

# Organized Hamlet of Lone Rock

## Board Meeting

May 28, 2023

7:00pm

**Attendance: Lloyd Ludwig, Donna Woods, Tracy Kashuba, Ron Cherkewich**

### 1. Call to Order Welcome & Introductions:

Meeting commenced 7:00 PM

### 2. Opening Remarks from the Chairman:

Proceedings with SMB disputes are moving forward. 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. 4 lawyers have reviewed land rezoning & have found RM council meetings haven't met legislated requirements for over 3 years this will be raised with the SMB & have been addressed with other Gov depts. United Nations Presentation has been pushed to Sept, 2023 on advice of counsel.

#### New business:

- a. Some of the RM of Wilton's Minutes & financials are up on their website although 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. Counsel is comparing both & Taxpayer federation is also assisting.
- 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. This is under review. 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 but have been diverted by forest fires & weather. They have indicated they would like to be intervenors in the SMB & further dispute reviews & will help any way they can they have also offered their legal counsel to assist.

- 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 2022 Organized Hamlet of Lone Rock special levy has added another \$89,479 to the OH account for the 2023 year. The RM of Wilton is not providing their financials as per the OH operations. The OHB has looked into the & 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.

**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 -2021 budgets are being corrected. RM of Wilton budgets relating to Lone Rock are invalid until they have been heard by the Appeal Board. Although this matter was before Justice Zuk & stayed it didn't make it into the 1<sup>st</sup> batch of 77 Appeal board issues so we can add it to the next batch. 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 but also 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.

**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.

**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 which changes the direction they were supposed to follow as well as what was provided to SK Health but they have issued a letter that they gave no instruction as to the authorization to remove the 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.

**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 will again be requested this year & has been allotted for in our budget this will most likely occur in the fall.

- 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 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.

**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 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. We haven't received a reply from Government relations on this yet, we did receive an inquiry from Minister of Highways & minister of health in regard to this. We did reply to their questions and have not heard anything back.
- 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. It may be too early to fully quantify the devaluation yet so we are waiting for the summer to have an assessment done.

The Park bleachers have somehow been removed inquiry as to the Organized Hamlet Board Community Social Club has indicated they did not see how that was possible as they came from them & they didn't approve any removal. Further inquiry will be made before reporting to RCMP.

**In Camera Session:** Legal discussion

Return from in Camera discussion the firm has agreed to do the asbestos claim pro bono & will have residents sign forward documents. We are still in the process of getting forms to OHLR residents but they have indicated this would most likely form a class.

**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 2023 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. 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) At direction of LAFOIP Commissioner & Gov relations the email of Lone Rock Organized Hamlet Board is : [LoneRockOHB@hotmail.com](mailto:LoneRockOHB@hotmail.com) This will remain the official email for all Gov correspondence in keeping with the archiving legislation & directions.

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

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

**13. Meeting Adjourned:** 8:12 PM *Donna Woods.*