

Resort Subdivision of Ramsey Bay
Questions Regarding Reorganization
October 20, 2015

The following questions, directed to NMS, are prepared in order to gain an initial understanding respecting possible reorganization. It is requested that a written response be provided to Weyakwin Cottage Owners Association in order to ensure the best possible information is assembled and provided to residents of Ramsey Bay.

- 1. The October 2, 2015 letter received from the Minister of Government Relations suggests that we consider reorganizing as a northern hamlet. Please explain what a "northern hamlet" is and how it differs from a "hamlet" and also a "northern settlement".**

In most cases in Saskatchewan, a hamlet is an unincorporated community with at least five occupied dwellings situated on separate lots and at least 10 separate lots, the majority of which is an average size of less than one acre. Saskatchewan has three different types of unincorporated hamlets including generic "hamlets", "special service areas" and "organized hamlets". The exception to unincorporated hamlets in Saskatchewan is a "northern hamlet", which is a type of incorporated municipality.

Saskatchewan has 11 northern hamlets and 189 unincorporated hamlets including 20 generic hamlets, 18 special service areas and 151 organized hamlets. All northern hamlets are within the Northern Saskatchewan Administration District while all unincorporated hamlets are under the jurisdiction of rural municipalities within southern Saskatchewan. If Ramsey Bay opts to be an incorporated municipality, it must incorporate as a northern hamlet as allowed by **The Northern Municipalities Act, 2010 (Act)**.

Communities in the Province of Saskatchewan, Canada include incorporated municipalities, unincorporated communities and First Nations communities.

Types of incorporated municipalities include urban municipalities, rural municipalities and northern municipalities. Urban municipalities are further classified into four sub-types – cities, towns, villages and resort villages. Northern municipalities, which are located in the Northern Saskatchewan Administration District (NSAD), are further classified into three sub-types – northern towns, northern villages and northern hamlets. Rural municipalities are not classified into sub-types.

Types of unincorporated communities include hamlets and organized hamlets within rural municipalities and northern settlements within the NSAD. The administration of rural municipalities, towns, villages, resort villages, organized hamlets, and hamlets is regulated by *The Municipalities Act*, while the administration of cities is regulated by *The Cities Act*. Administration of northern towns, northern villages, northern hamlets, and northern settlements (those within the NSAD and represented by elected Local Advisory Committees in advisory role), resort subdivisions (represented by Cabin Owners' Associations in advisory role), subdivisions and isolated dispositions is regulated by the Act.

There is no provision in the Act for formation of new northern settlements. The Act deals with administration of existing northern settlements only.

- 2. The letter also states that NMS will provide any assistance required and refers to contacting a "Northern Municipal Advisor". Please provide the name and contact information for such advisor.**

The Northern Municipal Administration Advisor responsible for administration of the Resort Subdivision of Ramsey Bay is Ms. Valerie Antoniuk. Her contact information is: P.O. Box 5000, La Ronge, SK S0J 1L0; Phone: (306)425-4323; Fax: (306)425-2401 and Email: valerie.antoniuk@gov.sk.ca.

- 3. What is the process for forming a northern hamlet?**

The process is set out in PART IV (Sections 71 to 88) of the Act on establishment, alteration or restructuring of Municipalities. *The Northern Municipalities Regulations* contain Form G on petition to incorporate (Section 77) and form H on application to incorporate or restructure (Section 78) a northern hamlet.

- 4. If reorganization requires a referendum and/or petition, who organizes and prepares?**

As per Subsection 76(2) of the Act, a representative of the petitioners undertakes all communications on behalf on the petitioners. A Cabin Owners' Association may act as the representative of the petitioners in a Resort Subdivision, may organize the petition and may apply by petition to the Minister of Government Relations for incorporation of a resort subdivision as northern hamlet as per Subsection 71(1) of the Act.

Staff of the Northern Municipal Services will not act as a representative as the branch provides municipal administration of a resort subdivision. The representative is required to submit the

petition to the Executive Director of NMS who is appointed by the Minister as the Clerk of the Northern Saskatchewan Administration District. As per Section 78, NMS will hold a public meeting to ensure all persons who wish to make representations to the proposed incorporation are heard at the meeting. Proposed application and all information required to be submitted with it pursuant to Section 80 of the Act shall be made available at the meeting. The application will then be forwarded to the Minister for decision pursuant to Section 74 of the Act.

5. Would the advisor from NMS be available to attend public meetings at Ramsey Bay?

As per Section 78 of the Act, Northern Municipal Services will hold a public meeting in Ramsey Bay for which notice will be provided in accordance with clause 77(2)(c) of the Act.

6. How would the boundary of a northern hamlet at Ramsey Bay be determined? Would the following be included?

- shoreline
- campground
- leased land containing the hall
- the 6 west lots on Peterson Bay
- the lots recently developed along Lakeshore Drive
- the roads that are presently maintained by Highways

The municipal boundary of the proposed Northern Hamlet of Ramsey Bay would include the areas within existing municipal boundary of the resort subdivision of Ramsey Bay.

7. How would the operation of the dump be effected?

The existing landfill agreement with the Northern Hamlet would be amended to replace Northern Municipal Services with the newly incorporated Northern Hamlet of Ramsey Bay as party of the agreement. No other term and condition of the agreement is expected to be changed unless agreed to by the parties to the agreement.

8. How would the operation of the sewage lagoon be effected?

The sewage lagoon would not be affected by the incorporation of Ramsey Bay as a northern Hamlet. Ramsey Bay administration would have the responsibility of compliance with legislation and permit.

Operation of the lagoon is subjected to environmental legislations of Saskatchewan and these

legislations will affect its operation.

9. Please provide copies of most recent reports / assessments of the sewage lagoon.

Most recent correspondence from the Water Security Agency is attached herewith.

10. What becomes of the funds presently held by NMS from the sale of lots? What is the present balance?

Funds accumulated from Crown land sales stay in reserve and are used on capital projects only. The current balance is \$195,310.

11. What are the potential grants available? What factors are they based on? Are there formation grants available?

The Ministry of Government Relations encourages and supports overall capacity improvement of northern municipalities to respond to the socioeconomic needs and priorities of their residents. Grants to Northern Municipalities available through the Northern Municipal Trust Account (NMTA) are listed below. Further details on the grants are available in *The Northern Municipalities Regulations* that is attached herewith.

Northern Municipal Revenue Sharing (NMRS): The ministry distributes funds to northern municipalities through the NMRS pool using a formula designed to fund the estimated service delivery costs for four core services (administration, water and sewer, transportation and landfills). Actual costs are used for northern settlements as a result of the ministry's direct oversight over the operations of these communities. The formula recognizes that a municipality must generate some local revenues from utility fees and property taxes to assist in meeting its core costs. The formula includes a discretionary per capita allocation to allow municipalities to address non-core needs.

Northern Water and Sewer Program: Assists communities in upgrading their water and sewer infrastructure to be in compliance with the regulations under the Saskatchewan Drinking Water Strategy and to meet capacity concerns.

Northern Capital Grants Program: Assists with providing for the capital needs of northern municipalities and settlements. Examples include community halls, municipal offices, libraries,

vehicles and heavy equipment such as loaders, backhoes and graders, emergency vehicles such as fire trucks, as well as streets and sidewalks.

Northern Residential Subdivision Development Program: Assists northern municipalities to develop serviced residential lots to meet housing demands.

12. Would the formation of a northern hamlet require that services be provided to property owners that are not presently provided by NMS?

No. The Council would make decisions on the municipal services to provide to the residents based on residents' demand, community requirements and funds available. Please refer to the attached note on incorporation for further details.

13. What impact would a northern hamlet have on those lots that are still being leased by cottage owners? Would these leases be transferred to the northern hamlet?

The present area within the municipal boundary of the resort subdivision of Ramsey would be transferred to the newly incorporated northern hamlet of Ramsey Bay. The ownership structure of individual lots would not change. This means, lots leased from the Ministry of Environment would continue to be leased from the same ministry.

14. What role would NMS play once the northern hamlet is formed?

NMS would play advisory role for the northern hamlet of Ramsey Bay providing advice and support to the elected and appointed municipal officials on municipal matters. NMS would have no involvement in the administration of the northern hamlet. A Clerk (full or part-time depending on workload) must be hired to administer the northern hamlet. The clerk cannot be an elected official of the municipality.

15. Is it correct that NMS would continue to administer the assessment and collection of property taxes?

NMS provides tax accounting services to northern hamlets up to registration of lien on properties with arrears and as such it would continue to provide the service to Ramsey Bay after its incorporation as a northern hamlet. The Council will be responsible for setting Mill Rates, using tax tools and tax enforcement.

16. Please provide copies of annual financial statements for similar size northern hamlets.

Audit Reports of two Northern Hamlets, Dore Lake and Weyakwin, are attached as requested.

17. Would onus for preparing annual financial statements be with the northern hamlet? Would such financial statements require to be audited?

This is a legislated requirement. Subsection 207(1) of the Act states that on or before June 15 of each year, a municipality shall prepare financial statements of the municipality for the preceding financial year in accordance with the generally accepted accounting principles for municipal governments recommended from time to time by Chartered Professional Accountants of Canada. Subsection 208(1) of the Act also requires that a municipality shall submit its financial statements and the auditor's report on the financial statements to the Minister of Government Relations by July 1 of the year following the financial year for which the financial statements and report have been prepared.

18. Who is eligible to be on council of the northern hamlet?

Residency is a qualification requirement that impacts both candidates and voters. For the purpose of a municipal election, a person's residence is the place they typically refer to as "home":

1. a person does not lose residency if he or she is temporarily absent;
2. as long as the person remains in Saskatchewan, a person does not lose residency until they acquire another residence; and
3. a person who is not a full time student cannot have more than one residence in Saskatchewan. If they have more than one home in Saskatchewan, the person shall elect one of those as his or her residence.

To be consistent with ***The Local Government Election Act, 2015 (LGEA)***, active members of the Canadian Armed Forces are deemed to have ordinary residence at the place where they reside, or at the place they have moved from if that place is in Saskatchewan, for the duration of their service. Full time students are deemed to have residence at the place where they study and the place they have moved from when the places are in Saskatchewan.

A person may be nominated as a candidate in a municipal election if he or she meets requirements relating to age, citizenship, residency or property. A candidate must be a resident of the municipality for the past three months.

4. at least 18 years of age on Election Day;
5. a Canadian citizen;
6. a Saskatchewan resident for the past six months;
7. not disqualified from being nominated by the LGEA or any other Act; and

19. Which governmental acts and regulations are applicable to a northern hamlet?

There are several provincial acts and associated regulations that guide functions of a northern municipality. The most important acts are:

1. *The Northern Municipalities Act, 2010 and Regulations*
2. *The Local Government Elections Act, 2015 and Regulations*
3. *The Planning and Development Act, 2007 and Regulations*
4. *The Tax Enforcement Act and Regulations*
5. *The Uniform Building and Accessibility Standards Act and Regulations*
6. *The Environmental Management and Protection Act, 2010 and Regulations*
7. *The Saskatchewan Employment Act and Regulations*

20. What are the negatives of forming a northern hamlet?

Please refer to the attached Notes on Incorporation.

21. How is a name chosen for the northern hamlet?

The Cabin Owners' Association as the representative of the petitioners in a resort subdivision may wish to establish a process to identify possible names for the new municipality. Following options may be considered:

1. organize a contest whereby residents submit suggestions for the new name; or
2. establish a committee made up of association executive and residents to generate a list of potential names.

It is recommended that the public be involved in any process established to select the name of the municipality. Resident involvement is a key part of ensuring the community's acceptance of the new name. Perhaps a referendum or an advisory committee could assist with this decision.

As part of the provincial government's review process, a referral will be made to the Geographic Names Board to ensure that the new name is acceptable. The representative may also give consideration to the creation of a new municipal seal, letterhead, logo and other identifiers that will bear the new name.

23. Would the dollar amount of what is provided from our property taxes toward education increase if we became a Northern Hamlet?

No. The mill rate for Education Property Tax (EPT) is set by the Provincial Government.

24. Would all property owners/lessees get to vote in a plebiscite on whether we become a Northern Hamlet?

The eligibility to vote in a plebiscite or referendum is determined by s36(1)(a)(b) and (c) of LGEA that states:

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.

Therefore, all property owners and leasees in Ramsey Bay are eligible to vote in a plebiscite on a question of incorporation as a Northern Hamlet.

25. If yes to number 24, who determines how the question reads and conducts the plebiscite vote?

Northern Municipal Services as the current administrating entity of Ramsey Bay will determine the wording of the question for plebiscite and conduct the vote.

26. What percentage of vote is required to be considered as majority in favor?

50% + 1 votes casted in the plebiscite for or against the question will decide the issue. As per s154 of LGEA, rejected ballots shall not be taken into account pursuant to s150 of LGEA. As per s155, in the case of an equality of votes, the matter is deemed to be resolved in favor of the situation as it exists at the time the vote is taken. So, a tie vote will keep Ramsey Bay as a Resort Subdivision.

27. If the majority vote in favor of becoming a Northern Hamlet, can the Minister arbitrarily force amalgamation with the Northern Hamlet of Weyakwin since we are very different communities?

Such amalgamation may require concurrence of voters in both communities through a vote as per s79 of the Act.

28. Are there any provisions in the election act that governs such a plebiscite and the vote for mayor and council (if required) that would allow for all eligible voters to receive a ballot by mail that they could then mail back?

Yes. As per s92 of LGEA, a municipal council, by bylaw, may establish a mail-in ballot voting system for the purpose of receiving ballots in an election.

29. Who would be eligible to vote in both a plebiscite and council election?

Same eligible votes as explained in the answer to the question # 24.