



**EMERGENCY MEETING
MUNICIPAL COUNCIL
MUNICIPALITY OF THE DISTRICT OF YARMOUTH
Monday, December 2, 2024**

An Emergency Meeting of the Municipal Council for the Municipality of the District of Yarmouth was held virtually on Monday, December 2, 2024.

1. The meeting was called to order at 7:04 p.m. by Warden John Cunningham with the following in attendance: Deputy Warden Trevor Cunningham, Councillor Daniel Muise, Councillor Loren Cushing, Victoria Brooks CAO, and Jenny Porter, Deputy Municipal Clerk.

Regrets: Councillor Phil Mooney & Councillor Jim Baxter

2. **Land Acknowledgement** I would like to begin by acknowledging that we are on the traditional lands of the Wasoqopa'q First Nation, part of Mi'kma'ki (meeg-ma-gee), the ancestral territory of the Mi'kmaq people.
3. **Waive 72 hour Notice**

It was moved by Councillor Loren Cushing, seconded by Councillor Daniel Muise to waive the 72 hour notice.

Motion carried.

4. **Approval of the Agenda**

With no amendments, the Chair declared the agenda approved.

5. **Business**

5.1 Councillor Hilton – Request for Leave of Absence

Council reviewed and discussed the request for a leave of absence from Councillor Hilton.

It was moved by Deputy Warden Trevor Cunningham, seconded by Councillor Loren Cushing to adopt the following resolution:

WHEREAS Councillor Nick Hilton has been declared elected in the General Provincial Election as Member of Legislative Assembly for riding 55;

AND

WHEREAS a Judicial Recount has been applied for given the narrow margin of victory;

AND

WHEREAS Councillor Hilton has applied for a leave of Absence from Council for the Municipality of the District of Yarmouth, effective immediately;

AND

WHEREAS the Municipal Government Act states in Section 2, The purpose of this Act is to
(a) give broad authority (emphasis added) to councils, including broad authority to pass by-laws, and to respect their right to govern municipalities in whatever ways the councils consider appropriate within the jurisdiction given to them;
(b) enhance the ability of councils to respond to present and future issues in their municipalities;

AND

WHEREAS the Municipal Government Act states in Section 4, (4) A mayor or councillor who, without leave of the council, is absent from three consecutive regular meetings of the council, ceases to be qualified to serve as mayor or as a councillor;

AND

WHEREAS under the Municipal Government Act Council has the authority to grant leave to a Councillor;

AND

WHEREAS the Municipal Elections Act stipulates in Section 18, 18 (1) No person is qualified to be nominated or to serve as councillor who
(b) is a member of the Legislative Assembly;

AND

WHEREAS upon being elected to the House of Assembly the Municipal Elections Act further stipulates in Section in Section 18, 4) Notwithstanding subsection (1), a councillor who is elected to the Legislative Assembly or the House of Commons or who is appointed to the Senate of Canada or as a judge of the Supreme Court or a judge of the Provincial Court shall resign his office as councillor within thirty days of such election or appointment.

THEREFORE, BE IT RESOLVED:

Council accept Councillor Hilton's request for leave of absence until the final determination is made respecting his election to the House of Assembly;
That said leave of absence be effective immediately;
That said leave shall be without remuneration, expense reimbursement or privilege to represent the Municipality in any way;
Correspondence directed to Councillor Hilton, through email or other medium, shall be forwarded to the Warden until such time as Councillor Hilton returns or his resignation is received;
That, should Councillor Hilton's election to the House of Assembly be affirmed, the leave of absence remain in effect until such time as his resignation under S.18 of the Municipal Elections Act is received.

Motion carried.

6. Adjournment

The Chair adjourned the meeting at 7:19 p.m.

Warden John Cunningham

Victoria Brooks, CAO

Jenny Porter, Municipal Clerk