

## PETITION-GATE

### THE TALE OF 7 RATEPAYERS' PETITIONS IN THE RM OF 220

BULYEA, SK: *The Municipalities Act* provides citizens the right to shape RM Council decisions by requesting a public meeting, referendum or audit via petition. Each type of petition has different technical requirements (e.g., different number of signatures required and different procedures). This information is from the *Municipalities Act* and *A Citizen's Guide to Shaping Council Decisions*, May 2016.

A **public meeting of voters** is not the same as a meeting of council. This public meeting is typically convened to discuss a specific matter and serves to create awareness and build community understanding of the topic. The outcome of this meeting is not binding on council – it will simply provide council with an opinion poll of those who attended, and possibly a recommended course of action. The final decision regarding the matter resides with council. The Reeve shall call a public meeting to be held within 30 days after the receipt by the council of a petition requesting that a public meeting for the discussion of a municipal matter be held.

Council may be required to hold a **referendum** as the result of a petition of voters. There are prescribed technical requirements for these petitions. The outcome of a referendum is binding on council if the voters approve the measure or question being asked. On the other hand if the majority of persons voting do not approve the proposed resolution or bylaw council may exercise its discretionary authority to pass the proposed resolution or bylaw if it wishes to do so.

In the case of a municipality, voters of a municipality may petition council to undertake a **financial audit or a management audit** of: the municipality; a council committee or other body established by the council; or a controlled corporation established by council. Financial audits and management audits are different from the annual financial statement audit which is intended to determine if the municipality's financial statements are prepared in accordance with generally accepted accounting principles. In so doing, the auditor is also required by the *Act* to report any impropriety found during the course of the audit and report to the reeve of the municipality with a copy to the Minister. Auditors use their professional discretion in determining the materiality of any items mentioned in the management letter.

A petition must be presented to the municipality within 90 days after the first person signs the petition. The petition is deemed to be presented to the municipality when it is filed with the administrator. If you present it to council at a meeting rather than filing it with the administrator, make sure that this happens before the deadline.

Within 30 days after the date on which it is filed, the administrator must inform council if the petition for a financial audit or a management audit is or is not sufficient. At the meeting following the administrator's determination that a petition for a financial audit or a management audit is sufficient, council must pass a resolution to appoint an auditor to conduct the requested audit. The auditor must be someone other than the auditor appointed to undertake the municipality's annual financial audit.

Municipalities are recognized by legislation as a level of government within their jurisdiction and as being accountable to the people who elect them. Citizens may hold their municipal government accountable through three different mechanisms: political pressure; electoral process; and/or legal action.

On page 2 is a dashboard of the 7 petitions submitted in 2017-2018 to the RM of McKillop Council and how they were processed. The need to start a petition in the RM of McKillop is not taken lightly: it's a lot of work. But if RM Council won't listen to, or respect, the voice of the majority of people then it's time for a change of RM Council. The next election for Councillors is October 24th, 2018 in Divisions 2, 4 & 6. A referendum on change to RM division boundaries should, if things proceed properly, either be held before or included in this election. A democratic election in the RM of McKillop would include a polling station in Regina and mail-in ballots. Resolutions will be put forward to Council regarding the *absentee voter* (to accommodate snow birds, farmers in harvest and voters not in the RM during the election) but if past practice is any indication expect Council to defeat the resolution (with *it's too expensive, administratively cumbersome or we forgot to apply for a Regina polling station*) and ignore the democratic process. The RM Administrator usually is appointed the Chief Returning Officer for an election.

**BACKGROUNDER:** 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 fair taxes, less waste and accountable RM of McKillop No. 220 Council spending.

Questions? Please contact us at [rm220rpa@gmail.com](mailto:rm220rpa@gmail.com).

#	Petition Title & Submission Group	Petition Type	Date Submitted	Information
1	Interim Development Control (IDC) Bylaw 327-17 <i>Concerned Citizens</i>	Public Meeting	January 23, 2017 prior to RM meeting	<ul style="list-style-type: none"> <li>January 23rd Council approves IDC Bylaw stating no new development in RM. <u>No discussion of petition permitted</u>. Meeting to be held 30 days after submission of petition.</li> <li>March 30th Government Relations does not approve RM's IDC Bylaw 327-17.</li> <li>May 29th, 2017 RM Administrator resigns.</li> <li>June 17th public meeting held, 127 days after submission of petition.</li> </ul>
2	Fox's Point <i>Concerned Citizens</i>	Public Meeting	January 23, 2017 prior to RM meeting	<ul style="list-style-type: none"> <li>Meeting to be held 30 days after submission of petition.</li> <li>May 29th, 2017 RM Administrator resigns.</li> <li>June 17th public meeting held, 127 days after submission of petition.</li> <li>RM approves disposition of Fox's Point (aka—giving 1/2 RM asset away) to Sask. Wildlife Fed. January 22nd, 2018 stating conservation of asset and support of majority (no evidenced-based support provided).</li> </ul>
3	Garbage Bylaw 298-15 <i>Concerned Citizens</i>	Public Meeting	January 23, 2017 prior to RM meeting	<ul style="list-style-type: none"> <li>Citizens concerned about poorly written bylaw, inconsistencies in management &amp; \$100 levy.</li> <li>Meeting to be held 30 days after submission of petition.</li> <li>May 29th, 2017 RM Administrator resigns.</li> <li>June 17th public meeting held, 127 days after submission of petition.</li> <li>May 14th, 2018 RM Council has 1st &amp; 2nd readings of Bylaw 324-18 that increases garbage levy to \$250.</li> </ul>
4	Financial Audit <i>RM 220 RPA</i>	Financial Audit	August 11, 2017	<ul style="list-style-type: none"> <li>Sept. 1st RM re-hires former Administrator (CPA), and focus of audits, back with no contract.</li> <li>September 10th RM Administrator declares petition insufficient based on legal opinion.</li> <li>RM hires lawyer as secretary (for legal oversight), terminates staff, closes office to public for 3 months and conducts an in-house 'review' of financial records.</li> <li>After 7 requests, RPA is anonymously given legal opinion, a legal opinion that turns out to be wrong.</li> <li>RM legal counsel back-tracks on her original opinion &amp; passes the file onto her junior counsel.</li> <li>Early 2018 RM proposes RPA 'negotiate' specific items for audits. RPA says 'no' until sufficiency report based on incorrect legal opinion is reversed—given RM Council actions, RPA considers 'good faith' negotiation impossible and submits files to RCMP.</li> <li>May 14th RM approves paying costs for criminal defence lawyer for Administrator.</li> </ul>
5	Management Audit <i>RM 220 RPA</i>	Management Audit	August 11, 2017	<ul style="list-style-type: none"> <li>Same as above.</li> </ul>
6	Change of 108-Year Old Electoral Boundary <i>RM 220 RPA</i>	Referendum for Electoral Boundary Change	February 12th, 2018	<ul style="list-style-type: none"> <li>March 19th, Administrator declares petition sufficient after 35 days—5 days late.</li> <li>March 19th RM Council vote to apply to courts for assistance on wording on ballot.</li> <li>May 10th RPA &amp; RM attend court where RM requests, &amp; receives, more time to prepare.</li> <li>May 24th parties will be back in court. Procedural concerns to be presented.</li> </ul>
7	Boundary Petition & Livelihood Concern <i>McKillop Taxpayers Network</i>	Referendum for Boundary to Remain the Same, Hamlets to be Given Self-gov't	May 1st, 2018	<ul style="list-style-type: none"> <li>May 2nd Administrator declares petition sufficient—in 1 day.</li> <li>May 7th RM votes to apply to courts for assistance on two conflicting petitions.</li> <li>May 9th, on behalf of RM, Administrator provides an Affidavit for this petition.</li> <li>May 24th parties will be back in court.</li> </ul>