

MINUTES OF THE SPECIAL MEETING OF COUNCIL OF
THE RURAL MUNICIPALITY OF SHERWOOD NO. 159 HELD IN COUNCIL CHAMBERS
AT 1840 CORNWALL STREET, REGINA, SASKATCHEWAN
Saturday, October 18, 2014

PRESENT: Kevin Eberle, Reeve
Joe Repetski, Councillor Division 1
Tim Probe, Councillor Division 2
Dale Heenan, Councillor Division 3 (*via telephone*)
Rod Culbert, Councillor Division 5
Barry Jjian, Councillor Division 6

ABSENT: Vacant, Councillor Division 4

STAFF: Ron McCullough, Chief Administrative Officer
Christine Trithardt, Administrative Assistant

ORDER: Reeve Eberle called the meeting to order at 4:03 p.m.

541/14 **AGENDA**

COUNCILLOR PROBE: THAT the agenda be adopted as presented.

CARRIED UNANIMOUSLY

Dale Heenan connected via telephone at 4:05 p.m.

Review Draft Bylaw Report Attached

542/14 **BYLAW 17/14 - MUNICIPAL OFFICIALS INDEMNITY BYLAW – A BYLAW TO PROVIDE FOR THE INDEMNITY AND DEFENCE OF MEMBERS OR COUNCIL AGAINST LIABILITY INCURRED WHILE ACTING ON BEHALF OF THE MUNICIPALITY**

COUNCILLOR REPETSKI: THAT the Municipal Officials Indemnity Bylaw, a Bylaw to provide for the indemnity and defence of Members or Council against liability incurred while acting on behalf of the municipality, be introduced and read a first time.

For – Eberle, Repetski, Probe, Culbert, Jjian

Against - Heenan

CARRIED

543/14 **BYLAW 17/14 - MUNICIPAL OFFICIALS INDEMNITY BYLAW – A BYLAW TO PROVIDE FOR THE INDEMNITY AND DEFENCE OF MEMBERS OR COUNCIL AGAINST LIABILITY INCURRED WHILE ACTING ON BEHALF OF THE MUNICIPALITY**

COUNCILLOR JIJIAN: THAT the Municipal Officials Indemnity Bylaw, a Bylaw to provide for the indemnity and defence of Members or Council against liability incurred while acting on behalf of the municipality, be read a second time.

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544/14 AMENDMENT

COUNCILLOR HEENAN: THAT the R.M. of Sherwood No. 159 proceed no further until questions are answered about the process by Joel Hesje of McKercher LLP.

For - Heenan

Against – Eberle, Repetski, Probe, Culbert, Jijian

DEFEATED

545/14 COUNCILLOR JIJIAN: THAT the Municipal Officials Indemnity Bylaw, a Bylaw to provide for the indemnity and defence of Members or Council against liability incurred while acting on behalf of the municipality, be read a second time.

CARRIED UNANIMOUSLY

546/14 BYLAW 17/14 - MUNICIPAL OFFICIALS INDEMNITY BYLAW – A BYLAW TO PROVIDE FOR THE INDEMNITY AND DEFENCE OF MEMBERS OR COUNCIL AGAINST LIABILITY INCURRED WHILE ACTING ON BEHALF OF THE MUNICIPALITY

COUNCILLOR PROBE: THAT the Municipal Officials Indemnity Bylaw, a Bylaw to provide for the indemnity and defence of Members or Council against liability incurred while acting on behalf of the municipality, to seek consent for three readings at this meeting.

CARRIED UNANIMOUSLY

547/14 BYLAW 17/14 - MUNICIPAL OFFICIALS INDEMNITY BYLAW – A BYLAW TO PROVIDE FOR THE INDEMNITY AND DEFENCE OF MEMBERS OR COUNCIL AGAINST LIABILITY INCURRED WHILE ACTING ON BEHALF OF THE MUNICIPALITY

COUNCILLOR CULBERT: THAT the Municipal Officials Indemnity Bylaw, a Bylaw to provide for the indemnity and defence of Members or Council against liability incurred while acting on behalf of the municipality, be read a third time and hereby adopted.

REEVE EBERLE: Asked for questions 3 times.

CARRIED UNANIMOUSLY

548/14 ADJOURNMENT

COUNCILLOR HEENAN: THAT this meeting be adjourned at 5:14 p.m.

CARRIED UNANIMOUSLY

Reeve

Administrator

Administration & Finance Report

Report No.	
Presented to Council:	Oct.18.2014
Prepared by:	Ron McCullough
Attachments:	

Department Manager/Director
Approval

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Agenda Item: Review Draft Bylaw

Ron McCullough, RM of Sherwood No. 159 CAO, presented Bylaw 17/14, with the following comments:

1. Policy
 - a) The proposed Bylaw, which was prepared by Joel Hesje of Mckercher LLP, conforms with and mirrors *The Municipalities Act* of Saskatchewan
 - b) The primary reason for considering such a policy is to de-politicize the decision making process related to reimbursement of legal fees to any member of Council. Another primary reason for considering this policy is to remove the risk of pecuniary conflict of interest related to reimbursement of legal fees to any member of Council. The proposed policy is consistent with *The Municipalities Act* and the recommendation of the CAO is that Council adopt the proposed policy.
2. Adoption – Council can only adopt a policy by resolution or by Bylaw. Ron McCullough, Chief Administrative Officer’s recommendation is to adopt the proposed policy by bylaw.
3. Implementation – If Council adopts the proposed policy, by resolution or bylaw, the CAO will have the responsibility to implement the policy; have the authority to scrutinize the expense claim(s) submitted by members of Council; and have the authority to approve, deny and/or adjust payment.

Mr. McCullough generally stated the following:

1. Council and CAO have a fiduciary responsibility to ensure the public trust.
2. Reference was made to the legal opinion on this matter and specifically to the issue of "Good Faith" vs "Bad Faith" decision making.
3. If decisions have been made in "Good Faith" yet a legal action is made against any member of Council, then it would be reasonable to expect the municipality to reimburse costs. If decisions have been made in "Bad Faith" and a legal action is made against any member of Council, then it would not be reasonable to expect the municipality to reimburse costs.
4. In order to manage the political environment, McCullough stated that should undue influence be exerted by any member of Council, then the following steps could be undertaken by the CAO:
 - a. Seek legal advice
 - b. Advise Saskatchewan Government Relations
 - c. File a complaint with the R.C.M.P. related to Breach of Trust and/or Influence Peddling.
5. McCullough stated that the relationship of legal expense reimbursement payment is between the municipality (RM of Sherwood) and individual members of Council, not between the municipality and any respective lawyer or law firm.

Respectfully Submitted,



Ron McCullough
Chief Administrative Officer