

**Organized Hamlet of Hitchcock Bay**

**And**

**RM of Coteau #255**

**Meeting August 13, 2012**

Items:

1. Greenspace Use/ Jurisdiction/Bylaw Enforcement/Permits
  - a. Land lease – April, 1986 given to Hitchcock Bay Cooperative(10 years)
    2. “will use the said land and premises for public use in the form of beach access, sports areas, boat launching, boathouses, picnicking, parking, public washrooms, and administration areas purposes, and except with the written consent of the Lessor, for no other purposes whatsoever.”
- And
7. “The lessee may demand, levey, collect or receive fees, taxes, honoraria, emoluments and stipends from any person or persons and from any body public or corporate for use of the said land for the purposes heretofore stated “

This agreement was not renewed and was not addressed in the OH Hamlet Bylaws in 1992 when the Cooperative became an Organized Hamlet except as stated

#### **Section 4 RESTRICTIONS IN ZONING DISTRICTS**

(7) For the purpose of this Bylaw, the Hitchcock Bay Town site is divided into the following zoning districts, the boundaries of which are set out in the schedule:

- (a) residential zoning districts;
- (b) commercial zoning districts;
- (c) public reserve zoning districts.

8. (b) Construct or place holding tanks which are not accessible from within the lot, as no travel on public reserve will be allowed for sewage removal. Location of the holding tank must be shown on the site plan attached to the Development Permit Application;

(e) Use foundations which are not currently accepted in the building clauses in force in the Province of Saskatchewan. All structures must be fixed to foundations (poured footing, concrete piles or driven piles) with skirting applied to prevent damage by wind,

(f) Construct a fence exceeding 1.85 meters (6 ft.) in height. Fences must be constructed so as not to destroy property line markers (iron posts) and must be totally within the property lines unless approved differently by the Board. Materials of construction must be safe and complimentary to the Subdivision and must be approved by the Board;

(g) Change the:

- (i) Natural drainage of the property to the detriment of adjacent lots within the Subdivision;
- (ii) Grade within the lot which has not been given written permission by the Board
- (iii) Drainage patterns in place on any public reserve land without written permission by the board
- (iv) Drainage patterns in place by the construction of property access approaches from the street to the lot boundary.

(8) In a residential zoning district, every person who owns a site shall provide one off-street parking space on the site.

(10) (1) In a public reserve zoning district, no person shall employ a site for any use other than a park, recreation ground, playing field or a playground for children.

- (2) In a public reserve zoning district, no person shall construct on any site
- (a) more than one sign;
  - (b) a sign bearing any information other than information relating to a temporary condition affecting the site;
  - (c) a sign, any face of which has an area exceeding 0.4 square meters (1.3 ft<sup>2</sup>), unless otherwise approved by a resolution of the council, or
  - (d) a sign that is located in a manner that obstructs the vision of or jeopardizes the safety of any person.
  - (e) a sign bearing any information other than information relating to a temporary condition affecting the site;
  - (f) a sign, any face of which has an area exceeding 0.4 square meters (1.3 ft<sup>2</sup>), unless otherwise approved by a resolution of the council, or a sign that is located in a manner that obstructs the vision or jeopardizes the safety of any person.

This has been an issue in the past and will continue to be an issue. Various uses, plantings, etc have become accepted practise over last 25 years. i.e camping on land adjacent to lots, parking on lands designated as public reserve, planting trees, erecting beautification sites on public reserve lands, etc.

Do we need an Order in Council to deal with these issues which we can share with the residents so they can be compliant and the RM will not be continually receiving complaints about the use of green space past and present? The tree removal at the green space on Alyce would fall in this category although it had three purposes: a. It marked the property boundary incorrectly for the 2 lots and implied that there was no green space between them; b. The watering system which was installed by the owner was on green space, was left watering unattended and was affecting the water treatment plant usage for chemical treatment; c. Affected the sight of the lake for the residents on Alyce which is part of the assessment for the properties at the OH of Hitchcock Bay.

We have received an email requesting that the green area between 112 and 113 Alyce be clearly marked. RM Councillor Curtiss Knight and OH Councillor Milt Harriman marked one side clearly. Could they be directed to go back and as clearly as possible mark all four pins?

Bylaw Enforcement is the RM responsibility as the bylaws are theirs. We understand that an enforcement officer may have been employed now. How can we work together on this issue?

2. Who controls the public reserve? This would include the playgrounds, beach areas, golf course, parking areas on public reserve, campground, bathrooms at boat launch, fish shack, boat launch and mooring areas? We assume this would have been addressed in the agreements between the RM, Hitchcock Bay Development Corporations and Sask Environment although the paperwork we have on file is a bit sketchy with details. Perhaps the RM has a copy of this agreement which more clearly outlines this. If not, we should address it so that everyone knows who to address with issues regarding these areas. We do have a letter from the RM regarding the campground which was addressed to the HBDC so for the time being, we know that the HBDC will deal with the campground until a change is made in that status. There are costs involved in the upkeep of the public reserve areas. If they are the responsibility of the RM, should those costs (and incomes) be addressed by the RM not the OH? If they are the responsibility of the OH, then any monies garnered from them should be put into the OH Hamlet account to pay for the upkeep. If they are HBDC, the same holds true there. The reservation regarding HBDC having the control is that the purpose of the corporation was to sell the lots and set up the infrastructure, not provide for the ongoing upkeep and that entity should be obsolete soon so this question will need to be dealt with again if they are the stakeholders.

This question also speaks to our need to develop a strategic plan for the public reserve areas at Hitchcock Bay. The residents are requesting things like public washrooms at the playgrounds, a cook shelter/meeting place, a walking path, a golf clubhouse, etc. Who is responsible for the planning of these, the costs of installation and upkeep?

### 3. Provision of Services

According to the act

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 purposes of carrying out the terms of agreement between the hamlet board and the council.

We have water services which the RM is the permittee for. We are presently paying for these services from our retained share of the taxes.

In the current accounts payable from the RM, we can see that we are now being directly billed for several shared costs of services. We need to clearly outline what those costs are and how the portion that the Organized Hamlet is responsible for has been determined. According to Section 74 (1), if there are not sufficient funds in our account, we are not responsible for paying for those services.

In the past, we understand that those costs were paid for by the RM as part of their retained taxes. We understand the need to offload costs to us, but they need to be clearly outlined when giving us our allotted budget amounts for the coming year. When the costs vary as greatly as they have in the past three years and in 2012, we cannot make a budget without your input. Making us responsible for them when we clearly do not have the funds to pay them is not fiscally responsible for either party. In our July 13, 2012 joint conversation with the municipal advisor, it was stated that we should budget for a 10% increase.

The RM Council also advised us that we needed to work to develop a significant carryover yearly due to when they collect taxes which increase our account. Downloading the costs now is not providing the OH with any way to get to where you want us to be. Could we compromise with setting out the portion of the shared costs which the RM would like us to assume and then working with the suggested 10% increase until we can fiscally be able to pay for the portion we determine jointly is fair?

We understand that the OH can go to an appeals board to decide this issue but we would rather work together to develop a long term strategy.

We may need to consider a fee for water and waste management like small towns and villages do to be able to subsidize these costs as they are our major expenses. One other major expense is the maintenance of the grounds at the hamlet. In the past, the Co-operative paid \$1200 four times a year for the RM to cut the entire area. Our costs are certainly much higher than that when we have a maintenance man, machinery and upkeep to pay.

### 4. Hitchcock Bay Development Corporation

Although we know they have a significant amount in their account, we cannot access it for the day to day running of the OH. Their purpose is mainly to complete the development of the lots and provide for infrastructure. We are currently clearly setting up those guidelines in bylaws so that we are ready for the dissolution of the corporation in the near future. In assigning the accounts from January to June of 2012, we have set aside about \$20,000 of bills which we will take to the next meeting to be paid by the HBDC.

When we receive the accounts from 2011, we are confident that there will be accounts from that fiscal year which should also be paid by HBDC.

When this is completed, we should be able to have more monies in the OH account to be able to pay for ongoing costs and to be able to better set up our budget.

The accounts for infrastructure costs have been billed through the RM in the past and the GST has been collected back on these costs. We were given advice to continue that practice last year as these amounts are significant. Will we continue with the billing practice with the HBDC giving you a donation to pay for such costs?

5. OH Budget

In June, 2012 the RM Administrator gave us amounts to use for revenues in our budget. We need to know if they are still correct. With the change from 25% to 40% of taxes being retained by the RM, we suspect that they are not accurate.

<b>REVENUE</b>			
Taxes			\$ 89,369.58
GST			\$ 6,000.00
Rev Grant			\$ 3,000.00
Carry Forward			<u>\$ 22,480.12</u>
			\$ 120,849.70

Does the RM collect back all GST paid, or are there GST amounts which are not collected back? Is it the entire amount or only a percentage?

Can we meet with the RM Administrator to set up a budget which is accurate?

6. Audit

Have you determined whether you will follow our resolution regarding a local firm? Let's get the process going so that we can see the accounts payable and finalize the 2011 year.