

# Organized Hamlet of Lone Rock

## Board Meeting (Zoom)

January 18, 2021

7:05pm

**Attendance:** Lloyd Ludwig, Donna Woods, Melissa Heney, Candice Blain,

1. **Welcome & Introductions:** Meeting commenced 7:05 PM
2. **Opening Remarks from the Chairman:** Judicial review QGB 301 has come in with some instructions & basically that those matters will proceed through the Appeal Board. Ron was going to prepare a list of legislative compliance recent cases for the Appeal board. The RCMP & Justice have asked for further information & a number of additional complaints will have to be forwarded as we package the materials along with the investigators. The Ombudsman & Consumer & Corp Affairs Dept has replied that with the information provided it is out of their jurisdiction as it falls to Justice & RCMP they have agreed to forward their investigative materials to them. Ron is looking into the land rezoning & is in contact to appeal granting based on new information. On the direction of our legal counsel Terry Kashuba's title is changed from Manager to Administrative Assistant to the Secretary all duties will remain as Ron outlined this has been confirmed with Minister of Gov Relations. The official Organized Hamlet Board email & letters will reflect the same continuing as: [LoneRockOHB@hotmail.com](mailto:LoneRockOHB@hotmail.com). Now that QBG 301 is in the Gov agencies are no longer bound & can provide assistance. SMB has confirmed no zoning change will change organized hamlet status.

New business:

- a. As directed under section 69 (2):

#### **Hamlet account**

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

**(a) all grants received on behalf of the hamlet; and**

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

**(2) The council of the rural municipality shall use moneys in the hamlet account at the request of the hamlet board and only for any purpose authorized by this Act.**

2005, c.M-36.1, s.69; 2006, c.7, s.7.

This has been clarified by the Ministers office as the RM is required to cover the costs of any court actions against any board members or Hamlet volunteers & extending to Appeal Board members as per 356. As this is being sorted specifically The Hamlet board is directing the RM of Wilton to pay legal fees & costs that are of Hamlet interest out of the Hamlet account. Specifics will follow in resolutions. If the RM still refuses as indicated by Jill, Ron has indicated he will

send a formal letter to Ministry & make an application to QBG for a judicial review if necessary along with a stay of proceedings injunction.

- b. Still haven't been receiving the RM of Wilton's Minutes. There was no response to the formal letter we included the Minister & Premier in on the correspondence A Freedom of Information request was sent in for both Minutes & Financials this has moved along to the Commissioner who has set it for investigation which will take place over next few months. These criminal code infractions have been itemized & forwarded as per decision of the October 2020 Hamlet Meeting statement has been prepared for the RCMP in this regard as it falls under 122, 126, 442, 463 of the criminal code.
- c. The Municipal Board has made a ruling as to Lloyd's property as it is declared Residential without need for further permits also there were a few issue that came to light regarding Bylaw scope & implementation which will also have to be addressed as they invalidated those bylaws. A formal letter has been sent to the Minister & Municipal Board as it was a correction & it was indicated they will have to do an abatement back to purchase date of the property. A reply has not been received or corrective action taken by the RM to correct so a complaint has been made to the RCMP for failure to comply with an order of the court as the SMB recommended. A registry will also be made with the local sheriff so that interest on the abatement can be collected & in case this has to go for review on other utility matters.
- d. An adjustment has been noted to increase 346 Notice as per assessor's instructions by 15-20% although this is also a growing curve due to RMs delay in addressing Ron is now reviewing. As per the inspectors review an environmental remediation plan will need to be made for a number of the RM lots. We are including the investigators information along with our photos videos in the submission package & will clarify if it goes to RCMP or Conservation as the report just says submit to TIPS.
- e. Appeal Board is proceeding through the alternate course & a mediator has been chosen as well they are setting up time & process. RM of Wilton nominee Greg had submitted he did not agree with the SMB process but SMB indicated it was now going to mediation as per the legislation. Ron has indicated he agrees to be our alternate if Karen has to resign for any reason as he has been assisting her with the matter & has 23+ years of municipal council experience along with his municipal law background.
- f. We are proceeding with the Self-government formalities & as per the decision at the annual hamlet meeting we will be submitting the completed forms to the Federal & provincial Governments with the amended dates. Two issues have arisen as Metis nation is also looking at Lone Rock as ancestral lands which is being looked into as they did value assessments of each of the RM lots in Nov for the Federal Gov & requested a map which we didn't have but has now been provided in the Notice the RM posted which clears that up. The other is Covid is

slowing the process as the finale document requires sworn oath which we are not sure how that will happen with the lockdowns.

- g. The speakerphone call with the Federal & provincial Environment departments seemed to answer almost everyone's questions. The Hamlet Board would like to thank everyone for their submissions. Now it will be up to the investigators to look into the matters. As advised we will also include Health if attempt to shut system is made & will keep RCMP informed as advised.
- h. We have been in contact with Water security both provincially & federally as to the letters included in the water & sewer billing which we have forwarded & they are unaware of any way in which this can be done without consultation & an alternate process put in place as per the Federal & Provincial legislation. They both seemed to agree this will more than likely end up in Gov directed mediation if not the SMB may have to directly install a supervisor. There is also a process that takes place for this but it has never taken less than 3years & it hasn't even started yet which adds to the confusion. SK water has sent all the materials they have regarding the Hamlet of Lone Rock as an issue has arisen as there is no record of a proper transfer of assets from Village of Lone Rock to the RM of Wilton. We are all looking into it to see what that means exactly as they said the authority may still be with the elected board of the hamlet. In any regard this could also all be changed by the Appeal Board as they can reverse any of the RM decisions regarding Lone Rock & the court ruling which highlighted many RM decision defects. Gov Dept.'s have asked to be kept updated & we have advised that No there has not been any consultation with Hamlet residents on this matter. This will more than likely have to be included in the injunction.
- i. The review of Tax exemptions has been completed & they have been excluded as shown in the budget. There is no reason as indicated by the SMB that these properties would be excluded. We have also included this with the Appeal Board roster.
- j. As the RM of Wilton has not forwarded the resolution the Hamlet Board made as to special levy on all property purchased by them to the Appeal Board that amount will be added to the hamlet budget which added an additional \$62,000 to 2020 hamlet revenue. They also indicated that any of the funds that were not in our budget & used as per the legislation were legislation violations. We have forwarded the adjusted amount to Gov relations auditor & are assembling the materials we have for the RCMP which extends back to 2015.
- k. The Hamlet Board from all minutes never agreed to a change from the 75% of annual revenue a formal breakdown has been forwarded to Gov Relations auditor as discussed at last meeting previous percentages should have been set at 75% so that will need to be audited from 2015 Also the percentage amount of transfer into Hamlet account for taxation was set at 75% & 85% for the special Levy the amount proposed by the RM wasn't agreed on. The RM of Wilton did not bring it to the Appeal Board so it reverts to Legislated amounts.
- l. Will follow up with Urban Municipal Administrators association regarding violations. As noted Jill Parton is acting Administrator

- m. Sask Mediation Board has directed us to forward all matters regarding fines & penalties to RCMP for violations of Tax Enforcement Act & for the retroactive billing prior to SMB approval as per the water billing. A package is in the making to submit to RCMP.
- n. The minister was waiting for the SMB mediation to conclude before making a decision on supervisor implementation but in light of the number of legislative violations going to the RCMP & number of court actions going to be filed it may speed up that decision. The letter that was received from the minister had specifically that RM was to cooperate with Hamlet Board in moving matters forward & since that has not happened a formal package will have to be sent to the minister.

- 3. Government Correspondence:** A formal reply will have to be sent to Premier & Minister to follow up on the reporting issues they addressed in the letter. As stated they have contacted the Privacy commissioner as per the RMs lack of cooperation & the Commissioner will be in contact as to the state of the investigation. We will still have to follow up with the SMB as per the zoning amendments as well as submit a formal letter as the newest public notice has many issues surrounding it as they stated in the conference call the RM had to have public consultations with each person effected by the zoning change & it could not change zoning so drastically that that it would inconvenience current property owners along with lot size regulations. There were a few matters on proper purpose but Ron is preparing a judicial review in that regard for the SMB if the zoning is approved. Also this may affect any Grants the RM receives from both the Federal & Provincial Gov as all depts are fully aware of the issues taking place in Lone Rock & with the media now contacting the new ministers for the documentary they are asking if a public Inquiry is required. The Premier has asked to be kept up to date on these matters & will CC him on all correspondence & do a monthly report as to issues.

We have sent in a revised budget as to the increases of special levy amounts & removal of exemptions. As per Judge's ruling the 2015 -2021 budgets have now been corrected. RM of Wilton budgets relating to Lone Rock are invalid until they have been heard by the Appeal Board unless the Hamlet Board & RM of Wilton comes to an agreement. As the RM under the legislation is not allowed to submit a hamlet budget as the budget must come from the Hamlet Board as per the legislation. As per justice Zuk until the Appeal Board hears those matters regarding budgets put forward by the RM for the Hamlet those budgets are stayed until the Appeal Board renders their decision.

**4. In Camera Session:** Legal discussion

Return from in camera session nothing to vote on or report as just a clarification on necessary steps in moving forward on further budgets & RCMP issues with our legal counsel. We will forward the letters received from RM & RM counsel regarding status of Hamlet account to the RCMP for investigation as amounts do not match.

5. **SK Water Security Agency:** Requirements provided by Sask water & they have provided direction going forward with the Hamlet Utility this may change with the other Federal issues but as of now proceeding on their recommendations. Department of Health has provided instruction as to boil water advisories as well as disruption procedures & follow up was done as directed. Municipal Board have responded to some information so we have forwarded that to the Ombudsman as well as RCMP as directed. Received a letter from Jill Parton the acting Administrator or the RM of Wilton that the RM would not be following the resolutions in this regard so this has also been forwarded to Health & RCMP as well as the Federal water security agency.

As per the last minutes a \$12 dollar a day credit per household will need to be issued as per legislation & the previous resolutions total calculations will be made & forward to Minister & Municipal Board as well as the other Government departments involved in review.

There is also questions arising as to where the money is going as the money from these invoices is supposed to be placed in an account directed by the Hamlet Board as per the legislation & the RM of Wilton has yet to provide financials & invoices in that regard which we will also forward concerns to Minister & RCMP.

6. **Rates on Well & Sewage Conversions:** This matter has been directed by the Judge to be heard in front of the Appeal Board but as always the Hamlet is still supporting all water /sewer utility remain as part of annual tax notice. Further follow up with the Ministers office are needed as there seem to be a number of inconsistencies with the budgets provided by the RM & what is being collected. Also the question has been raised why is the RM charging infrastructure costs with the intention of shutting down the system & where are those funds going which will have to be audited prior if they intend to decommission the system as per the legislation that would also go into the Hamlet account.

We did not receive a reply from the Judge regarding the 2019 budget & appeal board delays but we did receive a reply from the justice minister's office with the matter speeding up through the process.

7. **Tax Rates:** Discussion Hamlet Board still awaiting information that was agreed to by RM Council in mediation & as indicated by the Municipal Board zoning has to follow procedure first being consultation with the Hamlet Board then if not agreed Appeal Board process. The RM may have violated the legislation in this regard as the Hamlet Board is supposed to set the rate not the RM. A question was also raised as depreciation being an expense for appearance of deficit which is currently being investigated.
8. **Hamlet Communications:** Discussion Ombudsman is aware of all the ongoing matters & now has the court decisions that have been ruled on & will be proceeding accordingly.

Formal freedom of information request was made regarding all the gaps in the financials as well as the minutes under the public good request in which fees are waived as it is a matter of public record. RM is now under investigation in this regard & as advised also forwarded to RCMP for investigation. This was also included in letter to the Legal counsel as under the application not all the information was provided by the RM this would be relevant in an Appeal. That may have to be addressed in further court application.

**In Camera Session:** Legal discussion

Return from Legal discussion nothing of note as the Privacy Commissioner can forward matters they deem to the RCMP.

**9. RM Tractor & Hamlet Road Maintenance:** We have forwarded our previous submission & have received a reply that they will bring this up with the new Minister of Public Relations. They did want a breakdown of how many households were affected & how the \$500.00 was arrived at as well as any photos. We have sent the 1<sup>st</sup> documentary to them & will follow up with the breakdown & have asked the 2<sup>nd</sup> documentary team to contact & forward any video they can.

**10. Street Lights:** Street lights will have to be tabled until transition is completed.

**11. Trees & Buildings:** Environmental problems persist with the buildings that were obtained by the RM this also lends to the 346 claim as more issues arise & are seeing more effects due to the destruction.

Follow up regarding Application by the Rural Municipality of Wilton to the Municipal Board for conversion & demolition within the Hamlet & if legislative steps were followed regarding Lone Rock Renewal Project has been done with many questions from all parties & is ongoing from what we are hearing back an investigation will be or has already been launched.

Asbestos issue with the houses is an ongoing issue with a total look now from the 1<sup>st</sup> house demolished to the last basement being removed with further investigations ongoing. The report has been submitted & we have been advised to forward to law enforcement we have been referred to a specific firm that deals specifically with these matters & they are setting up a conference call for all that have been effected.

**In Camera Session:** Legal discussion

Return from in Camera discussion will set up a conference call as the firm has requested.

**12. Resolutions:** Put forward by Lloyd Ludwig Seconded by Donna Woods

- (1) Follow up with minister with information as to budgets & Tax dollar spending as well as Hamlet Minutes & Water/Sewer billing & the removal of property tax exemptions in the Hamlet. Forward revised revenue amounts to Minister to adjust our budget including 2021 budget & update on the legislative violations as well as the matters forwarded to the RCMP
- (2) RM Directed to pay for legal fees & costs as provided for in the above mentioned legislation at the direction of the Organized Hamlet Board. As well as in the Annual Organized Hamlet of Lone Rock meeting.
- (3) Follow up as per the ratepayer's forms forwarded to RCMP & Justice Dept as per the RM of Wilton's legislative infractions & now include the most recent issues in with the material as the packages become available.
- (4) Follow up as to the Appeal Board mediation & confirmation of those attending.
- (5) Set that the RM of Wilton implement the water & sewer Utility remains within the yearly taxes as in previous years & reimbursement or credit be supplied to those that have already paid them along with reimbursement for time periods in which loss of

service or Boil water advisory in place. Confirm with SK water & Federal water agency a rate of \$12.00 a day for Boil water & or service disruption & set that as rate for compensation to be reimbursed to each ratepayer after 72 hr is implemented & billing will be prepared.

- (6) Forward final package for self-governance & check with Metis Nation as to any discussion & consultation as per exiting property owners.
- (7) Approval of legal counsel forwarding letters to ministers & filing matters with the court that he deems appropriate & provide him with the materials that will go out to the media regarding the investigations.
- (8) Follow up with Minister & Legal counsel as to state of Supervisor implementation in the RM office.
- (9) The Organized Hamlet Board take over operations of the water & sewer utility & any infrastructure assets. In the alternative to raise the issue of the transfer never actually taking place to the RM so the Hamlet Board would resume operation.
- (10) As instructed by Gov relations that virtual or digital meetings have the same effect & force as previous meetings as per the Covid recommendations.
- (11) Follow up with all the persons submitting claims as per the violations regarding land sales so they may be combined into 1 class & if they also intend to pursue RCMP charges regarding the same. Review of last 5 years of RM acquisitions to continue.
- (12) Terry Kashuba's Title will be changed from manager to Administrative Assistant to the Secretary effective immediately. Official email will remain the same:  
LoneRockOHB@hotmail.com
- (13) Prepare & submit the infrastructure grant packages to Federal & Provincial Gov & submit the review of year to year building permit values & Hamlet Board analysis report as requested.

**Resolutions are hereby voted on & unanimously passed.**

**13. Next Meeting:** Next Hamlet Board meeting to be determined by consensus.

**14. Meeting Adjourned:** 8:50PM

Donna Woods.