St. John's Regional Fire Department
Policy and Operational Guidelines

Title: 01-04-03 Regional Services Board Act

Document Type: Policy

Status:

Issued By: Director/Chief SJRFD

Index: 01 Organization
Section: 04 Relevant Legislation
Title: 03 Regional Services Board Act

Purpose

To outline Chapter R-8 - Regional Services Board Act.

Background

This is not the official version.

Procedure

RSNL1990 CHAPTER R-8

REGIONAL SERVICE BOARDS ACT

Amended: 1992 c48 s22

CHAPTER R-8

AN ACT RESPECTING THE CREATION OF REGIONAL SERVICE BOARDS THROUGHOUT THE PROVINCE

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Short title

1. This Act may be cited as the Regional Service Boards Act .

1990 c65 s1

Definitions

2. In this Act

(a) "board" means a regional service board established by this Act;

(b) "member" means a member of a board appointed under section 6 and includes a chairperson of a board;

(c) "minister" means the Minister of Municipal and Provincial Affairs;

(d) "municipal authority" means

i. the City of Corner Brook,

ii. the City of Mount Pearl,

iii. the City of St. John's,

iv. a local service district committee or council of a town, community or region constituted or continued under the Municipalities Act ; and

(e) "region" means a portion of the province delineated as a region by the Lieutenant-Governor in Council under this Act.

1990 c65 s2

Region and board

3. (1) The Lieutenant-Governor in Council may, on the recommendation of the minister, by order, create a region and establish for that region a regional service board for the purpose of providing regional services in accordance with this Act.

(2) The Lieutenant-Governor in Council shall designate the boundaries and select a name for the region to be administered by the board established under this section.

1990 c65 s3

Corporate status

4. A board established under this Act is a corporation.

1990 c65 s4

Chairperson and vice-chairperson

5. (1) The Lieutenant-Governor in Council shall appoint a chairperson to each board.

(2) The members of a board shall elect a vice-chairperson of the board.

1990 c65 s5

Board membership

6. (1) The minister shall appoint to a board members from among the councillors who represent municipal authorities in a region.

(2) The minister shall determine the number of members, other than the chairperson, to be appointed to a board.

(3) The members appointed by the minister under this section shall be nominated by their respective municipal authorities, or where no nomination is made by a municipal authority, may be selected by the minister from among persons who reside within the boundaries of that municipal authority.

(4) With the exception of the chairperson, a member appointed to a board shall serve a term of 2 years with the right to be re-appointed for a further term of 2 years and shall be ineligible for a further re-appointment until at least 2 years after the expiration of his or her last term as a member of the board.

(5) The minister may appoint alternate members to serve on a board in the absence of regular members and those alternate members shall be nominated or selected in the same manner as those regular members in accordance with subsection (3).

1990 c65 s6

Quorum

7. A majority of the members of a board constitutes a quorum.

1990 c65 s7

Meetings

8. (1) A board shall meet no fewer than 6 times a year for the disposition of general business.

(2) Special meetings of a board may be called at times decided upon by the chairperson or on the written request of 4 members.

1990 c65 s8

Powers of a board

9. The minister may, by regulation, prescribe the powers that a board may have for the region or a portion of the region governed by the board, including powers regarding

a. the construction and operation of regional water supply systems, regional sewage

disposal systems, regional storm drainage systems and regional solid waste disposal sites and including a facility designated in the regulations as a regional facility;

b. the provision of regional police services, ambulance services, animal and dog control, and other similar services within a region;

c. the operation of a regional public transportation system;

d. the determination and change of street and road names in a region so as to avoid a duplication of those names within a region;

e. the provision of regional recreational facilities;

f. the provision of regional fire protection services;

g. the provision of other facilities or services of a regional nature; and

h. the charging of user fees on municipal authorities, areas under development control or unincorporated areas benefited by a regional facility.

1990 c65 s9

Staff

10. A board may appoint those officers, clerks and employees that it considers necessary for the conduct of its business and may fix their remuneration.

1990 c65 s10

Financial year

11. (1) The financial year of a board is from January 1 to December 31.

(2) In the 1st year that a board is established, the financial year is from the date the board takes office until December 31.

1990 c65 s11

Bank account

12. (1) A board shall open an account in a bank and shall deposit to its credit all money received by the board.

(2) All cheques or orders withdrawing money from the bank account of a board shall be signed by the chairperson and 1 other member of the board who is selected by the board for that purpose.

(3) In this section, "bank" includes a credit union registered under the Co-operative Societies Act and a trust company licensed under the Trust and Loan Companies

Licensing Act .

1990 c65 s12

Expenses

13. The expenses of a board may be defrayed out of revenue generated by the assessment of

a. user fees in a region; and

b. each municipal authority which is represented by the board.

1990 c65 s13

Subsidy

14. The minister may annually, out of funds provided by the Legislature for that purpose grant to a board an amount of money to assist that board in the repayment of capital debt.

1990 c65 s14

Annual budgets

15. (1) A board shall, not later than 90 days after the day on which the board takes office, in the 1st financial year and not later than December 1 in each succeeding year prepare and adopt a budget containing estimates of the revenue and expenditures of the board for the next financial year and a statement showing the rate of assessment under section 13 that will be imposed during that year.

(2) A budget shall be in a form prescribed by the minister and a copy shall be sent to the minister not later than December 31 in each year or in the case of a newly formed board, within 30 days of its adoption.

1990 c65 s15

Balanced budget

16. The anticipated revenues and proposed expenditures of a board shall balance.

1990 c65 s16

Contents of budget

17. (1) A budget shall only include local revenue and federal and provincial revenue for

which written authorization has been received.

(2) Expenditures shall not be provided in a budget for capital reserves except where, with the approval of the minister, a board considers it necessary to set aside in financial statements under section 22 a reserve from the accumulated surplus, investments of funds for specific purposes of a capital nature.

(3) An unappropriated accumulated surplus or accumulated deficit appearing in the audited financial statements at the end of the previous financial year shall be credited or deleted as new items of revenue or expenditure in the budget of the next financial year.

(4) Where the amounts of unappropriated accumulated surplus or accumulated deficit referred to in subsection (3) are, in the opinion of the minister, substantial, they may be credited or debited in future budgets over a period of years that may be determined by the minister.

1990 c65 s17

Revised budget

18. (1) Where, during a financial year, it appears that the actual revenue and expenditure is likely to be substantially greater or less than estimated, a board shall prepare and adopt a revised budget in the prescribed form.

(2) A copy of the revised budget shall be sent to the minister within 2 weeks of its adoption.

(3) A revised budget shall not take effect until 1 month from the date of its adoption by a board.

1990 c65 s18

Effect of budget

19. A board shall not, without the approval of the minister, incur, enter into, contract or become liable for an expenditure or indebtedness beyond or in excess of the estimated amount of expenditure set out in the adopted budget or revised budget.

1990 c65 s19

Partnership budgeting

20. (1) Where a board has incurred a deficit in a financial year to an extent that the minister considers it advisable, the minister may require the board to submit its budget or its revised budget to the minister for his or her approval and the

minister may approve or disapprove that budget or revised budget.

(2) Where the minister requires a board to submit a budget, he or she may assign an officer of the Department of Municipal and Provincial Affairs to assist the board in the preparation of its budget or revised budget.

1990 c65 s20

Books of account

21. A board shall ensure that complete books of account are kept of the financial dealings of the board.

1990 c65 s21

Financial statement

22. (1) A board shall prepare and adopt within 5 months of the end of each financial year a financial statement showing a full and detailed balance sheet and a statement of the revenue and expenditure of the board.

(2) The chairperson and the member performing the functions of a treasurer, shall sign the financial statement and shall attach the report that an auditor has made with respect to the financial statement.

(3) A board shall send the financial statement and report of the auditor to each municipal authority in the region.

(4) A board shall publish the financial statement, together with the auditor's report respecting that financial statement, in a newspaper having general circulation in the region, or where there is no newspaper, by posting it in a public place in the region, within 30 days of its adoption where there is no auditor's report, or within 30 days of the receipt of the auditor's report where there is a report.

1990 c65 s22

Appointment of auditor

23. (1) A board shall appoint an auditor, not later than July 31 in the year preceding the year in which the audit is required to be reported on under subsection (2), to audit the accounts of the board and report on the financial statement prepared by the board.

(2) An auditor shall complete and submit a report on his or her audit within 5 months of the end of the financial year that he or she is auditing.

(3) An auditor appointed under subsection (1) shall be a member of the Institute of Chartered Accountants of Newfoundland or the auditor general or a member of his or her staff and that appointment remains in effect until it is revoked by the board.

(4) A board shall advise the minister and each municipal authority in the region in writing of its appointment of an auditor or its revocation of an appointment within 30 days of that appointment or revocation.

1990 c65 s23

Appointment by minister

24. Where a board does not appoint an auditor within the time set out in section 23 or the auditor does not fulfil the requirements of subsection 23(3), the minister shall appoint an auditor to audit the accounts of the board and report on the financial statement prepared by the board.

1990 c65 s24

Auditor's powers

25. An auditor may call for, and the board shall supply, all books and vouchers of the board that the auditor considers necessary to enable him or her to properly audit the accounts of that board.

1990 c65 s25

Auditor's report

26. An auditor shall examine, audit and report on the financial statement of a board and its books of account and in his or her audit report shall particularly direct his or her attention to

a. expenditures in excess of the budget of the board;

b. the position with regard to arrears of revenue;

c. the manner in which the accounts have been kept;

d. the adequacy of the safeguards against fraud; and

e. other matters connected with the accounts that the auditor considers of sufficient interest or importance to mention.

Copy to minister

27. A board shall send a copy of an audit report on the financial statement to the minister and each municipal authority in the region within 30 days of its receipt.

1990 c65 s27

Interim report

28. An auditor shall, at the request of a board or the minister, make an interim report on the accounts of the board and shall send a copy of that report to the board and the minister within 30 days of its completion.

1990 c65 s28

Short-term borrowing

29. (1) A board may borrow money for current account purposes.

(2) The indebtedness of a board incurred as a result of borrowing an amount under subsection (1) shall not exceed 20% of its estimated revenue, grants-instead and other assured revenue, other than water and sewage subsidies paid by the province to the board in the financial year in which the borrowing takes place.

(3) All amounts borrowed under subsection (1) shall be repaid on or before the end of the financial year in which the borrowing takes place.

1990 c65 s29

Long-term borrowing

30. Subject to the approval of the minister, a board may borrow money for capital purposes.

1990 c65 30

Capital budget

31. (1) A board shall annually on or before the end of each year submit to the Municipal Capital Projects Board established under the Municipal Grants Act a 5 year forecast of the board's anticipated capital expenditure requirements.

(2) A board shall submit a copy of the 5 year forecast referred to in subsection (1) to each municipal authority in the region.

1990 c65 s31

Unauthorized expenditure

32. (1) Where, without the prior approval of the minister, a board uses money borrowed under section 30 for a purpose other than the purpose for which the minister approved the raising of the loan, the members who voted for the use of the money are personally and jointly liable for the return of that money to the board, and the board may recover the money as a civil debt due to it.

(2) Where a person entitled to vote in an election for councillors under the Municipalities Act in an area under the jurisdiction of a board, files a written request with the board asking the board to bring an action against a member who incurs liability under subsection (1) for the recovery of the money and the board refuses or neglects to bring that action for 1 month, then, the person who filed the request may bring the action on behalf of himself or herself and other persons in the region.

1990 c65 s32

Currency

33. Where a board borrows money under section 30, the amount of the loan to be raised shall be stated in Canadian dollars.

1990 c65 s33

Powers of expenditure

34. (1) A board may pay out of funds at its disposal, salaries or remuneration to members, officers, auditors and employees of the board, and all other expenditures incurred in the execution of the powers and duties vested by this or another Act in the board.

(2) A payment made under subsection (1) may only be made where there is a provision for the expenditure in the adopted budget or revised budget of the board.

1990 c65 s34

Guaranteed loans expenditures

35. (1) Where a board has raised money by a loan advanced or guaranteed by the Crown or under a charge or mortgage on property of the board, with its repayment guaranteed by the Crown, the board shall not invite tenders, award a contract or

undertake obligations in respect of the execution of work, the performance of services or the purchase of materials or goods that is to be financed in whole or in part by that money without the prior written approval of the minister.

(2) Except with the consent of the Lieutenant-Governor in Council, money described in subsection (1) shall not be attached, held or otherwise taken under a power of law to satisfy an obligation of a board arising out of a contract entered into without the prior approval of the minister.

1990 c65 s35

Revenue raising

36. The methods of raising revenue referred to in section 13 shall be imposed or varied by a resolution of the board.

1990 c65 s36

Effective date

37. A board may, in a resolution under section 36, state the date when the money being raised as revenue is due and payable.

1990 c65 s37

Remuneration and expenses

38. A board may, subject to regulations made under section 39,

a. pay to the chairperson and other members an annual salary or other remuneration that may be agreed upon by the board and determined by a 2/3 vote of all the members; and

b. by a vote of a majority of the members reimburse the chairperson and other members for reasonable expenses incurred by them in the conduct of board business.

1990 c65 s38

Regulations

39. (1) The Lieutenant-Governor in Council may make regulations

a. setting out a scale of remuneration for chairpersons and other members or officers of a board; and

b. setting out rules as to the amount of reimbursement for expenses, that may be

paid out under paragraph 38(b).

(2) Payments made under subsection (1) shall be made out of the funds of the board.

1990 c65 s39

Conflict of interest

40. (1) A member shall not vote on or speak to a matter before the board where

a. the member has an interest in the matter distinct from an interest arising from his or her functions as a member;

b. the member has a pecuniary interest directly or indirectly in the matter;

c. a relative of the member has an interest in the matter; or

d. the member is an officer, employee or agent of an incorporated or unincorporated company, or other association of persons that has an interest in the matter.

(2) For the purposes of subsection (1), a "relative" means a father, mother, spouse, sister, brother, child, step-child, ward, mother-in-law, father-in-law, sister-in-law or brother-in-law of a member.

1990 c65 s40

Interpretation

41. In order for an interest to be considered as one falling within a prohibition set out in subsection 40(1), it shall be an interest separate and distinct from an interest held in common with the other residents of the region.

1990 c65 s41

Disclosure

42. (1) Where a member has an interest as set out in section 40, the member shall state the interest and the nature of that interest at the commencement of discussion on the matter in which that member has that interest.

(2) Where a member declaring a conflict of interest under subsection (1) is the presiding officer, that member shall vacate the chair.

1990 c65 s42

Transitional provisions

43. (1) Title to all the property and assets of the St. John's Metropolitan Area Board is vested in the Department of Municipal and Provincial Affairs.

(2) Where the minister considers it appropriate, the minister may transfer, divest or convey the property and assets referred to in subsection (1) to a board or municipal authority.

(3) The Department of Municipal and Provincial Affairs is charged with and assumes the obligations, debts and liabilities of the St. John's Metropolitan Area Board.

(4) On the commencement of this section, all employees of the St. John's Metropolitan Area Board shall be treated in accordance with the regulations made under subsection (5).

(5) The Lieutenant-Governor in Council may make those regulations that are necessary to facilitate the transfer, employment or unemployment of employees of the St. John's Metropolitan Area Board upon the commencement of this section.

1990 c65 s43

Consequential amendments

44. (1) Paragraph 2(k) of the Department of Health Act is amended by striking the commas and words ", the St. John's Metropolitan Area Board,".

(2) Subparagraph 2(f)(iv) of the Department of Municipal and Provincial Affairs Act is repealed.

(3) Subparagraph 11(1)(b)(i) of the Gasoline Tax Act, 1978 is amended by striking out the words "the St. John's Metropolitan Area Board,".

(4) Subparagraph 2(h)(ii) of the Historic Resources Act is repealed.

(5) Paragraph 2(j) of the Housing Act is amended by striking out the comma and words ", the St. John's Metropolitan Board".

(6) Paragraph 2(b) of The Local School Tax Act is amended by striking out the commas and words ", St. John's Metropolitan Area Board,".

(7) Paragraph 2(b) of the Motorized Snow Vehicles and All-Terrain Vehicles Act is amended by striking out the commas and words ", the St. John's Metropolitan Area Board,".

(8) Paragraph 2(d) of the Newfoundland Municipal Financing Corporation Act is amended by adding immediately after the words and comma "the Municipalities Act ," the words and comma, "a regional service board under the Regional Service Boards Act ,".

(9) Paragraph 10(1)(b) of the Statutes and Subordinate Legislation Act is amended by striking out the commas and words ", the St. John's Municipal Area Board,".

1990 c65 s44

RSN 1970 c.360 Rep.

45. (1) The St. John's (Metropolitan Area) Act is repealed.

(2) Notwithstanding section 46, this section and sections 43 and 44 shall come into force on a day to be proclaimed by the Lieutenant-Governor in Council.

1990 c65 s45

Commencement

46. This Act or a provision of this Act shall come into force on a day to be proclaimed by the Lieutenant-Governor in Council.

(ss.43, 44 & 45 in force - Feb. 1/92)
(Remainder of Act in force - Feb. 27/04)

1990 c65 s46

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Approvals
Legislation

Approval Date
2004/02/27

Revision Date

Rescind Date

Responsibility
St. John's Regional Fire Department

Appendix/Appendicies
None