

PARCS UPDATE #73 MAY, 2017



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1. APRIL 27/17 PRESS RELEASE FROM RESIDENT OF RV of TOBIN LAKE

On Saturday July 30th 2016 The Resort Village of Tobin Lake Saskatchewan held its municipal election. As do other communities, (in four year cycles), we elect a mayor and four councilors. Unlike other communities "Resort Villages" are burdened with a clause in the Local Government Elections Act that states that if you are a person or spouse of a person who has leased land for a period of 3 months prior to the date of the election then you are eligible to vote in that municipality. Other jurisdictions (villages, towns and RMs) require that you must lease "assessable land" to be considered a lessee eligible to vote in that jurisdiction. As a result a campground owner who was facing some taxation and fee structuring issues with our Resort Village decided to use the loosely worded and undefined "lease clause" to gain voter eligibility for campers and ultimately, gain control of our council. He then proceeded to change the dates on all the camper's receipts to reflect the required 3-month qualifier, called it a lease, ran 2 candidates, and then sent in approximately 200 non tax paying campground clients to successfully hijack our election. The campground owner who is a taxpayer and a legitimate candidate ran in the election along with a camper who we felt was not eligible to be a candidate or a voter.

What is most upsetting about the whole process is the fact that we knew long in advance that the plan was in play. As a result our council and administrator worked feverously for months with Municipal Affairs in Regina to alert them that laws were being broken to influence the outcome of an election but the bureaucrats seemed unable or unwilling to interfere. I personally contacted our MLA, Fred Bradshaw, and impressed upon him how disastrous it would be to lose control of our local government to people who only spend a few weeks a year here and have no vested interest in any part of our community. He agreed and went to work on the issue immediately but even he was unable to get anyone to step in and close the loophole. The RCMP was also alerted to the contraventions of the Local Government Elections Act but as we now understand there was not much they could do in this case either. Eventually legal counsel was retained with the support of almost 100 taxpayers backing the person contesting the election in moving the issue forward in the court system.

From the very beginning Municipal Affairs consistently advised that action to remedy the problem should happen post-election. They insisted we should contest the result rather than proactively step in and stop something that was obviously wrong. As a result we had us a mess. So for the sake of our many upset taxpayers we chose to contest the election and press forward with allegations of contraventions to the Controverted Municipal Elections Act committed by the owner of the campground and a campground client / candidate. This decision was made prior to the election itself.

The application to the Court of Queen's Bench in Melfort, for endorsement and leave to commence with the application, was heard Aug. 10, 2016 and approved.

The sitting judge also directed that Notice of the application be posted in three major newspapers and also ordered the previous council to remain sitting until a decision was rendered. A court date for the hearing regarding the allegations of corrupt practices was set for Sept. 6, 2016 but those charges were dealt away when the campground owner agreed to concede that he did not have valid leases, agreed to pay costs and agreed to a new election. Unfortunately for the village the judge rightfully said there was a third party that had to be heard from and that was the campers who voted and who had deep convictions that it was their right to do so. As a result, notice was given and a new court date was set for Nov 3, 2016. Approximately 18 campers of the 155 attended. Lawyers also came armed with 76 signed affidavits from campers stating that they had verbal lease agreements with the campground owner.

Due to the fact that there is a bylaw in place in the Resort Village of Tobin Lake to prohibit the practice of offering a lease for property smaller than 400 square metres, we were also seeking a court declaration regarding the status of the campground clients and the supposed "leases", as well as other remedies and penalties available under the legislation. Our simple question was, *how could there be leases when it was against the law for the campground owner to offer leases in this particular jurisdiction?*

Regardless, on April 17, 2017 we learned that the judge had ruled against our application to declare non-resident, non- tax paying campers to be ineligible voters. Further to that he went on to justify his position by deeming that he believed the verbal contract between the campers and the campground owner was a valid lease. **This means that the court has upheld an election result that was achieved by breaking the law.** In other words he awarded eligibility based on the existence of leases that were entered into solely to influence the outcome of an election, which is in contravention of the "Local Government Elections Act 2015" and is also in contravention to our Zoning Bylaw 05/2013.

The outcome of our application was of utmost significance, not only to our own resort village, present and future, but also to the overall democratic process, the deliverance of the original legislative intention and its impact on other resort communities. Unfortunately, all we are left with is a weak Act, a bad decision and few options.

Pressure must be brought to the Provincial Government and Municipal Affairs to tighten up the Local Government Elections Act and protect communities from such hostile takeovers in the future.

Ron O'Byrn
Tobin Lake, SK
Phone (306) 812-8155
ronobyrne@sasktel.net

Note to readers - Ron O'Byrne asks whether **non-taxpaying non-resident campers should be eligible voters in a municipality other than their primary residence?**

Ron O'Byrne is a former councillor for the RV of Tobin Lake. Ron is no longer on Council. This Press Release was submitted by Ron on his own.

Ron will be invited by PARCS to share this event, along with many other event spokespersons from other cottage communities, at the PARCS October 20/21 convention, as part of our session on SHARING OUR STORIES.

Lynne is currently conducting phone interviews and gathering these unique local stories in preparation for convention.

2. WHEN PREDICTING YOUR TAX BILL, DON'T FORGET ABOUT REASSESSMENT

In last month's PARCS Update, president Garry led us through the steps for calculating the education portion of our 2017 property tax bill. Garry's article was titled "A Few More Dollars".

When I received my own Assessment Notice for 2017 I decided to apply what I had learned from Garry to see what the changes would be for education portion of my taxes.

Resort Village Of Mistusinne
Box 160, Elbow, Sask., S0H 1J0

Voice: (306)854-4637
Fax: (306)854-4668
Email: mistusinne@sasktel.net

ASSESSMENT NOTICE FOR THE YEAR 2017

LEGAL ADDRESS	CIVIC ADDRESS	ALTERNATE NUMBER	ROLL NUMBER
03 06 67MJ13460	603 Sakuhikun Avenue	505010250-01	00000197 000
Saas, Albert Saas, Lynne Box 52 Elbow, SK S0H 1J0		FRONTAGE	SCHOOL SUPPORT
		65.000 Feet	Public
		MAILING DATE OF NOTICE	FINAL DATE FOR APPEAL
		April 7, 2017	June 16, 2017

PROPERTY CLASS	ASSESSED VALUE	PROPERTY CLASS %	TAXABLE ASSESSMENT	ASSESSMENT EXEMPTIONS	NET TAXABLE ASSESSMENT	LAST YEAR
Land-RES	89,000	80%	71,200	0	71,200	55,720
Impr-RES	114,000	80%	91,200	0	91,200	97,370
TOTAL	203,000		162,400	0	162,400	153,090

Take notice that you have been assessed as above for the year indicated and should you consider yourself wrongly assessed, you may lodge an appeal by using the form enclosed within 60 days after the date of this notice, when the same will be heard by the Board of Revision, of which sitting due notice will be given. The Assessment Roll will be open for inspection Fridays from 11 a.m. - 5 p.m. until June 16, 2017 at the Resort Village Office, 101 Mistusinne Street.

Written appeals must be received by Friday, June 16, 2017 at the Resort Village Office, PO Box 160 Elbow, SK S0H 1J0. The charge per appeal is \$200.

Yvonne Jess, Assessor

043788

#1

Year	Assessed Value	Percentage of Value	Taxable Assessment	Mill Rate	Education Taxes Owing
2016	218,657	70%	55,720 <u>97,370</u> 153,090	5.03	\$ 770.04
2017	203,000	80%	71,200 <u>91,200</u> 162,400	4.12	\$ 669.09
A decrease in Educational Taxes owing from 2016 of \$100.95					

#1 - I inserted the taxable assessment into Garry's chart, from my assessment notice.

#2 - I calculated taxes for each year by multiplying by education mill rates of .00503 for 2016 and .00412 for 2017, to obtain the **taxes owing**. I was pleased to learn I will be paying \$100.95 less in education tax this year.

#4 - Then I worked backwards, from 70% to 100%, and from 89% to 100% to find the **original assessed value**¹

I concluded that when the province reassessed cottage properties, the properties in our resort village reassessed lower. It was suggested to me that the decrease may have been due to a depreciation factor they start to apply to cottages older than 20 years. Now, I can only hope that my resort village council does not increase the mill rate for the municipal portion of my tax bill (fingers crossed).

¹ Example, if 70% = \$153,090, to get 100%, divide by 7 and multiply by 10.

When Ross Wilson, Mayor of the Resort Village of Lumsden Beach, looked at the total property value in that resort village, he found that it had increased from \$6,813,240 in 2016 to \$12,671,440 in 2017.

Ross therefore estimates that the average increase in educational taxes for the properties in his resort village will be 52%. As Ross says, "quite the one year hit."

3. KEEPING YOU UPDATED ABOUT AQUATIC INVASIVE MUSSELS

3.1 The Provincial AIM Task Force

On April 13th, the Provincial Task Force on Aquatic Invasive Mussels held its first meeting. The Task force includes an impressive array of 22 members representing 17 organizations (see insert list, bottom left). The group is chaired by Ron Hlasny, Provincial AIS Coordinator.² Highlights of the meeting included:

- The introduction of a new web-based recording system for easier reporting when sampling lake water for the presence of mussels; prototype to be ready in early June.
- The willingness of all organizations to share and distribute educational materials.
- An interest in fund-raising to undertake special projects.
- None of the agencies other than PARCS (including Min. of Environment) appeared to be aware that the province's stated budget for AIM this year is a mere \$100,000.³
- PARCS was the only organization that stated an official policy advocating border inspection stations.

Members of AIM Task Force

PARCS (1) SARM (1)
SUMA (1) Ducks Unlimited (1)
Meewasin Valley Authority (1)
Ministry of Agriculture (3)
Ministry of Environment (3)
Ministry of Highways (1)
Ministry of Parks, Culture, Sport (2)
Sask Power (1)
Sask Water (1)
SK Assoc. of Watersheds (1)
SK Chamber of Commerce (1)
SK Invasive Species Council (1)
SK Irrigation Project Assoc. (1)
SK Wildlife Federation (1)

² PARCS Task Force member: L. Saas
³ Min of Environment Plan for 2017/18
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PARCS SENT A SET OF QUESTIONS TO RON HLASNY PRIOR TO THE MEETING. THE FOLLOWING (IN ITALICS) ARE THE ANSWERS THAT RON HANDED TO LYNNE AT THE MEETING:

1. Based on the Ministry's risk analysis, can the Ministry comment on the degree to which the Ministry perceives an infestation of aquatic invasive mussels as being inevitable versus preventable?

Although the Ministry believes an infestation of invasive mussels is preventable, we also believe that there is risk that mussels could spread to Saskatchewan in future.

In spite of considerable efforts spent in many other North American Jurisdictions to prevent the spread of the species, they have ultimately become established.

Prevention is still the most cost-effective way to deal with the threats posed by these species. The ministry is doing what it can with the resources it has to prevent such an infestation.

2. Will the Ministry of Environment provide to the Task Force information about its assessment of which Saskatchewan lakes are currently the most endangered and most vulnerable to an infestation of aquatic invasive mussels?

Most water bodies in Saskatchewan south of the Precambrian Shield have suitable habitat and water chemistry for invasive mussels. The large, high use waters such as Diefenbaker, Last Mountain and the Qu'Appelle Lakes are likely at greatest risk of invasion because of their high watercraft use.

3. Given that there are six (6) border crossings between Saskatchewan and Montana, and five (5) border crossings between Saskatchewan and North Dakota, has the Ministry had communication with Canadian Border Services so as to report to the Task Force answers to the question: What are the hours of operation and procedures for monitoring incoming watercraft at each of these 11 sites?

*Compliance and Field Services staff have been working with SBSA on compliance monitoring at the US border. **This question is best answered by them. [That's what we did - see #3.2, next page]***

4. Does the province of Saskatchewan have any jurisdictional control over which border crossing of the 11 crossings the province permits watercraft to have entry to the province?

No the province does not. [See 3.2 next page]

5. What plans has the Ministry of Environment made to date as to actions that will be set into operation when a mussel infestation is first confirmed in a Saskatchewan water body?

The ministry is currently working on an early detection and response plan in the event an aquatic invasive species shows up.

It is important to note that early detection is an important component of prevention and that government and non-government organizations can plan an important role in monitoring for invasive mussels in SK waters.

6. Can the prevention of infection by invasive mussels be dealt with on a lake-by-lake basis?

Prevention efforts are most cost-effective if done on a broader scale.

However, resort communities cottage associations, conservation organizations and others can play an important role in educating the users of a particular lake of the importance to clean-drain-dry watercraft and associated equipment and to encourage their participation in the Adult Invasive Mussel Monitoring (AIMM) program, an effective low cost, low effort way to monitor for invasive mussels.

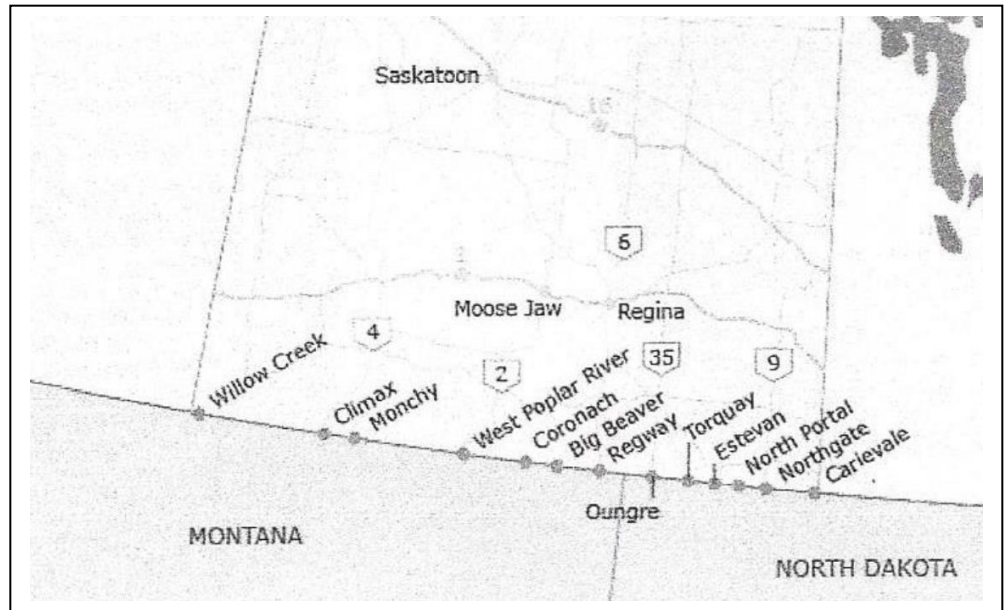
3.2 PARCS investigates SK/US border crossings

With the discovery of invasive mussels at two sites in Montana, SK/US border crossing become of greater interest to those of us who would like to stop invasive mussels at our borders. Attempts to reach the Regional Office of Canada Border Services Agency by phone proved difficult.⁴ Finally, on May 3rd, PARCS made a stop at one of the Canadian Border Service inland offices in Regina and was able to speak with an agent who confirmed there are 11 SK/US border crossings⁵, as follows:

Five of these crossing sites operate from 9 am to 5 pm during tourist season and from 10 am to 6 pm during the winters. (Willow Creek, Oungre, Torquay, Northgate, Carievale)

Four of these crossing sites operate on 4 different schedules: 9 am to 6 pm for spring and fall, 8 am to 9 pm for summer and 10 am to 7 pm in winter (Climax, Monchy, West Poplar, Coronach)

Only two of these crossings operate for 24 hours year round (**Regway** and **North Portal**)ⁱ



3.3 Border Crossings⁶

Saskatchewan Ministry of Environment

On May 5, as part of a Global News Report, Ron Hlasny, Saskatchewan's Provincial AIS Coordinator, was quoted as saying that:

"Creating inspection points at every entry into Saskatchewan from other jurisdictions wouldn't be affordable. None of them operate 24-7, and it's pretty tough to cover any province around its whole core. There are more than 20 highways and around 40 grid roads that run into the province."

PARCS' 2016 AIM to STAB position statement called for 9 inspection sites: 6 on the Manitoba border and 3 on the US border. Even increasing to 6 on the Montana border, is a total of 12 sites, a VERY DOABLE ENDEAVOR.

Alberta Ministry, Wildlife & Environment

On May 12, in response to an enquiry from PARCS, Kate Wilson, Alberta's Invasive Species Specialist wrote:

"We just wrapped up EIGHT FULL DAYS of watercraft inspector training down here in Lethbridge; it's been insane. But good. Montana detected veligers in two reservoirs, as I'm sure you've heard, so it's allowed us to enhance our program again. We got some extra funding that will allow us to open two new stations and increase hours at all 11 of them (including two 24/7 on hwy 1 coming from the east and hwy 4/Coutts coming from the south). **We'll have 13 [inspection sites] in total, with 2 roving, this season, with ~60+ inspectors.**"

⁴ The only phone contact listed on-line or in the federal phone directory, is the information line about border crossing times, rules, etc. which provides no phone listing.

⁵ The Big Beaver crossing has been closed.

⁶ Consider 60 inspectors at \$25,000 = 1.5 million (to prevent hundreds of millions in annual costs), an ounce of prevention!

3.4 PARCS on Global News

<http://globalnews.ca/news/3430879/sask-resort-community-association-seeking-tougher-zebra-mussel-regulations/>

On May 5, Global News Saskatoon interviewed Lynne Saas at the Elbow Harbour to learn about our position on invasive mussels. **The following is their on-line news report:**

A Saskatchewan group [PARCS] is calling on the provincial government to implement stronger measures to keep zebra mussels and quagga mussels at bay. The destructive invasive species have swept westward across Canada since they first surfaced in the 1980s, though Saskatchewan waters remain mussel-free.

"We're asking the government to put in a comprehensive, well thought-out program of border inspection, which could be done for a couple million a year,"ⁱⁱ said Lynne Saas, of the Provincial Association of Resort Communities of Saskatchewan.

In 2016, provincial officials inspected 776 watercraft and completed 25 decontaminations. Alberta officials

inspected 21,000 vessels at their eastern border, finding eleven boats contaminated with mussels. All of them travelled from Ontario, across Saskatchewan, according to the Alberta government. Manitoba, North Dakota and Montana have all confirmed infestations of invasive mussels. [Error – The mussels have not yet been reported in North Dakota]

[For comments from Ron Hlasny, Saskatchewan's AIS coordinator, see preceding page.]

The provincial government urges people to clean, drain and dry their boats to avoid spreading mussels. Both Lake Diefenbaker and the South Saskatchewan River are high risk waterways for mussel infestation.

A report from the City of Saskatoon's administration to a city committee on Monday estimates damages caused by mussels to the city's water infrastructure could range from hundreds of thousands to millions of dollars. "Impacts to Saskatoon residents would likely include higher costs for utilities (water and power)," a report from November 2016 read.

Invasive mussels are virtually impossible to permanently remove once they've infested a waterway.

Visit this site and watch 4 informative videos about invasive mussels:

<http://globalnews.ca/news/2744233/alberta-bc-manitoba-saskatchewan-yukon-agree-to-fight-zebra-mussels/>



ⁱ It follows then, that concerned groups like PARCS need to speak with the federal agencies in charge of the Canada Border Services Agency. Currently, we are considering briefing information to send to the Honorable Jody Wilson-Raybould, Minister of Justice and Attorney General of Canada and the Honorable Ralph Goodale, Minister of Public Safety and Emergency Preparedness.

ⁱⁱ 60 inspectors (see preceding page) , each receiving \$25,000 for the season, is 1.5 million.