

Organized Hamlet of Lone Rock

Board Meeting

Feb 17, 2024

7:00pm

Attendance: Lloyd Ludwig, Donna Woods, Tracy Kashuba,

1. Call to Order Welcome & Introductions:

Meeting commenced 7:00 PM

2. Opening Remarks from the Chairman:

Proceedings with SMB disputes are moving forward. Residents are preparing affidavits for hearing in May, 2024. Material was forwarded to RCMP & Justice as part of inquiry. Victim's services have reached out as procedure & have forwarded list of counselling liaison workers & are preparing financial packages. They will be in contact with RCMP & Crown & will send regular updates. Legal team has reviewed the information provided by RM counsel & have assisted in our response. The Ombudsman & intervenors have also been updated. Government Relations has instructed to continue to CC our minutes to them as we have been doing & have advised the shuffle with the Ministers office won't have any disruption as staff is aware of the ongoing situation with the RM. Ambassador for United Nations has moved matters forward which came up in last assembly meeting they are still deliberating domestic course of action & potential for ICC involvement. The atrocity that has happened in Lone Rock has been brought up in fall Legislative session. OHB recommendations to the legislation have been adopted with some coming into force in January others pending further readings.

New business:

- a. RM minutes & financials don't coincide with actions or expenditures. Counsel is comparing both & Taxpayer federation & CC Foundation is assisting. There is ongoing issue with RM of Wilton's Minutes & financials on their website there is question as to the validity as they are not the certified minutes. Gov relations have forwarded a report on public accounts which are supposed to be available for viewing at all RM offices which are more in depth than the financial statements.
- b. The Municipal Board has made an interim ruling requiring the RM to provide all documents as required under section 117 of the Municipalities Act which under MA 5 includes everything. Counsel has advised that the continued requests by the Hamlet Board & restrictions will be addressed at the SMB hearing. The Hamlet Board or individuals could pursue the matter by filing a fail to comply complaint with RCMP. Counsel has indicated they would proceed under presumption that the actions were illegal.

- c. Karen Crawford the Organized Hamlet of Lone Rock 77 Appeal Board nominee has been updated on the current proceedings & issues going forward. She has indicated she is ready for the next batch of disputes & the proceedings & will make herself available as needed.
- d. Metis nation has again reached out they are still in talks with Federal & Provincial Gov regarding Lone Rock as it has heritage attributes & have been out with ground radar a few times last summer they have recently gained some concessions from both provincial & federal governments. They have indicated they would like to be intervenors in the SMB & further dispute reviews & will help any way they can which the OHB is appreciative.
- e. Tax exemptions have again 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. Another issue has been brought up by counsel as there are thousands of dollars missing from hamlet account as each time a property is taken through tax arrears the taxes & fees are supposed to go into the Hamlet Account as well as each property acquired by the RMs taxes.
- f. The 2023 Organized Hamlet of Lone Rock special levy has added another \$89,642 to the OH account for the 2024 year. The RM of Wilton is not providing their audited financials as per the OH operations. Counsel has advised 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. We have reached out to the RM auditor as the financials have some errors which will need to be corrected & resubmitted to Provincial auditor. Gov Relations are also aware of this as they have a mechanism to stop any future payments or transfers to the RM unless compliance has been met.
- 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. There has also been a base tax applied to Lone Rock properties which was not consulted on or agreed to by the Organized Hamlet Board. Counsel has advised this is an illegal tax & it will be addressed at the SMB hearing. The new & pending Legislation makes it a requirement that the agreed upon percentage be negotiated for a maximum period of 5 years & that it be included on the RM financials & the OH budget along with the indemnity of the Hamlet Board members as it becomes a debt owing & collectable under employment standards. The OH budget remains the only budget under legislation with any modification or disagreement the RM is to raise through the MA 77 Appeal board process within that year or it nullifies any objection RM may have.

- 3. Government Correspondence:** 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 -2022 budgets are being corrected. RM of Wilton budgets relating to Lone Rock are invalid. The only possible correction as the RM has not been submitting audited numbers is for a forensic audit as even the general review of the accounts & expenses have indicated some serious issues. The SMB does have the authority to order forensic & management audits which can be addressed in this round of SMB disputes to be heard in May. 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. This was confirmed by the ruling last year by Justice Meschishnick which the SMB is required to follow.

We have been in contact with both Federal ministers of intergovernmental affairs & the Provincial counterpart as letters have been sent to both in regard to RM of Wilton noncompliance with Federal & Provincial legislation. This has become even more an issue with the United Nations complaint & review. The United Nations have forwarded the application for their victims fund & we have been communicating back & forth in the completion of that application.

There was an issue with Labour & employment standards as indemnity of the OHB hasn't been paid Employment standards has started a file & suspended it until SMB hearing as those payments are required to be made under legislation & are held against any changes for 10 years as a debt owing to the Hamlet Board member which as advised by both Employment standards & Mediation board can be used to offset any taxes or fees owed to the RM.

There is another issue as RM employees were paid out of Hamlet funds without approval or within budget which counsel has advised is a Labour & Discrimination issue. We have confirmed same with both Labour & employment standards & they will also hold off to see if resolution can be made through SMB process if not there is a fine & penalty process the OHB can proceed with if they choose. There is a further issue as indicated in the RM affidavit materials that a fee of \$60.00 per hour was paid to Jill Parton for general administrative duties & document forwarding under the equality legislation if that is also not equivalent to OHB members with equivalent work that can raise a situation for RM fines & penalties. As the new legislation makes it mandatory to include the hourly rate for OHB members this may clear up some of the issues. The OHB will have to inquire to the RM as to what the wages are of administrator & assistant as those are supposed to be published public amounts which the OHB has not been able to view.

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 as RCMP have requested further information as it crosses into the issues with the Federal Government requirements & the United

nations investigation We have forwarded all the letters received from RM & RM counsel regarding status of Hamlet account to the RCMP & also copied the UN on same documents. We have forwarded screen shots of the RM website & have included it as posts regarding OHB are defamatory & a violation of both RM Code of Ethics, Conflict of Interest as well as MA 114.1 & as well as recent amendments to Criminal code. The OHB will follow up on that as the SCC is deliberating a case from fall session on the liability of member's council & management in wrongdoing as a group.

5. **SK Water Security Agency:** We have received their report & it appears there was some errors in the information as somehow someone advised that it was a sanitary system not a potable water system. We are also still in communication with Federal agency in that regard as some legislated changes were made in the fall which will impact.

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 are now being looked into as the Federal legislation under the United Nations Conventions as of 2019 placed a very strict policy on any repair or dismantling of a community water system as it was included as a human right. This has now been reaffirmed federally with more consequences for disobedience which will be raised with the SMB.

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 would the RM charge infrastructure costs with the intention of shutting down the system & where are those funds going which were supposed to be audited prior if they intend to decommission the system as per the legislation that would also go into the Hamlet account or into the Utility corps account as that was established in 2017 which was never formally decommissioned as per legislation. Counsel will raise this at the SMB hearing as there was also Federal approvals required which did not seem to materialize.

Septic pump outs have been requested the RM has indicated they do not want to accept our minutes which both the Minister's office & Government Relations Executive have indicated is not an option the RM has but to send the OHB minutes to the RM & CC Government Relations a review in this regard is being done by the Ombudsman for RM compliance issues.

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 77 Appeal Board process. The RM has 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. The new amendments to legislation makes it mandatory that the RM meet & form agreements with the OHB failing the agreement action of the RM would be considered illegal until it has been resolved through the 77 Appeal Board process as the RM would raise the dispute through the process. Failing the Province could withhold funds or terminate council & administration.

- 8. Hamlet Communications:** Discussion Ombudsman is aware of matters before the SMB & is waiting for the outcome. A question was raised as to the approvals the RM received as to the investments made to purchasing the Lone Rock properties as there is a legislated procedure for that she was going to review & respond as she also was aware the Supreme court had made a recent ruling indicating procedure for Municipalities to purchase property & their liability if not followed. The ruling also included limiting development & how that would also be considered quasy -expropriation of property even if Municipality doesn't receive title it is still compensable for loss of development. Ombudsman's office is also reviewing the RM controlled corporations as to conflict of interest & legislated procedure in funding.

In Camera Session: Legal discussion

Return from Legal discussion nothing of note as the RM numbered company is still matter of review will follow up with justice as to hamlet resident's water sewer billing for services they aren't receiving. Government Relations has indicated that these bills can be addressed through SMB process as directed in recent court precedent & that hearings of tax related matters are available as per legislation through Saskatchewan Mediation Board. Government Committees are working on changes to some legislation to make those hearings more accessible & inclusive increasing the power to request a public inquiry or hearing which will be brought to legislature this fall.

- 9. RM Tractor & Hamlet Road Maintenance:** We have received a reply from Gov Relations. They did want a breakdown of how many households were affected & how the \$500.00 was arrived there has been a court decision in that regards that was referred as to municipal liability once notice is given. We forwarded the photos from this winter of the Hamlet roads along with the RM notifications of road conditions. Minister of Highways & minister of health have reached out as the RM is supposed to have an easily accessible form for users to submit for compensation in regard to this. The RM has cleared some roads & supplied an online form which does not include lack of snow removal as making roads impassable which the Minister has indicated are to be part of the compensation forms. The OHB has forwarded the forms to Minster & are waiting their response.

- 10. Street Lights:** We have contacted Saskpower in this regard as to setting up our own street light system & they have forwarded the grant applications.

- 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.

We were directed to also look into any property devaluations due to RM bylaw or resolution or actions of RM as those can either be determined by the 77 Appeal Board, SMB or Judge. Devaluations have been touched on in the RM affidavits which have been reviewed also a report has been submitted to the Real Estate Board in this regard to confirm historical market value with current to place a figure devaluation.

- 12. Policies :** In Keeping with the New & pending Legislation the OHB is required to submit policies which will be implemented by the RM .

Organized Hamlet of Lone Rock Meetings Policy:

1. **Lone Rock Organized Hamlet Board** meetings will take place on the following dates unless otherwise changed for reasons of attendance;

February 18, 2024 7PM
April 21, 2024 7PM
June 23, 2024 7PM
October 13, 2024 7PM

Organized hamlet of Lone Rock AGM meeting
October 20, 2024 7PM

2. Meetings will be held in person & through electronic attendance as provided for in legislation
3. Hamlet Board members will be given days' notice of meeting date or change to meeting date so as to accommodate attendance.
4. If a special meeting is required then 7 day notice will be forwarded to the board members requesting the meeting which may be sooner if agreed by consensus.
5. Meeting minutes will be prepared by the Secretary & forwarded to the RM for public inspection.
6. The OHB if determines may have other general community meetings throughout the year with notice as provided by the notice policy or any amendments made within.
7. Minutes will be taken at all meetings which will be forwarded to the RM of Wilton 472 for adoption & public inspection.

Organized Hamlet of Lone Rock Elections Policy:

1. Voters of the Organized Hamlet are eligible to be board members
2. Nominations for any board member can be made at the AGM from any voter & seconded by any voter except for the nominee.
3. Vote will take place by raising of hands or by voice or visual confirmation of those attending by electronic means.
4. The election result will be recorded in the AGM minutes and forwarded to the RM within the minutes to be open for public view as per the legislation.
5. The elected board member will hold their position as board member for a period of 4 years. If a board member resigns prior to the 4 year term an election may be called for a special community meeting to fill the vacancy. If a board member resigns at an AGM a nomination process to fill the vacancy will occur as indicated in paragraph 2 of this Elections policy.
6. Board members will remain until such time as their positions have been filled.
7. A Secretary & Chairman will be decided at the AGM so as to forward the information within the AGM minutes for public review.

Organized Hamlet of Lone Rock Notice Policy:

1. Notice will be given to residents by posting within the community or provided for by electronic notification including Social Media.
2. Notice will be provided as required at minimum of 7 days prior to event.

Organized Hamlet of Lone Rock Minutes Policy:

1. Minutes will be taken at every AGM & Organized Hamlet Board Meeting and forwarded to the RM to be posted for public inspection and adopted as per legislation.
2. In keeping with Privacy and Security legislation the format of minutes will continue as in these minutes & the previous year's minutes as to format.

Organized Hamlet of Lone Rock Hamlet Board and RM of Wilton meeting Policy:

1. The Organized Hamlet Board will meet with the RM of Wilton minimum 2 times a year.
2. The Meeting will be in person or through electronic means to accommodate attendance inclusive of legal counsel or agent as may be required.
3. The RM will supply audited financial statements with accompanying receipts for the review of the OHB in contemplation of the yearly budget.
4. Minutes will be taken during the meetings so that they can be open for public inspection as per the legislation.
5. Minimum of 30 days' notice is to be provided to the OHB as to the meeting dates or date of change.
6. Rescheduling of meetings shall be within 30 days of the original date of meeting.

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 2024 budget & update on the legislative violations as well as the matters forwarded to the RCMP which have been updated.
- (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 General meeting. Including indemnity of Hamlet Board & budgeted payments. OHB agrees to advise labour & SK Employment to hold off on fines & orders until SMB hearing.

- (3) 77 Appeal Board issues that follow are herin forwarded to the RM of Wilton to begin the MA 77 Appeal Board process Karen Crawford is the Organized Hamlet of Lone Rock nominee:

1. Copy of all permits, authorizations, Taxations, or permissions by any and all regulatory agencies whether federal or provincial with respect to shutting down municipal sewer and potable water services in the OH, including accounting of infrastructure account.
2. Budget Deficits (Explanation & documentation
3. Forensic Audit be done on Hamlet accounts 2015 to present inclusive of water/sewer utility.
4. Code of Ethics Complaints to be reviewed by independent 3rd party panel & RM Wilton Code of Ethics bylaw review & amended to comply with legislation & any resolutions made regarding Hamlet Board Members quashed.
5. Review all building permit approvals & denials in keeping with the "SK growth plan" Removal of all building & development moratorium.

- (4) Set that the RM of Wilton as forwarded in past 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 corrected.
- (5) Approval of legal counsel forwarding letters to ministers & filing matters with the International court that they deem appropriate & provide them with materials that will go out to the media regarding the investigations.
- (6) The Organized Hamlet Board resume operations of the water & sewer utility & any infrastructure assets. In the alternative to raise the issue of the transfer of the utility never took place & is still under investigation.
- (7) The Above Policies be adopted as written.

Resolutions are hereby voted on & unanimously passed.

13. Next Meeting: Next Hamlet Board meeting to be April 21, 2024

14. Meeting Adjourned: 8:42 PM

