

Authorize Agreement


BYLAW NO 1-2013

**A BYLAW TO PROVIDE FOR THE MUNICIPALITY TO ENTER INTO THE
TWIN LAKES PLANNING DISTRICT AGREEMENT**

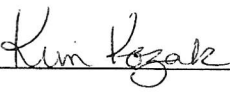
The Council of the Resort Village of Tobin Lake in the Province of Saskatchewan enacts as follows:

1. This bylaw shall be referred to as the Twin Lakes Planning District Agreement
2. In this bylaw:
 - a. "Administrator" shall mean the administrator of the municipality;
 - b. "Council" shall mean the council of the municipality;
 - c. "Head of council" shall mean the mayor or reeve of the municipality, as the case may be;
 - d. "Municipality" shall mean the Village of Codette;
3. The Resort Village of Tobin Lake is hereby authorized to enter into an agreement with
 - The Town of Nipawin
 - The Town of Choiceland
 - The Town of Carrot River
 - The Village of White Fox
 - The Village of Codette
 - The Rural Municipality of Moose Range No. 486
 - The Rural Municipality of Nipawin No. 487
 - The Rural Municipality of Torch River No. 488for the purpose(s) stated within the agreement.
4. The agreement is attached hereto and forms a part of this bylaw, and is identified as "Exhibit A".
5. The head of council and the administrator are hereby authorized to sign and execute the agreement described as Exhibit A.






Mayor



Administrator

Read a third time and adopted
this 10 day of January, 2013



Administrator



**TWIN LAKES PLANNING DISTRICT
AGREEMENT**

**Pursuant to Sections 97 thru 107
of
*The Planning and Development Act, 2007***

The Planning District Agreement

MADE IN DUPLICATE THIS 11 DAY OF December, 2012.

BETWEEN:

The Urban Municipality of Nipawin
Saskatchewan, hereinafter called the
“Town of Nipawin”

OF THE FIRST PART;

-and-

The Urban Municipality of Choiceland
Saskatchewan, hereinafter called the
“Town of Choiceland”

OF THE SECOND PART;

-and-

The Urban Municipality of Carrot River
Saskatchewan, hereinafter called the
“Town of Carrot River”

OF THE THIRD PART;

-and-

The Urban Municipality of White Fox
Saskatchewan, hereinafter called
“Village of White Fox”

OF THE FOURTH PART;

-and-

The Urban Municipality of Codette
Saskatchewan, hereinafter called
“Village of Codette”

OF THE FIFTH PART;

-and-

The Urban Municipality of Tobin Lake
Saskatchewan, hereinafter called
“Resort Village of Tobin Lake”

OF THE SIXTH PART;

-and-

The Rural Municipality of Moose Range No. 486
Saskatchewan, hereinafter called
“RM of Moose Range”

OF THE SEVENTH PART;

-and-

The Rural Municipality of Nipawin No. 487
Saskatchewan, hereinafter called
“RM of Nipawin”

OF THE EIGHTH PART;

-and-

The Rural Municipality of Torch River No. 488
Saskatchewan, hereinafter called
“RM of Torch River”

OF THE NINTH PART;

The Parties named above are entering into an agreement, pursuant to the provisions of *The Planning and Development Act, 2007* (PDA) to establish a planning district to advise the Parties and guide development in the areas shown on a map attached as Schedule 'A', showing the municipalities involved including the Town of Nipawin, Town of Choiceland, Town of Carrot River, Village of White Fox, Village of Codette, Resort Village of Tobin Lake, RM of Moose Range, RM of Nipawin, and RM of Torch River.

1 Definitions

- 1.1 “**Affiliated Municipality**”, as outlined in the PDA, refers to a municipality that is party to this agreement.
- 1.2 “**Planning District**” refers to the lands within the boundaries of the affiliated municipalities.
- 1.3 “**District Planning Commission**” or “**Commission**” refers to the recommending body created by the affiliated municipalities for the purpose of planning and development as outlined in the PDA.
- 1.4 “**Member**” refers to the representative appointed by the affiliated municipality to the District Planning Commission.
- 1.5 “**Discretionary Use**” refers to a use of land or buildings or form of development that is prescribed as discretionary in the zoning bylaw and required the approval of council pursuant to Section 56 of the PDA.
- 1.6 “**First Nations Member**” refers to the representative appointed by the affiliated first nation community to the District Planning Commission.

2 Planning District

The Parties individually and collectively agree that:

- 2.1 The adoption of this agreement, subject to Sections 97, 98, and 99 of the PDA, to establish a planning district; to be known as “**The Twin Lakes Planning District**”.

2.2 The area of the planning district shall encompass all those lands situated within the Town of Nipawin, Town of Choiceland, Town of Carrot River, Village of White Fox, Village of Codette, Resort Village of Tobin Lake, RM of Moose Range, RM of Nipawin, and RM of Torch River outlined in blue on the map attached to this agreement as Schedule 'A'.

3 Members of the Planning Commission

3.1 A District Planning Commission, to be known as “**The Twin Lakes Planning District Commission**”, is established pursuant to Section 97(b) of the PDA. The Commission will consist of nine, or more members, to be appointed in the following manner:

- a) One member shall be appointed by the Council of the Town of Nipawin;
- b) One member shall be appointed by the Council of the Town of Choiceland;
- c) One member shall be appointed by the Council of the Town of Carrot River;
- d) One member shall be appointed by the Council of the Village of White Fox;
- e) One member shall be appointed by the Council of the Village of Codette;
- f) One member shall be appointed by the Council of the Resort Village of Tobin Lake;
- g) One member shall be appointed by the Council of the RM of Moose Range;
- h) One member shall be appointed by the Council of the RM of Nipawin;
- i) One member shall be appointed by the Council of the RM of Torch River.
- j) At their discretion, the Commission will include and invite other organizations, municipalities, First Nations or Métis communities, or employees, as observers, to participate and provide input to their meetings and business.
- k) At their discretion, the Commission will extend invitations or accept requests for additional municipalities, First Nations or Métis communities to join the Commission.

3.2 The tenure of office of the members of the Commission shall be as follows:

- a) the Urban and Rural Municipalities will appoint one member to the commission during the first regular council meeting following an election and those appointees will be renewed or replaced on an annual basis;

- b) each affiliated Municipality shall also designate an interim Council member who shall attend meetings and vote in the absence of the appointed Council member;
- c) the interim council member may attend a meeting with the appointed council member, as an observer, but only the appointed council member will have the authority to vote;
- d) where vacancies arise, by reasons other than the expiry of the appointee's term of office to the Commission, the council concerned shall appoint someone to complete the unexpired term; and
- e) appointees to the Commission shall continue to hold office until a successor is appointed by their respective municipal or First Nations or Métis council.

4 Principals of Operation

- 4.1 A majority of the appointed voting members of the Commission constitutes a quorum for the transaction of business.
- 4.2 Members will operate on the principle of a respectful environment conducive to integrity, honesty, and trustworthiness.
- 4.3 Parties will agree to:
 - a) To work in spirit of cooperation and be open and transparent through action and communication while maintaining respect for others' opinions, actions and needs.
 - b) To develop a new District Official Community Plan for nine (9) affiliated municipalities, meeting the requirements of the PDA and the needs of each municipality in the Twin Lakes Planning District.
 - c) To update and create zoning bylaws of each affiliated municipality in the Twin Lakes Planning District to comply with the District Official Community Plan and meet the requirements of the PDA.
 - d) Carry out implementation of the District Official Community Plan.

5 Powers of the Commission

- 5.1 Pursuant to section 100 of the PDA the duties and powers of the Commission are to:

- a) make rules of procedure that are not contrary to law or inconsistent with the PDA or its regulations for the conduct of its business, the governing of its proceedings, the calling of meetings and the requirements for quorum;
- b) establish procedures for the affiliated municipalities to permit the holding of joint public hearings for the adoption, amendment or repeal of an official community plan, district plan or zoning bylaw;
- c) appoint any consultants or employees that may be necessary for the exercise of any of its powers or the performance of any of its duties and fix their remuneration;
- d) appoint advisory committees, consisting of one or more of the members of the district planning commission or any other person, and fix their remuneration; and
- e) with the consent of an affiliated municipality, utilize the services of any officer or employee of that municipality.

5.2 As outlined in sections 103 and 104, of the PDA, the Commission may also:

- a) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the residents of the planning district, and any adjacent area, in determining the solution to problems or issues affecting the development of any part of the planning district;
- b) suggest to any council ways and means of financing public or capital works to be carried out by public authorities over a specified period;
- c) investigate and study proposed subdivisions or developments, within and adjacent to the planning district, and submit reports and recommendations to the appropriate council;
- d) identify social or economic implications of adopting the commission's recommendations; and
- e) prepare and submit to the affiliated municipalities an operating budget for the planning district for the upcoming fiscal year.

5.3 In addition, other topics of regional interest may be discussed by the Commission including:

- a) new and existing shared community services; and
- b) uniform standards that would support transportation and economic development and provide a foundation for service agreements.

5.4 The Commission may:

- a) Prepare any amendment to the District Plan;
- b) Submit any amendment to the District Plan to the affiliated municipalities for adoption;
- c) Where in the opinion of the commission any amendment only affects land within one affiliated municipality in which the lands are located, the affiliated municipalities agree that in accordance with Section 102(16) of the PDA;
 - (i) Submit the amendment to only the affected municipality for adoption, and
 - (ii) The district plan shall be deemed amended in accordance with that amendment with no further adoption being required by any other municipality.
- d) Assist the council of any affiliated municipality in the planning district in the preparation of a zoning bylaw or any other bylaw authorized by the PDA;
- e) Review any existing affiliated municipality's zoning bylaw or bylaw adopted or passed under the PDA and to submit, to the council, suitable amendments with a recommendation that they be adopted or passed;
- f) Delegate to the secretary the power to carry out any of its duties and powers pursuant to this section.

6 Administrative Responsibilities

- 6.1 The District Planning Commission shall appoint the chairperson for the Commission every two years, from among the appointed representatives, during the first meeting of the calendar year.
- 6.2 The Commission shall annually appoint a vice-chairperson from among the appointed representatives during the first meeting of the calendar year. The vice-chairperson will act as chairperson in the absence of the chairperson.
- 6.3 The Commission shall appoint a treasurer at their discretion to manage the financial business of the Planning District under the direction of the Commission.
- 6.4 The Treasurer will be responsible to:
 - a) Collect membership fees;

- b) pay expenses;
- c) keep records of transactions; and
- d) report on a quarterly basis on the financial status of the Planning District.

6.5 The Commission will hire a Secretary to administer and manage the business of the Planning District under the direction of the Commission. If consented, the Commission may utilize the secretarial services from an affiliated municipality in the absence of the Commission Secretary. If secretarial services from an affiliated municipality are used, the commission will set out, in writing, any remuneration, related increases, or benefits.

6.6 The Secretary will be:

- a) responsible for ensuring administration and communication of the planning district and managing meetings, hearings, agendas, keeping minutes, issuance of decisions, and other business;
- b) paid for from the finances of the planning district; and
- c) hired by the Commission which will set out, in writing any:
 - (i) remuneration and related increases;
 - (ii) benefits;
 - (iii) length or parameters of employment, if by contract; and
 - (iv) additional responsibilities of the position.

6.7 Any policy plans and zoning bylaws having effect within the planning district may be administered by a Development Officer or other professional appointed by the Commission for the district. Professional services would be administered by the municipality offering the services, not through the service provider, using a standard service contract and on a fee for service basis.

7 Funds and Remuneration

7.1 Funds required to meet the daily operational expenses of the Planning District and the Commission, including office space, facilities, and other expenses as approved by the councils of the affiliated municipalities, First Nations or Métis communities, shall be contributed by the affiliated municipalities, First Nations or Métis communities and will be collected through a yearly set equal membership fee. The membership fee will be reviewed annually at the first meeting of the year with the financial statements.

7.2 The Parties agree that:

- a) the councils of the affiliated municipalities, First Nations or Metis communities shall have the power to remunerate their appointees to the Commission and that the amount of remuneration, if any, may be fixed and provided by the respective councils;
- b) any jointly appointed members, or observers of the Commission shall be paid by the planning district and remuneration, if any, may be fixed by the Commission during the first meeting of the calendar year;
- c) any members of an advisory committee established by the Commission, that are not municipal appointees to the Commission, shall be paid by the planning district and remuneration, if any, may be fixed by the Commission; and
- d) any consultants or employees of the planning district will be paid by the planning district and remuneration will be fixed by the Commission.

7.3 Funds required to meet additional expenses and projects of the Planning District, will be approved by the councils of the affiliated municipalities, through a cost sharing agreement recommended by the Commission.

8 Referrals

8.1 In addition to referrals regarding planning, zoning, bylaws and amendments within the area of the planning district:

- a) the affiliated Rural Municipalities agree to refer all discretionary use development permits and subdivision applications within the Twin Lakes Planning District to the Commission for comment;
- b) the affiliated Urban Municipalities agree to refer all discretionary use development permits and subdivision applications, within their jurisdiction, to the Commission for comment;
- c) The affiliated municipalities must provide all permits and applications to the Commission no later than 10 business days prior to the Commission's regular scheduled meetings;
- d) the Commission will provide a written recommendation to the affected municipality within 10 business days after the Committees regular meetings if no further information and/or investigation is needed to make a thorough recommendation. If further information and/or investigation is required, a written notice will be provided to the affected municipality; and
- e) the affiliated municipalities agree to withhold an approval decision on discretionary use development permits and subdivision applications until

comments from the Commission have been received for consideration.

- f) The affiliated municipalities will provide a written copy of all approvals related to planning and development to the commission once a decision has been made.

9 Dispute Resolution

9.1 The members of the planning commission agree to keep each other informed of any disagreement or contentious issue related to the Twin Lakes Planning District activities or items addressed under this agreement. In the event a dispute over any issues related to or addressed under this agreement should occur the Chairperson will register the dispute with the Commission and the following will occur:

- a) In the event a dispute occurs between two or more members within the Twin Lakes Planning Commission:
 - (i) a neutral member will be used to evaluate and mediate the dispute. The evaluator will have no vested interest and be non binding;
 - (ii) if the dispute cannot be resolved, the next step will be to seek mediation.
- b) In the event a dispute occurs between all members:
 - (i) the commission will meet and attempt to resolve the dispute. All members will have equal say;
 - (ii) if the dispute cannot be resolved, the next step will be to seek the assistance of third party mediation.
- c) In the event a dispute cannot be resolved through the processes outlined in 9.1 (a). Or 9.1 (b). By the timeframe expressed in 9.1(e), parties may appoint an arbitrator whose decision shall be final and binding upon both parties. The Arbitration Act of Saskatchewan in force from time to time shall apply to arbitration proceedings commenced pursuant to this Agreement.
- d) Expenses occurred during dispute resolution will be paid equally among the conflicted members and will not be paid by the Twin Lakes Planning District Commission.
- e) Disputes must be resolved within thirty (30) days from being registered by the chairperson. An extension of time after thirty (30) days will be given upon written consent.

10 Amendments

12.1 Any municipality wishing to withdraw from the planning district must:

- a) follow the dispute resolution mechanisms provided under Section 9 of this agreement;
- b) provide 60 days written notice to the Commission, stating the reasons for withdrawal from the planning district;
- c) meet with an ad-hoc committee made up of two representatives appointed by the Commission to discuss the reasons for the resignation; and
- d) seek unanimous approval of the Commission members to withdraw from the planning district.
- e) may apply to the minister requesting that its affiliation with the planning district be determined; the minister may amend the order establishing the planning district in any manner that the minister considers advisable for the purpose of accommodating the request; or refer the request to the Saskatchewan Municipal Board for resolution.

12.2 Should a municipality terminate its affiliation with the planning district all funds submitted to the planning district will remain with the planning district.

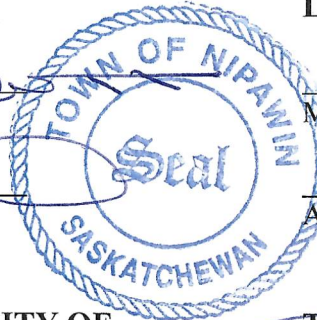
12.3 Should the planning district be dissolved all assets and liabilities of the planning district will be distributed in proportion based on the cost sharing agreements determined and approved by the existing affiliated municipalities, First Nations or Métis communities.

The Parties hereby affixed their corporate seals, duly attested by the hands of their respective officers, the day and year first above written.

THE URBAN MUNICIPALITY OF NIPAWIN

Mayor

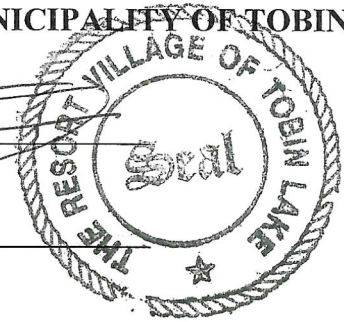
Administrator



THE URBAN MUNICIPALITY OF TOBIN LAKE

Mayor

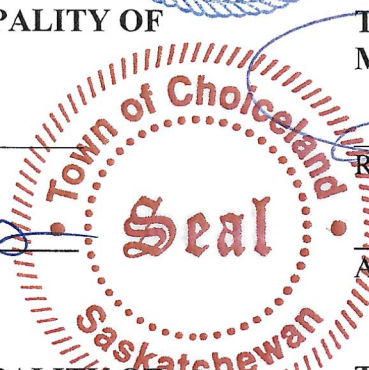
Administrator



THE URBAN MUNICIPALITY OF CHOICELAND

Mayor

Administrator



THE RURAL MUNICIPALITY OF MOOSE RANGE #486

Reeve

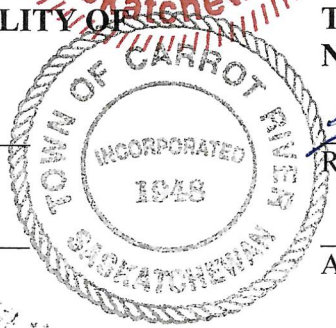
Administrator



THE URBAN MUNICIPALITY OF CARROT RIVER

Mayor

Administrator



THE RURAL MUNICIPALITY OF NIPAWIN #487

Reeve

Administrator



THE URBAN MUNICIPALITY OF WHITE FOX

Mayor

Administrator



THE RURAL MUNICIPALITY OF TORCH RIVER #488

Reeve

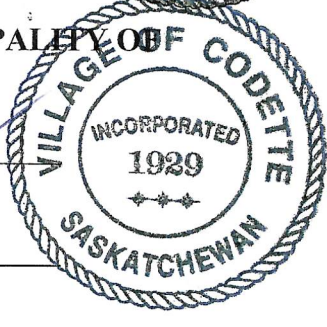
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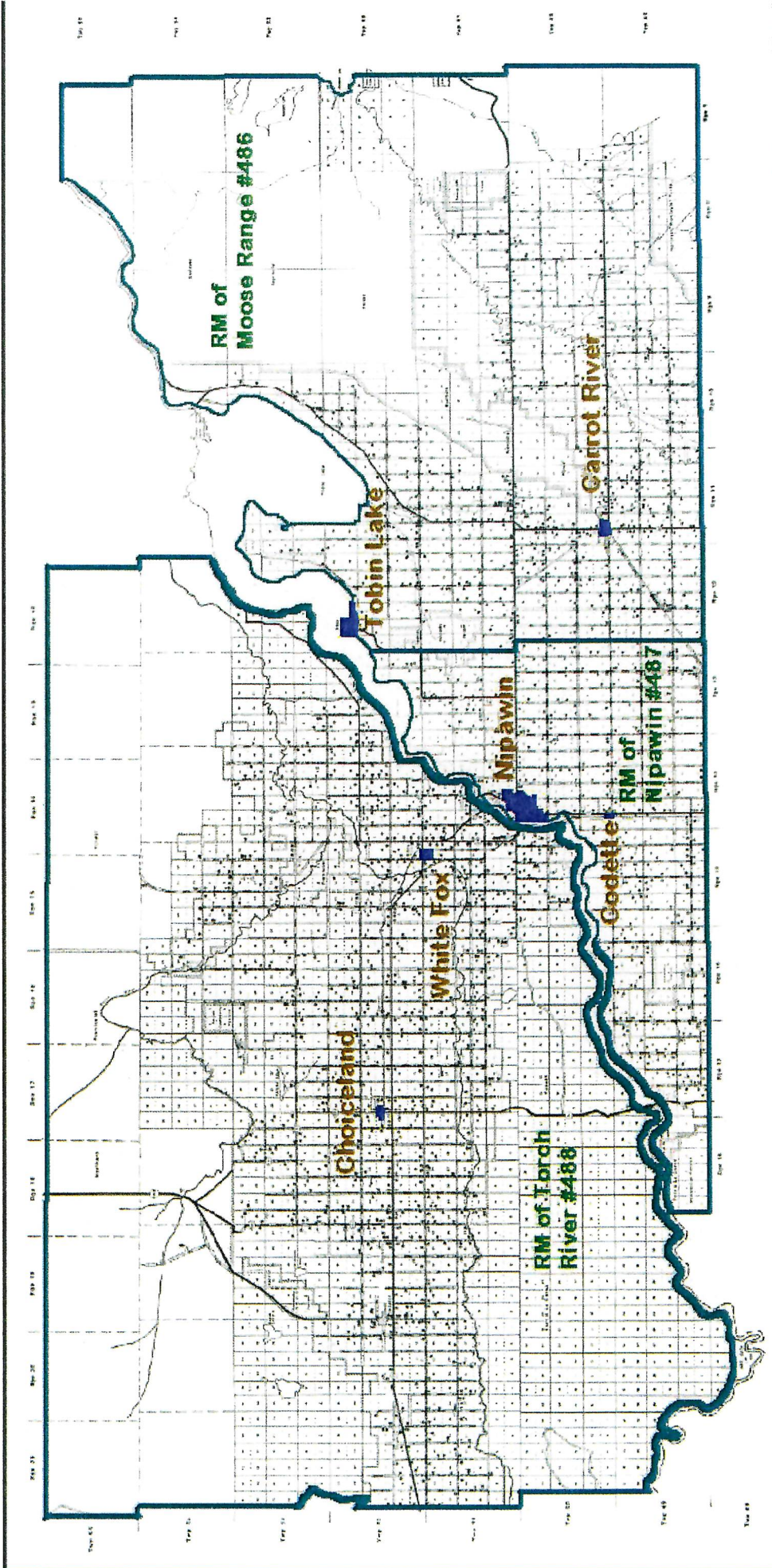
THE URBAN MUNICIPALITY OF CODETTE

Mayor

Administrator



Schedule A





**MINISTER'S ORDER
TO ESTABLISH
THE TWIN LAKES PLANNING DISTRICT**

Pursuant to section 99 of *The Planning and Development Act, 2007*, I hereby order the establishment of The Twin Lakes Planning District as described below.

In accordance with their respective bylaws to authorize the execution of an Agreement for The Twin Lakes Planning District, the following municipalities are affiliated with the planning district:

Affiliated Municipalities

Rural Municipality of Torch River No. 488	(Bylaw No. 17-2012)
The Rural Municipality of Nipawin No. 487	(Bylaw No. 10-2012)
The Rural Municipality of Moose Range No. 486	(Bylaw No. 05/2012)
The Resort Village of Tobin Lake	(Bylaw No. 1-2013)
The Village of Codette	(Bylaw No. 4-2012)
The Village of White Fox	(Bylaw No. 3-2013)
The Town of Carrot River	(Bylaw No. 2012/04)
The Town of Choiceland	(Bylaw No. 012-2012)
The Town of Nipawin	(Bylaw No. 941/12)

Area Description

The Twin Lakes Planning District shall consist of the lands within the corporate limits of the affiliated municipalities as identified within the Agreement and listed above.

Appointment of the District Planning Commission

The affiliated municipalities, pursuant to subclause 97(2)(a)(ii) of *The Planning and Development Act, 2007*, have agreed to "The Twin Lakes District Planning Commission" consisting of one member appointed by each participating municipality, with additional members to be included at the commission's discretion.

Arrangements

The matters referred to in subclause 97(2)(a)(iii) to (vi) and clause (b) of the aforementioned Act are set out in sections 3, 6, 7, 9, 10 and 12 of the Agreement attached hereto.

Dated at Regina, in the Province of Saskatchewan,
the 9 day of May, 2013.


Jim Reiter
Minister of Government Relations