

A Voluntary Restructuring Guide

For Municipalities

Table of Contents

Introduction	1
Legislation	2
Definitions	2
Indicators	3
Types of Restructuring	3
<i>Merging Two or More Municipalities (merger)</i>	3
<i>Merging a Portion of a Municipality with Another Municipality (partial merger)</i>	4
<i>Including an Urban Municipality into a Surrounding RM (inclusion)</i>	4
<i>Incorporating a Village or a Resort Village</i>	4
Special Designations Available During Restructuring	5
<i>Special Service Area</i>	5
<i>Organized Hamlet (OH)</i>	6
Methods of Initiating Restructuring	6
<i>Resolution of Council of a Municipality Considering Restructuring</i>	6
<i>Petition of the Voters of a Municipality</i>	6
<i>Petition for a Referendum on Restructuring</i>	7
<i>Petition to Establish an OH, Village or Resort Village</i>	7
Steps in Restructuring	8
<i>Council Resolution to Initiate and Set Up a Meeting with Affected Municipality</i>	8
<i>Restructuring Agreement Negotiation with Affected Municipality</i>	8
<i>Application to Restructure</i>	9
<i>Public Consultation</i>	10
<i>Notice of Intent to Restructure</i>	10
<i>Public Meeting</i>	10
<i>Voting</i>	11
<i>Completion of Application</i>	11
<i>Submission of the Application</i>	11
<i>Restructuring Application Order and Consequences</i>	12
<i>Rejected Application</i>	12

Contact Information12

Appendix “A” – Petition for a Referendum13

Appendix “B” – Sample Petition Questions15

Appendix “C” – Petition for Organized Hamlet, Resort Village, Village16

Appendix “D” – Flowchart.....18

Appendix “E” – Checklist.....19

Appendix “F” – Sample Resolutions20

Appendix “G” – Sample Agreement - Inclusion23

Appendix “H” – Sample Agreement - Merger26

Appendix “I” – Application to the Minister31

Appendix “J” – Notice to the Public35

Introduction

This guide, published August 2018, is intended to assist municipalities in the voluntary restructuring process. There are many different types of voluntary restructuring, including:

- adding territory to, or withdrawing territory from, the existing area of a municipality;
- merging the whole, or part of a municipality, with another municipality;
- including a municipality into another municipality;
- establishment of an organized hamlet within a rural municipality; or
- incorporating new municipalities.

The guide will explain items to consider when thinking about restructuring and outlines the process. Individual municipalities will need to consider modifying certain material to suit local conditions.

This guide is based on the legislation contained in *The Municipalities Act* (the Act) and applies to all types of municipalities that operate pursuant to the Act. The information provided in this guide is not a substitution for legislation. It is important to examine the exact wording of legislative references. Questions of a legal nature should be directed to a solicitor.

This guide is intended for the following groups:

- elected officials;
- municipal staff;
- members of community interest groups involved in providing municipal services, such as boards and committees; and
- members of citizen groups, business leaders and others affected by the way the municipality operates.

This guide:

- outlines steps in the process of restructuring;
- discusses how a municipality will function after restructuring; and
- contains a flowchart, a checklist, required forms (prescribed and non-prescribed), sample resolutions and sample agreements.

It is strongly encouraged that a ministry official at the Ministry of Government Relations (ministry) is consulted early on in the process. Ministry officials are available to assist administrators and council with understanding the process and undertaking required tasks throughout the restructuring.

Municipalities interested in the annexation process are to contact the Community Planning branch of the ministry. The branch has prepared *A Guide for Municipal Boundary Alterations (Annexation)*.

Please visit the Government of Saskatchewan website at www.saskatchewan.ca for materials referenced within this document. Use the search function to find the information desired.

Legislation

Legislation regarding restructuring is found in Part IV of the Act, sections 49 to 65 and *The Municipalities Regulations* (the Regulations). Consult it regularly during the restructuring process. This guide refers to various sections of the Act and the Regulations.

Section 51.1 of the Act relates to restructuring as a municipal district. Municipal districts are established when at least one rural municipality and one urban municipality incorporate. Due to the different process for incorporating a municipal district, a separate guide has been created for this type of restructuring.

Section 50 of the Act relates to establishing an Organized Hamlet (OH) which also has some different processes. Though the process is touched on briefly in this guide, there is a separate guide for details on the establishment of an OH. Guides are available at www.saskatchewan.ca.

All restructuring applications must be submitted to the minister and approved through the issuance of a Minister's Order.

Definitions

In this guide:

1. "Administrator" means the administrator of the municipality, appointed in accordance with section 110 of the Act.
2. "Application" means an application for restructuring made to the minister in accordance with section 59 of the Act.
3. "Affected Municipality" means a municipality or municipalities that will be affected by an application commenced by a municipality or municipalities who initiates restructuring and will be submitting the application.
4. "Former Municipality" means a municipality or municipalities that existed prior to restructuring and will no longer exist as an incorporated municipality after restructuring.
5. "Inclusion" means the inclusion of an urban municipality into the surrounding rural municipality.
6. "Merger" means a merging of two or more like municipalities (i.e. urban to urban; rural to rural) to form a new municipality.
7. "New Municipality" means the municipality that is created or continued after the restructuring is completed.
8. "Rural Municipality" means a municipality incorporated as a rural municipality pursuant to the Act, referred to as "RM" or "rural" throughout this guide.
9. "Urban Municipality" means a municipality incorporated as an urban municipality, defined as a village, resort village or town pursuant to the Act, referred to as "urban" throughout this guide.
10. "Website" means the Government of Saskatchewan website at www.saskatchewan.ca.

Indicators

A municipality may experience various indicators that trigger the need to restructure or to consider restructuring, such as:

- lack of capacity or resources to manage the municipal assets;
- maintain compliance with legislative requirements;
- financial difficulties, decrease in tax base;
- lack of ability to administer, govern or operate the municipality;
- lack of ability to provide increasing service demands by ratepayers; or
- other reasons that are evident to the ratepayers, elected officials or staff members.

There may be a desire to explore benefits of restructuring for the betterment of the community and the ratepayers, even if the municipality is not experiencing any of the above indicators.

An interactive sustainability self-assessment tool has been developed, which can assist a municipality in determining its capacity. The *Municipal Government Sustainability Self-Assessment Tool* can be found on the website.

Municipalities experiencing administration or governance challenges should consider being proactive in initiating restructuring. Delaying the process may result in non-compliance with legislation and erosion of the types and levels of services provided to ratepayers.

Types of Restructuring

There are several types of restructuring options available to municipalities, including:

- merging two or more municipalities of the same type i.e. rural to rural; urban to urban (merger);
- merging a portion of a municipality with another municipality (partial merger);
- including an urban municipality into a surrounding RM (inclusion);
- incorporating as a village or a resort village (incorporation); and
- establishing an organized hamlet, municipal district or a boundary alteration (separate guides address these types of restructuring).

Merging Two or More Municipalities (merger)

Two or more like municipalities may merge to form one new municipality. This is a local decision made in agreement with the participating municipalities.

One elected municipal council governs the merged municipality and it is operated by one administration.

The merger must be a rural to a rural or an urban to an urban.

If the desire is for an RM and an urban to join, this would be considered a municipal district, which is addressed in a separate guide as previously mentioned.

Merging a Portion of a Municipality with Another Municipality (partial merger)

Ratepayers of an area of a municipality may become disconnected from the rest of their municipality for reasons such as:

- physical boundaries;
- economic and population growth;
- a need for different services; and
- a need for different levels of service.

A merger of the area with an adjacent municipality may be a desired option to better serve the needs of affected ratepayers.

Including an Urban Municipality into a Surrounding RM (inclusion)

An urban municipality may be included into the surrounding RM. This type of restructuring is referred to as inclusion. Inclusion is the process of transitioning the governance and administration of an urban municipality to the rural municipality.

After inclusion, the former urban municipality becomes part of the RM and will no longer be a legal corporate entity. The former urban municipality could be designated as a special service area or an OH within the RM. These designations are discussed, in more detail, later in this guide.

Grants are currently available for communities in transition at the time of inclusion. Information relating to available grants is on the website.

Incorporating a Village or a Resort Village

An OH may be incorporated as a village or a resort village if it has existed as an OH for at least three years and when economic, population, and assessment growth meet specific thresholds. The OH should ensure that it is in a position to provide good governance, meet all legislative responsibilities, provide for qualified administration and ensure the needs of the ratepayers will be looked after prior to considering incorporation.

Currently, the minimum thresholds¹ that need to be met in order to incorporate as a village or resort village are:

- a population of 300 or more persons in the most recent census taken by Statistics Canada;
- 150 or more separate dwellings or business premises; and
- a minimum taxable assessment of \$30 million.

If the minister considers it appropriate and in the public interest, the minister can vary the criteria if an OH wishes to incorporate as a resort village if it:

- can demonstrate a total permanent and seasonal residential population of at least 300 persons, if the most recent census taken shows a population of 100 or more persons;
- has 150 separate dwelling units or business premises;
- has a taxable assessment of at least \$35 million;

¹ Section 6 *The Municipalities Regulations*

- is primarily resort in nature; and
- meets all other criteria and application requirements for incorporation.

These minimum threshold requirements are subject to change. Check the current regulations to ensure compliance with the latest criteria.

An OH that is adjacent to another OH or to an urban municipality may incorporate as a village or a resort village only if:

- the other OH or adjacent municipality refuses to annex the area of the hamlet;
- natural physical barriers separate the OH from the other OH or adjacent municipality;
- there is a lack of continuity in the development between the OH and the other OH or adjacent municipality; or
- access between the OH and the other OH or adjacent municipality is limited.

An OH that incorporates as a village or resort village:

- is established by Minister's Order;
- is a municipal corporation;
- has the powers, duties and functions set out in the Act; and
- is governed by a municipal council elected by the ratepayers of the newly-formed municipality.

Special Designations Available During Restructuring

During restructuring, municipalities can negotiate special designations for the former municipality, if they choose. These designations include:

- a special service area;² and
- establishment of an organized hamlet.³

Special Service Area

A special service area may be designated because the area requires different services or levels of service than other areas of the new municipality. The special service area:

- is governed and administered by the new municipality;
- is assigned all of the revenues collected from that area such as taxes, grants and other revenues collected;
- is assigned all of the expenditures made within the area for the provision of services; and
- can have different municipal tax rates and/or tax tools from those applied elsewhere in the new municipality to fund the different services or levels of service.

Voters of the special service area can vote for and run for council in municipal elections for the new municipality as long as they meet the qualifications.

The designation of a special service area can only be done at the time of restructuring and would be designated in the Minister's Order.

² Section 53(3)(i) *The Municipalities Act*

³ Clause 53(1)(c) *The Municipalities Act*

Organized Hamlet⁴

If considering reverting to an OH, the municipalities involved should consider that the intent of establishing as an OH is to gain experience and knowledge to become a village in the next 4 – 10 years. It should be an area that is growing. If it has been determined that it can no longer be a municipality, perhaps a special service area would be a more desirable option.

An OH:

- is governed and administered by the RM;
- has an OH board, elected by voters in the OH, to serve in an advisory capacity to the council of the RM;
- is assigned a minimum of 40% and a maximum of 75% of the revenues collected specific to the OH such as taxes, grants and other revenues collected;
- is assigned all of the expenditures made within the area for the provision of services; and
- can have a different municipal tax rate and/or tax tools from those applied elsewhere in the RM to fund different services or levels of service.

If considering reverting to an OH, the municipality should ensure that it meets the prescribed criteria for establishing an OH, as outlined in the Regulations.

Voters of the OH can vote for and run for council in municipal elections as long as they meet the qualifications. Further legislated requirements of an OH are in Part IV of the Regulations and in the OH guide.

Methods of Initiating Restructuring

There are two ways in which the restructuring process may be initiated:

- a resolution of council of a municipality considering restructuring; or
- a petition of the voters of a municipality.

Resolution of Council of a Municipality Considering Restructuring

The council of a municipality may decide that restructuring presents a viable option for their municipality. Once council has decided to pursue restructuring, they would:

- make a resolution to initiate the restructuring process;
- contact a ministry official to discuss the process; and
- set up a meeting with affected municipalities.

Petition of the Voters of a Municipality

Voters have the opportunity to petition for restructuring by:

- petitioning for a referendum:
 - to require the council to apply to restructure;⁵ and/or

⁴ Subsection 50(1) *The Municipalities Act*

⁵ Section 54 *The Municipalities Act*

- on a bylaw or resolution relating to a proposed application;⁶ and
- petitioning to establish an OH, village or resort village⁷.

Petition for a Referendum on Restructuring

Voters of a municipality may petition for a referendum to require their council to make application for restructuring and/or a referendum on a particular question during the restructuring process.

The petition for a referendum:

- is not a prescribed form;
- may follow the sample form in Appendix “A”;
- may be modified;
- includes a Statement of Representative of Petitioners, which:
 - forms part of the petition and must accompany the petition when it is presented to the administrator;
- must comply with sections 132 to 138 of the Act;
- must contain an identical statement of purpose on each page of the petition;
- must contain an adult witness’s signature who will sign opposite the signature of each petitioner; and
- must be filed with the administrator of the municipality within 90 days after the first signature is obtained.

Some sample questions for a petition on a restructuring question are found in Appendix “B”. Petitioners may modify these questions, as required. The question must appear at the top of each page of the petition and it must be very clear to ensure voters understand what they will be voting on.

Petition to Establish an OH, Village or Resort Village

Voters may petition to establish an OH, village or resort village. Voters undertaking a petition of this nature must present the petition to the administrator of the RM. The petition forms part of the application to the minister.

The petition to establish an OH, village or resort village:

- is a prescribed form, Form D, which includes the Statement of Representative of Petitioners, attached as Appendix “C”;
- must ensure that the map or plan is attached to every page of the petition;
- must be signed by at least 30 people who would be voters of the proposed OH, village or resort village; and
- must be submitted to the administrator of the RM.

Within 30 days of receiving the petition, the administrator will:

- verify the signatures of the petitioners; and
- report to council as to whether the petition is sufficient or insufficient.

⁶ Subsection 58(3) *The Municipalities Act*

⁷ Section 55 *The Municipalities Act*

Steps in Restructuring

Regardless of the way the restructuring is initiated, many steps in the process are similar for all restructuring applications. One of the first steps is to contact a ministry official with the ministry who will provide technical assistance to support compliance with legislation. The ministry official will assist municipalities step-by-step through the process and provide suggestions to ease the transition.

Arrangements may be made for a ministry official to attend a joint meeting with all affected municipalities and the required public meeting for the proposed application.

Appendix “D” contains a flowchart to assist in the general knowledge of the restructuring process. Appendix “E” contains a checklist to assist the administrator with keeping track of actions relating to restructuring. Sample resolutions appear in Appendix “F” to assist with wording of decisions of council and/or action required. The sample resolutions may be modified to suit the needs of the municipalities.

Below is a summary of the steps of the restructuring process:

Council Resolution to Initiate and Set Up a Meeting with Affected Municipality

Once council decides to commence the restructuring process, or receives a petition to do so, they pass a resolution to start the process and meet with the affected municipality. Resolutions similar to resolution #1 and #2, found in Appendix “F”, will begin the process.

Upon request, a ministry official may attend the joint meeting of the councils of the involved municipalities to discuss the process and answer any procedural questions they may have.

All municipalities that are a party to the restructuring are required to pass resolutions whether they support or oppose the proposed restructuring application. The municipality applying for the restructuring must receive certified copies of these resolutions to include in the application to the minister.

Restructuring Agreement Negotiation with Affected Municipality

A restructuring agreement between involved municipalities is encouraged to address terms of the restructuring. The municipality initiating restructuring may wish to prepare a list of terms and conditions they wish to see for the former municipality after the restructuring. This list will be helpful when negotiating with the affected municipality.

Depending on the complexity and type of restructuring, matters that need to be addressed will vary. We have prepared two sample agreements to assist municipalities when developing their own agreement, one relating to an inclusion and one relating to a merger. The sample agreements are in Appendix “G” and Appendix “H” respectively. The sample agreements are for guidance purposes only. It is wise to consult a solicitor to assist with the preparation of the restructuring agreement.

Should the municipalities enter into a restructuring agreement, they may include any terms and conditions they agree to. The following are terms and conditions that must be addressed in the agreement,⁸ if they are applicable to the particular type of restructuring:

- the name of the restructured municipality;

⁸ Subsection 53(3) *The Municipalities Act*

- the location of the municipal office(s);
- the restructuring principles;
- the disposal of any assets;
- the manner of dealing with liabilities of the former municipality, such as landfill decommissioning, road maintenance, renewal of infrastructure, remediation or reclamation of contaminated sites, legal proceedings, etc.;
- special levies that may be imposed (e.g. infrastructure renewal, settling of liabilities, contaminated sites);
- the administration and service delivery integration process;
- the establishment of an interim council;
- electoral matters;
- special designations (e.g. special service area);
- the application of tax tools to municipal tax levies;
- the process, including a minimum period where no changes could be made to the agreement, for amending or altering the agreement; and
- a process to resolve disputes.

Each council is required to pass a resolution or bylaw, to enter into the agreement and authorize its execution.

If the municipalities are unable to agree on the terms and conditions, each municipality could make a list of their desired terms and conditions, for consideration by the minister. The lists may form a part of the application.

Application to Restructure

The application is a prescribed form, Form “E”⁹, in the Regulations. A copy of this form is in Appendix “I” of this guide. Compiling documents for the application begins early in the process and continues throughout the process.

The application to restructure must include the following, where applicable:

- the petition and a certificate by the administrator verifying that the petition is sufficient;
- a certified copy of the resolution of the council requesting the restructuring;
- if the application is to establish an OH, village or resort village, a proposal showing the preparedness and ability to meet legislative requirements;
- a detailed map or plan showing the boundaries of the proposed restructuring;
- a plan for future growth and development of the proposed restructuring;
- proposed operating and capital budget;
- certified copy of resolutions from affected municipality indicating support for or opposition to the restructuring and their reasons;
- public notices, minutes from the public meeting and written submissions;
- a statement setting out the population, total taxable assessment and the number of dwellings and lots for all affected municipalities;
- a voluntary restructuring agreement; and

⁹ Form E *The Municipalities Regulations*

- reports or records with respect to attempt at mediation and statements regarding matters in dispute.

Public Consultation

Any restructuring requires public consultation at a public meeting. The council who is making application for restructuring holds the public meeting and provides the public notice of the meeting as prescribed in the Act. Council will want to attempt to set a date and time for the public meeting to accommodate all affected parties.

Notice of Intent to Restructure¹⁰

A notice of the proposed application and the details of the public meeting shall be advertised at least once each week, for two successive weeks, in a newspaper with circulation in the area. The notice must be personally delivered or sent by ordinary mail to:

- every person assessed on the last revised assessment roll, with respect to land or improvements, located in the area affected by the proposed application;
- councils of the municipalities affected by the proposed application; and
- the boards of all school divisions affected by the proposed application.

The notice must include:

- a map and a description of the proposed application;
- a brief explanation of the reasons for the proposed application;
- where and when the proposed application may be examined by any interested person;
- the date, time and place where the public meeting will be held; and
- a statement that any person may file a written objection with the administrator and be clear about where they are to file the objection, with whom and by what date. The objection must clearly state the reason(s) why the person filing the notice is objecting to the application. Objections must be filed within four weeks from the last date the notice for the public meeting was published.

The public meeting shall be held at least one week after the date on which the last notice is published, delivered or sent. A sample notice is in Appendix “J”. Copies of the notices are to be retained to include with the application.

The application and all schedules and maps must be available for public inspection at the municipal office, and at the public meeting, during the entire public consultation process.

Public Meeting¹¹

As noted above, the council of the municipality applying for restructuring must hold the required public meeting. The main purpose of this meeting is to provide a forum for people to receive information on the restructuring process, the details of the application, and ask any questions on the proposed application. The meeting also provides an opportunity for any person to make a submission on the proposed application.

¹⁰ Section 56 *The Municipalities Act*

¹¹ Section 57 *The Municipalities Act*

The proposed application, and all information required as part of the application, must be available at the public meeting for inspection. The restructuring agreement should be signed prior to the meeting and available for public inspection. If the municipalities are unable to agree on the terms and conditions of the agreement, each municipality should ensure a list of their desired terms and conditions are available for inspection by the public.

Any person has the opportunity to make a verbal submission at the public meeting. Written submissions can be made any time after the notice is published, during the public meeting, and up to four weeks from the date of the last published notice. The public notice must contain the details regarding submission deadlines and who submissions are to be forwarded to.

Minutes of the public meeting must be recorded and a copy of the minutes must accompany the application.

Voting¹²

Council may choose to submit a question regarding the proposed application to the voters of the municipality. This vote would be conducted by way of a referendum and may occur at any time prior to submission of the application to the minister.

Voters may also petition for a referendum on a question relating to a proposed application. If a petition to hold a referendum is sufficient, and the voters in a municipality vote in favour of council making application to restructure the municipality, council must make application to restructure.

Completion of Application

After the public meeting has concluded and the time for objections has passed, the application to restructure can be completed by adding the minutes from the public meeting and any objections and/or submissions received.

At this point, the council making the application will decide if they want to send the application to the minister.

Submission of the Application

Once council has passed the resolution to submit the application to the ministry, the completed application, including all schedules, is sent to:

Ministry of Government Relations
Advisory Services and Municipal Relations
1010 – 1855 Victoria Avenue
REGINA SK S4P 3T2

Once the ministry receives the application, it is reviewed to determine completeness and viability of the proposed restructuring. Upon review, the ministry may:

- request more information;
- request the Saskatchewan Municipal Board review the application;
- approve the restructuring by Minister's Order; or
- reject the application.

¹² Section 58 *The Municipalities Act*

Restructuring Application Order and Consequences

The contents of the restructuring order are in section 62 of the Act and may include, but are not limited to, the following:

- the date the order becomes effective;
- the establishment of an OH or incorporation of a village or resort village, if applicable;
- provisions of the voluntary restructuring agreement, if applicable;
- provisions for adjusting and settling the assets and liabilities of the affected municipality;
- the appointment of persons to comprise the interim council until an election can be held, if applicable; and
- the appointment of a person to act as returning officer and set nomination day for the election, if one is required.

Legislative consequences of the restructuring order are in section 63 of the Act and may include the following, among others:

- in the event of an inclusion or merger, bylaws and resolutions in force in the former municipality continue to be in force for one year unless they are repealed or replaced sooner by the new municipality;
- employees of the former municipality continue as employees of the new municipality with the same rights and duties until the council of the new municipality advises otherwise (may be addressed in restructuring agreement); and
- if the person appointed to settle the assets and liabilities determines it is required, the order may require the assessment of a special levy, which can be in effect for up to ten years, to satisfy the liabilities and to pay the remuneration of the person appointed.

Rejected Application

If the minister rejects the application to restructure, the minister shall provide reasons for the decision to the council of each municipality. The notice of the rejection is published in a locally circulated newspaper. Another application that is substantially similar cannot be made for three years after the application has been rejected.

Contact Information:

Advisory Services and Municipal Relations
Ministry of Government Relations
1010 – 1855 Victoria Avenue
REGINA SK S4P 3T2
Phone: (306) 787-2680
Fax: (306) 798-2568

Appendix “A”

*Sample Form Page 1
Non-Prescribed Form*

PETITION REQUESTING A REFERENDUM

We, the undersigned, being voters of the _____ of _____ do hereby
 (name of municipality)
 petition the council of the _____ of _____, according to sections 54 and 132
 of *The Municipalities Act*, to hold a referendum for the purpose of submitting the following question to
 the voters for approval or rejection:

(Clearly state the question that is being petitioned for submission to the voters.)

NOTE:

1. *Petitions must be submitted to the administrator of the municipality in accordance with The Municipalities Act.*
2. *Each page must have an identical statement of purpose and must be filed within 90 days of the first signature, to be valid.*

Each signatory below hereby attests that he or she is a qualified voter of the municipality and has not previously signed the petition.			
Signature of Voter (Print and Sign Name) (Must include surname and given names or initials)	POST OFFICE BOXES ARE NOT ACCEPTABLE Address (House Number and Street Name or Legal Land Description)	Date Signed	Witness (Must be 18 or over)
Print			
Sign			
Print			
Sign			
Print			
Sign			
Print			
Sign			
Print			
Sign			

Appendix "A" (con't)

*Sample Form Page 2
Non-Prescribed
Form*

STATEMENT OF REPRESENTATIVE OF PETITIONERS

TO: ADMINISTRATOR OF _____

Submitted herewith is a petition pursuant to section 132 of *The Municipalities Act*.

I am attaching this statement to the petition as required by section 133 of *The Municipalities Act* and:

I do hereby declare that:

- I am a representative of the petitioners;
- The first signature to this petition was collected on _____; and
(date)
- The municipality may direct any inquiries about the petition to me at the following address:

Print Name

Address

_____ Postal Code
Town/Village/RM

Daytime telephone number

Other phone numbers where you can be reached

SIGNATURE OF REPRESENTATIVE

DATE SUBMITTED TO ADMINISTRATOR

Appendix “B”

Sample Petition Questions for a Referendum on Restructuring

Sample Petition Question - Inclusion

Are you in favour that the council of the _____ of _____ apply
(name of village/resort village)

to restructure the _____ to become part of the Rural
(name of village/resort village)

Municipality of _____ No. _____?
(name of RM)

Sample Petition Question - Merger

Are you in favour that the council of the _____
(name of municipality initiating restructuring)

apply to restructure the _____
(name of municipality initiating restructuring)

to merge with the _____
(name of other affected municipality(ies))

to become part of a new municipality?

(Clearly state the question that is being petitioned for submission to the voters.)

NOTE: Each page of the petition must have an identical statement of purpose and must be filed within 90 days of the first signature, to be valid.

Appendix “C”

(Prescribed Form)
Page 1

MUNICIPALITIES

M-36.1 REG1

FORM D
[section 65]

Petition for Organized Hamlet, Resort Village or Village

We, the undersigned, being voters, in accordance with *The Municipalities Act*, of the

_____, of _____
(Hamlet/Organized Hamlet)

in the Rural Municipality of _____ No. _____,

Saskatchewan, do hereby petition the Minister to have established or incorporated as

the _____ of _____, that portion
(Organized Hamlet/Village/Resort Village)

of Saskatchewan the boundaries of which are shown in detail on the map or plan attached.

NOTE:

1. *Petitions must be submitted to the administrator of the municipality in accordance with The Municipalities Act.*
2. *The signatures of at least 30 voters meeting the respective qualifications are required; and each page must have an identical statement of purpose.*

Each signatory below hereby attests that he or she is a qualified voter of the municipality and has not previously signed the petition.			
Signature of Voter (Print and Sign Name) (Must include surname and given names or initials)	POST OFFICE BOXES ARE NOT ACCEPTABLE Address (House Number and Street Name or Legal Land Description)	Date Signed	Witness (Must be 18 or over)
Print			
Sign			
Print			
Sign			
Print			
Sign			
Print			
Sign			
Print			
Sign			
Print			
Sign			

STATEMENT OF REPRESENTATIVE OF PETITIONERS

TO: ADMINISTRATOR OF _____

Submitted herewith is a petition pursuant to section 50, 51 and 55 of *The Municipalities Act*.

I am attaching this statement to the petition as required by section 55 of *The Municipalities Act*.

I do hereby declare that:

- I am a representative of the petitioners;
- The municipality may direct any inquiries about the petition to me at the following address:

Print Name

Address

Town/Village/RM

Postal Code

Daytime telephone number

Other contact information where you can be reached

SIGNATURE OF REPRESENTATIVE

DATE SUBMITTED TO ADMINISTRATOR

Restructuring Flowchart



* Sections refer to *The Municipalities Act*.

Appendix “E”

Restructuring Checklist

Date	Action
_____	Council passes resolution to initiate the restructuring process and meet with affected municipality.
_____	Meeting between municipalities to be restructured (invite municipal advisor).
_____	Other affected municipality passes complementary resolution or resolution to oppose restructuring.
_____	Start to prepare the application to restructure (Form E).
_____	Further meeting(s) between municipalities to negotiate restructuring agreement.
_____	Draft a restructuring agreement.
_____	Meeting(s) between municipalities to be restructured, if required, to finalize agreement.
_____	Resolution of initiating municipality to enter into restructuring agreement and authorizing mayor/reeve and administrator to sign agreement.
_____	Restructuring agreement signed by municipality initiating restructuring.
_____	Restructuring agreement signed by other affected municipality involved in the restructuring.
_____	Resolution to advertise the ‘Public Notice’ of intention to restructure (must determine final date of objection to include in the notice).
_____	Date of first publication of the ‘Public Notice’.
_____	Date of second publication of the ‘Public Notice’.
_____	Date of public meeting (<i>must be at least one week after the last publication</i>).
_____	Last date to file objections to restructuring proposal (<i>must be four weeks after the last publication</i>).
_____	Completion of the restructuring application (Form E).
_____	Resolution of Council to forward the application to the minister.
_____	Restructuring application forwarded to the ministry.
_____	Minister’s Order signed.
_____	Transfer of keys, books and property to person appointed to settle the assets.

Appendix “F”

SAMPLE RESOLUTIONS

Municipality Initiating Restructuring

Resolution #1: *(Resolution 1 and 2 should be done at the same meeting.)*

That the _____ start the process of restructuring for *(the inclusion (name of municipality initiating restructuring) into/merger with) the _____* for the following reasons (**examples** below):
(name of affected municipality)

- a) Declining population
- b) Declining tax base
- c) Unsustainable, etc.

Resolution #2:

That the administrator set up a meeting with the council of the _____
(name of affected municipality)
to discuss the _____ intent to restructure and invite municipal
(name of municipality initiating restructuring)
advisors, with the Ministry of Government Relations, to attend the meeting as a resource.

Resolution #3: *(Resolution 3 and 4 should be done at the same meeting.)*

(This resolution should only be done after all parties have agreed on the terms of the agreement.)

That the _____ enter into an agreement with the _____,
(name of municipality initiating restructuring) (name of affected municipality)
a copy of which is attached hereto and forms a part of these minutes, for the purpose stated therein and that the mayor/reeve and the administrator be authorized to execute the agreement on behalf of the municipality.

Appendix “F” (con’t)

Resolution #4:

That the administrator is authorized to proceed with advertising the public notice of intention to restructure (*or merge*) and proceed with all other preparations required to complete the restructuring application.

Resolution #5:

(This resolution should be made after the deadline for objections has expired and the municipality initiating restructuring has met the requirements of a public meeting.)

That the council of the _____ forward the application for restructuring
(name of municipality initiating restructuring)

to the minister.

OR

Resolution #5:

That, due to _____, the council of the _____ will not proceed with
(reasons not to proceed) (name of municipality initiating restructuring)

submission of the restructuring application to the minister at this time.

Affected Municipality

Resolution #1: *(Resolution 1 and 2 should be done at the same meeting.)*

That the council of the _____ supports/opposes the restructuring of
(name of affected municipality)

the _____ *(to be included in/to merge with)*
(name of municipality initiating restructuring)

the _____.
(name of affected municipality)

Resolution #2:

That the council of the _____ agree to meet with the
(name of affected municipality)

_____ to discuss the terms of a restructuring agreement.
(name of municipality initiating restructuring)

Appendix “F” (con’t)

Resolution #3:

(This resolution should only be made after all parties have agreed upon the terms of the agreement.)

That the council of the _____ enter into a restructuring agreement with the
(name of affected municipality)

_____ a copy of which is attached hereto and forms a part
(name of municipality initiating restructuring)

of these minutes for the purpose stated therein and that the (mayor/reeve) and administrator be authorized to execute the agreement on behalf of the municipality.

****NOTE:** These are sample resolutions only and must be worded to suit the desires of council and reflect the type of restructuring involved**

Appendix “G”

SAMPLE AGREEMENT FOR INCLUSION

RESTRUCTURING AGREEMENT

between the

Village of Somewhere

(name of municipality initiating restructuring)

and the

Rural Municipality of Everywhere No. 900

(name of affected municipality)

(This is a sample of some of the terms municipalities may wish to include in their restructuring agreement for inclusion. Municipalities should review and carefully consider any areas of potential concern or areas where a common understanding on specific matters may be beneficial for inclusion within the agreement. Please ensure reference to the municipality type throughout the agreement is referred to in the correct context (i.e. Village/Resort Village)).

Opening Statements

1. This agreement has been entered into by the Village of Somewhere (Village) and the Rural Municipality of Everywhere No. 900 (RM) for the purpose of the inclusion.

Restructuring Principles

2. All parties agree to respectfully work together to negotiate sustainable, long-range mutual benefits to their citizens now and in the future.
3. Where one municipality has concerns on a matter, the other municipality will negotiate in good faith and work cooperatively toward addressing the concern in this agreement.

Establishment of Special Service Area

4. The lands within the former Village shall be designated as a Special Service Area for the purposes of assigning different tax rates and/or the application of tax tools and providing different service levels.
5. The designated Special Service Area shall be within the boundaries of the former Village.

Establishment of a New Division

If former Village is to become a new division of the rural municipality, use this clause:

6. Upon inclusion, the lands of the former Village shall be considered a separate division within the boundaries of the RM and, as such, a councillor shall be elected to represent that division. The municipal costs of the election process are a charge on the RM as a whole.

Governance

7. A municipal council consisting of a reeve and _____ councillors will govern the RM. *(Note: number of councillors will depend on whether additional division is created – see clause 6).*
8. All bylaws and resolutions in force in the Village continue in force for one year after the date of inclusion or until they are sooner repealed or others are made in their place.

Disposition of Assets

9. The assets and liabilities of the Village shall become the assets and liabilities of the RM upon inclusion of the Village.
10. Cash assets remaining subsequent to settlement of the Village assets and liabilities will be set aside for provision of services and/or benefits within the former Village.
11. All grants received by the RM in recognition of the former Village will be set aside for provision of services and/or benefits within the former Village.

Service Delivery

12. The RM will ensure that fire protection services are inclusive and consistent with fire protection service agreements currently established by the municipality.
13. Add any other clauses respecting services deemed appropriate and terms, if any (e.g. public utilities, landfill, waste disposal, street lights, street maintenance, snow removal, etc.).

Integration of Administration

14. The administrator for the Village (*will/will not*) continue as an employee of the RM. *(Note: include other employees or contractors as applicable; ensure proper notice to*

individual employees and/or contractors is provided according to employment standards and/or contract agreements respectively).

Amendments

- 15. This agreement may be amended:
 - a. by the agreement of the councils which are signatories to the agreement, prior to the application being forwarded to the minister for approval; and/or
 - b. by the council of the RM after a two-year period from the effective date of the Minister’s Order, when an amendment is in the best interest of the ratepayers of the former Village and the RM.

Effective Date

- 16. This agreement will come into effect on the date of inclusion as set out in the Minister’s Order.

Signed this _____ day of _____ at _____, Saskatchewan.

Mayor, Village of Somewhere

SEAL

Administrator, Village of Somewhere

Signed this _____ day of _____ at _____, Saskatchewan.

Reeve, Rural Municipality of Everywhere No. 900

SEAL

Administrator, Rural Municipality of Everywhere No. 900

Appendix “H”

SAMPLE AGREEMENT FOR **MERGER**

Restructuring Agreement

between the

Village of Pony

(name of municipality initiating restructuring)

and the

Town of Horse

and the

Resort Village of Donkey

(name of affected municipalities)

(This is a sample of some of the terms municipalities may wish to include in their restructuring agreement for a merger. Municipalities should review and carefully consider any areas of potential concern or areas where a common understanding on specific matters may be beneficial for inclusion within the agreement.)

Definitions

In this Schedule,

- (a) “Minister” means the minister responsible for the administration of *The Municipalities Act*;
- (b) “Former municipalities” means the Village of Pony (Village); the Town of Horse (Town) and the Resort Village of Donkey (Resort Village).
(names of municipalities prior to merger)
- (c) “New municipality” means the Town of Mustang formed by the amalgamation of the
(name of new municipality)
former municipalities.

Opening Statements

1. This agreement has been entered into by the Village of Pony, the Town of Horse and the Resort Village of Donkey for the purpose of a merger of the former municipalities into a new municipality.

Restructuring Principles

These principles are the basis of the merger of the municipalities that are party to this agreement. It may include such things as:

2. That all parties agree to respectfully work together to negotiate sustainable, long-range mutual benefits to their citizens now and in the future.

3. That, where one municipality has concerns on a matter, the other municipalities will negotiate in good faith and work cooperatively toward a common goal and term of this agreement.

Name and Boundaries

4. The lands of the *Village of Pony*, *Town of Horse* and the *Resort Village of Donkey* will form the boundaries of the new municipality named the *Town of Mustang*.
5. Reference to any land of the former municipalities in any order, regulations, bylaw or resolution, certificate of title, agreement or other instrument is deemed to be a reference to the *Town of Mustang*.

Establishment of Special Service Area(s)

6. The lands of the former *Village of Pony* and the lands of the former *Resort Village of Donkey* shall be designated as Special Service Areas within the new municipality for the purposes of assigning different tax rates and/or the application of tax tools and providing different service levels.
7. The *two* designated Special Service Areas shall be within the boundaries of the former *Village of Pony* and the boundaries of the former *Resort Village of Donkey*, respectively.

Governance

8. A municipal council consisting of a mayor and 4 councillors will govern the *Town of Mustang*, pursuant to section 8 of this agreement.
9. All bylaws and resolutions in force in the former municipalities continue in force as the bylaws and resolutions of the new municipality for one year or until they are sooner repealed or others are made in their place.

Election of Councillors on Basis of Wards (or Divisions) (if using - wards in urbans/divisions in RM's)

10. The councillors of the new municipality are to be elected on the basis of wards (or divisions). The parties have agreed to the ward (or division) boundaries as outlined in Schedule "A" attached.

OR if the parties can't agree on the ward boundaries:

10. The new municipality will pass a bylaw to appoint a municipal ward's commission to determine the wards and ward boundaries in accordance with section 85 of *The Municipalities Act (this does not apply to RM Divisions)*.

Location of Municipal Office

11. The office of the *Town of Mustang* shall be located at _____.
(land description)

Disposition of Assets

12. The assets and liabilities of the former municipalities shall become the assets and liabilities of the *Town of Mustang* upon the merger of the former municipalities.

13. Cash assets remaining subsequent to settlement of the former municipalities' assets and liabilities will be set aside for the provision of services and/or benefits within the former municipalities.
14. All grants received by the Town of Mustang in recognition of the former municipalities will be set aside for provision of services and/or benefits within the former municipalities.
15. *(You may wish to set terms around future disposition of capital assets, if any remain after the settling of the assets and liabilities, including the assignment of proceeds from the sale of assets.)*

Imposition of Special Levies

16. The Town of Mustang may impose the following special levies *(any or all, be specific)*:
 - (a) equalizing mill rates;
 - (b) renewing municipal infrastructure;
 - (c) remedying and reclaiming contaminated sites; and/or
 - (d) settling any liabilities of the parties.

Integration of Administration

17. The administrator for the Village of Pony, Sue Becken, will not continue as an employee of the Town of Mustang.
18. All other employees of the Village of Pony and Resort Village of Donkey shall continue as employees of the new municipality with the same rights and duties until the council of the new municipality otherwise directs.

(Note: include other employees or contractors as applicable; ensure proper notice to individual employees and/or contractors is provided according to employment standards and/or contract agreements respectively).

Service Delivery

19. The Town of Mustang will ensure that fire protection services are inclusive and consistent with fire protection service agreements currently established by the former municipalities.
20. Add any other clauses respecting services deemed appropriate and terms, if any (e.g. public utilities, landfill, waste disposal, street lights, street maintenance, snow removal, etc.).

Amendments

21. This agreement may be amended:
 - (a) by the agreement of the councils which are signatories to the agreement, prior to the application being forwarded to the minister; and/or
 - (b) by the Council of the Town of Mustang after a two-year period from the effective date of the Minister's Order, when an amendment is in the best interests of the ratepayers of the former municipalities.

Dispute Resolution

If applicable

Effective Date

22. This agreement will come into effect on the date of the merger of the former municipalities as set out in the Minister’s Order.

Signed this ___ day of _____, _____ at _____, Saskatchewan.

SEAL

Mayor, Village of Pony

Administrator, Village of Pony

Signed this ___ day of _____, _____ at _____, Saskatchewan.

SEAL

Mayor, Town of Horse

Administrator, Town of Horse

Signed this ___ day of _____, _____ at _____, Saskatchewan.

SEAL

Mayor, Resort Village of Donkey

Administrator, Resort Village of Donkey

SCHEDULE A (of Appendix H)

DESCRIPTION OF WARDS (or divisions in RM)

The wards (divisions) of the new municipality are established as follows:

WARD (No. and/or name)

FORM E
[section 66]

Application for Establishment, Incorporation or Restructuring

APPLICATION AND PROPOSAL

1. In accordance with section 59 of The Municipalities Act ("the Act"): the petitioners in the _____ of _____ apply for:
(Hamlet/Organized Hamlet)

(check the matter that applies)

- Establishment of an Organized Hamlet pursuant to section 50 of the Act;
Incorporation as a Resort Village pursuant to section 51 of the Act; or
Incorporation as a Village pursuant to section 51 of the Act.

OR

the council of the _____ of _____
(type of municipality) (name of municipality)

applies for restructuring pursuant to subsection 53(1) of the Act by:
(details of restructuring – e.g. adding to or withdrawing territory, merger, inclusion, etc.)

Two horizontal lines for providing details of restructuring.

REASONS

2. The reasons for the request are: (Attach extra sheets if necessary)

- (a) _____
(b) _____
(c) _____

Appendix “I” (con’t)

PETITION/COUNCIL RESOLUTION

3. In the case of an application to establish an organized hamlet or to incorporate a resort village or village, the petition together with a certificate of the administrator of the rural municipality in which the proposed organized hamlet, resort village or village is located verifying that the petitioners are voters of the hamlet or organized hamlet is attached as Schedule 1.

OR

3. In the case of an application for restructuring, a certified copy of a resolution of the council requesting the restructuring is attached as Schedule 1.

PROPOSAL OF PREPAREDNESS

- 3.1 In the case of an application to establish an organized hamlet or to incorporate a resort village or village, the proposal, showing preparedness and ability to meet the legislative responsibilities of an organized hamlet, resort village or village in the form and manner directed by the minister is attached as Schedule 1.1.

MAP AND PLANS FOR FUTURE GROWTH AND DEVELOPMENT

4. A map or plan showing in detail the boundaries of the proposal including a legal description of any proposed boundary changes to the municipalities affected by the application and changed by the proposal as verified by the administrators of the municipalities affected by the proposal is attached as Schedule 2.
5. An outline of plans for future growth or development of the proposed organized hamlet or municipality is attached as Schedule 3.

PROPOSED OPERATING AND CAPITAL BUDGET

6. Except in the case of an application pursuant to clause 53(1)(a) of the Act, a proposed operating and capital budget for the proposed organized hamlet or municipality and for any other municipality affected by the application is attached as Schedule 4.

Appendix “I” (con’t)

RESOLUTION(S) OF AFFECTED COUNCIL(S)

7. The council of the _____
(City/Town/Village/Resort Village/RM/Northern Municipality)
of _____ has consented/has not consented to this proposal. Accordingly, a certified complementary resolution of the council(s) is/is not attached as Schedule 5.

(Attach resolutions of all councils affected by the proposal.)

PUBLIC NOTICES, MEETINGS AND OBJECTIONS

8. Copies of public notices and any written submissions respecting the proposal received by the council are attached as Schedule 6.
9. Minutes of the public meeting held pursuant to section 57 of the Act are attached as Schedule 7.

POPULATION, ASSESSMENT AND DWELLINGS

10. A statement setting out the population, total taxable assessments, and the number of dwellings and lots for each municipality and other municipality affected by the proposal is attached as Schedule 8.

VOLUNTARY RESTRUCTURING AGREEMENT

11. A voluntary restructuring agreement is/is not attached as Schedule 9.

PRIOR MEDIATION/DISPUTE RESOLUTION

12. Copies of reports or records with respect to any attempt at mediation within the previous year in relation to this application are attached as Schedule 10.
13. If this application requires the statements regarding matters in dispute pursuant to subsection 60(6) of the Act, the statements are attached as Schedule 11.

Appendix “I” (con’t)

DECLARATION

14. I, _____, of _____,
Saskatchewan, being the Petitioners’ Representative,

OR

14. I, _____, being the administrator for the municipality
of _____, Saskatchewan,

CERTIFY THAT:

1. I have personal knowledge of the matters herein deposed to.
2. The statements contained within this application are true.
3. The preliminary proceedings required by sections 55, 56 and 57 of *The Municipalities Act* were carried out.
4. In the case of an application for restructuring, this application was duly authorized by the council of the municipality of _____.

I make this solemn declaration believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

DECLARED before me at

_____, Saskatchewan

)

)

this _____ day of _____,

)

)

20 _____.

)

(Signature of Declarant)

A Commissioner for Oaths in and for the
Province of Saskatchewan.

My commission expires: _____

Or a Notary Public, etc.

(or as the case may be)

Appendix “J”

Sample

NOTICE TO THE PUBLIC

Pursuant to *The Municipalities Act*, public notice is hereby given that the _____
(name of municipality initiating restructuring)
intends to restructure to become included within (or merge with) the _____.
(name of affected municipality)

The _____ is located within the _____, in the
(name of municipality initiating restructuring) (insert legal land location here)
Province of Saskatchewan, as shown in the map below:

(insert a map here)

The reasons for the proposal are:

-
-
-

A public meeting will be held on _____ at _____
(date and time) (location)

to discuss the proposal.

(The date of the public meeting must be at least one week after the date that the notice was **last** published, delivered or sent.)

Any persons who wish to object to the proposed restructuring may file a written objection, clearly stating their reason for their opposition, with the administrator of the _____
(name of municipality initiating restructuring)

at the address below:

(address of the municipality initiating restructuring)

A written notice of objection must be received by the administrator by _____, 20__.
(The due date must be four clear weeks from last publication of the notice in the local newspaper.)

The complete proposal may be viewed at the _____ of _____
office between the hours of _____ a.m. and _____ p.m. _____.
(days of the week the office is open)

(The information and documentation required as part of the application to the Minister ‘Form E’, must be available for viewing during the notice period and at the public meeting.)

Dated at the _____ of _____, Saskatchewan, this ____ day of _____, 20__.

Administrator, _____ of _____
(name of municipality initiating restructuring)