

Ramsey Bay Incorporation

Questions:

1. Other Options:

- Under the existing legislation (Northern Municipalities Act 2010) does Ramsey Bay have **another other option** than Incorporation to a Northern Hamlet to provide one voice for the community?
 - No
- Why has the legislation in 97(1) regarding Minister's discretion not been applied to provide for one cabin owners association in Ramsey Bay?
 - The Northern Municipal Services (NMS) is not in a position to answer this question on behalf on the present and past ministers.
- If no, why were the changes to the legislation proposed by NMS regarding Cabin Owners Associations 97 (3) removed. Also the new legislation regarding resort villages?
 - The Policy and Program Services Branch of the Ministry of Government Relations is leading the amendment process of the Act. To our knowledge, consultations on items of amendment is not over.

2. Pros of Incorporation:

- What are the pros to incorporation as a Hamlet?
 - Attached

3. Cons of Incorporation:

- What are the cons of incorporation as a Hamlet?
 - Attached

4. Funding:

- Currently NMS is holding in trust in excess of \$1.2 million dollars in funds for the resort subdivision of Ramsey Bay.
 - As of June 10th, 2019 – current bank account balance - \$558,578.14

- As of June 10th, 2019 – Sask Environment Crown Land Sales - \$555,309.66
 - Totalling \$1,113,887.80
- What are the requirements/prerequisites for the cabin owners' associations to obtain funding from both general revenues and the capital account?
 - Municipal funding cannot be given to cabin owners' associations to run municipal operations on behalf of NMS or implement a municipal project.
 - The hamlet would have the autonomy to look after their own affairs and spend the money as legislated by the *Northern Municipalities Act, 2010* (NMA).
- Is NMS still only funding public safety issues as outlined in March of 2015?
 - NMS is operating Ramsey Bay from the municipal property tax revenue collected from the community and that includes expenditures for public safety.
- Is consensus of the other association required?
 - As per s428(1)(b) of the Act on expenditures, if revenues are collected with respect to a resort subdivision and paid into the Northern Municipal Trust Account (NMTA), the minister shall in the case of a resort subdivision, after consultation with the cabin owners' association, expend the amount of those revenues on behalf of the resort subdivision.
 - There's requirement for consultation, but NMS will make the final decision on behalf of the Minister.
- What happens to these funds upon incorporation?
 - The fund balance on account of Ramsey Bay within NMTA would likely be transferred to the newly incorporated hamlet.
- Are there any restrictions on access as a Hamlet?
 - If the access refers to access to a hamlet's own funds, there's no restriction.

5. Revenue Sharing/Government/ Capital Grants:

- Would the Hamlet of Ramsey Bay be eligible for Revenue Sharing/ Government/ Capital Grants similar to other municipal entities?
 - Yes.
- What is the basis for determining the amount a Hamlet would receive?
 - Expenditures on administration, water and sewer, landfill and transportation as described in s62 of *The Northern Municipalities Regulations*.
- On that basis what would Ramsey Bay be expected to receive?
 - For financial year, 2019-20, Ramsey Bay would receive \$200,000 as operating grant and \$50,000 as capital grant, if it were a northern hamlet.
- What does the revenue sharing/ grants cover?
 - Operating expenses.
- Are they annual?
 - Yes.

6. Bylaws and OCP:

- Would there be a requirement for the Hamlet to establish bylaws?
 - NMA Section 6(1): The power of a municipality to pass bylaws is to be interpreted broadly for the purposes of providing a broad authority to its council and respecting the council's right to govern the municipality in whatever manner the council considers appropriate, within the jurisdiction provided to the council by law; and enhancing the council's ability to respond to present and future issues in the municipality.
 - Some bylaws are mandatory like code of ethics, public notice, council procedures, etc.
 - <https://pubsaskdev.blob.core.windows.net/pubsask-prod/97890/97890-Bylaw-Guide-2013.pdf>
- Provincial legislation says "may"

- Legislation that states "shall" means it must conform (have a bylaw) while "may" is discretionary.
- Zoning? Building?
 - A council may authorize the preparation and adoption of an Official Community Plan (s29 of *The Planning and Development Act, 2007*); a Zoning Bylaw (s24 PDA). Neither of these bylaws are mandatory.
 - A council may adopt bylaws prescribing building standards pursuant to the *Uniform Building and Accessibility Standards (UBAS)*. Each municipality shall administer and enforce the UBAS (s4 UBAS). Each owner of a building shall ensure that the building is designed, constructed, erected, placed, altered, repaired, renovated, demolished, relocated, removed, used or occupied in accordance with the building standards (s 7 UBAS).
- Are a host of rules and regulations required and/ or anticipated in becoming a Northern Hamlet?
 - Currently the resort subdivision has to follow a host of rules and regulations and this requirement will not change if it becomes a hamlet.
- As a Hamlet would Ramsey Bay be able to set a bylaw that would allow for golf carts, ATVs and snow mobiles to be operated within their municipal boundary?
 - Please refer to the link below as SGI has legislation that effects this particular subject.
 - <https://www.sgi.sk.ca/recreational-vehicles>
 - To operate an ATV on public land or a highway, the vehicle must be insured for the owner and every person who operates the vehicle in accordance with Part VI of the Saskatchewan Insurance Act. This is not a form of registration; ATVs currently cannot be registered in Saskatchewan.
 - Municipal bylaws can prohibit the operation of ATV on private land in the municipality as well as:
 - On crown land in the municipality,
 - On municipal land, and

- On the untraveled portion of all or any part of a highway (except for provincial highways).
- <https://skprevention.ca/safety/#vehicle-safety>
- Would the Hamlet require an OCP?
 - A council may authorize the preparation and adoption of an Official Community Plan (OCP) (s29 of *The Planning and Development Act, 2007*). The OCP bylaw is not mandatory.

7. Hamlet Boundary and Development within the Hamlet:

- Can the boundary of the Hamlet be expanded to include a block of land rather than specific roads and lots?
 - Generally, expansion of a municipal boundary is separate from land ownership. Municipal boundaries can be expanded and encompass private titles, Crown lands (ENV administered); and in some cases even First Nation lands. However, Park land is exempt from municipalities. In the case of Ramsey Bay, land would have to be removed from the designation of parks pursuant to *The Parks Act* before an application from boundary expansion could be considered.
- Could the Hamlet approve /reject certain proposals i.e. the Kikiwin North Proposal within the Hamlet?
 - A council may authorize the preparation and adoption of a Zoning Bylaw (s24 PDA). The ZB is not mandatory. Contents of the ZB can be found in section 49 of the PDA.
- As a Hamlet would Ramsey Bay have to approve any development within the Hamlet boundary?
 - This is dependent on whether there is an adopted ZB and how the administration section is set out.

8. Administration:

- Would the Hamlet be required to hire a full time administrator and or clerk?

- As per the NMA, Section 126, and the *Urban Municipal Administrator Act*, the hamlet would require either a clerk or an administrator.
 - The level of service provided by this individual would be controlled by the hamlet who would determine whether the job is full or part time.
- If yes, are these funded?
 - Yes, there is revenue sharing grant funding for the administration pillar.
- If not, what are the requirements?
 - The hamlet would have to use the property tax revenue to fund this position
- Are the mayor and councillors required to be residents?
 - *The Local Government Election Act, 2015 (LGEA)* Section 42; sets out the requirements in order to be eligible to be nominated as a candidate in a municipal election;
 - at least 18 years of age on the day of the election,
 - not disqualified pursuant to this or any other Act,
 - is a Canadian citizen at the time of nomination submission;
 - has resided in Saskatchewan for at least 6 consecutive months, immediately preceding the date on which he or she submitted the nomination paper and;
 - has resided in that municipality for at least 3 consecutive months, immediately preceding the date on which he or she submitted the nomination paper.

PART VIII
Disqualification of Members of Council

Reasons for disqualification

165(1) A member of council is disqualified from council if the member:

- (a) when nominated, was not eligible for nomination or election as a candidate pursuant to *The Local Government Election Act, 2015*;
- (b) ceases to be eligible for nomination or election or to hold office pursuant to *The Local Government Election Act, 2015* or any other Act;
- (c) is absent from all regular council meetings held during any period of three consecutive months during which at least two meetings of the council have been held, starting with the date that the first meeting is missed, unless the absence is authorized by a resolution of council;
- (d) is convicted while in office of any indictable offence;
- (e) contravenes:
 - (i) a bylaw passed pursuant to section 34 of *The Local Government Election Act, 2015*; or
 - (ii) section 160 or 162 of this Act;
- (f) is determined to have made a false statement or declaration in the nomination paper filed in accordance with *The Local Government Election Act, 2015*; or
- (g) is removed from office by the minister or by the Lieutenant Governor in Council pursuant to section 420 or 424, as the case may be, unless the order directs that the person is not disqualified.

- How are residents defined?
 - LGEA Section 3;

Rules of residence

3 For the purposes of this Act:

- (a) the residence of a person is the place in which the person's habitation is fixed and to which, when the person is absent from that place, he or she has the intention of returning;
- (b) a person who is temporarily absent from the place where the person's habitation is fixed does not lose his or her residence;
- (c) no person, while he or she remains in Saskatchewan, loses his or her residence until he or she has acquired another residence; and
- (d) no person has more than one residence in Saskatchewan and, if the person has more than one home in Saskatchewan, he or she shall elect one home as his or her residence.

2015, c.L-30.11, s.3.

- What is the term of appointment for these positions?
 - The term is 4 years from one general election until the next one. If a vacancy occurs, a by-election can be held to fill the vacancy.
- Are all property owners able to vote for Mayor and Council?
 - LGEA Section 36;

Eligibility to vote

36(1) A person is eligible to vote in a municipality or school division who, on election day:

- (a) is a Canadian citizen;
- (b) is at least 18 years of age;
- (c) in the case of a municipality other than a resort village or rural municipality, has resided in Saskatchewan for at least six consecutive months immediately preceding the day of the election and:
 - (i) has resided in the municipality for at least three consecutive months immediately preceding the day of the election; or
 - (ii) is the owner of assessable land situated in the municipality for at least three consecutive months immediately preceding the day of the election;

9. Lagoon and Landfill:

- What changes if any would be made to the Hamlets use of the lagoon and landfill as a result of incorporation?
 - The current landfill agreement contains 4 parties (N.H. of Weyakwin, NMTA and campground owners) including the Resort Subdivision.
 - A Hamlet could continue on with this agreement or negotiate changes
 - The lagoon does not have an agreement. The Resort Subdivision, campground and day tourists(?) may use the facility.
- Would the landfill and Lagoon form part of the Hamlet as they are currently 6 miles away from the recreation site?
 - They are currently located on leased land and this would not change.
- If changes are required to the landfill and lagoon would 100% of that cost be the responsibility of the Hamlet?
 - Various capital funding programs are offered by the Federal and Provincial Governments. It is unlikely that a northern municipality would fund 100% of a landfill or sewage lagoon project.
- If yes, is there a source of funds available?
 - Source of funds is mentioned in the answer above.
- If not, what would be the %? Please provide an example.
 - Currently, northern municipalities contribute 1/12th of the project cost.
- Would the Hamlet be able to charge a user fee for either the lagoon and or landfill?
 - Yes, though a bylaw.
- As part of taxes? Some other basis?
 - Usually, property taxes are used to fund those services (transportation, parks, street lights, etc.) that cannot traced to an individual beneficiary. However, water-sewer and garbage services may be funded through taxation.

10. Taxes

- Would the Hamlet would be responsible for sending tax notices and collecting and remitting taxes?
 - NMS performs this service for all of the other Northern Hamlet's.
- Would NMS perform these services on behalf of the Hamlet?
 - NMS performs this service for all of the other Northern Hamlet's.
- Property taxes are determined by 2 factors provincial assessments of land and property values and the mill rate established by the municipality that is applied to those values. Correct?
 - Assessment X mill rate = municipal taxes
 - Assessment X mill rate = school taxes
- Would becoming a Hamlet in and of itself result in an increase in property taxes?
 - No
 - Property taxes are levied to pay for expenses. The Hamlet would decide what level of service they want to provide to their residents and levy accordingly.
- The mill rate would be the only portion of taxes that the Hamlet would control. Correct?
 - The Hamlet collects both taxes (municipal and school) but remits the school to the province.
- Could the receipt of Capital Grants result in a decrease in taxes?
 - Capital grants are to provide for assets (building, equipment, etc.) and have to meet eligibility requirements. This grant cannot be used for regular operation and maintenance expenses.
 - Taxes could decrease as the Hamlet could use the capital grant for purchasing assets instead of raising taxes to pay for them.

11. Fire Department:

- Would the Hamlet be responsible to have its own volunteer or staffed fire department?

- The Hamlet would have the autonomy to pass bylaws regarding fire service levels and any other fire safety and prevention matters.
- Can these services be contracted with agreement from another municipality, village, town, city?
 - Yes, a Hamlet may enter into an agreement with another local government, etc.
- Is there a requirement for these services at all?
 - The Hamlet would determine the fire service level.

Message from the Fire Commissioner Emergency Management and Fire Safety Branch

For the past several years, the Government of Saskatchewan consulted with municipal and public safety sector stakeholders and associations to develop new legislation to replace *The Fire Prevention Act, 1992*. The new Act was passed in the Legislature in the spring of 2015. The new legislation clarifies local and provincial roles, powers and responsibilities to reflect the current realities and situations local fire departments are facing.

The new *Fire Safety Act* maintains the autonomy municipalities currently have to pass bylaws regarding fire service levels and any other fire safety and prevention matters. However, I would like to highlight three key areas of improvement proposed in this new legislation:

- This Act will provide local authorities, their firefighters and fire inspectors with clearer and more transparent rules regarding entry in situations involving fire, along with additional measures to prevent the risk of fires and other emergencies;
- There will be better liability protection for municipalities, fire departments and all fire personnel (including volunteers) whenever responding to a fire or emergency either inside or outside their community; and
- It will provide the province, through the fire commissioner, with greater ability to assist and support communities and local fire departments when requested or required by a fire situation or emergency event.

This *Fire Safety Act Guide*, when used in conjunction with the Act, can assist fire chiefs and the municipalities they serve to understand requirements, responsibilities or powers.

For example, the new legislation states each municipality must inform their residents and the province of the level of fire services available in their community. This requirement was introduced in order to improve accountability, mutual aid and provincial support. It will also allow the fire commissioner to identify training or programming supports to improve local and area capacity.

I personally want to thank the numerous volunteer and paid firefighters, fire chiefs, fire inspectors and other municipal stakeholders who participated in the discussion and drafting of the new Act. Their contribution during the development of this legislation will allow all of us to better meet the health, safety and security needs of the residents in this province.

Duane McKay
Commissioner, Emergency Management and Fire Safety
Ministry of Government Relations

<http://publications.saskatchewan.ca/#/products/79470>

12. Legal Liability

- What is the exposure to legal liability of the mayor, councillors, administrator, clerk as a result of being elected/hired to these positions?
 - *NMA, 2010 Section 375*

Immunity re acts of members of council and others

375(1) No action or proceeding lies or shall be instituted against a member of council, a member of a committee or other body established by a council, a member of a public utility board established pursuant to subsection 34(2), a member of a controlled corporation, municipal development corporation or director of a service district of a municipality or any municipal officer, volunteer worker or agent of the municipality for any loss or damage suffered by a person by reason of anything in good faith done, caused, permitted or authorized to be done, attempted to be done or omitted to be done by any of them pursuant to or in the exercise or supposed exercise of any power conferred by this Act or the regulations or in the carrying out or supposed carrying out of any duty imposed by this Act or the regulations.

(2) Subsection (1) does not affect the liability of a mere contractor with the municipality, nor of any official or employee of any contractor, by reason of whose act or neglect the damage was caused.

(3) A municipality may pay:

(a) the cost of defending an action or proceeding against a member of council, a member of a committee or other body established by a council, a member of a public utility board established pursuant to subsection 34(2), a member of a controlled corporation, municipal development corporation or director of a service district that claims liability on the part of that person for acts or omissions done or made by the person in good faith in the course of his or her duties; or

(b) any sum required to settle the action or proceeding mentioned in clause (a)

2010, c.N-5.2, s.375; 2013, c.20, s.49; 2015, c.30, s.4-23.

- Can these individuals be held personally liable and as a result have their assets, etc exposed?

Acts of members of municipal bodies, municipal officers, volunteers, etc.

376(1) A municipality is vicariously liable for loss or injury arising from any act or omission of a municipal officer, a volunteer worker or an agent of the municipality acting in the course of his or her duties if the officer, volunteer worker or agent would otherwise be personally liable.

(2) The municipality shall:

(a) pay the cost of defending an action or proceeding against a municipal officer, volunteer worker or agent of the municipality claiming liability on the part of that person for acts or omissions done or made by the person in the course of his or her duties or pay any sum required to settle the action or proceeding; and

(b) pay the damages and costs awarded against a municipal officer, volunteer worker or agent of the municipality as a result of a finding of liability on the part of any of them for acts or omissions done or made by any of them in the course of his or her duties.

2010, c.N-5.2, s.376.

- Can these individuals be sued?
 - Yes, anyone can be sued.
- How are these individuals protected from any or all of the above actions?
 - See NMA, 2010 Section 375 above

13. Operation of the Subdivision

- The Minister has stated that the status quo in Ramsey Bay is not an option and a plebiscite vote is not binding.
 - Correct.
- Should the vote be **No** could the Minister require incorporation in order to address the status quo?
 - Yes, but the likelihood of that taking place is slim.
- If not, how is Ramsey Bay to achieve the goal of one voice for the community in order to access funding to address its needs?
 - It's up to the residents of Ramsey Bay to contemplate and transform the ideal into reality.

14. Changes:

- What changes do you foresee occurring in Ramsey Bay as a result of incorporation?

- NMS cannot foresee the outcome of incorporation on behalf on the residents – the success or failure of a democratic system rests solely on the constituents.
 - If Ramsey Bay incorporates, NMS will be involved in advisory capacity to the hamlet council and administration. The operating and capital funding will also come from NMTA that is administered by NMS.
- Should incorporation proceed, please explain the process for the first election of officers of the new hamlet?
 - The Minister's Order incorporating Ramsey Bay as a northern hamlet will include directive on size of the council as well as date of the first general election.
- What basic governmental, operational grants are available to all similar hamlets in the Province?
 - Northern Revenue Sharing Grants:

Northern Hamlets	2019-20	2018-19	Increase	%
Black Point	227,995	226,151	1,844	0.82
Cole Bay	361,907	357,941	3,966	1.11
Dore Lake	261,597	259,970	1,627	0.63
Jans Bay	321,938	318,273	3,665	1.15
Michel Village	358,787	356,225	2,562	0.72
Patuanak	323,508	321,163	2,345	0.73
St. George's Hill	332,169	328,855	3,314	1.01
Stony Rapids	482,394	475,390	7,004	1.47
Timber Bay	290,658	288,163	2,496	0.87
Turnor Lake	253,461	249,846	3,615	1.45
Weyakwin	309,205	306,376	2,830	0.92

- Should the decision be made to incorporate, an initial step will be to define and set out the boundaries of the new hamlet. As it is probable that the new hamlet will, sometime in the future, require property of its own for purposes of an office and storage buildings, would the initial boundaries of the hamlet include provision for such property?
 - Ramsey Bay would incorporate as a northern hamlet with the existing municipal boundary of the resort subdivision.
 - As the existing boundary has no land for future growth and expansion, the council of the newly incorporated hamlet would have to commence negotiation with the Ministry of Parks, Culture and Sport for annexation of additional land.