

**RURAL MUNICIPALITY OF LAC PELLETIER NO. 107**

**BYLAW NO. 2024-02**

**A BYLAW FOR HAMLET PROCEDURES  
FOR THE ORGANIZED HAMLET OF DARLINGS BEACH  
OF THE RURAL MUNICIPALITY OF LAC PELLETIER NO. 107**

The Council of the Rural Municipality of Lac Pelletier No. 107 in the Province of Saskatchewan enacts as follows:

**INTRODUCTION**

These procedures are prepared to help guide and inform the hamlet board members as to their role and duty in governing their Organized Hamlet of Darlings Beach (OHDB). 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 and the policies are made to reflect the individual needs and traditions of the OHDB. The Provision of Services Agreement is also developed for the OHDB.

Failure to comply with these procedures may result in the loss of Organized Hamlet status, as per *the Municipalities Act* Section 52 (1):

**Reversion of Status**

Council is required by *The Municipalities Act* to request 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. (Active hamlet board will be explained in this Bylaw)

## HAMLET PROCEDURES

### 1.1 Application

1.2 This document is intended as a guide for elected hamlet board members of the Organized Hamlet of Darlings Beach (OHDB) within the Rural Municipality (RM) of Lac Pelletier No. 107. 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 the rules and procedures to which the hamlet board follows in its governance of the hamlet. Some of the rules are from the Municipal Act [MA] and Municipal Regulations [MR]. These must be followed, whereas others are taken from other Organized Hamlets or from the RM's Council Procedure [CP]. These can be modified to best serve the efficient workings of the hamlet. More guidance can be found in the hamlet policies which are separate from this document.

1.3 The OHDB is not incorporated. The OHDB is different from a committee or other body established by Council. The OHDB is created by Minister's Order to work with the RM Council.

### 2. The Role of the Hamlet Board

2.1 The hamlet board has a role to play in 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*. [MA69-76, MR33-34]

2.2 A hamlet board is the lowest level of government. In Canada there are Federal, Provincial, Municipal and hamlet governments. A hamlet is part of a 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 to the hamlet.

2.3 The hamlet board's role is to facilitate the needs of the hamlet, to foster a 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 to visit.

2.4 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. [MA69]

2.5 The duties and responsibilities of a hamlet board are laid out in the Municipal Act [MA] Sections 68 to 78, attached as Appendix 1, and the Municipal Regulations [MR] has sections 22 to 38 pertaining to hamlets – Appendix 2.

2.6 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 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 the Division Councillor.

2.7 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.

2.8 The Chair Person shall:

- (a) Preside at all board meetings; [MA 93(1)a]
- (b) Preserve order at board meetings;
- (c) Enforce the rules of the hamlet board;

- (d) Decide on points of privilege and points of order;
- (e) Advise on points of procedure;
- (f) Prepare agendas for meetings;
- (g) Notify and remind members of meetings;
- (h) Be the spokesman for the board;
- (i) Chair the AGM.

2.8.1 The chair shall have the same rights and be subject to the same restrictions, when participating in debate, as other board members [MA93(2)].

2.8.2 The chair shall have the same rights and be subject to the same restrictions as all other board members to make a motion.

2.9 The Secretary shall:

- a) Record minutes at board meetings;
- b) Send minutes to the RM administrator within 10 days of the meeting;
- c) Accept and send correspondence;
- d) Keep the minute book and other records, both electronic and hard copy;
- e) 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. [MR26]

2.10 The Vice Chair's duties include:

- a) Scrutinize and review meeting minutes for errors and accuracy;
- b) Review and report accounting and budget status at board meetings;
- c) Track ongoing projects and report progress at board meetings.

2.11 The RM Liaison's duties include:

- a) preparing and presenting a written hamlet report at RM council meetings and generally reporting hamlet activities to the RM;
- b) presenting the budget, and Provision of Services Agreement to Council;
- c) preparing and presenting a written RM report to Hamlet Board meetings and generally reporting RM activities to the Hamlet Board.

### **3. Meetings**

There are two types of meetings: Hamlet Board Meetings, and the Annual General Meeting (AGM). Many rules are common to both.

- 3.1 Meetings are public. There should always be adequate seating and accommodation for the public that wish to attend;
- 3.2 Seven days of notice must be given for the AGM by posting on bulletin boards, email, website, Facebook etc. Twenty-four-hour notice is required for Hamlet Board meetings;
- 3.3 The chair is an active member that can vote, join in on the discussion or debate and make resolutions;
- 3.4 Resolutions do not have to be seconded; the primary mover is all that is necessary to place a motion onto the floor for discussion;
- 3.5 If a motion or resolution results in a tie vote, the motion is defeated;
- 3.6 Minutes must be taken at all meetings and adopted at the subsequent meeting;
- 3.7 Motions take effect after being carried;
- 3.8 When any matter relating to proceedings arise which is not covered by a provision of this document the matter shall be decided by reference to Robert's Rules of Order [RR];
- 3.9 Subject to subsection 3.8, 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)**

- 4.1 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. It is permissible to have

more; it just cannot be less.

- 4.2 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.
- 4.3 The voters in the organized hamlet do not directly elect the chairperson and secretary. The voters elect the 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.
- 4.4 The chair of the board typically chairs the AGM; or someone, appointed by the board, by resolution.
- 4.5 There is no lower limit to quorum.
- 4.6 Motions are carried by a majority of those present.
- 4.7 Proxy votes are not allowed.
- 4.8 Members that are eligible to vote must be Canadian citizens, at least 18 years old, and be a property owner in the hamlet, or a spouse of a property owner, or be a resident of the hamlet for at least 3 months prior to the meeting.
- 4.9 The hamlet must have a policy on the AGM stipulating the date, time and location of the meeting.
- 4.10 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.
- 4.11 The secretary taking the minutes is typically not the hamlet board secretary. This allows the hamlet board secretary to participate in the meeting. The secretary is selected by the board, by resolution. The secretary must be reminded that the minutes must be submitted to the RM administrator within 30 days of the AGM. [MA]
- 4.12 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]
- 4.13 Minutes of the Board and minutes of the previous AGM must be available for viewing at the AGM.
- 4.14 A typical agenda for an AGM would be as follows:
  - Call to Order
  - Introductions
  - Approve the Agenda
  - Adopt Last Year's Minutes
  - Business Arising from the Minutes
  - RM Report
  - Report of Activities and Projects Done
  - Financial Report – Actuals of Previous Year: Revenue, Expenses, Surplus Budget of Current Year
  - Specific Budget Items – Vote
  - Project Leaders – Vote
  - Election of Hamlet Board Member
  - Set Date for next year's AGM
  - Other Business/Discussion (if time permits)
  - Adjourn
- 4.15 The hamlet board is required to notify the Administrator 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 Administrator of the name and contact information of the secretary of the hamlet board. [MA 68(4)]

## **5. Hamlet Board Meetings**

- 5.1 The Organized Hamlet of Darlings Beach has 3 board members, the Division Councilor is not a board member; quorum is two.
- 5.2 The hamlet must have a policy on board meetings stipulating:
  - a) the location they are normally held,
  - b) whether they are regularly scheduled or called as needed,

- c) the regularity of the meetings,
- d) preference for the time of day,
- e) the duration of meeting,
- f) the means of giving notice,
- g) the amount of notice,
- h) duties of the members.

5.3 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)]

5.3 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.

5.4 All persons in the public gallery at a board meeting shall:

- a) not address the board or a member unless permitted to do so;
- b) remain quiet and be orderly;
- c) not disturb the proceedings by words, gestures or actions including applauding, displaying flags, placards or similar material;
- d) not talk on cellular telephones;
- e) not make audio or video recordings of proceedings (excluding media); 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.

5.5 When addressing members at a board meeting, a delegation shall not:

- a) speak disrespectfully of the federal government, the provincial government or another municipal council, or any official representing them;
- b) use offensive words in referring to a member, an employee of the municipality or a member of the public;
- c) reflect on a vote of the board except when requesting to rescind or reconsider it;
- d) reflect on the motives of the members who voted on the motion or the mover of the motion; or
- e) shout or use an immoderate tone, profane, vulgar or offensive language;
- f) Speak more than 15 minutes, or a time limit designated by the chair;
- g) Have rebuttal or cross debate.

5.6 Members of the board wishing to speak at a meeting shall ensure they do not interrupt another member.

5.7 If more than one member wishes to speak at a meeting at the same time, the chair shall indicate which member shall speak first.

5.8 When addressing a board meeting, a member shall not:

- a) speak disrespectfully of the federal government, the provincial government or another municipal council, or any official representing them;
- b) use offensive words in referring to a member, an employee of the municipality or a member of the public;
- c) reflect on a vote of the board except when moving to rescind or reconsider it,
- d) reflect on the motives of the members who voted on the motion or the mover of the motion; or
- e) shout or use an immoderate tone, profane, vulgar or offensive language.

5.9 When a member is addressing the board, all other members shall:

- a) remain quiet and seated;
- b) refrain from interrupting the speaker, except on a point of order or point of procedure; and
- c) not carry on a private conversation.

5.10 Members shall ensure that all electronic devices remain silent and do not interfere with the meeting.

5.11 The chair may request that any person in the public gallery who disturbs the proceedings of the board or acts improperly at a board meeting, as set out in section 5.4, leave or be expelled from the meeting.

- 5.12 The chair may request that any person who addresses the board improperly as set out in section 5.5, leave or be expelled from the meeting.
- 5.13 A person requested to leave by the chair shall do so immediately.
- 5.14 Any person who refuses to leave when requested to do so shall be removed.
- 5.15 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)]

- 5.16 A member may rise and ask the chair to rule on a point of order.
- 5.17 When a point of order is raised, the member speaking shall immediately cease speaking until the chair decides on the point of order raised.
- 5.18 A point of order must be raised immediately at the time the rules are breached.
- 5.19 The member against whom a point of order is raised may be granted permission by the chair to explain.
- 5.20 A point of order is not subject to amendment or debate.

#### Point of Privilege

- 5.21 A member may rise and ask the chair to rule on a point of privilege.
- 5.22 After the member has stated the point of privilege, the chair shall rule, whether or not, the matter raised was a point of privilege.
- 5.23 If the matter is determined to be a point of privilege, the member who raised the point of privilege shall be permitted to speak to the matter.
- 5.24 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.
- 5.25 The chair may consult the rules [RR] before ruling on a point of privilege.
- 5.26 A point of privilege is not subject to amendment or debate unless a motion regarding the point of privilege is put to the board.

#### Point of Procedure [MA81(1)]

- 5.27 Any member may ask the chair for an opinion on a point of procedure.
- 5.28 When a point of procedure is raised, the member speaking shall immediately cease speaking until the chair responds to the inquiry.
- 5.29 After the member has asked the point of procedure, the chair shall provide an opinion on the rules of procedure bearing on the matter before the board.
- 5.30 A point of procedure is not subject to amendment or debate.
- 5.31 The chair's answer to a point of procedure can be appealed.

#### Appeal [MA81(1)]

- 5.32 Whenever a member wishes to appeal any ruling of the chair or a point of order or point of procedure:
  - a) the motion of appeal, "that the decision of the chair be overruled" shall be made;
  - b) the member may offer a brief reason for the challenge;
  - c) the chair may state the reason for the decision; and
  - d) following which the question shall immediately be put to a vote without debate.
- 5.33 The chair shall be governed by the vote of the majority of the members present.
- 5.34 A ruling of the chair must be appealed immediately after the ruling is made or the ruling will be final.

#### Calling a Member to Order [MA81(1)]

- 5.35 When the chair calls a member to order; the member must respect this request and explain his or her position in making the remark for which he or she was called to order.
- 5.36 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,
- 5.37 When the majority votes in favor of the resolution to remove, the chair shall direct the



unruly member to leave, and if the member refuses to leave, the chair may:

- a) recess the meeting until the person leaves; or
- b) direct that law enforcement officials be engaged to assist in the removal of the unruly member.

#### Meeting through Electronic Means

- 5.38 One or more members of the board may participate in a board meeting by means of a telephonic, electronic or other communication facility if:
- a) the members of the board provide the chair with at least two (2) business days' notice of their intent to participate in this manner;
  - b) notice of the board meeting is given to the public including the way in which the board meeting is to be conducted;
  - c) the facilities enable 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.
  - d) the facilities permit all participants to communicate adequately with each other during the board meeting.
- 5.39 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

- 5.40 The board may close all or part of their meetings to the public if the matter to be discussed: [MA120(2)]
- a) is within one of the exemptions in Part III of The Local Authority Freedom of Information and Protection of Privacy Act; or
  - b) concerns long-range or strategic planning.
- 5.41 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.
- 5.42 No resolutions may be passed during a closed session.
- 5.43 The secretary must submit the minutes to the RM's administrator within 10 days of the board meeting. [MA] Since they most likely will not yet be adopted, they should be watermarked NOT ADOPTED.
- 5.44 Delegations or individuals may be invited to participate in a meeting, for the entire meeting, or for just one agenda item, when called upon by the chair.
- 5.45 A typical agenda for a board meeting:
- Call to Order
  - Adopt Agenda
  - Adopt Minutes of Previous Meeting
  - Business Arising from Minutes
  - Secretary's Report – correspondence
  - RM Report – by Liaison
  - Budget Report by Vice Chair (most recent expenses from Administrator)
  - Project(s) Report
  - New Business
  - Set Date, Time and Place for next meeting
  - Adjourn

#### 6. Resolutions / Motions

- 6.1 Resolutions and motions are used synonymously.
- 6.2 Can only be made by a member, including the chair.
- 6.3 Are not required to be seconded.
- 6.4 Always begin with the word **That** and can be extended with the word Furthermore. For example: **Whereas** it has been noted that John Doe has hosted the AGM and subsequent BBQ, be is resolved **That** *Mr. Doe be given a volunteer Co-op gift card worth \$30 and Furthermore that a letter of appreciation be drafted to accompany the card.*

CARRIED

- 6.5 A motion can be moved by a member, even the chair. The mover is the first to speak to the motion and then discussed and debated by other members. After members have all had a chance to voice their opinion, any member can call for the vote, (Call the question). The chair asks for: All in favor (raise your hand), all opposed if any. If a majority of members is in favor, the motion is recorded: CARRIED if not, the motion is DEFEATED. If the vote is a tie, the motion is DEFEATED.
- 6.6 A motion should be written in a positive sense. For example, assume there is a strong sentiment in not spending the surplus. One could have a negative resolution THAT the hamlet not spend its surplus, or a positive resolution would be: That the hamlet will maintain the surplus at its current level.
- 6.7 The RM council acts only on resolutions passed by an OH board. Council will not act by direction of an individual OH Board member. The RM Council will debate and decide on recommendations by resolution.

#### Motions and Debate

- 6.8 A motion shall express fully and clearly the intent of the mover and may be preceded by a preamble or whereas clause.
- 6.9 Any member may require the motion under debate to be read at any time during the debate, but not so as to interrupt a member while speaking.
- 6.10 When a motion is under debate, no other motion may be made, except a motion to:
- a) amend a motion;
  - b) refer motion to a committee for a report back to council;
  - c) postpone a motion to a fixed date;
  - d) request that a motion be put to a vote;
- 6.11 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:
- a) on his or her own initiative while he or she is speaking on the same; or
  - b) 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 intention of the motion.

#### Motion to Amendments

- 6.12 Except as provided in subsection 6.11, any motion may be amended to:
- a) add words within the motion;
  - b) delete words within the motion; or
  - c) change a word or words within the motion.
- 6.13 The amending motion must be:
- a) relevant to the main motion;
  - b) made while the main motion is under consideration; and
  - c) consistent with the principle embodied in the main motion.
- 6.14 An amendment may be introduced at any stage before the question is put on the main motion:
- a) The main motion shall not be debated until all amendments to it have been put to a vote;
  - b) When all amendments have been voted on, the main motion incorporating all amendments adopted shall be put to a vote.
- 6.15 No amendments shall be made to the following motions:
- a) a motion to adjourn;
  - b) a motion to defer to a fixed date, except as to the date; and
  - c) a motion requesting that a motion be put to a vote.

#### Request that Motion be put to a Vote

- 6.16 A motion requesting that a motion be put to a vote shall **not** be moved by a member who has spoken to the original motion.
- 6.17 A motion requesting that a motion be put to a vote shall not be amended or debated.
- 6.18 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 a vote without any amendment or debate.

- 6.19 If a motion requesting that a motion be put to a vote is not passed, the original question may be amended or debated.

#### Motion to Move to a Closed Session

6.20 A motion is required to move to a closed session.

6.21 The motion to move to a closed session must:

- a) be in accordance with *The Local Authority Freedom of Information and Protection of Privacy Act*;
- b) include the titles or subject of the item(s) to be discussed; and
- c) include the reason for the meeting to be held in a closed session.

6.22 No resolution shall be passed during a closed session.

#### Motion Contrary to Rules

6.23 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.

#### Withdrawal of Motions

6.24 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

6.25 A motion to rescind shall apply to resolutions only.

6.26 A motion to rescind is in order only when the original motion passed. No motion to rescind shall be necessary when the original motion failed.

6.27 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.

6.28 A motion to rescind may be moved by any board member regardless how they voted on the original motion.

6.29 A motion to rescind is debatable.

6.30 A motion to rescind shall, in all cases, require a majority vote of all board members present to pass.

6.31 A motion cannot be rescinded:

- a) when action on the motion has been carried out in a way that cannot be undone; or
- b) when a resignation has been accepted or actions electing or expelling a person from membership or office has been taken.

#### Motion to Postpone

6.32 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.

6.33 Notwithstanding subsection 6.32, 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.

6.34 The only amendment allowed to a motion to postpone to a fixed date is to change the date.

#### Motion to Refer

6.35 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.

6.36 A member making a referral motion generally should include in the motion:

- a) the terms on which the motion is being referred; and
- b) the time when the matter is to be returned.

#### Debate on Motion

6.37 No member shall speak more than once to a motion, until each member has been provided an opportunity to speak on the motion, except to explain a material part of their speech which may have been misquoted or misunderstood.

- 6.38 The mover of the motion shall be given the first opportunity to speak.
- 6.39 The mover of the motion shall be allowed a reply, at the conclusion, of the debate.

#### Voting on the Board

- 6.40 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 voting pursuant to the Act or any other Act. [MA 99(2)]
- 6.41 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)]
- 6.42 The secretary shall ensure that each abstention is recorded in the minutes of the meeting. [MA 99(4)]

#### 7. Minutes

- 7.1 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 ten (10) days of the meeting date.
- 7.2 The secretary should use the Agenda (7.10) as a template to take minutes.
- 7.3 The minutes must contain: the name of the meeting, the time it was called to order and the time it was adjourned, and the location the meeting was conducted, and those attending members as well as those absent. It should also have who chaired the meeting, and the secretary taking minutes. The most important part of the minutes are the motions and resolutions. They must be recorded. All annual meeting minutes must be prepared using the meeting minutes template defined in Section 4.14. Beyond the requirements set out in the Organized Hamlet Board meeting minutes template, any additional information that is deemed appropriate by the Secretary to be included in the meeting minutes, may be added.
- 7.4 The minutes should contain the rationale for the resolution with a Whereas prelude. Any additional information included by the Secretary beyond that required by the meeting minutes template must be completely free of all personal bias held by the Secretary and completely free of all personal comment.
- 7.5 If a written report ends with a resolution to adopt it, such as: "I move that my report be adopted as presented". If this resolution is carried, then the report shall be appended to the minutes and become part of the minutes.
- 7.6 Minutes are legal documents and must be kept safe and secure both by the RM office and by the hamlet's secretary. A paper copy shall be kept in the Minute Book, and an electronic and paper copy be kept at the RM office, as well as the Secretary's computer and thumb drive (flash drive) attached to the minute book.
- 7.7 The minutes will be formatted with WORD as a .docx file.
- 7.8 The minutes will be watermarked with NOT ADOPTED until they are adopted, at which time the watermark will be removed and the minutes will be saved as a PDF.
- 7.9 Written reports shall be adopted by resolution, and attached to the minutes, becoming a part of the minutes.
- 7.10 Meeting Minutes Template: All minutes prepared by the Secretary of an Organized Hamlet Board must be presented using the following template:
- Name of Organized Hamlet Board
  - Date of meeting
  - Location of meeting
  - Name and position of each Organized Hamlet Board member in attendance
  - Typewritten list of names of all individuals in attendance, with the exception of the Organized Hamlet Board members who have been previously named
  - Statement of the exact time that the meeting was called to order by the Chair
  - Approval of the prior meeting minutes; resolution to adopt
  - Summarization of Organized Hamlet Working Committee reports
  - RM report made by liaison; Resolution to adopt, therefore the written report will become part of the minutes.

- Financial report; resolution to adopt
- Old Business
- Summarization of discussion relating to items previously discussed
- New Business: Summarization of discussion relating to new items that have been presented for consideration
- Resolutions made by Organized Hamlet Board relating to items within the jurisdiction of the Organized Hamlet Board
- Statement setting the date for the next meeting of the Organized Hamlet Board. If the minutes pertain to the Annual Meeting of the Organized Hamlet Board, the date and location of the next Annual Meeting must be set
- If the minutes pertain to any other meeting of the Organized Hamlet Board, the date and location of the next intended meeting must be set
- Adjournment: A resolution to adjourn must be made and the mover of that resolution must be identified
- The time that the resolution to adjourn was made must be recorded.

#### Approval of Meeting Minutes

- 7.11 a) Any board member may make a motion amending the minutes to correct any mistakes and to subsequently adopt the minutes.
- b) Prior to accepting the meeting minutes, the RM administration staff shall review the meeting minutes. Should this review result in a finding that the minutes have not been prepared in accordance with the requirements of these procedures, section 7; the Chair of the Organized Hamlet Board will be contacted by the RM administration staff and directed to instruct the Secretary to resubmit the meeting minutes using the appropriate template and appropriate presentation.

#### Publication of Meeting Minutes

- 7.12 a) The meeting minutes, water marked as Not Adopted, will be posted on the RM website in the section applicable to that Organized Hamlet.
- b) All meeting minutes will remain on the RM website for a period of four (4) calendar years after the meeting occurs. Following the expiration of the four (4) year period, the minutes will be removed from the website.

#### Minute Book

- 7.13 The Minute Book will consist of a ringed binder that has tabbed sections for: hamlet board minutes, AGM minutes, hamlet reports, RM reports, budgets, hamlet policies, Hamlet Procedures, and Provision of Services Agreements.
- 7.14 The hamlet secretary is responsible for keeping the minute book up to date, and in safe keeping; this applies to both the hard copy binders as well as the thumb drive
- 7.15 The minute book must be available for viewing by members at the AGM.
- 7.16 The inside cover should have contact information of board members, division councilor, liaison and RM office address, email, phone number and emergency contacts.

### **8. Communication RM - OH**

- 8.1 *An OH board can pass a policy that delegates a single board member to advise the RM on certain matters.* This person will be called the **RM Liaison**, the person responsible for communication between the RM and the hamlet. The Liaison will be appointed, by resolution, at the first board meeting after the AGM. The natural choice for the Liaison would be the Division Councilor; but it could also be the hamlet board chair or any member. The Liaison should attend both OH board meetings and Council meetings and present written reports that are accepted and attached to the minutes of both the Board and Council meetings. At council meetings, motions arising from the report should be moved immediately following the report. Likewise, at board meetings, resolutions arising from the report should be dealt with immediately.
- 8.2 The agendas of both Council and the Board will have standing agenda items for the hamlet reports and the RM reports respectively. When this agenda item is reached in the meeting and there is no report, the Liaison would simply reply: “No Report”.

- 8.3 The reports shall be written, adopted and attached to the minutes, which in themselves are an important means of informing the public.
- 8.4 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 will not act by direction of an individual OH Board member.*
- 8.5 Council relies on the hamlet board to collect information from voters in the organized hamlet on matters of concern to them and the 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.
- 8.6 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. [MA69.1 MR31] For major matters the entire hamlet board should meet with Council. With minor issues, communication through the Liaison would be adequate.

#### Communication with Ratepayers

- 8.7 The hamlet must have a policy that clearly describes how the hamlet board communicates with rate payers – Policy XX## Communicating with Ratepayers. It could include hamlet reports, social media, bulletin boards and more.

### 9. Projects

- 9.1 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.
- 9.2 The hamlet must have a policy that clearly describes how the hamlet board selects 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.

### 10. Project Authority

- 10.1 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, this authority may be granted by a Council resolution.
- 10.2 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 certain project: the removal of two dead elm trees. The hamlet board would pass a resolution that would request that Mr. X be given the authority to do the project. This 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 can now officially contact tree removal contractors, get estimates and working with the RM administrator, 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

- 10.3 Projects that are successful have a person assigned to overseeing them: the Project Leader. The Project Leader could be a hamlet board member, a rate payer, councillor, foreman, administrator – anyone willing to oversee the project from start to finish. The hamlet board would recommend this person to the specific project by resolution.
- 10.4 The project leader must agree on doing the project with a specific budget, and with expected time lines.
- 10.5 Project leaders must be granted authority from RM council to conduct a project as per 10.2.
- 10.6 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.
- 10.7 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.

## **11. The Budget [MA69]**

### Accounting by Council to Hamlet Board

- 11.1 At the end of each year, any funds that remain unexpended 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 20, [MR34], in the year following the year in which funds were received and expended on behalf of an organized hamlet, a detailed unaudited financial report including information relating to the revenues and expenditures 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. [MR3-34]
- 11.2 The OH budget is contained in the Provision of Services Agreement. Organized Hamlet be given an allocation of 70% of the Municipal taxes levied within the Hamlet boundaries.
- 11.3 The Provision of Services Agreement, constitute the hamlet's budget and must be completed and submitted to Council by March 1. [MA70.1]
- 11.4 The OH must have a policy on the process that is followed to produce the Budget. This policy will be called: Policy OH-004 Budget.

### Procedure to Obtain Payments out of Hamlet Accounts

- 11.5 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 expenditures from the account are authorized purposes under *The Municipalities Act*. Upon approval of the Provision of Services Agreement, the budgeted expenditures therein can be incurred.
- 11.6 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 percent, the hamlet board must bring the request to Council for approval.
- 11.7 Any expenditures 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. [MA69,72-76 MR34] A template of such an agreement, the Provision of Services Agreement, is attached (Appendix 3).

### Use of other taxes collected in Organized Hamlets –RMs allocated amount

- 11.8 The portion of the RM's tax levy on property within an organized hamlet that is not paid into the hamlet account is applied by the RM on any RM expense that benefits the hamlet. It includes, but is not limited to the following:
- payment of the mandatory annual fee charged by Saskatchewan Assessment Management Agency for assessment services;
  - payment of the mandatory annual levy charged by the Chinook Regional Library for library services available to the organized hamlet;
  - payment of the mandatory annual police services levy for policing services;
  - 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 all legal costs relating to the enforcement of bylaws and correction of bylaw infractions within the OH;
  - payment of the all costs relating to the collection of taxes applicable to the properties with the OH;
  - SARM fees and insurance
  - Crime Stoppers, etc.

## **12. Administrative Duties with Respect to the Hamlet**

- 12.1 The most important duty of the administrator and supporting staff is the collection of taxes for the hamlet and the RM:
- a) Keeping the tax role current, property titles, addresses, names
  - b) Sending out assessment notices and accepting reassessment claims.



- d) Coordinating with SAMA
- e) Sending out tax notices.
- f) Collecting Education Tax
- g) Taking the necessary steps to collect taxes in arrear

12.2 Other administrative duties would include, but not limited to:

- a) Providing the hamlet with detailed financial hamlet reports before January 20,
- b) Accepting correspondence on behalf of the hamlet,
- c) Preparing the financials of the hamlet for auditing,
- d) Reviewing hamlet budgets to ensure that they conform to standard,
- e) Reviewing and accepting hamlet board minutes and storing safely,
- f) Posting minutes and other pertinent information on RM website for the hamlet,
- g) Providing the contact point for ratepayers of the hamlet,
- h) Paying the hamlet's bills,
- i) Doing the hamlet accounting,
- j) Posting notices of hamlet meetings,
- k) Providing a board room for hamlet board meetings when requested,
- l) Providing elections for division councilor: nominations, polling site, advanced polling, mail in ballot, returning officer etc.,
- m) Keeping contact information of board members,
- n) Accepting resignations,
- o) Keeping a list of preferred vendors and their contact information,
- p) Working with the hamlet board in obtaining estimates, quotes, and tenders,
- q) Working with the hamlet board in hiring contractors, drafting permits, and grants,
- r) Helping the Liaison in drafting reports to be presented to the hamlet board,
- s) Issuing building permits and development permits to the hamlet property owners,
- t) Notifying property owners by letter when they are in contravention of RM bylaws,
- u) Pursuant to section 11.5, reviews Provision of Services Agreement, and
- v) Scrutinizes hamlet policies and amendments.

### **13. Appeal Board**

13.1 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 appeal. These persons then agree on the appointment of a third person as chair. Note: No member of Council and no member of the hamlet board can be appointed to the appeal board.

13.2 The appeal board holds a hearing at which both Council and the hamlet board may present evidence, cross-examine witnesses, and present arguments.

13.3 The appeal board must provide a written decision within 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 MR35-38]

### **14. Amending Hamlet Procedures**

14.1 The steps to amend the Hamlet Procedures:

- a) Potential amendments are brought forward to Council.
- b) Council reviews the suggested amendments with the hamlet board,
- c) The document is revised and submitted to Council for approval.

### **15. Drafting, Amending and Approving a Hamlet Policy**

15.1 The steps to draft or amending a Hamlet Policy include:

- a) The hamlet board drafts or amends the desired policy.
- b) The hamlet board approves, by resolution, the new policy.



- c) A copy of the new policy is sent to the Administrator for scrutiny and safe keeping.
- d) A copy of the new policy is put into the minute binder and posted on the RM web site.
- e) The new policy is presented at the next AGM for ratification.
- f) A policy, including an amended policy, must be dated and signed by all board members
- g) Policies are created and executed by each individual hamlet; they are not enforceable, but rather a guide to help the hamlet run efficiently. They reflect the unique nature, tradition and culture of a hamlet.

Coming into Force

16. This Bylaw shall come into force May 21, 2024.

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Reeve

[SEAL]

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Administrator

Read a third time and adopted this 21<sup>st</sup> day of May, 2024.

## 17. 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>

[[RM] RM of Lac Pelletier No. 107

[CP] Council Procedure By Law

[AS] Advisory Services (306) 787-2680

[muninfo@gov.sk.ca](mailto:muninfo@gov.sk.ca)

[RR] Robert's Rules of Order

## APPENDIX 1

### Extracts from *The Municipalities 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 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;

### **Hamlet board**

2(1) (p) “**hamlet board**” means the board of an organized hamlet;

### **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 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 if 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.

### **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.

### **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.

### **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.

### **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.

### **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 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.

### **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.

### **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.

### **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 chairperson pursuant to subsection (2) within 30 days, the dispute may be submitted by any 1 party to be resolved pursuant to section 392.

### **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.

## APPENDIX 2

### Extracts from *The Municipalities Regulations* relating to Organized Hamlets

#### 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; or
  - (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.

##### 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;
- (e) disqualification of hamlet board members;
- (f) duties of the hamlet board secretary;
- (g) 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.

##### 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.

##### 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.

### **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 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;
  - (b) 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.

### **Annual general meeting**

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

- (a) new hamlet board members are elected to 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) is 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 received 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.

### **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.

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

### **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.

### **Nominations to board**

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

### **Election of hamlet board**

27.3(1) At the annual general 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 general meeting.

### **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.

### **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 general 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.

### **Conflict of interest**

31.1(1) Sections 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 of 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) Every declaration of a conflict of interest made pursuant to subsection 144(1) must be recorded in the minutes of the meeting.

### **Disqualification and removal of organized hamlet board members**

31.2(1) A member of the hamlet board is disqualified from the board if the 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 board who is disqualified does not resign as required by subsection (2), sections 148 and 150 of the Act apply with any necessary modification.

### **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 preparation, 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 to 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 or 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.

### **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.

### **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.

### **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 that member became unable to act.

### **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.

### **Appeal of decision**

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

### **Chairperson to forward decision**

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

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

## APPENDIX 3

### Provision of Services Agreement

BETWEEN:

This Agreement made in duplicate effective May 21, 2024

**The Council of the Rural Municipality of Lac Pelletier No. 107**

- and -

**The Hamlet Board of the Organized Hamlet of Darlings Beach**

**Whereas** section 74 of *The Municipalities Act* allows the council of a 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 the 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 Organized Hamlet of Darlings Beach was established by Minister's Order and continued pursuant to section 410 of *The Municipalities Act*; and

**Whereas** Todd Vallee, Mark Wanner and Ken Johnson are the members of the Hamlet Board of the Organized Hamlet of Darlings Beach holding office on the date this Agreement 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 Municipalities 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 Municipalities Act* and *The Municipalities Regulations*;

NOW, THEREFORE, this Agreement witnesses as follows:

#### Definitions

1. In this Agreement:

- (a) "Act" means *The Municipalities Act*;
- (b) "Council" means the Council of the Rural Municipality of Lac Pelletier No. 107;
- (c) "Hamlet Board" means the duly elected hamlet board of the Organized Hamlet of Darlings Beach;
- (d) "Organized Hamlet" means the Organized Hamlet of Darlings Beach;
- (e) "RM" means the Rural Municipality of Lac Pelletier No. 107.

#### Allocation to hamlet account

2. 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 70% of the taxes collected for municipal purposes and the municipal portion of any special license fees established pursuant to section 306 of the Act from within the Organized Hamlet.

#### Provision of services

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 provision of the following services in the Organized Hamlet of Darlings Beach classified as Hamlet Expenses:

- (a) all costs associated with transfer station costs;
- (b) street lights;
- (c) maintenance of streets and roads within the hamlet;
- (d) construction and maintenance, including insurance, of public buildings and

- equipment;
- (f) the material: cold mix, oil, dustproofing for roads immediately adjacent to the OHDB.
- (g) capital projects within the OHDB, at the request of the OHDB
- (h) services within the OHDB, at the request of the OHDB
- (i) hamlet board expenses and indemnities

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 provision of those services.

**Procedures for payments out of hamlet account**

4. 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:

- (a) the expenditure is contained in the budget, submitted to Council as required by section 69.1 or otherwise authorized by Council prior to incurring it; and
- (b) the expenditure is:
  - (i) for the payment of indemnities to members of the Hamlet Board;
  - (ii) for the provision of services under this Agreement; or
  - (iii) authorized under sections 73, 75 or 76 of the Act.

**GST Reimbursement**

5. Any GST monies on invoices paid from the hamlet account, shall be retained by the Rural Municipality of Lac Pelletier No. 107.

**COMING INTO FORCE**

This Bylaw shall come into force and take effect on May 21, 2024.

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Reeve – RM of Lac Pelletier No. 107

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Administrator – RM of Lac Pelletier No. 107

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Chairperson – Organized Hamlet of Darlings Beach

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Secretary – Organized Hamlet of Darlings Beach

Read a third time and adopted this 21<sup>st</sup> day of May, 2024.