

# Information Bulletin

Advisory Services – 2020

## Summary of Amendments to *The Municipalities Act*

In July 2020, Bill 194, reached Royal Assent, implementing multiple amendments to *The Municipalities Act* (Act). The Act has not been open for general amendments since 2012, resulting in many of the amendments to be housekeeping in nature, such as providing definitions and increasing the flexibility of the legislation by allowing the ability for future regulations. Amendments were also made to create administrative efficiencies and improvements, make improvements to local governance and accountability and increase transparency. Sections of the bill came into force upon Royal Assent, others sections come into force January 1, 2021, and others come into force by order of the Lieutenant Governor in Council.

This summary will provide municipal administrators, elected officials and the public a snapshot of the major changes that will affect municipalities; it does not contain every section that was amended. This summary is not a substitute for the actual legislation but a resource for you to use with the legislation. Always refer back to the legislation on Publications Saskatchewan here: <https://publications.saskatchewan.ca/#/home>.

## Coming into Force: Royal Assent

The following sections came into force upon Royal Assent of Bill 194, which took place on July 3, 2020.

Section	Description
<b>AMENDED Section 8</b>	<ul style="list-style-type: none"> <li>Clarifying that bylaws may set out:               <ul style="list-style-type: none"> <li>mediation and dispute resolution; and</li> <li>the means of sending notices of violation and bylaw contravention.</li> </ul> </li> <li>Clarifying that fees for “regulating the activity” include cost of enforcing the regulatory scheme. For consistency with subsection (3) (c)(i).</li> </ul>
<b>NEW Section 8</b>	<ul style="list-style-type: none"> <li>Municipalities have no power to pass any new bylaws respecting firearms, unless otherwise provided for by regulations.</li> </ul>
<b>AMENDED Section 19</b>	<ul style="list-style-type: none"> <li>Disputes relating to vehicle weights or resolution of route designations do not need to be referred to the minister. Disputes can now be submitted to the Saskatchewan Municipal Board, pursuant to section 392.</li> </ul>

<b>AMENDED Section 22</b>	<ul style="list-style-type: none"> <li>• Road maintenance agreements (RMA): <ul style="list-style-type: none"> <li>○ permitting an alternate schedule of charges or fees if by mutual agreement and if applied consistently for all RMAs;</li> <li>○ ensuring that alternate RMA rules have dispute resolution processes and cannot be appealed to the Saskatchewan Municipal Board;</li> <li>○ ensuring regulation-making authority to set out cancellation and dispute resolution terms and to further define terms such as receiver and bulk haul; and</li> <li>○ providing for RMA information to be requested by the minister.</li> </ul> </li> </ul>
<b>AMENDED Section 23</b>	<ul style="list-style-type: none"> <li>• Clarifies the rates, charges, tolls or rents for a public utility service shall be done by bylaw.</li> </ul>
<b>AMENDED Section 49</b>	<ul style="list-style-type: none"> <li>• Requiring consultation with the rural municipality (RM) before the hamlet board can request to be its own division.</li> </ul>
<b>NEW Section 49.2</b>	<ul style="list-style-type: none"> <li>• Permitting special service areas to be created, by Minister’s Order, at any time, not just during restructuring.</li> </ul>
<b>AMENDED Section 51.1</b>	<ul style="list-style-type: none"> <li>• Permitting potential incentives and additional authority for municipal districts, in regulations.</li> <li>• Permits cities to be included in municipal districts.</li> </ul>
<b>AMENDED Section 57</b>	<ul style="list-style-type: none"> <li>• Requiring records of a public meeting for restructuring be accessible to the public in accordance with section 117.</li> </ul>
<b>AMENDED Section 65</b>	<ul style="list-style-type: none"> <li>• Publication of Minister’s Orders pertaining to incorporations, altering or restructuring a municipality can be published in any other manner the minister considers appropriate, in addition to Part I of the Gazette.</li> </ul>
<b>AMENDED Section 68</b>	<ul style="list-style-type: none"> <li>• Clarifying the organized hamlet board is a recommending body to council.</li> </ul>
<b>AMENDED Section 69, 72</b>	<ul style="list-style-type: none"> <li>• Clarifying that the hamlet account shall be used for any purpose that is included in the budget.</li> </ul>
<b>NEW Section 69.1</b>	<ul style="list-style-type: none"> <li>• Hamlet budget and reporting activities will be clarified in regulations.</li> </ul>
<b>AMENDED Section 77</b>	<ul style="list-style-type: none"> <li>• When the appointed persons to an appeal board for the hamlet and RM can not agree on a chairperson for the appeal board, within 30 days, the dispute can be referred to the Saskatchewan Municipal Board by either party pursuant to section 392.</li> </ul>

Organized  
Hamlet  
updates

<b>AMENDED Section 78</b>	<ul style="list-style-type: none"> <li>• Providing for regulations respecting: <ul style="list-style-type: none"> <li>○ which sections of Part VII, Conflicts of Interest of Members of Council, applies to the organized hamlet board; and</li> <li>○ procedures and processes for preparing and submitting the organized hamlet budget to council.</li> </ul> </li> </ul>
<b>AMENDED Section 81.1</b>	<ul style="list-style-type: none"> <li>• Ensuring council designates, in the council procedures bylaw, a person for calling meetings in the event of a temporary absence of the administrator or the administrator is unable to act.</li> </ul>
<b>NEW Section 110.1</b>	<ul style="list-style-type: none"> <li>• Requiring council to appoint an acting administrator, if the administrator is unable to act for more than 30 days. Repealed from section 110.</li> </ul>
<b>AMENDED Section 111</b>	<ul style="list-style-type: none"> <li>• Clarifies that the administrator is responsible for the hiring, suspension and dismissal of all municipal employees, unless otherwise provided by council.</li> <li>• Authorizing the administrator to witness oaths and affirmations.</li> </ul>
<b>AMENDED Section 114</b>	<ul style="list-style-type: none"> <li>• The appointment, suspension or dismissal of a full-time solicitor may only be done by the majority vote of council, unless otherwise delegated by council. Repealed from section 127.</li> </ul>
<b>NEW Section 114.1</b>	<ul style="list-style-type: none"> <li>• Providing for the protection from reprisal for municipal employees who report wrongdoing to a person or authority that has the power to investigate the wrongdoing.</li> <li>• Also includes definitions for reprisal and wrongdoing and the penalties for reprisal.</li> </ul>
<b>AMENDED Section 116</b>	<ul style="list-style-type: none"> <li>• Changing requirement to keep tax and assessment rolls from permanent retention to 10 years.</li> </ul>
<b>AMENDED Section 117</b>	<ul style="list-style-type: none"> <li>• Permitting municipal documents to be made available for public inspection on a website in addition to being available during regular office hours.</li> <li>• Consistent with the existing provisions for financial statements and auditor's reports for municipalities, financial statements and auditor's reports for controlled corporations and municipal development corporations are to be reported to council and available for public inspection.</li> </ul>
<b>AMENDED Section 122</b>	<ul style="list-style-type: none"> <li>• Requires council to hold regular scheduled meetings at least every 60 days.</li> </ul>
<b>AMENDED Section 140.1</b>	<ul style="list-style-type: none"> <li>• Permitting council to meet with representatives of the petitioners for a financial or management audit.</li> </ul>

Administrative changes

<b>AMENDED Section 141.1, 144.2</b>	<ul style="list-style-type: none"> <li>• Clarifies the definition of “conflict of interest” to better align with the common law definition.</li> <li>• A conflict of interest is now defined as improperly furthering another person’s private interest, instead of a closely connected person.</li> </ul>	
<b>AMENDED Section 147</b>	<ul style="list-style-type: none"> <li>• Clarifying council’s authority to allow a council member’s extended absence from regular council meetings by resolution or policy.</li> <li>• Adding reprisal and civil liability as reasons for disqualification.</li> </ul>	
<b>AMENDED Section 148</b>	<ul style="list-style-type: none"> <li>• Providing council the authority, by resolution, to declare a council seat vacant when a member of council, who is disqualified, does not resign.</li> </ul>	
<b>AMENDED Section 169</b>	<ul style="list-style-type: none"> <li>• Clarifying the contents of the long-term debt bylaw respecting the calculating of interest rates.</li> </ul>	
<b>AMENDED Section 192</b>	<ul style="list-style-type: none"> <li>• Changing the disqualification period to 12 years for a councillor found liable for certain matters.</li> </ul>	
<b>AMENDED Section 207</b>	<ul style="list-style-type: none"> <li>• Changing house trailer to trailer or mobile home, when recording an assessed person.</li> </ul>	
<b>AMENDED Section 215</b>	<ul style="list-style-type: none"> <li>• Changing required contents of the assessment notice to include: <ul style="list-style-type: none"> <li>○ contact information of the municipality;</li> <li>○ contact information for the secretary of the board of revision and any other designated officer with whom an appeal is required to be filed; and</li> <li>○ appeal fees set by the municipality.</li> </ul> </li> </ul>	
<b>AMENDED Section 238</b>	<ul style="list-style-type: none"> <li>• Requires transcripts of the hearing or testimony to be completed by a court reporting service.</li> </ul>	
<b>AMENDED Section 250</b>	<ul style="list-style-type: none"> <li>• Requiring the board of revision to provide all materials to the appeal board, within 14 days after the request.</li> </ul>	
<b>AMENDED Section 273</b>	<ul style="list-style-type: none"> <li>• Clarifying that any payment of taxes needs to be apportioned among all taxing authorities.</li> <li>• Adding regulating authority for the purpose of applying tax payments, current and arrears.</li> </ul>	
<b>NEW Section 273.1</b>	<ul style="list-style-type: none"> <li>• Ensuring any revenue/payments received in connection with the taxes on a property is apportioned to other taxing authorities.</li> </ul>	

<b>NEW Section 317.3</b>	<ul style="list-style-type: none"> <li>• Permitting municipalities, by bylaw, to develop programs for environmental improvements to properties, such as energy efficiency, renewable energy and site remediation, by adding the costs of the improvements to the owner’s property taxes, including over multiple years, under an agreement with the property owner.</li> </ul>
<b>NEW Section 380.1</b>	<ul style="list-style-type: none"> <li>• Clarifying the ability for animal control bylaws to deal with the number, type, ownership and harbouring of animals.</li> </ul>
<b>NEW Section 380.2</b>	<ul style="list-style-type: none"> <li>• Authorizing a municipality, by resolution, to allow another municipality's dangerous animals bylaw to be enforced on a property that either belongs to or is under the control of another municipality.</li> </ul>
<b>AMENDED Section 392</b>	<ul style="list-style-type: none"> <li>• Adding the authority for the Saskatchewan Municipal Board to appoint a mediator to assist with the dispute under sections 19 and 77 before holding a hearing.</li> </ul>
<b>NEW Section 394.2</b>	<ul style="list-style-type: none"> <li>• Authorizing the minister to refer any matter in dispute involving a municipality to the Saskatchewan Municipal Board for resolution, not just ‘inter-municipal’ disputes between one or more municipalities.</li> </ul>
<b>NEW Section 398.1</b>	<ul style="list-style-type: none"> <li>• Authorizing the minister to use and release municipal information that is submitted to the ministry.</li> </ul>
<b>AMENDED Section 399</b>	<ul style="list-style-type: none"> <li>• Adding investigations under <i>The Saskatchewan Employment Act</i> and by the Office of the Saskatchewan Information and Privacy Commissioner to the list of “official examinations” for which the minister may issue orders.</li> <li>• Adding the authority for the Minister’s Orders or directives to grant any licences, permits, inspections or approvals that were improperly withheld.</li> <li>• Adding due process for the subject of a directive or order (council, council member, administrator) to be given notice and ability to make representation to the minister.</li> </ul>
<b>AMENDED Section 404</b>	<ul style="list-style-type: none"> <li>• Changing the authority of council when dealing with an extension of time for particular matters.</li> <li>• Council cannot extend time for the appointment of an administrator, first meeting after an election and the new requirement for holding meetings every 60 days.</li> </ul>
<b>AMENDED Section 405</b>	<ul style="list-style-type: none"> <li>• Municipalities are able to add unpaid service charges, within 12 months after the service has been provided, to any arrears of taxes instead of at the end of the year.</li> </ul>

**NEW Section 405.1**

- Permitting municipalities to add the cost of custom work or service to a property owner's taxes over multiple years, by agreement with the owner.

## Coming into Force – January 1, 2021

The following sections will come into force on January 1, 2021.

Section	Description
<b>NEW Section 49.1</b>	<ul style="list-style-type: none"> <li>• Council for a rural municipality must, within two years of this section coming into force, establish a policy for ensuring all divisions in the RM have similar population (or as close as reasonably practical).</li> <li>• Legislation sets out what is to be included in this policy, with flexibility for RM councils to include additional factors.</li> </ul>
<b>AMENDED Section 89</b>	<ul style="list-style-type: none"> <li>• Permitting RMs, through bylaw, to hold elections at large, instead of elected by division.</li> </ul>
<b>AMENDED Section 189</b>	<ul style="list-style-type: none"> <li>• Requiring the auditor to report to council on the audited financial statements of a controlled corporation.</li> </ul>
<b>AMENDED Section 199</b>	<ul style="list-style-type: none"> <li>• Changes the reporting date for non-producing resource equipment from September 1 to July 1.</li> </ul>
<b>AMENDED Section 220</b>	<ul style="list-style-type: none"> <li>• Changing the establishment of the board of revision including:               <ul style="list-style-type: none"> <li>○ council shall appoint the board of revision before the preparation of the assessment roll;</li> <li>○ employees of the municipality are not eligible to sit as members on the board of revision; and</li> <li>○ regulations may set out the rules, appointment, training and qualifications of the board of revision.</li> </ul> </li> </ul>
<b>AMENDED Section 223</b>	<ul style="list-style-type: none"> <li>• Any property that has a total assessment value of the prescribed amount or less has the option for a simplified appeal.</li> </ul>
<b>AMENDED Section 226, 247</b>	<ul style="list-style-type: none"> <li>• Clarifying that the 60-day appeal period in a revaluation year applies to the initial assessment notice, not an amended or supplementary notice where it has a 30-day period.</li> <li>• Clarifying that secretaries of appeal boards must explain deficiencies in a notice of appeal.</li> </ul>



Assessment Updates

<b>AMENDED Section 228, 256</b>	<ul style="list-style-type: none"> <li>Ensuring the property owner is informed of an agreement to adjust an assessment or a new valuation or classification due to an appeal, if not a party to the agreement or appeal.</li> </ul>
<b>AMENDED Section 240</b>	<ul style="list-style-type: none"> <li>Allows a board of revision decision to be mailed by ordinary mail to be consistent with how decisions of the Saskatchewan Municipal Board Assessment Appeals Committee may be sent.</li> <li>Requires the owner be notified of the decision, if the owner of the property is not a party to the appeal.</li> <li>Changing the allotted time for decisions on all appeals from 90 days to 180 days.</li> </ul>
<b>NEW Section 290.01</b>	<ul style="list-style-type: none"> <li>Municipalities shall submit to the minister a mill rate survey return, information respecting tax tools, tax rates and any other taxes and rates levied or proposed to be levied, by August 15, in the prescribed form.</li> </ul>
<b>AMENDED Section 292</b>	<ul style="list-style-type: none"> <li>Changes to ensure First Nations have the same property taxation exemption that exist for other school divisions regarding buildings and land.</li> </ul>
<b>AMENDED Section 293</b>	<ul style="list-style-type: none"> <li>Removing farm dwelling exemption in unorganized hamlets.</li> </ul>
<b>AMENDED Section 306</b>	<ul style="list-style-type: none"> <li>Changes to number of trailers or mobile homes allowed by permit from two or more to one or more.</li> </ul>
<b>NEW Section 390</b>	<ul style="list-style-type: none"> <li>Simplifying service of document provisions to focus only on documents needing to be served and permitting further clarification by regulation if needed.</li> </ul>

## Consequential Amendment to *The Urban Municipal Administrators Act* Coming into Force – January 1, 2021

Section	Description
<b>AMENDED Section 18</b>	<ul style="list-style-type: none"> <li>Removing population threshold of municipalities under 100 population, to require a qualified administrator for all municipalities.</li> </ul>

## Coming into Force by Order of the Lieutenant Governor in Council

The following sections will come into force by Order of the Lieutenant Governor in Council.

Section	Description
<b>NEW Section 185.1</b>	<ul style="list-style-type: none"> <li>• Requiring the disclosure of public accounts for the remuneration paid to each employee and member of council and any other remuneration, expenditures, grants and contributions of goods and services, as stated in the regulations.</li> <li>• Requiring all public accounts of the municipality shall be:               <ul style="list-style-type: none"> <li>○ open for inspection by any person during office hours;</li> <li>○ printed in a sufficient quantity; and</li> <li>○ distributed in a manner that will satisfy any reasonable requests for copies.</li> </ul> </li> </ul>
<b>NEW Section 221.1</b>	<ul style="list-style-type: none"> <li>• The Lieutenant Governor in Council can establish an Office of the Registrar for the purposes of receiving, reviewing and processing appeals of any boards of revision.</li> <li>• The Office of the Registrar will be the responsibility of the minister.</li> <li>• The minister may delegate any duties of the secretary of a board of revision to the Office of the Registrar.</li> <li>• Regulations will outline the powers, duties, rules and procedures for receiving, reviewing and processing appeals.</li> </ul>
<b>NEW Section 222.1</b>	<ul style="list-style-type: none"> <li>• The Lieutenant Governor in Council can establish provincial boards of revision. These boards would be established for the purpose of hearing appeals:               <ul style="list-style-type: none"> <li>○ for municipalities located in the prescribed areas;</li> <li>○ of any prescribed type;</li> <li>○ for any municipality whose board of revision does not meet the prescribed requirements; or</li> <li>○ for any prescribed purpose, circumstance or situation.</li> </ul> </li> </ul>

### Resources and Further information

Questions or comments about this bulletin can be directed to a municipal advisor by calling 306-787-2680.