

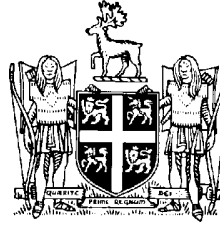
THE NEWFOUNDLAND AND LABRADOR GAZETTE EXTRAORDINARY

PUBLISHED BY AUTHORITY

ST. JOHN'S, MONDAY, DECEMBER 17, 2001

**NEWFOUNDLAND AND LABRADOR
REGULATION**

89/01



NEWFOUNDLAND AND LABRADOR REGULATION 89/01

*Municipal Councillor Remuneration and
Reimbursement Regulations, 2001*
under the
Municipalities Act, 1999
(O.C. 2001-741)

(Filed December 17, 2001)

Under the authority of section 416 of the *Municipalities Act, 1999*, the Lieutenant-Governor in Council makes the following regulations.

Dated at St. John's, December 14, 2001.

Deborah E. Fry
Clerk of the Executive Council

REGULATIONS

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Short title

1. These regulations may be cited as the *Municipal Councillor Remuneration and Reimbursement Regulations, 2001*.

Definitions

2. In these regulations

December 17, 2001

3 The Newfoundland and Labrador Gazette

- (a) "Act" means the *Municipalities Act, 1999*;
- (b) "fixed revenue" means revenue raised from municipal taxes, municipal operating grants, grants in lieu and other assured revenues other than subsidies paid by the province to a council;
- (c) "leave of absence" means a period of time during which, with the approval of the council, a councillor is not involved with the activities of that council;
- (d) "quarter" means a period extending from January 1 to March 31, April 1 to June 30, July 1 to September 30 or October 1 to December 31 of a financial year of a council; and
- (e) "regularly scheduled public council meeting" means a public meeting required to be held by a council under the Act and additional regular public meetings scheduled by that council.

Remuneration

3. A council may, by a 2/3 majority vote of the councillors in office, vote to pay remuneration to a councillor and shall fix the amount to be paid to him or her.

Total remuneration

4. The total remuneration voted to be paid by a council in a year under section 3 shall not exceed

- (a) 2% of a total fixed revenue of more than \$1,000,000 in the approved budget for the financial year of the council; or
- (b) 3% of a total fixed revenue of \$500,000 to \$1,000,000 in the approved budget for the financial year of the council but shall not exceed \$20,000; or
- (c) 4% of a total fixed revenue of \$250,000 to less than \$500,000 in the approved budget for the financial year of the council but shall not exceed \$15,000; or
- (d) 5% of a total fixed revenue of less than \$250,000 in the approved budget for the financial year of the council but shall not exceed \$10,000.

Method of payment 5. (1) The remuneration voted to be paid under section 3 shall be paid quarterly by a council cheque or a direct deposit payroll system.

(2) The clerk shall maintain a record of remuneration paid and a copy of the record shall be provided to a councillor as he or she requires for income tax purposes.

Entitlement 6. (1) A councillor is, in accordance with this section, entitled to remuneration for each quarter during which he or she holds office and a councillor's entitlement to remuneration commences in the first quarter in which he or she attends more than half of the regularly scheduled public council meetings subsequent to his or her election or appointment to council.

(2) Where a councillor is elected or appointed as a councillor in a quarter, that councillor is entitled to remuneration that is a proportional share of remuneration for that quarter provided that he or she attends more than half of the regularly scheduled public council meetings held during that quarter after he or she is elected or appointed.

(3) A councillor in office throughout a quarter shall not be paid remuneration for that quarter where he or she attends fewer than half of the regularly scheduled public council meetings held during that quarter unless the council has granted him or her a paid leave of absence.

(4) Where a council approves an unpaid leave of absence for a councillor, the councillor to which the leave of absence applies shall be entitled to a proportional share of remuneration for regularly scheduled public council meetings attended during the quarter during which the leave occurs, provided that he or she attends more than half of the regularly scheduled public council meetings held during that quarter.

(5) Where a councillor resigns or as a result of an election or for another reason leaves his or her office, that councillor is entitled to remuneration that is a proportional share of remuneration for the quarter during which he or she was a councillor provided that he or she attended more than half of the regularly scheduled public council meetings held during that quarter.

(6) In this section, a proportional share of remuneration is an amount of remuneration determined by dividing the maximum amount of remuneration that the councillor would be entitled to receive during the quarter by the number of regularly scheduled public council meet-

ings held during that quarter and multiplying that calculated amount by the number of regularly scheduled public council meetings attended by that councillor during that quarter.

Personal expenses

7. (1) A council may, by a majority vote of the councillors reimburse a councillor for personal expenses incurred in the conduct of municipal business previously authorized by the council.

(2) The personal expenses for which a councillor may be reimbursed under subsection (1) shall be for the following only:

(a) accommodation for which the actual cost is verified by a receipt;

(b) transportation

(i) using a personal vehicle, at a rate per kilometre that shall be fixed by council, and

(ii) other than a personal vehicle, the actual cost of which is verified by a receipt;

(c) a daily rate that shall be fixed by council; and

(d) loss of income that is an actual substantiated loss that shall be approved by the council and that loss of income expense shall not exceed \$250 per day.

(3) A councillor who requests reimbursement under this section shall submit a claim to the clerk in the form required by the council.

(4) A claim submitted under subsection (3) shall be certified by the clerk and where approved by the council, shall be paid by council cheque or a direct deposit payroll system.

Payment period

8. (1) Remuneration payable under these regulations shall be paid not later than December 31 of the year to which the payment relates.

(2) Claims for the reimbursement of expenses under section 7 shall be paid not later than 60 days after those expenses were incurred.

Repeal

**9. The *Municipalities Councillor Remuneration and Reim-
bursement Regulations*, Consolidated Newfoundland and Labrador
Regulation 966/96, are repealed.**

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Title of Act and Subordinate Legislation made thereunder	CNR or Nfld. Reg.	Amendment	Nfld. Gazette Date & Page No.
Municipalities Act, 1999			
Municipal Councillor Remuneration and Reimbursement Regulations, 2001	89/01	R&S CNR 966/96	Extra. Dec. 17/01 p. 3