

Information Bulletin

Northern Municipal Services – 2020

Summary of Amendments to *The Northern Municipalities Act, 2010*

In July 2020, Bill 194, reached Royal Assent, implementing multiple amendments to *The Northern Municipalities Act, 2010* (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
AMENDED Section 8	<ul style="list-style-type: none"> • Clarifying that bylaws may set out: <ul style="list-style-type: none"> ○ mediation and dispute resolution; and ○ the means of sending notices of violation and bylaw contravention. • Clarifying that fees for “regulating the activity” include cost of enforcing the regulatory scheme. For consistency with subsection (3) (c)(i).
NEW Section 8	<ul style="list-style-type: none"> • Municipalities have no power to pass any new bylaws respecting firearms, unless otherwise provided for by regulations.
AMENDED Section 19	<ul style="list-style-type: none"> • 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.

AMENDED Section 22	<ul style="list-style-type: none"> • Road maintenance agreements (RMA): <ul style="list-style-type: none"> ○ permitting an alternate schedule of charges or fees if by mutual agreement and if applied consistently for all RMAs; ○ ensuring that alternate RMA rules have dispute resolution processes and cannot be appealed to the Saskatchewan Municipal Board; ○ ensuring regulation-making authority to set out cancellation and dispute resolution terms, and to further define terms such as receiver and bulk haul; and ○ providing for RMA information to be requested by the minister.
AMENDED Section 78, 133, 211	<ul style="list-style-type: none"> • Permitting municipal documents to be made available for public inspection on a website in addition to being available during regular office hours. • 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.
AMENDED Section 86	<ul style="list-style-type: none"> • 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.
AMENDED Section 91	<ul style="list-style-type: none"> • Changing the term of office of the advisory committee to four years.
AMENDED Section 100.1	<ul style="list-style-type: none"> • 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.
NEW Section 126.1	<ul style="list-style-type: none"> • Requiring council to appoint an acting administrator, if the administrator is unable to act for more than 30 days. Repealed from section 126.
AMENDED Section 127	<ul style="list-style-type: none"> • Clarifies that the administrator is responsible for the hiring, suspension and dismissal of all municipal employees, unless otherwise provided by council. • Authorizing the administrator to witness oaths and affirmations.
AMENDED Section 130	<ul style="list-style-type: none"> • 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 145.

Administrative changes

NEW Section 130.1	<ul style="list-style-type: none"> • 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. • Also includes definitions for reprisal and wrongdoing and the penalties for reprisal.
AMENDED Section 132	<ul style="list-style-type: none"> • Changing requirement to keep tax and assessment rolls from permanent retention to 10 years.
AMENDED Section 140	<ul style="list-style-type: none"> • Requiring council to hold regular scheduled meetings at least every 60 days.
AMENDED Section 159.1, 162.2	<ul style="list-style-type: none"> • Clarifies the definition of “conflict of interest” to better align with the common law definition. • A conflict of interest is now defined as improperly furthering another person’s private interest, instead of a closely connected person.
AMENDED Section 165	<ul style="list-style-type: none"> • Clarifying council’s authority to allow a council member’s extended absence from regular council meetings by resolution or policy. • Adding reprisal and civil liability as reasons for disqualification.
AMENDED Section 191	<ul style="list-style-type: none"> • Clarifying the contents of the long-term debt bylaw respecting the calculating of interest rates.
AMENDED Section 207	<ul style="list-style-type: none"> • Making the requirements for publicizing financial statements consistent. • Permitting choices other than newspaper advertising or mailing of the synopsis of the financial statement to all assessed persons.
AMENDED Section 214	<ul style="list-style-type: none"> • Changing the disqualification period to 12 years for a councillor found liable for certain matters.
AMENDED Section 228	<ul style="list-style-type: none"> • Changing house trailer to trailer or mobile home, when recording an assessed person.
AMENDED Section 236	<ul style="list-style-type: none"> • Changing required contents of the assessment notice to include: <ul style="list-style-type: none"> ○ contact information of the municipality; ○ 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 ○ appeal fees set by the municipality.
AMENDED Section 259	<ul style="list-style-type: none"> • Requires transcripts of the hearing or testimony to be completed by a court reporting service.

Conflict
Of
Interest

Assessment
Updates

AMENDED Section 271	<ul style="list-style-type: none"> • Requiring the board of revision to provide all materials to the appeal board, within 14 days after the request.
AMENDED Section 294	<ul style="list-style-type: none"> • Clarifying that any payment of taxes needs to be apportioned among all taxing authorities. • Adding regulating authority for the purpose of applying tax payments, current and arrears.
NEW Section 294.1	<ul style="list-style-type: none"> • Ensuring any revenue/payments received in connection with the taxes on a property is apportioned to other taxing authorities.
NEW Section 336.1	<ul style="list-style-type: none"> • 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.
AMENDED Section 413	<ul style="list-style-type: none"> • 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.
NEW Section 415.2	<ul style="list-style-type: none"> • 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.
NEW Section 419.1	<ul style="list-style-type: none"> • Authorizing the minister to use and release municipal information that is submitted to the ministry.
AMENDED Section 420	<ul style="list-style-type: none"> • 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. • Adding the authority for the Minister's Orders or directives to grant any licences, permits, inspections or approvals that were improperly withheld. • 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.
AMENDED Section 426, 432	<ul style="list-style-type: none"> • Changing the grant title from "northern municipal operating grants" to "revenue sharing" for consistency.
AMENDED Section 428	<ul style="list-style-type: none"> • Permitting revenues to be expended in the manner approved by the minister.

NEW Section 438	<ul style="list-style-type: none"> Requiring the submission of a financial statement from the northern municipal trust account for its preceding year to be submitted to the minister.
AMENDED Section 440	<ul style="list-style-type: none"> Changing the authority of council when dealing with an extension of time for particular matters. 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.
AMENDED Section 441	<ul style="list-style-type: none"> Changing that 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.
NEW Section 441.1	<ul style="list-style-type: none"> 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 come into force on January 1, 2021.

Section	Description
AMENDED Section 211	<ul style="list-style-type: none"> Requiring the auditor to report to council on the audited financial statements of a controlled corporation.
AMENDED Section 241	<ul style="list-style-type: none"> Changing the establishment of the board of revision including: <ul style="list-style-type: none"> council shall appoint the board of revision before the preparation of the assessment roll; employees of the municipality are not eligible to sit as members on the board of revision; and regulations may set out the rules, appointment, training and qualifications of the board of revision.
AMENDED Section 244	<ul style="list-style-type: none"> Any property that has a total assessment value of the prescribed amount or less has the option for a simplified appeal.
AMENDED Section 247(4)(a), 268	<ul style="list-style-type: none"> 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. Clarifying that secretaries of appeal boards must explain deficiencies in a notice of appeal.

Assessment Updates

AMENDED Section 249, 277	<ul style="list-style-type: none"> 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.
AMENDED Section 261	<ul style="list-style-type: none"> 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. Requires the owner be notified of the decision, if the owner of the property is not a party to the appeal. Changing the allotted time for decisions on all appeals from 90 days to 180 days.
NEW Section 311.1	<ul style="list-style-type: none"> 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.
AMENDED Section 313	<ul style="list-style-type: none"> Changes to ensure First Nations have the same property taxation exemption that exist for other school divisions regarding buildings and land.
AMENDED Section 325	<ul style="list-style-type: none"> Changes to number of trailers or mobile homes allowed by permit from two or more to one or more.
NEW Section 411	<ul style="list-style-type: none"> Simplifying service of documents provision to focus only on documents needing to be served and permitting further clarification by regulation if needed.

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

Section	Description
AMENDED Section 18	<ul style="list-style-type: none"> Removing population threshold of municipalities under 500 population, to require a qualified administrator.

Coming into Force by Order of the Lieutenant Governor in Council

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

Section	Description
NEW Section 207.1	<ul style="list-style-type: none"> • 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. • Requiring all public accounts of the municipality shall be: <ul style="list-style-type: none"> ○ open for inspection by any person during office hours; ○ printed in a sufficient quantity; and ○ distributed in a manner that will satisfy any reasonable requests for copies.
NEW Section 242.1	<ul style="list-style-type: none"> • 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. • The Office of the Registrar will be the responsibility of the minister. • The minister may delegate any duties of the secretary of a board of revision to the Office of the Registrar. • Regulations will outline the powers, duties, rules and procedures for receiving, reviewing and processing appeals.
NEW Section 243.1	<ul style="list-style-type: none"> • 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"> ○ for municipalities located in the prescribed areas; ○ of any prescribed type; ○ for any municipality whose board of revision does not meet the prescribed requirements; or ○ for any prescribed purpose, circumstance or situation.
NEW Section 435	<ul style="list-style-type: none"> • Changing the fiscal year of the northern municipal trust account to starting on April 1 of one year and ending on March 31 of the following year.

Resources and Further information

Questions or comments about this bulletin can be directed to a municipal advisor by calling 1-800-663-1555.