

BYLAW 2024-03

Rural Municipality of Lajord No. 128

BYLAW TO ENTER INTO A PROCEDURE AGREEMENT WITH THE ORGANIZED HAMLETS OF DAVIN, GRAY, KRONAU AND RICETON

The Council of the Rural Municipality of Lajord No. 128 in the Province of Saskatchewan enacts as follows:

1. The Rural Municipality of Lajord No. 128 is hereby Authorized to enter into an agreement the Organized Hamlets of Davin, Gray, Kronau and Riceton respecting the policies and procedures in governing the Organized Hamlets of Davin, Gray, Kronau and Riceton with the Agreement being attached to and identified as Schedule "A".

Repeal of Former Bylaws

2. Bylaw No. 2019-02 is hereby repealed.

Coming into Force

3. This bylaw shall come into force on the day of its final passing.



Originally Signed By

Armond Gervais, Reeve

Originally Signed By

Lynette Herauf, Chief Administrative Officer

Certified a true copy of Bylaw 2024-03
adopted by resolution on the
7th day of February, 2024

Hamlet Procedures
For the Organized Hamlets of Davin, Gray, Kronau and Riceton
within the Rural Municipality of Lajord No. 128

Bylaw 2024-03
Schedule A

INTRODUCTION

These procedures are prepared to help guide and inform the hamlet board members as to their roles and duties in governing their Organized Hamlet. It sets out the information that is important to all members of the hamlet board and details the many parameters that affect the operations and decisions of the hamlet board and Council. The Procedures and Rules are the generalities of the running of the Organized Hamlet; whereas the Policies are made to reflect the individual needs and traditions of the hamlet. A Provision of Services Agreement is also developed for the hamlet.

Failure to comply with these procedures may result in the loss of Organized Hamlet status:

Reversion of Status

Council is required by *The Municipalities Act* to request to the Minister to revert the status of an organized hamlet where there has been no active hamlet board in existence for the previous two years. A hamlet board that does not submit its budget or a report of its activities to Council for a two-year period is considered to be an inactive hamlet board.

Section 52 of The Municipalities Act

1. Application

- This document is intended as a guide for elected hamlet board members of the Organized Hamlets of Davin, Gray, Kronau and Riceton within the Rural Municipality of Lajord No. 128, as well as the Council members of the Rural Municipality of Lajord No. 128. It serves two purposes: it is a guide to help a board member understand the function and purpose of a hamlet board, and it contains rules and procedures to which the hamlet board follows in its governance of the hamlet. Some of the rules are from *The Municipalities Act* [MA] and Municipal Regulations [MR]. These must be followed, or from the Council Procedures [CP]. These can be modified to best serve the efficient workings of the hamlet. More guidance can be found in the hamlet policies which separate from this document.
- An OH **is not** incorporated. An OH is different from a committee or other body established by council. An OH is created by Minister's Order to the RM Council.

2. The Role of the Hamlet Board

- The hamlet board has a role to play in the relation to the following:
 - Reporting to Council in an advisory capacity and as a liaison between Council and the residents of the organized hamlet;
 - Providing a budget and report of activities to Council;

- Requesting and/or consenting to various tax measures to be taken by Council with respect to the organized hamlet;
- Requesting Council to use moneys in the hamlet account for the purposes authorized by the *Municipalities Act* [MA 68-72, MR 34(1)-34.1]
- A hamlet board is the lowest level of government. In Canada there are Federal, Provincial, Municipal and Hamlet governments. A hamlet is part of the Rural Municipality, but yet has its own local government - the Hamlet Board. The hamlet board works with the municipality and provides the services and needs of the community by submitting written requests such as a budget to the RM. Provided there is money in the budget, the RM is obliged to provide these services and needs of the hamlet.
- The hamlet board's role is to facilitate the needs of the hamlet, to foster safe, secure, vibrant community. It is more than just roads, services, budgets and money. It is about community building. It is about governing. It is about developing a community and making it a wonderful place to live and visit.
- The hamlet board governs the hamlet by advising the RM of what it wants done. It has no legal status and relies on the RM to conduct financial transactions, to enter into contractual agreements and to collect taxes. It does however have allocated funds to cover the cost of what it wants the RM to do for it. [MA 69.1]
- The duties and responsibilities of a hamlet board are laid out in *The Municipalities Act* [MA] Sections 68(1) to 78, attached as Appendix 1, and the Municipal Regulations [MR] has sections 23.1(1) to 38 pertaining to hamlets.
- The Hamlet Board consists of three members, each elected for a four-year term at the Hamlet's Annual General Meeting [AGM].
- At the first hamlet board meeting, following the AGM, the members of the board shall select a Chair Person, a Secretary, and the remaining member, the Vice Chair. An RM Liaison Person should also be appointed from the board or Division Councillor.
- In the event of a vacancy on the hamlet board, a general election is held to fill the vacant position for the remainder of the unexpired term of the person being replaced.
- The Chair shall:
 - Preside at all board meetings; [MA 93(1)a]
 - Preserve order at board meetings;
 - Enforce the rules of the hamlet board;
 - Decide on points of privilege and points of order;
 - Advise on points of procedure;
 - Prepare agendas for meetings;
 - Notify and remind members of meetings;
 - Be the spokesperson for the board;
 - Chair the AGM.
- The Secretary shall:
 - Record minutes at board meetings;
 - Send minutes to the RM Chief Administrative Officer within ten (10) days of the meeting;
 - Accept and send correspondence;
 - Keep the minute book and other records, both electronic and hard copy;

- Prepare and submit to the voters at the annual meeting a report of activities of the hamlet board since the last report and of any issues taken to an appeal board where there has been a dispute between the hamlet board and Council. [MA 28-29]
- The Vice Chair's duties include:
 - Scrutinize and review meeting minutes for errors and accuracy;
 - Review and report accounting and budget status at board meetings;
 - Track on-going projects and report progress at board meetings.
- The RM Liaison duties include:
 - Preparing and presenting a written hamlet report at RM council meetings and generally reporting hamlet activities to the RM;
 - Presenting the budget, and Provision of Services Agreement to Council;
 - Preparing and presenting a written RM report to Hamlet Board Meetings and generally reporting RM activities to the Hamlet Board.

3. Meetings

Please note there are two types of meetings: Hamlet Board Meetings and the Annual General Meeting [AGM]. Many rules are common to both.

- All meetings are open to public;
- Seven days (7) of notice must be given for the AGM by posting on bulletin boards, social media, email, or website, etc.
- Seven-days (7) of notice is required for Hamlet Board meetings by posting on bulletin boards, social media, email or website etc.
- The chair is an active member who can vote, join in the discussion or debate and make resolutions;
- Resolutions do not have to be seconded; the primary mover is all that is necessary to place a motion onto the floor for discussion;
- If a motion or resolution results in a tie, it is deemed to be defeated;
- Minutes must be taken at all meetings and adopted at the subsequent meeting. Motions take effect after being carried;
- When any matter relating to proceedings arise which are not covered by a provision of this document, the matter shall be decided by reference to Robert's Rules of Order [RR].
- Any ruling of the chair shall prevail, subject, however, to the jurisdiction of the board to consider any appeals of those rulings.

4. The Annual General Meeting [AGM]

- The Hamlet Board is required to give notice of the annual meeting by posting notices in three conspicuous places in the organized hamlet at least seven clear days prior to the meeting. "Clear days" means that the day of posting and the day of the meeting are not counted in the notice period; there must be seven clear days between those dates. There can be more, but not less.
- Reasonable effort shall be made that the date of the AGM shall be held by July 31st of each year, but could be moved with a motion during a hamlet board meeting.

- The secretary of the hamlet board must make a report of the activities of the hamlet board since the last annual meeting and the minutes of all hamlet board meetings must be available for inspection by voters at the annual meeting.
- The voters in the organized hamlet do not directly elect the chairperson and secretary. The voters elect three persons who will comprise the hamlet board, and those three persons elect a person to serve as chairperson, secretary and a person to serve as vice chair.
- The chair of the board typically chairs the AGM, but someone else can be appointed by resolution.
- There is no lower limit to quorum.
- Motions are carried by a majority of voters present at the AGM.
- Proxy votes are not allowed.
- Members that are eligible to vote must be Canadian citizens, at least 18 years old and be a property owner in the organized hamlet, or a spouse of a property owner, or be a resident of the hamlet for at least 3 months prior to the meeting.
- A motion at the AGM is not binding. The Board can overrule a motion arising from the AGM, although this seldom happens, it is the duty of the board to make the final decision.
- The hamlet board secretary is to take minutes at every AGM. The secretary must submit the Minutes to the RM Chief Administrative Officer within ten (10) days of the AGM [MA]
- Failure to submit minutes for a two-year period will deem the Organized Hamlet as inactive and their official status as an Organized Hamlet will be revoked. [MA52]
- Minutes of the Board and minutes of the previous AGM must be available for viewing at the AGM.
- A typical agenda for an AGM would be as follows:
 - Call to Order
 - Introductions
 - Moment of Remembrance
 - Adopting of Agenda
 - Adopting of last year's minutes
 - Hamlet Board Reports & Projects
 - Financial Reports
 - Open forum
 - Election of Hamlet Board member (if necessary)
 - Adjourn
- The Hamlet Board is required to notify the Chief Administrative Officer in writing of the name, address, telephone number, and email address of each person elected to the hamlet board within seven days of their election. The hamlet board is also required to notify the Chief Administrative Officer of the name and contact information of the secretary of the hamlet board. [MA 68, MR 22.1-31.2(1)]

5. Hamlet Board Meetings

- The Organized Hamlet of Davin, Gray, Kronau and Riceton has 3 board members. The Division Councillor is not a board member. Therefore, the quorum is 2.
- The Hamlet must have a policy on board meetings stipulating:
 - The location they are generally held;
 - Whether they are regularly scheduled or called as needed;

- The regularity of meetings;
- Preference as to time of day;
- The means of giving notice;
- Duties of members;
- Hamlet Board meetings must be held at least four (4) times per year not exceeding 120 days between meetings.
- Every person has the right to be present at board meetings unless the person presiding at the meeting expels a person for improper conduct. [MA120(1)]
- No person, except board members, and such persons as are permitted by the chair shall be allowed to be seated at the table during the sitting of the hamlet board.
- All persons in the public gallery at a board meeting shall:
 - Not address the board or a member unless permitted to do so;
 - Remain quiet and be orderly;
 - Not disturb the proceedings by words, gestures or actions including applauding, displaying flag, placards, or similar material;
 - Not talk on cell phones;
 - Not make audio or video recordings of the proceedings (excluding media with permission); ensure that all electronic devices are silent and operated in such a manner that does not interfere with the meeting or with another person's ability to hear or view the proceedings.
- When addressing members at a board meeting, a delegation shall not:
 - Speak disrespectfully of the federal government, the provincial government or another municipal council or a hamlet board member representing them;
 - Use offensive words in referring to a member, an employee of the municipality or a member of public;
 - Reflect on a vote of a board except when requesting to rescind or reconsider it;
 - Reflect on the motives of the members who voted on the motion or the mover of the motion; or
 - Shout or use immoderate tones, profane, vulgar, or offensive language;
 - Speak more than 15 minutes unless given permission by the Chair;
 - Have a rebuttal or cross debate.
- Members of the board wishing to speak at a meeting shall ensure they do not interrupt another member.
- If more than one member wished to speak at the meeting at the same time, the chair shall indicate which member shall speak first.
- When addressing a board meeting, a member shall not:
 - Speak disrespectfully of the federal government, the provincial government, the municipal government, or another hamlet board member.
 - Use offensive words in referring to a member, an employee of the municipality or a member of public;
 - Reflect on a vote of the board except when moving to rescind or reconsider it;
 - Reflect on the motives of a member who voted on the motion or the mover of the motion;
 - Shout or use immoderate tone, profane, vulgar or offensive language.
- When a member is addressing the board, the other members shall:
 - Remain quiet and seated;

- Refrain from interrupting the speaker, except on a point of order or point of procedure; and
 - Not carry on a private conversation.
- Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.
- The chair may request any person in the public gallery who disturbs the proceedings of the board or acts improperly at a board meeting, be expelled from the meeting.
- The chair may request that any person who addresses the board improperly, leave or be expelled from the meeting.
- A person requested to leave by the chair shall do so immediately.
- Any person who refuses to leave when requested to do so shall be removed.
- If a person disturbs the proceedings of the board or refuses to leave when requested to do so, the chair may recess the meeting until the person leaves, or adjourn the meeting to another day.

- Point of Order [MA81(1)]
 - A member may rise and ask the chair to rule on a point of order.
 - When a point of order is raised, the member speaking shall immediately cease speaking until the chair decides on the point raised.
 - A point of order must be raised immediately at the time the rules are breached.
 - The member against whom a point of order is raised may be granted permission by the chair to explain.
 - A point of order **is not** subject to amendment or debate.

- Point of Privilege
 - A member may rise and ask the chair to rule on a point of privilege.
 - After the member has stated a point of privilege, the chair shall rule whether or not the matter is deemed to be a point of privilege.
 - If it is deemed to be a point of privilege, the member who raised the point of privilege shall be permitted to speak to the matter.
 - If the point of privilege concerns a situation, circumstance or event which arose between board meetings, the member shall raise the point of privilege immediately after adoption of the minutes of the previous board meeting.
 - The chair may consult the rules [RR] before ruling on the point of privilege.

- Point of Procedure [MA81(1)]
 - Any member may ask the chair for an opinion on a point of procedure.
 - When a point of procedure is raised, the member speaking shall immediately cease speaking until the chair responds to the inquiry.
 - After the member has asked the point of procedure, the chair shall provide an opinion on the ruled of procedure bearing on the matter before the board.
 - A point of procedure is not subject to amendment or debate.
 - The chair's answer to a point of procedure can be appealed.

- Appeal [MA 81(1)]
 - Whenever a member wishes to appeal any ruling of the chair, or a point of order, or point of procedure:

- The motion of appeal “That the decision of the chair be overruled” shall be made;
 - The member may offer a brief reason for the challenge;
 - The chair may state the reason for the decision; and
 - Following which the question shall immediately be put to a vote without debate.
 - The chair shall be governed by the vote of majority of the members present.
 - A ruling of the chair must be appealed immediately after the ruling is made or the ruling shall be final.
 - Calling a Member to Order [MA81(1)]
 - When the chair calls a member to order; the member must respect this request and explain their position in making the remark for which he or she was called to order.
 - In the event that a member refuses to be called to order, the chair shall request a member to move a resolution to remove the unruly member for the balance of the meeting.
 - When the majority votes in favor of the resolution to remove, the chair shall direct the unruly member to leave, and if the member refused to leave, the chair may:
 - Recess the meeting until the person leaves; or
 - Direct that law enforcement officials be engaged to assist in the removal of the unruly member.
- Meeting through Electronic Means
 - One or more members of the board may participate in a board meeting by means of a telephone, electronic, or other communication facility if:
 - The members of the board provide the chair with at least two (2) business days’ notice of their intent to participate in this manner;
 - Notice of the board meeting is given to the public including the way which the board meeting is to be conducted;
 - The facility enables the public to at least listen to the meeting at a place specified in that notice and the chair is in attendance at that place, and that the public listening in be put on mute.
 - The facility permit that all participants to communicate adequately with each other during the board meeting.
 - All members participating in a board meeting held by means of a communication facility are deemed to be present at the board meeting. [MA125(2)]
- Closed Sessions
 - The Board may close all or part of their meetings to public for a matter to be discussed: [MA120(2)]
 - If it is within one of the exemptions in Part III of the Local Authority Freedom of Information and Protection of Privacy Act; or
 - Concerns long-range or strategic planning.
 - Where the board resolves to close a portion of a meeting to the public, all persons shall be excluded from the meeting except the members and members of the public deemed appropriate by the board.
 - No resolutions may be passed during a closed session.

- The secretary must submit the minutes to the RM’s Chief Administrative Officer within ten (10) days of the board meeting [MA]. Since they most likely will not yet be adopted, they should be watermarked NOT ADOPTED, and resubmitted once approved.
- Delegations or individuals may be invited to participate in a meeting either for a single item, or an entire meeting, when called upon by the chair.
- A typical agenda for a board meeting:
 - Call to Order
 - Adopt the Agenda
 - Business arising from the Minutes (Adoption)
 - Secretary Report (including correspondence)
 - RM Report
 - Business & Projects
 - Set date, time, and place for next meeting
 - Adjournment
- Resolutions
 - Resolutions and motions are used synonymously
 - Motions can only be made by a member, including the chair.
 - Not required to have a seconder.
 - Shall always begin with the word “THAT” and can be extended with the word “FURTHERMORE”.
 - A motion can be moved by any member, including the chair. The mover is the first to speak to the motion and then discussed and debated by other members.
 - All members shall have the opportunity to voice their opinions. Once finished, the chair shall call for the vote for, and then for against.
 - If the majority of members vote in favor of the motion, it shall pass and in the minutes be recorded as “CARRIED”. If the majority of the members vote against the motion, it shall not be passed and in the minutes be recorded as “DEFEATED”
 - Whenever possible, the resolution should be written in the positive.
 - The RM Council shall only act on resolutions passed by an OH board [OHG pp13]. Council shall not act on the recommendation of one OH Board Member. Once Council receives the recommendation (motion) the RM Council will debate and decide on the recommendations by resolution.
- Motions & Debates
 - A motion shall express fully and clearly the intent of the mover and may be preceded by a preamble or whereas clause.
 - Any member may require a motion under debate to be read at any time during the debate, but not as to interrupt a member while speaking.
 - When a motion is under debate, no other motion may be made except to:
 - Amend a motion;
 - Refer motion to a committee for a report back to council;
 - Postpone a motion to a fixed date;

- Request that a motion be put to a vote;
 - Notwithstanding any other provisions of this document, the member who moved a motion after a motion is under debate, may with the consent of the board:
 - ✓ On their own initiative while they are speaking the same;
 - ✓ When requested by another member speaking on the motion, change the wording of the motion or agree to a change proposed by another member if the alteration does not change the intent of the motion.

- Motion to Amendments
 - Any motion may be amended to:
 - Add words within the motion; or
 - Delete words within the motion; or
 - Change a word or words within the motion.
 - The amending motion must be:
 - Relevant to the main motion;
 - Made while the main motion is under consideration; and
 - Consistent with the principle embodied in the main motion.
 - An amendment may be introduced at any stage before the question is put on the main motion:
 - The main motion shall not be debated until all amendments to it have been put to a vote;
 - When all amendments have been voted on, the main motion incorporating all amendments adopted shall be put to a vote.
 - No amendments shall be made to the following motions:
 - A motion to adjourn;
 - A motion to defer to a fixed date, excepting the actual date; and
 - A motion requesting that a motion be put to a vote.

- Requests that Motion be put to a Vote
 - A motion requesting that a motion be put to a vote shall **not** be moved by the member who made the original motion.
 - A motion requesting that a motion be put to a vote shall not be amended nor debated.
 - If a motion requesting that a motion be put to a vote is passed by the board, the original motion shall immediately be put to the vote without any amendment or debate.
 - If a motion requesting that a motion be put to a vote is not passed, the original question may be amended or debated.

- Motions to Move to a Closed Session
 - A motion is required to move into a closed session
 - The motion to move into a closed session must:
 - Be in accordance with *The Local Authority Freedom of Information and Protection of Privacy Act*;
 - Include the titles or subject of the item or items to be discussed; and
 - Include the reason for the meeting to be held in a closed session.

- No Resolution shall be passed during a closed session except to come out of the closed session.
- Motion Contrary to Rules
 - The Chair may refuse to put to the board a motion which is, in the opinion of the chair, contrary to the rules and privileges of the board.
 - The Chair shall refuse a motion which is knowingly in direct violation to a federal law, provincial law, or municipal bylaw. There can be a request to investigate the law or bylaw, but cannot be in direct violation of it.
- Withdrawal of Motions
 - The mover of a motion may withdraw it at any time prior to a vote being taken or prior to the motion being amended.
- Motion to Rescind
 - A motion to rescind shall apply to resolutions only.
 - A motion to rescind is in order only when the original passed. No motion to rescind shall be necessary when the original motion failed.
 - A motion to rescind may be made at any time following the board meeting at which the original motion was voted on regardless of the time that has elapsed since the original vote was taken.
 - A motion to rescind may be moved by any board member regardless how they voted on the original motion.
 - A motion to rescind is debatable
 - A motion to rescind shall, in all cases, require a majority vote of all board members present to pass.
 - A motion cannot be rescinded:
 - When action on the motion has been carried out in a way that cannot be undone; or
 - When a resignation has been accepted or actions electing or expelling a person from membership or office has been taken.
- Motion to Postpone
 - Where a majority of all members decides to postpone a motion to a fixed date, the motion cannot be considered by the board until the fixed date.
 - Notwithstanding the above point, the board may consider a postponed motion before the fixed date if a majority of members agree that the motion may be considered before that date.
 - The only amendment allowed to a motion to postpone to a fixed date is to change the date.
- Motion to refer
 - A motion to refer a matter shall not be amended or debated except with respect to the conditions of the referral or the time required to carry out the review.
 - A member making a referral motion generally should include in the motion:
 - The terms on which the motion is being referred; and
 - The time when the matter is to be returned.

- Debate on a Motion
 - Every member shall have an opportunity to debate a motion.
 - Once concluded, the mover shall be allowed a reply of the debate to close the discussion.

- Voting on the Board
 - A member attending a board meeting shall vote at the meeting on a matter before the board unless the member is required to abstain from the vote pursuant to the Act or any other Act [MA 99(2)]
 - If a member is not required to abstain from voting on a matter before the board and abstains from voting, the board member is deemed to have voted in the negative. [MA 99(3)].
 - The secretary shall ensure that each abstention is recorded in the minutes of the meeting. [MA 99(4)]

- Conflict of Interest
 - Members of the hamlet board are to comply with section 141 and 141.1, subsections 142(1), (2) and (6) and sections 143, 144, 144.1 and 144.2 of the act [MA] which pertain to conflict of interest.
 - Hamlet board members who have a conflict of interest follow subsection 144(1) of the Act [MA] and states that every declaration of a conflict of interest must be recorded in the minutes of the meeting by the secretary.

- Disqualification and Removal of Organized Hamlet Board Members
 - A hamlet board member can be disqualified if they are:
 - Absent from three (3) consecutive board meetings;
 - Convicted while in office of an offence punishable by imprisonment for five (5) years or more, or an offence pursuant to section 123, 124 or 125 of the *Criminal Code*; or
 - No longer a voter of the Organized Hamlet.
 - A hamlet board member who is disqualified is to resign immediately or sections 148 and 150 of the Act [MA] apply.

6. Minutes

- Every Organized Hamlet Board's secretary is required to record and prepare minutes for each meeting of the Organized Hamlet Board. These Minutes must be submitted to the RM Administration office within thirty (30) days of the meeting date.
- The secretary should use the agenda as a template to take minutes.
- The minutes must contain:
 - Name of the meeting;
 - The time it was called to order and adjourned;
 - Location where the meeting was conducted;
 - Those members who attended and who was absent, including who chaired and the secretary;
 - The motions and resolutions, including which passed and were defeated.
 - Any other information deemed important to the secretary or board.

- Should the minutes contain rationale for the resolution through a Whereas prelude, it should be completely free of bias held by the secretary and board and free of personal comments.
- If a member wishes for a written report to be added to the minutes for future reference, it shall be adopted through a resolution with the statement: "I move that "X" report be adopted as presented, and be attached to and form part of these minutes".
- Minutes are legal documents and must be kept safe and secure by both the RM office and by the hamlet's secretary. A paper copy shall be kept in the Minute book.
- The minutes should be formatted in a word .docx file.
- The minutes should be watermarked with "Not Adopted" until they have been adopted, at which time the watermark be removed and be saved as a .pdf.
- Meeting Minutes Template. All Minutes prepared by the Secretary of an Organized Hamlet Board must be presented using the following template:
 - Name of the Organized Hamlet Board;
 - Date of meeting;
 - Location of meeting;
 - Name and position of each Organized Hamlet Board member and whether in attendance or not;
 - List of those in attendance, other than board members;
 - Time in which the meeting was called to order;
 - Resolution to adopt Minutes from previous meeting;
 - Any Committee Reports from the Organized Hamlet Working Committees
 - Any Reports from the RM Liaison, including resolutions to adopt and form part of the minutes if necessary;
 - Any business not listed above;
 - Resolutions made by Organized Hamlet Board relating to items within the jurisdiction of the Organized Hamlet Board;
 - Date, time, and location of the next Board Meeting;
 - Adjournment, including the time when the meeting was completed.
- Approval of Minutes
 - Any board member may make a motion to amend the minutes to correct any mistakes or omissions and subsequently adopt the minutes.
 - Once the RM administration receives the Minutes of the Hamlet Board, they shall make sure that the minutes comply with the template set out. If they do not comply, they could be sent back to be adjusted.
- Publication of Minutes
 - Once approved, the Minutes should be posted on the Organized Hamlet Website.
 - Following a 4-year term, the Minutes shall be removed from the website.
- Minute Book
 - The Minute book shall consist of the following:
 - A Book for the Annual General Meeting Minutes;
 - A Book for the Board Meeting Minutes;
 - The Secretary is responsible for keeping the minute books up to date and safe keeping.

- The books shall be available for viewing by members at the AGM.

7. Communication RM – OH

- An OH Board can pass a policy that delegates a single board member to advise the RM of certain matters. This person shall be called the **RM Liaison**, the person who is responsible for communications between the Rm and the Hamlet.
 - The Liaison Person shall be appointed by the Hamlet Board at their first board meeting after the AGM. The natural choice would be the Division Councillor but could be a hamlet board member or chair.
 - The Liaison Person should attend both the hamlet board meetings and council meetings when necessary. They would be responsible for any written reports to be written for either the HB minutes or the RM minutes.
 - Both the Hamlet Board’s meetings and the RM’s meetings, there shall be an open area for RM reports and Hamlet reports respectively.
 - Any written report shall form part of the respective Minutes.
 - The official communication from the OH to RM are the board minutes and resolutions. An RM council acts only on resolutions passed by an OH Board. Council does not act by direction of an individual board member.
 - Council replies on the hamlet board to collect information from voters in the organized hamlet on matters of concern to them and services they wish to have available in the hamlet, and to provide this information to Council through reports, minutes, and discussions with the liaison person.
 - The Hamlet board may approach Council to arrange a meeting at any time to discuss a proposal as to the manner in which to provide desired services or to address a matter of concern. [MA 69.1, MR 29,31] For major matters the entire hamlet board should meet with Council. With minor issues, communication through the Liaison would be adequate.
- Communication with Ratepayers
 - The Hamlet must have a policy that clearly describes how the hamlet board communicates with rate payers- “Policy XX-XXXX, Communicating with Ratepayers”. It could include hamlet reports, social media, bulletin boards, and more.

8. Projects

- The job of the hamlet board is to determine the projects that the hamlet wants, needs and can afford. Some projects can cost very little, and yet do wonders to improve the hamlet. Other projects such as pavement can be very expensive.
- The hamlet must have a policy that clearly describes how the hamlet board selects projects- “Policy xx-xxxx Selecting Projects”. The Organized Hamlet Board members shall be included in the determination of the award of tenders relating to capital projects, however the final decision as to the successful bid shall be that of Council.

9. Project Authority

- All authority in the RM rests with the RM Council. The RM Council expresses its authority by making resolutions, bylaws and policies. The hamlet can be granted authority by a Council resolution. If the hamlet board passes a resolution requesting this authority, it can be granted by a Council Resolution.
- Board committees and individuals can be granted authority by having the board pass a resolution to that effect. This delegates the authority to that committee or person. For example, if the hamlet board identifies a certain person to plan, supervise, and execute a specific project: the removal of a dead elm tree. The hamlet board would pass a resolution that would request Mr. X be given authority to do the project. The resolution is a request to RM council to have Mr. X in charge of the project and to grant or delegate their authority to Mr. X. Mr. X cannot officially contact tree removal contractors, get estimates, and working with the RM Chief Administrative Officer, hire a contractor to get the trees removed. Mr. X would report to the Hamlet Board, and the Hamlet Board would report to the RM Council on the progress of the tree removal.
- Project Leadership/Supervision
 - Projects that are successful have a person assigned to overseeing them called the Project Leader. The Project Leader could be a hamlet board member, ratepayer, councillor, foreman, Chief Administrative Officer- anyone who is able to see the project from the beginning to the end. The Hamlet Board should recommend the person assigned to this duty by resolution.
 - The project manager must agree on doing the project with a specific budget, and with an expected timeline.
 - Project leaders must be granted authority from the RM Council to conduct a project.
 - If the board cannot find someone to oversee a project, there is no point in putting it in the budget. Successful projects are successful because there is a leader.
 - The OH Board and Project Leader should be prepared to research proposals and provide the RM Council with a factual plan, including appropriate funding, of when and how the OH's proposal may be implemented. [OHG pp13]

10. Budget

- Accounting by Council to Hamlet Board
 - At the end of each year, any funds that remain in a hamlet account are placed into a reserve account in the rural municipality's accounting records in the name of the organized hamlet and accumulate from year to year. Council is required to provide to the hamlet board, no later than January 20th [MA34(3)], in the year following the year in which the funds were received and expended on behalf of an organized hamlet, a detailed unaudited financial statement report including information relating to the expenses and revenues received and made on behalf of an organized hamlet in the previous year and the balance in the organized hamlet reserve account at the end of the previous year. [MR34(3)(a)]
 - The OH budget is contained in the Provision of Services Agreement. Appendix 3 is a template of this agreement.
 - The Provision of Services Agreement, constitute the hamlet's budget and must be completed and submitted to Council by March 1. [MR70(1)]

- The OH must have a policy on the process that is followed to produce the Provision of Services Agreement (Budget). This policy will be called:
 - Policy XX-XXXX Developing a Budget. It will contain the following information:
 - The Person(s) that will work with Council to draft the Agreement (Budget)
 - The deadline date for the completion, signing and submission to Council;
 - The Location of the negotiations;
 - The targeted surplus amount;
 - How projects are selected, and budgeted;
 - Stabilization of taxes.

- Procedure to Obtain Payments out of the Hamlet Accounts
 - Council reviews the budget in the Provision of Services Agreement to ensure that funds will be available in the hamlet account and that the purposes indicated for the expenditures from the account are authorized purposes under *The Municipality Act*. Upon approval of the Provision of Services Agreement, the budgeted expenditures therein can be incurred.
 - If a request for an expenditure that has not been included in the budget arises, the hamlet board must bring the request to Council for approval prior to incurring the expenditure. If an expenditure exceeds its budgeted amount by more than ten (10)%, the hamlet board must bring the request to Council for approval.
 - Any expenditure relating to services that may be provided pursuant to an agreement with Council can only be approved by Council when an agreement to provide them is in place. This agreement may be adapted to the needs of the OH through discussions and agreement between the hamlet board and Council. [MA 69, 72-76, MR 33]. A template of such an agreement, The Provision of Services Agreement is attached (Appendix 3).

- Use of other taxes collected in Organized Hamlets- RM Allocated Amounts
 - The portion of the RM's tax levy on property within an organized hamlet that is not paid into the hamlet account but is applied by the RM on any RM expense that benefits the hamlet on a prorated manner. It includes, but is not limited to the following: (Provision of Services Agreement- Schedule A).
 - Payment of the mandatory annual fee charged by Saskatchewan Assessment Management Agency for assessment services;
 - Payment of mandatory annual police services levy for policing services;
 - Payment of mandatory fees for the dumping of garbage and recycling;
 - Payment for the portion of salaries, wages, and related costs of the RM's administration staff;
 - Payment of the cost of a bylaw enforcement officer to enforce the RM's Bylaws;
 - Payment of the cost of a developmental officer to enforce development and building Bylaws;
 - Payment of all legal costs relating to the enforcement of bylaws and correction of bylaw infractions relating to the OH.
 - Payment of all costs relating to the collection of taxes applicable to the properties with the OH;

- SARM fees and insurance;
- The costs associated with services will be prorated against the RM costs by means of one of the following factors:
 - ✓ Assessed value of the hamlet/ assessed value of the RM;
 - ✓ Population of the hamlet/population of the RM; or
 - ✓ Number of improved hamlet properties/number of improved RM properties.

11. Administrative Duties with Respect to the Hamlet

- The most important duty of the Chief Administrative Officer and supporting staff is the collection of taxes for the hamlet and the RM:
 - Keeping the tax role current, property titles, addresses, names;
 - Sending out assessment notices and accepting reassessment claims;
 - Coordinating with SAMA;
 - Sending out tax notices;
 - Collecting Education Tax, and submitting the same;
 - Taking the necessary steps to collect taxes in arrears;
- Other Administrative duties include, but are not limited to:
 - Providing the hamlet with detailed financial reports before January 20;
 - Accepting correspondence on behalf of the Hamlet;
 - Preparing the financials of the hamlet for auditing;
 - Reviewing hamlet budgets to ensure that they conform to standard;
 - Reviewing and accepting hamlet board minutes and storing safely;
 - Providing the contact point for ratepayers of the hamlet;
 - Paying the hamlet bills;
 - Doing the hamlet accounting;
 - Providing elections for division councillor: nominations, polling site, advanced polling, returning officer etc;
 - Keeping contact information of board members;
 - Accepting resignations;
 - Keeping a list of preferred vendors and their contact information;
 - Working with the hamlet board in obtaining estimates, quotes, and tenders;
 - Working with the hamlet board in hiring contractors, drafting permits, and grants;
 - Helping the Liaison in drafting reports to be presented to the Hamlet Board or RM;
 - Issuing building permits and development permits to hamlet property owners;
 - Notifying property owners by letter when they are in contravention of RM bylaws;
 - Pursuant to section ten (10).2.1, reviews Provisions of Services Agreement; and
 - Scrutinizes hamlet policies and amendments.
 - Posting hamlet minutes to the RM website.
 - Setting up yearly meetings with the RM Council for each Hamlet.

12. Appeal Board

- If a dispute arises between a hamlet board and Council, the dispute is settled by an appeal board consisting of one person appointed by the hamlet board and one person appointed by Council within 30 days of the notification of the Appeal. These persons then agree on the appointment of a third person as chair. Please note: no person who is currently sitting on the Hamlet Board or RM Council may be appointed to the appeal board.
- The appeal board holds a hearing at which both Council and the hamlet board may present evidence, cross-examine witnesses, and present their arguments.
- The appeal board must provide a written decision with 30 days on the issue referred to it and apportion the costs of the hearing between Council and the hamlet board. The decision of the appeal board is binding. The Chairperson of the appeal board is required to send a copy of the decision to Council and the hamlet board. [MA77, MR 35-38].

13. Amending Hamlet Procedures

- The steps to amend the Hamlet procedures:
 - Potential amendments are brought forward to Council.
 - Council reviews the suggested amendments with the hamlet board.
 - The document is revised and submitted to Council for approval.

14. Drafting, Amending and Approving a Hamlet Policy

- The steps to draft or amend a Hamlet Policy include:
 - The hamlet board drafts or amends the desired policy;
 - The hamlet board approves, by resolution, the new policy;
 - A copy of the new policy is sent to the Chief Administrative Officer or scrutiny and safe keeping;
 - A copy of the new policy is put into the minute binder and posted on the RM website (if available)
 - The new policy is presented at the next AGM for ratification;
 - A policy, including amending policy, must be dated and signed by all board members;
 - Policies are created and executed by the hamlet. They are not enforceable, but are a guide to help the hamlet run efficiently. They reflect the unique nature, tradition and culture of the hamlet.

Armond Gervais, Reeve

Lynette Herauf, Chief Administrative Officer

References

- [MA] Municipal Act
 - <http://www.qp.gov.sk.ca/documents/english/statutes/statutes/m36-1.pdf>
- [MR] Municipal Regulations
 - <http://www.qp.gov.sk.ca/documents/english/Regulations/Regulations/M36-1r1.pdf>
- [AS] Advisory Services (306) 787-2680
 - muninfo@gov.sk.ca
- [RR] Roberts Rules of Order
- Council Procedures Bylaw
 - <https://rmlajord.ca/pub/doc/bylaws/2019-04-council-procedures-bylaw.pdf>

APPENDIX 1
Extracts from *The Municipality Act* relating to Organized Hamlets

2(1)(o) **“hamlet”** means:

(i) an unincorporated community with:

(A) five or more occupied dwellings individually situated on lots, blocks or parcels;
and

(B) at least ten (10) subdivided lots, blocks or parcels, the majority of which are an average size of less than one acre; or

(ii) any unincorporated area declared to be a hamlet by order of the minister pursuant to this Act or any former Act providing for the establishment of hamlets;

(p) **“hamlet board”** means the board of an organized hamlet;

(z) **“organized hamlet”** means an area declared to be an organized hamlet by order of the minister pursuant to this Act or any former Act providing for the establishment of organized hamlets;

DIVISION 6
Organized Hamlets

Hamlet board

68(1) Subject to subsection (2), a hamlet board consists of three voters of the organized hamlet, elected by the voters of the organized hamlet in accordance with the regulations made by the Lieutenant Governor in Council for the purpose of making recommendations to council on matters that relate to the organized hamlet.

(2) A councillor for a rural municipality who represents an organized hamlet with a population greater than ten 100 that constitutes its own division is, by virtue of his or her office, an additional member of the hamlet board.

(3) A member of a hamlet board:

(a) must be elected in accordance with the regulations; and

(b) holds office for a term of four years commencing on the date of his or her election to the hamlet board, or filling a vacancy, for the remainder of the term until the next election of a hamlet board.

(4) Within seven days after the election of a hamlet board or an election to fill a vacancy on the hamlet board, the hamlet board shall notify the Administrator of the rural municipality in which it is located, in writing, of the contact information of each member of the hamlet board and of the secretary of the hamlet board.

2005, c.M-36.1, s.68; 2013, c.19, s.18; 2020, c30, s.3-14.

Hamlet account

69(1) The council of the rural municipality in which an organized hamlet is located shall allocate to a special hamlet account:

- (a) all grants received on behalf of the hamlet; and
- (b) at least 40% but not more than 75%, as may be agreed to by the council of the rural municipality and the hamlet board, of the taxes collected for municipal purposes and the municipal portion of any special licence fees established pursuant to section 306 from within the organized hamlet.

(2) The council of the rural municipality shall use moneys in the hamlet account at the request of the hamlet board and only for any purpose that is included in the budget pursuant to section 69.1.

2005, c.M-36.1, s.69; 2006, c.7, s.7; 2020, c30, s.3-15.

Hamlet budget and report of activities

69.1(1) Subject to the regulations, the hamlet board shall prepare and submit to the council of the rural municipality a budget and a copy of the report to voters of the board's activities in the previous year:

- (a) on or before March 1 in any year; or
- (b) on or before any other date agreed to by the council and the hamlet board.

(2) The council shall deal with the budget and report mentioned in subsection (1) in accordance with the regulations

2020, c 30, s.3-16.

Hamlet levy

70(1) On or before March 1 in any year, the hamlet board may request a special levy within the organized hamlet and the council shall make the levy.

(2) On receipt of a request pursuant to subsection (1), the council shall levy the required special levy, and a sum equal to 85% of that levy, or another percentage agreed to by the council and the hamlet board, shall be added to the hamlet account mentioned in section 69.

2005, c.M-36.1, s.70.

Mill rate

71 Notwithstanding any other provision of this Act, with the consent of the hamlet board, a council may establish a uniform mill rate within the organized hamlet that is different from the mill rate applied elsewhere within the rural municipality.

2005, c.M-36.1, s.71.

Expenditures

72 The council of the rural municipality shall pay moneys on behalf of the hamlet board from the hamlet account if:

(a) the hamlet board requests the council to pay an indemnity to members of the hamlet board or to pay moneys for any other purpose authorized that is included in the budget pursuant to section 69.1; and

(b) money in the hamlet account is available to the credit of the organized hamlet to make the payment in accordance with the request.

2005, c.M-36.1, s.72; 2020, c30, s.3-17.

Water or sewer system

73(1) On the request of the hamlet board, the council of the rural municipality may provide for the installation of a waterworks system or a sewage system in the organized hamlet.

(2) If the council provides for the installation in accordance with subsection (1), the waterworks system or sewage system must be constructed, operated and maintained in the prescribed manner and in accordance with the prescribed terms and conditions.

2005, c.M-36.1, s.73.

Provision of services

74(1) The hamlet board and the council of the rural municipality may agree that the hamlet board is to be responsible, if there are sufficient funds available to the credit of the organized hamlet in the hamlet account, for providing one or more services within the organized hamlet.

(2) In an agreement mentioned pursuant to subsection (1), the parties may require the rural municipality to:

(a) retain the services of one or more employees and specify their duties; or

(b) enter into agreements with other parties for the purpose of carrying out the terms of the agreement between the hamlet board and the council.

2005, c.M-36.1, s.74.

Agreements with SaskPower

75(1) The council of a rural municipality may enter into an agreement with Saskatchewan Power Corporation for the construction of a power distribution system in an organized hamlet only if requested by the hamlet board to do so.

(2) If the council of a rural municipality enters into an agreement in accordance with subsection (1), the council:

(a) may authorize the payment by the rural municipality to Saskatchewan Power Corporation of moneys to meet all or any part of the cost of:

(i) the construction of the power distribution system; or

(ii) the construction of a power transmission line to connect the organized hamlet with the corporation's system and of a power distribution system within the organized hamlet; and

(b) if the council acts pursuant to clause (a), shall assess and levy the amount of the payment within the area of the organized hamlet in one or more years as the council may determine.

2005, c.M-36.1, s.75.

Lighting and sidewalks

76 The council of a rural municipality may provide for street lights or sidewalks in any organized hamlet only if requested by the hamlet board to do so.

2005, c.M-36.1, s.76.

Disputes between hamlet board and council

77(1) If a dispute arises between the council of a rural municipality and the hamlet board of an organized hamlet within the rural municipality, the council and the hamlet board shall refer that matter to an appeal board appointed in accordance with subsection (2).

(2) The council and the hamlet board shall each appoint a person to an appeal board, and the persons so appointed shall agree on the appointment of a third person to act as chairperson of the appeal board.

(3) if the appointed persons cannot agree on the third person to act as a chairperson pursuant to subsection (2) within 30 days, the dispute may be submitted by an 1 party to be resolved pursuant to section 392.

2005, c.M-36.1, s.77; 2020, c30, s.3-18.

Regulations

78 The Lieutenant Governor in Council may make regulations:

(a) prescribing the procedure to be followed by an appeal board in hearing and determining any matter in dispute referred to it by the council of a rural municipality and a hamlet board pursuant to section 77;

(b) governing the construction, operation and maintenance of waterworks systems and sewage systems for organized hamlets;

(c) respecting the revenues arising from the operation of waterworks systems and sewage systems of organized hamlets;

(d) requiring and governing reports to be given by councils of rural municipalities to hamlet boards;

(e) governing the meetings of voters of organized hamlets;

(f) respecting the members and officers of hamlet boards and governing the procedures of hamlet boards;

(f.1) respecting which sections of Part VII apply to a hamlet board;

(f.2) respecting procedures and processes for preparing and submitting the budget to the council pursuant to section 69.1;

(g) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Division.

2005, c.M-36.1, s.78; 2020, c30, s-3-19

APPENDIX 2
Extracts from *The Municipal Regulations* relating to Organized Hamlets

PART IV
Organized Hamlets

Interpretation of Part

22.1(1) In this Part:

- (a) “**municipality**” means the council of the rural municipality in which the organized hamlet is located;
- (b) “**resident**” means an individual who:
 - (i) resides in the organized hamlet for at least 3 consecutive months in the year preceding the annual general meeting
 - (ii) owns property in the organized hamlet;
- (c) “**voter**” means a resident of the organized hamlet who is eligible to vote in at least one municipality in accordance with clauses 36(1)(a), (b), (c) and (e) of *The Local Government Election Act, 2015*.

(2) For the purposes of subsection 52(1) of the Act, “**active hamlet board**” means any hamlet board that does all of the following:

- (a) holds an annual general meeting each year;
- (b) submits meeting minutes to the municipality in accordance with section 27.1;
- (c) conducts regular meetings in accordance with section 27;
- (d) submits an annual budget pursuant to section 69.1 of the Act.

18 Aug 2023 SR 77/2023 s3.

Board policies for organized hamlet

22.2(1) A hamlet board shall establish policies respecting the following:

- (a) notices in accordance with section 24;
- (b) hamlet board meeting requirements in accordance with section 27, including:
 - (i) rules of order, including quorum;
 - (ii) scheduling of meetings, including procedures for rescheduling a meeting; and
 - (iii) appearances by residents;
- (c) election of hamlet board members, including:
 - (i) the manner of voting; and
 - (ii) nominations;
- (d) filling of vacancies of hamlet board members;
- (d) disqualification of hamlet board members;
- (e) duties of the hamlet board secretary;
- (f) remuneration of hamlet board members.

(2) The hamlet board shall submit the policies mentioned in subsection (1) to the municipality, and the municipality shall make the policies available for public inspection in accordance with section 117 of the Act.

(3) The policies mentioned in subsection (1) must be approved by the hamlet board before the annual general meeting in 2024.

18 Aug 2023 SR 77/2023 s3.

Municipal policies for organized hamlet

- 22.3(1)** A municipality shall establish policies respecting:
- (a) scheduling the first meeting of an organized hamlet in accordance with section 23;
 - (b) requirements for the budget submission in accordance with section 34; and
 - (c) the format and timing of joint meetings of the municipality and hamlet board.
- (2) The policies mentioned in subsection (1) must:
- (a) be made available for public inspection in accordance with section 117 of the Act; and
 - (b) be approved by the municipality before any organized hamlet within the municipality holds an annual general meeting in 2024.

18 Aug 2023 SR 77/2023 s3.

First annual general meeting

- 23(1)** If the minister has declared an organized hamlet to be established, the municipality shall:
- (a) within at least 14 calendar days' notice, establish the time and date for the first meeting of the organized hamlet; and
 - (b) appoint a person to make the necessary arrangements for the meeting mentioned in clause (a).
- (2) The municipality shall give public notice of the first meeting of the organized hamlet in accordance with the public notice policy of the municipality pursuant to section 128 of the Act.
- (3) The person appointed by the municipality pursuant to clause (1)(b) shall preside as chairperson at the first meeting of the organized hamlet.

18 Aug 2023 SR 77/2023 s4.

Notice

- 24(1)** In this section, “**notice**” means a notice required to be given by a hamlet board in accordance with this section.
- (2) A hamlet board shall establish policies respecting notice of the following:
- (a) annual general meetings;
 - (b) board meetings;
 - (c) board minutes;
 - (d) board policies;
 - (e) any other matter relating to the procedures of hamlet boards that may require notice.
- (3) A notice policy mentioned in subsection (1) must be set out:
- (a) the notice requirement of:
 - (i) in the case of an annual general meeting, at least 7 days before the meeting;
 - (ii) in the case of a board meeting, at least 7 days before the meeting;
 - (c) the methods of notice to be followed, which may include:
 - (i) notices on a website or public electronic platform;

- (ii) sharing notices with the municipal office; and
- (iii) any other means considered effective for reaching the greatest number of residents in the organized hamlet.

18 Aug 2023 SR 77/2023 s6.

25 Repealed 18 Aug 2023 SR 77/2023 s6.

Annual general meeting

26(1) A hamlet board shall hold an annual meeting of the residents of the organized hamlet and the public at which:

- (a) new hamlet board members are elected for fill any expired or vacant terms;
- (b) the date for the next annual general meeting is announced in accordance with subsection (3); and
- (c) the report outlined in subsection (2) presented.

(2) In preparation for the annual general meeting, the secretary of the hamlet board shall make the following available to residents of the organized hamlet:

- (a) the annual financial statements from the municipality pursuant to subsection 34(3);
- (b) the final approved budget from the previous year and the proposed budget for the upcoming year;
- (c) the minutes of the last annual general meeting;
- (d) the minutes of all hamlet board meetings held since the previous annual general meeting;
- (e) an update respecting ongoing disputes or disputes concluded since the last annual general meeting.

(3) The hamlet board shall determine the date, time and location of the annual general meeting and provide notice in accordance with section 24.

18 Aug 2023 SR 77/2023 S7.

Board meetings

27(1) Not less than 4 times per year, the hamlet board shall hold regular board meetings according to the dates, times and locations determined by the board.

(2) The hamlet board shall ensure that the time between regularly scheduled board meetings does not exceed 120 days.

(2) Hamlet Board meetings may be held by any electronic or virtual means that allows participation of each hamlet board member.

18 Aug 2023 SR 77/2023 S8.

Minutes

27.1(1) The secretary of the hamlet board shall ensure that minutes are taken at every hamlet board meeting and every annual general meeting.

(2) Within 10 days after a hamlet board meeting, the secretary shall provide to the municipality a copy of the minutes of the meeting, and the municipality shall make the minutes available for public inspection.

(3) The minutes of all hamlet board meetings shall be open to inspection at the annual general meeting.

18 Aug 2023 SR 77/2023 s8.

Nominations to board

27.2(1) Subject to subsection (3), any voter of the organized hamlet is eligible to be nominated to service on the hamlet board.

(2) The hamlet board shall establish a policy for the nomination of board members that may include:

(a) the deadline by which nominations must be submitted before the annual general meeting, if nominations are required to be submitted in advance;

(b) the form and manner of nomination submissions; and

(c) information required to be submitted with a nomination, including contact information, proof of residency in the organized hamlet and proof of eligibility to vote.

(3) Employees of the municipality are not eligible to be nominated to serve on the hamlet board.

18 Aug 2023 SR 77/2023 s8.

Election of hamlet board

27.3(1) At the annual general election meeting, voters of an organized hamlet shall vote to elect hamlet board members according to the procedures contained in the hamlet board policy.

(2) Voters shall be present at the annual general meeting to cast a vote, unless the policy mentioned in subsection (1) provides for advance voting or voting remotely.

(3) The results of the vote must be announced at the meeting in which the vote was conducted.

(4) The official results of the vote, including the number of votes cast for each nominee, must be posted in accordance with the hamlet board's notice policy mentioned in section 24 no later than 5 days after the annual meeting.

18 Aug 2023 SR 77/2023 s8.

Terms of Office

28(1) The term of office of a hamlet board member commences immediately after the annual general meeting at which that member was elected and, unless that office is sooner vacated, continues until the 4th annual general meeting after that board member's election.

(2) A hamlet board member holds office until that member's successor is elected.

(3) Within 7 days after an annual general meeting, the hamlet board members shall select a chairperson and a secretary from among their members.

18 Aug 2023 SR 77/2023 s8.

29 Repealed. 18 Aug 2023 SR 77/2023 s10.

30 Repealed. 18 Aug 2023 SR 77/2023 s10.

Vacancies

31(1) If a vacancy occurs in the membership of a hamlet board by reason of a member's death, resignation, disqualification or otherwise, the hamlet board may:

(a) call a meeting of the voters of the organized hamlet for the purpose of filling the vacancy for the unexpired term of the member being replaced; or

(b) wait until the next annual general meeting to fill the vacancy.

(2) If 2 or more vacancies occur in the membership of a hamlet board by reason of death, resignation, disqualification or otherwise:

(a) the hamlet board shall call a meeting of the voters of the organized hamlet for the purpose of filling the vacancies for the unexpired term of the members being replaced; or

(b) if no board members remain, then the administrator of the municipality shall call and chair an annual meeting of the hamlet board.

(3) If a meeting is called pursuant to subsection (1) or (2), notice of the meeting shall be given pursuant to section 24.

18 Aug 2023 SR 77/2023 S11.

Conflict of interest

31.1(1) Section 141 and 141.1, subsections 142(1), (2) and (6) and sections 143, 144, 144.1 and 144.2 of the Act apply to hamlet board members, with any necessary modification.

(2) If a member of the hamlet board has a conflict interest in a matter before the board, that member shall follow the steps outlined in subsection 144(1) of the Act, with any necessary modification.

(3) If a meeting is called pursuant to subsection (1) or (2), notice of the meeting shall be given pursuant to section 24.

Disqualification and removal of organized hamlet board members

31.2(1) A member of the hamlet board is disqualified from the board if a member:

(a) is absent from 3 consecutive board meetings unless authorized by:

(i) a resolution of the hamlet board; or

(ii) a leave of absence policy adopted by the hamlet board;

(b) is convicted while in office:

(i) of an offence punishable by imprisonment for 5 years or more; or

(ii) of an offence pursuant to section 123, 124, or 125 of the *Criminal Code*; or

(c) ceases to be a voter of the organized hamlet.

(2) A member of the hamlet board who is disqualified must resign immediately.

(3) If a member of the hamlet who is disqualified does not resign as required by subsection (2), sections 148 and 150 of the Act apply with any necessary modification.

18 Aug 2023 SR 77/2023 s11.

32 Repealed. 18 Aug 2023 SR 77/2023 s 12.

Revenues of waterworks or sewage systems

33 If, on the request of a hamlet board, the council of the rural municipality in which the organized hamlet is located has provided for the installation of a waterworks system, sewage system or both in the organized hamlet:

- (a) any revenue arising from the operation of the waterworks system or sewage system shall be used by the council of the rural municipality in payment for:
 - (i) the maintenance and operating costs of the waterworks system or sewage system, including the payment of any instalments of principal and interest of debentures issued to provide funds for the construction of the system; and
 - (ii) any administrative fees of the municipality agreed to by the hamlet board; and
- (b) any deficiency in the revenue mentioned in clause (a) to meet the costs mentioned in that clause shall be charged against the allocation made by the council of the rural municipality to the organized hamlet pursuant to clause 69(1)(b) of the Act.

16 Dec 2005 cM-36.1 Reg 1 s33; 18 Aug 2023 SR 77/2023 s13.

Report respecting funds and budget

34(1) For the purposes of section 69.1 of the Act, the municipality shall establish a procedure for the preparations, submission and approval of the hamlet budget, that must include:

- (a) the required format and content of the budget submission in order to align with municipal budgeting practices;
- (b) deadlines for initial submission, any required revisions, and final approval of the budget; and
- (c) procedures for communicating with the hamlet board when revisions are required.

(2) The hamlet budget must include:

- (a) the percentage of municipal taxes to be allocated to the hamlet account in accordance with clause 69(1)(b) of the Act.
- (b) the percentage of a special levy, if any to be allocated to the hamlet account in accordance with subsection 70(2) of the Act; and
- (c) the mill rate of the hamlet, if different from the mill rate of the municipality.

(3) On or before January 20 of each year, the municipality shall provide the hamlet board a statement of:

- (a) the amount of funds allocated to the hamlet account and the expenditures during the previous year;
- (b) the balance of the accumulated reserve standing to the credit of the hamlet account; and

(c) the revenues and expenditures relating to the operation of any waterworks system or sewage system provided by or on behalf of the municipality to the organized hamlet.

(4) The amount of taxes retained by the municipality in clause (2)(a) must be sufficient to cover all services provided to the organized hamlet and related administrative costs that are common to all property in the municipality.

(5) The municipality shall approve the hamlet budget by resolution of bylaw.

(6) Approval of the budget constitutes an agreement by the municipality to pay any expenditures submitted by the hamlet board for that fiscal year that are included in the budget.

18 Aug 2023 SR 77/2023 s14.

Amount/percentage of taxes

34.1 The percentage allocated to the hamlet account mentioned in clause 69(1)(b) of the Act may be agreed to for a period of up to 5 years.

118 Aug 2023 SR 77/2023 s14.

Unexpended funds

34.2(1) Any unexpended portion of the tax revenues allocated to a hamlet account pursuant to clause 69(1)(b) of the Act shall be accumulated and reserved to the credit of the hamlet account.

(2) The accumulated surplus in the hamlet account must be available for expenditures as stated in the organized hamlet's budget as approved by the municipality.

(3) The hamlet board may prepare and adopt a capital works plan for a period of not less than 5 years, including the current year, showing the estimated capital cost of and the proposed sources of financing for each capital work for each year of the plan.

(4) If a capital works plan mentioned in subsection (3) is approved by the municipality, the amount of expenditures mentioned in the plan must be available from the hamlet account.

18 Aug 2023 SR 77/2023 s14.

Appeal board

35(1) The following persons are not eligible to be appointed to an appeal board pursuant to section 77 of the Act;

- (a) a member of the hamlet board;
- (b) a member of council for the rural municipality;
- (c) an employee of the municipality.

(2) If an appeal board member is unable to act due to death, resignation or any other reason, the appeal board shall continue the dispute process and replace the missing member within 30 days after the member became unable to act.

18 Aug 2023 SR 77/2023 S15.

Duties of appeal board

36(1) If a municipality and the hamlet board with which it has a dispute refer the dispute to the appeal board, the appeal board shall:

- (a) set a time, location, and date for the hearing that is within 60 days after the dispute was referred to the appeal board; and
- (b) provide at least 30 days' notice to the municipality and hamlet board of the time, location and date set pursuant to clause (a).

(2) At the hearing mentioned in subsection (1), the appeal board shall allow the municipality and the hamlet board to:

- (a) present oral or written evidence;
- (b) cross examine witnesses; and
- (c) rebut evidence submitted by the party adverse in interest.

(3) Within 30 days after the hearing of the dispute has concluded, the appeal board shall render its decision in writing and notify the municipality and the hamlet board.

(4) The municipality and the organized hamlet shall each be responsible for:

- (a) 50% of the total cost of the hearing, including the remuneration of the chairperson of the appeal board; and
- (b) the costs of each party's appointed member of the appeal board.

(5) The cost for the appeal board member appointed by the hamlet board may be paid from the hamlet account.

18 Aug 2023 SR 77/2023 S16.

Appeal of decision

37 The appeal board's decision pursuant to section 36 may be appealed to the Saskatchewan Municipal Board.

18 Aug 2023 SR 77/2023 s17.

Chairperson to forward decision

38 The chairperson of the appeal board shall , as soon as it is practicable, send a copy of the decision of the appeal board to:

- (a) the council;
- (b) the hamlet board; and
- (c) the minister.

18 Aug 2023 SR 77/2023 s18.

APPENDIX 3
Template for Provision of Services Agreement

This agreement is made in duplicate effective _____;

BETWEEN:

The Council of the Rural Municipality of Lajord No. 128

-AND-

The Hamlet Board of the Organized Hamlet of Davin/Gray/Kronau and Riceton

WHEREAS section 74 of *The Municipalities Act* allows the council of the rural municipality and a hamlet board of an organized hamlet to agree that the hamlet board is to be responsible for the provision of one or more services within the organized hamlet, as long as there are sufficient funds available to the credit of the organized hamlet in its hamlet account, and to authorize the rural municipality to hire necessary employees or enter into agreements with other parties to carry out the terms of the agreement between the council and the hamlet board; and

WHEREAS the Organized Hamlet of Davin, Gray, Kronau and Riceton was established by Minister's Order and continued pursuant to section 4ten (10) of *The Municipalities Act*; and

WHEREAS ***** are the members of the Organized Hamlet of Davin, Gray, Kronau and Riceton at the time that this agreement was signed and are thus authorized to enter into this Agreement on behalf of the Organized Hamlet; and

WHEREAS the Hamlet Board has submitted a budget to the Council of the Rural Municipality as required by section 69.1 of *The Municipality Act* and has funds available to it in the hamlet account of the Organized Hamlet; and

WHEREAS it is necessary and expedient to enter into an agreement between the Council and the Hamlet Board in accordance with the provisions of *The Municipality Act* and *The Municipalities Regulations*;

NOW THEREFORE, this Agreement witnesses as follows:

1. Definitions

1.1. In this Agreement:

- "Act" means The Municipality Act;
- "Council" means the Council of the Rural Municipality of Lajord No 128;
- "Hamlet Board" means the duly elected hamlet board of the Organized Hamlet of Davin, Gray, Kronau and Riceton;
- "Organized Hamlet" means the Organized Hamlet of Davin, Gray, Kronau and Riceton;
- "RM" means the Rural Municipality of Lajord No. 128.

2. Allocation to Hamlet Account

2.1. For the purposes of clause 69(1)(b) of the Act, the Council and the Hamlet Board agree that the Council shall allocate to the hamlet account 60% of the taxes collected for municipal purposes

3. Provisions of Service

3.1. In accordance with section 74 of the Act, the Rural Municipality and the Hamlet Board agree that the Hamlet Board is responsible for the provisions of the following services in the Organized Hamlet of Davin, Gray, Kronau and Riceton. Hamlet Expenses:

- All costs associated with garbage & recycling pick up;
- All costs associated with lagoon services for the Hamlet;
- Street Lights;
- Maintenance of roads and streets within the hamlet;
- Construction and maintenance, including insurance, public buildings and equipment directly associated with the Hamlet;
- The material, cold mix, dust control for the road immediately adjacent to the Hamlet.
The RM will be responsible for the grader work on those roads.
- Capital projects within the Hamlet, at the request of the Hamlet;
- Services, including water, within the OH, at the request of the OH;
- Hamlet board expenses and indemnities.
- Meeting and meeting location expenses for Hamlet.

3.2. Subject to the availability of funds in the Hamlet Account of the Organized Hamlet and to the other provisions of this Agreement, the Council shall retain the services of the employees required to provide the services identified in subparagraph (1) and enter into any other agreements with third parties that may be required to facilitate the provisions of those services.

4. Hamlet Expenses

4.1. Hamlet Expenses are those that are discretionary and cannot be shared evenly across the RM.

5. Hamlet Revenues

5.1. The Hamlet Revenue, includes:

- Taxable assessment of the hamlet
- Mill Rate
- Net Levy
- Discounts
- RM shared part of net levy
- Hamlet share of net levy
- Grants
- Hamlet Revenue
- Hamlet Expenses
- Surplus and Year End Reserve

6. Procedures for payments out of hamlet account

6.1. In order to ensure that moneys in the hamlet account are used only for the purposes authorized by subsection 69(2) of the Act, no payment may be made out of the hamlet account unless:

- The expenditure is contained in the budget, and/or submitted to Council as required by section 69.1 or otherwise authorized by Council prior to incurring it; and
- The expenditure is:
 - For the payment of indemnities to members of the Hamlet Board;
 - For the provisions of services under this Agreement; or
 - Authorized under sections 73, 75, of 76 of the Act.

Dated at Lajord, this ____ day of _____, 2024.

Rural Municipality of Lajord No. 128

Armond Gervais, Reeve

Lynette Herauf, Chief Administrative Officer

Organized Hamlet of Davin, Gray, Kronau and Riceton

*****, Chair

