



MINUTES
Village of Ryley
February 21, 2023
Regular Meeting of Council

COUNCIL PRESENT

Brian DUCHERER, Councillor (appointed as Mayor during the meeting)
Lyndie NICKEL, Councillor (appointed as Deputy Mayor during the meeting)
Sheldon REID, Councillor

IN ATTENDANCE

Jonathan BRINDZA, Recording Secretary

NOT IN ATTENDANCE

Nikita LEE, Mayor ABSENT
Nola WOOD-HERRICK, Deputy Mayor ABSENT

A. CALL TO ORDER

Pursuant to the Village Procedural Bylaw, there being a quorum and there being absent the Mayor and the Deputy Mayor, Cr. Nickel assumed the Chair and called the meeting to order at 6:47 p.m.

Recording Devices

Resolution No. 2023-02-21-01

Moved by: Cr. Reid

RESOLVED THAT WHEREAS Council for the Village of Ryley desires the public to be permitted to record and to live stream this meeting; AND WHEREAS, Article 6.11 of the Village Procedural Bylaw provides that Council may authorize such use of electronic recording devices by resolution; NOW THEREFORE, Council resolves to permit the use of electronic recording devices during this Regular Meeting of Council.

SECONDED by Cr. Nickel

CARRIED

ITEM 1. APPOINT AN INTERIM CHIEF ADMINISTRATIVE OFFICER (CAO)

In Camera

Resolution No. 2023-02-21-02

Moved by: Cr. Nickel

RESOLVED THAT Council for the Village of Ryley convenes in closed session at 6:49 p.m., pursuant to Municipal Government Act (MGA), Section 197 and pursuant to the Freedom of Information and Protection of Privacy (FOIP) Act, Section 17, Disclosure harmful to personal privacy, for the purpose of discussing potential candidates to be appointed as an Interim Chief Administrative Officer (CAO).

SECONDED by Cr. Ducherer

CARRIED

There being a very large number of the public present to observe this meeting, Council retired to a secure room to conduct the In Camera discussion.

Resolution No. 2023-02-21-03

Moved by: Cr. Reid

RESOLVED THAT Council for the Village of Ryley moves out of closed session at 7:06 p.m.

SECONDED by Cr. Nickel

CARRIED

Appoint CAO

Resolution No. 2023-02-21-04

Moved by: Cr. Ducherer

RESOLVED THAT Council for the Village of Ryley appoints with immediate effect as the Ryley Interim Chief Administrative Officer (CAO), Julie Brownridge.

SECONDED by Cr. Nickel

CARRIED

Resolution No. 2023-02-21-05

Moved by: Cr. Nickel

RESOLVED THAT Council for the Village of Ryley adjourns to reconvene this Regular Council Meeting to provide the Interim Chief Administrative Officer (CAO) with some coordination and preparation time.

SECONDED by Cr. Ducherer

CARRIED

Recess: 7:09 p.m. and reconvened at 7:17 p.m. Council provided the Interim CAO with copies of the draft agenda and draft resolutions

Interim CAO Julie Brownridge moved at 7:17 p.m. from the Public Gallery to join this Regular Council Meeting.

Appoint Chair

Resolution No. 2023-02-21-06

Moved by: Cr. Ducherer

(a.) RESOLVED THAT WHEREAS Council for the Village of Ryley seeks better control and proper procedure to be carried out by the Chair of this meeting; AND WHEREAS, pursuant to the MGA at Section 180(1) which does not provide any authority to any single or group of Councillors and which does provide the only authority to act or decide is with council as a whole, by enacting a resolution or bylaw; AND WHEREAS, the Act takes precedence over Bylaws; AND WHEREAS Article 13.7 of the Village Procedural Bylaw conflicts with the MGA by stating that, the ruling of a Chairperson shall be final, because the authority of Council supersedes the authority of any chairperson presiding over a council meeting; AND WHEREAS, pursuant to Article 12.2 a) of the Village Procedural Bylaw, the Mayor shall preside at Council meetings unless a bylaw provides otherwise; AND WHEREAS, pursuant to Article 6.3 of the Village Procedural Bylaw it is not specifically required that the Mayor remain in the chair to preside after taking the chair to call the members to order; AND WHEREAS, pursuant to Article 2.6 of the Village Procedural Bylaw it is the prerogative of Council to appoint a chair from among the Councillors to preside at meetings, providing by bylaw that a Councillor other than the Mayor can preside; NOW THEREFORE, Council for the Village of Ryley appoints with immediate effect as Chair to preside over this regular Council Meeting, Cr. Lyndie Nickel.

SECONDED by Cr. Reid

CARRIED

B. ADDITIONS / DELETIONS

Resolution No. 2023-02-21-07

Moved by: Cr. Reid

RESOLVED THAT pursuant to Article 4.2 e) iv) of the Village Procedural Bylaw, Council for the Village of Ryley seeks the approval of the CAO to create a draft agenda for this meeting that follows the Order of Business listed in Article 8 of the Village Procedural Bylaw with:

- Item 1 having been already enacted as appointing a CAO;
- Item 2 being Governance Matters under Article 8.2 g) New Business;
- Item 3 being Administrative Matters under Article 8.2 g) New Business;
- Item 4 being Personnel Matters under Article 8.2 g) New Business; and
- Item 5 being an Amending Bylaw under Article 8.2 h) Bylaws;

and further, that Council also requests that the CAO consider approving or denying any additions that Council may request by resolution immediately after this motion is considered, debated and put to a vote.

SECONDED by Cr. Ducherer

CARRIED

The CAO approved the agenda.

C. ADOPTION OF AGENDA

Resolution No. 2023-02-21-08

Moved by: Cr. Nickel

RESOLVED THAT pursuant to Article 4.2 e) iv) of the Village Procedural Bylaw, Council for the Village of Ryley adopts the agenda as presented, amended, and as approved by the CAO.

SECONDED by Cr. Ducherer

CARRIED

D. APPROVAL OF MINUTES

Deliver Draft Minutes to CAO

Resolution No. 2023-02-21-09

Moved by: Cr. Reid

RESOLVED THAT pursuant to MGA s.201(2), a council must not exercise a power or function or perform a duty that is by law or bylaw specifically assigned to the CAO; NOW THEREFORE, Council for the Village of Ryley directs Mayor Nik Lee to deliver immediately to the CAO, all originals and all drafts, electronic and hard copies in his possession or in his control, of any Council Meeting minutes that have not been adopted by a resolution of Council.

SECONDED by Cr. Ducherer

CARRIED

Possession of Draft Minutes

Resolution No. 2023-02-21-10

Moved by: Cr. Ducherer

RESOLVED THAT Council for the Village of Ryley hereby proclaims that if Mayor Nikita Lee is found to be in possession or in control after midnight tonight, February 21, 2023, of any form of Council Regular Meeting minutes that have not been adopted by a resolution of this Council, that he shall be considered automatically in violation of the Village Code of Conduct.

SECONDED by Cr. Reid

CARRIED

Draft Minutes to Council

Resolution No. 2023-02-21-11

Moved by: Cr. Nickel

RESOLVED THAT Council for the Village of Ryley directs Administration to place a most urgent and high priority on delivering all overdue draft minutes to Council for adoption; further, that the CAO is hereby authorized to spend up to \$1000 for additional labor, consultation, administrative, or clerical type support fees against General Ledger (GL) 2-12-250 Contracting, for this purpose.

SECONDED by Cr. Ducherer

CARRIED

E. DELEGATIONS:

Manager of Ryley McPherson Municipal Library

Informed council that the Council appointed member(s) for the McPherson Library Board needs to attend the next meeting with urgency.

Resident

Expressed concern by the community that there is a need for the Family and Community Support Services (FCSS) to be reinstated and community Day Care to be addressed.

Resident

Addressed Council to express gratitude for the appointment of Julie Brownridge as CAO and for Council heading in a much better direction, opening up communication with the residents, and for listening to public concerns.

F. BUSINESS FROM MINUTES None.

G. NEW BUSINESS

ITEM 2. GOVERNANCE MATTERS

Appoint Mayor

Resolution No. 2023-02-21-12

Moved by: Cr. Nickel

RESOLVED THAT Council for the Village of Ryley appoints with immediate effect as the Chief Elected Official, otherwise known as the Mayor of Ryley, Councillor Brian Ducherer.

SECONDED by Cr. Reid

CARRIED

Cr. Brian Ducherer was sworn in as the Mayor of Ryley at 7:34 p.m.

Cr. Nickel delegated the Chair to Mayor Ducherer at 7:35 p.m.

Secure accounts

Resolution No. 2023-02-21-13

Moved by: Cr. Reid

RESOLVED THAT Council for the Village of Ryley directs VM Systems to immediately secure the "mayor@ryley.ca" email account and temporarily suspend all of Councillor Nik Lee's system user accounts and access until these can be assumed by Mayor Brian Ducherer.

SECONDED by Cr. Nickel

CARRIED

Recess: Recess at 7:37 p.m. Cr. Nickel contacted VM Systems as per Resolution No. 2023-02-21-13. Council reconvened at 7:40 p.m.

Appoint Deputy Mayor

Resolution No. 2023-02-21-14

Moved by: Mayor Ducherer

RESOLVED THAT Council for the Village of Ryley removes Cr. Nola Wood-Herrick as the Deputy Chief Elected Official, otherwise known as Deputy Mayor of Ryley, effective immediately.

SECONDED by Cr. Nickel

CARRIED

Resolution No. 2023-02-21-15**Moved by: Mayor Ducherer**

RESOLVED THAT Council for the Village of Ryley appoints, effective immediately, as the Deputy Chief Elected Official, otherwise known as the Deputy Mayor of Ryley, Councillor Lyndie Nickel.

SECONDED by Cr. Reid**CARRIED**

Cr. Lyndie Nickel was sworn in as the Deputy Mayor of Ryley at 7:43 p.m.

*Appoint to Committees***Resolution No. 2023-02-21-16****Moved by: Mayor Ducherer**

RESOLVED THAT Council for the Village of Ryley shall set appointments to Committees, Boards and Commissions at the next Meeting of Council.

SECONDED by Deputy Mayor Nickel**CARRIED***Regular Meeting Schedule***Resolution No. 2023-02-21-17****Moved by: Cr. Reid**

RESOLVED THAT Council for the Village of Ryley hereby changes Regular Council Meetings to the fourth Tuesday of each month and that these meetings commence at 6:45 p.m. pursuant to Article 6.1 of Village Procedural Bylaw and furthermore, that Regular Council Meetings shall be held in Council Chambers and may be moved without notice to the Ryley Community Hall if attendance by the public requires additional space.

SECONDED by Mayor Ducherer**CARRIED***Authority of Council***Resolution No. 2023-02-21-18****Moved by: Cr. Reid**

RESOLVED THAT WHEREAS pursuant to MGA s.180(1) A Council may act only by resolution or bylaw; NOW THEREFORE, Council for the Village of Ryley directs all Councillors to immediately cease and desist all illegal practices of exercising the power of Council by making decisions and taking actions that are not authorized by way of resolution or bylaw of Ryley Council.

SECONDED by Deputy Mayor Nickel**CARRIED***Limitation of Councillor***Resolution No. 2023-02-21-19****Moved by: Mayor Ducherer**

RESOLVED THAT WHEREAS pursuant to MGA s.201(2) a council must not exercise a power or function or perform a duty that is by law or bylaw specifically assigned to the Chief Administrative Officer; NOW THEREFORE, Council for the Village of Ryley directs all Councillors to immediately cease and desist any illegal practice of directing any member of the staff in any manner whatsoever. Council reminds all Councillors that Council as a whole directs only the Chief Administrative Officer and may do so only through resolution or bylaw made during an open session at a public meeting of Council.

SECONDED by Cr. Reid**CARRIED***Councillor Workspace***Resolution No. 2023-02-21-20****Moved by: Deputy Mayor Nickel**

RESOLVED THAT WHEREAS pursuant to MGA s.201(2) a council must not exercise a power or function or perform a duty that is by law or bylaw specifically assigned to the Chief Administrative Officer; NOW THEREFORE, Council for the Village of Ryley directs all Councillors to immediately vacate any workspace, discontinue all official activity from within any Village buildings, to relinquish any and all access to Village controlled buildings, equipment and services, except for access to official mailboxes, attendance for Council Meetings, or as and when their presence is specifically requested by the CAO.

SECONDED by Mayor Ducherer**CARRIED**

Meetings at 6:45 p.m.

Resolution No. 2023-02-21-21

Moved by: Deputy Mayor Nickel

RESOLVED THAT WHEREAS pursuant to Article 6.1 of the Village Procedural Bylaw that establishes Council Regular Meetings shall commence at 6:45 p.m., NOW THEREFORE, Council for the Village of Ryley shall cease conducting Regular Meetings at other times except as determined by a resolution at any Regular Council Meeting "to set a time to which Council shall adjourn to" for purposes of a continuation meeting for Regular Meetings only. Such continuations shall be held at 6:45 p.m. unless absolutely necessary.

SECONDED by Mayor Ducherer

CARRIED

Seconding of Motions

Resolution No. 2023-02-21-22

Moved by: Cr. Ducherer

RESOLVED THAT WHEREAS pursuant to Article 3.1 d) of Village Procedural Bylaw that Robert's Rules of Order shall be followed where reasonable, if not addressed in the bylaw; AND WHEREAS, Robert's Rule 5 of Order establishes that motions should be seconded except in certain circumstances as explained in the Rule; NOW THEREFORE, Council for the Village of Ryley shall re-acquaint with Robert's Rule 5 for always seconding motions.

SECONDED by Cr. Reid

CARRIED

Notifying the Public

Resolution No. 2023-02-21-23

Moved by: Mayor Ducherer

RESOLVED THAT WHEREAS pursuant to Article 4.3 of the Village Procedural Bylaw that reinforces the MGA, the Mayor calls a Special Meeting of Council by giving at least 24 hours' notice in writing to the public; AND WHEREAS, the normal practice before the last general election for notifying the public of a meeting by the Village, was to post a meeting agenda on the Village Website; NOW THEREFORE Council for the Village of Ryley hereby resolves a renewed transparency and covenant to the public that Council shall cease and desist the practice of holding secret special meetings and shall forthwith only invoke the extraordinary measure of calling a meeting in less than 24 hours if a matter requiring Council is gravely urgent. Notwithstanding any authority to forego notifying the public, notification of meetings shall always occur when reasonably possible, including in less than 24 hours of notice.

SECONDED by Deputy Mayor Nickel

CARRIED

ITEM 3. ADMINISTRATIVE MATTERS

Council Remuneration

Resolution No. 2023-02-21-24

Moved by: Mayor Ducherer

RESOLVED THAT WHEREAS the Village departed from the Council Remuneration Policy and contravened the salary payment model immediately after the General Election of 2021 without a resolution of Council to enact such change; AND WHEREAS, Council approved a per diem pay rate raise in November 2021 when the primary concern of the Village was a forensic audit into Village financial management; NOW THEREFORE, Council for the Village of Ryley directs Administration to return to Council at the next Regular Meeting with historical information and data on Council remuneration with a view to recommendations and Request For Decision on whether Council Remuneration should be returned to the salary payment model as adopted by Policy in November 2020.

SECONDED by Cr. Reid

CARRIED

Council Appointments

Resolution No. 2023-02-21-25

Moved by: Cr. Reid

RESOLVED THAT Council for the Village of Ryley directs Administration to source and reproduce a Schedule A to Organizational Meetings for the next Meeting of Council when Council shall review the appointments of Council members to all committees, boards, and commissions.

SECONDED by Deputy Mayor Nickel

CARRIED

Legal Costs without Authority

Resolution No. 2023-02-21-26

Moved by: Deputy Mayor Nickel

RESOLVED THAT Administration investigate legal costs against resolutions back to October 26, 2021, to determine violations of MGA s.248 and 249 and bring back a report to Council, as s.249 liability prescribes disqualification under MGA s.174(1)(k).
SECONDED by Cr. Reid **CARRIED**

Spending without Authority

Resolution No. 2023-02-21-27

Moved by: Mayor Ducherer

RESOLVED THAT Administration investigate expenditures made without resolutions back to October 26, 2021, to determine violations of MGA s.248 and 249 and bring back a report to Council, as s.249 liability prescribes disqualification under MGA s.174(1)(k).
SECONDED by Deputy Mayor Nickel **CARRIED**

Designated to Enforce

Resolution No. 2023-02-21-28

Moved by: Cr. Reid

RESOLVED THAT the Interim Chief Administrative Officer Julie Brownridge be appointed by Council for the Village of Ryley as a Designated Officer to investigate, act, and enforce the law, pursuant to MGA s.545
SECONDED by Mayor Ducherer **CARRIED**

ITEM 4. PERSONNEL MATTERS

Employee Termination

Resolution No. 2023-02-21-29

Moved by: Cr. Reid

RESOLVED THAT WHEREAS pursuant to MGA s.201(2) a Council must not exercise a power or function or perform a duty that is by law or bylaw specifically assigned to the Chief Administrative Officer; NOW THEREFORE, Council for the Village of Ryley directs CAO to review the circumstances of the two employment terminations on or about January 12, 2023 and confirm to Council whether any Councillor influenced or directed the decisions to terminate employment of either or both of the two members of office staff.
SECONDED by Deputy Mayor Nickel **CARRIED**

H. BYLAWS

ITEM 5. VILLAGE PROCEDURAL BYLAW AMENDING BYLAW 2023-001

Bylaw Readings

Resolution No. 2023-02-21-30

Moved by: Deputy Mayor Nickel

RESOLVED THAT Council for the Village of Ryley now read a first time, Bylaw 2023-001 Procedural Bylaw Amending Bylaw.
SECONDED by Mayor Ducherer **CARRIED**

Resolution No. 2023-02-21-31

Moved by: Cr. Reid

RESOLVED THAT Council for the Village of Ryley now put to a vote the first reading of Bylaw 2023-001 Procedural Bylaw Amending Bylaw.
SECONDED by Mayor Ducherer **CARRIED**

Resolution No. 2023-02-21-32

Moved by: Deputy Mayor Nickel

RESOLVED THAT Council for the Village of Ryley now read Bylaw 2023-001 a second time.
SECONDED by Cr. Reid **CARRIED**

Resolution No. 2023-02-21-33

Moved by: Mayor Ducherer

RESOLVED THAT second reading of Bylaw 2023-001 be put to a vote with amendments by Council for the Village of Ryley.
SECONDED by Deputy Mayor Nickel **CARRIED**

Resolution No. 2023-02-21-34

Moved by: Deputy Mayor Nickel

RESOLVED THAT Council for the Village of Ryley table Bylaw 2023-001 to consider third reading at the next meeting of Council.
SECONDED by Mayor Ducherer **CARRIED**

I. FINANCIAL REPORTS

Unavallable.

J. CORRESPONDENCE

None.

Resolution No. 2023-02-21-35

Moved by: Deputy Mayor Nickel

RESOLVED THAT Mayor Ducherer procures a Council approved contract for Julie Brownridge as the interim CAO and brings it back to Council for review and signing by all Council members present.

SECONDED by Mayor Ducherer

CARRIED

K. NOT ALLOCATED

Article K is not an allocated Order of Business within the Ryley Procedural Bylaw

L. REPORTS

None.

M. IN CAMERA

Resolution No. 2023-02-21-36

Moved by: Deputy Mayor Nickel

RESOLVED THAT Council for the Village of Ryley convene in closed session at 8:10 p.m., pursuant to Municipal Government Act (MGA), Section 197 and pursuant to the Freedom of Information and Protection of Privacy (FOIP) Act, Section 16 Disclosure harmful to business interests of a third party, Section 17 Disclosure harmful to personal privacy, and Section 21 Disclosure harmful to intergovernmental relations, for the purpose of addressing a complaint made against a councillor for the Village of Ryley.

SECONDED by Cr. Reid

CARRIED

Resolution No. 2023-02-21-37

Moved by: Mayor Ducherer

RESOLVED THAT Council move out of closed session at 8:42 p.m.

SECONDED by Deputy Mayor Nickel

CARRIED

Councillor suspension

Resolution No. 2023-02-21-38

Moved by: Deputy Mayor Nickel

RESOLVED THAT WHEREAS the Ryley Councillor appointed to the Highway 14 Water Commission has been accused by this Municipal partner of Ryley as acting irregular, improper and improvident at meetings; AND WHEREAS this Partner has brought formal complaints to the Village about his conduct at and around such meetings; NOW THEREFORE, Council for the Village of Ryley hereby suspends this Councillor from attending any meetings of the Partner and from representing Ryley at all council and intermunicipal committees, boards or commissions; FURTHER that Ryley Council appoints an alternate for such committees, boards and commissions at the next meeting to represent Ryley until further notice.

SECONDED by Cr. Reid

CARRIED

N. UPCOMING MEETINGS

The Mayor announced that the next Regular Meeting of Council is changed from Tuesday, March 28 and will be held on Monday, March 27, 2023, at 6:45 p.m. in Council Chambers.

O. ADJOURNMENT

Resolution No. 2023-02-21-39

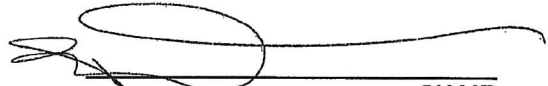
Moved by: Deputy Mayor Nickel

RESOLVED THAT COUNCIL adjourns this February 21st, 2023, Regular Meeting of Ryley Council.

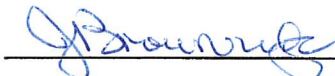
SECONDED by Cr. Reid

CARRIED

The Mayor adjourned the meeting at 8:44 p.m.


CHAIR

These Minutes approved the 25 day of April, 2023


CAO

