

DIRECT DEMOCRACY DEAD IN RM 220?

The Municipal Election was held on Wednesday October 24th. The RPA submitted a referendum question to revise the 108 year old electoral boundaries to more fairly represent the current voter population. It won majority support with 73% of voters supporting change. The majority of voters rejected the second referendum question to explore options by 70%. The voters have spoken. Or so we thought.

In an RM Council meeting on Oct. 26th, Council discussed the referendum results on boundary change and reviewed several complaints received. One example is from Brent Johnson, Chair, McKillop Taxpayers Network and the person who submitted the second referendum question which received 29.5% support in the vote. He complained that there “has not been any public consultation on this proposed map”. Nonsense. This proposal was submitted to Council in August 2017. Council chose to disregard it. RPA meetings in January 2018 in Regina and Silton gave presentations on the matter. There were documents displaying the map for weeks before the vote. If voters “only saw the map for the first time in the voting booth,” they have not been paying attention. As to whether consultations occurred respecting the map, this referendum was started by voter petition, not by Council. In effect, the referendum IS the consultation. Voting “NO” would have told Council, “we don’t like it”. 73% of voters said “YES” to it. Now Mr. Johnson wants to say that voters didn’t know what they were doing. We remind him that it is the civic duty of voters to inform themselves before voting. Nothing prevented Council, or Mr. Johnson, from providing information they thought suitable for voters. RPA is not obliged to campaign on behalf of or provide only information that Council or Mr. Johnson consider suitable.

As to his question about what the “steps going forward” are, those are clearly laid out in The Municipalities Act (MA), 137(1) and in the July 18, 2018 Court of Queen’s Bench decision of Judge Leurer. Council has no discretion here. It must apply to the Minister for the Minister to act on the referendum result in the Minister’s discretion.

Under the guidance of the Gov’t appointed Supervisor, Vern Palmer, Council proposed the following resolution:

That the RM of McKillop #220 submit an application to the Minister of Government Relations to alter the RM division boundaries as set out on the map provided in the referendum question.

Then Councillor Wild added the amendment,

...and further that the RM of McKillop 220 hold a public meeting (Nov. 24th, 2-4 p.m.) and accept written submissions (until Nov 27th) as part of the application.

The amended resolution was supported by Councillors Dixon, Bondar, Wilson & Reeve Arndt and opposed by Councillors Wild, Helgeson & Wilcox. Notice that Councillor Wild, Deputy Reeve, voted against his own amendment. What game is he playing at? Is there any cynicism about the democratic process here?

In a Council-initiated restructuring (boundary change), public consultation occurs before the application to the Minister. In a voter petition-initiated restructuring (boundary change), campaigning and public information sessions take place and voters inform themselves before and during the referendum campaign.

So Council is now trying to engage in a do-over of sorts based on a misinterpretation of the *MA Sec. 137(1)*. It’s going to spend valuable time and our ratepayer dollars inviting people, after the referendum election is over, to provide MORE feedback under the guise of ‘proper consultation’, ‘due diligence’ and ‘crossing the *is* and dotting the *ts*’ on the proposed boundary MAP changes.

RM Council does not appear to be following the directions in the decision of Judge Leurer that came out of its own application to that Court regarding both referendum questions. He says

Because of the system of direct democracy contained in the Act, the voters of the RM are entitled to vote on referenda that, if passed will be binding on the RM Council.

His last sentences say that it doesn’t matter how illogical a decision of the voters might appear, *‘it does not sit with council, any more than with this Court, to make this judgement. Instead, voters retain the right to make these decisions on behalf of the municipality’ [emphasis added]*.



Is your democratic VOTE less valuable than a complaint AFTER the election?

For RM 220 Council to vote to add another layer of public consultation AFTER the referendum vote has been determined makes the vote (and direct democracy) redundant. Apparently they're trying "to take care of you." Council is saying you didn't know what you were doing when you voted, and they're calling into question the outcome of the democratic vote that occurred.

Council can't deny or reverse the vote. As Judge Leurer said, this is not Council's business: **voters retain the right to make these decisions on behalf of the municipality.** VOTERS in a referendum make this decision, not Council or ratepayers in a public meeting or written submission after a democratic vote.

We can think of only one reason why Council is not doing its legal duty to apply to the Minister 'without any unreasonable delay' respecting the boundary change: Council hopes that by delaying in this way under the guise of 'consulting' it can draw as much negative commentary about the process as possible in the hope of influencing the Minister to modify or change something regarding the proposed application. Judge Leurer thought the referendum and the map were fine ("*boundary lines clear & certain*") and says that Council effectively has no power to act differently.

Direct democracy or pure democracy is a form of democracy in which people decide on policy initiatives directly. A referendum is a direct vote in which an entire electorate is invited to vote on a particular proposal.

Wikipedia, Oct 28th/18

DOES THIS SOUND LIKE DIRECT DEMOCRACY IN MODERN SASKATCHEWAN?

Timelines & Action for Boundary Change Proposal

- Aug 2017—RM Council members (Arndt, Wild, Smith, Wilson & Helegson) defeat boundary change proposal (aka MAP) from RPA (Res. 274/2017).
- Jan 2018—RPA holds 2 public meetings in Regina & Silton. Provides slide presentation on MAP.
- Feb—RPA submits petition for referendum on MAP. Council votes to apply to Court for assistance on wording on ballot.
- May—McKillop Taxpayers Network (MTN) submits petition to explore options & leave division boundaries as is. Council votes to apply to Court for assistance on 2 conflicting petitions. Judge Leurer hears application in court on May 24th.
- July 18—Judge Leurer's conclusion, 'there is no legal conflict in the two petitions. Council *can (and must) carry out the direction required by a positive vote* on the referenda, even if the majority of voters vote 'yes' to both questions'.
- Aug—Council supports tax bylaws that see 176% increase in the tax levy collected. Affected residential ratepayers shocked & angry. Minister of Municipal Government calls for Inspection of RM after public outcry and media coverage.
- Sept—Ratepayers begin legal challenge of RM tax increase. Sept 18th MTN refuses to distribute legal challenge information to it's members. Mid-Sept RM election & referendum campaign begins. RPA distributes referendum campaign materials via email distribution list and on RPA website and Facebook. Sept 27th RM Council defeats resolution to quash tax bylaws. Municipal Inspector's Report made public with recommendations, including a financial audit. Report finds no documentation to support significant residential tax increases.
- Oct—Gov't appoints Supervisor to oversee RM general operation. RPA campaign signs installed and materials to support referendum MAP are distributed and posted on website. Up to 1,500 visits to Facebook. Court date for legal challenge of RM tax bylaws set for Nov. 1st. RM lawyer asks for extension to Nov. 13th or early Dec. Court date re-set for Nov. 13th.
 - Oct 24th election—MAP receives 73% support. MTN referendum question to explore options and leave boundaries as they are—29.5% support.
 - Oct 25th—MTN sends press release requesting proper consultation on MAP AFTER election.
 - Oct 26th—RM Council supports resolution on MAP. Then, after resolution is introduced to apply to the minister for boundary change, the resolution is amended to include additional consultation. (Councillor Wild, Deputy Reeve, then voted against his own amended resolution). Public meeting on MAP to be held Nov 24th. Written ratepayers submissions due Nov 27th. All submissions are to be added to application to the Minister.

Apparently, Council views this late-date consultation as legitimate AFTER the voters have already cast their ballots in the referendum. Might some voters actually get 2 'votes' in this revised process?

The Rural Municipality of McKillop No. 220 lies along the east shore of Last Mountain Lake, north of Lumsden. There are 732 permanent residents and approximately 2,000 ratepayers in the RM. The RM 220 RPA is a citizen's group dedicated to ensuring fair taxes, minimizing waste, reducing spending, and holding RM Council accountable.

If you have any questions or can help please contact us at rm220rpa@gmail.com, www.rpa220.ca or visit us on Facebook