A BY-LAW RELATING TO THE PROCEDURES OF SUSSEX

BY-LAW # 858-26

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A BY-LAW RELATING TO THE PROCEDURES OF SUSSEX

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WHEREAS: Subsection 10(2)(a) of the Local Governance Act, authorizes and requires local governments to establish a by-law respecting the procedures at Council meetings, including any matters prescribed by regulation;

BE IT ENACTED by the Council of Sussex, under the authority vested in it by subsection 10(2)(a) of the Local Governance Act, as follows:

TITLE

This by-law may be cited as the "Procedural By-law of Sussex"

PURPOSE

The purpose of this bylaw is to establish the outline and procedures of Council and Committee of Council meetings of Sussex.

DEFINITIONS

1. In this by-law:

(i) *"Assistant Clerk"* means the Assistant Clerk of Sussex who shall act from time to time in the place and stead of the "clerk".

(ii) *"Chairperson"* means the member of Council or Committee presiding over the meeting.

(iii) *"Chief Administrative Officer"* means the Chief Administrative Officer of the municipality appointed under Section 71(2) of the Local Governance Act;

(iv) *"Clerk"* means the Clerk of the municipality appointed under Section 71(1) of the Local Governance Act;

(v) "*closed*" means a meeting of Committee or Council not open to the public, so convened in accordance with the Local Governance Act.

(vi) *"Corporation"* means the municipality;

(vii) *"Council"* means the Mayor and Councillors of the municipality;

(viii) *"Councillor"* means a member of the Council other than the Mayor;

(ix) "*ex-officio*" means a person who has the right to sit on a committee, without the obligation to participate in the deliberations of the said committee. He or she is entitled to vote unless this by-law indicates otherwise, but he or she does not count in the determination of the number for obtaining the quorum, whether there is a quorum or not.

(x) *"Mayor"* means the Mayor of the municipality;

(xi) *"member"* means a member elected to the Council;

(xii) *"municipality"* means Sussex;

(xiii) *"municipal officer"* means a person appointed by the Council, under Section 71 of the Local Governance Act, in a supervisory capacity;

(xiv) *"point of order"* means

a. any breach of the procedural and organizational by-law, or
b. any defect in the constitution of any meeting of the Council, or
c. the use of improper, offensive or abusive language, or
d. any other informality or irregularity in the proceedings of Council;

(xv) *"question of privilege"* means any scandalous or libellous reflection on the proceedings of the Council or on any member;

(xvi) *"quorum"* means a majority of the total number of Council according to the composition of Council by-law of Sussex.

(xvii) "*regular meeting*" means the scheduled monthly public meeting of the Council or Committee of Council;

(xviii) "*special meeting of Council*" means a public meeting of the Council or Committee of Council other than a regular meeting;

(xix) "*Treasurer*" means the treasurer of Sussex appointed under Section 71 of the Local Governance Act; and

(xx) *"vacancy"* is as defined in the Local Governance Act.

RULES AND REGULATIONS

2. The rules and regulations contained in this by-law shall be observed in all proceedings of the Council and shall be the rules and regulations for the order and dispatch of business in the Council and in the Committee thereof, provided that the rules and regulations contained herein may be suspended by a two-thirds (2/3) affirmative vote of the Council as a whole.

MEETINGS

3.

(i) The Clerk shall set a date for the first meeting of the Council which shall not be before the expiration of the period for filing a petition under Section 42 of the Municipal Elections Act and, if a petition is filed, before a judge of The Court of King's Bench of New Brunswick declares a candidate elected under that section.

(ii) The first meeting of a Council referred in subsection (i) shall be held no later than June 15, unless a candidate has not been declared elected by that date, in which case the first meeting shall be held as soon as the circumstances permit after that declaration.

(iii) If the Clerk does not fix a date for meeting of a Council under subsection (i), the meeting of Council will be held on the fourth Monday of May following the election.

(iv) The newly elected Council shall transact no business at its first meeting until the oaths of office have been taken and subscribed to by all members who present themselves for that purpose.

(v) The Council shall elect at their first meeting a Deputy Mayor from among the members for the Council term.

(vi) The Council shall hold one regular Council meeting each month in the Council Chambers at 524 Main Street in Sussex at 7:00pm. This meeting shall be on the 3rd (third) Monday of each month or the following Monday.

(vii) When the day for a regular meeting of Council is a public or civic holiday, the Council shall, unless the Council decides otherwise, meet at the same hour on the next following day which is not a public or civic holiday.

(viii) 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 possesses the powers and shall perform the duties of the Mayor.

(ix) 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 the place and instead of the Mayor by a majority vote of the members.

(x) The public shall be notified of a regular Council meeting by one or more of the following:

(a) notice provided by Council to the public at a previously scheduled Council meeting and/or;

(b) notice provided by the Clerk or designate to the public through the local news media and/or;

(c) notice posted by the Clerk or designate to the public through the internet on the Town's web site.

(xi) All regular Council meetings are open to the public and no member of the public shall be excluded therefrom except for improper conduct.

(xii) When, in the opinion of the Mayor, a member of the public is guilty of improper conduct at a Council meeting, the Mayor may require that person to leave the meeting forthwith.

(xiii) The Clerk shall notify all members of Council the time, place and date of all Council meetings.

(xiv) Electronic Meetings

(a) It is permitted to use electronic means of communication in a Council Meeting or a Committee of Council Meeting if it allows members of Council 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 of Sussex or is physically unable to attend the meeting may participate in the manner referred to in subsection (a).

(c) Except for reasons of disability, a member of Council shall not participate in the manner referred to in subsection (a) at more than 25% of the regular Council meetings held in a one-year period or at more than four Special Council Meetings held in a one-year period.

(d) A member of Council who intends to participate in a meeting in the manner referred to in subsection (a) shall provide sufficient notice to the Clerk to ensure that the relevant materials may be sent to the member and to ensure that the appropriate electronic means of communication are available and, if the meeting is open to the public, that the public notice referred to in subsection (g) is given.

(e) A member of Council who participates in a meeting closed to the public in the manner referred to in subsection (a) shall, at the beginning of the meeting, confirm that he or she is alone.

(f) A member of Council who participates in a meeting in the manner referred to in subsection (a) shall be deemed to be present at the meeting.

(g) If a Council Meeting or a Committee of Council Meeting is open to the public, use of an electronic means of communication is permitted only if a notice of the meeting is given to the public that includes the following information:

i. A statement that an electronic means of communication will be used at the meeting; and

ii. The location where the public may see or hear the meeting.

(h) Notice to the public shall be in accordance with the provisions of Section 70 of the Local Governance Act.

CURFEW

4. No item of business may be dealt with at a Council meeting after eleven (11) o'clock pm, unless by vote of two-thirds (2/3) of the members present.

CALLING OF MEETING TO ORDER AND QUORUM

5.

(i) A majority of members must be present at any regular, special or Committee meeting of Council to constitute a quorum.

(ii) Subject to Section 9, as soon after the hour fixed for the holding of the meeting of the Council and a quorum is present, the presiding officer shall take the chair and call the meeting to order.

ABSENCE OF MAYOR

6. Subject to the provisions of the Local Governance Act, and where no presiding officer has been appointed under subsection viii or ix of Section 3 of this by-law, in case the Mayor or the Deputy Mayor does not attend within fifteen (15) minutes after the time appointed for a meeting of the Council, the Clerk shall call the members to order and a presiding officer shall be elected from among the members present and shall preside until the arrival of the Mayor or Deputy Mayor.

NO QUORUM

7. If no quorum is present fifteen minutes after the time appointed for a meeting of the Council, the clerk shall record the names of the members present and the meeting shall be adjourned.

AGENDA

8. The Clerk shall have prepared and printed, for the use of the members at the regular meetings of Council, an agenda under the following headings:

   (i) Approval of Agenda;

   (ii) Disclosure of Conflict of Interest;

   (iii) Approval of Minutes of Previous Meeting;

   (iv) Business Arising Out of Committee of the Whole;

   (v) Delegations, Petitions and Correspondence;

   (vi) Reports;

   (vii) Unfinished Business;

   (viii) Report of Committees;

   (ix) New Business;

   (x) Open Discussion;

   (xi) Date of Next Scheduled Regular Meeting; and

   (xii) Adjournment.

9. No person, group or other matter shall be placed on the agenda, for consideration, at any regular Council meeting unless the request for consideration of the matter is received by the Clerk no later than 2 business days from the day on which the meeting is to be held.

10. Notwithstanding Section 9, any business may be introduced and dealt with at a regular Council meeting with the approval of two-thirds (2/3) of the members present expressed by motion.

11. The business of the Council shall, in all cases, be taken up in the order in which it stands upon the agenda unless otherwise decided by the Council.

ADMITTING MEMBERS OF THE PUBLIC BEFORE COUNCIL

Petitions and Delegations

(i) Members of the public or of any organization have the right to address the Councilunder the heading “Delegations, Petitions or Correspondence” as stipulated in the agenda of a regular meeting. Any request for the right to speak related to the agenda must reach the clerk before 1:00 p.m. on the Wednesday preceding the meeting and must include the topic of discussion as well as any presentation material to be presented to Council. Motions are inadmissible under this heading.

(ii) The speaking time of a person or a delegation before Council is limited to ten (10) minutes. If they are made up of more than five (5) people, they cannot have more than two (2) spokespersons, who will have a maximum of five (5) minutes each.

(iii) During presentations or discussions taking place during Council meeting, members of the public will not be permitted to speak, unless authorized by the Mayor.

Questions from the Public – Council Meetings:

(iv) Under the heading "Delegations, Petitions and Correspondence" in the context of a regular Council meeting, the Mayor may give the floor to a member of the public who must identify himself/herself by mentioning his/her name and place of residence.

(v) During his/her intervention, the member of the public must direct their questions to the chairperson of the meeting. A question may be accepted by Council and the answer given at a subsequent meeting or in writing at a later date. The applicant will be advised of the means of communication containing the response to his/her request.

(vi) Upon approval by the chair, members of Council may interrupt the presenter to obtain further information.

(vii) The question period is not an acceptable forum for complaints regarding the employees of the municipality. Complaints should be submitted in writing to the CAO or the Mayor if it is a complaint about the CAO.

(viii) During the question period taking place during the regular Council meeting, members of Council or the public will not have the right to speak, unless authorized by the Mayor.

Questions from the Public – Standing Committee Meetings:

(i) Under the heading "Delegations and Petitions" in the context of a Standing Committee meeting, the chairperson may give the floor to a member of the public who must identify himself/herself by mentioning his/her name and place of residence.

(ii) During his/her intervention, the member of the public must direct their questions to the chairperson of the meeting. A question may be accepted by the standing committee and the answer given at a subsequent meeting or in writing at a later date. The applicant will be advised of the means of communication containing the response to his/her request.

(iii) Upon approval by the chairperson, members of committee may interrupt the presenter to obtain further information.

(iv) The question period is not an acceptable forum for complaints regarding the employees or committee member volunteers of the municipality.

(v) During the question period taking place during the regular standing committee meeting, members of Council or the public will not have the right to speak, unless authorized by the chairperson of the standing committee.

ORDER

12. The presiding officer shall preserve order and decorum at the Council meetings and decide all questions of order, subject to an appeal to Council upon motion, which motion may be made at any time and shall be put to the meeting immediately and decided forthwith.

RULINGS OF ORDER

13. Where the presiding officer is called upon to decide a point of order or practice, they shall state the question without unnecessary comment and decide the issue citing the rule or authority applicable thereto.

MAYOR ENTERING DEBATE

14. Where the Mayor wishes to participate in the debate at a Council meeting, he or she shall leave the chair and call on the Deputy Mayor if present or, if not present, a Councillor to preside until he or she resumes the chair. The Mayor must resume the chair previous to the vote being taken.

CHAIRPERSON

15. A Chairperson, whether appointed by the Mayor or elected by Council to act in the absence of the Mayor and the Deputy Mayor, shall have the same authority while presiding at a Council meeting as the Mayor would have if present and occupying the chair.

MANNER OF SPEAKING

16. Every member shall be recognized before speaking to a question, motion or matter and shall address himself to the presiding officer.

WHO SHALL HAVE THE FLOOR

17. When two or more members wish to speak to the same time, the presiding officer shall recognize the member who first attracts his attention.

VOTING

18. Subject to Sections 22 and 23, the Mayor shall vote only in a case of equal division and every other member present at the meeting, when a question or motion is put, shall vote thereon unless:

    (i) excused by Council by motion;

    (ii) personally interested in the question or motion in a manner which prevents the member from voting legally; and

    (iii) the question or motion may result in the personal pecuniary profit for the member.

19. In all cases the member shall disclose a conflict of interest, if applicable, and in which case shall leave the room in accordance with Section 73 and the fact of their not voting and the reason therefore shall be entered upon the minutes by the Clerk.

20. When the presiding officer is other than the Mayor, all members shall vote.

21. Where, under Section 109 of the Community Planning Act, a majority vote of the whole Council is required, and unless otherwise ineligible, the Mayor may vote once on any motion.

ABSTENTION BY MEMBER FROM VOTING

22. Where a member abstains from voting and is not excused by Council or for the reasons stated in Section 18, the Clerk shall record him as voting in the affirmative on the questions or motion before the Council.

INTERRUPTIONS

23.

(i) When the presiding officer is putting a question or motion, no member shall leave his seat or make any noise or disturbance.

(ii) When the presiding officer or a member is speaking, no person may pass between him and the chair or interrupt him except to raise a point of order.

PRIVILEGE

24. When a question of privilege arises it shall be taken into consideration immediately.

APPEAL TO COUNCIL

25.

(i) When a point of order is raised or when a member is called to order, from the chair, the member speaking shall immediately sit down and shall remain seated until the presiding officer states and decides the point of order and then, on that question, the member shall address the chair only for the purpose of appealing to the Council from a ruling of the Chairperson.

(ii) Where Council is appealed to under subsection (i), it shall decide the matter without debate.

(iii) Where there is no appeal under subsection (i), the decision of the presiding officer is final.

MEMBERS MAY FILE PROTESTS AGAINST COUNCIL ACTION

26. Any member of Council shall have the right to have the reasons for his dissent from, or protest against, any action of Council entered on the minutes.

DISRESPECTFUL STATEMENTS

27.

(i) No member shall:

(a) speak disrespectfully of the reigning sovereign or of any of the Royal Family or of the Governor-General of Canada or of the Lieutenant-Governor or of a person administering the government of the Province of New Brunswick;

(b) use offensive words against the Council or any member thereof;

(c) speak beside the question or motion in debate;

(d) reflect upon any vote of the Council except for the purpose of moving that the vote be rescinded

(e) refuse to obey this by-law; or

(f) disobey the decision of the Mayor, or in his absence the presiding officer, on questions of order or practice.

(ii) Where 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 them to leave their seat for that meeting and they shall be required to leave provided that, where the member apologizes, may on a two-thirds (2/3) vote of the members present forthwith resume their seat.

READING OF MOTION

28. A member, at any time during a debate but not so as to interrupt a member then speaking, may request that the question, motion or matter under discussion be read.

LIMITS OF DEBATE

29.

(i) No member shall speak more than once on the same question, motion or matter without leave of the presiding officer except in explanation of

the material part of their speech which may have been misconceived and when so speaking shall not introduce any new matter.

(ii) No member, without leave of Council, shall speak to the same question, motion or matter or in reply for a longer period than ten (10) minutes without leave of Council.

(iii) 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.

RECORDING OF VOTE

30.

(i) Subject to subsection (ii), the Council shall determine every question submitted to it by an open vote of *"yea"* and *"nay"* of the members present.

(ii) When required by law or whenever members call for the *"yeas"* and *"nays"* upon a division of Council upon any question, motion or matter, the Clerk shall enter in the minutes the names of the members who vote for and those who vote against the question, motion or matter.

MOTIONS

31. All motions shall be moved and seconded before being presented to the chair and when a motion is presented it shall be read by the mover before debate and read again, if requested, before being put except motions to go in to Committee of the Whole, to refer a matter to a Committee or to adjourn.

WITHDRAWAL OF MOTIONS

32. 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 discussion or amendment with the permission of Council.

QUESTIONS UNDER DEBATE

33. Subject to Section 40, when a motion is under debate no other motion shall be received except a motion to amend it, to lay it on the table, to postpone it, to adjourn it, to refer it to Committee, to move the previous question, to move that the vote is now taken or to extend the hour to consider it.

LAY ON THE TABLE

34. A motion to table a motion shall state a reason, a date to remove item from table, always be in order and shall not be debatable.

MOTION TO REFER

35. A motion to refer to a Committee, commission or board shall be debatable only in the propriety of referring the question.

36. A motion to adjourn the debate or to adjourn the meeting or resolve the Council into Committee of the Whole shall always be in order except:

    (i) when a member is speaking;

    (ii) when it has been decided that the previous questions shall be put forthwith;

    (iii) when the yeas and nays have been called for; and

    (iv) when the members are voting;

    and shall be put by the presiding officer forthwith without debate and the members shall not make a second motion to adjourn the debate or the meeting until after some intermediate proceedings have taken place, provided however that Council automatically adjourn at eleven (11) o'clock pm, unless two-thirds (2/3) of the members present consent to continuing the proceedings.

THE PREVIOUS QUESTION

37.

(i) A motion to move the "previous question" shall be in the following words, *"Are you now ready for the question"* and shall preclude all further amendment of the original motion.

(ii) Where the motion to move the previous question is resolved in the affirmative, the original motion and any amendment properly made, shall be put forth without amendment or debate.

(iii) Where the motion to move the previous question is resolved in the negative, the original motion and any amendment may be further debated and, if proper, amended.

(iv) No amendment may be proposed to the motion for the previous question.

SEPARATE VOTE ON DISTINCT PROPOSITIONS

38. Whenever a motion under consideration consists of more than one (1) distinct proposition, matter, or question upon the request of a member, the vote upon each separate proposition, matter or question shall be taken separately.

MOTION TO TAKE VOTE

39.

(i) When a member moves that the vote be now taken and his motion is seconded, the presiding officer shall put the motion without debate.

(ii) Where the motion referred to in subsection (i) is decided in the affirmative, the motion and amendments under discussion shall immediately be submitted to Council without further discussion.

AFTER VOTE PUT, DECLARATION OF VOTE

40. After a motion is put to the meeting by the presiding officer, no member shall speak to the motion or make any other motion until after the result of the vote has been declared and the decision of the Mayor as to whether or not the motion has been put is conclusive.

41. Where the presiding officer is of the opinion that a motion is contrary to the rules and privileges of Council, they shall so advise Council and cite without argument or comment the rule or authority applicable thereto.

MEMBERS TO PLACES ON DIVISION

42. When a vote is called for, the members shall immediately take their places and shall remain seated until the presiding officer declares the result of the vote.

APPOINTMENT OF OFFICIALS

43. Whenever a position of a municipal officer becomes vacant or a new position of a municipal officer is created, the matter shall be referred to the appropriate Committee for recommendation and report before an appointment is made.

The Council shall provide and maintain liability insurance coverage for the following employees in the following minimum amounts:

Clerk	$100,000.00;
Treasurer	$100,000.00;
Chief Administrative Officer	$100,000.00;

and also carry a comprehensive and dishonesty disappearance and destruction rider with a minimum of $40,000.00 on all other office staff and department heads.

RECONSIDERATION

44. No by-laws, questions, motion or matter that has been disposed of, by a vote either at a Council meeting or at a meeting of a Committee, shall be introduced for reconsideration at a Council meeting or at a meeting of a Committee prior to the expiration of three (3) months from the disposal thereof without the consent of a majority of all the members of the Council or Committee, as the case may be.

GENERAL

45. No standing rule or order of Council shall be suspended except by the affirmative vote of two-thirds (2/3) of all the members present.

46. No Councillor or officer of the municipality and no auditor of the municipality shall be a surety for any officer appointed by Council or for any work to be done for Council.

UN-PROVIDED CASES

47. In all matters, points of order or questions of procedures, arising and not provided for in this by-law, may be set out in Roberts Rules of Order and in such case the decision of the Mayor or presiding officer shall be final and acquiesced in without debate.

DELEGATIONS

48. Delegations heard by Council or in Committee shall be limited in speaking to not more than ten (10) minutes, except when a delegation consists of more than five (5) persons, it shall be limited to two (2) speakers with each limited in speaking to not more than ten (10) minutes.

MINUTES

49. The Clerk or Assistant Clerk shall be the secretary of all regular and special meetings of Council and of Committee of the Whole.

50. Minutes shall record:

(i) the place, date and time of meeting;

(ii) the names of the presiding officer or officers and record of the attendance of the members;

(iii) the reading, if requested, correction and adoption of the minutes of prior meetings; and

(iv) all other proceedings of the meeting without note or comment.

(v) The minutes of the preceding meeting shall be approved or amended and approved by motion.

(vi) Minutes of the last preceding meeting shall not be read at the meeting unless a member so requests, in which case, the Clerk shall read the minutes before the Council deals with the business before it in the order set out in Section 10.

51. It shall be the duty of the Clerk to ensure that the minutes of the last regular meeting and all special and standing Committee meetings held more than ten (10) days prior to a regular meeting, together with the agenda prepared in accordance with Section 10, are provided to each member before the hour appointed for the holding of such regular meeting.

52. Such minutes as referred to in Section 52 may be adopted by Council without having been read at the meeting considering the question of their adoption unless a member so requests, in which case, the Clerk or his or her designate shall read the minutes prior to consideration of adoption.

PETITIONS AND COMMUNICATIONS

53. Every communication, including a petition, application, electronic message or tender designed to be presented to the Council, shall be legibly written or printed and shall not contain any obscene or improper matter or language and shall be signed by at least one person and filed with the Clerk.

54. No petition, application, tender or other written or electronic communication shall be presented to a Council meeting unless it is received by the Clerk before 5:00pm of the day which the Council meeting is to be held.

55. No member shall speak nor shall a debate be allowed upon the presentation of a petition, application, tender or other written or electronic communication to Council, but a member may move in referring a petition, application, tender or other written communication that certain instructions be given by Council or that the petition, application, tender or other written or electronic communication be referred to a special Committee.

56. If the petition, application, tender or other written or electronic communication complains of a present personal grievance requiring immediate remedy, upon the consent of a majority of the members present, the matter contained therein shall be brought into immediate discussion and disposed of forthwith.

57. When a petition, application, tender or other written or electronic communication is received, concerning a subject which is not within the cognizance of any standing Committee, it shall be presented to Council.

COMMITTEE REPORTS

58. Committee reports shall be received by Council by Council motion.

UNFINISHED BUSINESS

59. The items listed in the order of the topics set out in the agenda of prior meetings, which have not been disposed of by Council, shall be noted and repeated on each subsequent agenda until disposed of by Council unless removed from the agenda by leave of the Council.

BY-LAWS

60. The provision for enactment of all by-laws shall be as set out in the Local Governance Act.

61. No by-law, except a by-law to confirm the proceedings of Council, shall be presented to Council unless the subject matter thereof has been considered and approved by Council and/or Committee.

62. Every by-law shall be introduced upon motion by a member of the Council, specifying the title of the by-law and the motion shall be decided without amendment or debate.

63. Every by-law, when introduced, shall be in typewritten form and shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act and shall be complete with the exception of the number and date thereof.

64. No by-law shall be passed except by the vote of a majority of the members present or by a vote as required by statute.

65. The Clerk shall endorse on all by-laws, read in Council, the dates of the several readings thereof and shall be responsible for the inclusion of any amendments.

66. In proceedings in Committee, upon by-laws, the preamble shall be considered first and then each clause in its proper order and then the title.

67. All amendments made in Committee, to a by-law, shall be reported to Council by the Chairperson and forthwith received by Council.

68. After the report has been received, under Section 69, the by-law is open to debate and amendment before it is ordered to a second or third reading.

SPECIAL MEETINGS

69.

(i) The Mayor at any time may summon a special meeting of Council.

(ii) The Clerk or designate will attempt to notify all Council members that the Mayor has summoned a special meeting of Council.

(iii) Upon receipt by the Clerk of a petition, in writing and signed by the majority of the members of the Council and stating the reason for the special Council meeting, the Clerk shall summon a special meeting for the purpose and at the time mentioned in the petition.

(iv) The only business to be dealt with at a special meeting is that business for which the notice of the meeting has been called except by unanimous consent of all the members present.

(v) All special Council meetings are open to the public and no member of the public shall be excluded therefrom except for improper conduct.

VACANCIES IN COUNCIL

70. When the office of the Mayor or of a Councillor becomes vacant, the Clerk shall notify the Council of that vacancy in accordance with the Local Governance Act.

CONFLICT OF INTEREST

71.

(i) Where a member of Council of a municipality has an interest with any person having dealings with the municipality, they shall forthwith declare their conflict of interest to the Council.

(ii) 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 they have declared a conflict of interest.

APPOINTMENT AND ORGANIZATION OF COMMITTEES

72. At the inaugural meeting of Council, the following Standing Committees shall be appointed by the Mayor:

(i) Committee of the Whole;

(ii) Administration Committee;

(iii) Works Committee;

(iv) Community Services Committee;

(v) Protective Services Committee; and

(vi) Economic Development and Long Range Planning Committee.

73. At the inaugural meeting of Council a Chairperson and Vice-Chairperson for each Committee shall be appointed by the Mayor.

74. The Committees of Council shall each be composed of all members of Council.

75. The Development Officer, appointed under the Community Planning Act, shall not be a member of the Planning Advisory Committee.

76. The Council by resolution may appoint such special Committee(s) as may be deemed advisable and for the purposes as the constituting resolution states and any special Committee exists until it has made a final report to the Council or dissolved by Council.

77. The Mayor shall be ex-officio a member of all Committees and shall have the right to vote on all questions before a Committee.

78. The standing Committees shall meet at least once a month and may meet at any other time as determined from time to time by each Committee.

79. Special meetings of a standing Committee may be called by the Chairperson thereof whenever he or she deems it advisable and the Chairperson or, in the case of his illness or inability to act or absence from the municipality, the Vice- Chairperson may call a special meeting of the Committee.

PROCEDURE IN COMMITTEES

80. The business of standing, special and subcommittees shall be conducted under the following regulations and subject to rules governing procedures in Council as far as may be applicable except no motion for the previous question shall be allowed and a member is not limited in the number of times he or she may speak to the question under consideration.

(i) The Chairperson shall preside at every meeting and may vote on all questions submitted and where there is an equal division the question shall be considered decided in the negative.

(ii) In the absence of the Chairperson, the Vice- Chairperson shall discharge the duties of the Chairperson during the meeting or until the arrival of the Chairperson.

(iii) The minutes of the transactions of every Committee shall be accurately recorded and at each meeting the minutes of the preceding meeting

shall be submitted for confirmation or amendment and the minutes of the preceding meeting shall be signed by the Chairperson.

(iv) When a division takes place on a question, the votes of the members shall be recorded.

81. The Clerk or Assistant Clerk shall be responsible for the recording of minutes of all Committee meetings.

82. The Clerk or designate shall:

(i) notify each Council member of each regular and special Committee meeting; and

(ii) attend or have his designate attend all Committee meetings and record the minutes, orders and directions of the meeting.

83. The general duties of all Committees of Council, in addition to any specific duties, are herein described or as may be set out in the constituting resolution are as follows:

(i) to report to Council from time to time and whenever desired by Council and as often as the interests of the municipality may require on all matters connected with the duties imposed on the Committee and to recommend such action by Council in respect thereto as they deem necessary;

(ii) to examine and certify all accounts connected with the discharge of their duties or with the performance of any works of the purchase of any material, equipment or services;

(iii) to consider and report on any and all matters referred to them by Council;

(iv) every report shall be signed by the Chairperson; and

(v) to adhere in the transaction of all business to the rules prescribed by by-laws.

PLURAL OR FEMININE TERMS

84. Plural or feminine terms may apply whenever the singular, masculine or feminine is used in this By-Law. It shall be considered as if the plural, feminine or masculine has been used, where the context of the party or parties hereto so requires.

VALIDITY

85. The invalidity of any Section, subsection, clause, sentence or provision of this by-law shall not affect the validity of any other part of this by-law which can be given effect without such invalid part or parts.

REPEAL

86. The repeal of "*A By-Law Relating To The Procedures Of Sussex"*, By-Law # 858-22" shall not affect any penalty, forfeiture or liability incurred before such repeal or any proceeding for enforcing the same, completed or pending at the time of repeal; nor shall it repeal, defeat, disturb, invalidate or prejudicially affect any manner or thing whatsoever, completed, existing or pending, at the time of repeal.

87. The by-law entitled "*A By-Law Relating To The Procedures Of Sussex*, By-Law # 858-22" enacted on November 29, 2022 and all amendments thereto are hereby repealed.

FIRST READING BY TITLE _____

SECOND READING BY TITLE _____

READ IN ENTIRETY _____

THIRD READING BY TITLE & ENACTED _____

_____ TOWN CLERK

_____ MAYOR