



# Restructuring Guide - Inclusion

## Including an Urban Municipality in a Surrounding RM

May 2024

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## Introduction

This guide is intended to assist towns, villages and resort villages interested in restructuring by becoming included in the surrounding rural municipality (RM). The guide will explain items to consider when thinking about restructuring and outlines the process. For ease of reading purposes, this guide will use the term “urban municipality” to describe a town, village or resort village.

This guide is based on the legislation for municipalities that operate under [The Municipalities Act](#) (Act) and the [Municipalities Regulations](#) pursuant to the Act. The information provided in this guide is not a substitution for legislation. It is important to refer to the Act and to ensure the most recent version of the legislation is being followed. Questions of a legal nature should be directed to a solicitor.

It is strongly encouraged to consult the Ministry of Government Relations (ministry) early in the restructuring process. Ministry officials can assist administrators and council with understanding the process and undertaking the required tasks.

Please visit the Government of Saskatchewan website at [www.saskatchewan.ca](http://www.saskatchewan.ca) for materials referenced within this document. Use key words such as “urban inclusion” in the search function to find the information desired.

## Legislation

Legislation regarding restructuring is found in Part IV of the Act, sections 48.4 through 65, and *The Municipalities Regulations* (Regulations). Legislation should be consulted regularly throughout the inclusion process to ensure proper procedures are followed.

An application for restructuring by inclusion must be submitted to the ministry and approved through the issuance of a Minister’s Order.

## When to Consider Restructuring by Inclusion

There may be a desire to explore the benefits of restructuring for the betterment of the community, even if an urban municipality is not experiencing any difficulties.

Additionally, an urban municipality may experience various indicators that trigger the need to restructure or consider restructuring. These include:

- Lack of capacity or resources to manage the urban municipality’s assets;
- Difficulty maintaining compliance with legislative requirements;
- Financial difficulties and decrease in tax base;
- Difficulty recruiting and retaining a qualified administrator;
- Difficulty providing increased service demands;
- Difficulty filling council vacancies; and
- Other reasons that may be evident to the ratepayers, elected officials or staff members.

Urban municipalities experiencing administration or governance challenges should consider being proactive in initiating restructuring. Delaying the process may result in far more significant challenges to overcome.

An interactive self-assessment tool has been developed, which can assist a municipality in determining its capacity. The [Municipal Government Self-Assessment Tool](#) can be found on the website. This tool is exclusively for municipal use and results do not need to be shared.

Urban municipalities transitioning into the surrounding RM may qualify for grant funding. Information relating to available grants is found on the [website](#) or by contacting the [ministry](#).

## Getting Started

Restructuring by inclusion is the process of transitioning the governance and administration of an urban municipality to the RM that surrounds it. After inclusion, the former urban municipality will no longer be its own municipal corporation.

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

- A resolution of the urban municipal council considering restructuring; or
- A sufficient petition of the voters of the urban municipality.

### Resolutions of Council

When an urban municipal council decides that restructuring by inclusion is in the best interests of their residents, it should pass two resolutions:

1. To initiate the restructuring process; and
2. To direct the administrator to contact the affected RM and Advisory Services at the ministry to arrange for a joint meeting. Sample resolutions are found in the following section of this document titled Steps in the Inclusion Process.

The urban municipal council may also choose to submit a question to its voters at any time before applying to the minister to restructure through either a plebiscite or a referendum. A plebiscite or referendum is conducted in accordance with *The Local Government Election Act, 2015*. The results of a plebiscite do not bind the council, however, it is an ideal method to gauge the voter's view on a proposal. If the council decides to conduct a referendum, the results of the vote are binding on the council.

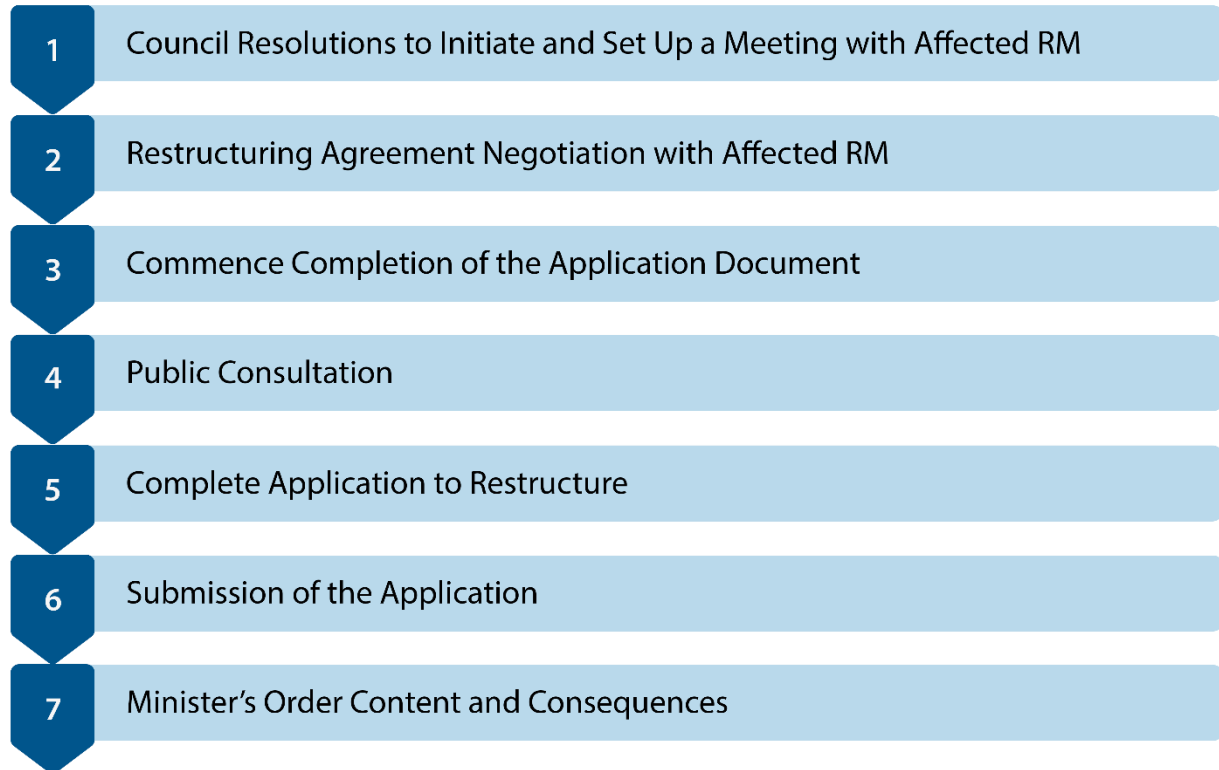
### Petition of the Voters

Voters can also petition for a referendum to require the council to restructure or on a bylaw or resolution relating to a proposed application to restructure. The petition for a referendum is not a prescribed form but must contain certain information to comply with legislation. Information about petitions is found in sections 132 to 138 of the Act and our document [A Citizen's Guide to Shaping Council Decisions](#).

## Steps in the Inclusion Process

Regardless of how restructuring is initiated, one of the first steps is to contact Advisory Services with the ministry. A municipal advisor will provide technical assistance to support compliance with legislation, assist the municipalities throughout the process and provide suggestions to ease the transition. Advisory Services will also attend a joint meeting with both councils and the required public meeting for the proposed application.

Below is a flow chart providing a snapshot of the inclusion process.



Additional information about each step in the restructuring process is described below.

### Step 1 – Council Resolutions to Initiate and Set Up a Meeting with Affected RM

Once an urban municipal council decides to commence the inclusion process or receives a petition to do so, resolutions should be passed at a council meeting to start the process and to meet with the affected RM. Below is sample wording for the urban municipality's resolutions:

#### First Resolution

*"THAT the \_\_\_\_\_ of \_\_\_\_\_ start the process of restructuring by inclusion into the RM of \_\_\_\_\_ No. \_\_\_\_ for the following reasons:*

- *Declining population;*
- *Declining tax base;*

- *Difficulty retaining qualified administration;*
- *Etc...”*

The sample motion below should be passed at the same meeting as the first one.

**Resolution for  
Joint Meeting**

*“THAT the administrator arrange for a meeting to be held with the council of the RM of \_\_\_\_\_ No. \_\_\_\_ to discuss the \_\_\_\_\_ of \_\_\_\_\_’s intent to restructure by inclusion; and invite Advisory Services with the Ministry of Government Relations to attend the meeting as a resource.”*

The administrator is responsible for coordinating this meeting by contacting the affected RM and Advisory Services to coordinate a meeting date, time and place that will work for all parties.

The urban municipality will be required to provide verification of the RM’s response to the restructuring proposal when submitting the application. Typically, the RM will pass a motion either supporting or opposing the restructuring. This resolution can be passed any time during the restructuring process but before the application’s submission. A certified copy of the resolution can be obtained from the RM and submitted with the application. Below is sample wording for the RM’s resolution:

**RM’s First  
Resolution**

*“THAT the council of the RM of \_\_\_\_\_ No. \_\_\_\_ support (or oppose) the restructuring of the \_\_\_\_\_ of \_\_\_\_\_ to be included into the RM.”*

**Step 2 – Restructuring Agreement Negotiation with Affected RM**

A written agreement between the municipalities is encouraged to address various wants and needs of the restructuring. The urban municipality may wish to prepare a list of terms and conditions it hopes to see for their community after restructuring into the RM. This list will be helpful when negotiating with the RM and helps ease the restructuring transition.

Depending on the complexity of the restructuring, matters that need to be addressed in an agreement vary. Appendix “A” contains a sample restructuring agreement to assist municipalities in developing their own agreement. This sample agreement is for guidance only. It is wise to consult a solicitor to assist with preparing the restructuring agreement.

Municipalities have the option to negotiate special designations for the urban municipality that is restructured into the RM. These designations include establishing the urban municipality as a special service area and/or creating another division in the RM, where the division boundaries would encompass the area of the urban municipality. The Minister’s Order approving the restructuring will make provision for either designation if required.

- a) A special service area designation provides the RM with the ability to use different tax rates, tax tools and deliver different services or service levels in the former urban municipality than those used elsewhere in the RM. If the RM eventually discovers that the designation is no longer necessary, it can request the designation be removed.
- b) Establishing the urban municipality as a separate division in the RM may occur whether or not the area is designated as a special service area. If this is mutually agreed, the Minister’s Order will specify provisions for an election to fill the new division council member’s seat in addition to any other division that may be affected by the creation of the new division.

Although additional terms and conditions may be negotiated as well, the following items must be addressed in the agreement:

- Restructuring principles to demonstrate cooperation, respectfulness and good faith;
- The disposal of any assets;
- The manner of dealing with liabilities of the urban municipality, such as landfill decommissioning, road maintenance, renewal of infrastructure, remediation or reclamation of contaminated sites;
- Special levies that may be imposed (e.g., infrastructure renewal, remedying contaminated sites, etc.);
- Staff integration and service delivery;
- Special designations, as mentioned above; and
- The process for amending or altering the agreement.

See sample Restructuring Agreement in Appendix “A”.

Each council is required to pass a resolution (or bylaw) to enter into the agreement and authorize its execution. Below is sample wording for the resolution both municipalities should pass (adjust where required):

Restructuring Agreement

*“THAT the \_\_\_\_\_ of \_\_\_\_\_ enter into an agreement with the RM of \_\_\_\_\_ No. \_\_\_\_\_, 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.”*

If the municipalities are unable to negotiate an agreement, each municipality may submit a list of its desired terms and conditions with the application for consideration by the ministry.

### Step 3 - Commence Completion of the Application Document

The application to restructure is a prescribed form found in the Regulations as Form “E” and must be completed by the urban municipality. The form is used for all types of municipal restructuring. A copy of this application form, modified to accommodate inclusions, is found in Appendix “B” of this guide. Compiling information and documents for the application begins early in the process and continues throughout the restructuring process.

The application to restructure by inclusion must contain the following:

- A certified copy of the urban municipal council’s resolution requesting the restructuring, or if applicable, a certified copy of the petition along with a certificate of the administrator verifying the petition’s sufficiency;
- A map or plan showing the boundaries of the urban municipality;
- A certified copy of the RM council’s resolution indicating support for or opposition to the restructuring along with the reasons (if opposed);
- Public notices, minutes from the public meeting and any written submissions received;
- A statement setting out the population, total taxable assessment and number of dwellings and lots for the affected municipalities;
- The restructuring agreement, if one was successfully negotiated; and
- Reports or records concerning attempts at mediation and statements regarding matters in dispute, if applicable.

#### Step 4 - Public Consultation

Public consultation via a public meeting is required to restructure municipalities. The urban municipal council is responsible for holding the public meeting and providing the necessary public notice of the meeting as required in the Act. The date and time for the public meeting should accommodate all the affected parties and meet the legislative requirements. Below is sample wording for a resolution the urban municipal council should pass:



Public Notice  
Resolution

*“THAT the administrator is authorized to proceed with advertising the public notice of the \_\_\_\_\_ of \_\_\_\_\_’s intention to restructure and proceed with all other preparations required to complete the restructuring application.”*

a) Notice of Intent to Restructure

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

- Every person assessed on the urban municipality’s last revised assessment roll;
- The council of the affected RM; and
- The board of all school divisions affected by the proposed restructuring.

The notice must include:

- A map and legal land description of the urban municipality;
- A brief explanation of the reasons for the proposed restructuring;
- Where and when any interested person may examine the proposed restructuring application and agreement;
- Details of the public meeting including the date, time and place;
- Details of how and where a person may file a written objection or other submission with the administrator, including a deadline for doing so that is within four weeks of the last date of the public notice. Any objection must clearly state the reasons(s) for the objection.

The public meeting must be held at least one week after the date on which the last notice is published, delivered or sent. Appendix “C” contains a sample notice. Be sure to retain copies of the notice for submission with the application.

Preparing the application and public notice can be confusing because of the required deadlines. A municipal advisor can assist with this task.

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

b) Public Meeting

As mentioned previously, the urban municipal council is responsible for holding a public meeting. The primary purpose of this meeting is to provide a forum for people to receive information and ask any questions about the proposed restructuring. The meeting also provides an opportunity for any person to make a submission regarding the proposal. Municipal advisors are available to attend this public meeting as an information resource. RM council members are also encouraged to attend.

The proposed application and all information required to form part of the application must be available at the public meeting for inspection, including the restructuring agreement, if applicable.

Minutes of the public meeting must be recorded to verify that public consultation has been given due diligence. A copy of the minutes must accompany the application. No decisions are made at this public meeting.

**Step 5 - Complete Application to Restructure**

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

At this point, the urban municipal council must decide whether to send the application to the minister. Below is sample wording of the resolution required of the council (choose one):

Resolution to Submit Application

*“THAT the council of the \_\_\_\_\_ of \_\_\_\_\_ forward the application for restructuring to the Minister of Government Relations.”*

**OR**

Resolution Not to Proceed

*“THAT, due to (insert reasons not to proceed), the council of the \_\_\_\_\_ of \_\_\_\_\_ will not proceed with submission of the restructuring application to the Minister of Government Relations at this time.”*

## **Step 6 - Submission of the Application**

Once the urban municipal 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 the completeness and viability of the proposed restructuring. Upon review, the ministry may:

- Request additional information;
- Request the Saskatchewan Municipal Board review the application;
- Approve the restructuring by Minister's Order; or
- Reject the application.

## **Step 7 - Minister's Order Contents and Consequences**

If the restructuring proposal is approved, the contents of the Minister's Order will include the following:

- The date the Order becomes effective;
- The establishment of a special service area and/or creation of a new division, if applicable;
- Provisions of the voluntary restructuring agreement, if applicable;
- Provisions for an election, if required; and
- Provisions for settling the assets and liabilities of the urban municipality.

Some of the consequences of the restructuring include:

- The former urban municipal council members cease to have any further authority;
- All bylaws and resolutions in force in the former urban municipality continue to be in force for one year unless they are repealed or replaced sooner by the RM;
- Unless addressed differently in the restructuring agreement, employees of the urban municipality continue as employees of the RM with the same rights and duties until the RM council decides otherwise; and
- If there are insufficient realizable assets to satisfy the liabilities of the urban municipality, the Order may provide directions for the person appointed to impose a special levy on the former urban municipality properties for up to 10 years to satisfy the liabilities.

If the minister rejects the application to restructure, reasons for the decision will be provided to each council. A notice of the rejection will also be published in a locally circulated newspaper.

## Moving Forward

Once all steps in the restructuring process have been completed and the effective restructuring date has arrived, the urban municipality will no longer be an independent municipality. It will be part of the RM surrounding it and be governed by the RM council. The RM is responsible for municipal service delivery to the former urban municipality in the same manner as provided to all other residents of the RM. The former urban municipal residents will not likely notice significant changes to the municipal services provided to them and may find they have improved.

The person appointed in the Minister's Order to settle the assets and liabilities will continue their duties until all matters are finalized (after the final audit). The settler of assets and liabilities will provide the RM administrator with all final book entries required to transition the urban municipality's records into the RM's records.

Residents of the former urban municipality are now residents of the RM and can vote for their RM division councillor and reeve or be nominated and elected as a council member for the RM.

For further information about restructuring by inclusion, please contact a municipal advisor at:

Advisory Services and Municipal Relations  
(306) 787-2680  
[muninfo@gov.sk.ca](mailto:muninfo@gov.sk.ca)

## Appendix A

### RESTRUCTURING AGREEMENT

between

the \_\_\_\_\_ of \_\_\_\_\_

and

the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_

*(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.)*

#### Opening Statements

1. This agreement has been entered into by the \_\_\_\_\_ of \_\_\_\_\_ (urban municipality) and the Rural Municipality of \_\_\_\_\_ No. \_\_\_\_ (RM) for the purpose of restructuring by 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 *(delete section if not required)*

4. The boundaries of the former urban municipality 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.

#### Establishment of a New Division *(delete section if not required)*

5. Upon inclusion, the former urban municipality shall be considered a separate division within the boundaries of the RM and, as such, a councillor shall be elected to represent that division.
6. 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: The number of councillors will depend on whether an additional division is created – see clause 5.)*
8. All bylaws and resolutions of the urban municipality continue in force for one year after the date of inclusion or until they are repealed or others are made in their place.

### Disposition of Assets

9. The assets and liabilities of the urban municipality shall become the assets and liabilities of the RM upon inclusion of the urban municipality.
10. Notwithstanding clause 9, cash assets remaining subsequent to the settlement of the urban municipality's assets and liabilities will be set aside for the provision of services and/or benefits within the former urban municipality.
11. All grants received by the RM in recognition of the former urban municipality will be set aside for the provision of services and/or benefits within the former urban municipality.

### Service Delivery

12. The RM will ensure that fire protection services are inclusive and consistent with fire protection service agreements currently established by the *(RM or former urban municipality, depending on the situation)*.
13. *Add any other clauses respecting services deemed appropriate (i.e., landfill, garbage collection, street maintenance, etc.).*

### Integration of Employees

14. The administrator for the urban municipality will not continue as an employee of the RM. *(Note: address 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 two years from the effective date of the Minister's Order, when an amendment is in the best interest of the ratepayers of the former urban municipality 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 \_\_\_\_\_, 20\_\_ at \_\_\_\_\_, Saskatchewan.

\_\_\_\_\_  
Mayor, \_\_\_\_\_ of \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
Administrator, \_\_\_\_\_ of \_\_\_\_\_

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_, Saskatchewan.

\_\_\_\_\_  
Reeve, Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_

(SEAL)

\_\_\_\_\_  
Administrator, Rural Municipality of \_\_\_\_\_ No. \_\_\_\_\_

SAMPLE

## Appendix B

**FORM E**  
[Section 66]  
**Application for Restructuring by Inclusion**

APPLICATION AND PROPOSAL

1. In accordance with section 59 of *The Municipalities Act* (“the Act”), the council of the \_\_\_\_\_ of \_\_\_\_\_ applies for restructuring pursuant to subsection 53(1) of the Act by inclusion into the RM of \_\_\_\_\_ No. \_\_\_\_.

REASONS

2. The reasons for the request are: *(Attach extra sheets if necessary)*
  - (a)
  - (b)
  - (c)

PETITION / COUNCIL RESOLUTIONS

3. A certified copy of a resolution of the council requesting the restructuring is attached as Schedule 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.

RESOLUTION OF AFFECTED COUNCIL

5. The council of the RM of \_\_\_\_\_ No. \_\_\_\_ *has consented/has not consented* to this proposal. Accordingly, a certified complementary resolution of the council *is/is not* attached as Schedule 3.

PUBLIC NOTICES, MEETINGS AND OBJECTIONS

6. Copies of public notices and any written submissions respecting the proposal received by the council are attached as Schedule 4.
7. Minutes of the public meeting held pursuant to section 57 of the Act are attached as Schedule 5.

POPULATION, ASSESSMENT AND DWELLINGS

8. A statement setting out the population, total taxable assessments, and the number of dwellings and lots for each municipality affected by the proposal is attached as Schedule 6.

VOLUNTARY RESTRUCTURING AGREEMENT

9. A voluntary restructuring agreement *is/is not* attached as Schedule 7.

PRIOR MEDIATION / DISPUTE RESOLUTION

10. 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 8.
11. If this application requires the statements regarding matters in dispute pursuant to subsection 60(6) of *The Municipalities Act*, the statements are attached as Schedule 9.

DECLARATION

12. I, \_\_\_\_\_, being the Administrator for the \_\_\_\_\_ of \_\_\_\_\_, Saskatchewan,

CERTIFY THAT:

- (a) I have personal knowledge of the matters herein deposed to.
- (b) The statements contained within this application are true.
- (c) The preliminary proceedings required by sections 55, 56 and 57 of *The Municipalities Act* were carried out.
- (d) In the case of an application for restructuring, this application was duly authorized by the council of the \_\_\_\_\_ 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\_\_.

\_\_\_\_\_  
*A Commissioner, etc. (or as the case may be)*

\_\_\_\_\_  
*Signature of Declarant*

## Appendix C

### NOTICE TO THE PUBLIC

Pursuant to *The Municipalities Act*, public notice is hereby given that the \_\_\_\_\_ of \_\_\_\_\_ intends to restructure to become included within the RM of \_\_\_\_\_ No. \_\_\_\_.

The \_\_\_\_\_ of \_\_\_\_\_ is located within:

*(Insert legal land description)*

as shown in the map below:

*(Insert map here)*

The reasons for the proposal are:

- *(insert reasons)*
- 
- 

A public meeting will be held on *(insert date and time)* at *(insert location and details)* to discuss the proposal. *(The date of the public meeting must be at least one week after the date the notice was last published, delivered or sent.)*

Any person who wishes to object to the proposed restructuring may file a written objection, clearly stating their reason(s) for their opposition, with the administrator of the \_\_\_\_\_ of \_\_\_\_\_ at the address below:

*(Insert mailing and civic address)*

Written submissions must be received by the administrator by *(insert date)*. *(The due date must be four clear weeks from the 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. on the following days: *(insert days of the week the office is open)*.

Dated at the \_\_\_\_\_ of \_\_\_\_\_, Saskatchewan, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Administrator, \_\_\_\_\_ of \_\_\_\_\_

## Appendix D

### RESTRUCTURING BY INCLUSION CHECKLIST

Date	Action
	Urban municipal council passes resolutions to initiate the restructuring and arrange meeting with the affected RM (see Step 1, page 5).
	Joint council meeting between the urban municipality and RM (invite municipal advisor).
	RM council passes resolution supporting or opposing the proposed restructuring of the urban municipality (see Step 1, page 6).
	Start to draft and negotiate restructuring agreement.
	Start to prepare the application to restructure (Form E).
	Urban municipal council passes resolution to enter into a restructuring agreement and authorizes the mayor and administrator to sign agreement (see Step 2, page 7).
	RM council passes resolution to enter into a restructuring agreement and authorizes the reeve and administrator to sign agreement (see Step 2, page 7).
	Urban municipal council passes resolution directing administrator to advertise public notice of its intention to restructure by inclusion (see Step 4, page 8).
	Date of first publication of the public notice and sending of notice to all assessed persons, affected RM and school division.
	Date of second publication of the public notice.
	Date of public meeting.
	Last date to file submissions for or against proposal with the administrator.
	Completion of the application to restructure (Form E).
	Urban municipal council passes resolution to forward the application to the minister (or resolution deciding not to) (see Step 5, page 9).
	Application submitted to the ministry.
	Minister's Order signed.
	Transfer of keys, books and property to the person appointed to settle the assets and liabilities.