

2013

CHAPTER 17

An Act to amend *The Municipal Board Act* and to make related amendments to other Acts

(Assented to May 15, 2013)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Saskatchewan, enacts as follows:

Short title

1 This Act may be cited as *The Municipal Board Amendment Act, 2013*.

S.S. 1988-89, c.M-23.2 amended

2 *The Municipal Board Act* is amended in the manner set forth in this Act.

Section 3 amended

3(1) Subsection 3(1) is amended by striking out “consisting of members appointed by the Lieutenant Governor in Council”.

(2) The following subsection is added after subsection 3(1):

“(1.1) The board consists of:

- (a) full-time members appointed by the Lieutenant Governor in Council;
and
- (b) part-time members appointed by the minister”.

Section 4 amended

4(1) Subsection 4(1) is amended by striking out “or part-time”.

(2) The following subsection is added after subsection 4(1):

“(1.1) The minister may appoint persons who possess the qualifications prescribed in this Act and the regulations to be part-time members of the board”.

(3) Subsection 4(2) is amended by adding “pursuant to subsection (1) or (1.1)” after “member of the board”.

(4) Subsection 4(5) is amended by adding “full-time” before “member”.

(5) The following subsection is added after subsection 4(5):

“(5.1) Notwithstanding subsection (4), the minister may appoint a person to act as a part-time member of the board for a limited term, not to exceed six months, or with respect to a particular matter”.

(6) Subsection 4(7) is amended by adding “full-time” before “member”.

(7) The following subsection is added after subsection 4(7):

“(7.1) A part-time member of the board holds office at the pleasure of the minister”.

(8) Subsection 4(8) is repealed and the following substituted:

“(8) A full-time member of the board may be suspended by the Lieutenant Governor in Council at any time and another person may be appointed by the Lieutenant Governor in Council to act in place of the suspended member for the period of the suspension.

“(9) A part-time member of the board may be suspended by the minister at any time and another person may be appointed by the minister to act in place of the suspended member for the period of the suspension”.

Section 6 amended

5(1) Subsection 6(2) is repealed and the following substituted:

“(2) A vacancy caused by death, resignation or otherwise may be filled for the remainder of the term of the member of the board being replaced:

(a) in the case of a full-time member, by the Lieutenant Governor in Council; or

(b) in the case of a part-time member, by the minister”.

(2) Subsection 6(3) is repealed and the following substituted:

“(3) If a member of the board is, at any time, unable to perform the duties of his or her office by reason of absence or temporary incapacity:

(a) in the case of a full-time member, the Lieutenant Governor in Council may appoint, on any terms and conditions that the Lieutenant Governor in Council considers appropriate, a temporary substitute member to act in the place of that member; or

(b) in the case of a part-time member, the minister may appoint, on any terms and conditions that the minister considers appropriate, a temporary substitute member to act in the place of that member.

“(3.1) If a temporary substitute member is appointed pursuant to subsection (3), the temporary substitute member may continue acting with respect to any matter in which he or she has taken part until that matter is completed, even if the member of the board becomes able to act”.

(3) Subsection 6(5) is amended by striking out “subsections 4(7) and (8), a member” and substituting “subsections 4(7) to (9), a member of the board”.

(4) Subsection 6(7) is repealed and the following substituted:

“(7) If a member of the board resigns or his or her term expires, the member may, with respect to any application, appeal, proceeding, or matter heard before him or her or commenced by him or her as a member, have and exercise the jurisdiction and powers of a member of the board, including the power to complete any matter and render a decision in that matter, as if he or she had not resigned or his or her term had not expired:

(a) in the case of a full-time member, during any period that the Lieutenant Governor in Council designates by order; or

(b) in the case of a part-time member, during any period that the minister designates by order”.

Section 9 amended

6(1) Subsection 9(6) is repealed and the following substituted:

“(6) If a member of the board has an interest in a matter before the board, on application by the member or by the chairman or otherwise:

(a) the Lieutenant Governor in Council may, in the case of a full-time member, appoint a disinterested person to act as a member with respect to that matter pursuant to subsection 4(5); or

(b) the minister may, in the case of a part-time member, appoint a disinterested person to act as a member with respect to that matter pursuant to subsection 4(5.1)”.

(2) Subsection 9(9) is repealed and the following substituted:

“(9) Subject to subsection (9.1), no member of the board is eligible for nomination to be a candidate at any municipal election or to become a member of an area authority, a board of education, the conseil scolaire or a board of trustees of a school division as long as he or she remains a member of the board.

“(9.1) Subsection (9) does not apply to a part-time member appointed pursuant to subsection 18(3) or (3.2)”.

Section 10 amended

7 The following subsections are added after subsection 10(3):

“(4) If a full-time member of the board was a member of a pension plan on the date on which the member was appointed to the board and notifies the board on his or her appointment to the board of his or her intention to continue to participate in that pension plan, the Lieutenant Governor in Council may approve the member’s continued participation in that pension plan if the pension plan is:

(a) registered pursuant to *The Pension Benefits Act 1992*; and

(b) administered for employees of two or more employers.

“(5) Subject to any terms and conditions in the approval by the Lieutenant Governor in Council, if a full-time member of the board continues to participate in a pension plan pursuant to subsection (4):

- (a) the board is deemed to be a participating employer in the pension plan for the purposes of calculating the service of the member and the amount of contributions to be made with respect to the service of the member pursuant to the terms of the pension plan;
- (b) the service of the member with the board is deemed to be continuous service with a participating employer pursuant to the terms of the pension plan;
- (c) the salary of the member with respect to which contributions to the pension plan are calculated is the remuneration paid to the member by the board; and
- (d) the board shall pay contributions with respect to the service of the member with the board to the administrator of the pension plan in accordance with the terms of the pension plan.

“(6) Subsection (5) applies to the period of service of the member of the board between the date of the member’s appointment to the board and the date of the approval of the member’s continued participation in the pension plan by the Lieutenant Governor in Council if the following conditions are met:

- (a) the member has not become a member of a pension plan in which the board is a participating employer;
- (b) all contributions with respect to the period of service are made to the administrator of the pension plan mentioned in subsection (4);
- (c) the period of service did not commence before April 1, 2012.

“(7) Subsection (6) does not apply if the pension plan mentioned in subsection (4) is prohibited by its terms from accepting contributions with respect to the period of service set out in subsection (6).

“(8) The provisions of this Act are in addition to the provisions of any other Act, regulations or pension plan, and if there is any conflict between the provisions of this Act and the provisions of any other Act, regulation or pension plan, the provisions of this Act prevail”.

Section 12 amended

8 The following clause is added after clause 12(1)(b):

“(b.01) three or more members of the board to sit as a committee of the board for the purposes of section 18”.

Section 16 amended

9 Subsection 16(1) is amended:**(a) in clause (a):****(i) by striking out “, *The Condominium Property Act, 1993*”; and****(ii) by striking out “, *The Subdivisions Act*”; and****(b) in clause (b) by striking out “or equivalency assessment”.**

Section 18 amended

10(1) Subsections 18(1) to (3) are repealed and the following substituted:

“(1) Subject to subsections (1.1) to (1.3), the board shall review any application for an alteration of municipal boundaries submitted by a municipal council pursuant to subclause 43.1(2)(a)(ii) of *The Cities Act*, subsection 60(2) of *The Municipalities Act* or subsection 81(2) of *The Northern Municipalities Act, 2010*.

“(1.1) Before an application mentioned in subsection (1) is reviewed by the board, the secretary of the board shall review the application to determine if, in the opinion of the secretary, it provides sufficient information and:

(a) if the secretary determines that the application provides sufficient information, refer the application to the board for review; or

(b) if the secretary determines that the application does not provide sufficient information, notify the applicant in writing of the deficiencies in the application and specify a period within which the deficiencies must be remedied.

“(1.2) If, in the secretary’s opinion, the deficiencies mentioned in clause (1.1)(b) have been remedied within the specified period, the secretary shall refer the application to the board for review.

“(1.3) If the applicant does not remedy the deficiencies mentioned in clause (1.1)(b) to the satisfaction of the secretary within the specified period, the application is deemed to have been withdrawn by the applicant.

“(2) The board shall review any application for an alteration of municipal boundaries or amalgamation of municipalities referred to it by the minister pursuant to *The Cities Act*, *The Municipalities Act* or *The Northern Municipalities Act, 2010*.

“(3) For the purposes of reviews of applications for alterations of municipal boundaries or amalgamations of municipalities submitted or referred to it, the board’s membership shall be supplemented by two persons appointed by the minister as part-time members of the board to hold office for a term of three years:

(a) one of whom is nominated by the Saskatchewan Urban Municipalities Association; and

(b) one of whom is nominated by the Saskatchewan Association of Rural Municipalities.

“(3.1) The Saskatchewan Urban Municipalities Association and the Saskatchewan Association of Rural Municipalities may each nominate a person to act as an alternate to the person each nominated for appointment pursuant to subsection (3).

“(3.2) The minister may appoint the persons mentioned in subsection (3.1) as part-time members of the board to act as alternates to the persons appointed pursuant to subsection (3).

“(3.3) If a member of the board appointed pursuant to clause (3)(a) or (b) is unable to attend a meeting of the board, his or her alternate may attend the meeting and carry out any of the responsibilities or exercise any of the powers of the member for the purposes of the meeting”.

(2) Subsections 18(10) and (11) are repealed and the following substituted:

“(10) On completion of its review in the case of an application submitted pursuant to subsection (1), the board may:

- (a) approve the application, subject to any terms and conditions that the board considers appropriate;
- (b) approve parts of the application and reject other parts, subject to any terms and conditions that the board considers appropriate; or
- (c) reject the application.

“(11) The board shall report its decision pursuant to subsection (10) to the minister within four months after the day on which an application is referred to it by the secretary of the board in accordance with clause (1.1)(a) or subsection (1.2), as the case may be.

“(12) On the completion of its review in the case of an application referred to the board pursuant to subsection (2), the board shall, within four months after the day on which an application is referred to it, make recommendations to the minister that relate to:

- (a) the principle of the proposed alteration or amalgamation; and
- (b) any terms and conditions related to the proposed alteration or amalgamation.

“(13) The minister may, at the request of the board or a municipality affected by a proposed alteration of boundaries or amalgamation, extend the time within which the board is required to report its decision pursuant to subsection (11) or make recommendations to the minister pursuant to subsection (12)”.

Section 18.2 repealed

11 Section 18.2 is repealed.

Section 19 amended

12 Clause 19(1)(e) is repealed and the following substituted:

“(e) grant permission for extension of the time for repaying indebtedness incurred by municipalities in accordance with this Act”.

Section 35 amended

13 Section 35 is amended by striking out “16(a), (b) or (c)” and substituting “16(1)(a), (b) or (d)”.

Section 43 amended

14 Section 43 is amended by striking out “second”.

Section 70 amended

15 Subsection 70(2) is repealed.

S.S. 1986, c.A-28.1 amended

16(1) *The Assessment Management Agency Act* is amended in the manner set forth in this section.

(2) Clause 2(h.2) is repealed.

(3) Subsection 12(1) is amended:

(a) by repealing clause (l.1); and

(b) by repealing subclause (n)(i) and substituting the following:

“(i) showing total assessments, taxable assessments, assessments exempt from taxation that may be provided by the agency and equalized assessments for individual municipalities if determined pursuant to clause (l)”.

(4) Clause 12.1(1)(d) is repealed.

(5) Subsection 12.1(6) is repealed and the following substituted:

“(6) The minister shall cause notices of any approvals of orders pursuant to this section to be published in the Gazette”.

(6) Subsection 22.1(4) is amended by striking out “clause 12(1)(l), (l.1), (n) or (p)” and substituting “clause 12(1)(l), (n) or (p)”.

S.S. 2012, c.11, section 2 amended

17 Clause 19(1)(e) of *The Municipal Board Act*, as enacted by subsection 2(3) of *The Education Consequential Amendments Act, 2012*, is repealed and the following substituted:

“(e) grant permission for extension of the time for repaying indebtedness incurred by municipalities in accordance with this Act”.

Coming into force

18(1) Subject to subsection (2), this Act comes into force on assent.

(2) Subclause 9(a)(ii) and sections 12, 16 and 17 come into force on proclamation.

