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## DEBATES and PROCEEDINGS

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### **Bill No. 116 – *The Municipalities Amendment Act, 2013***

**Mr. Forbes:** Thank you very much, Mr. Speaker. It's a pleasure to enter into this debate tonight on Bill No. 116, *An Act to amend The Municipalities Act respecting Municipal Status and Non-compliance and to make consequential and related amendments to other Acts*.

And so this is quite a significant piece of legislation before us. And obviously this is one that we will have lots of comment on and lots of questions on. And I think that it's going to be very interesting when we hear what different folks have to say.

Now the minister has not, I don't think, referenced any groups that he consulted with, but I assume that he has. He seemed to imply that he had talked to SARM [Saskatchewan Association of Rural Municipalities] and to SUMA [Saskatchewan Urban Municipalities Association]. So you know, I think there were others that may want to have some opinions about this. But it would be interesting to know, who did they consult with? It's always I think important to start there because it's important for us to know, who did you consult with and what did they say? And what parts were incorporated and what parts were not left out? And what parts came from this government? And what were their intentions? And some of the things are very interesting. And some of the changes, I have some questions. And of course we will have a lot to say about this in the weeks and months ahead about this as this plays out.

The minister outlines . . . And I'll refer to his speech because I want to focus on what he has said. He has said that there's five key areas that they want to strengthen the legislation of *The Municipalities Act*, and the first is that:

They will provide better criteria on which to determine whether unincorporated communities and areas have sufficient capacity for local governance and municipal status. Second, they will provide objective criteria for action when municipalities are no longer able to function to meet their statutory requirements

as local governments. Third, they will provide more flexibility and choice for interested urban and rural municipalities to voluntarily restructure to form a new type of municipality known as a municipal district. Fourth, they will provide a new means for citizens with concerns about the financial or operational management of their municipality to have these concerns addressed locally. And fifth . . . [enhancement of] property owners' and the minister's ability to ensure municipal compliance with legislation and regulations and constrain the potential misuse of local property tax tools and tax abatements.

So it's quite a significant piece that he lays out before us.

So the first one, as he said, is the criteria for the unincorporated community as an organized hamlet. And currently there's no criteria, so it's based on whether they have sufficient capacity to meet the requirements of an organized hamlet. And it goes through that and how it can be essentially a training ground. So I assume that makes some sense, and that will be interesting as we see how that plays out.

Of course some of the challenges that some of these groups have as they work together . . . . And it will be interesting because it's not quite as simple as it once was. There was the issue of particularly services, and I'm thinking particularly around water, that when you have a group who decide to organize as a hamlet or a village, I suppose the delivery of services can be a bit of an issue because people do expect a level of quality and of service and that means the quality of drinking water. And I know that this can be a challenge. So they have to have the capacity to deliver.

And then they talk about that “. . . minimum dwellings or business premises . . . taxable assessment to ensure available tax base is sufficient to support service delivery.” So that's a hugely important area because it's not just as simple as saying, we're going to get together and we're going to be able to get some things. You have to deliver a certain suite of things. And whether that be roads, some level of protection, I assume, but water is the main one, but also garbage, dealing with solid waste, that type of thing.

The other thing that's very interesting is provide for criteria to incorporate new villages and resort villages will be now set in regulation. The current criteria for villages and resort villages are 100 persons, 50 separate dwellings or business premises, and minimum taxable assessment of 15 million. And it's been in place since 1930.

Now I'm not sure whether that has been in the . . . I think that's been in the legislation. This is something we can get clarified in committee. But why we're moving it into regulation, again it does something to . . . . You know, in terms of transparency and accountability, when it moves into regulation, something like that should be pretty solid. It hasn't been changed for something like over 80 years, and maybe it's been a problem for the last 10 or 20 years, but generally I assume it's worked well. It'd be interesting to know why that is a problem.

You know, I grew up in a village. And I mean, lots of my family still live in that village, the village of Mortlach. And you know, in fact he was the mayor of Mortlach for several

years. And I don't know if they have a real problem with that particular issue, but maybe this is a new thing. I don't know. It would be interesting to know why this is a pressing concern that must be changed. I don't know.

He says, "... struggle to operate independently and generate sufficient own source revenue ...". That would be interesting to know more about. And so I think that we'll have questions about the whole issue around villages and hamlets, and we'll be talking to the minister about that in committee, and the role thereof. I think that will be interesting.

And I think this does go to talk a bit about the issue of the third area of proposed amendments, and that is around the other ... He talks about another solution, and that will be "... for urban and rural municipalities to voluntarily agree to join to form a new type of municipality called the municipal district ...". Now he wants to say, and he goes to some length to say, that this is not a forced amalgamation. He wants "... to be clear that a municipal district will only be established upon the agreement of the municipalities involved and resolutions from each council."

Now it is interesting that they do talk about, further on when he talks about the fourth area, and I'll go on to that. But "... the fourth area of amendments will provide citizens with the ability to petition their council to conduct and make public the results of financial or management audit." And this is "... a means for citizens to address their concerns locally. Currently the legislation provides for annual audits of the municipality's financial statements ...". and that the main purpose is to "... confirm whether these are prepared in accordance with generally accepted ... principles."

And he talks about how his ministry and his office receives letters, and I think we all receive letters and concerns from citizens and asking for provincial intervention. And so he sets out a process here, that it has been agreed:

After consultation in the municipal sector, it has been agreed to set this efficiency at the number of voters equal to one-third of the municipality's population. This is equivalent to the ... voter turnout in urban and rural municipalities in recent local elections. These amendments are in the interest of ensuring councils remain transparent and accountable to their residents and ratepayers.

I have just a question about that, Mr. Speaker, and maybe we'll get an answer in committee. Why is it the number of voters equal to one-third of the municipality's population? We've seen the provincial government just talk about changing the whole idea of how constituencies are based on the adult population, everybody over the age of 18. So I would wonder why here you would want to include youth as part of the formula. It's not consistent. And I think that where municipalities, you know, when you're determining the voting population, it's because of age. But they don't have the same kind of requirement that we do in the sense of we have now three more MLAs, we're at 61, and we've divided the population, actually divided the population, the southern part, by 59. So why is it that they're including the whole municipality's population and not just the adult?

If you're talking about number of voters, at one-third, you're probably saying one-third of the number of voters turn out. Not one-third of the population. That's an interesting stat because the stat would be based on the percentage of voters turning out. Like if they have a 29 per cent turn out in Mortlach and 45 per cent turn out in Caronport and then they average that out, they're not taking into account the younger folk, I don't think. That will be interesting to know why it's the total municipality's population.

And then that brings me back up to the one about the forced amalgamation that the minister had talked about and the question I would have there that it can be, that how it's going to happen is you have essentially resolutions from each council. So two resolutions, one from each council, saying that they want to do this, and then you've got an amalgamation.

And this can be quite a surprise to the residents of the village or hamlet and the RM [rural municipality]. All of sudden you're joined together. There wasn't a plebiscite. There may not have been even a requirement of notice that this is a discussion we're having. You can just have a resolution. Somebody didn't come to the meeting. Have two meetings. I mean this could be . . . So this is going to be kind of interesting about how they can do this so quickly but then to ask for a simple audit. You have to have a petition of one-third of the municipality's population. And I would say one's much more significant than the other. Well one is so much more rigorous.

So I'm not sure if that's consistent with good democratic processes. I can understand that maybe that is a good solution, a fair solution. But just to say you have two resolutions and all of a sudden, bam, you are now the municipal district of Wheatlands — and Mortlach now is gone — I think that would be quite a surprise. And then how do you disentangle yourself from that municipal district if it was so easy to get into?

You know again, this is about consultation and talking about what are good processes and how would this happen and again disentangle it. I'm not sure this government has thought this completely through. And this is what I would think that often our job is all about, and that is to talk about the intentional consequences and the unintentional consequences. It's sober second thought.

**An Hon. Member:** We're the senate.

**Mr. Forbes:** Yes. Unfortunately we don't have a senate. But, Mr. Speaker, I think it's important that we think about this because this could be a big issue. And again, you know, we have had those letters from rural Saskatchewan saying, can't the province step up and help us out in this RM or this village? Things seem to be going off the rails. And the government is very reluctant to get involved because they say, really it's not for one level of government to, you know, to act as big brother to another level of government.

But in this case, when you're setting out these kind of rules, this is for a long time. And we've just talked about how the levels of population in villages and hamlets were the same for 80-some years and they seem to have worked, and now they're changing them. This kind of section, this kind of legislation could be in place for a very, very long time,

and rural Saskatchewan really will have to live with it. So we do have a lot of questions with that.

So, Mr. Speaker, I do want to say that we'll have lots more to say about this and lots more as we think this through, and I wonder if it has been thoroughly shopped around and people have had their two cents put into it. I don't know. Because as I pointed out that I just feel that one area is very weak and can be problematic. You know, if you have two councils that seem intent in solving some problems, really in a very speedy way, it can be done, and people have to live with those consequences.

So with that, I know other members will want to join in and speak on this, and we have a lot of work left to do tonight, so I'm ready to move adjournment on Bill 116, An Act to amend *The Municipalities Act respecting Municipal Status and Non-compliance and to make consequential and related amendments to other Acts*. I do so adjourn. Thank you.