

# SARM Division Meeting

June 2021

# Overview

- *The Municipalities Act (Act) Amendments*
  - Improving Local Governance;
  - Division Boundaries and Special Service Areas;
  - Protection from Reprisal; and
  - Organized Hamlets.

# Improving Local Governance

- If the administrator is unable to act, council shall appoint an acting administrator within 30 days after the administrator is unable to act (sec. 110.1).
- Time between regular meetings must not exceed 60 days (sec. 122).
- Unless otherwise provided by council, the administrator is responsible for the hiring, suspension and dismissal of all employees (sec. 111).
- The administrator can witness any oaths or affirmations required pursuant to the Act (sec. 111).

# Division Boundaries (sec. 49.1)

- Must have a policy for reviewing division boundaries no later than January 2023.
- The policy must establish:
  - Who will undertake the review;
  - Events that will trigger a review;
  - Additional factors to be considered to determine if a variance in population or number of voters is acceptable;
  - Reporting of recommendations to council;
  - Maximum time frame in which to complete a review;
  - Requirements to make the report of the council committee or body available for public inspections and to give public notice of the report; or
  - Any other matter council considers necessary.

# Division Boundaries

(continued)

- If council chooses NOT to establish a policy for reviewing division boundaries:
  - They must have elections at large; and
  - Division boundaries will be removed.

# Special Service Areas (SSA)

- Special Service Areas may now be established by Minister's Order at the request of the municipality (sec. 49.2).

# Protection from Reprisal (sec. 114.1)

- **Reprisal** means action taken against an employee for reporting a wrongdoing
- Such actions include, but not limited to:
  - Dismissal/layoff/suspension;
  - Demotion or transfer;
  - Measures that adversely affect working conditions or performance;
  - Discontinuation or elimination of job;
  - Change in hours/location of work;
  - Threats in taking certain measures; or
  - Discriminatory actions as defined in *The Saskatchewan Employment Act*.

# Protection from Reprisal

(continued)

- **Wrongdoing** includes any of the following committed by a council, a member of council or a municipal employee:
  - The contravention of a provincial or federal act or regulation;
  - The contravention of municipal bylaw or policy;
  - The contravention of the code of ethics, rules of conduct or procedures applicable to every member of council imposed by the Act and by council;
  - An act or omission that creates substantial danger to life, health or safety of persons or a substantial and specific danger to the environment;
  - Gross mismanagement of public funds or a public asset; or
  - Knowingly directing or counselling someone to commit a contravention, an act or an omission mentioned in the above.



# Protection from Reprisal

(continued)

- Reprisal cannot be taken against an employee if the employee has, in good faith:
  - Sought advice about a disclosure of a wrongdoing or for disclosing a wrongdoing;
  - Participated in a review or investigation of a wrongdoing; or
  - Declined to participate in a wrongdoing.

# Protection from Reprisal

(continued)

- Reporting reprisal can be done by:
  - Filing a complaint through the Code of Ethics Bylaw;
  - Filing a disclosure of wrongdoing through the Whistleblower Bylaw;
  - Contacting Occupational Health & Safety Division with the Ministry of Labour Relations and Workplace Safety; or
  - Consulting with legal counsel.

# Protection from Reprisal

(continued)

- Penalties for reprisal are upon summary conviction.
  - Members of council can also be personally liable if they knowingly vote in favour of authorizing any reprisal actions against an employee.
- Reasons for disqualification under section 147 of the Act.

# Organized Hamlets (OH)

- OH board is a recommending body to council (sec. 68).
- Money from the OH account can be used for any purpose that is included in the budget (sec. 69).
- Regulation making authority has been added to address (sec. 69.1):
  - Hamlet budget and reporting activities; and
  - Application of Conflict of Interest provisions for the OH board.

# Organized Hamlets (OH)

(continued)

- Disputes between OH board and council
  - If the persons appointed to the appeal board by an OH and RM cannot agree on the appointment of the third person to act as the chairperson, the dispute may be submitted to the Saskatchewan Municipal Board (SMB) (sec. 77).
  - SMB will appoint a mediator to assist the parties in resolving the matter prior to holding a hearing regarding either of the above. If mediation is unsuccessful, the SMB will hold a hearing and make a decision to settle the dispute matter (sec. 392).

# Information Available Online at [www.Saskatchewan.ca](http://www.Saskatchewan.ca)

- Conflict of Interest Training Modules
- Division Boundary Changes
- Whistleblower Protection Guide
- Organized Hamlet Guide
- 10 Minutes Trainers
  - Module 1: Council Procedures
  - Module 2: Roles and Responsibilities



# Follow-up Questions

Ministry of Government Relations  
Advisory Services and Municipal Relations  
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