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R.M. of  
Corman Park  
Hamlet Guide

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## Introduction

The following is a guide to Hamlets, based on the information and requirements contained in both *The Municipalities Act* (the Act) and *The Municipalities Regulations* (the Regulations). The steps needed to establish an organized hamlet are outlined in *sections 50 and 52* of the Act and the requirements of the first annual general meeting are outlined in *section 23* of the Regulations. However, this guide is focused on the operations and management, not the establishment. As such, this guide does not discuss these steps but the information is contained in the appendices.

Per the Act, a hamlet is an unincorporated community with five or more occupied dwellings on individual lots, with a minimum of at least ten subdivided lots in the community. The majority of these lots have an average size of less than one acre. Or, a hamlet can be any unincorporated area declared to be a hamlet by order of the minister, per the Act. A hamlet that is granted status from the minister is overseen by a board.

The R.M. of Corman Park currently has eleven Organized Hamlets within its boundaries. These hamlets are:

- Beaver Creek
- Casa Rio
- Cathedral Bluffs
- Cedar Villa
- Discovery Ridge
- Eagle Ridge
- Furdale
- Merrill Hills
- Neuhorst
- River's Edge
- Riverside Estates

It is important to keep in mind that each hamlet is governed by the municipality it is located in, including the application of bylaws and resolution. However, if an organized hamlet has a population exceeding one-hundred residents, the hamlet board can request that the minister designate it as a separate division within the rural municipality. After consulting with the rural municipality and obtaining ministerial approval, the organized hamlet could be designated as a separate division and would then be represented by its own councillor.

Finally, rural municipality and hamlet relations are largely conducted through and managed by mutually agreed upon contracts between council and the hamlet board.

## Organized Hamlet Agreement

A hamlet board and a rural municipality must enter into an agreement in accordance with the *Act* and the *Regulations*. This agreement must be signed by the rural municipality and the hamlet board and must be available for public inspection by the rural municipality.

If the rural municipality and the hamlet board do not enter into an agreement, or cannot agree to modify an agreement, it is considered a dispute; refer to the Disputes between hamlet board and council section below. The Lieutenant Governor in Council may make regulations regarding the requirements of this agreement.

## Municipal Policies for an Organized Hamlet

A municipality must establish policies regarding scheduling the first meeting of an organized hamlet once it is formed and established, requirements for the hamlet's annual budget submission, and the format and timing of joint meetings between the municipality and the hamlet board.

These policies must be available for public inspection and be approved by the municipality before any organized hamlet within the municipality holds an annual general meeting in 2024.

## Board Policies for an Organized Hamlet

A hamlet board must establish policies regarding notices; hamlet board meeting requirements that include rules of order, quorum, scheduling and rescheduling meetings, as well as appearances by residents; the election of hamlet board members that include the manner of voting and nominations; filling vacancies on the hamlet board; the disqualification of hamlet board members; duties of the hamlet board secretary; and the remuneration of hamlet board members.

In regards to the policies regarding notices, the hamlet board's must include notices for annual general meetings, board meetings, board minutes, board policies, and any other matter relating to the procedures of hamlet boards that may require notice. These notice policies must provide at least 7 days' notice for an annual general meeting as well as a board meeting. In addition, these notice policies must include the method used for providing notice, which may involve a website or public electronic platform, sharing notices with the municipal office, and any other means considered effective for reaching the greatest number of residents in the organized hamlet.

The hamlet board must submit these policies to the municipality, and the municipality must make these policies available for public inspection. These policies must be approved by the hamlet board before the annual general meeting held in 2024.

## Hamlet Board

An organized hamlet is overseen by a hamlet board. This board consists of three voters of the organized hamlet, elected by the voters of the hamlet, for the purpose of making recommendations to council on matters that relate to the specific community. If an organized hamlet has been designated as a separate division within a rural municipality as described above, the elected councillor of the hamlet's division is an additional member of the hamlet board.

A member of a hamlet board must be duly elected and holds office for a term of 3 years, commencing on the date of that member's election or, if filling a vacancy, for the remainder of the term until the next election.

After a hamlet board election, the board must provide the contact information of each member, including the secretary, to the administrator of its rural municipality within seven days.

To be considered an active hamlet board, the hamlet board must hold an annual general meeting each year, submit meeting minutes to the rural municipality, conduct regular meetings, and submit an annual budget.

## Nominations to the Hamlet Board

Any voter of the organized hamlet, except an employee of the municipality, is eligible to be nominated to serve on the hamlet board. The hamlet board must establish a policy for the nomination of board members. The policy may include the deadline for submitting a nomination before the AGM, if nominations must be submitted in advance, the form and manner of submitting a nomination, as well as the information required in the nomination submission, including contact information, proof of residency, and proof of eligibility to vote.

## Election of the Hamlet Board

At the annual general meeting, voters of an organized hamlet must vote to elect hamlet board members in accordance with the hamlet board policy. To vote, voters must be present at the annual general meeting, unless the policy allows for advanced or remote voting. The results of the vote must be announced at the same annual general meeting.

The official results of the vote, including the number of votes cast for each nominee, must be posted in accordance with the hamlet's notice policy; no later than 5 days after the annual general meeting.

## Terms of Office

The term of office for a hamlet board member is either 3 years or the remaining term of office if the member is filling a vacancy. This term begins immediately after the annual general meeting at which the vote took place. A hamlet board member holds office until a successor is elected. Within 7 days after an election, the hamlet board members must select a chairperson and a secretary from their elected members.

## Vacancies

If a vacancy occurs on a hamlet board as a result of death, resignation, disqualification, or otherwise, the hamlet board may call a meeting of the voters for the purpose of filling the vacancy for the unexpired term or wait until the next annual general meeting to fill the vacancy.

If 2 or more vacancies occur, the hamlet board must call a meeting of the voters for the purpose of filling the vacancies for the unexpired term. If no board members remain, the administrator of the municipality must call and chair an annual general meeting of the hamlet board. If a meeting is called to fill a vacancy, notice must be provided in accordance with the hamlet's notice policy.

## Conflict of interest

It is important for hamlet board members to understand that Conflict of Interest requirements, including public disclosure statements, financial interests, disclosure of conflicts of interests, the need for ongoing disclosure, and restrictions on influence and the use of office, apply to their positions. These are described in greater detail in *sections 141, 141.1, 142(1), 142(2), 142(6), 143, 144, 144.1 and 144.2* of the Act.

A hamlet board member must complete a public disclosure statement at the start of the member's term and amend that statement as needed. If a member of the hamlet board has a conflict of interest in a matter before the board, that member must disclose the conflict and act in accordance with *section 144* of the Act. Every declaration of a conflict of interest must be recorded in the minutes of the meeting.

## Disqualification and Removal of Organized Hamlet Board Members

A member of a hamlet board is disqualified from the board if the member:

- Is absent from 3 consecutive board meetings, unless the absence is authorized by a resolution of the hamlet board or a leave of absence policy is adopted by the hamlet board;

- Is convicted of an offence punishable by imprisonment of 5 or more years or of an offence pursuant to *sections 123, 124 or 125* of the *Criminal Code* while in office;
- Ceases to be a voter of the organized hamlet; or,
- Fails to follow Conflict of Interest requirements.

If a member of the hamlet board is disqualified, the member must resign immediately. If the disqualified member does not resign, the member can be removed. Refer to *sections 148 and 150* of the *Act* for further information on the removal of a disqualified member.

## Annual General Meeting

A hamlet board must hold an annual general meeting (AGM) for residents of the organized hamlet and the public. The hamlet board must determine the date, time, and location of the AGM and provide notice in accordance its approved policies.

At the AGM, new hamlet board members are elected to fill any expired or vacant terms, the date for the next annual general meeting is announced, and a series of reports need to be presented. These reports include the annual financial statements from the municipality, the final approved budget from the previous year and the proposed budget for the upcoming year, the minutes of the last AGM, the minutes of all hamlet board meetings held since the previous AGM, an update on ongoing and concluded disputes since the last AGM. These reports are prepared by the secretary of the hamlet board and provided to the residents of the organized hamlet.

## Board Meetings

The hamlet board must have at least 4 regular board meetings per year. The dates, times, and locations of these regular, recurring meetings are determined by the board. The meetings may be held electronically or virtually, provided each board member can participate. The timing between these meetings cannot exceed 120 days. And, notice must be provided in accordance with the established policies.

## Minutes

The secretary of the hamlet board must ensure that minutes are taken at every hamlet board meeting and every AGM. After a meeting, the secretary must provide a copy of the minutes to the municipality within 10 days. The municipality must ensure the minutes are available for public inspection. In addition, the minutes of all hamlet board meetings must be open to inspection at the AGM.

## Hamlet Budget and Report of Activities

The hamlet board must prepare and submit an annual budget and a copy of the report to voters describing the board's activities in the previous year to council by the deadline agreed to by council and the hamlet board or by March 1<sup>st</sup> of each year. The hamlet budget must include the percentage of municipal taxes to be allocated to the hamlet account, the percentage of a special levy, if any, to be allocated to the hamlet account, and the mill rate of the hamlet, if a different the mill rate has been set for the hamlet by the municipality.

To ensure the budget and report are submitted as needed, the municipality must establish a procedure for the preparation, submission, and approval of the hamlet budget. This procedure must include the required format and content of the budget submission in order to align with municipal budgeting practices; deadlines for the initial submission, any required revisions, and the final approval of the budget; as well as procedures for communicating with the hamlet board when revisions are required.

On or before January 20<sup>th</sup> of each year, the municipality must provide the hamlet board a statement of the amount of funds allocated to the hamlet account and the expenditures during the previous year, the balance of the accumulated reserve standing to the credit of the hamlet account, and the revenues and expenditures relating to the operation of any waterworks system and/or sewage system provided by or on behalf of the municipality to the organized hamlet.

The amount of taxes retained by the municipality must be sufficient to cover all services provided to the organized hamlet and related administrative costs that are common to all property in the municipality.

The municipality must approve the hamlet budget by resolution or bylaw. Approval of the budget constitutes an agreement by the municipality to pay any expenditures submitted by the hamlet board that are included in the annual budget.

## Hamlet Account

The council of the rural municipality governing an organized hamlet must create a special hamlet account. This account holds all grants received on behalf of the hamlet, at least 40%, but not more than 75%, of the taxes collected for municipal purposes, and the municipal portion of any special licence fees collected from the properties within the organized hamlet.

The percentage of the collected taxes allocated to the hamlet account may be agreed to by both the council of the rural municipality and the hamlet board for a maximum of 5 years. After this timeframe, both must renew the agreement.

The balance in the hamlet account is used for the hamlet's budget, at the request of the hamlet board and upon approval of the rural municipality's council. The hamlet's budget is described in detail below.

## Expenditures

The council of a rural municipality must make payments on behalf of the hamlet board from the hamlet account provided that the hamlet board requests that council either pay an indemnity to members of the hamlet board or requests a payment for any purpose that is included in the hamlet budget as described above. To qualify, the hamlet account must have a balance that is able to make these requested payments.

## Unexpended Funds

Any unexpended portion of the tax revenues allocated to a hamlet account must be accumulated and reserved to the credit of the hamlet account. The accumulated surplus in the hamlet account must be available for expenditures as stated in the organized hamlet's budget, as approved by the municipality.

The hamlet board may prepare and adopt a capital works plan for a minimum period of 5 years, including the current year, showing the estimated capital cost of and the proposed sources of financing for each capital work for each year of the plan. If a capital works plan is approved by the municipality, the amount of expenditures mentioned in the plan must be available through the hamlet account.

## Hamlet Levy

By March 1<sup>st</sup> of each year, a hamlet board may request a special levy within the organized hamlet and, after receiving the request, council must create the levy. Once the levy is created, a sum equal to 85% of that same levy, or another percentage agreed to by council and the hamlet board, must be added to the hamlet account described earlier.

## Mill Rate

With the consent of the hamlet board, council may establish a mill rate within the organized hamlet that is different from the mill rate applied elsewhere within the rural municipality.

## Tax Levy

The council may set a uniform rate for taxable assessments in any hamlet that is lower than the uniform rate applied elsewhere in the rural municipality.

## Mill Rate Factors

At the request or with the consent of a hamlet board, council may set mill rate factors within the organized hamlet that are different from the mill rate factors applied elsewhere within the rural municipality through a bylaw.

## Minimum Tax

At the request or with the consent of a hamlet board, council may set a minimum tax for property within the organized hamlet that is different from the minimum tax applied elsewhere in the rural municipality through a bylaw.

## Base Tax

At the request or with the consent of a hamlet board, council may set a base tax for property within the organized hamlet that is different from the base tax applied elsewhere in the rural municipality through a bylaw.

## Water and Sewer Systems

On the request of the hamlet board, the council of a rural municipality may install a waterworks system and/or a sewage system in the organized hamlet. If council approves this request, the system(s) must be constructed, operated, and maintained as agreed to by both the hamlet board and council.

Any revenue arising from the operation of the waterworks system and/or sewage system must be used by the council of the rural municipality to pay for the maintenance and operating costs of the system(s), including the payment of any debentures issued to provide funds for the construction of the system(s) as well as any administrative fees of the municipality agreed to by the hamlet board.

Any short fall in the revenue needed to meet the costs of the system(s) must be charged against the allocation made to the hamlet's account described above.

## Provision of Services

The hamlet board and the council of the rural municipality may agree that the hamlet board is responsible for providing one or more services within the hamlet, provided the hamlet account has sufficient funds.

If such an agreement is created, the rural municipality may be required to retain the services of one or more employees and specify their duties or enter into agreements with other parties for the purpose of carrying out the terms of the agreement.

## Agreements with SaskPower

The council of a rural municipality may enter into an agreement with SaskPower for the construction of a power distribution system in an organized hamlet, but only if it requested by the hamlet board.

If the council of a rural municipality enters into such an agreement, the council may authorize payment from the rural municipality to SaskPower to meet all, or any, of the costs to construct the power distribution system, or to construct a power transmission line to connect the organized hamlet with SaskPower's system and a power distribution system within the organized hamlet.

If the council authorizes this payment from the rural municipality, council must assess and levy the organized hamlet for an amount equal to the total payment. This reimbursement can be accomplished over one or more years, as determined by council.

## Lighting and Sidewalks

The council of a rural municipality may provide for street lights and/or sidewalks in any organized hamlet, but only if requested by the hamlet board.

## Disputes Between Hamlet Board and Council

If a dispute arises between the council of a rural municipality and the hamlet board of an organized hamlet, the dispute may be submitted to the Saskatchewan Municipal Board by either party, in accordance with *section 392* of the *Act*.

Any such dispute is limited to capital planning and expenditures for public utilities within the organized hamlet; the percentage of taxes and special licence fees allocated to the hamlet account; a hamlet board requested levy; the provision of services; a breach of any of the contents, terms, and conditions contained in the agreement between the organized hamlet and the rural municipality; the council and the hamlet board not entering into an agreement as required or not being able to agree to modifications to the agreement; or any other prescribed matter found in the *Act*.

## Regulations

The Lieutenant Governor in Council has the authority to make regulations about:

- Prescribing additional matters that may be submitted to the Saskatchewan Municipal Board to resolve disputes between council and the hamlet board;
- Governing the construction, operation, and maintenance of waterworks systems and sewage systems for organized hamlets;

- The revenues arising from the operation of waterworks systems and sewage systems of organized hamlets;
- Requiring and governing reports that are given by councils of rural municipalities to hamlet boards;
- Governing the meetings of voters of organized hamlets;
- The members and officers of hamlet boards and governing the procedures of hamlet boards;
- Which sections of *Part VII* of the *Act* apply to a hamlet board;
- Procedures, processes, and policies for preparing and submitting the hamlet's budget to council; and,
- Any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of organized hamlets.

### Removal of Hamlet Status

The council of the rural municipality must request the minister to order the reversion of the status of an organized hamlet if no active hamlet board existed in the preceding year. The council of the rural municipality may also request this reversion of status, and the minister may do so, if the minister considers it to be in the public interest.

## Appendix 1: The Municipalities Act

“hamlet” means:

- (i) an unincorporated community with:
  - (A) five or more occupied dwellings individually situated on lots, blocks or parcels; and
  - (B) at least 10 subdivided lots, blocks or parcels, the majority of which are an average size of less than one acre; or
- (ii) any unincorporated area declared to be a hamlet by order of the minister pursuant to this Act or any former Act providing for the establishment of hamlets;

“hamlet board” means the board of an organized hamlet;

“organized hamlet” means an area declared to be an organized hamlet by order of the minister pursuant to this Act or any former Act providing for the establishment of organized hamlets

48.1 (7) Unless otherwise provided for by council, all bylaws and resolutions of the rural municipality or municipal district apply to an additional service area except those bylaws related to: (a) other additional service areas; or (b) hamlets and organized hamlets

49 (3) Notwithstanding any other provision of this Act, at the request of a hamlet board and after consulting the rural municipality, the minister may designate an organized hamlet with a population in excess of 100 as a separate division within the rural municipality in which the organized hamlet is located, to be represented by its own councillor.

Organized hamlets

50(1) Subject to subsections (1.1) and (2), the persons within a hamlet may apply to the minister, in accordance with the procedures set out in Division 2, for the establishment of an organized hamlet within the rural municipality in which the organized hamlet is located.

(1.1) A hamlet may be established as an organized hamlet only if it:

- (a) meets the prescribed minimums for all of the following:
  - (i) population;
  - (ii) number of separate dwellings or business premises;
  - (iii) taxable assessment;

(a.1) has a draft agreement and intends to enter into that agreement with the rural municipality in accordance with section 68.1; and

(b) meets any other prescribed criteria.

(2) A hamlet that is located adjacent to another organized hamlet or a municipality other than a rural municipality may be established as an organized hamlet only if:

(a) the other organized hamlet or adjacent municipality refuses to annex the area of the hamlet;

(b) natural physical barriers separate the hamlet from the other organized hamlet or adjacent municipality;

(c) there is a lack of continuity in the development between the hamlet and the other organized hamlet or adjacent municipality; or

(d) access between the hamlet and the other organized hamlet or adjacent municipality is limited.

Request to change status

52(1) The council of the rural municipality in which an organized hamlet is located shall request the minister to order the reversion of the status of the organized hamlet if no active hamlet board has existed for the preceding year.

(1.1) The council of the rural municipality in which an organized hamlet is located may request the minister to order the reversion of the status of the organized hamlet, and the minister may do so, if the minister considers it to be in the public interest.

### *DIVISION 6: Organized Hamlets*

Hamlet board

68(1) Subject to subsection (2), a hamlet board consists of three voters of the organized hamlet, elected by the voters of the organized hamlet in accordance with the regulations made by the Lieutenant Governor in Council for the purpose of making recommendations to council on matters that relate to the organized hamlet.

(2) A councillor for a rural municipality who represents an organized hamlet with a population greater than 100 that constitutes its own division is, by virtue of his or her office, an additional member of the hamlet board.

(3) A member of a hamlet board:

(a) must be elected in accordance with the regulations; and

(b) holds office for a term of 3 years commencing on the date of that member's election to the hamlet board, or if filling a vacancy, for the remainder of the term until the next election of a hamlet board.

(3.1) If a member of a hamlet board was elected pursuant to this Act to a term longer than 3 years, that member may serve the remainder of the term before clause (3)(b) applies to future terms of office.

(4) Within seven days after the election of a hamlet board or an election to fill a vacancy on the hamlet board, the hamlet board shall notify the administrator of the rural municipality in which it is located, in writing, of the contact information of each member of the hamlet board and of the secretary of the hamlet board.

#### Organized hamlet agreement

68.1(1) A hamlet board and a rural municipality shall enter into an agreement in accordance with the regulations.

(2) The agreement mentioned in subsection (1) must be signed by the rural municipality and the hamlet board:

(a) in the case of an application for a new organized hamlet, within 60 days after the establishment of the organized hamlet; or

(b) in the case of an existing organized hamlet, no later than 30 days after the organized hamlet holds its annual general meeting in the year in which this section comes into force.

(3) The agreement mentioned in subsection (1) must be made available for public inspection by the rural municipality in accordance with section 117.

(4) If the rural municipality and the hamlet board do not enter into an agreement or cannot agree to modify an agreement according to the prescribed terms and conditions for modifications to the agreement, it is a dispute for the purposes of section 77.

(5) The Lieutenant Governor in Council may make regulations for the purposes of this section:

(a) prescribing the required contents of the agreement;

(b) prescribing the required terms and conditions to be contained in the agreement, including terms and conditions respecting modifications to the agreement;

(c) respecting any other matters relating to the agreement.

#### 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 that is included in the budget pursuant to section 69.1.

#### Hamlet budget and report of activities

69.1(1) Subject to the regulations, the hamlet board shall prepare and submit to the council of the rural municipality a budget and a copy of the report to voters of the board's activities in the previous year:

- (a) on or before March 1 in any year; or
- (b) on or before any other date agreed to by the council and the hamlet board.

(2) The council shall deal with the budget and report mentioned in subsection (1) in accordance with the regulations.

#### Hamlet levy

70(1) On or before March 1 in any year, the hamlet board may request a special levy within the organized hamlet and the council shall make the levy.

(2) On receipt of a request pursuant to subsection (1), the council shall levy the required special levy, and a sum equal to 85% of that levy, or another percentage agreed to by the council and the hamlet board, shall be added to the hamlet account mentioned in section 69.

#### Mill rate

71 Notwithstanding any other provision of this Act, with the consent of the hamlet board, a council may establish a uniform mill rate within the organized hamlet that is different from the mill rate applied elsewhere within the rural municipality.

#### Expenditures

72 The council of the rural municipality shall pay moneys on behalf of the hamlet board from the hamlet account if:

(a) the hamlet board requests the council to pay an indemnity to members of the hamlet board or to pay moneys for any other purpose that is included in the budget pursuant to section 69.1; and

(b) money in the hamlet account is available to the credit of the organized hamlet to make the payment in accordance with the request.

#### Water or sewer system

73(1) On the request of the hamlet board, the council of the rural municipality may provide for the installation of a waterworks system or a sewage system in the organized hamlet.

(2) If the council provides for the installation in accordance with subsection (1), the waterworks system or sewage system must be constructed, operated and maintained in the prescribed manner and in accordance with the prescribed terms and conditions.

#### Provision of services

74(1) The hamlet board and the council of the rural municipality may agree that the hamlet board is to be responsible, if there are sufficient funds available to the credit of the organized hamlet in the hamlet account, for providing one or more services within the organized hamlet.

(2) In an agreement mentioned pursuant to subsection (1), the parties may require the rural municipality to:

(a) retain the services of one or more employees and specify their duties; or

(b) enter into agreements with other parties for the purpose of carrying out the terms of the agreement between the hamlet board and the council.

#### Agreements with SaskPower

75(1) The council of a rural municipality may enter into an agreement with Saskatchewan Power Corporation for the construction of a power distribution system in an organized hamlet only if requested by the hamlet board to do so.

(2) If the council of a rural municipality enters into an agreement in accordance with subsection (1), the council:

(a) may authorize the payment by the rural municipality to Saskatchewan Power Corporation of moneys to meet all or any part of the cost of:

- (i) the construction of the power distribution system; or
- (ii) the construction of a power transmission line to connect the organized hamlet with the corporation's system and of a power distribution system within the organized hamlet; and

(b) if the council acts pursuant to clause (a), shall assess and levy the amount of the payment within the area of the organized hamlet in one or more years as the council may determine.

#### Lighting and sidewalks

76 The council of a rural municipality may provide for street lights or sidewalks in any organized hamlet only if requested by the hamlet board to do so.

#### Disputes between hamlet board and council

77(1) If a dispute arises between the council of a rural municipality and the hamlet board of an organized hamlet within the rural municipality, the dispute may be submitted by either party to be resolved pursuant to section 392.

(2) A dispute mentioned in subsection (1) is limited to the following matters:

- (a) capital planning and expenditures for public utilities within the organized hamlet;
- (b) the percentage of taxes and special licence fees allocated to the hamlet account pursuant to clause 69(1)(b);
- (c) a hamlet levy requested pursuant to section 70;
- (d) the provision of services pursuant to section 74;
- (e) a breach of any of the prescribed contents, terms and conditions, or other matter contained in the agreement entered into pursuant to section 68.1;
- (f) the council and the hamlet board not entering into an agreement as required pursuant to section 68.1 or not being able to agree to modifications to an agreement;
- (g) any other prescribed matter.

#### Regulations

78 The Lieutenant Governor in Council may make regulations:

- (a) prescribing additional matters that may be submitted to be resolved pursuant to section 392 for the purposes of section 77;

- (b) governing the construction, operation and maintenance of waterworks systems and sewage systems for organized hamlets;
- (c) respecting the revenues arising from the operation of waterworks systems and sewage systems of organized hamlets;
- (d) requiring and governing reports to be given by councils of rural municipalities to hamlet boards;
- (e) governing the meetings of voters of organized hamlets;
- (f) respecting the members and officers of hamlet boards and governing the procedures of hamlet boards;
- (f.1) respecting which sections of Part VII apply to a hamlet board;
- (f.2) respecting procedures, processes and policies for preparing and submitting the budget to the council pursuant to section 69.1;
- (g) respecting any other matter or thing that the Lieutenant Governor in Council considers necessary or advisable to carry out the intent of this Division.

#### Tax Levy

283 (2.1) the council of a rural municipality may set a uniform rate for taxable assessments in any hamlet located within the rural municipality that is lower than the uniform rate applicable to taxable assessments elsewhere in the rural municipality.

#### Mill Rate Factors

285 (3) At the request of or with the consent of a hamlet board, the council of a rural municipality may, by bylaw pursuant to subsection (1), provide that mill rate factors may be made applicable to a class of assessment of property within the organized hamlet that are different from the mill rate factors applied elsewhere within the rural municipality.

#### Minimum Tax

289 (3) At the request of or with the consent of a hamlet board, a council of a rural municipality may, in a bylaw passed pursuant to subsection (1), provide that a minimum tax be applied to property within the organized hamlet that may be different from the minimum tax applied elsewhere in the rural municipality.

#### Base Tax

290 (4) At the request of or with the consent of a hamlet board, a council of a rural municipality may, in a bylaw passed pursuant to subsection (1), provide that a base tax be

applied to property within the organized hamlet that may be different from the base tax applied elsewhere in the rural municipality.

#### Continuation of existing hamlets and organized hamlets

410(1) An area declared to be a hamlet or an organized hamlet by order of the minister pursuant to The Rural Municipality Act, 1989 or continued as a hamlet or an organized hamlet pursuant to that Act is continued as a hamlet or an organized hamlet, as the case may be, pursuant to this Act.

(2) On the continuation of a hamlet or an organized hamlet pursuant to this Act:

(a) the hamlet or organized hamlet is subject to this Act as if the hamlet or organized hamlet had been declared to be a hamlet or an organized hamlet by the minister pursuant to this Act; and

(b) in the case of an organized hamlet:

(i) each member of hamlet board continues as a member of the hamlet board until a successor is sworn into office; and

(ii) each officer and employee of the organized hamlet continues as an officer or employee of the organized hamlet, as the case may be, with the same rights and duties until the hamlet board otherwise directs.

## Appendix 2: The Municipalities Regulations

### *PART IV: Organized Hamlets*

#### Interpretation of Part

##### 22.1(1) In this Part:

(a) “municipality” means the council of the rural municipality in which the organized hamlet is located;

(b) “resident” means an individual who:

(i) resides in the organized hamlet for at least 3 consecutive months in the year preceding the annual general meeting; or

(ii) owns property in the organized hamlet;

(c) “voter” means a resident of the organized hamlet who is eligible to vote in at least one municipality in accordance with clauses 36(1)(a), (b), (c) and (e) of The Local Government Election Act, 2015.

(2) For the purposes of subsection 52(1) of the Act, “active hamlet board” means any hamlet board that does all of the following:

(a) holds an annual general meeting each year;

(b) submits meeting minutes to the municipality in accordance with section 27.1;

(c) conducts regular meetings in accordance with section 27;

(d) submits an annual budget pursuant to section 69.1 of the Act.

#### Board policies for organized hamlet

22.2(1) A hamlet board shall establish policies respecting the following:

(a) notices in accordance with section 24;

(b) hamlet board meeting requirements in accordance with section 27, including:

(i) rules of order, including quorum;

(ii) scheduling of meetings, including procedures for rescheduling a meeting;  
and

(iii) appearances by residents;

(c) election of hamlet board members, including:

- (i) the manner of voting; and
- (ii) nominations;
- (d) filling of vacancies of hamlet board members;
- (e) disqualification of hamlet board members;
- (f) duties of the hamlet board secretary;
- (g) remuneration of hamlet board members.

(2) The hamlet board shall submit the policies mentioned in subsection (1) to the municipality, and the municipality shall make the policies available for public inspection in accordance with section 117 of the Act.

(3) The policies mentioned in subsection (1) must be approved by the hamlet board before the annual general meeting in 2024.

#### Municipal policies for organized hamlet

22.3(1) A municipality shall establish policies respecting:

- (a) scheduling the first meeting of an organized hamlet in accordance with section 23;
- (b) requirements for the budget submission in accordance with section 34; and
- (c) the format and timing of joint meetings of the municipality and hamlet board.

(2) The policies mentioned in subsection (1) must:

- (a) be made available for public inspection in accordance with section 117 of the Act; and
- (b) be approved by the municipality before any organized hamlet within the municipality holds an annual general meeting in 2024.

#### First annual general meeting

23(1) If the minister has declared an organized hamlet to be established, the municipality shall:

- (a) within at least 14 calendar days' notice, establish the time and date for the first meeting of the organized hamlet; and
- (b) appoint a person to make the necessary arrangements for the meeting mentioned in clause (a).

(2) The municipality shall give public notice of the first meeting of the organized hamlet in accordance with the public notice policy of the municipality pursuant to section 128 of the Act.

(3) The person appointed by the municipality pursuant to clause (1)(b) shall preside as chairperson at the first meeting of the organized hamlet.

#### Notice

24(1) In this section, “notice” means a notice required to be given by a hamlet board in accordance with this section.

(2) A hamlet board shall establish policies respecting notice of the following:

- (a) annual general meetings;
- (b) board meetings;
- (c) board minutes;
- (d) board policies;
- (e) any other matter relating to the procedures of hamlet boards that may require notice.

(3) A notice policy mentioned in subsection (1) must set out:

- (a) the notice requirement of:
  - (i) in the case of an annual general meeting, at least 7 days before the meeting;
  - (ii) in the case of a board meeting, at least 7 days before the meeting;
- (b) the methods of notice to be followed, which may include:
  - (i) notices on a website or public electronic platform;
  - (ii) sharing notices with the municipal office; and
  - (iii) any other means considered effective for reaching the greatest number of residents in the organized hamlet.

25 – repealed

Annual general meeting

26(1) A hamlet board shall hold an annual general meeting for residents of the organized hamlet and the public at which:

- (a) new hamlet board members are elected to fill any expired or vacant terms;
- (b) the date for the next annual general meeting is announced in accordance with subsection (3); and
- (c) the report outlined in subsection (2) is presented.

(2) In preparation for the annual general meeting, the secretary of the hamlet board shall make the following available to residents of the organized hamlet:

- (a) the annual financial statements from the municipality received pursuant to subsection 34(3);
- (b) the final approved budget from the previous year and the proposed budget for the upcoming year;
- (c) the minutes of the last annual general meeting;
- (d) the minutes of all hamlet board meetings held since the previous annual general meeting;
- (e) an update respecting ongoing disputes or disputes concluded since the last annual general meeting.

(3) The hamlet board shall determine the date, time and location of the annual general meeting and provide notice in accordance with section 24.

#### Board meetings

27(1) Not less than 4 times per year, the hamlet board shall hold regular board meetings according to the dates, times and locations determined by the board.

(2) The hamlet board shall ensure that the time between regularly scheduled board meetings does not exceed 120 days.

(3) Hamlet board meetings may be held by any electronic or virtual means that allows participation of each hamlet board member.

#### Minutes

27.1(1) The secretary of the hamlet board shall ensure that minutes are taken at every hamlet board meeting and every annual general meeting.

(2) Within 10 days after a hamlet board meeting, the secretary shall provide to the municipality a copy of the minutes of the meeting, and the municipality shall make the minutes available for public inspection.

(3) The minutes of all hamlet board meetings shall be open to inspection at the annual general meeting.

#### Nominations to board

27.2(1) Subject to subsection (3), any voter of the organized hamlet is eligible to be nominated to serve on the hamlet board.

(2) The hamlet board shall establish a policy for the nomination of board members that may include:

(a) the deadline by which nominations must be submitted before the annual general meeting, if nominations are required to be submitted in advance;

(b) the form and manner of nomination submissions; and

(c) information required to be submitted with a nomination, including contact information, proof of residency in the organized hamlet and proof of eligibility to vote.

(3) Employees of the municipality are not eligible to be nominated to serve on the hamlet board.

#### Election of hamlet board

27.3(1) At the annual general meeting, voters of an organized hamlet shall vote to elect hamlet board members according to the procedures contained in the hamlet board policy.

(2) Voters shall be present at the annual general meeting to cast a vote, unless the policy mentioned in subsection (1) provides for advance voting or voting remotely.

(3) The results of the vote must be announced at the meeting in which the vote was conducted.

(4) The official results of the vote, including the number of votes cast for each nominee, must be posted in accordance with the hamlet board's notice policy mentioned in section 24 no later than 5 days after the annual general meeting.

#### Terms of Office

28(1) The term of office of a hamlet board member commences immediately after the annual general meeting at which that member was elected and, unless that office is sooner

vacated, continues until the 3rd annual general meeting after that board member's election.

(2) A hamlet board member holds office until that member's successor is elected.

(3) Within 7 days after an annual general meeting, the hamlet board members shall select a chairperson and a secretary from among their members.

29 Repealed.

30 Repealed.

#### Vacancies

31(1) If a vacancy occurs in the membership of a hamlet board by reason of a member's death, resignation, disqualification or otherwise, the hamlet board may:

(a) call a meeting of the voters of the organized hamlet for the purpose of filling the vacancy for the unexpired term of the member being replaced; or

(b) wait until the next annual general meeting to fill the vacancy.

(2) If 2 or more vacancies occur in the membership of a hamlet board by reason of death, resignation, disqualification or otherwise:

(a) the hamlet board shall call a meeting of the voters of the organized hamlet for the purpose of filling the vacancies for the unexpired term of the members being replaced; or

(b) if no board members remain, then the administrator of the municipality shall call and chair an annual general meeting of the hamlet board.

(3) If a meeting is called pursuant to subsection (1) or (2), notice of the meeting shall be given pursuant to section 24.

#### Conflict of interest

31.1(1) Sections 141 and 141.1, subsections 142(1), (2) and (6) and sections 143, 144, 144.1 and 144.2 of the Act apply to hamlet board members, with any necessary modification.

(1.1) A hamlet board member shall complete a public disclosure statement at the start of the member's term and amend that statement as necessary in accordance with subsections 142(1), (2) and (6) of the Act, with any necessary modification.

(2) If a member of the hamlet board has a conflict of interest in a matter before the board, that member shall act in accordance with section 144 of the Act, with any necessary modification.

(3) Every declaration of a conflict of interest made pursuant to subsection 144(1) of the Act must be recorded in the minutes of the meeting.

#### Disqualification and removal of organized hamlet board members

31.2(1) A member of the hamlet board is disqualified from the board if the member:

(a) is absent from 3 consecutive board meetings unless authorized by:

(i) a resolution of the hamlet board; or

(ii) a leave of absence policy adopted by the hamlet board;

(b) is convicted while in office:

(i) of an offence punishable by imprisonment for 5 years or more; or

(ii) of an offence pursuant to section 123, 124 or 125 of the Criminal Code;

(c) ceases to be a voter of the organized hamlet; or

(d) contravenes subsection 31.1(1.1) or (2).

(2) A member of the hamlet board who is disqualified must resign immediately.

(3) If a member of the hamlet board who is disqualified does not resign as required by subsection (2), sections 148 and 150 of the Act apply with any necessary modification.

32 Repealed. 18 Aug 2023 SR 77/2023 s12.

#### Revenues of waterworks or sewage systems

33 If, on the request of a hamlet board, the council of the rural municipality in which the organized hamlet is located has provided for the installation of a waterworks system, sewage system or both in the organized hamlet:

(a) any revenue arising from the operation of the waterworks system or sewage system shall be used by the council of the rural municipality in payment for:

(i) the maintenance and operating costs of the waterworks system or sewage system, including the payment of any instalments of principal and interest of debentures issued to provide funds for the construction of the system; and

(ii) any administrative fees of the municipality agreed to by the hamlet board;  
and

(b) any deficiency in the revenue mentioned in clause (a) to meet the costs mentioned in that clause shall be charged against the allocation made by the council of the rural municipality to the organized hamlet pursuant to clause 69(1)(b) of the Act.

#### Report respecting funds and budget

34(1) For the purposes of section 69.1 of the Act, the municipality shall establish a procedure for the preparation, submission and approval of the hamlet budget, that must include:

- (a) the required format and content of the budget submission in order to align with municipal budgeting practices;
- (b) deadlines for initial submission, any required revisions, and final approval of the budget; and
- (c) procedures for communicating with the hamlet board when revisions are required.

(2) The hamlet budget must include:

- (a) the percentage of municipal taxes to be allocated to the hamlet account in accordance with clause 69(1)(b) of the Act;
- (b) the percentage of a special levy, if any, to be allocated to the hamlet account in accordance with subsection 70(2) of the Act; and
- (c) the mill rate of the hamlet, if different from the mill rate of the municipality.

(3) On or before January 20 of each year, the municipality shall provide to the hamlet board a statement of:

- (a) the amount of funds allocated to the hamlet account and the expenditures during the previous year;
- (b) the balance of the accumulated reserve standing to the credit of the hamlet account; and
- (c) the revenues and expenditures relating to the operation of any waterworks system or sewage system provided by or on behalf of the municipality to the organized hamlet.

(4) The amount of taxes retained by the municipality in clause (2)(a) must be sufficient to cover all services provided to the organized hamlet and related administrative costs that are common to all property in the municipality.

(5) The municipality shall approve the hamlet budget by resolution or bylaw.

(6) Approval of the budget constitutes an agreement by the municipality to pay any expenditures submitted by the hamlet board for that fiscal year that are included in the budget.

#### Amount/percentage of taxes

34.1 The percentage allocated to the hamlet account mentioned in clause 69(1)(b) of the Act may be agreed to for a period of up to 5 years.

#### Unexpended funds

34.2(1) Any unexpended portion of the tax revenues allocated to a hamlet account pursuant to clause 69(1)(b) of the Act shall be accumulated and reserved to the credit of the hamlet account.

(2) The accumulated surplus in the hamlet account must be available for expenditures as stated in the organized hamlet's budget as approved by the municipality.

(3) The hamlet board may prepare and adopt a capital works plan for a period of not less than 5 years, including the current year, showing the estimated capital cost of and the proposed sources of financing for each capital work for each year of the plan.

(4) If a capital works plan mentioned in subsection (3) is approved by the municipality, the amount of expenditures mentioned in the plan must be available from the hamlet account.