

RURAL MUNICIPALITY OF BIRCH HILLS NO. 460
279 Bellamy Avenue, Birch Hills, Saskatchewan
January 20, 2021
SPECIAL MEETING MINUTES

Deputy Reeve Elsaesser called the meeting to order at 7:53 p.m.

Present: Deputy Reeve Leyton Elsaesser, Councillors Michael Soyland, Kyle Jensen, Brad Mitchell, Ted Boutin and Administrator Cherie Opseth.

The purpose of this meeting is to investigate a complaint submitted January 20, 2021 regarding Reeve Fenner. Upon consultation with the RM Legal Counsel, it was advised that participation by the Reeve in hearing the matter or voting on the same would be a conflict of interest pursuant to sections 141.1(1) of *The Municipalities Act*. The Reeve would be required to declare the same and not participate as per section 144 of *The Municipalities Act* as it would be a conflict of interest due to the nature of the meeting and investigation.

The meeting was called by the Administrator at the request of Deputy Reeve Elsaesser after receiving a phone call from Kevin Evans expressing concerns regarding his experience at the municipal office.

Deputy Reeve Elsaesser contacted every member of Council to explain the purpose of this meeting including Reeve Fenner. Deputy Reeve Elsaesser also notified Reeve Fenner that it would be a conflict of interest for him to be in attendance as a member of Council upon the advice of the RM Legal Counsel.

31-2021 Waiver: Soyland That the waiver to have a special meeting with less than 24 hours' notice be acknowledged as signed by all members of Council with the exception of Reeve Fenner who cannot be in attendance due to conflict of interest.

Carried Unanimously

Council Procedures Bylaw No. 01-2016 Section 7. Special Meetings point 7.5, Notwithstanding subsection 7.2, a special meeting may be held with less than twenty-four (24) hours' notice to members, and without notice to the public, if all members agree to do so, in writing, immediately before the beginning of the special meeting.

Administrator Cherie Opseth excused herself from the meeting for Council to discuss the complaint with the complainant at 7:56 p.m.

Council requested the complainant, Kevin Evans, enter Council Chambers at 7:56 p.m. He presented his written complaint to Council as required in the Code of Ethics Bylaw No. 01-2017, Schedule A Formal Complaint Form. Kevin Evans left the meeting at 8:08 p.m.

Council requested Administrator Cherie Opseth re-enter Council Chambers after the complainant's departure at 8:08 p.m.

32-2021 In Camera: Elsaesser That the meeting proceed in camera at 8:08 p.m. to discuss the complaint received.

Carried

The interviews were conducted separately starting with Cherie Opseth from 8:08 p.m. to 8:40 p.m. Cherie Opseth exited Council Chambers at 8:40 p.m. and Joanne Bzdel entered Council Chambers at the request of Council at 8:40 p.m. to 9:02 p.m. Upon Joanne Bzdel's departure, Council requested Cherie Opseth re-enter Council Chambers at 9:02 p.m. to 9:18 p.m. At this time, Cherie Opseth left the building as Council wanted to call Reeve Brent Fenner to discuss the complaint that had been formally received against him. Deputy Reeve Elsaesser recorded that Reeve Fenner entered Council Chambers at 9:43 p.m. and left at 10:40 p.m. After Reeve Fenner's departure, Deputy Reeve Elsaesser requested Cherie Opseth return to the RM Office. Cherie Opseth re-entered the Council Chambers at 10:41 p.m.

33-2021 In Camera: Jensen That the special meeting of Council be reconvened at 10:41 p.m.

Carried

34-2021 **Communication: Mitchell** That until the investigation is complete regarding the complaint received, that all communication between Reeve Fenner and the RM Office shall be addressed to all of Council via group email or the Council group chat until further notice. And further that Reeve Fenner be not included in conversations or deliberations related to the complaint or the investigation that may cause a conflict of interest for him.

Carried Unanimously

35-2021 **Follow-up Meeting: Boutin** That a follow-up meeting be set for a day next week.

Carried Unanimously

36-2021 **Adjournment: Soyland** That the meeting be adjourned at 11:01 p.m.

Carried Unanimously

Certified correct this 10 day of February, 2021.



Administrator



Deputy Reeve