



REGIONAL SERVICE BOARDS ACT

An Act respecting Regional
Service Boards

Regional Service Boards Act

- Origin of the Act
- Objectives of the Act
- Key Components of the Act
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Origin of the Act

- Developed in early 1990s during government initiatives on regionalization.
- In 1996 consultation paper examined the concepts of Regional Councils/Authorities.
- Little support for these governance models and no firm approach to regionalization was taken. Act only partially proclaimed to deal with St. John's Metro Board.

Objectives

- Provides for the creation of Regional Service Boards throughout the Province for the purpose of providing regional services such as solid waste disposal, water systems, and sewage disposal.
- Provides for formal arrangements for sharing of services that are enforceable under legislation.

Key Components of the Act

Creation of RSB

- Act was proclaimed “as is” in February 2004 with revisions to follow.
- MAPA recognizes revisions are required and feedback will be obtained from the NLFM, and process of establishing initial authorities.
- Cabinet, by order, can create a RSB, designate its boundaries and services to be provided.

Key Components of the Act

Board Membership

- Act provides for Minister of MAPA to appoint from among councillors in the region.
- Minister will, however, encourage regions to develop their own governance structures and will appoint based on that regional structure.
- Members are first nominated by their respective municipal authorities.

Key Components of the Act

Board Membership.... continued

- Department would want to ensure Board representation is fully regional.
- Term currently stated as two years.
- Board elects its vice-chairperson.
- Cabinet appoints the Chairperson

Key Components of the Act

Power of a Board

- Authority to construct and operate regional services.
- Authority to charge fees to municipal authorities, residents of unincorporated areas and any other users benefiting from the service.
- Municipalities opting in to this system would relinquish rights to current systems.

Key Components of the Act

Reporting Requirements

- Balanced budget and audited statements required to be submitted to Minister annually.
- Board may borrow for current account, without Minister's approval, up to 20% of projected revenue. Approval required if beyond.
- Subject to Minister's approval, can borrow money for capital purposes.

Key Components of the Act

Reporting Requirements....Continued

- For funds where repayment is guaranteed by the Crown, prior approval of Minister is required before inviting and awarding tenders.

Possible Amendments

- Could incorporate a feasibility study process for establishing RSBs.
- Process for nominating board representatives needs to be examined further.
- Provision needed for representatives to be other than councillors.

Possible Amendments

Continued...

- Provision for the withdrawal of services.
- Provision to charge interest on arrears.
- Include provision to impose fines for non-payment of fees.
- Election of the Chairperson by the Board

Process for Establishing a RSB

- Priority would be given to Entities that have moved or are in the process of moving to management of regional services.
- Prospective Members should examine support from communities within the proposed boundaries.
- Request is made to the Minister of Municipal and Provincial Affairs (MAPA).

Process for Establishing a RSB

Continued...

- If Minister supports the request, MAPA representatives meet with prospective participants to discuss the implications for RSB and any issues or concerns unique to the region.
- Minister writes member communities seeking support for RSB.
- If communities support RSB, boundaries are defined and governance model developed. Cabinet submission prepared by MAPA.

Final Observations

- A committee must make a good case for why it should now move to a RSB.
- Support from the Member Communities is essential.
- Link for the current version of the Regional Service Boards Act.

www.gov.nf.ca/hoa/statutes/r08.htm