

Bancroft offers legal indemnification to employees and councillors

By Kristena Schutt-Moore

During the Tuesday, Sept. 14 Bancroft council meeting the staff brought forward the motion for a bylaw be passed to bylaw legal indemnification for the payment of costs of damages awarded against an employee or a member of town council.

This bylaw would mean that if a member of council or staff was taken to court and lost, then the Town of Bancroft would cover the cost.

?The major premise behind this is that the employee is acting in good faith. That they are doing their job, they are well trained, there is no shenanigans type of thing,? explained treasurer Bill Davie.

Once passed the bylaw will have staff out into place a comprehensive indemnification process. This includes The following which is in the summary of the by-law:

(a) Current and former employees and members of Council; volunteers and members of

Council appointed boards are covered;

(b) If the employee or member of Council have acted in good faith they will be indemnified

for any costs, charges or expenses incurred in any civil, criminal or administrative action or proceeding;

(c) The provisions of the by-law are intended to supplement the protection provided by such policies of insurance;

(d) There are exemptions where no indemnification will be provided, for example where a legal proceeding relates to a grievance or disciplinary action taken by the Town as an employer or in committing some alleged wrong the employee or member of Council was clearly acting on his or her own behalf and not that of the Town;

(e) The Town has the right to select the lawyer representing the individual; f) The amount indemnified by the Town will be off-set by any payments recovered by the employee or member of Council;

(g) If the Town approves a settlement of any action or proceeding and the employee or member of Council does not wish to accept such settlement, the Town shall have no further obligation to reimburse the employee or member of Council;

(h) A process is set out when an employee or member of Council is served with any process issued; and

(I) The Mayor and Acting Clerk are authorized to do all things necessary, including executing any documents to give effect to the by-law.

This means that as long as it is shown that the employee, board member or member of council was believed to have been doing nothing wrong then the Town of Bancroft will help with the cost of legal fees and other costs. The funds for this is to be from the town's insurance, however staff can not pin point the exact costs. So, the staff will be reporting to council on the use and cost of this bylaw on an annual basis, or more frequently if necessary.

The motion for this bylaw came from the greater number of legal actions against government agencies and employees throughout the country. So, this indemnification will be a way for Bancroft to protect its staff and council members.

?There have been a few incidents here, nothing untowards, that caused me to understand this whole personal liability aspect better at the town. I used our lawyers assistance, and a lot of the structures provided to the bylaw has been something that has been instituted by the City of Peterborough as well. So anything that I have put forward today, whether the bylaw or the report, it has been reviewed by an external council,? Davie explained.

This bylaw will be the last line of defence for the town, as currently the town's insurers step forward in most cases and the town does appoint legal representation. This legal indemnification is being put into place to close any possible gaps or circumstances.

Council did pass the motion to provide legal indemnification for the payment of costs or damages awarded against an employee or a member of town council during their term on council or their employment with the town while acting under legitimate instructions or attempting to perform their duties in good faith.

Arena goes solar

The Town of Bancroft has entered into a conditional agreement with Otter Energy Inc. to install solar panels into the North Hastings Community Centre. This agreement gives Otter Energy the ability to start engineering work, at the cost of \$3,500, to see if the south facing slope of the arena's roof will be able to hold solar panels. If it is possible Otter Energy would then ask for \$8,000 to complete a grant application. However, if it is not possible then the town will only be obligated under the conditional agreement to the \$3,500 for the engineering work.

If it is possible, the panels will be attached to the roof over the south roof of the arena including the two car ports in the parking lot. This will reduce the electricity cost to the arena, which will save upwards of \$50,000 to \$70,000 a year. It is hoped that this will help with the arena's financial stability.

The cost for the project is estimated at \$1,303,748 before tax. The grant they will be applying for will be \$1,056,827. This will leave a total of \$246,921 to be paid by the town. In his report Davie said that, ?a debt term of 10 years would allow the arena to keep a portion of the savings over the first 10 years to help support sustainability, while allowing for pay down of the debt. The latter 10 years would see the Arena enjoy 100 per cent of the savings.?

The life span of the panels is estimated at roughly 20 years. Once the project is completed the arena will be expected to take over the care and maintenance of the panels and any costs.

The town council agreed to the \$3,500 engineering work and staff will be returning to council at a later date with a more detailed report that contains both financial and technical analysis and other due diligence efforts.

FoodCycler approved

At a passed meeting of council the FoodCycler company asked the town to participate in a pilot project that would allow residents to purchase a FoodCycler at a discounted price through the town.

The FoodCycler is an electronic composter that is roughly the size of a bread maker and can take up to two liters of food waste per cycle and turn it into nutrient rich soil amendment/additive that can be used to help plants and gardens or turned into pellets for home heated options.

The pilot project will cost the town roughly \$5,400 plus HST to purchase the 36 FoodCyclers that residents can then buy from the town. The hope is that this project will help area residents with their food waste while at the same time remove waste from the town waste site. Manager of public works Perry Kelly told council that he believes this system will be a great way to reduce the amount of waste heading for the landfill. It will also be good for the environment as every tonne of food was diverted from the landfill is estimated to reduce greenhouse gas by 13 tonnes of CO₂, and that is without transportation emissions.

The FoodCycler will be available for purchase at the Town of Bancroft office, and those interested in more information can call the office at 613-332-3331.