivery date;
7.2.7. required for proof of WorkSafe NB registration;
7.2.8. requirement for proof of insurance as per tender documentation;
7.2.9. a place for the vendor's name, address, phone number, email and signature;
7.2.10. a statement as to whether fax or phone quotes are acceptable;
7.2.11. a statement as to whether substitute products will be considered;
7.2.12. any other conditions or stipulations that may apply; and
7.2.13. a request for a list of references.

7.3 All Procurement Tenders shall be advertised on the New Brunswick Opportunities Network (NBON) and **MAY BE** advertised in a local paper or posted to the Village's website.

7.4 Exemptions from Tenders:
A detailed list of exemptions from tenders and competitive quotes is provided in Regulation 2014-93, Section 166. The exemption includes the following professional services:

7.4.1. engineers;
7.4.2. land surveyors;
7.4.3. accountants;
7.4.4. barristers and solicitors;
7.4.5. medical practitioners;
7.4.6. dentists;
7.4.7. nurses;
7.4.8. pharmacists;
7.4.9. veterinarians; and
7.4.10 architects.

7.5 At the discretion of the CAO or by the direction of Council, any of the exempt services may go out for a competitive bidding process.

8.0 PURCHASE ORDERS/WORK ORDERS

8.1 Purchase orders and work orders have 4 (four) main purposes:

8.1.1. inform Finance Department of purchases of a significant amount to assist with budget tracking;

8.1.2. inform CAO and Department Heads of purchases for invoice authorization;

8.1.3. ensure quoted amounts at the time of order agree with amount invoiced; and

8.1.4. provide documentation to vendors that purchases are authorized by the Village.

8.2 In order to be effective, purchase orders are to be provided to the Finance Department at the time of purchase or order.

8.3 All purchases should be authorized by purchase order except for the items listed below:

8.3.1. phone bills, fuel, electricity, taxes, insurance, debenture payments, payroll remittances, service contracts covered by approved tender or a supply agreement;

8.3.2. approved budgeted payments to external agencies;

8.3.3. project payments covered by approved tender;

8.3.4. engineering fees included in capital project budgets;

8.3.5. budgeted amounts of less than $100; and

8.3.6. budgeted items purchased by the CAO or Treasurer.

8.4 All purchases of goods and services in excess of the thresholds shall have the signature of the employee's supervisor prior to the issuance of the purchase order.

8.5 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 $100. In order to provide an accurate tracking system of projects and expenditures, purchase and work order books will be maintained at the Village Office and prepared by the Department Heads or their approved designates.

8.6 A purchase order should contain the following information:

8.6.1. name of company;

8.6.2. date;

8.6.3. brief item description;

8.6.4. estimated cost before taxes or quotation amount; and

8.6.5. name of employee making purchase (where applicable) and signature of personnel with appropriate spending authority.

8.7 A work order shall consist of the following:

8.7.1. name of the contractor or supplier authorized to complete the work;

8.7.2. description of the work to be completed;

8.7.3. reason for the ordered work;

8.7.4. diagrams, plot plans or engineering drawings as appropriate

8.7.5. an estimate of the expenses to be incurred; and

8.7.6. name of employee making purchase (where applicable) and signature of personnel with appropriate spending authority.

8.8 The CAO or Treasurer or his/her designate, will co-sign all work orders or purchase orders greater than $1,000 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 $100 and $1,000.

8.9 A 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 exemption 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.

9.0 INVOICE AUTHORIZATIONS AND PAYMENT

9.1 The Accounts Payable Clerk will match invoices to purchase orders and packing slips and forward them to the proper Department Head for approval for payment. Department heads will ensure that goods or services have been received before authorization is provided. Department Heads, or designate, will return invoices to the Accounts Payable Clerk after they have signed the invoice as approval for payment as well as indicated the appropriate budget code it should be charged to.

9.2 Authorized purchasers shall notify the Treasurer of a designated purchasing authority in their absence.

9.3 The CAO and/or Treasurer have authority to authorize all invoices in the absence of a Department Head.

10. CREDIT CARD PROCEDURES

10.1 Use of the corporate credit card is subject to the same spending authorizations provided in this policy. The corporate credit card is intended for the following purposes:

10.1.1. Travel arrangements;
10.1.2. on-line purchases;
10.1.3. payment of invoices in US funds;
10.1.4. payments for course registrations when credit card is accepted; and
10.1.5. other items as ordered by the CAO (and within his/her authority).

10.2 Staff are responsible for obtaining the appropriate approval before using the card. All the authorities contained here within also apply to credit card purchases.

10.3 Purchasers are responsible for ensuring credit slips are maintained and submitted to the Finance Department for reconciliation to the appropriate monthly statement. Please note, the slip turned in must be the original invoice, not the credit card slip.

10.4 When the credit card statement is received, the Finance Department reconciles to the credit card log and reviews with Department Heads as necessary.

11. FUEL CARDS

11.1 Fuel cards are provided for use in Village vehicles. Their use is restricted to the provision of fuel only. The vehicle operator is responsible for ensuring credit slips are maintained and submitted to the Finance Department for reconciliation to the appropriate monthly statement.

12. PETTY CASH

12.1 Petty cash should be used for small incidental items required on short notice. Items from suppliers where the Village has a credit facility or larger value should follow the normal procurement process and/or utilize the credit card.

12.2 All amounts are to be supported by appropriate documentation.

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